

CITY OF JOHNSTOWN, PENNSYLVANIA

ORDINANCE NO. 5223

BILL NO. 3 of 2017

Introduced in Council
January 11, 2017

By: City Manager

AN ORDINANCE

VACATING CENTAUR PLACE BETWEEN GARFIELD STREET AND M ST NEXT TO THE PROPERTY LOCATED AT 280 FAIRFIELD AVE IN JOHNSTOWN, PENNSYLVANIA, AS A PUBLIC THOROUGHFARE.

WHEREAS, the property owners abutting on 280 Fairfield Ave between Centaur Place and Garfield Ave in the 20th Ward of the City of Johnstown, have petitioned the City Council of the City of Johnstown to vacate Centaur Place, and;

WHEREAS, there are existing utilities within Centaur Place, and;

WHEREAS, the property owner would maintain right-of-ways for the access to said utilities, and;

WHEREAS, the vacation of Centaur Place between Garfield Street and M Street would not be adverse to the best interest of the public welfare of the City of Johnstown, Pennsylvania

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the City Council of the City of Johnstown, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1. That Centaur Place between Garfield Street and M Street be vacated in the 20th Ward of the City of Johnstown is hereby vacated as a public thoroughfare.

SECTION 2. That the City of Johnstown is not liable for any utility or sewer relocation costs or any reuse costs incurred by the property owner.

SECTION 3. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed insofar as they conflict herewith.

SECTION 4. This ordinance shall become effective upon final passage.

PASSED FINALLY IN COUNCIL:

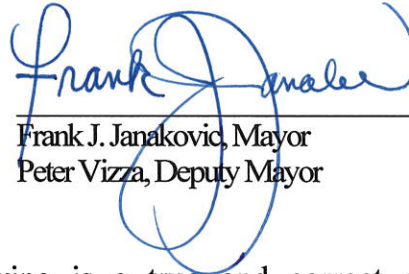
March 8, 2017

By the following vote:

Yeas: Mayor Janakovic, Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Vizza, Mr. Williams. (6)

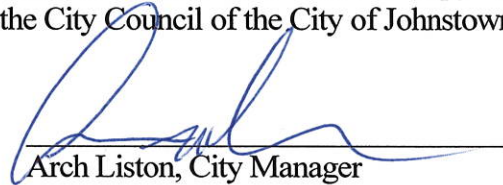
Nays: None (0)

Absent: Mr. Johncola (1)



Frank J. Janakovic, Mayor
Peter Vizza, Deputy Mayor

ATTEST: I do hereby certify that the following is a true and correct copy of Ordinance No. **5223** as the same was adopted by the City Council of the City of Johnstown, Pennsylvania.



Arch Liston, City Manager

**CITY OF JOHNSTOWN, PENNSYLVANIA
ORDINANCE NO.5224**

BILL NO. 6 of 2017

**Introduced in Council
February 8, 2017**

AN ORDINANCE AMENDING ORDINANCE 4654, TITLED: AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE CODE FOR THE CITY OF JOHNSTOWN, PENNSYLVANIA, DESIGNATING THE POWERS AND DUTIES OF THE COUNCIL, THE CITY MANAGER, AND OTHER MUNICIPAL OFFICIALS, PASSED FINALLY ON OCTOBER 27, 1993 AND AS AMENDED BY ORDINANCE NOS.4693, 4731, 4894, 4880, 4902, 4908, 4991, 5015, 5024, 5034, 5042, 5055, 5058, 5069, 5177, 5194, AND 5199, BY FURTHER AMENDING CERTAIN SECTIONS OF TITLE TEN – OFFICERS AND EMPLOYEES GENERALLY TO PROHIBIT PRACTICES OF PREJUDICE AND DISCRIMINATION AGAINST INDIVIDUALS BY REASON OF SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION.

WHEREAS, the City Council has deemed it desirable to make certain changes to its Non-Discrimination Policies in order to ensure equal opportunity and to foster economic growth and prosperity for the inhabitants of the City by prohibiting certain practices of discrimination on the basis of sexual orientation, gender identity or expression;

NOW, THEREFORE, Ordinance No. 4654, as amended, setting forth the Administrative Code of the City of Johnstown is hereby further amended as follows:

Section 1. Amendments to Administrative Code

Section 294.165(1)(b) Personnel System

- (b) The City is an equal opportunity employer. Positions in the City service shall be open to all applicants who meet the qualifications established for the position for which application is made. There shall be no discrimination in employment with the City on the basis of race, color, creed, religion, sex, sexual orientation, gender identity or expression, age, national origin, political affiliation or mental or physical handicap. The City shall select City employees from as broad a field of applicants as possible in order to assure that the City appoints the most qualified and competent applicants available.

Section 294.19 Discrimination Prohibited

No City Official or employee or member of any City board, commission or advisory group shall discriminate for or against anyone or any group on the basis of race, sex, sexual orientation, gender identity or expression, nationality, age, religion, political affiliation or a disability which does not directly interfere with performing the work reasonably required to be done in the individual's actual or prospective job category.

Section 2

This Ordinance shall become effective immediately upon final passage.

Section 3

Any/all ordinances, parts of ordinances, resolutions, and parts of resolutions not in accord with this Ordinance are hereby repealed insofar as and to the extent that they conflict with this Ordinance.

Section 4

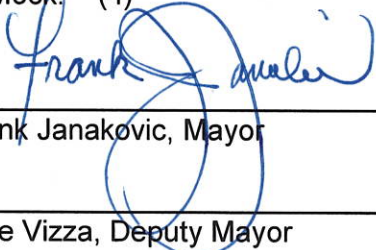
Any/all other provisions of Ordinance 4654, as amended, that are not referenced herein remain in full force and effect.

ORDAINED and ENACTED by the City Council of the City of Johnstown, County of Cambria, the Commonwealth of Pennsylvania on this 8th day of March, 2017.

PASSED FINALLY IN COUNCIL:
by the following vote:

March 8, 2017

Yeas: Mr. Vitovich, Mr. Vizza, Mayor Janakovic, Mrs. Mock. (4)
Nays: Mrs. Stanton, Mr. Williams. (2)
Absent: Mr. Johncola (1)

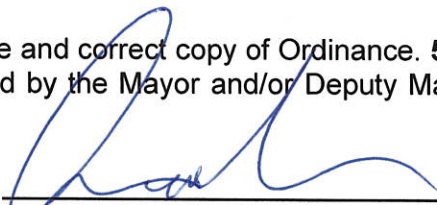


Frank Janakovic, Mayor

Pete Vizza, Deputy Mayor

ATTEST: Arch Liston, City Manager

I do hereby certify that the foregoing is a true and correct copy of Ordinance. **5224**, as the same was adopted by the City Council and signed by the Mayor and/or Deputy Mayor of the City of Johnstown, Pennsylvania.



Arch Liston, City Manager

**CITY OF JOHNSTOWN, PENNSYLVANIA
ORDINANCE NO. 5225**

BILL NO. 9 of 2017

**Introduced in Council
February 8, 2017**

AN ORDINANCE TITLED: AN ORDINANCE AMENDING ORDINANCE NO. 4719, PASSED FINALLY APRIL 12, 1995, AND AS AMENDED BY ORDINANCE 5062, PASSED FINALLY MARCH 24, 2010, TITLED: AN ORDINANCE ESTABLISHING A PERSONNEL POLICY FOR ALL CITY OF JOHNSTOWN EMPLOYEES, BY FURTHER ESTABLISHING PROCEDURES AND POLICIES FOR THE EMPLOYEES OF THE CITY OF JOHNSTOWN, BY FURTHER AMENDING CERTAIN SECTIONS TO PROVIDE UPDATED PROCEDURES AND POLICIES FOR THE EMPLOYEES OF THE CITY OF JOHNSTOWN.

WHEREAS, the City Council has deemed it necessary to make certain changes to the Personnel Policy in order to update and/or clarify certain matters of procedure and policies for the City's employees;

NOW, THEREFORE, Ordinance No. 4719, as amended, setting forth the Personnel Policy for all City of Johnstown employees is hereby further amended as follows:

Section 1. Amendments to the Personnel Policy Ordinance

ARTICLE I – GENERALLY

SECTION 1. PERSONNEL POLICY

- (b) The City is an equal opportunity employer. Positions in the City service shall be open to all applicants who meet the qualifications established for the position for which application is made. There shall be no discrimination in employment with the City on the basis of race, color, creed, religion, sex, sexual orientation, gender identity or expression, age, national origin, political affiliation or mental or physical handicap. The City shall select City employees from as broad a field of applicants as possible in order to assure that the City appoints the most qualified and competent applicants available.

SECTION 3. PERSONNEL APPOINTMENT

- (a) All employees of the city, excluding personnel authorized and assigned to the Office of the City Clerk, shall be appointed by the City Manager, unless a different method of appointment is provided by statute. (Personnel assigned to the Office of the City Clerk are subject to appointment and/or hiring by Council, and provisions contained in collective bargaining agreements, if applicable). All employees appointed by the City Manager shall be "at will" employees and shall

serve at the pleasure of the City Manager. unless otherwise protected by Civil Services rules, collective bargaining agreements, or state or federal law.

- ~~(b) All employees appointed by the City Manager shall be "at will" employees and shall serve at the pleasure of the City Manager and no written, verbal or implied agreements shall be authorized or executed.~~

SECTION 4. PERSONNEL: DISCIPLINE

GENERAL PROVISIONS:

- (a) This section shall apply to all permanent City employees and employees serving a probationary period of employment, unless a specific disciplinary and/or termination procedure is otherwise provided in a written employment contract, a collective bargaining agreement, or an arbitration award. In those instances where the provisions of this Section differ from provisions in a written employment contract, a collective bargaining agreement, or an arbitration award, the provisions of the written employment contract, collective bargaining agreement, or arbitration award shall control.
- (b) Further enumeration of the forms and degrees of disciplinary action, and a procedure for a system of progressive disciplinary action, as well as the development of related policies, procedures and regulations not specifically addressed in this section, shall be the responsibility of the City Council and the City Manager in accordance with the authority granted in Section 901 of the Home Rule Charter and Section 294.16 of the Administrative Code.

DUE CAUSE FOR DISCIPLINARY ACTION:

An adequate reason or "due cause" for a conduct which may result in disciplinary action up to and including dismissal includes, but is not limited to, the following:

- (1) neglect or violation of any official duty or assignment;
- (2) inefficiency, neglect, immorality, insubordination, willful disobedience of orders, conduct unbecoming to an employee or conduct reflecting discredit upon the City and its government;
- (3) chronic or excessive absenteeism or lateness;
- (4) excessive tardiness;
- (5) consumption or possession of intoxicating beverages, or illegal controlled substances on City property, in City owned vehicles, or while performing in the official capacity as a City employee;
- (6) unauthorized use, misuse, or abuse or destruction of City property or equipment;
- (7) falsifying statements to supervisors or the public;
- (8) failure to follow departmental procedure;

- (9) failure to perform job assignments and/or poor quality of work based on departmental standards;
- (10) engaging in acts of discrimination that affect equal employment opportunities, including sexual harassment;
- (11) other conduct violating City rules, regulations, policies, and/or other applicable law.

DISCIPLINARY ACTION:

- (1) The City generally utilizes a system of progressive discipline consisting of the following forms of disciplinary action:
 - (a) Verbal warning.
 - (b) Written warning.
 - (c) Suspension with or without pay.
 - (d) Termination.
- (2) The City at all times maintains the discretion to bypass the progressive discipline steps outlined above where warranted. Depending on the severity and frequency of the employee's conduct, the City may utilize disciplinary actions either individually or in any combination thereof, or other forms of disciplinary action, including but not limited to demotion and placement on probation.

TERMINATION

- ~~(a)~~(1) An employee may be terminated only by the City Manager or his or her designee, unless a specific termination procedure is otherwise provided in a written employment contract, collective bargaining agreement, or a statute.
- ~~(b)~~(2) The City Manager or his or her designee shall provide written notice of such termination to the employee specifying the date, time and reasons of such termination.
- ~~(c)~~(3) The City Manager may enter into written termination agreements with employees, provided that the form of such an agreement shall have been approved by the City Solicitor. A copy of such agreements shall be sent to the City Council within fourteen (14) days of full execution thereof.

SECTION 5. PERSONNEL RECORDS

The City Manager and/or his/her Designee shall maintain a personnel file for each employee containing materials, correspondence and records pertaining to the employee and his or her employment. Employees shall be allowed to review their personnel

records upon their reasonable request. A copy of any item placed in an employee's personnel record shall be provided to the employee.

SECTION 6. GENERAL SAFETY PROCEDURES

Specific safety rules for work and safety procedures for employees to follow shall be established by ~~department directors and approved by the City Manager~~ the Safety Committee.

SECTION 11. PAY AND CLASSIFICATION PLAN

POSITION CLASSIFICATION PLAN:

The City Manager and/or his/her Designee shall prepare a plan which shall classify each position of City employment according to its duties, authority, responsibilities and requirements. Positions requiring a similar type of work, skill or ability and similar levels of responsibility, even if the duties are not identical, shall be assigned to the same position classification. A position classification may contain one or more positions. Such classification plan shall be approved by the City Manager and City Council. A written position description shall be prepared and maintained for each position classification making up the Position Classification Plan.

The City Manager and/or his/her Designee shall be responsible for updating and maintaining the Position Classification Plan.

SECTION 14. EMPLOYEE HANDBOOKS:

The City Manager, **BASED ON ALL PROVISIONS AS CONTAINED IN THIS ORDINANCE** is authorized to develop, issue, maintain, and distribute an Employee Handbook or Manual which shall inform employees, or specific classes of employees, of City benefits and employment policies. Such handbook shall be for informational purposes only and shall not constitute a contract between the employee and the City. The City Manager may recommend and propose amendments to the employee handbooks for City Council approval.

SECTION 16. BENEFITS.

(1) Written employee benefit policies for non-bargaining unit employees, not specified in this ordinance, shall not become effective until approved by City Council on the following subjects, and shall be reviewed and authorized with the adoption of the City's annual operating budget.

- (a) **Paid Holidays:** Non-bargaining unit employees observe All Holidays as granted to employees of AFSCME, Local 630. No employee, not covered by collective bargaining agreements, shall be entitled to receive paid holidays not

~~sooner than (90) days after date of hire, excluding the City Manager as per employment agreement provisions. Regular full-time employees will be paid for holiday time off at their regular rate of pay, provided that they work both the last scheduled work day immediately before the holiday and the first scheduled work day immediately after the holiday, with the exception of pre-planned vacation days.~~

- (c) **Vacation Leave:** Effective upon passage of this ordinance, regular full-time employees shall accrue vacation leave as follows:

Delete:

~~(Maximum Vacation) (1) to (5) years service: (1) one week (5 days)
(5) Yrs (1) day to (10) years service: (2) two weeks (10 days)
(10) Yrs (1) day and above: (3) three weeks (15 days)~~

~~(New hires not covered by collective bargaining agreements, upon passage of this Ordinance shall be limited to the maximum of (3) three weeks or (15) days vacation beginning with the calendar year 2010)~~

Add:

1. For bargaining unit employees, vacation shall accrue per the terms and conditions of collective bargaining agreements, where applicable.
2. Eligible non-bargaining unit employees:
 - i. First year of service: Zero (0) vacation days.
 - ii. One (1) year through four (4) years of service: Ten (10) vacation days.
 - iii. Five (5) years through nine (9) years of service: Fifteen (15) vacation days.
 - iv. Ten (10) years through fourteen (14) years of service: Twenty (20) vacation days.
 - v. Fifteen (15) years of service and over: Twenty-Five (25) vacation days.

Years of service shall be defined to mean the anniversary year in which the individual shall have completed the specified number of continuous years of service.

- (d) **Sick Leave:** Regular full-time employees shall accrue sick leave as follows:

1. For bargaining unit employees, sick days shall accrue per the terms and conditions of collective bargaining agreements, where applicable.
2. Eligible non-bargaining unit employees:
 - i. One (1) day earned per month of working active employment for a maximum of twelve (12) days per calendar year and which may be accumulated., but with no provisions for payment of unused days,

~~for non-bargaining employee hired after January 1, 2010 upon termination and/or retirement.~~

3. Eligible employees shall be paid for up to fifty (50) accrued, unused sick days at their full rate of pay at the time of their retirement unless superseded in their contract or collective bargaining agreement. For the purposes of this section, retirement shall be defined as age sixty (60) with twenty (20) full years of service to the City of Johnstown.

(f) Health Care Benefits:

Regular full-time employees are eligible to enroll in the City of Johnstown's health insurance plan, subject to the terms and conditions of the carrier's plan. Such eligibility shall become effective the first day of the month following the employee's hire date.

Eligible employees are responsible for payment of any and all required monthly copayments pursuant to and as provided in the City of Johnstown's Fourth current Amended Recovery Plan, and any subsequent Amended Recovery Plan, under provisions of the Commonwealth of Pennsylvania's Municipalities' Financial Recovery Act (Act #47), which states:

Delete:

- ~~1. Establishment of an employee contribution toward the most affordable coverage option available to the employee at 15 percent of cost, with employees further paying the full incremental cost of any more expensive options. Alternative contribution structures (e.g., based on a percentage of salary rather than benefit cost) may be substituted with the approval of the Coordinator, so long as equivalent savings are achieved).~~
- ~~2. Increased office visit and prescription drug copayments, coinsurance, and other cost-sharing mechanisms with periodic upward adjustments for inflation and/or changing market conditions. Provisions of subsections (a) (i); (b) (ii) shall become effective January 1, 2010.
 - ~~i. Contributions will be paid thru bi-weekly payroll deductions from gross payroll amounts prior to calculating required Federal, State and Local withholding taxes.~~
 - ~~ii. All new hires' are provided health care coverage's for the individual employee including, life insurance, not sooner than (90) days after date of hire, and shall contribute (15%) of the total monthly premium.~~~~

- (g) Life Insurance:** As required by Collective Bargaining Agreements, with non-union personnel receiving the same coverage's as members of AFSCME, Local 630, after the (90th) date of employment. Regular full-time employees become eligible for life insurance through the City of Johnstown following the successful completion of six (6) months of service to the City, subject to the terms and

~~conditions of the life insurance carrier's plan. Coverage's ceases with the last day of employment, unless provided for in collective bargaining agreements.~~

(h) Other Insurance Benefits:

Delete:

~~All coverage's become effective not sooner than (90) days after date of hire. Dental, Eye Care coverage's ceases with the last day of employment, unless provided for in collective bargaining agreement.~~

Add:

All new regular full-time employees are eligible for dental and vision insurance effective the first day of the month following their hire date.

**SECTION 17.00. CITY MANAGER'S APPOINTMENT OF DEPARTMENT HEADS
EMPLOYMENT BENEFITS.**

B. Salaries:

Delete:

~~1. The City Manager shall have full discretion to hire/appoint Department Heads, including Chief's of Fire & Police at the salary range of 80% to 100% for the respective positions authorized in the annual Wage & Salary Ordinance for the following positions:~~

~~(a) Chief of Police, Chief of Fire, Director of Finance, Director of Public Works, Director of Community & Economic Development, and Director of Codes & Permits.~~

Add:

1. Salaries of hired/appointed Department Heads, including Chief's of Fire & Police, shall be consistent with salary schedules contained within the annual Wage and Salary Ordinance.

C. Benefits:

Delete:

~~1. Health insurance: Coverage for the employee with a 15% monthly copayment.
2. Family Coverage available with a 15% monthly co-payment.~~

~~This applies to all Hospitalization, Dental, Eye Care Insurances extended to members of the collective bargaining units.~~

Add:

1. Regular full-time employees are eligible to enroll in the City of Johnstown's health insurance plan, subject to the terms and conditions of the carrier's plan. Such eligibility shall become effective the first day of the month following the employee's hire date.
2. Eligible employees are responsible for payment of any and all required monthly copayments to and as provided in the City of Johnstown's current Amended Recovery Plan, and any subsequent Amended Recovery Plan.
3. All new regular full-time employees are eligible for dental and vision insurance effective the first day of the month following their hire date.

D. Vacation:

Delete:

- ~~1. (5) days upon the (1) year date of hire/appointment.~~
- ~~2. (10) days upon the (2nd) year date of hire/appointment.~~
- ~~3. (15) days upon the (3rd) year date of hire/appointment.~~

Add:

1. Regular full-time employees shall accrue vacation leave as follows:
 - a. For bargaining unit or contractual employees, vacation shall accrue per the terms and conditions of applicable collective bargaining agreements or contracts, where applicable.
 - b. Eligible non-bargaining unit employees:
 1. First year of service: Zero (0) vacation days.
 2. One (1) year through four (4) years of service: Ten (10) vacation days.
 3. Five (5) years through nine (9) years of service: Fifteen (15) vacation days.
 4. Ten (10) years through fourteen (14) years of service: Twenty (20) vacation days.
 5. Fifteen (15) years of service and over: Twenty-Five (25) vacation days.

Years of service shall be defined to mean the anniversary year in which the individual shall have completed the specified number of continuous years of service.

E. Sick Days Leave:

1. Upon appointment/hiring, the employee shall be credited with a bank of six (6) six sick days, and
2. Regular full-time employees shall earn one (1) day per month of active employment for a total of twelve (12) days per calendar year, which may be accumulated, but no provisions exist for payment of unused sick days upon termination of employment.

3. Eligible employees shall be paid for up to fifty (50) accrued, unused sick days at their full rate of pay at the time of their retirement unless superseded in their contract. For the purposes of this section, retirement shall be defined as age sixty (60) with twenty (20) full years of service to the City of Johnstown.

F. Paid Holidays:

The Regular full-time employees shall will be entitled to paid for holidays after (90) days of hiring/appointment. time off at their regular rate of pay, provided that they work both the last scheduled work day immediately before the holiday and the first scheduled work day immediately after the holiday, with the exception of pre-planned vacation days.

SECTION 17.01. CITY MANAGER'S APPOINTMENT OF NON-BARGAINING POSITIONS EMPLOYMENT BENEFITS.

B. Salaries:

1. The City Manager is authorized to fill all non-union positions in the annual Wage & Salary Ordinance created thru vacancies at 80% of the authorized salary with salaries consistent with salary schedules contained within the annual Wage & Salary Ordinance.

C. Benefits:

Delete:

- ~~1. Health insurance: Coverage for the employee with a 15% monthly copayment, after the (90th) days of hiring.~~
- ~~2. Family Coverage available with a 15% monthly co-payment, after (90th) days of hiring.
This applies to all Hospitalization, Dental, Eye Care Insurances extended to members of the collective bargaining units, after the (90th) days of hiring.~~

Add:

1. Regular full-time employees are eligible to enroll in the City of Johnstown's health insurance plan, subject to the terms and conditions of the carrier's plan. Such eligibility shall become effective the first day of the month following the employee's hire date.
2. Eligible employees are responsible for payment of any and all required monthly copayments to and as provided in the City of Johnstown's current Amended Recovery Plan, and any subsequent Amended Recovery Plan.

3. All new regular full-time employees are eligible for dental and vision insurance effective the first day of the month following their hire date.

D. Vacation:

Delete:

- ~~1. 5 days upon the (1) year date of hire/appointment.~~
- ~~2. 10 days upon the (2nd) year date of hire/appointment, and each year thereafter.~~
- ~~3. (15) days upon the (3rd) year date of hire/appointment.~~

Add:

1. Regular full-time employees shall accrue vacation leave as follows:
 - a. First year of service: Zero (0) vacation days.
 - b. One (1) year through four (4) years of service: Ten (10) vacation days.
 - c. Five (5) years through nine (9) years of service: Fifteen (15) vacation days.
 - d. Ten (10) years through fourteen (14) years of service: Twenty (20) vacation days.
 - e. Fifteen (15) years of service and over: Twenty-Five (25) vacation days.

Years of service shall be defined to mean the anniversary year in which the individual shall have completed the specified number of continuous years of service.

E. Sick Days Leave:

1. Upon appointment/hiring, the regular full-time employees shall earn one (1) day per month of active employment for a total of twelve (12) days per calendar year, which may be accumulated, but no provisions exist for payment of unused sick days upon termination of employment, after the (90th) days of hiring.
2. Eligible employees shall be paid for up to fifty (50) accrued, unused sick days at their full rate of pay at the time of their retirement unless superseded in their contract. For the purposes of this section, retirement shall be defined as age sixty (60) with twenty (20) full years of service to the City of Johnstown.

F. Paid Holidays:

The Regular full-time employees shall will be entitled to paid for holidays after (90) days of hiring/appointment. time off at their regular rate of pay, provided that they work both the last scheduled work day immediately before the holiday and the first scheduled work day immediately after the holiday, with the exception of pre-planned vacation days.

Section 2

This Ordinance shall become effective immediately upon final passage.

Section 4

Any/all other provisions of Ordinance 4719, as amended, that are not referenced herein remain in full force and effect.

ORDAINED and ENACTED by the City Council of the City of Johnstown, County of Cambria, the Commonwealth of Pennsylvania on this 8th day of March, 2017.

PASSED FINALLY IN COUNCIL:
by the following vote:

March 8, 2017

Yeas: Mr. Vitovich, Mr. Vizza, Mr. Williams, Mayor Janakovic, Mrs. Mock, Mrs. Stanton. (6)

Nays: None (0)

Absent: Mr. Johncola. (1)



Frank Janakovic, Mayor

Pete Vizza, Deputy Mayor

ATTEST: Arch Liston, City Manager

I do hereby certify that the foregoing is a true and correct copy of Ordinance. **5225**, as the same was adopted by the City Council and signed by the Mayor and/or Deputy Mayor of the City of Johnstown, Pennsylvania.



Arch Liston, City Manager