

RECORD OF ORDINANCES

Dayton Legal Blank Co.—10116

Ordinance No. 1986-05

Passed June 17, 19 86

AN ORDINANCE AMENDING SECTION 35.32 (H) OF THE CODE OF ORDINANCES OF THE MUNICIPALITY OF BROOKVILLE, OHIO.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE MUNICIPALITY OF BROOKVILLE, OHIO, THAT:

SECTION I:

Section 35.32 (H) of the Code of Ordinances of the Municipality of Brookville, Ohio, shall be amended to read as follows:

Any full-time municipal personnel with twenty (20) years of continuous service regardless of age who retires, may, at his or her option, convert their unused sick leave time to a single lump sum cash payment for twenty-five percent (25%) of the unused sick leave time based on the retiring employee's rate of pay at the time of retirement. Should an employee be retiring at the age of at least fifty-five (55) years, the employee may exercise this option with only ten (10) years of continuous service with the Municipality of Brookville, Ohio. Only one quarter ($\frac{1}{4}$) of the accumulated but unused sick leave shall be so converted, it being expressly understood that those hours have been accumulated while being employed by the Municipality of Brookville, Ohio. All time of public service referred to in this section of the Ordinance shall be limited to continuous years of service with the Municipality of Brookville, Ohio, only.


SECTION II:

This Ordinance shall revoke and rescind all Ordinances, parts of Ordinances, and Resolutions and parts of Resolutions that are in conflict herewith and shall be enforced from and after the earliest period allowed by law.

PASSED this 17th day of June, 1986.

ATTEST:


E. EUGENE ROESER, Clerk


GEORGE E. BROWN, Mayor

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CERTIFICATE

The undersigned, Clerk of the Municipality of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 1986-05 passed by the Council of said Municipality on the 17th day of June, 1986.


E. EUGENE ROESER, Clerk

CERTIFICATION OF POSTING

The undersigned, Clerk of Council of the Municipality of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 1986-05 was posted at the Municipal Building, U.S. Post Office and the Brookville National Bank, Brookville, Ohio on the 19th day of June, 1986 to the 18th day of July, 1986 both days inclusive.


E. EUGENE ROESER, Clerk



MUNICIPALITY OF BROOKVILLE

Director of Law

MEMORANDUM

TO: The Council of the Municipality of Brookville, Ohio
FROM: Gary E. Zuhl
DATE: May 6, 1986
RE: Definition of the word "Retirement".

At the request of the Council of the Municipality of Brookville, Ohio, I have conducted a search of the legal definition of the word "retire".

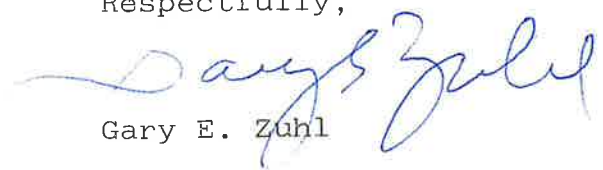
In reviewing the various definitions provided by Black's Law Dictionary, it would appear that the term "retirement" or "retire" refers to the separation, withdrawal or removal of an employee from the employment of a specific employer as the result of age or length or service. While there is considerable language dealing with various retirement systems per say, there does not appear to be any specific restraints under Ohio Statutory Law that specifically set forth various specifications such as ages and other types of requirements and/or limitations on the phraseology of "retire" or "retirement".

While there are certain age limits that are given in terms of retirement, it would not appear do be relevant to the issue at hand, namely, the issue of amending the current Code of Ordinances by placing certain limitations on their rights to convert sick leave upon their retirement.

Accordingly, I have prepared an Ordinance after discussing the matter with Mr. Eugene Roeser, Council Clerk and Finance Director, that both of us believe will satisfy the requirements that they are trying to achieve with regard to converting accumulated but unused sick leave hours to single cash payments.

Should there be any questions, please advise accordingly.

Respectfully,


Gary E. Zuhl