

Resolution 2022-022
Arnold MOU as Fire Chief

The Board of Trustee of Franklin Township, Franklin County, Ohio met in an in person Regular Session at 6:00p.m. on Thursday, February 10, 2022 and the following trustees were present:

Leezer: YES/ NO Horn: YES/ NO Fleshman: YES/ NO

Leezer moved for the adoption of the following Resolution:

BE IT RESOLVED BY THE Board of Trustees of Franklin Township, Franklin County, Ohio that the Board approves to accept the Memo of Understanding (MOU) between the Franklin Board of Trustees and Robert Arnold, Fire Chief effective retroactively to January 18, 2022. (See Exhibit A)

Horn seconded the Resolution; the roll was called for its adoption and the vote was as follows:

Leezer: YES/ NO Horn: YES/ NO Fleshman: YES/ NO

Trustee James Leezer, 2022 Chairman

Trustee Ralph Horn, 2022, Vice -Chair

Trustee John Fleshman

Attested to on this 10th day of February

Fiscal Nick Dunn/

Assistant Fiscal Officer Robyn Watkins

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RESOLUTION 2022-022 EXHIBIT A

**A RESOLUTION HIRING AND ESTABLISHING THE TERMS AND CONDITIONS OF EMPLOYMENT FOR THE
FRANKLIN TOWNSHIP FIRE CHIEF**

PREAMBLE

WHEREAS, the Board desires to employ Robert Arnold as Fire Chief and establish the terms and conditions of his employment; and

WHEREAS, it is in the best interest of the Township and its residents to provide certain benefits to the Fire Chief as a form of compensation;

RESOLUTION

NOW, THEREFORE, be it resolved by the Board of Trustee of Franklin Township, Franklin County, Ohio that the following Resolution be and hereby is adopted:

RESOLVED, that effective January 18, 2022, and subject to his acceptance hereof the Township hereby employs Robert Arnold as the Fire Chief of the Franklin Township Fire Department, subject to the following terms and

1. **Job Description and Duties.** The Fire Chief shall serve as the Fire Chief for the Township on an indefinite basis and shall perform and discharge faithfully, diligently and to the best of his ability, the responsibilities of Fire Chief, a general description of which is attached hereto as "Attachment A" and incorporated herein. The Fire Chief shall also perform such other tasks and undertake such duties as the Board or its designee may from time-to-time request. The Fire Chief shall not be engaged in any business activity other than on behalf of and as directed by the Township, whether or not such business activity is pursued gain, profit, or another pecuniary advantage without the prior written approval of the Board of Trustees. The Fire Chief's full working time and effort shall be devoted to his employment with the Township.
2. **Rules and Regulations.** The Fire Chief shall observe and administer such rules, regulations and procedures as may from time to time be adopted by the Board, including, but not limited to, rules governing the operation and personnel of the Franklin Township Fire Department and its dispatching operations, regulations guarding against the occurrence of fires and the protection of property and lives, all applicable fire codes and all applicable federal, state and local laws and regulations.
3. **Continuing Employment Qualifications.** The Fire Chief shall obtain and maintain a current Ohio driver's license, full-time firefighter certification, and such other certifications and/or licenses as may, from time to time, be required by the Board. The Fire Chief shall also be and remain insurable under the terms of the Township's automobile liability insurance policy and shall provide proof of such insurability, from time to time as required by the Board and/or the Township's automobile liability insurer. THESE

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QUALIFICATIONS ARE MANDATORY AND CONTINUING AND FAILURE TO MAINTAIN THESE QUALIFICATIONS WILL RESULT IN IMMEDIATE DISCIPLINE INCLUDING POSSIBLE TERMINATION.

4. **Longevity Pay.** The Fire Chief will be eligible to receive a longevity bonus based upon the number of completed consecutive years of continuous full-time active service with the Fire Department. The Employer agrees to pay longevity in the amount of \$.05 cents per hour, per year of service. In order to determine an hourly rate, the Fire Chief's hourly rate shall be calculated as the Fire Chief's current annual salary divided by the annual hours worked which shall be 2,080.
5. **Work Hours.** The Fire Chief's full working time and effort shall be devoted to his employment as the Franklin Township Fire Chief. His regularly scheduled hours of work shall total forty (40) hours per week at a minimum, additionally, he shall also work such other or additional hours as may, from time to time be necessary to fulfill his duties as Franklin Township Fire Chief and as may, from time to time, be requested by the Board of Trustees.
6. **Compensation.** The entire compensation to be paid to the Fire Chief by the Township on a regular full-time basis as the Franklin Township Fire Chief, for all services performed by him, shall be based upon an annual salary of \$102,230.82 (or such higher salary as the Board may, in its absolute and sole discretion from time to time, determine), with this amount being payable in biweekly installments of \$3,931.95. Each year on March 1st, the annual compensation will increase by three percent. In addition, upon successful completion of an approved bachelor's degree, the Fire Chief shall be entitled to a 3 percent wage increase.
7. All compensation received by the Fire Chief shall be subject to withholding for federal, state, and local income taxes, and such other taxes and charges as may be subject to withholding from employee wages, and further subject to the withholding required for pension contributions and further subject to withholding for any other deductions or charges as may, from time to time, be authorized in writing by the Fire Chief and agreed to by the Board. The Fire Chief shall be exempt from the overtime provisions of the Fair Labor Standards Act (29 U.S.C. §§201 et seq.) under the Executive Employee Exemption.
8. **Use of Vehicle.** The Fire Chief is hereby authorized to use a Township owned or leased vehicle as designated by the Board, provided that such use shall be subject to and consistent with the provisions of the Franklin Township Employee Policies and Procedures manual, except that such vehicle must be used by the Fire Chief for commuting to and from his Township employment and to respond directly from home to an emergency and/or other work-related situation.
9. **Vacation Time.** The vacation year shall end at the close of business on the last day of the first pay period that ends in January. The Fire Chief working an average 40-hour week shall accrue vacation leave at the rate of 9.89 hours per pay period with a maximum of 514 hours. Vacation leave pay-off shall be determined pursuant to Section 16 of this contract.
10. **Holiday Compensation.** While in active service with the Township the Fire Chief shall be entitled to eight (8) hours of holiday credit for each holiday referred to in Ohio Revised Code 511.10, which time shall accrue on a calendar year basis and be credited on each January 1st. The Fire Chief may elect not to work on a holiday. For each holiday not worked, no holiday time will accumulate. In the event that a holiday falls on a Saturday, the preceding Friday shall be considered the holiday, and if the holiday falls on a Sunday, the following Monday shall be considered the holiday. Holiday time can be used as scheduled time off. Payment of unused holiday time shall be made during the first pay period of December of the year earned and paid in the form of a separate check. Holiday time pay-off shall be determined pursuant to per Section 16 of this contract.

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11. **Sick Leave.** The Fire Chief shall accrue sick leave with pay at the rate of 4.62 hours for each completed pay period. There shall be no maximum accumulation of sick time. Sick leave pay-off shall be determined pursuant to Section 16 of this contract.
12. **Injury Leave.** The Fire Chief may be granted a fully paid leave of absence of ninety (90) calendar days for a duty injury or job-related illness. This leave of absence need not be taken in ninety (90) days consecutive days and may be divided into increments.
13. **Bereavement Leave.** In addition to any other paid leave of absence, the Fire Chief is entitled to 24 hours of time off duty with full compensation upon the death of any member of the Chief's immediate family.
14. **Jury Duty Leave.** The Fire Chief when required to be available for jury selection or service shall receive his regular daily wage for each day which would have been worked but for such jury participation.
15. **Personal Time.** The Fire Chief shall receive eighty-six hours of personal time per year. Personal time shall be used in a manner similar to vacation and shall only be used as time off. It will be placed in his time bank on January 1st of each year. It shall be used prior to the end of the calendar year or will be forfeited.
16. **Insurance Coverage.** The Fire Chief shall be eligible for Vision Care, Dental, Group Health Insurance and Group Life Insurance based upon the terms and conditions contained in Article 38 of the Collective Bargaining Agreement between the Township and the Franklin Township I.A.F.F. 1441.
17. **Retirement, Termination, Resignation or Layoff.** The Fire Chief is eligible and shall be compensated accordingly upon resignation or dismissal of all his accumulated holiday and vacation time. In the event of retirement, the Fire Chief shall be compensated for all his accumulated holiday time, a maximum of three (3) years of accumulated vacation time, and all his accumulated sick time to a maximum of 571 hours. Sick time compensation shall be calculated by 33.3% of the accumulated sick time up to the maximum stated.
18. **Disciplinary Actions.** The Township through the Board is authorized to take such disciplinary actions as deemed necessary in the event the Fire Chief does not fulfill his employment duties, or in cases of unexcused absence, tardiness, or excessive absenteeism or in such other cases as the Board may determine.
19. **Termination of Employment.** The Fire Chiefs shall not be removed from employment or demoted to the rank of Captain except for cause and in accordance with the removal procedures provided in Ohio Revised Code 505.38 and 733.39 through 733.39. If the Fire Chief's employment with the Township is terminated, the Fire Chief shall surrender to the Township in good condition all records, keys, and all other Township property and equipment. There shall be no payment of any benefit upon termination except an otherwise specifically provided in Section 16 hereof, and then only under the conditions so provided therein.
20. **Status of Employment.** The Fire Chief is employed by the Township on an indefinite basis until such time as he or the Board terminates his employment. The Resolution shall not be construed as creating any contract of employment between the Township and the Fire Chief, and the Township through the Board retains the right to deal with the Fire Chief and to terminate his employment at any time, and/or to amend, modify and/or create any benefit and/or condition set forth herein, to the same extent as though this Resolution had not been created. The Fire Chief may, in his sole and absolute discretion, upon thirty-day written notice to the Board of Trustees voluntarily elect to return to the rank of Captain.
21. **Definitions.**
 - a) **Active service** shall mean the time during which the Fire Chief is employed by the Township on a full-time basis as the full-time Fire Chief appointed pursuant to Ohio Revised Code Section 505.38 and is paid or entitled to payment, for the performance of duties for the Township, including that time of

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period of which he is paid, or entitled to payment, on account of a period of time during which no duties are performed due to regularly scheduled non-working days, vacation, and leaves of absence with pay. Notwithstanding anything to the contrary contained in this Resolution and unless otherwise specifically required by law, in no event shall the time spent in active service with the Township. Time spent on unpaid leave shall not be deemed to be time spent in active service with the Township.

- b) **Anniversary date** shall mean the first day following the first 365 days of active service by the Fire Chief with the Township.
 - c) **Break in service** shall mean the period of time commencing on the date on which the Fire Chief is not entitled to payment for the performance of duties for the Township or on the date on which the Fire Chief's employment with the Township is terminated. Upon a break in service involving an unpaid leave of absence, whether or not approved, no further vacation, holiday and/or sick leave time shall accrue or be credited unless and until the Fire Chief is in active service with the Township.
 - d) **Immediate family** shall, unless otherwise provided in this Resolution, mean the Fire Chief's spouse, children, stepchildren, grandchildren, step-grandchildren, father, mother, current stepfather and stepmother, brother, sister, brother-in-law, sister-in-law, son-in-law, daughter-in-law, half-brother, half-sister, current stepbrother, current stepsister, grandmother, grandfather, current step-grandfather, current step-grandmother, current mother-in-law, current father-in-law, current grandparents-in-law, and any other such person may be determined to constitute "immediate family".
 - e) **Regular hourly rate** shall mean that figure obtained by dividing the Fire Chief's annual base salary by 2080 hours.
 - f) **Township** shall mean Franklin Township, Franklin County, Ohio.
 - g) **Year of active service** shall mean 12 consecutive full calendar months during which the Fire Chief is in active service with the Township.
 - h) **Years of continuous active service** shall mean the number of consecutive 12 full calendar month periods during which the Fire Chief is in active service.
22. **Entire Understanding.** Unless otherwise changed or modified by the Board after the effective date of this Resolution, or unless otherwise specifically required by applicable law, this Resolution constitutes the entire compensation and benefits afforded to the Fire Chief if and while this individual continues to serve on a full-time basis as the Fire Chief of Franklin Township, and for these purposes, all prior Resolutions, understandings, directives, and practices establishing or relating to any such benefits or compensation are hereby superseded in their entirety.
23. **Amendment, Modification and/or Termination of Resolution.** The Township, through the Board, shall have the right and authority to amend or otherwise modify this Resolution, from time to time, provided that no amendment or modification shall deprive the Fire Chief of previously accrued and vested vacation and/or sick leave benefits standing to his credit. Furthermore, while it is expected of the Township to continue this Resolution in substantially its present form, no-obligation, contractually or otherwise, to do so is assured by the Township, and the Township expressly reserves the right to discontinue and/rescind this Resolution, in whole or in part, at any time.
24. **Interpretations, Determinations, and Decisions.** To the fullest extent of the law, all interpretations, determinations, and decisions that regard this Resolution and all matters relating thereto and contained herein shall be made by the Board, and such interpretations, determinations, and decisions on any such matter shall be final and binding on all persons.

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25. **Duration of Resolution.** Except as otherwise hereinbefore provided, this Resolution shall become effective on or as of January 18, 2022, and will continue in full force and effect, until otherwise amended, modified, and/or terminated by the Board; provided, however, that the Township, through the Board, has the right and authority to amend, modify and/or terminate the Resolution as set forth above.
26. **Acknowledgment and Acceptance of Employment.** The Fire Chief shall sign a statement, which is to be returned to the Board on or before January 18, 2022, stating, in effect, that the Fire Chief has read the foregoing Resolution and fully understands and agrees with its terms and accepts employment with the Township under the terms stated herein.

The Resolution shall take effect and be in force from and after the earliest time provided by law.

Adopted: January 18, 2022,

BOARD OF TOWNSHIP TRUSTEES
FRANKLIN TOWNSHIP
FRANKLIN COUNTY, OHIO

Attest: _____

Nick Dunn, Fiscal Officer

James Leezer, Township Trustee

John Fleshman, Township Trustee

Ralph Horn, Township Trustee

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Appendix A

JOB DESCRIPTION
FIRE CHIEF
FRANKLIN TOWNSHIP

The Fire Chief shall assist the executive and chief officer of the Franklin Township Fire Department and shall direct the development of goals and objectives for the Fire Department and establish and implement operational policies and procedures to assure attainment of goals in conjunction with appropriate staff. The Fire Chief shall control the assigning and transferring of all officers, fire lighters and employees of the Fire Department. He shall have the right to issue general, special, or verbal orders whenever he shall deem it necessary. In the absence of any officer from duty, the Fire Chief may designate an officer or other employee of the Fire Department to perform such duties temporarily.

In the absence or request of the Fire Chief, The Fire Chief shall represent the department at public meetings and serve as the primary departmental spokesperson. The Fire Chief shall actively participate in problem-solving regarding community affairs and investigate and respond to civilian complaints. In the absence or request of the Fire Chief, The Fire Chief shall analyze information received from subordinates and others and recommend improvements and implement appropriate corrective actions as necessary. The Fire Chief shall assess the need and establish priorities for capital improvement projects and major equipment purchases.

In the absence or request of the Fire Chief, The Fire Chief shall recommend action to the Board of Trustees and plan, prepare and submit departmental budget requests. The Fire Chief shall assist the Township Clerk in the preparation of Township budgets and monitor departmental activities to assure expenditures are within approved budgetary guidelines.

In the absence or request of the Fire Chief, The Fire Chief shall develop and empower staff of effective officers and ensure the provision of adequate training and guidance to allow departmental personal professional growth. The Fire Chief shall provide oversight of all departmental components including fire suppression, prevention, emergency medical services, training, and inspection, and ensure divisions are adequately staffed and provided with appropriate tools.

The Fire Chief shall maintain positive working relationships with other Township Departments and work closely with the Township Clerk. In the absence or request of the Fire Chief, The Fire Chief shall ensure maintenance of proper staffing levels and participate in the employment and promotional processes. In the absence or request of the Fire Chief, The Fire Chief shall recommend action and participate in contract negotiations. The Fire Chief shall prepare reports for the Board of Trustees and present reports at Trustee meetings recommending policy and appropriate departmental improvements for Trustees' consideration.

The Fire Chief shall provide direct supervision of the Departmental Captains and shall indirectly supervise all fire department employees.

The Fire Chief shall be responsible for the oversight and supervisor of the radio operations and all equipment used and personnel employed therein.

The Fire Chief shall upon all occasions see to it that the laws of the United States, the State of Ohio, and the Resolutions of the Franklin Township Board of Trustees applied to the Fire Department are faithfully observed and that all orders of the Board of Trustees are enforced.

In the absence or request of the Fire Chief, The Fire Chief shall be the custodian of all property of the Fire Department. He shall see to it that the companies are fully equipped and ready for service at all times in order

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that efficient and safe service can be rendered. The Fire Chief shall keep the Board of Trustees informed as to the requirements of the Department and all matters pertaining to the services as may add to the efficiency of the Department or the improvements of firefighting, fire prevention, and emergency medical service in all sections of the Township. He shall also make such suggestions and recommendations to the Board of Trustees as will tend to increase the efficiency of the Fire Department. The Fire Chief shall prepare such budget estimates and plans as directed and shall foster and promote community awareness of the Fire Department and its mission.

In the absence or request of the Fire Chief, The Fire Chief shall have the right to make inspections of all Department employees while on duty and may require full and complete reports from any members of the department concerning their conduct. The Fire Chief shall report to the Board of Trustees any employees of the Fire Department who, in his opinion, by reason of age, disease, accident or their incompetency, cannot properly perform the duties of the position to which said member is assigned.

At all fires and emergency situations, the Fire Chief shall have the ultimate control and command over all apparatus and Department employees. The Fire Chief shall give such orders and adopt such measures as he deems necessary for the extinguishment of fire, the protection of property and person, and the preservation of order. The Fire Chief shall cause to be arrested any person acting in a manner detrimental to protection of life and property. He shall immediately relieve from that tour of duty any employee of the Department who refuses to obey his orders.

Pursuant to Ohio Revised Code Section 3737.80 the Fire Chief shall be responsible for primary coordination of on-scene activities of all agencies of the State, United States government, and political subdivisions that are responding to an emergency situation relating to the prevention of an imminent release, mitigation of the effects of a release or the cleanup or disposal of a release of a hazardous material until the Fire Chief relinquishes the responsibility to a representative of a responding public agency and so notifies that representative.

Pursuant to Ohio Revised Code Section 3737.24 the Fire Chief or a subordinate detailed by the Fire Chief shall inquire into the cause of all fires occurring in the Township as soon as possible after they occur, and in each case keep a record of same in the Chief's office.

In the absence or request of the Fire Chief, The Fire Chief shall have the right and obligation to recommend to the Board of Trustees the suspension, reduction or removal of any of the officers or employees in the Fire Department and under his management and control for incompetence, gross neglect of duty, gross immorally, habitual drunkenness, failure to obey orders given to him by proper authority and for any other failure of good behavior and for violation of any rule or regulation of the Department. The Fire Chief shall have the authority to investigate any conduct which gives or may give rise to any such charges and to prepare and file with the Board any such charge (s).

The Fire Chief shall be responsible for the enforcement of discipline in the Fire Department and shall hold commanding officers strictly responsible for their commands. He shall have the right to reprimand members of the Fire Department, whether verbally or in writing in order to maintain discipline and order and to take such other corrective action as may be permitted or authorized under the collective bargaining agreement. The Fire Chief shall maintain a comprehensive system to appraise employee performance with mediation steps included and shall apply decision making and foster initiative in such a manner that results in high morale within the Department.

The Fire Chief shall attend local, state, and national firefighting emergency medical service conferences as authorized from time to time, by the Board of Trustees.

The Fire Chief shall be responsible for ensuring that all division personnel is properly certified and re-certified for all business relating to firefighting activities, emergencies, medical services, and hazardous material operations. The Fire Chief shall ensure that all training programs are up-to-date and appropriate to the needs of the members

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of the Department. The Fire Chief shall keep himself current and knowledgeable with respect to methods and procedures generally affecting the fire service and its operations.

The Fire Chiefs' full working time and effort shall be devoted to his employment as the Franklin Township Fire Chief. His regularly scheduled hours of work shall total forty (40) hours per week, but he shall also work such other or additional hours as many, from time to time be necessary to fulfill his duties as Franklin Township Fire Chief and as many, from time to time, be requested by the Board of Trustees.

The Fire Chief shall be exempt from the Fair Labor Standards Act (29 United States Code 201 ET sec.) under the Executive Employee Exemption as defined at 29 U.S.C. 213(a)(l) and 29 Code of Federal Regulations 541.1.

The Fire Chief shall have and maintain certification as a full-time firefighter under the laws of the State of Ohio. The Fire Chief shall also have and maintain a valid Ohio driver's license and shall maintain a driving record such that he is and remains insurable under Franklin Township's automobile liability insurance policies.

The Fire Chief shall report directly to the Franklin Township Board of Trustees.

Acknowledge and Acceptance of Employment

I Robert Arnold have read and fully understand resolution number 2022-022 and agree with its terms and accept employment as Fire Chief with Franklin Township, under the terms stated herein.

Robert Arnold
Name Printed

Signature

1/18/2022

Date

Adopted: January 18, 2022,

BOARD OF TOWNSHIP TRUSTEES
FRANKLIN TOWNSHIP
FRANKLIN COUNTY, OHIO

Attest: _____
Nick Dunn, Fiscal Officer

James Leezer, Township Trustee

John Fleshman, Township Trustee

Ralph Horn, Township Trustee