

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE #2006-10**

**AN ORDINANCE PURSUANT TO SECTION 85 OF THE VILLAGE OF
YELLOW SPRINGS CHARTER TO AMEND THE PERSONNEL POLICY
MANUAL REGARDING EMPLOYEE REDUCTIONS IN FORCE; AND
DECLARING AN EMERGENCY.**

WHEREAS, Section 85 of the Village of Yellow Springs Charter charges the Village Council with adopting by ordinance a comprehensive personnel policy and with amending this policy, as necessary, by ordinance; and

WHEREAS, the Village of Yellow Springs is presently facing financial distress which may require a reduction in the Village's employment force; and

WHEREAS, while the Personnel Policy Manual currently allows for employment terminations due to lack of work or financial reasons, the Manual is silent regarding the appropriate process for the Village Manager to take to effectuate a reduction in force; and

WHEREAS, the procedure for conducting a reduction in force are properly included in the Village of Yellow Spring's comprehensive personnel policy;

NOW THEREFORE, THE COUNCIL OF THE VILLAGE OF YELLOW SPRINGS, OHIO, HEREBY ORDAINS THAT:

Section 1. Effective immediately, a new Section entitled "REDUCTIONS IN FORCE," shall be inserted between the "EMPLOYEE CONDUCT AND DISCIPLINARY ACTION" and "MISCELLANEOUS" sections of the Personnel Policy Manual, stating as follows:

REDUCTIONS IN FORCE

From time to time, the Village, or some department(s) thereof, may not have sufficient work or a sufficient budget to accommodate its current workforce. In such circumstances, it is fiscally necessary and appropriate for the Village to reduce its workforce through a "reduction in force." When the Village Manager determines that a reduction in force is necessary, he or she shall effectuate such a reduction in force through any reasonable means available to him or her, including, but not limited to:

1. Natural attrition, which means not replacing and/or eliminating the position of an employee whose employment terminates through resignation, discharge or retirement.
2. Voluntary resignation, which means soliciting voluntary resignations, which may or may not involve an offer of severance.
3. Voluntary retirement or early retirement, which means offering a plan or program allowing individuals eligible thereunder to voluntarily choose to retire and which may or may not include additional incentives in the form of severance from the Village.

4. Position elimination, which means termination caused by eliminating positions and/or recombining job duties, and may or may not involve an offer of severance.
5. Layoff, which means involuntary termination of employment, and may or may not include an offer of severance.

Where the Village Manager determines that any reduction in force will involve position elimination and/or layoff, he or she shall determine which employee or employees shall be selected for reduction based on principles of merit and fitness. Where the Village Manager determines that two employees are substantially equal in terms of merit and fitness, seniority shall be the determinative factor. "Seniority" for these purposes can include overall service to the Village or service to the Village in a particular position, as the Village Manager deems appropriate under the circumstances.

Section 2. That where the Village Manager believes that it is fiscally prudent and appropriate to offer a severance package as part of any reduction in force, he or she must first present to the Village Council for approval the proposed terms and conditions of any severance agreement to be offered to employees scheduled, a schedule of the severance amounts to be offered to each employee, or, if the identity of the employees is not yet known, the method that will used to compute the severance amount, the total expected impact of the severance offer on the Village's budget, and the proposed method of funding the severance offer based on the Village's then-current budget. This presentation may be made at a regular or special meeting of the Village Council. The Village Council shall approve or deny the proposed severance by Resolution.

Section 3. That this Ordinance is hereby declared to be an emergency measure providing for the immediate preservation of the public peace, health, safety and general welfare, and for the specific reason that there exists an immediate need to adopt a reduction in force process given the current financial state of the Village and the substantial likelihood that a reduction in force will need to occur in the immediate future, wherefore this Ordinance shall be come effective upon its adoption by Council.

 Jocelyn Hardman, President of Council

Passed: April 3, 2006

Attest: _____
 Deborah Benning, Clerk of Council

ROLL CALL:

Jocelyn Hardman __Y__ Karen Wintrow __Y__ Bruce Rickenbach __Y__
 Judith Hempfling _N__ Kathryn Chase __Y__