

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 74-11

Passed September 26, 20 11

8/23/11-gmk  
(Personnel & Safety)

## Ordinance No. 74-11

An ordinance amending Chapter 155 Personnel Regulations of Part One-Administrative Code of the Codified Ordinances of the City of North Canton, for of the exempt personnel of the City of North Canton, specifically Section 7.4 SICK LEAVE REGULATIONS, and repealing any and all legislation inconsistent herewith.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, STATE OF OHIO:

Section 1. That Chapter 155 Personnel Regulations of Part One-Administrative Code of the Codified Ordinances of the City of North Canton, SPECIFICALLY Section 7.4 SICK LEAVE REGULATIONS, be, and the same is hereby amended to read as follows:

### **"GENERAL PERSONNEL REGULATIONS**

1. These Personnel Regulations shall apply to all exempt City employees and those non-exempt unclassified personnel who are not subject to a collective bargaining agreement.

2. Full-time exempt and non-exempt personnel shall work the necessary hours to properly discharge all duties involved in their respective positions, subject to the direction and discretion of the appointing authority. Part-time personnel shall work hours as scheduled.

3. All exempt and non-exempt unclassified personnel who are not subject to a collective bargaining agreement are employed "at-will". "Unclassified personnel" means those persons identified as being in the unclassified service by R.C. 124.11(A) and the Rules and Regulations of the Civil Service Commission of the City of North Canton, Ohio.

4. "Full-time" personnel means personnel other than non-exempt Fire, E.M.S. or Seasonal personnel who are regularly scheduled to work at least thirty seven and one half (37.5) hours per week.

5. "Part-time" personnel means personnel other than non-exempt Fire and E.M.S. personnel who are regularly scheduled to work less than thirty seven and one half (37.5) hours per week and non-exempt Fire and cross-trained E.M.S. personnel who are regularly scheduled to work less than fifty-three (53) hours in a seven (7) day tour of duty in an individual job classification.

6. "Seasonal" personnel means persons hired by the City with the expectation that such persons' employment would last no longer than nine (9) months of any calendar year.

### Section 2. **ANNUAL UNIFORM ALLOWANCE**

An annual uniform allowance of one thousand (\$1,000.00) dollars shall be paid for the positions of Chief of Police and Chief of Fire and Emergency Medical Services. An annual uniform allowance shall also be paid for the following positions, in the following amounts:

#### Radio Dispatcher C

First year: \$200.00 paid at time of employment. Each year thereafter, \$200.00 to be paid January 20<sup>th</sup>.

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## Special Patrolman

First year: \$300.00 paid at time of employment. Each year thereafter, \$300.00 to be paid January 20<sup>th</sup>.

## Auxiliary Patrolman

First year: \$150.00 paid at time of employment. Each year thereafter, \$150.00 to be paid January 20<sup>th</sup>.

### Section 3. **EDUCATION BENEFITS**

1. The City will provide reimbursement to full-time City employees for tuition, registration and laboratory fees upon successful completion of college, university or other educational courses which are considered applicable and beneficial to the City in the performance of the employee's assigned duties and employment with the City as determined by the responsible departmental authority.
2. This ordinance shall not affect any instruction or training required by State Law.
3. Reimbursement for expenses permitted is contingent upon appropriation of funds.
4. Prior authorization must be given in writing by the responsible departmental authority to qualify for reimbursement. Upon successful completion of education courses so authorized, the departmental authority will authorize the reimbursement to the employee and it shall be paid by appropriated funds. Prior authorization by the departmental authority shall be conclusive that authorized educational courses are applicable and beneficial to the City in the performance of the employee's assigned duties and employment with the City.
5. Under no circumstances will the employee be permitted to take education courses during the normal working hours.

### Section 4. **LONGEVITY PAY PLAN**

1. That there shall be a longevity pay plan for full-time employees of the City of North Canton. Annual longevity payments of \$70.00 per year of service shall be made during the first half of the month of December to all permanent, full-time employees who shall have completed at least five (5) years of continuous service and who shall be in the employ of the City as of November 30<sup>th</sup> of the year in which the longevity payment is made. Determination of longevity pay shall be from December 1<sup>st</sup> to November 30<sup>th</sup>.
2. Full-time employees of the City of North Canton, hired after August 1, 2006, shall not receive longevity pay.

### Section 5. **HOLIDAY ALLOWANCES**

1. The following paid holidays will be observed by all full-time employees of the City of North Canton and City Offices will be closed on:

New Year's Day	Labor Day
Martin Luther King Day	Thanksgiving Day
President's Day	Friday after Thanksgiving Day
Good Friday	Day before or day after Christmas
Memorial Day	Christmas Day
July 4 <sup>th</sup>	

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2. Holidays listed in Subsection 1. of the within Section which may fall on Saturday, which is normally not a working day, shall be observed on the preceding Friday.

3. Holidays listed in Subsection 1. of the within Section which may fall on Sunday, which is normally not a working day, shall be observed on the following Monday.

4. Holidays listed in Subsection 1. of the within Section shall be considered as a day worked for accrual of fringe benefits.

5. On or before the first day of November of each year in respect to the holiday of the day prior or the day after Christmas, the Mayor shall, by administrative order, establish which of the days shall be the paid holiday. If the Mayor fails to make such designation by November 1<sup>st</sup>, the holiday shall be deemed the day prior to Christmas.

## Section 6. **PERSONAL DAY ALLOWANCES**

1. Full-time employees shall receive sixteen (16) hours personal time per year off work with compensation; such personal time to be designated by the employee with the approval of the proper departmental authority. (Can be taken in one (1) hour increments.)

2. An employee hired prior to July 1<sup>st</sup> will receive two personal days that year. An employee hired -after July 1<sup>st</sup> and prior to September 1<sup>st</sup> will receive one personal day that year and an employee hired after September 1<sup>st</sup> will receive none for that year.

3. Full-time employees shall receive, in addition, a maximum of three personal days provided they have accrued a minimum of four hundred (400) hours sick leave with the City. Said three personal days to be charged to sick leave. Personal days may be taken in four (4) hour increments provided however that four (4) hours are worked that day.

## Section 7. **SICK LEAVE REGULATIONS**

1. Sick leave shall be defined as an absence with pay necessitated by: 1) illness or injury to the employee; 2) exposure by the employee to a contagious disease communicable to other employees; and/or 3) illness, injury or death in the employee's immediate family.

2. Allowance for sick leave for full-time employees of the City of North Canton shall accrue at the rate of 4.615 hours for every 80 hours paid not to exceed 120 hours per year and may accumulate such sick leave to an unlimited amount.

3. Sick leave allowance cannot be converted to vacation leave or used to provide wage extension pay or severance pay upon termination of employment for any reason other than retirement.

4. Upon retirement, a full-time employee of the City of North Canton hired on or before August 1, 2006, shall: (a) be paid for fifty (50%) percent of all sick time accumulated on or before the pay date that ends August 6, 2011, as certified by the Director of Finance, that is not subsequently used; and, (b) shall receive an additional amount equal to twenty-five percent (25%) of all unused sick time accumulated after the pay period ending August 6, 2011, as certified by the Director of Finance, up to a maximum of two hundred forty (240) hours.

5. Upon retirement, an employee hired after August 1, 2006 shall be paid for twenty-five percent (25%) of accumulated unused sick time up to a maximum of two hundred forty (240) hours.

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6. Sick leave shall not be used where injury is service connected, but shall be covered by disability pay: DISABILITY PAY Section of this ordinance.

7. Any sick leave day(s) shall be considered as a day(s) worked for accrual of fringe benefits.

8. Sick leave may be taken in one-quarter hour increments.

9. Sick leave shall be effective on the first day of the month following the employee's date of hire.

## Section 8: PUBLIC ACCOUNTABILITY SALARY DEDUCTION

To the extent permitted by law, exempt employees who are entitled to accrue personal leave and sick leave will have their salary reduced for absences of less than full work days when accrued leave is not used by an employee because: (1) permission for its use has not been sought or has been sought and denied; (2) accrued leave has been exhausted; or (3) the employee chooses to use leave without pay.

## Section 9. RETIREMENT PROVISIONS

1. For the purpose of administering Section 7. of the within ordinance, retirement is defined as eligible retirement as determined by the Public Employees' Retirement System of Ohio and the Police and Firemen's Disability and Pension Fund.

2. Disability Retirement is defined as recognition of eligible disability retirement from the Public Employees' Retirement System and the Police and Firemen's Disability and Pension Fund.

## Section 10. VACATION REGULATIONS

1. For the sole purpose of the application of this Section 10., full-time employees who were employed by the City of North Canton in a calendar year prior to January 1, 2003 shall be deemed to have a service date of January 1 of that year in that year in which their employment commenced.

2. Full-time exempt personnel may be granted a paid vacation allowance during the first year of employment up to a maximum of two calendar weeks at the discretion of the appointing authority.

A. The amount of vacation allowance granted shall be on a pro-rata basis, with one (1) day of vacation granted for each full month remaining in that calendar year to a maximum of ten (10) vacation days.

B. Full-time exempt employees having been employed less than one year on January 1<sup>st</sup> shall be granted a paid vacation allowance of up to two (2) calendar weeks in that calendar year of employment. Any past granting of vacation that complies with this provision is hereby ratified and approved.

3. Full-time employees having been employed one through four years by January 1<sup>st</sup> shall be granted a paid vacation allowance of two calendar weeks in that calendar year of employment.

4. Full-time employees having been employed five through nine years by January 1<sup>st</sup> shall be granted a paid vacation allowance of three calendar weeks in that calendar year.

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5. Paid vacation allowances for those who have been employed ten through fourteen years by January 1<sup>st</sup> shall be granted four calendar weeks and fifteen through nineteen years by January 1<sup>st</sup> shall be granted five calendar weeks; twenty years or more shall be granted six calendar weeks.

6. All vacation allowances shall be granted at a time approved by the department head and with concurrence of the Director of Administration or the Director of Finance for the Finance Department or the President of Council or Clerk of Council for the Council Office.

A vacation schedule based on the seniority standing of employees will be made up by the department head each year with vacation periods so staggered that the employee's absence will not seriously jeopardize the departmental work schedule for the year.

7. An extra day of paid vacation allowance will be permitted for all paid holidays falling within a selected vacation period.

8. When the normal work week is forty hours, the paid vacation allowance will be based thereon.

9. Three weeks of paid vacation allowance may be carried over to the next calendar year. The three weeks shall be the maximum amount which may be carried over regardless of the year to which the allowance is attributable.

10. Any employee who shall resign, retire or be laid off shall be entitled to be paid for vacation allowance earned in the previous year and eligible to be taken in the current year plus vacation earned in the current year at the pro-rata amount of one-twelfth (1/12) for each full month worked subsequent to January 1<sup>st</sup>.

11. Vacation shall be used in increments of one week or more except that vacations may be used in lesser increments when authorized by the proper departmental authority; however, vacation may not be taken in lesser increments than four hours.

## Section 11. **MILITARY LEAVE**

Military leave shall be granted in accordance with all federal and state laws and specifically O.R.C. 5923.05.

## Section 12. **DISABILITY PAY**

Any full time employee of the City of North Canton injured in the line of duty, whose claim is allowed by the Bureau of Workmen's Compensation, shall receive from the City the difference between the amount allowed by the Bureau of Workmen's Compensation and his or her regular pay. There shall be a twelve month limit on the amount the City shall pay.

## Section 13. **FUNERAL LEAVE**

1. Three days excused absence with pay upon the death of the employee's mother, father, sister, brother, wife, husband, son, daughter, grandparent, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, stepmother, stepfather, stepchildren, grandchild and grandparent-in-law.

2. With permission of the department head and the concurrence of the Director of Administration or the Director of Finance for the Finance Department or the President of Council or Clerk of Council for the Council Office, the employee may be allowed one day for a funeral other than that of a relative. This time off shall not be charged against sick leave or vacation allowance but shall be leave with pay.

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**Section 14. HOSPITALIZATION, MEDICAL INSURANCE, DENTAL, OPTICAL & PRESCRIPTION DRUG PROGRAMS**

Full time personnel, and those part-time personnel designated by Council, shall be eligible for medical benefits in accordance with the City's group health benefits plan, according to the terms of such plan, as amended from time to time.

**Section 15. LIFE INSURANCE**

Full time personnel, and those part-time personnel designated by Council, shall be eligible for life insurance in accordance with the City's life insurance plan, according to the terms of such plan, as amended from time to time.

**Section 16. JURY DUTY LEAVE**

1. Any employee who is called for jury duty, either Federal, County or Municipal, shall be paid his or her regular salary, less any compensation received for jury duty, as provided for in the OHIO REVISED CODE when said jury duty conflicts with her or his work schedule.
2. It is understood that Paid Jury Duty Leave will not exceed eighty hours per year without approval of City Council. It will be the employee's responsibility to present to the City the necessary documents, including pay vouchers/check from the Clerk of Courts.

**Section 17. MATERNITY LEAVE**

This policy shall apply only to those employees not eligible for maternity leave pursuant to Family Medical Leave Act of 1993 ("FMLA"). Employees eligible for FMLA maternity leave shall receive leave pursuant to that Act in the manner described in the City of North Canton Personnel Handbook. Maternity Leave shall include pregnancy, childbirth and related medical conditions.

Upon written request to the Director of Administration, Director of Finance, President of Council or Clerk of Council, whoever is applicable, a pregnant employee may be granted a leave of absence without pay, subject to the following rules.

A. Length of Leave: Leaves of absence for maternity leave shall be limited to the period of time that the pregnant employee is unable to perform the substantial, material duties of the employee's position. This period may include reasonable pre-delivery, delivery and recovery time, as certified in writing by a physician, not to exceed one hundred and eighty days. Such leave shall not include time being requested for the purposes of child care following the recovery of the employee.

B. Physician Certificate: A pregnant employee requesting a leave of absence without pay must present, at the time the request is made, a physician's certificate stating the probable period for which the employee will not be able to perform substantial, material duties of the employee's position due to pregnancy, childbirth or related medical conditions.

C. Sick Leave Usage: Upon request to the Director of Administration, Director of Finance, President of Council or Clerk of Council, whoever is applicable, and in accordance with the rules of the City of North Canton with regard to sick leave, a pregnant employee shall be permitted to use any or all of the employee's accumulated sick leave credit only for the period of time as certified by the physician's certificate that the employee isn't able to work as a result of pregnancy, childbirth or related medical conditions. An employee using sick leave credit shall not be prevented from receiving a leave of absence for maternity leave purposes without pay for the remainder of the period.

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D. Service Credit: Authorized leaves of absence under this rule for maternity leave without pay will count as service credit for all purposes related to seniority, provided the employee has properly returned to service and is not serving a probationary period. Employees that do not return to service from a personal leave of absence for maternity leave shall not receive service credit for the time spent on such leave.

E.. Employee Benefits: Hospitalization and life insurance benefits will remain in effect as long as the employee is on maternity leave as provided for herein.

F. Return to Service: Upon completion of a leave of absence for maternity leave purposes, without pay, the employee shall be returned to the same or similar position within the employee's former classification.

G. Failure to Return: An employee who fails to return to duty upon completion or valid cancellation of leave of absence without pay and without explanation to the Director of Administration, Director of Finance, President of Council or Clerk of Council, whoever is applicable or their representatives, may be removed from the service of the City. An employee who fails to return to service from a leave of absence without pay and is subsequently removed from the service is deemed to have a termination date corresponding to the starting date of the leave of absence without pay.

H. Abuse of Leave: If it is found that a leave is not actually being used for the purpose for which it was originally granted, the Director of Administration, Director of Finance, President of Council or Clerk of Council, whoever is applicable, may cancel the leave and direct the employee to report for work by giving written notice to the employee.

## Section 18. PENSION PICKUP

1. Any employee of the City of North Canton who is a member of the Public Employees Retirement System of Ohio or the Ohio Police and Fire Pension Fund shall have her or his compensation reduced by an amount equivalent to that employee's contribution to the Public Employees Retirement System of Ohio or the Ohio Police and Fire Pension Fund; as the case may be, and that the amount of the employee's contribution to the Public Employees Retirement System of Ohio or the Ohio Police and Fire Pension Fund; as the case may be, be paid by the City of North Canton on behalf of the employee; and that the amount of the contribution so paid on behalf of the employee by the employer be added to the salary or wage of the employee in the calculation of pensions and other benefits and is subject to the City of North Canton income tax. The employee is not given the option of choosing to receive said amount directly instead of having them paid directly to the Public Employees Retirement System of Ohio or the Ohio Police and Fire Pension Fund.

2. In respect to the employee's contribution to the Public Employees Retirement System of Ohio, that contribution shall be the employee's contribution to the employee's savings fund defined at Section 145.47 of the OHIO REVISED CODE.

## Section 19. LEAVE OF ABSENCE

Leave of Absence without pay may be granted upon written request and approval of the department head. Attendance at job related conferences, meetings, seminars, etc., which result in absence from work, require prior written request and approval from the responsible departmental authority.

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**Section 20. COMPENSATION**

1. Full-Time Schedule of Compensation: Full-time employees shall be paid an amount equal to or less than the amount set forth in the following schedule:

Position	Bi-Weekly Compensation
Director of Administration	\$3,510.86
Director of Finance	\$3,463.99
City Engineer	\$3,463.99
Chief of Police	\$3,210.72
Chief of Fire & EMS	\$3,210.72
Supt., Permits & Inspection	\$2,599.32
Supt., Utilities & Services	\$2,599.32
Supt., Streets & Parks	\$2,599.32
Chief Operator- DWP	\$2,599.32
Supt., Recreation, Buildings & Grounds	\$2,599.32
Director of Economic Development	\$2,599.32
Operations Managers: Recreation, Buildings & Grounds Streets & Parks Water & Sanitary Sewer Drinking Water Plant	\$ 2,465.68
Clerk of Council/Law Dept.	\$ 2,146.82
Deputy Director of Finance	\$1,962.01
Administrative Assistant	\$1,730.00

2. Part-time Schedule of Compensation: Part-time personnel shall be paid an amount equal to the amount set forth in the following schedule:

Public Safety – FIRE / EMS	
Assistant Fire Chief	\$ 14.96
Fire Captain	\$ 14.60
Fire Captain / EMT – Paramedic	\$ 14.60
Fire Captain / EMT – Basic	\$ 14.60
EMT – Paramedic	\$ 14.60
Firefighter / EMT – Paramedic	\$ 14.60
Firefighter / EMT – Basic	\$ 14.13
Firefighter	\$ 14.13
EMT – Basic	\$ 14.13
EMT Personnel on Standby	\$ 2.21
Manned at Station:	
Firefighter / EMT - Paramedic/Basic	\$ 12.00
EMT 's manned at station will not receive Standby Wages.	
Public Safety – Police	
Dispatcher C	\$ 12.21
School Crossing Guard	\$ 11.77
Auxiliary Police	\$ 11.04
Special Patrolman	\$ 14.96



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<b>Financial &amp; Clerical</b>	
Fiscal/Clerical Specialist	\$ 11.88
<b>Department of Engineering</b>	
Engineering Clerk	\$ 10.12
Special Project Inspector	\$ 16.82
<b>Building &amp; Permits</b>	
Building Inspector	\$ 24.08
<b>Municipal Swimming Pool</b>	
Pool Director*	\$5,928.25
Assistant Pool Director*	\$4,398.67
Concession Stand Mgr.*	\$4,610.85
Pool Personnel	\$ 7.40
Lifeguard I	\$ 7.65
Lifeguard II	\$ 7.94
Lifeguard/Instructor I	\$ 8.53
Lifeguard/Instructor II	\$ 8.83
Head Lifeguard I	\$ 9.11
Head Lifeguard II	\$ 9.41
Pool Maintenance	\$ 7.40
<b>*Paid for Season</b>	
<b>General Government</b>	
Summer I	\$ 7.40
Summer II	\$ 7.94
Intern	\$ 9.27
Skilled Worker	\$ 14.50
Hours per Skilled Worker will be limited to a maximum of 1200 per year	
<b>Recreation</b>	
Class "A" Instructor	\$ 11.00
Senior Program Director**	\$ 203.50
<b>**Paid bi-weekly</b>	
In the event the Senior Program Director works less than 20 hours in a bi-weekly pay period, the actual hours worked will be paid at his/her applicable hourly rate.	
There is hereby established an overtime rate of time and one-half after a scheduled eight (8) hours or working a holiday for part-time police officer and part-time radio dispatchers.	

**Section 21. DRUG TESTING POLICY**

1. Drug screening or testing shall be conducted upon reasonable suspicion. This testing shall be solely for administration purposes and the results obtained shall not be used in any criminal proceeding. Under no circumstances may the results of the drug screening or testing be released to a third party for the use in a criminal prosecution against the affected employee. The following procedures shall not preclude the employer from other administrative action.

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2. Drug testing shall also be authorized when an employee is involved in an on-duty motor vehicle accident which results in bodily injuries to any vehicle occupants or the employee, or when the employee has discharged a weapon while on duty.

3. All drug screening tests shall be conducted by medical laboratories licensed by the State of Ohio and accredited by the College of American Pathologists or other mutually agreed upon entity. The procedures utilized by the testing lab shall correspond to accepted medical practice. Any positive result shall be confirmed by a mass spectrophotometry procedure (GS-MS), or any approved subsequent state-of-the-art confirmatory test.

4. Drug screening tests shall be given to employees to detect the illegal use of controlled substances as defined in Section 3719 of the Ohio Revised Code. If the initial screening is positive, the employee's sample shall be subjected to a confirmatory test that shall be administered by a medical laboratory licensed by the State of Ohio and accredited by the College of American Pathologists or other mutually agreed upon entity. The employee may have a second confirmatory test of the split sample done at a lab of his choosing, at this expense. This test shall be given the same evidentiary weight as the previous test, provided a neutral chain of custody remains unbroken.

A. If all the screening and confirmatory tests are positive, then the employee involved may be required to enter into rehabilitation referral. The City shall maintain the right to discipline the employee in addition to mandating rehabilitation.

B. Prior to any notification by the Employer for drug screening or testing, an employee may elect to participate in a rehabilitation or detoxification program, as determined by appropriate medical personnel. The cost of the program will be covered according to the provisions of the employee's health insurance plan.

C. An employee who participates in a rehabilitation or detoxification program shall be allowed to use sick leave, vacation leave, or personal days for the period of the rehabilitation. If no such leave credit is available, such employees shall be placed on leave of absence without pay for the period of the rehabilitation leave.

D. Upon completion of the program, and provided that a retest demonstrates that the employee is no longer illegally using a controlled substance, and/or subject to any disciplinary action that may be taken pursuant to this Article, the employee shall be returned to his position. Such employee may be subject to random retesting upon return to his position for a period of one (1) year from the date of his return.

E. Any employee in the above-mentioned rehabilitation program will not lose any seniority or benefits should it be necessary that he be required to take a medical leave of absence without pay for a period not to exceed ninety (90) days.

F. If an employee refused to undergo rehabilitation or detoxification pursuant to a lawful order, or he fails to complete a program of rehabilitation, or if he should test positive at any time within one (1) year after his return to work upon completion of the rehabilitation program, the employee shall be subject to disciplinary action.

G. Except as otherwise provided herein, the cost of all drug screening shall be borne by the City.

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H. For the purpose of this Article "periodic" shall mean not more than three times per year, except that a drug test may be performed at any time upon "reasonable suspicion" of drug use. An employee may be tested more frequently during the one (1) year period after his return from a rehabilitation program.

5. For the purpose of implementing the provisions of this Article, each employee shall execute medical releases in order for the City to obtain the results of the drug screening provided for in this Article. The release referred to in this Section shall authorize only the release of examination results pertaining to the drug screening test. Such medical releases shall be provided by the employer."

Section 22. That Ordinance No. 13-11 and any and all legislation inconsistent herewith, be, and is hereby repealed.

Section 23. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

North Canton, Ohio  
Passed: 9/26/11

  
MAYOR

SIGNED: 9/26, 2011

ATTEST:

  
CLERK OF COUNCIL

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