

CHAPTER 18 - PERSONNEL

DIVISION 1 - PERSONNEL REGULATIONS**SEC. 18.1-1 DEFINITIONS.**

- A. Appeal. A written Application for review of an alleged grievance submitted or instituted by an employee to a higher authority.
- B. Applicant. An individual who has completed and submitted an Application for an announced position of employment with the Town.
- C. Calendar Week. A time period beginning at 12:01 a.m. Sunday and continuing for seven (7) consecutive days.
- D. Compensation Pay. The standard rates of pay which have been established for the respective grades of work as set forth in the Salary Administration Program.
- E. Compensatory Time. Time off work to offset one and one-half (1 1/2) hours for each one (1) hour of overtime.
- F. Cost of Living. A percentage adjustment made in an employee's salary "to compensate for an increase (or decrease) in the price of common goods purchased." This percentage is determined by the U.S. Bureau of Labor Statistics.
- G. Demotion. Assignment of an employee from one class to another which has a lower maximum rate of pay.
- H. Department. The primary organization unit which is under charge of a Department Head.
- I. Dismissal. Separation from Town employment for cause or any other reason not prohibited by law.
- J. Eligible. A person who has successfully met required qualifications for a particular class.
- K. Employee. An individual who is legally employed by the Town and who is compensated through the Town payroll for his services. Individuals or groups compensated on a fee basis are not included.
- L. Immediate Family. An employee's spouse, son, daughter, mother, father, step-mother, step-father, brother, sister, grandmother or grandfather. (Amended 11/18/2013 by Ord. No. 5514)
- M. Job Description. A written description of an employment position consisting of a

job title, a general statement of the level of work expected of the position, an enumeration of the distinguishing features of the position, examples of the duties and responsibilities of the position, an indication of the desirable qualifications for the position and a designation of the appropriate grade into which the position falls in the Salary Administration Program.

- N. Job Grade. A level in the Salary Administration Program into which are grouped various employment positions by job description, which are deemed to be sufficiently alike to warrant the same pay range.
- O. Layoff. The involuntary, non-disciplinary separation of an employee from a position.
- P. Leave. Approved type of absence from work as provided by these rules and reported in hours to the nearest quarter (1/4) hour.
- Q. Maximum Salary. The maximum salary attainable in any one pay grade.
- R. Merit Pay Increase. An increase in compensation established in the Salary Administration Program which may be granted to an employee for meritorious service and completion of minimum prescribed periods of employment in grade. Merit pay increases are step increases in the Salary Administration Program.
- S. Minimum Salary. The minimum salary receivable in any one pay grade.
- T. Non-Regular Employee. An employee who is hired into a position that is of a short-term duration, seasonal in nature, or work hours are expected to be below 20 hours per work week. This employee is eligible for those benefits mandated by State or Federal law.
 - 1. Non-Regular Part-Time Employee. An employee hired on a part-time basis to work in a classified position for no more than 999 hours in a fiscal year.
 - 2. Non-Regular Temporary Employee. An employee hired for a specific purpose or program not to exceed 1300 hours in a fiscal year; or an employee who is hired for a definite stated period to fill-in for an employee on leave; or an employee hired to fill a vacant classified position until such position is filled by a regular employee.
- U. Overtime. Approved time actually worked in excess of the number of hours in a regularly scheduled work day. A regularly scheduled work day varies based on the position and the needs of the Town. Examples of a regularly scheduled work day include, but are not limited to the following: 7.5 hours, 8 hours, 10 hours. (Amended 12/19/11 by Ord. No. 5418)

- V. Overtime Pay. Compensation pay to an employee for overtime work performed in accordance with this Division, at a rate of one and one-half (1 1/2) the regular hourly rate.
- W. Pay Period. A bi-weekly period of time commencing on a Sunday and ending on the second Saturday thereafter.
- X. Pay Rate. A specific dollar amount expressed as either an annual rate, a monthly rate, a semi-monthly rate, a bi-weekly rate, or an hourly rate as shown in the Salary Administration Program.
- Y. Personnel Ordinance. An ordinance establishing general personnel policies and providing rules for vacation, sick pay and establishing holidays, all for the general administration of the Town's employees.
- Z. Position. Any office or employment, whether occupied or vacant, full-time or part-time, and consisting of duties and responsibilities assigned to one individual by competent authority.
- AA. Probationary Period. The working test or trial period of employment beginning with the date of an employee's first appointment to the classified service.
- BB. Promotion. Assignment of an employee from one class to another which has a higher maximum rate of pay.
- CC. Regular Employee. A person hired to work for the Town. Employees may be classified as follows:
 - 1. Regular Full-Time Employee. An employee hired to work 1950 hours in a fiscal year (37.5 hours per week) or 2080 hours in a fiscal year (40 hours per week).
 - 2. Regular Part-Time Employee. An employee hired to work at least 1,000 hours but less than 1950 hours in a fiscal year. Participation and benefit levels may be distinct or prorated from those of Full-Time Employees.
 - 3. Regular Temporary Employee. An employee hired for a definite stated period to work less than 1,000 hours in a fiscal year. Participation and benefit levels may be distinct or prorated from those of Full-Time Employees, or the employee may not be entitled to any benefits depending on the position.
- DD. Regular Hourly Rate. An hourly rate of pay used for purposes of calculating overtime compensation. Such regular hourly rate of pay is calculated as follows: Divide the pay rate by the number of hours which the pay rate is intended to compensate to determine a regular hourly rate of pay.

- EE. Regularly Scheduled Work Period. The number of regularly scheduled work hours that fall within a pay period.
- FF. Retirement. Separation from employment with the right to receive a pension benefit check at the time of separation from employment.
- GG. Salary Administration Program. The official or approved system of grouping positions by job description into appropriate grades and specifying the various steps therein.
- HH. Step. A level within a job grade or pay grade in the Salary Administration Program.
- II. Suspension. An enforced leave of absence for disciplinary purposes or pending investigation of charges made against an employee.
- JJ. Transfer. Assignment of an employee from one position to another position. Transfers can take place within a department, between departments, between positions of the same pay range, between positions of the same grade, or between positions of different grades.
- KK. Working Day. Scheduled number of hours an employee is required to work per day.

SEC. 18.1-2 GENERAL PROVISIONS.

- A. Purpose. IT IS THE PURPOSE OF THESE PROVISIONS TO ESTABLISH USUAL PROCEDURES WHICH WILL SERVE AS A GUIDE TO ADMINISTRATIVE ACTION CONCERNING THE VARIOUS PERSONNEL ACTIVITIES AND TRANSACTIONS. THEY ARE INTENDED TO INDICATE THE CUSTOMARY AND THE MOST REASONABLE METHODS WHEREBY THE AIMS OF THE PERSONNEL PROGRAM CAN BE CARRIED OUT. **THESE POLICIES ARE NOT TO BE CONSIDERED AS ESTABLISHING A CONTRACT OF EMPLOYMENT, NOR ARE THEY TO BE CONSIDERED AS ESTABLISHING PROPERTY RIGHTS. THE TOWN HAS THE AUTHORITY AND DISCRETION TO WAIVE APPLICATION OF THESE POLICIES IN ANY INSTANCE.**
- B. Positions Covered. Subject to the following exceptions and those specified elsewhere in this Code, this Chapter shall apply to all employees in the Town's Salary Administration Program, including unclassified personnel:
 - 1. Unclassified Personnel.
 - a. The City Manager shall be considered unclassified personnel and shall not receive the benefits of, be subject to, or be regulated by

the following provisions:

- (1) 18.1-3 Salary Administration Program, provided however, if salary adjustments for unclassified personnel are to be made, such adjustments shall be included by the City Manager in the annual Budget Document which is subject to review and approval by the Town Council;
- (2) 18.1-4(A) Overtime;
- (3) 18.1-11 Probation;
- (4) 18.1-26 Grievances;
- (5) 18.1-14 Separation and Disciplinary Action;
- (6) 18.1-15 Promotions, Demotions and Transfers.

Vacation benefits for the City Manager may be supplemented from those otherwise provided in SEC. 18.1-17 as approved by the Town Council.

- b. Bargaining Unit Employee. Employees in a bargaining unit determined or contractually recognized by the Town Council whose bargaining agent has negotiated, is negotiating or is authorized to negotiate a contract or other agreement with the Town concerning various aspects of the employer/employee relationship shall not receive the benefits of, be subject to, or be regulated by this Chapter, unless specifically provided in such labor agreement.

2. Other Personnel.

- a. Department Heads, Deputy City Manager, and Assistant City Manager. All Department Heads, Deputy City Manager, and the Assistant City Manager are considered classified personnel, but shall not receive the benefits of, be subject to or be regulated by the following provisions:

- (1) 18.1-4(A) Overtime;
- (2) 18.1-11 Probation.

C. Employee Conduct.

1. Employees are expected at all times to conduct themselves in accordance with law, Town ordinances, directives and in a positive manner to promote

the best interests of the Town, the efficient operation of their department, the performance of their job duties and the health and safety of themselves, fellow employees and the public.

2. Employees have the responsibility for managing their behavior on and off duty. An employee who exhibits conduct on or off duty which violates state or local laws must promptly notify his or her supervisor.

D. Administration. These provisions shall be administered by the City Manager.

SEC. 18.1-3 SALARY ADMINISTRATION PROGRAM. A job classification and salary administration program is adopted with the objective of providing a fair day's pay for a fair day's work, to attract and keep good employees and to reward employees for meritorious job performance. A job description is provided for every full-time position and a job grade will cover every full-time position in the Town except unclassified personnel.

- A. The Salary Administration Program shall be adopted annually by the Town Council as part of the annual budget. The Salary Administration Program includes a salary range specifying the minimum salary and the maximum salary attainable for each job grade. The Salary Administration Program also includes a six (6) month, twelve (12) month, and twenty-four (24) month adjusted salary for grades 30 through 47 inclusive. The Salary Administration Program also contains additional steps in each grade.
 1. Progression to the six (6), twelve (12), and twenty-four (24) month adjusted salary levels is automatic, for employees starting at step one.
 2. Progression to all other steps is dependent solely on merit.
 3. Regular part time employees shall progress through the Salary Administration Program in the same manner described above for regular full-time employees.
- B. The City Manager has the responsibility and authority to place employees in steps for job grades with the Salary Administration Program and distribute salary increases subject to the following restrictions:
 1. No increase may be granted to an employee at or above the maximum of job grade.
 2. Except for movement to steps two, three, and four, all step increases are to be totally dependent upon merit.

The City Manager shall report to the Council his recommendations for changes in job grades, classification of new jobs, changes in salary ranges, and the general review of the program.

- C. Part-time and Seasonal/Temporary personnel shall receive an hourly wage based on the wage schedule for such employee as determined by the City Manager.
- D. Cost of Living Adjustments. If approved by the Town Council, Cost of Living Adjustments shall be as provided below:
 - 1. On October 1 of each year, the salary level then specified for each step in the salary administration program will be adjusted up or down by the net percentage change in the cost of living computed for the six month period of time commencing January 1 and ending June 30 of that calendar year; and
 - 2. On April 1 of each year, the salary level then specified for each step in the salary administration shall be adjusted up or down by the net percentage change in the cost-of-living computed for the six month period of time commencing July 1 and ending December 31 of the preceding calendar year;
 - 3. The cost-of-living increase or increases shall not be applied to the extent that any single net percentage change in the cost-of-living exceeds, or the sum of any consecutive October and April net percentage changes in the cost-of-living exceed 5%;
 - 4. No employee shall be compensated less than the minimum salary for that employee's particular job grade and step as adjusted in this paragraph.

SEC. 18.1-4 NON-REGULAR WORK TIME.

- A. Overtime. Upon approval of the Department Head, employees shall receive overtime pay or compensatory time for overtime work performed in accordance with this Division. No employee shall work overtime absent department head authorization. This Subsection A does not apply to employees excluded pursuant to Subsection E of this Section.
- B. Compensatory Time. Upon approval of the Department Head, employees may receive compensatory time in lieu of overtime pay in accordance with this Subsection:
 - 1. The taking of compensatory time shall be scheduled and authorized by the appropriate department head.
 - 2. Employees may accrue not more than eighty (80) hours of compensatory time, except the City Manager may authorize, in writing, the accumulation

of up to one hundred twenty (120) hours of compensatory time for the following activities:

- a. public safety,
 - b. emergency response,
 - c. seasonal.
3. Compensatory time shall not be accumulated and carried forward from one fiscal year to the next without the written authorization of the City Manager.
 4. Overtime pay may be paid to an employee for accrued compensatory time. Such overtime pay shall be calculated based on the regular hourly rate earned by the employee at the time the employee receives such payment.
- C. Call-Back. A regular employee called back to work after having completed a working day shall receive credit for two (2) hours of work or the time actually worked, whichever is greater. (Amended 12/19/11 by Ord. No. 5418)
- D. Working Out of Rank.
1. Full time employees in Grade 39 and below except FLSA exempt employees and Assistant Supervisors, who work out of rank to a higher classified job for at least one (1) complete duty day but less than thirty (30) complete duty days shall receive in addition to such employee's regular rate of pay one (1) hour of overtime for each complete duty day.
 2. All full-time employees who work out of rank to a higher classified job for thirty (30) or more complete consecutive days shall receive compensation equivalent to the first step in the higher classified job pay grade which results in an actual increase in pay.
- E. Exempt Employees. Certain job classifications are exempt from overtime compensation pursuant to the Fair Labor Standards Act (FLSA). Any person employed in any FLSA exempt job classification shall not receive monetary compensation or compensatory time for overtime. FLSA exempt positions shall be noted on the job description for such position.

SEC. 18.1-5 EQUAL OPPORTUNITY & NEPOTISM.

- A. Equal Opportunity. The Town of Normal is an equal opportunity employer and will comply with all applicable federal, state, and Town laws prohibiting illegal discrimination in employment.
- B. Nepotism. No person shall be hired as a regular employee in a department of the Town in which there is a regular employee who has a degree of affinity

(marriage) or consanguinity (blood) to the Applicant as close as or closer than that possessed by first cousins, except as required by law and except where the regular employee enters into a nepotism agreement obligating the regular employee to retire or resign from employment effective upon the new hire successfully completing probation.

SEC. 18.1-6 RECRUITMENT AND EMPLOYMENT. It will be the responsibility of each Department Head to notify the City Manager of any vacancies. The City Manager or designee will have the responsibility for filling vacancies and employing personnel to fill newly created positions.

SEC. 18.1-7 UNIFORM PROVISIONS. The City Manager shall have authority to provide uniforms or cash allowances for uniforms.

SEC. 18.1-8 CONFERENCE ATTENDANCE. Expenses will be provided by the Town for conference attendance in accordance with policy developed by the City Manager.

SEC. 18.1-9 QUALIFIED EDUCATIONAL ASSISTANCE PROGRAM. Subject to available funding and in accordance with a written policy developed by the City Manager meeting the requirements of Section 127 of the Internal Revenue Code, the Town will provide educational assistance to full-time regular employees. The educational assistance program and policy developed by the City Manager shall include the following:

- A. The Program must be a separate written plan set forth in a separate document or documents providing only educational assistance meeting the definitions set forth in Rules and Regulations implementing Section 127 of the Internal Revenue Code.
- B. Educational assistance shall mean the payment of expenses incurred by or on behalf of an employee for education or the employer's provision of education to an employee, all as further restricted and defined pursuant to policy of the City Manager.
- C. Educational assistance does not include payment for or provision of any of the items set forth in Section 1.127-2 C.3 of the Internal Revenue Service Code of Regulations.
- D. Education includes any form of instruction or training that improves or develops the capabilities of an individual and is not limited to courses that are job-related or part of a degree program.
- E. The educational assistance program and policy shall prohibit discrimination in accordance with Rules and Regulations of the Internal Revenue Service interpreting Section 127 of the Internal Revenue Code.
- F. The educational assistance program and policy may contain requirements for

successful completion of a course, obtaining of a particular course grade or satisfying reasonable conditions subsequent to receiving the benefits such as remaining employed for a period of time after completing the course and other reasonable restrictions and conditions as allowed by law.

- G. That the City Manager shall generally give reasonable notice of the terms and availability of the educational assistance program to eligible employees.
(SEC. 18.1-9 Amended 11/18/2013 by Ord. No. 5514)

SEC. 18.1-10 RESIDENCE REQUIREMENTS. Full-time employees of the Town shall reside within the corporate limits of the Town of Normal, the City of Bloomington, the County of McLean, or within a twenty (20) mile radius of the intersection of Main and College Avenue.

The City Manager, the Deputy City Manager, the Assistant City Manager, the Police Chief, the Fire Chief, the Director of Public Works, the Corporation Counsel, the Director of Water, the Parks and Recreation Director, and Finance Director, shall reside within the corporate limits of the Town of Normal. The City Manager in writing for good cause may grant exemptions from the foregoing residency requirements.

SEC. 18.1-11 PROBATIONARY PERIOD.

- A. Duration. The probationary period shall be six months for all newly hired regular employees. Employees promoted, transferred or demoted will serve a three (3) month probationary period. The City Manager may extend the probationary period, not to exceed one year, in order to provide an opportunity for adequate evaluation of the employee.
- B. The probationary period is intended to provide an opportunity for department heads and other supervisory personnel to monitor, evaluate and assess the skills, abilities and attitudes of employees. This period affords an opportunity to evaluate the capability of the probationary employee. It is recognized that probationary employees may be removed from employment with the Town during the probationary period for any reason whether or not such reason would constitute sufficient grounds for removing full-time, non-probationary employees. Such removal should not be deemed evidence of inefficiency, incompetency, or unfitness, morally or otherwise, for other gainful employment. A department head may, with the consent of the City Manager, reprimand, suspend or remove any probationary employee within his or her department for any reason, including but not limited to those specified in SEC. 18.1-14, as reasons justifying dismissal or suspension of non-probationary employees. No probationary employee is entitled to the hearing or appeal procedures afforded regular, non-probationary employees by SEC. 18.1-14.
- C. Transferred or promoted employees who are unable to perform satisfactorily on their jobs during or at the end of their probationary period may, at the discretion

of the Town, be returned to their original jobs, if a vacancy exists.

SEC. 18.1-12 PART-TIME AND TEMPORARY EMPLOYEES. The City Manager may employ part-time and temporary employees. Part-time and temporary employees shall be entitled only to the benefits indicated on Chart A contained in this Chapter. Part-time and temporary employees entitled to accrue leave benefits shall accrue such benefits proportionate to the time actually worked in a Town recognized regularly scheduled work period or proportionate to time actually worked in a fiscal year by a similarly classified full-time employee, as determined by the City Manager. Part-time and temporary employees shall be paid straight time pay and not overtime pay for all hours worked less than a regularly scheduled work week.

CHART A
PART TIME EMPLOYEE BENEFIT ELIGIBILITY

Part-Time Employees are eligible to participate in the following benefits in accordance with Town Policy:

<u>BENEFIT</u>	<u>REG</u> <u>P-T</u>	<u>REG</u> <u>TEMP</u>	<u>NON-REG</u> <u>P-T</u>	<u>NON-REG</u> <u>TEMP</u>
*IMRF(1)	YES	YES	NO	NO
HEALTH PLAN	YES	YES	NO	NO
DENTAL PLAN	YES	YES	NO	NO
VISION PLAN	YES	YES	NO	NO
SEC. 125 PLAN	YES	YES	NO	NO
VOL. 457k PLAN	YES	NO	NO	NO
HOLIDAYS	YES	YES	NO	NO
VACATION	YES	YES	NO	NO
SICK LEAVE	YES	YES	NO	NO
PERSONAL CONVENIENCE	YES	NO	NO	NO
UNIFORM PROVISIONS	YES	YES	YES	YES
EDUCATIONAL ASSISTANCE	YES	NO	NO	NO
EAP	YES	YES	YES	NO
FITNESS ROOM	YES	YES	NO	NO
JURY DUTY	YES	NO	NO	NO
BEREAVEMENT LV.	YES	NO	NO	NO
LEGAL CONSULTATIONS	YES	YES	NO	NO
WELLNESS REIMBURSEMENT	YES	NO	NO	NO

(Chart A Amended 11/18/2013 by Ord. No. 5514)

*These benefits may be required under applicable Federal and/or State statutes.

(1) All IMRF members may participate in Vol. IMRF Life Insurance Program.

YES means eligible to participate in the benefit in accordance with applicable policy.

SEC. 18.1-13 OUTSIDE EMPLOYMENT. Any employee working for the Town of Normal that is also receiving remuneration for some other employment or service is subject to the following restrictions. All outside employment must be approved by the City Manager prior to an employee accepting such employment or service. Appropriate records will be filed in each employee's personnel file, listing where employed, hours to be worked, and all other pertinent information.

- A. The outside employment must not interfere with an employee's effectiveness in employment for the Town of Normal.
- B. Outside employment must not leave the employee tired or subject to injury on the job.
- C. Outside employment shall not be a conflict of interest with his Town employment, nor shall it interfere with response to emergency calls.
- D. No adverse public relations shall result to the Town because of an employee's outside employment.
- E. Any other factor deemed pertinent by the City Manager.

SEC. 18.1-14 SEPARATION AND DISCIPLINARY ACTION.

- A. Separation of employees from positions in the Salary Administration Program shall be designated as one of the following types and shall be accomplished in the manner indicated:
 - 1. Resignation. An employee may resign by submitting in writing the effective date to his Department Head as far in advance as possible, but a minimum of two weeks notice is desired. Failure to comply with this requirement may be cause for denying future employment with the Town. Employees who are absent from work for three (3) consecutive days without proper notice will be considered as having voluntarily resigned.
 - 2. Layoff. The Department Head with the approval of the City Manager may lay an employee off in the classified service when he deems it necessary provided, no regular employee shall be laid off when another person in a classified position is employed on a provisional or seasonal basis in the same position. Layoffs longer than one (1) year shall be deemed termination from employment with no appeal rights.
 - 3. Disability. An employee may be separated for disability when the employee is unable, with reasonable accommodation, to perform the essential functions of the job because of a physical or mental impairment. Action may be initiated by the employee, or the Town, but in all cases, it must be supported by medical evidence acceptable to the City Manager.

The Town may require an examination at its expense and performed by a physician of its choice. Employees shall cooperate fully in such determination. (Amended 11/18/2013 by Ord. No. 5514)

4. Death. Separation shall be effective as of the date of death. All compensation due shall be paid to the estate of the employee, except for such sums as by law must be paid to the surviving spouse.
 5. Retirement. Whenever an employee meets the conditions set forth in SEC. 18.1-22 and the retirement plan regulations, the employee may elect to retire and receive all benefits earned under the retirement plan.
 6. Dismissal. Separation from Town employment for cause or for any reason not prohibited by law.
- B. Disciplinary Action. Whenever employee performance, attitude, work habits or personal conduct at any time falls below a desirable level, such employee's supervisor(s) may initiate appropriate disciplinary action.
1. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary action seeking suspension or dismissal.
 2. In some instances, a specific incident may justify severe disciplinary action, or dismissal; however, the action depends on the seriousness of the incident and the whole pattern of the employee's past performance and conduct.
 3. Employees exempt from the payment of overtime pursuant to the Fair Labor Standards Act shall not be suspended for less than one (1) work week except for a major safety violation. Suspension of one (1) work week or more or dismissal from employment shall be as otherwise provided in this Code.
 4. The Town may use traditional forms of disciplinary action including but not limited to verbal counseling or coaching, written reprimands, suspensions with or without pay, or dismissal. At the department head or supervisor's option, employees may be allowed employee assistance counseling in lieu of disciplinary action. In order to participate in employee assistance counseling in lieu of serious disciplinary action, the employee must: (1) waive confidentiality related to attendance and progress in completing any treatment plan recommended by the employee assistance counselor and/or other professional; (b) attend all scheduled meetings and complete follow-up recommendations and treatment plans. Information received from the employee assistance counselor or other professional shall be considered confidential and shared only on a need to

know basis in order to assure compliance with the terms and conditions of referral. Failure to comply with the terms and conditions of the employee assistance counseling or continued performance and behavior problems will result in further disciplinary action.

C. Dismissal or Suspension – Regular – Non-Probationary Employees.

1. Grounds. The employee's supervising officer(s) may dismiss or suspend any employee for the good of the service. Reasons for dismissal or suspension may include but shall not be limited to:
 - a. Failure to meet prescribed standards of work, morality and ethics to an extent that makes an employee unsuitable for continued employment in the position in which the individual is employed;
 - b. Theft or destruction of Town property;
 - c. Incompetency, inefficiency or negligence in the performance of duty;
 - d. Insubordination that constitutes a serious breach of discipline;
 - e. Conviction of a felony;
 - f. Unbecoming personal conduct;
 - g. Unauthorized absences, or abuse of leave privileges;
 - h. Acceptance of any valuable consideration which was given with the exception of influencing the employee in the performance of his duties;
 - i. Falsification of records or use of official position for personal advantage;
 - j. Inability to get along with fellow employees so that work quality or quantity is affected;
 - k. Failure to follow the order of one's supervisor or Department Head;
 - l. Failure to report on-the-job injuries;
 - m. Possessing or using alcohol or controlled substances on the job or arriving on the job under the influence of alcohol or controlled substances, or sale of controlled substances in the work place.

2. Hearing and Appeal Notice. The employee shall be furnished an advance written notice containing the nature of the disciplinary suspension or dismissal by the Disciplining Officer, the reasons for the discipline, duty and pay status, and his right to answer the disciplinary action to the City Manager or designee in writing by 5:00 p.m. on the close of the third normal business day following receipt of advance notice. This Notice shall be furnished at least one calendar week prior to the proposed effective date of the disciplinary action. A copy of the advance notice shall be provided to the City Manager. After receiving notice but prior to the proposed effective date of dismissal or suspension, the employee may be retained in one of the following employment statuses:

- a. On duty with pay;
- b. Suspended with pay;
- c. Suspended without pay;

at the discretion of the disciplining officer. If the employee fails to respond to the advance notice of the disciplinary action, it shall be effective on the date specified with no need for additional action. If the employee answers the charges in writing, the Manager or designee shall afford the employee an administrative hearing and at the close thereof, affirm, modify, increase, reduce or reverse the proposed dismissal or suspension. Such hearings shall be commenced within seven (7) days from the receipt of an appeal and shall be diligently pursued to disposition. Continuances may be granted at the discretion of the Manager or designee but only upon the execution of a salary claim waiver by the employee initiating and pursuing the appeal.

3. Maximum Duration of Suspensions. No employee shall be suspended for a period of time in excess of thirty (30) days for one occurrence, provided however, this limitation shall not apply to or include the period of time between the furnishing of the notice of charges and the effective date of the suspension or disposition of an appeal if one is held.

SEC. 18.1-15 PROMOTIONS, DEMOTIONS AND TRANSFERS. All promotions, transfers and demotions will occur in conjunction with the Salary Administration Program's merit system.

- A. All recommendations for promotions and transfers will be based on merit and shall be approved by the City Manager. When an employee is promoted, his salary may be adjusted by the City Manager after consultation with the employee and the Department Heads involved.
- B. All recommendations for demotions based on lack of individual merit or the phasing out of former positions, will be approved by the City Manager. Where a regular employee accepts a voluntary demotion to a lower pay grade, his pay shall

be set as determined by the City Manager. Where a regular employee takes an involuntary demotion to a lower pay grade, he shall be placed in any appropriate step rate in the lower range that is less than the existing salary. (Amended 11/18/2013 by Ord. No. 5514)

SEC. 18.1-16 HOLIDAYS. The following are considered actual holidays by the Town of Normal:

The first day of January, commonly known as New Year's Day; Memorial Day, the date of celebration of which will be designated by the City Manager prior to the start of the calendar year; the 4th of July; the first Monday in September, commonly known as Labor Day; Thanksgiving Day; the day after Thanksgiving; one-half regular work day for Christmas Eve, but only when Christmas falls on a Wednesday or Thursday; Christmas Day; one floating holiday, the date of which will be designated by the City Manager prior to the start of the calendar year in which the floating holiday is to be celebrated; and Martin Luther King Day, commonly designated as the third Monday in January.

If an actual holiday occurs on Saturday, the preceding Friday will be observed as the holiday. If an actual holiday occurs on Sunday, the following Monday will be observed as the holiday. All other holidays will be observed on the actual day.

For the purpose of computing overtime in a calendar week in which a holiday occurs, an employee shall receive credit for the number of hours which the employee normally would have worked on the observed holiday.

The pay rate for every full-time employee includes compensation for nine (9) holidays. In addition to this compensation, certain employees who work on holidays or who observe holidays on days which they would otherwise not work are entitled to the following benefits:

- A. Employees whose weekend is defined as two (2) days other than a Saturday and Sunday, shall, when an observed holiday falls on a day in this employee's weekend, be given additional time off equivalent to the observed holiday, (this additional time off is considered an excused absence, but it is not considered an observed holiday), as scheduled by the Department Head, or in lieu thereof, monetary compensation equivalent to that paid for eight (8) hours of work at the employee's regular rate of pay for a full day holiday or four (4) hours of work for a half-day holiday.
- B. Employees who are required to work as part of their regularly scheduled work period on an observed holiday, shall be compensated at their regular rate of pay plus time and one-half compensation that may be taken as additional time off (this additional time off shall be considered an excused absence, but is not considered an observed holiday), as scheduled by the Department Head, or in lieu thereof, monetary compensation for the time actually worked on the observed holiday.

SEC. 18.1-17 VACATIONS.

- A. The vacation year shall be from April 1 to March 31. Employees shall accrue vacation benefits from date of hire based on the applicable accrual rate herein provided, except that employees on original probation with the Town will generally not be able to begin using their accrued vacation leave until successful completion of their probationary period. Department Heads may consider and approve a vacation leave request from an employee who is on original probation.
1. Employees working 40 hours per week shall accrue vacation time according to the following schedule:
 - a. Less than six (6) completed years of employment, 6.67 hours per month;
 - b. Six (6) but less than fourteen (14) completed years of employment, 10.0 hours per month;
 - c. Fourteen (14) or more completed years of employment, 13.33 hours per month.
 2. Employees working 37 ½ hours per week shall accrue vacation time according to the following schedule:
 - a. Less than six (6) completed years of employment, 6.25 hours per month;
 - b. Six (6) but less than fourteen (14) completed years of employment, 9.375 hours per month;
 - c. Fourteen (14) or more completed years of employment, 12.5 hours per month.
 3. Part-time and Temporary Employees shall earn a pro-rated share of vacation leave dependent on their work schedule as approved by the City Manager.
- B. Maximum Accrual. Absent approval from the City Manager, no employee shall accumulate as of April 1, more than his or her annual accrual of vacation time plus up to one additional week of vacation leave.
- C. Disposition of Accrued Unused Vacation. The City Manager may by directive provide for the disposition of accrued vacation time accumulated over the maximum accumulation set forth above. Such disposition may include one or more of the following:

1. Loss of all or portion of such time.
 2. Continued accumulation for a specified period of time.
 3. Payment in cash of all or a portion of such time.
- D. Requests. Employees are required to submit their choice for their vacation period at least five (5) working days prior to the date requested to their Department Head or Supervisor. Employees may only request vacation if the leave time is available in their leave bank. The Department Head may, but is not required, to accept vacation requests less than five (5) days prior to the date requested.
- E. Scheduling. Vacation periods shall be set by the Department Heads with due regard to length of service with the Town and preference to the employees and consistent with the requirements of efficient operation of the Town of Normal. The Department Head may deny a requested vacation leave. Should working conditions warrant, the Department Head shall have the right to cancel an employee's vacation and request him to submit a new date for his vacation, provided the employee is notified of the decision at least one (1) week in advance of the beginning of the previously approved vacation period. Request for vacation period changes by employees shall not be considered by Department Heads unless the employee desiring such a change has submitted his request for such a change to his supervisor at least one (1) week in advance of the beginning of his previously approved vacation time.
- F. 1. Separation and Reinstatement. Employees who separate employment are entitled to be compensated for all vacation time accrued as of the last day actually worked. Compensation for any vacation accrued by an employee who dies while still employed by the Town shall be paid to the spouse or the estate of said employee.
2. Any employee who is reinstated following separation of employment may be allowed full or partial prior service credit with the Town to include vacation, sick leave and retirement benefits in accordance with I.M.R.F. Rules and Regulations, as determined by the City Manager.

SEC. 18.1-18 JURY DUTY. Employees are permitted to perform jury duty or otherwise appear at required court appearances with the approval of the employee's Department Head. In the case of jury duty, the Town will compensate an employee performing jury duty, provided all fees received from the Court system are turned over to the Town. For the purpose of computing overtime in a regularly scheduled work period in which an employee performs jury duty, the employee will be considered to have worked the actual number of jury duty hours served or the number of hours the employee was regularly scheduled to work for the Town, whichever is less. As used herein "fees" does not include reimbursement for travel expenses incurred by the employee.

SEC. 18.1-19 SICK LEAVE. An employee shall accrue sick leave at the rate of one (1) day for each month of service cumulative to a maximum of one hundred twenty (120) working

days. An employee taking three (3) or more days of sick leave, shall be required to furnish a Town approved physician's statement to his Department Head and complete FMLA paperwork.

- A. Eligibility. All regular employees who have been employed for over thirty (30) days shall be eligible for earned sick leave.
 - B. Use. Sick leave may be used by eligible employees for paid leave in the following circumstances:
 - 1. Bona fide personal employee illness, injury or medical appointments. Where possible, however, medical appointments should be scheduled before or after an employee's work shift or on a non-work day.
 - 2. Bona fide personal illness, injury, or medical appointments of an eligible employee's spouse, child, or parent provided all of the following conditions are met:
 - a. The employee's presence with the spouse, child or parent is required; and
 - b. Prior approval is obtained.

The foregoing age restriction shall not apply for children who, due to a permanent disability, are incapable of caring for themselves. Medical appointments should be scheduled before or after an employee's workshift or on a non-work day.

 - 3. Use of sick leave for personal use or immediate family members does not release any employee from their obligation in maintaining a satisfactory attendance record. The abuse of sick leave, including evidence of patterns of use around an employee's weekend, as well as the excessive use of sick leave on a frequent and recurring basis shall constitute just cause for disciplinary action.
- C. No employee shall be entitled to the benefit for more than one hundred twenty (120) working days in a fiscal year.
- D. Employees on payroll, receiving either a paycheck or Worker's Compensation benefits, will accrue sick leave.
- E. Reinstatement. Employees hired before January 1, 2014, who have accrued one hundred twenty (120) days of sick leave and who, due to illness, injury or disability, take a minimum of ten (10) days up to a maximum of one hundred and twenty (120) days of accumulated sick leave in a single occurrence and are able to furnish a physician's statement attesting to the employee's illness, injury, or disability and subsequent recovery, qualify to be reinstated the actual number of sick leave days taken. Reinstatement will occur if the returning employee works

any twelve (12) consecutive months subsequent to having taken the above described sick leave with no more than five (5) sick days during that twelve (12) month period.

- F. The Town may require an employee to submit documentation attesting to the necessity of the employee to be absent from work on account of illness or injury. Medical documentation shall be submitted in a form and manner acceptable to the Town.
- G. Employees not covered under the Illinois Municipal Retirement Fund, or a collective bargaining agreement, with at least 20 years of service with the Town shall be granted cash in exchange for the amount of that employee's accumulated and unused sick leave calculated at the time the employee enters into a retirement agreement with the Town and at the exchange rate below:

For Police Employees

<u>Accumulated Sick Leave</u>	<u>Cash Exchange Rate</u>
960 hours to 840 hours	50% of hours in Cash
839 hours to 720 hours	30% of hours in Cash
719 hours to 550 hours	20% of hours in Cash
549 hours or less	0% of hours in Cash

Only For FireFighters Subject to Career

<u>Buyback Accumulated Sick Leave</u>	<u>Cash Exchange Rate</u>
1440 hours to 1260 hours	40% of hours in Cash
1259 hours to 1080 hours	30% of hours in Cash
1079 hours to 846 hours	20% of hours in Cash
863 hours or less	0% of hours in Cash

Any employee electing to exchange sick leave to cash shall enter into a retirement agreement with the Town. Such retirement agreement shall include the following:

1. Effective date of agreement.
2. Number of hours converted to cash per this Section.
3. Number of other leave hours accumulated at the time of the agreement such as vacation, compensatory time, personal convenience leave.
4. The date the employee with retire.
5. The employee's status between the date of the agreement and the employee's retirement date. An employee shall use all accumulated leave hours between the effective date of the agreement and the employee's date of retirement.
6. Election of any retirement benefits.
7. Other provisions as agreed.

In the event that State law allows police officers or firefighters to receive service credit towards retirement for unused accumulated sick leave, this Section shall be inapplicable for such police officers or firefighters and of no effect beginning the date such law goes into effect.

- H. Beginning June 1, 2007, employees who have accumulated a maximum of 120 working days of unused sick leave may continue to accrue sick leave at the rate of 1 day for each month of service cumulative to a maximum of 240 working days provided; however, such additional accrued sick leave shall not be available for use as sick leave, but shall be tracked and recorded solely for the purpose of converting said sick leave to creditable service under the Illinois Municipal Retirement Fund at the time said employee retires from active employment with the Town of Normal.

(Sec. 18.1-19 Amended 11/18/2013 by Ord. No. 5514)

SEC. 18.1-20 COORDINATION OF ON-THE-JOB INJURY AND SICK LEAVE.

- A. Any employee who is receiving compensation under the provisions of the Workmen's Compensation Act of the State of Illinois, will be eligible to take sick days during this period and will be eligible to receive that portion of his regular salary which will, together with Workmen's Compensation income, equal his regular total salary.
- B. The use of sick leave in this fashion is at the employee's option.
- C. While Workmen's Compensation is being received and the option of using the sick days exercised, each day off is not considered one full sick day. Sick leave usage will be computed by the employee's present daily salary minus the amount of Workmen's Compensation payment received. This difference is then divided by the employee's hourly rate with that hourly amount subtracted from the employee's accumulated sick leave.

SEC. 18.1-21 INSURANCE PROGRAM. The Town shall provide group insurance programs to Town employees and retirees with the level of benefits and the premium contributions to be determined annually by the Town Council.

SEC. 18.1-22 RETIREMENT.

- A. Employees are not required to retire at any designated age, except as may be determined by state or federal law. Employees and the Town may determine the retirement age of each employee based on their willingness, need, and ability to continue performing their job duties competently.
- B. IMRF Benefit Protection Leave. Employees covered under the Illinois Municipal Retirement Fund are eligible to take Benefit Protection Leave upon proper Application to the Illinois Municipal Retirement Fund and meeting all of the

qualifications for said leave imposed by the Illinois Municipal Retirement Fund and subject to the following conditions:

1. The maximum amount of Benefit Protection Leave granted over an employee's IMRF career shall not exceed twelve (12) months.
2. The City Manager is authorized to certify an Application for Benefit Protection Leave only if that employee meets all of the terms and conditions established by the Illinois Municipal Retirement Fund from time to time for Benefit Protection Leave qualification.

(Subsection B Added 12/17/2012 by Ord. No. 5474)

SEC. 18.1-23 PHYSICAL EXAMINATIONS.

- A. New Hires. A physical examination may be required for regular employees hired by the Town of Normal. Such physical examination shall be at the Town's expense. A copy of the physician's report shall be provided to the Town.
- B. Required Periodic Examinations. A physical examination may be required at any time to determine the ability of an employee to continue or return to work. The expense of such physical examination shall be borne by the Town. A copy of the physician's report shall be provided to the Town.

SEC. 18.1-24 LEAVE PROVISIONS.

- A. In accordance with City Manager directive, a maximum of three (3) days leave of absence for all regular employees may be given for death of an immediate family member or;
- B. The City Manager may grant a regular employee leave without pay for a period not to exceed one year when it is in the interest of the Town to do so. An employee's request shall be considered when they have shown by their record to be of more than average value to the Town and where it is desirable to retain the employee even at some sacrifice. During the employee's approved leave, their position may be filled by a temporary appointment, promotion or reassignment. At the expiration of the leave without pay, the employee has the right to, and shall be reinstated to, the position previously held, if the position still exists; or if not, to any other vacant position in the same class at their previous salary level adjusted up or down by the cost of living adjustment.

Approved leave without pay shall not constitute a break in service. Employees on approved leave shall not accrue or be entitled to any benefits including sick leave, vacation, P.C. days. Insurance coverage may continue at the Town's option, at the employee's expense.

- C. Employees shall be granted leave in accordance with federal or state mandated leave requirements, pursuant to policy as determined by the City Manager.

SEC. 18.1-25 PERSONAL USE OF TOWN PROPERTY. The use of Town property for personal purposes is prohibited, except the City Manager may, for the good of the service, issue rules permitting the personal use of Town property.

SEC. 18.1-26 GRIEVANCES. Any inquiry, complaint, dissatisfaction or grievance of any sort that directly affects an employee must be discussed with the employee's Department Head or Supervisor within one (1) calendar week of the event or occurrence directly affecting the employee. If the employee cannot settle the grievance to his/her satisfaction, the employee may request in writing through his Department Head that the decision be reviewed by the City Manager. The decision of the City Manager will be final.

SEC. 18.1-27 PECUNIARY INTEREST. Except as hereafter provided, an employee of the Town shall have no financial interest in the profits of any contract, service or work performed for the Town of Normal. The City Manager has authority to waive any and all the foregoing prohibitions in regard to the employment of a golf course manager at Ironwood Golf Course. Except as prohibited by state law, a Town employee may contract with the Town provided the following conditions are met: 1) prior approval is obtained from the City Manager; 2) the contract shall not exceed \$500.00; and 3) the employee shall not enter into more than three such contracts each fiscal year.

SEC. 18.1-28 POLITICAL ACTIVITY. Except as otherwise allowed by law, employees may not engage in political activity on Town property, while at work, or use Town resources for political causes.

SEC. 18.1-29 PERSONAL CONVENIENCE DAY. Any eligible employee may use a maximum of three (3) working days per fiscal year (April 1 through March 31) at a full salary for personal reasons. Such leave shall not be accumulated nor shall the employee be paid in lieu of days not taken.

- A. An employee may use such leave for any reason. Such leave shall be taken for a minimum of one hour or more of the normal scheduled work day.
- B. A request for such leave shall be submitted in advance on a form provided by the Department Head. Such form shall be submitted three (3) days in advance of the leave for personal business, except in emergency situations or other conditions allowed by the Department Head.
- C. Eligibility. Regular full-time employees employed as of April first shall be granted three (3) days of personal convenience leave on April first of each year. Newly hired regular full-time employees shall upon commencement of employment be granted personal convenience leave hours based on the following formula: number of days left in fiscal year divided by 365 times 24 or 22.5 hours.

- D. Regular full-time employees shall be granted a fourth (4th) Personal Convenience Day annually beginning April 1st of the fiscal year following completion of the employee's 20th year of employment.
- E. Regular full-time employees shall be granted a fifth (5th) Personal Convenience Day annual beginning April 1st of the fiscal year following completion of the employee's 25th year of employment.

SEC. 18.1-30 USE OF PERSONAL PROPERTY FOR TOWN BUSINESS. The City Manager may authorize the use of property owned by municipal employees for town business and may establish reimbursement rates for the use of such personal property.

SEC. 18.1-31 GIFT BAN. Notwithstanding the prohibitions contained in the State Officials and Employee Ethics Act (5 ILCS 430/1-1 et seq.) and the prohibitions contained in Division 4 of Chapter 25 of this Code, no Town officer or employee shall accept or solicit any gift from a prohibited source if such gift exceeds 25 dollars in value unless such gift qualifies as a listed exception in 5 ILCS 430/10-15.

An officer or employee does not violate this provision if the officer or employee promptly takes reasonable action to return the prohibited gift to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt for income taxation under Section 501(C)(3) of the Internal Revenue Code of 1986 as now or hereafter amended, renumbered or succeeded.

(Entire Chapter Amended 10/21/91 by Ord. No. 4007)(Comprehensive Amendment Dated 11/21/11 by Ord. No. 5405)

DIVISION 2 – PSEBA ADMINISTRATIVE ORDINANCE

SEC. 18.2-1 TITLE. This Division 18.2 may be cited as the Normal PSEBA Administrative Ordinance.

SEC. 18.2-2 PURPOSE. The purpose of this Division 18.2 is to provide an impartial and efficient method of determining the eligibility of an Applicant for PSEBA benefits through an administrative process. The award of all PSEBA benefits will be consistent with the Act.

SEC. 18.2-3 DEFINITIONS. As used in this Division 18.2:

Act. The Public Safety Employee Benefits Act (820 ILCS 320/).

Applicant. Any person who files a written notice under Section 18.2-4 to receive PSEBA benefit from the Town.

PSEBA benefit. A benefit set forth under Section 10 of the Act.

SEC. 18.2-4 APPLICATION.

- A. Any person seeking to receive PSEBA benefits from the Town must file a written Application with the Town Clerk. The Application under this Section must be made on the form provided by the Town.
- B. The Application must contain, at least, all of the following information:
1. the date, time and place of the injury;
 2. the nature of the injury;
 3. a description, in sufficient detail, of the factual circumstances surrounding the incident giving rise to the claim for benefits;
 4. witnesses to the incident;
 5. witnesses that the Applicant intends to call at the administrative hearing;
 6. information and supporting pension documentation filed with the pension board and any pension board determination or ruling; and
 7. a description of any health insurance benefits that are payable from any other source.
- C. In addition to the requirements under subsection B, the Application must be accompanied by both of the following releases authorizing the collection of

information related to the incident, including without limitation, the disability pension proceedings, workers' compensation records, and medication records:

1. a medical release specifying the name and address for all pertinent health care providers and hospitals; and
2. a general information release authorizing the collection of information pertinent to the incident review process.

Each release must be signed by the public-safety employee or his or her authorized representative along with legal proof of that representation and the name and address of a witness.

- D. The Application must be sworn and notarized to certify the truthfulness of the content of the information.
- E. Upon the Town's receipt of a completed Application under this Section, the City Manager must schedule an administrative hearing to determine the Applicant's eligibility for PSEBA benefits.

SEC. 18.2-5 APPOINTMENT OF HEARING OFFICER. The President is authorized to appoint a hearing officer for each administrative hearing under this Division 18.2. A hearing officer must be an attorney who has been licensed to practice law in Illinois for at least 3 years. In making the appointment, the President must consider a candidate's ability to perform the requirements of a hearing officer and his or her knowledge and experience in administrative practice, the rules of evidence, civil procedure, and laws concerning the Act and other benefits for public-safety employees.

SEC. 18.2-6 DUTIES AND AUTHORITY OF HEARING OFFICER. A Hearing Officer under this Division 18.2 has all of the following powers and duties:

1. to preside over administrative hearings under this Division 18.2;
2. to administer oaths;
3. to hear testimony and accept evidence relevant to the issue of eligibility for PSEBA benefits;
4. to issue subpoenas to secure attendance of witnesses and the production of relevant papers or documents upon the request of the parties or their representatives;
5. to rule on objections in the admissibility of evidence and on other matters arising in the course of the hearing procedure;

6. to preserve and authenticate the record based on the evidence presented at the hearing, the determination of which must be in writing and must include a written finding of fact, decision, and order.

SEC. 18.2-7 ADMINISTRATIVE HEARING.

- A. The Administrative Hearings under this Division 18.2 shall be held on the date, time, and place as established by the City Manager, or his or her designee, with appropriate notice served upon the Applicant.
- B. All hearings shall be attended by a certified court reporter, who shall make a transcript of all proceedings.
- C. The Town and the Applicant are entitled to representation by Counsel at the Hearing and may present witnesses, may present testimony and documents, may cross-examine opposing witnesses, and may request the issuance of subpoenas to compel the appearance of relevant witnesses or the production of relevant documents.
- D. The rules of evidence, as set forth in the Illinois Code of Evidence, apply.
- E. The Applicant has the obligation and burden of proof to establish that he or she is entitled to receive the PSEBA benefits.
- F. The Hearing Officer's determination of whether an Applicant is eligible for PSEBA benefits constitutes a final administrative determination for the purpose of judicial review under the common law writ of *certiorari*.

(Entire Division 18.2 Added 11/17/2014 by Ord. No. 5566)