**ORDINANCE NO. 6-2022**

**ESTABLISHING THE PERMANENT MAINTENANCE FOREMAN OF THE LABOR AND CUSTODIAN FORCE AS A SALARIED EMPLOYEE AND DECLARING AN EMERGENCY**

 **WHEREAS,** the Council (“Council”) of the Village of Fairfax, Ohio (the “Village”) previously adopted Ordinance No. 6-2017, providing for a Labor and Custodian Force and establishing compensation for such positions; and

 **WHEREAS,** the Village established the position of Permanent Maintenance Foreman as an hourly position; and

 **WHEREAS,** after consideration of the responsibilities and duties of the position, Council concludes that the position of Permanent Maintenance Foreman should be a salaried executive position; and

 **WHEREAS,** it is necessary to revise such compensation and title promptly, in light of the Village’s interest in timely and appropriate administration and pay for such position;

 **NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Fairfax, State of Ohio that:

**SECTION I:** Any person holding the office of Permanent Maintenance Foreman:

(A) shall be a salaried executive of the Village under U.S.C. §213(a)(1) and 29 C.F.R.§ 541.1, and, therefore, exempt from the wage and hour requirements of the Fair Labor Standards Act addressing overtime;

(B) shall receive his or her full salary for any week in which such person performs any work without regard to the number of days or hours worked in that week;

(C) shall be subject to any deductions in pay applicable to the position or otherwise required or authorized by law;

(D) shall perform all of his or her duties under the control of, within such guidelines promulgated by, and subject to such oversight and supervision exercised by the Village Administrator and Council as permitted by law. Subject to the foregoing control, guidelines, and oversight, the primary duty of the Permanent Maintenance Foreman shall be the management and supervision of the Labor and Custodian Force of the Village, and the Permanent Maintenance Foreman shall exercise discretion in carrying out that management and supervision. The Permanent Maintenance Foreman shall regularly direct the work of the members of the Labor and Custodian Force and make suggestions and recommendations as to the hiring, firing, and promotion or any other change of status of members of the Labor and Custodian Force.

 **SECTION II:** The salary paid to the Permanent Maintenance Foreman shall be established by resolution adopted from time-to-time.

 **SECTION III:** To the extent the existing Permanent Maintenance Foreman has, at the time of adoption of this Ordinance, compensatory time accrued as an hourly employee, he may use such compensatory time until exhausted.

 **SECTION IV:** This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall be effective immediately. The reason for said declaration of emergency is the immediate need to maintain an adequately staffed Labor and Custodian Force and implement pay adjustments for the pay period beginning March 27, 2022.

Passed this 21st day of March, 2022.

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 Mayor

ATTEST:

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Fiscal Officer

**CERTIFICATE**

 I hereby certify this to be a true and correct copy of Ordinance No. 6-2022 passed by the Council of the Village of Fairfax at its regular meeting held on the 21st day of March, 2022.

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 Fiscal Officer