

**VILLAGE OF McDONALD, OHIO
ORDINANCE NO. 3303-24**

AN ORDINANCE FOR THE PURPOSE OF AMENDING ORDINANCE NO. 2948-03 CONCERNING EMPLOYEE OVERTIME, THE PROVISIONS OF WHICH ARE CURRENTLY SET FORTH IN SECTION 161.05 OF THE MCDONALD VILLAGE CODIFIED ORDINANCES.

WHEREAS, the Finance Committee reviewed certain employee benefit provisions in the Chapter 161 of the Codified Ordinances, including provisions concerning employee overtime, and determined these provisions should be amended for the benefit of the employees, and

WHEREAS, Village Council deems it prudent to amend section 161.05 of the Codified Ordinances as recommended by the Finance Committee for the benefit of the employees of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF McDONALD, TRUMBULL COUNTY, STATE OF OHIO, that:

Clause I. Ordinance No. 2948-03, as codified in section 161.05 of the McDonald Village Codified Ordinances, which presently reads as follows:

Section I. OVERTIME, section 161.05 of the McDonald Village Codified Ordinances.

There are hereby established the following rules for overtime worked for hourly-rated employees:

- (a) Overtime shall be paid to hourly-rated employees only; however, overtime may be paid to salaried, full-time employees in certain circumstances, as authorized by the Village Administrator, with the consent and approval of the Mayor and/or as authorized by the Mayor.
- (b) All hours worked per week in excess of forty hours shall be overtime and paid at the rate of one and one-half the regular hourly rate. All hours worked on Sunday shall be overtime and paid at the rate of one and one-half the regular hourly rate, except that those employees who are regularly scheduled for work on Sundays shall be paid only the regular hourly rate.
- (c) Upon the discretion of the department head compensatory time may be used in lieu of overtime pay. A maximum of forty hours can be accrued and used. Compensatory time also applies to salaried employees.
- (d) A paid holiday shall be considered as a day worked when computing overtime. If the employee works the paid holiday, he/she shall be credited for eight hours plus the number of actual hours worked.

- (e) In computing overtime, the work week begins at 12:01 a.m. Sunday and ends at 12:00 midnight Saturday.
 - (f) Authorization of overtime must be made according to procedure respective of the department head and the Village Administrator.
 - (g) The determination to make assignments that result in overtime shall be made by the department supervisor and the Village Administrator.
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Be and the same is hereby amended to read as follows:

Section I. OVERTIME, section 161.05 of the McDonald Village Codified Ordinances.

There are hereby established the following rules for overtime worked by employees:

- (a) Overtime shall be paid to non-exempt employees, as determined under the Fair Labor Standards Act; however, overtime may be paid to exempt employees, as determined under the Fair Labor Standards Act, in certain circumstances if authorized by the Village Administrator with the consent and approval of the Mayor or as authorized by the Mayor.
- (b) Non-exempt employees required to work more than forty (40) hours in a work week shall compensated for any overtime worked at one and one-half (1½) of the employee's base hourly rate of pay. Any hours worked by an employee on a Sunday [regardless of whether the employee works more than forty (40) hours in that work week] shall be considered overtime and compensated at one and one-half (1½) of the employee's base hourly rate of pay, with the exception that those employees regularly scheduled to work on a Sunday shall be paid only the regular hourly rate for work on a Sunday.
- (c) Upon the request of a non-exempt employee, or an exempt employee with authorized overtime, and at the discretion of the department head, the employee may be granted compensatory time in lieu of payment for overtime for any time worked in excess of forty (40) hours in a work week. Compensatory time will be granted at the rate of one and one-half (1½) hours of compensatory time for each one (1) hour of overtime worked. An employee is permitted to use compensatory time upon request to the department head, provided that the employee's absence due to the use of compensatory time will not, in the department head's discretion, impose an unreasonable burden on the department. At no time shall an employee accrue compensatory time in excess of forty (40) hours. When an employee has accrued compensatory time of forty (40) hours, any overtime worked thereafter shall be paid to the employee at one and one-half (1½) times the employee's base

hourly rate of pay. Compensatory time may be carried over by employees from year to year. Upon separation from employment, an employee will be paid for any accrued and unused compensatory time at the employee's base hourly rate of pay.

- (d) A paid holiday shall be considered as a day worked when computing overtime. If an employee works the paid holiday, the employee shall be credited for eight (8) hours plus the number of actual hours worked.
- (e) In computing overtime, the work week begins at 12:01 a.m. on Sunday and ends at 12:00 midnight Saturday.
- (f) Authorization for overtime must be made according to procedures of the department head or the Village Administrator, subject to the Mayor's approval.
- (g) The determination to make assignments that result in overtime shall be made by the department head or the Village Administrator.

Clause II. Any Ordinance or Resolution, or parts thereof, inconsistent or in conflict with the terms, covenants, and conditions of this Ordinance, including Ordinance No. 2948-03, are hereby repealed, rescinded, vacated, rendered null and void, and held for naught.

Clause III. Unless specifically amended as set forth hereinabove, the employee provisions in the Codified Ordinance of the Village of McDonald, Ohio, are restated, reaffirmed, adopted, ratified, and incorporated herein by referenced as if fully rewritten herein at length.

Clause VI. The passage of this Ordinance and all deliberations relating to the passage of this Ordinance were held in open meetings in accordance with the provisions of Ohio Revised Code Section 121.22.

Clause V. This Ordinance shall be in full legal force and effect from and after the earliest period allowed by law.

Passed in Council this 4th day of December, 2024.

Mayor

Attest to:

Fiscal Officer