

**ORDINANCE NO. 2022-07**

**A SPECIAL ORDINANCE OF THE TOWN COUNCIL OF  
THE TOWN OF CENTERVILLE, INDIANA TO AMEND SALARY ORDINANCE NO.  
2021-13 AND TO CARRY OVER OR PAY FOR ACCRUED PAID TIME OFF**

*WHEREAS*, the Town is governed by its Town Council (“Town Council”) as the legislative body of the Town; and

*WHEREAS*, the Town of Centerville’s Personnel Policy and Procedure Manual and Code of Ordinances prescribes the methods and limitations of certain fringe benefits including but not limited to accrued paid time off for the town’s employees; and

*WHEREAS*, the town’s employees have accrued paid time off that has not been charged to or taken by the employees prior to the expiration of the fiscal year 2022; and

*WHEREAS*, the department heads request that the Town Council either carry over into 2023 all unexpended, accrued vacation leave, personal leave, and holiday leave for 2022, or otherwise compensate the employees for the uncharged or unused time;

***NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF  
CENTERVILLE, INDIANA, IN A PUBLIC MEETING DULY ASSEMBLED, THAT:***

**SECTION I.**

The Town Council hereby waives the restrictions set forth in the Centerville’s Personnel Policy and Procedure Manual, relevant ordinances, and other relevant portions of Chapters 33 and 35 of the Code as they relate to any unexpended, accrued vacation leave, personal leave, and holiday leave for 2022 for each employee that has remaining accrued time in 2022, to the following extent:

- A. The Town Manager, Town Marshal and Town Clerk-Treasurer are hereby authorized to carry over any unexpended, accrued vacation leave, personal leave, and holiday leave for 2022 for the employees under their respective supervision, to be used by such employees in 2023 in addition to any paid leave that such employees may accrue in 2023.
- B. For each employee under his supervision, the Town Manager, Town Marshal and Town Clerk-Treasurer shall, in his individual discretion, determine the number hours of any unexpended, accrued vacation leave, personal leave, and holiday leave for 2022 to carry over to 2023, as follows:
  - i. The amount any unexpended, accrued vacation leave, personal leave, and holiday leave for 2022 that Town Manager, Town Marshal, and Town Clerk-Treasurer determine to carry over shall be granted to such employee in 2023 in addition to any paid leave that such employee may accrue in 2023.

- ii. The amount any unexpended, accrued vacation leave, personal leave; and holiday leave for 2022 that the Town Manager, Town Marshal, and Town Clerk-Treasurer determines to not carry over to 2023, shall be credited to such employee, who shall be compensated for the specific amount of accrued leave that does not carry over. Such compensation shall be paid at the regular rate earned by the employee at the time the employee receives such payment. This compensation shall be paid to the employee by no later than the final payroll period for the tax year ending December 31, 2022.
- C. One-half of the amount of unexpended, accrued vacation leave, personal leave, and holiday leave for 2022 earned by the Town Marshal shall carry over shall and be granted to the Town Marshal in 2023 in addition to any paid leave that the Town Marshal may accrue in 2023.
- D. One-half of the amount of unexpended, accrued vacation leave, personal leave, and holiday leave for 2022 earned by the Town Marshal shall be credited to such employee, who shall be compensated for the specific amount of accrued leave. Such compensation shall be paid at the regular rate earned by the Town Marshal at the time the employee receives such payment. This compensation shall be paid to the Town Marshal by no later than the final payroll period for the tax year ending December 31, 2022.
- E. The Town Clerk-Treasurer, Town Marshal and the Town Manager shall each make an itemized, written report and file the same with the Clerk/Treasurer within thirty (30) days of passage of this ordinance, verifying the number of accrued hours that shall carry over for each employee.

## **SECTION II.**

The Town's Salary Ordinance No. 2021-13 is hereby deemed amended consistent with this Ordinance.

## **SECTION III.**

The sections, subsections, paragraphs, references, clauses and phrases of this Ordinance are severable. If any phrase, clause, reference, paragraph, subsections and sections of the Ordinance are declared unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such declaration shall not affect the remaining provisions of this Ordinance. All ordinances and parts of ordinances in conflict herewith are hereby superseded.

## **SECTION IV.**

This Ordinance shall take effect, and be in full force and effect, from and after its passage and adoption by the Town Council of the Town of Centerville, Wayne County, Indiana, upon the signature of President of the Town Council thereafter, and after the occurrence of all other actions required by law.

Introduced and filed on the 13<sup>th</sup> day of December 2022. A motion to suspend all motions and rules and to proceed to adoption by reading title only was offered and sustained by a vote of \_\_\_ in favor and \_\_\_ opposed.

**DULY ORDAINED PASSED AND ADOPTED** this 13<sup>th</sup> day of December 2022 by the Town Council of the Town of Centerville, Wayne County, Indiana, having been passed by a vote of 3 in favor and 0 opposed.

**THE TOWN COUNCIL OF CENTERVILLE, WAYNE COUNTY, INDIANA**

**AYE**

**NAY**

Daniel Wandersee

Dan Wandersee,  
President

\_\_\_\_\_

Gary L. Holbert

Gary Holbert,  
Vice President

\_\_\_\_\_

\_\_\_\_\_

Josh Tudor,  
Member

\_\_\_\_\_

Jack Bodiker

Jack Bodiker,  
Member

\_\_\_\_\_

\_\_\_\_\_

James Bullen,  
Member

\_\_\_\_\_

Constituting a majority of all the members of the Town Council

ATTESTED BY:

Richard K. Tincher

Richard K. Tincher, Clerk-Treasurer of  
the Town of Centerville, Indiana

