

ORDINANCE NO.	<u>2022-73</u>	FIRST READING	<u>September 12, 2022</u>
		SECOND READING	<u>WAIVED</u>
INTRODUCED BY:	<u>DENNIS GAUCKI</u>	THIRD READING	<u>WAIVED</u>

**AN ORDINANCE AMENDING SECTION 252.03(f) OF THE CODIFIED ORDINANCES OF THE VILLAGE OF SOUTH RUSSELL AND DECLARING AN EMERGENCY.**

**WHEREAS**, Council desires to amend Section 252.03(f) of the Codified Ordinances of the Village of South Russell to account for the discretionary position of Fiscal Auditor and to require reimbursement for wages for the period in which the employee receives sick leave pay to be paid to the Fiscal Officer or Fiscal Auditor, if one is appointed.

**NOW, THEREFORE**, be it ordained by the Council of the Village of South Russell that:

**SECTION 1.** Section 252.03(f) of the Codified Ordinances of the Village of South Russell currently reads as follows:

**“252.03 SICK LEAVE**

- “(f) Except for those circumstances set forth in subsection (h) below, whenever a full-time employee becomes eligible for sick leave pursuant to this section, any compensation received by the employee from any source, including the Ohio Bureau of Worker’s Compensation, that is reimbursement for wages for the period in which the employee receives sick leave pay shall be paid over to the Fiscal Auditor of the Village. This subsection shall also require reimbursement to the Village in the event the employee receives a settlement or judgment from a third party for lost wages. Before receiving sick leave pay, an employee shall enter into a written agreement with the Village that such sick leave pay will be repaid to the Village upon the employee receiving reimbursement for wages from any source for the period the employee was carried on sick leave pay. Such agreement shall also provide the employee subrogates in favor of the Village whatever rights of recovery the employee may have against any third party for loss to the extent payment is made to the employee by the Village. Compensation received as settlement of a claim exclusive of lost wages, shall become the property of the claimant.”

**SECTION 2.** Section 252.03(f) of the Codified Ordinances of the Village of South Russell is hereby deleted and amended to read in its entirety as follows:

**“252.03 SICK LEAVE**

- “(f) Except for those circumstances set forth in subsection (h) below, whenever a full-time employee becomes eligible for sick leave pursuant to this section, any compensation received by the employee from any source, including the Ohio Bureau of Worker’s Compensation, that is reimbursement for wages for the period in which the employee

receives sick leave pay shall be paid over to the Fiscal Officer or the Fiscal Auditor, if one is appointed, of the Village. This subsection shall also require reimbursement to the Village in the event the employee receives a settlement or judgment from a third party for lost wages. Before receiving sick leave pay, an employee shall enter into a written agreement with the Village that such sick leave pay will be repaid to the Village upon the employee receiving reimbursement for wages from any source for the period the employee was carried on sick leave pay. Such agreement shall also provide the employee subrogates in favor of the Village whatever rights of recovery the employee may have against any third party for loss to the extent payment is made to the employee by the Village. Compensation received as settlement of a claim exclusive of lost wages, shall become the property of the claimant.”

**SECTION 3.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees on or after December 2, 1975, that resulted in formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22, Ohio Revised Code.

**SECTION 4.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare and for the further reason that this Ordinance must be immediately effective to provide for such reimbursement for sick leave pay to the Fiscal Officer or Fiscal Auditor if one is appointed; wherefore, provided it receives the affirmative vote of at least two-thirds (2/3) of all members elected to Council, this Ordinance shall be in full force and effect immediately upon its passage.

  
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Mayor - President of Council

ATTEST:

Fiscal Officer

I certify that Ordinance No. 2022 - 73 was duly enacted on the 12<sup>TH</sup> day of SEPTEMBER, 2022, by the Council of the Village of South Russell, and posted in accordance with the Codified Ordinances of the Village.

  
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Fiscal Officer