

Record of Ordinance

Ordinance No.: 2009-01

Passed: January 26, 2009

AN ORDINANCE TO ESTABLISH THE LICENSING REQUIREMENTS FOR ALL EMPLOYEES IN THE Water/Waste Water Technician CLASSIFICATION AND REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH.

BE IT ORDAINED by the Council of the Village of West Lafayette, State of Ohio as follows:

Section 1: General Requirements

- A. The Village of West Lafayette, Ohio, hereinafter called "Village" and Water/Waste Water Technicians, hereinafter called "employee" wherein the Village will be the employer and the employee will be an employee of the Village.
- B. Employee shall be an employee at will and nothing contained herein shall be relied upon as a contract for a specific term of months or years. The employee may be terminated from employment for cause or without cause.
- C. Employee will be provided with a general job description but the job description is not a limitation on the scope and duties of the employee. The employee will also perform such duties as he is instructed to perform by the Mayor or his agent.
- D. The employee may engage in consulting on his own time and will not be in violation of this agreement provided he is available for fulltime employment with the Village of West Lafayette for at least forty (40) hours per week and at such other times as he is called upon to work by the Mayor or the Mayor's agent.

Section 2: Pay and Benefits

- A. Employee's benefits and wage specifications will be contained in the ordinances for the Village of West Lafayette, Ohio and shall be incorporated herein by reference as though fully re-written.
- B. Employee will perform services for the Village of West Lafayette, Ohio as an hourly employee. He will perform full time services for the Village of West Lafayette, Ohio.

Record of Ordinance

Ordinance No.: 2009-01

Passed: January 26, 2009

- C. The Village will provide for and pay for employee to receive his licenses according to guidelines set forth in the ordinances for the Village of West Lafayette, Ohio, which ordinances are incorporated herein as fully rewritten.

Section 3: License Requirements

- A. The employee as a condition of employment will obtain a Class I and Class II license for both the Water Plant and the Waste Water Treatment Plant as required by the Ohio Administrative Code Chapter 3745-7 (OAC).
- B. The Village Administrator will determine the order in which the employee obtains the required licenses.
- C. The employee will have four opportunities to pass the first license exam starting with the exam immediately after his date of hire. After receiving a license, the employee shall have three opportunities to pass the exam for the next license.
- D. Failure to obtain any of these licenses within the schedule will cause the employee to be terminated for cause.
- E. As used in this section, opportunities means each time the applicable test is given by the Ohio EPA. The test for each license is typically given twice per year.

Section 4: Non-Competition Agreement

- A. In consideration of said employment, and the payment of the Village for specialized training, the employee agrees to execute a separate non-competition agreement, which shall be incorporated herein by reference as though fully rewritten. The parties agree that the non-competition agreement is not overly restrictive upon the rights of employee and is not a restraint of trade. The non-competition agreement is in the best interest of the parties and the public. The parties agree that employer is providing training and education for employee in a highly technical area. It is understood that because employer is a public entity that competition does not exist in the normal sense; however, it would be unfair for employee to become employed within or without the public sector within the defined district after having obtained his licenses at the expense of the Village.
- B. In the event, for any reason, the non-competition agreement is found not to be enforceable by a court of law or if for any reason the employee leaves the employment of the Village of West Lafayette within two years and becomes employed by an employer within Coshocton County or any immediately adjacent county in the same or similar position the employee will repay the Village for any and all costs expended by the Village in order for employee to obtain his license and for all costs of training. Same or similar

Record of Ordinance

Ordinance No.: 2009-01

Passed: January 26, 2009

positions will be construed to mean any employment whereas employee uses any of the licenses he obtained while in the employ of the Village of West Lafayette, Ohio. The Village may obtain a judgment contra the employee for all costs and expenses and execute on said judgment if necessary.

Section 5: Applicable Time Periods

- A. This ordinance shall be applicable to all employees of the Village of West Lafayette, Ohio, on and after January 1, 2000 in regard to all employee benefits covered herein. Pursuant to Ohio Revised Code Section 9.44 it is herewith declared that the anniversary date of employment is the anniversary date of the most recent hiring as a full time employee.
- B. All provisions of Ordinances and Resolutions inconsistent with the provisions herein shall be and herewith are amended to the extent they otherwise would be applicable to the pay rates of the above pay categories and classifications on and after December 28, 2007, otherwise however, they shall remain in full force and effect.

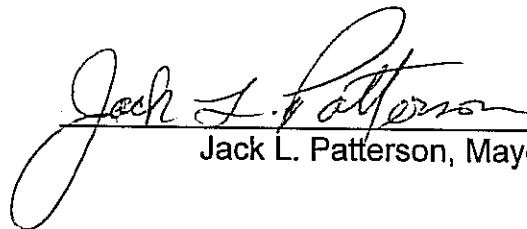
All provisions of Ordinances and Resolutions in conflict with the provisions and terms of this ordinance shall be and is herewith amended in accordance with this ordinance.

Passed on this 26th day of January, 2009.

Attest:



Lisa M. Derr, Clerk



Jack L. Patterson, Mayor