

ORDINANCE NO. 2016-06

*motion
15MG and
to withdraw
3/10/16*

**AN ORDINANCE ENACTING SECTION 3.03.1 OF THE
PERSONNEL POLICIES AND PROCEDURES MANUAL FOR THE
VILLAGE OF PERRY, OHIO, ESTABLISHING A POLICY REGARDING TOBACCO USE
BY VILLAGE PERSONNEL AND THEIR HOSPITALIZATION COVERAGE
AND DECLARING AN EMERGENCY**

WHEREAS, it has been determined to be in the best interest of the residents of the Village to establish a policy regarding tobacco use by Village personnel and its relationship to hospitalization coverage provided to Village personnel by the Village; and,

WHEREAS, Council finds that, in an effort to deal appropriately and fairly with the escalating cost of health care coverage and to ensure the fair treatment of Village personnel, it is in the best interest of the Village to establish and enact such a provision to insure the reasonable and prudent expenditure of Village funds; and

WHEREAS, Council finds it in the best interest to enact same.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF PERRY,
COUNTY OF LAKE AND STATE OF OHIO, AS FOLLOWS:**

Section 1. That, effective January 1, 2017, Section 3.03.1 of the Personnel Policies and Procedures Manual for Perry Village, Ohio, establishing a policy regarding tobacco use by Village personnel and its relationship to hospitalization coverage provided to Village personnel by the Village is hereby enacted to read as follows:

SECTION 3.03.1 TOBACCO USE/ELEGIBILITY

- a. Any Village employee that is found to use, or has used, the following in violation of the provisions of the Village's major medical insurance policy, plan and/or program provisions (hospitalization) in effect on January 1, 2017, shall be responsible for **the payment of one hundred percent (100%) of the monthly premium cost increase that is to be paid by the Village for such employee's medical coverage, plan and/or program (hospitalization) as is provided by Section 3.03, above as a result of such use: cigarettes, cigarillos, small cigars, large cigars, Nicorette® gum, nicotine patch, chewing tobacco, marijuana or any other form of tobacco or nicotine product.**
- b. **All Village personnel hereby stipulate and agree that, as a condition of eligibility for the aforesaid hospitalization (provided for in Section 3.03, above), he/she shall voluntarily submit to any and all physical and/or medical test(s) and/or examinations(s) requested of him/her by the Village.**

Section 2. That all formal actions of this Council concerning the passage of this Ordinance were adopted in an open meeting, and all deliberations of this Council, or any of its Committees, which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. That this Ordinance is hereby declared to be and is passed as an emergency measure, the emergency being the need for the efficient administration of Village affairs. Said Ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village of Perry.

WHEREFORE, this Ordinance shall be in full force and effect immediately upon its passage by Council.

VICKY STEVENS, MAYOR

ADOPTED: _____

ATTEST: _____
JOANNE CLAPP, CHIEF FISCAL OFFICER