

**CITY OF CARBONDALE, ILLINOIS**

**NON-BARGAINING UNIT EMPLOYEES**

**PERSONNEL RULES AND REGULATIONS**

## **FOREWORD**

This volume contains the Personnel Rules and Regulations for all City of Carbondale Non-Bargaining Unit Employees.

The basis of these Rules and Regulations were the Revised Non-Union Personnel Rules and Regulations adopted by Ordinance #75-83 on November 3, 1975 and as amended by Ordinance #78-107, Ordinance #79-66, Ordinance #80-84, Ordinance #80-110, Ordinance #82-21, Ordinance #84-50, Ordinance #84-91, Ordinance #87-24, Ordinance #90-51 and Ordinance #90-77, Ordinance #92-80, Ordinance #93-18, Ordinance #93-45, Ordinance #94-11, Ordinance #97-154, Ordinance #99-41, Ordinance #2000-01, Ordinance #2000-33, Ordinance #2001-64 and Ordinance #2002-58,

These Non-Union Personnel Rules and Regulations revise and replace the previous Rules and Regulations compiled as of December 28, 2001 to clarify eligibility for holiday pay in Section 12-7. Eligibility for Holiday Pay and to permit the use of Funeral Leave for members of an employee's household in Section 13-8. Funeral Leave.

Jeff Doherty  
City Manager  
July 24, 2002

Ordinance #2011-71, reflects changes in Payment Option at IMRF Retirement, Grievance Procedures, Disciplinary Action, Vacations, Funeral Leave and Holidays Granted to Employees- Birthday. These changes amended the Non-Union Personnel Rules and Regulations as of December 20, 2011.

Allen Gill  
City Manager  
December 20, 2011

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**GENERAL PROVISIONS**

**Sec. 1-1. Purpose.**

In accordance with the ordinance creating and establishing a personnel system, it is the purpose of these Rules to establish normal 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 most reasonable method whereby the aims of the personnel program, as defined by the personnel ordinance, can be carried out. These rules may be changed or amended by the City at any time and do not constitute a contract with City employees.

**Sec. 1-2. Positions Covered.**

These Rules and Regulations shall cover all City employees not represented by a bargaining unit. These Rules and Regulations do not apply to employees who are represented by a recognized bargaining unit. Particular rules and regulations may not apply to certain employees and those are so noted.

**Sec. 1-3. Administration.**

These Rules shall be administered by the Human Resources Manager under the direction of the City Manager and in conformity with the ordinance establishing a personnel system.

**Sec. 1-4. Definition of a Supervisor.**

A supervisor is an employee whose principal work is substantially different from that of his/her subordinates and has authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, direct, reward, or discipline employees, or to adjust their grievances, or to effectively recommend such action, if the exercise of such authority is not of a merely routine or clerical nature, but requires the consistent use of independent judgment.

**Sec. 1-5. Part Time Employment with an Employer Other than the City.**

It is not the intent of the City to forbid anyone from being employed part time with an employer other than the City; however, any City employee must consider the City as his/her first and prime employer and any part-time or other employment must be secondary.

Employment with another employer other than the City must not in any manner interfere with City positions.

All employees shall secure the permission of the Human Resources Manager and the City Manager before accepting part-time employment with an employer other than the City. The Human Resources Manager and the City Manager shall determine whether or not the proposed part-time employment interferes with the employee's City position and whether it represents a conflict of interest or not.

No employee may use his/her City position for personal gain, or use City records and information for or in connection with anything other than City employment.

**Sec. 1-6. Affirmative Action.**

It is the policy of the Government of the City of Carbondale to provide equal opportunity in City employment for all qualified persons, to prohibit discrimination in employment because of race, color, religion, sex, age, disability, marital status, familial status, sexual orientation, national origin or ancestry, political opinion or affiliation, or unfavorable discharge from military service. The City will take Affirmative Action to ensure all employment practices of hiring, upgrading, demotion, transfer recruitment or recruitment advertising, selection layoff, disciplinary action, rates of pay or other forms of compensation and selection for training are free of discrimination. The City promotes the full realization of equal opportunity through a positive continuing Affirmative Action Program for all City departments, agencies, divisions and all vendors, contractors and subcontractors doing business with the City.

**CLASSIFICATION PLAN****Sec. 2-1. Purpose.**

The classification plan provides a complete inventory of all positions in the City service and accurate descriptions and specifications for each position. The plan standardizes titles, each of which is indicative of a definite range of duties and responsibilities and has the same meaning throughout the City.

**Sec. 2-2. Composition.**

The Classification Plan shall consist of:

- A. A grouping of positions, by title, which are approximately equal in difficulty and responsibility, which call for the same general qualifications, and which can be equitably compensated within the same range of pay under similar working conditions.
- B. Position titles, descriptive of the work.
- C. Written specifications for each position.

**Sec. 2-3. Use of Position Titles.**

Position titles are to be used in all personnel, accounting, budget, appropriation and financial records. No person will be appointed to or employed in a City position under a title not included in the classification plan.

**Sec. 2-4. Use of Classification Plan.**

The Classification Plan is to be used:

- A. As a guide in recruiting and examining candidates for employment.
- B. In determining lines of promotion and in developing employee training programs.
- C. In determining salary to be paid for various types of work.
- D. In determining personal service items in departmental budgets.
- E. In providing uniform job terminology understandable by all City officers and employees and by the general public.

**Sec. 2-5. Administration of the Plan.**

The Human Resources Manager, under the direction of the City Manager, is charged with the maintenance of the classification plan. It is his/her duty to examine the nature of new positions as they are created and to include them in the classification plan in accordance with Section 2-6 of these Rules and Regulations; to make such changes in the classification plan as are made necessary by changes in the duties and responsibilities of existing positions; and periodically to review the entire classification plan and recommend appropriate changes in allocations or in the classification plan.

**Sec. 2-6. Allocation of Positions.**

Whenever a new position is established, or duties of an old position change, department or division heads shall submit in writing a comprehensive job description describing in detail the duties of such a position. The Human Resources Manager shall thereupon investigate the actual or suggested duties and recommend the position's appropriate placement in the classification plan to the City Manager.

**Sec. 2-7. Request for Reclassification.**

Any employee who considers his/her position improperly classified shall be entitled to submit the question to the grievance procedure as provided for in Chapter 11 of these Rules and Regulations.

**Sec. 2-8. Status of Employees upon Reclassification.**

The status of an employee upon reclassification shall be determined in accordance with the applicable sections of Chapters 7, 8, and 9 of these Rules and Regulations.

**PAY PLAN****Sec. 3-1. Composition.**

The pay plan includes the basic salary schedule as adopted by the City Council and subsequent amendments thereto, and the schedule of salary ranges consisting of minimum and maximum rates of pay and intermediate steps, if any, for all positions included in the classification plan.

**Sec. 3-2. Maintenance.**

The pay plan is intended to provide fair compensation for all positions in the classification plan with regard to range of pay for other positions, general rates of pay for similar employment in private establishments and other public jurisdictions in the area, the financial condition of the City, and other factors. To this end, the Human Resources Manager will from time to time make comparative studies of all the factors affecting the level of salary ranges as appear to be pertinent. Such recommendations will become effective as approved by the City Council.

**Sec. 3-3. Administration - Salary Rates.**

- A. **STARTING RATE IN A NEW POSITION:** Original appointment or the appointment of a current employee to a new and different position shall normally be made at the entrance rate for that position. Upon recommendations of the department or division head, the City Manager may approve compensation at a rate higher than the minimum rate in the pay range for the position when the needs of the service so require, provided that any such exception is based on the outstanding and unusual character of the employee's experience and ability over and above the qualification requirements specified for the position, or that a critical shortage of applicants exists. In the latter case, any incumbents in the City and holding the same position title and receiving a lower rate shall have their rates increased to the rate established for entrance of new employees.
- B. **STARTING DATE ON RETURN FROM MILITARY SERVICE:** Any employee who leaves or has left the City service to enter the active service of the Armed Forces of the United States, and who subsequently is reinstated to a position previously held by him/her, shall be entitled to receive the rate of compensation to which he/she would have been entitled had his/her service to the City not been interrupted by service in the Armed Forces, provided that he/she returns to City service within sixty (60) days of release from the Armed Forces.
- C. **STARTING RATE ON DEMOTION:** When an employee is demoted to a position for which he/she is qualified, he/she shall receive the rate in the lower pay range which provides the smallest possible decrease in pay if the action was not for cause, or, if the action was for cause, any lower point in the range deemed appropriate by the department head involved and approved by the City Manager.

**Sec. 3-4. Movement Through a Pay Range**

Employees in Ranges 1, 2, 3, 4, 5, 6, 7, 8, and 9 shall be eligible to move through the salary range on the basis of merit increases up to 2% annually if salary is below midpoint and 1% when salary is above midpoint until the top of the range is reached. Midpoint is based on April 30 pay rate and merit is added to the April 30 pay rate. Merit increases must be recommended by the department or division head and approved by the Human Resources Manager and the City Manager.

In those cases where an employee in Ranges 1, 2, 3, 4, 5, 6, 7, 8, or 9 is clearly outstanding, a promotion may be made after six (6) months. This type of promotion must be recommended by the department or division head and approved by the Human Resources Manager and City Manager.

**Sec. 3-5. Special Merit Salary Advancements.**

Department or division heads may recommend to the City Manager that special merit increases in pay be granted to individual employees at intervals more often than the normal annual increments. Such special merit increases shall be based upon exceptional performance of duties far exceeding the normal standards for the particular position or classification, or based upon exceptional service to the City beyond the normal scope of duties expected of the position. Recommendations for such increases shall be submitted, with justification, to the Human Resources Manager for approval. Where special merit increases are granted, they shall have no effect on the dates for normal increases to which the employee would be entitled through satisfactory performance of duties. Special merit increases shall only be granted when the funds for the increases are listed in the employee's departmental budget.

The City Manager may establish a bonus compensation program for one time lump sum payments to employees for performance based upon predetermined goals. The pay for performance plan will not add the one time bonus payments to the employee's base pay rate.

**Sec. 3-6. Requirements for Continuity of Service.**

Service requirements shall have the implication of continuous service which means employment in the City service without break or interruption. All leaves of absence with pay and leaves without pay of two (2) normal work weeks or less shall not interrupt continuous service nor be deducted therefrom. Absences on leave without pay in excess of two (2) normal work weeks, except for extended service with the Armed Forces of the United States, shall be deducted in computing total service but shall not serve to interrupt continuous service. All absences without leave in excess of three (3) consecutive work days shall be deducted from total continuous service and shall interrupt continuity of service.

**Sec. 3-7. Compensation for Supervisors.**

All supervisors shall be paid at a base rate higher than their subordinates. Overtime pay and holiday pay shall not be considered in the rate of pay consideration. For purposes of this section, the base pay rates of supervisors and subordinates shall be established using the annual salary and a 40-hour work week.

**Sec. 3-8. Overtime.**

- A. Overtime shall be paid as provided for in this Section to all employees except those employed in an executive, administrative or professional capacity. For purposes of this Section only, the terms "executive", "administrative" and "professional" shall be defined and interpreted the same as those terms are currently defined and interpreted under the Fair Labor Standards Act.
- B. The Human Resources Manager shall prepare and keep up-to-date a chart which lists the positions that must be paid overtime and those positions exempt from overtime because they are administrative, executive or professional in nature.
- C. Overtime shall be paid at the rate of time and one-half for all hours exceeding eight (8) hours a day or exceeding forty (40) hours in a work week, except for full-time firefighters and full-time police officers who shall be eligible for overtime only to the extent that the hours worked exceed the normal work day or normal work week.
- D. All overtime shall be approved by both the department or division head and the City Manager or designee before being paid.
- E. A minimum of two (2) hours overtime will be paid for all call-back duty for employees who are overtime eligible. If the work the employee is called back to perform is completed in less than two (2) hours, he/she shall not be required to do other work to complete two (2) actual hours of work. However, if an employee is recalled to duty for overtime less than two (2) hours before the start of his/her regular working shift, the employee will receive overtime pay for the work performed only from the time the employee is recalled to duty and to the start of the employee's regular working shift.

**Sec. 3-9. Total Remuneration.**

The salary rate established for a position shall represent the total remuneration for the employee, not including reimbursement for official travel and overtime. Except as otherwise provided in these Rules, no employee shall receive pay from the City in addition to the salary authorized under the schedules provided in the pay plan for services rendered by him/her either in the discharge of his/her ordinary duties or any additional duties which may be imposed upon him/her or which he/she may undertake or volunteer to perform. No reward, gift, or other form of remuneration is made available to any employee; it shall be credited to a designated employee's fund. Awards, however, may be given to employees under a City-sponsored employee suggestion system, and by the City for services rendered.

**Sec. 3-10. Skill Rate.**

To hire or maintain individuals with special skills or qualifications, the Human Resources Manager can -- with approval of the City Manager -- recommend an initial starting rate at a level within the grade authorized, commensurate with skills and pay scale of other agencies.

**Sec. 3-11. Pay for Part Time Work.**

Whenever an employee works for a period of less than the regular established number of hours per week, the amount of pay shall be proportioned to the time actually employed.

**Sec. 3-12. Payment of Salary from Two or More Departments or Divisions.**

The payment of a separate salary from two or more departments or divisions for duties performed in each is permissible if the total salary received is not in excess of the maximum rate of pay assigned to the position that the employee holds.

**RECRUITMENT AND EMPLOYMENT****Sec. 4-1. Standard Procedure for Filling Vacant City Positions.**

Vacant City positions should be filled in accordance with the following procedure:

- A. The Human Resources Office shall prepare a job announcement and send it to all departments and divisions for posting on their departmental bulletin boards. The job announcement shall contain a notice to all City employees indicating that they have three (3) days to apply for the position. This will allow any City employee eligible for the position the first opportunity to apply. The vacancy may be filled by an eligible City employee if that employee meets all the requirements of the position. The rules governing examinations (Chapter 5), promotions (Chapter 7), and transfers (Sec. 8-2) shall apply. The requirements of this paragraph shall not apply to any position that is filled from an eligibility list prepared by the Board of Police and Fire Commissioners in accordance with Title 1, Chapter 14 of The Revised Code of the City of Carbondale, Illinois.
- B. The Human Resources Manager may advertise the vacancy in the local newspaper and inform local governmental services and departments and divisions of its existence.
- C. Examinations shall be given in accordance with Chapter 5 of these Rules and Regulations.
- D. The Human Resources Manager shall review the applications and where possible select at least three (3) applicants to be interviewed by representatives of the Human Resources Office and the appropriate department or division. These interviews will be scheduled by and held in the Human Resources Office. These shall be the only circumstances under which department and division heads or their representatives may contact prospective employees. Under no circumstances will department and division heads or their representative be allowed to interview prospective employees without a representative of the Human Resources Office being present. After the interviews, one of the candidates shall be recommended to the City Manager for employment with the City.
- E. In accordance with Section 1-3A-4 of The Revised Code of the City of Carbondale, Illinois, the authority to appoint all employees of the City shall rest with the City Manager.

**Sec. 4-2. Eligibility - Residency.**

A. Definitions: For purposes of this Section, the following definitions shall apply:

**CORPORATE LIMITS:** The original Town of Carbondale and those areas that have been annexed into the City of Carbondale as of May 1, 1986, and those areas which are to be annexed into the City of Carbondale in the future as of the effective date of the annexation ordinance.

**EXECUTIVE PERSONNEL:** All City employees occupying positions classified in pay ranges 8 or 9, the City Manager, and the City Clerk.

**RESIDENCY BOUNDARY:** Only the following listed land sections shall be deemed to be within the residency boundary:

**JACKSON COUNTY, ILLINOIS**

Township 8 South, Range 1 West (DeSoto Township) - All sections (1 through 36);

Township 8 South, Range 2 West (Somerset Township) - Sections 11, 12, 13, 14, 15, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36;

Township 9 South, Range 1 West (Carbondale Township) - All sections (1 through 36);

Township 9 South, Range 2 West (Murphysboro Township) - All sections (1 through 36);

Township 10 South, Range 1 West (Makanda Township) - All sections (1 through 36);

Township 10 South, Range 2 West (Pomona Township) - Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, 24, 25, 26, 27 and 36;

**WILLIAMSON COUNTY, ILLINOIS**

Township 8 South, Range 1 East (Blairsville Township) - Sections 19, 20, 21, 28, 29, 30, 31, 32, 33 and 34;

Township 9 South, Range 1 East (Carterville Township) - Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35;

Township 10 South, Range 1 East (Grassy Township) - Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 29 and 30.  
(Ord. 86-32; Ord. 99-15)

B. Residency Requirements For Executive Personnel:

1. Persons employed on and after May 1, 1986, in executive personnel grades and all employees subsequently promoted to executive personnel grades, shall be required to establish their residence within the corporate limits within six (6) months of the date of employment and remain residents within the corporate limits as a condition of employment

**Sec. 4-2. Eligibility - Residency.**

The city manager shall have the authority to grant one extension of a maximum of six (6) months for compliance with this requirement. For purposes of this section, the date of employment shall be the first date the employee actually performs services for which he/she is entitled to compensation at the rate paid for the executive personnel position for which he/she has been hired or to which he/she has been promoted. The period a person is appointed to an executive position on an acting basis will not be applied towards the six (6) month residency compliance period. (Ord. 2005-51)

2. Employees hired prior to May 1, 1986, who are classified as executive personnel on May 1, 1986, and who reside outside the corporate limits are not required to establish their residence within the corporate limits. However, once residency within the corporate limits is established, it must be maintained as a condition of employment.

3. Employees hired prior to May 1, 1986, who are classified as executive personnel on May 1, 1986, and who reside within the corporate limits are required to maintain their residence within the corporate limits as a condition of employment.

4. Employees hired prior to May 1, 1986, who are classified as executive personnel on May 1, 1986, and who reside outside the corporate limits but within the residence boundary as described in subsection A of this section must maintain their residence within the residency boundary as a condition of employment.

5. Employees hired prior to May 1, 1986, who are classified as executive personnel on May 1, 1986, and who reside outside the residency boundary as described in subsection A of this section are not required to establish residency within the residency boundary. However, once residency within the residency boundary is established, it must be maintained as a condition of employment.

**C. Residency Requirements For Nonexecutive Personnel:**

1. Except as provided in subsection B of this section, all persons employed by the city and who live within the corporate limits on or after May 1, 1986, must maintain their residence within the residency boundary as described in subsection A of this section as a condition of employment.

2. Employees hired on or after May 1, 1986, in nonexecutive positions shall be required to establish their residence within the residency boundary as described in subsection A of this section within six (6) months of the date of employment and remain residents of that residency boundary as a condition of employment. The city manager shall have the authority to grant one extension of a maximum of six (6) months for compliance with this requirement. For purposes of this section, the date of employment shall be the first date the employee actually performs services for which he is entitled to compensation.

**D. Exemptions:**

1. All persons employed by the city on November 1, 1979, are exempt from all requirements of this section, unless they are classified as executive personnel on or after May 1, 1986.

**Sec. 4-2. Eligibility - Residency.**

2. The city manager shall have the authority to exempt from the requirements of this section persons employed pursuant to federally funded or state funded labor intensive programs that prohibit residency requirements for employees in the program.
3. The city manager shall have the authority to exempt from the requirements of this section persons employed to work in programs that are designated at a minimum to serve all the residents of Jackson County; provided, however, that: a) the employee's regular work site is not located within the residency boundary; b) the employee lives in the same area as the work site; and c) the employee's position is funded entirely by federal or state grant funds.
4. Any employee who lives on city owned lands shall be deemed to be in compliance with the requirements of this section.
5. The city manager may grant a waiver of any of the provisions of this section for a maximum of three (3) months for reasons of hardships of an employee. (Ord. 86-32)
6. Due to the promotional nature of the positions which are filled from an eligibility list prepared by the board of police and fire commissioners, employees promoted to the positions of police lieutenant or assistant fire chief are exempt from subsection B1 of this section. (Ord. 99-15)
7. Promotions to the position of deputy police chief shall be exempt from subsection B1 of this section. (Ord. 2000-05)

**E. Qualifications For Employment:**

1. All persons who otherwise qualify for employment are eligible to apply and be considered for a position without regard to residency; provided, however, that all persons who accept employment with the city shall be required to comply with the residency requirements of this section.
2. The city shall give preference to persons who reside within the corporate limits of the city when filling vacant job positions.

**F. Disciplinary Action:** Any employee who fails to comply with the requirements of this section shall be dismissed from such employment. (Ord. 86-32)

**Sec. 4-3. Acceptance of Applicants.**

Application for employment shall be accepted at any time. As a result of a single application, a candidate shall be considered for all positions in which his/her principal qualifications might be profitably used. Each candidate for municipal employment shall make application in the manner prescribed by the Human Resources Manager. Such information may be required as is deemed necessary in order to judge the applicant's fitness. Instead of a completed application form, it might be desirable to take the name of the person and his/her address, age, and the type of work he/she is qualified for. Then when a position is open in this area he/she can be so notified and complete a formal application form. The reason for this is that if any time lapses between the initial application and a job opening the initial application may be out of date.

**Sec. 4-4. Reference Checks.**

As part of the pre-employment procedure, former supervisors, employers, and references provided by candidates shall be checked as a precaution against obtaining undesirable employees. Reference checks made by personal or telephone contact shall be documented and made part of the applicant's file. These reference checks shall be completed prior to an offer of employment, and the information shall be made part of the application file. All such information is to be handled as privileged information.

**Sec. 4-5. Disqualifications.**

The Human Resources Manager shall remove from further consideration at any time the application of any applicant who:

- A. Does not possess the minimum qualifications;
- B. Does not pass all City tests and examinations;
- C. Has established an unsatisfactory employment or personnel record as evidence by reference check of such a nature as to demonstrate unsuitability for employment;
- D. Has made false statement of any material fact or practiced deception in his/her application;
- E. Is afflicted with any mental or physical disqualifying disease or defect that would prevent satisfactory performance of his/her duties;
- F. Is addicted to the habitual use of drugs or intoxicants;
- G. Does not reply to a mail inquiry within ten (10) days or does not return a telephone inquiry within two (2) days;
- H. Fails to accept appointment within two (2) days or to report for duty within the time prescribed in the offer. All applicants disqualified shall be notified immediately.

**EXAMINATIONS****Sec. 5-1. Competitive Examination.**

All applicants for vacant City positions (whether a new applicant or whether a current employee requesting a transfer or promotion) shall be subject to competitive examination. All competitive examinations shall be open to current City employees as well as any non-employee who wishes to apply for a vacant City position.

**Sec. 5-2. Character of Examinations.**

City examinations shall consist of one or more of the following: written test, performance test, oral interview (used to evaluate personality traits and general fitness for the job), oral test, physical test, aptitude test, practical test, and other appropriate tests; and a rating of experience and/or training.

**Sec. 5-3. When Examinations Shall be Given.**

All clerical and non-professional positions shall be filled by competitive examination wherever possible. Job aptitude examinations normally will not be given to applicants for professional positions. The Human Resources Manager shall make the final decision on whether or not an examination shall be given to fill a vacant position.

**Sec. 5-4. Time Restriction on the Re-Taking of Examinations.**

No applicant for any vacant City position (whether a new applicant or whether a current employee requesting a transfer or promotion) shall be eligible to take any specific City examination, with the exception of the oral interview, more than once in any six (6) month period.

**Sec. 5-5. Rating Examinations.**

Sound measurement techniques and procedures shall be used in rating the results of tests and determining the relative ranking of the candidates. In all examinations the minimum rating by which eligibility may be achieved shall apply also to the ratings of any part of the test. Candidates may be required to attain at least a minimum rating on each part of the test in order to receive a passing grade or to be rated on the remaining parts of the test. The final earned rating of a competitor shall be determined by averaging the earned rating on each part of the examination in accordance with the weights established for each part prior to the date of the examination.

**Sec. 5-6. Notification of Examination Results.**

Each person who takes an examination shall have access to the results of that examination. The Human Resources Manager shall, upon request, inform all applicants of their test results. Each person in an examination shall be entitled to inspect his/her rating and the examination papers within ten (10) days of the date of said examination, but examination papers shall not be opened to the general public. Such inspections shall be permitted only during the regular business hours and at the office of the Human Resources Manager.

**ELIGIBLE LIST****Sec. 6-1. Maintenance of Eligible Lists.**

The Human Resources Manager shall establish and maintain such employment lists for various positions in the City service as are necessary to meet the needs of the service. Candidates shall be placed upon the eligible list in the relative order of their grades.

**Sec. 6-2. Duration of List.**

Eligibility lists and the names appearing thereon shall normally remain in force for one year. However, any list that has fewer than three (3) names may be abolished and a new examination held whenever, in the judgment of the Human Resources Manager, the interest of the public service makes such a course desirable.

**Sec. 6-3. Removal from Eligible List.**

The name of any person appearing on an eligible list may be removed by the Human Resources Manager if the eligible person requests in writing that his/her name be removed, or if he/she cannot be located by postal authorities or other means of ordinary communication within five (5) days following the date of notification. The name of any eligible person may also be removed if the eligible person has waived appointment twice. Any cause specified in these Rules and Regulations for rejection of an application can likewise be cause of the removal of a name from an eligible list.

**Sec. 6-4. Transfer to Lower Class.**

The name of any eligible person may at any time upon his/her written request be transferred to the eligible list for a lower class of positions requiring qualifications of the same general character. He/she shall be ranked thereon according to his/her grade.

**Sec. 6-5. Exceptions.**

The requirements of this chapter shall not apply to any eligible list that is formulated by the Board of Police and Fire Commissioners.

**PROMOTIONS****Sec. 7-1. Promotional Policy.**

Vacancies in City positions shall be filled by the promotion of employees in the service when it is in the best interest of the City to do so. The Human Resources Manager shall in each case determine whether an open competitive examination in accordance with Chapter 5 of these Rules and Regulations or a promotional examination will best serve the interests of the service in attracting well qualified candidates. Promotions in every case must involve a definite increase in duties and responsibilities and shall not be made merely for the purpose of effecting an increase in compensation.

**Sec. 7-2. Promotional Examinations.**

The term "promotional examination" signifies an examination given to determine the relative standing of current City employees applying for a position that constitutes a promotion in job responsibility and salary. Promotional examinations shall be open only to employees in the classified service who have served a set length of time in positions specified by the Human Resources Manager. A promotional examination may include employees who meet the above requirements in all departments or divisions or only in the department or division for which the eligible list is being established, as determined by the Human Resources Manager. No employee shall be deemed eligible for a promotional examination whose last employee evaluation was not satisfactory.

**Sec. 7-3. Notification.**

Whenever the Human Resources Manager orders a promotional examination to be held, notice of such examination shall be published and posted in the department or division in which the eligible are employed. It shall be the duty of the department or division head in each department or division where eligible are employed to see that each eligible person is notified of the examination or has access to such notice.

**Sec. 7-4. Application.**

The Human Resources Manager may require that each eligible person who cares to compete for promotion must fill out application blanks as prescribed and present this application at the Human Resources Office on or before a specified date.

**Sec. 7-5. Promotion Without Examination.**

In exceptional cases, the City Manager may authorize the promotion without competition of an eligible employee upon presentation by the department or division head of a written statement showing that the duties performed by the employee nominated are natural preparation for the higher position, that such employee is entitled to promotion by reason of service and effective performance and that no other employee of the department or division meets the foregoing conditions.

**Sec. 7-6. Exceptions.**

The requirements of this chapter shall not apply to any position that is filled from an eligibility list prepared by the Board of Police and Fire Commissioners.

**APPOINTMENTS, TRANSFERS, DEMOTIONS, REINSTATEMENTS****Sec. 8-1. Types of Appointments.**

The following types of appointments may be made to the City service: regular, full-time, part-time, temporary, student intern, emergency and "on-call".

- A. **REGULAR APPOINTMENTS:** A regular employee is an employee who works on a continuous basis (indefinite). A regular employee is subject to all Rules and Regulations and receives all benefits and rights as provided by the Personnel Ordinance and these Rules and Regulations.
- B. **FULL-TIME APPOINTMENTS:** A full-time employee is an employee who works forty (40) hours per week (or the normal police and fire work weeks where applicable) on a regular basis.
- C. **PART-TIME APPOINTMENTS:** A part-time employee is an employee who works less than a normal work week, but on a continuing and regular basis.
- D. **TEMPORARY APPOINTMENTS:** Temporary appointments are made when a special project requires the addition of employees for a specific time or to fill a position of an employee on leave of absence. Such employees are not placed on the re-employment list. Temporary appointments may be made for a period not in excess of six (6) months with the approval of the City Manager when services are required for a special job or project. Temporary appointments may be extended by the City Manager to cover an additional six (6) months. Temporary appointments may also be made to fill vacancies resulting from regular employees on authorized leave of absence. Duration of such temporary appointments shall be for the period of absence of the regular employee on such leave of absence.
- E. **STUDENT INTERN APPOINTMENTS:** Student Intern appointments have the purpose of affording students of professional areas an opportunity to gain actual work experience. Such appointments are for a definite period of time, and require the approval of the City Manager. With the approval of the City Manager, students majoring in fields of value to the City, from qualified universities, may be employed on an "internship" basis for a specified period of time.
- F. **EMERGENCY APPOINTMENT:** In order to prevent stoppage of public business or loss or serious inconvenience to the public, appointments on an emergency basis may be authorized by the City Manager, but such appointments shall not exceed sixty (60) working days in any twelve (12) month period. In an emergency, the City Manager may authorize the appointment of any qualified person in the position to prevent stoppage of public business or loss or serious inconvenience to the public. However, a vacancy of which the department or division head has had reasonable notice, or an employment condition of which he/she had, or might with due diligence have had previous knowledge, shall not be considered an emergency under this section.

**Sec. 8                    APPOINTMENTS, TRANSFERS, DEMOTIONS, REINSTATEMENTS                    Sec. 8.1-3**

**Sec. 8-1. Types of Appointments(Cont'd)**

- G.     **ON-CALL APPOINTMENT:** An On-Call appointment may be made for programs that do not require the worker to work a set schedule, but rather work as needed. Included in this group are substitute workers and casual or day laborers. The term of the appointment may be indefinite.

**Sec. 8-2. Transfers.**

- A.     **PROCEDURE:** Any City employee who has successfully completed the probationary period may be transferred to the same position (i.e., the same position title) in a different department or division without being subject to the probationary period. An employee desiring to be transferred should make that request in a letter to the Human Resources Manager. As vacancies occur to which the employee would be eligible for transfer, the employee's name will be submitted to the department or division head for consideration. If the department or division head is willing to approve the transfer, the employee must write a letter requesting such transfer and have it approved by the employee's current department or division head, the Human Resources Manager, the department or division head receiving the employee, and the City Manager.

Transfers may be approved when the employee meets the qualification requirements for the particular position, if it is in the best interest of the City, further training and development of an employee in another position will be beneficial to future staffing potential of the City, and if it meets the personal need of the employee as consistent with other requirements of this rule.

- B.     **TRANSFERS FROM ONE POSITION TITLE TO ANOTHER:** Transfers that involve the change of a position title (without regard to changes in the employee's pay level) shall be handled in accordance with Chapter Seven entitled "Promotions" of these Rules and Regulations.

**Sec. 8-3. Demotions.**

An employee may be demoted to a position of lower grade for which the employee is qualified for any of the following reasons:

- A.     When an employee would otherwise be laid off because the position is being abolished; the position is being reclassified to a higher range; lack of work; lack of funds; or because of the return to work from authorized leave of another employee to such position in accordance with the rules on leave;
- B.     When an employee does not possess the necessary qualifications to render satisfactory service in the position the employee holds;
- C.     When an employee voluntarily requests such demotion; and

**Sec. 8 APPOINTMENTS, TRANSFERS, DEMOTIONS, REINSTATEMENTS Sec. 8.3-4**

**Sec. 8-3. Demotions. (Cont'd)**

D. When an employee is reduced in rank for disciplinary reasons.

If an employee is demoted for any of the reasons listed in A through C of this Section, the demotion must receive the approval of the City Manager, Human Resources Manager, and the department or division head concerned. If the demotion is for any of the reasons listed in A through C of this Section, the employee may appeal such action through the grievance procedures.

If an employee is demoted for disciplinary reasons, then the notice and hearing procedures stated in Section 10-11 shall be followed.

**Sec. 8-4. APPOINTMENTS, TRANSFERS, DEMOTIONS, REINSTATEMENTS Sec. 8-4.**

**Sec. 8-4. Reinstatements.**

An employee who has resigned with a good record may be rehired, if a vacancy exists, to the same or similar position from when he/she resigned within one year of the date of resignation without qualifying in competitive examination. This is known as reinstatement. Such action originates only from departmental request. Request for the approval of the action must be submitted to the Human Resources Manager in letter form, giving name, title, salary, date of separation, date of proposed reinstatement, and cause of vacancy which the reinstatement will fill, together with a report of personnel changes that must be approved by the Human Resources Manager before the employee enters on duty.

The reinstatement cannot be made if the department has a layoff list for the position. Reinstated employees are considered new employees for the purposes of seniority, vacation, and salary.

Employees restored to duty after military service are not reinstated in the sense of this rule. They retain all privileges of regular employees. (See Section 13-5 of these Rules and Regulations).

**PROBATION****Sec. 9-1. Object.**

The probationary or working test period is an integral part of the examination process. It shall be utilized to observe closely the employee's work, to secure the most effective adjustment of a new or promoted employee to his/her position, and to reject any employee whose performance does not meet required work standards. During this period the employee is an employee "at will".

**Sec. 9-2. Duration.**

The probationary period for all employees in a new position (a new employee or an employee who has been transferred or promoted) shall normally be twelve (12) months long. However, the probationary period may be extended an additional six (6) months if the employee's job performance has been less than totally satisfactory. The extension of an employee's probationary period must have the approval of the Human Resources Manager and the City Manager.

**Sec. 9-3. Evaluation of Performance.**

Periodically during the probationary period the Human Resources Manager shall require the department or division head to report to the Human Resources Office his/her observation of the employee's work and his/her judgment as to the employee's willingness and ability to perform his/her duties satisfactorily. During the probationary period, the employee's supervisor will tell the employee when he/she is not performing satisfactorily and is not meeting probationary test period requirements.

**Sec. 9-4. Probationary Period Reports.**

At least twenty (20) working days prior to the expiration of an employee's probationary period, the employee's department or division head shall notify the Human Resources Manager in writing whether the service of the employee has been satisfactory and whether the department or division head recommends that the employee's service with the City should be continued.

**Sec. 9-5. Dismissal of Probationary Employees.**

- A. During the probationary period, the City Manager may remove any employee who is unable or unwilling to perform the duties of the position satisfactorily or whose work habits and dependability, and the needs of the City do not merit the employee's continuance in the City service.
- B. At least five (5) working days prior to the effective date of such action, the employee shall be given written notice, either by certified mail or in person. The notice shall state the effective date of such action, the reasons therefore, and the employee's right to request a hearing on the matter.
- C. If a hearing is requested within five (5) working days of the sending of such notice, a hearing shall be conducted by the City Manager or his designee. It shall be scheduled no sooner than five (5) working days after the request for a hearing has been received unless the employee agrees to an earlier date.

**Sec. 9-5. Dismissal of Probationary Employees (Cont'd.)**

- D. Formal rules of evidence need not be adhered to at the hearing, but only relevant and material evidence shall be considered. The employee shall have the right to cross-examine witnesses and submit evidence.
- E. After hearing all of the evidence, the City Manager shall make a prompt decision; a copy of which shall be forwarded to the employee.
- F. After receiving notice, but prior to the proposed effective date of the dismissal, the employee may be retained in duty status, placed on leave or suspended with or without pay at the discretion of the City Manager.
- G. Any employee whose probationary status is terminated pursuant to this Section shall not have a right to appeal the decision to the Personnel Board.
- H. The probationary status of the employee shall be extended, if necessary, during the pendency of these procedures.

**Sec. 9-6. Restoration of Dismissed Employee to Appropriate List.**

If an employee is removed from his/her position during or at the end of his/her probationary period and the Human Resources Manager determines that he/she is suitable for appointment to another position, his/her name may be restored to the list from which he/she was certified.

**Sec. 9-7. Unsuccessful Completion of Probation Period for Promoted or Transferred Employees.**

An employee who is promoted or transferred to his/her current position and who did not successfully complete his/her probationary period in that position shall be reinstated to the position that he/she occupied immediately prior to his/her promotion or transfer if that position is available. (Vacant positions would be provisional until promotee or transferee completes probation).

**SEPARATION AND DISCIPLINARY ACTION****Sec. 10-1. Types of Separation.**

All separation of City employees shall be designated as one of the following types: resignation, lay off, disability, death, retirement, probationary termination, and dismissal.

**Sec. 10-2. City Equipment.**

At the time of separation and prior to final payment, all records, assets, and other items of City property in the employee's custody shall be transferred to the department or division head. Any amount due because of a shortage in the above shall be collected through other appropriate action.

**Sec. 10-3. Right of Employees.**

Regular employees who separate from City employment shall receive payment for all earned salary, sick leave buyback if any, and all earned and accrued vacation leave subject to any deductions for indebtedness pursuant to Section 10-2 above, any applicable vacation pay limits contained in Chapter 13 of these Rules and Regulations, and any restrictions referred to in Section 10-4 below.

**Sec. 10-4. Resignation.**

An employee may resign by submitting in writing the reasons therefore and the effective date to his/her department or division head as far in advance as possible, but a minimum of two (2) weeks notice is required. Failure to comply with this requirement may be cause for denying future employment with the City.

**Sec. 10-5. Layoff.**

The City may lay off an employee when it is deemed necessary by reason of shortage of funds for work, the abolition of the position, or other material changes in the duties of the position, or for related reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee. The duties performed by any employee laid off may be reassigned to other employees already working. No regular employee shall be laid off while another person in a classified position is employed on a probationary or temporary basis in the same class.

- A. **ORDER OF LAYOFF:** The layoff of employees in Ranges 1 through 7 shall be made in inverse order. This determination will be based on first, the length of service in the job classification and division; second, length of service in the job classification and in the department; and third, the length of service in the job classification and with the City. In addition, an employee who is subject to layoff and whose classification is in a promotional line may bump the least senior employee of any lower classification within the promotional line. However, an employee who is subject to layoff may not bump a lower classified employee who has more seniority within the promotional line. Positions in Ranges 8 and 9 are not included in any promotional lines and employees in these positions do not have a right to bump another employee.

**Sec. 10-5. Layoff (Cont'd.)**

If it is found that two (2) or more persons in the classification or organizational unit in which layoff is to be made have equal ratings as determined on the basis of seniority, the order of layoff in all such cases of the tie shall be in the inverse order of the date when an employee first entered the service of the City. If said employees entered the service of the City on the same date, then the order of layoff shall be determined by the drawing of lots.

- B. Promotional line, as referred to in Part A of this section, should refer only to those lines recommended by the Human Resources Manager and the department head and established by the City Manager. A list of the promotional lines established by the City Manager shall be kept on file by the Human Resources Manager, and shall be used as a basis for layoff.
- C. Re-employment Lists: Employees separated from the service through no fault of their own (excluding dismissal for cause) will be placed on a re-employment list in the order of ratings to be determined by their length of service with the City. Any employee who bumps an employee within a lower classification in a promotional line will be placed on the re-employment list for the classification he/she vacated. The eligibility of all candidates on a re-employment list will expire one year from the date on which they become entitled to re-employment rights.

**Sec. 10-6. Disability.**

An employee may be placed on disability when he/she cannot perform the required duties because of physical or mental impairment. Action may be initiated by the employee, his/her legal representative, or the City, but in all cases it must be supported by medical evidence acceptable to the Human Resources Manager. The City may require an examination at its expense and performed by a physician of its choice when it feels that an employee should be placed on disability. (Refer to the Illinois Municipal Retirement Fund for further disability data).

**Sec. 10-7. Death.**

Separation shall be effective as of the date of death. All compensation due in accordance with Section 10-3 of these Rules and Regulations shall be paid to the estate of the employee, except for such sum by law which must be paid to the surviving spouse.

**Sec. 10-8. Retirement.**

There is no mandatory retirement age.

**Sec. 10-9. Probationary Termination.**

For rules governing probationary termination refer to Section 9-5 of these Rules and Regulations.

**Sec. 10-10. Disciplinary Action.**

Whenever employee performance, attitude, work habits, or personal conduct falls below a desirable level, supervisors shall promptly and specifically inform employees of such lapses and provide counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary action in and of itself; however, the action to be taken depends on the seriousness of the incident and the total pattern of the employee's past performance and conduct.

Disciplinary actions or measures which may be taken within departments and divisions by supervisors include:

**ORAL REPRIMAND:** An oral reprimand represents a verbal admonishment and warning to an employee by a supervisor.

**WRITTEN REPRIMAND:** In situations where an oral warning has not resulted in the expected improvement, or where more severe initial action is warranted, a written reprimand may be issued by a supervisor to the employee, and a copy shall be placed in the employee's personnel file in the Human Resources Office. The employee may, at his or her option, provide a written response to the written reprimand which will be placed in the employee's personnel file.

In the event an incident occurs which may justify disciplinary action beyond a written reprimand, the supervisor shall present the relevant facts to the Human Resources Manager for a fact-finding. The Human Resources Manager shall have the duty to consult with the employee and the supervisor to determine whether there exists sufficient cause for formal action, and may conduct such investigation as is necessary for such purpose. If sufficient cause for formal action is determined, the matter shall be presented to the City Manager for formal action in accordance with these rules.

The City Manager may in his/her discretion schedule a hearing on the specific charges if he/she deems it necessary or the employee may be disciplined without a hearing. If the City Manager schedules a hearing prior to taking formal action, the employee shall be given five (5) working days written notice of the hearing date and the reasons for the proposed action.

When formal action is taken without a hearing, the City Manager shall have at least five (5) working days prior to the effective date of the discipline (except for reprimands) to send to the employee written notice of the reasons for the proposed action, the proposed effective date of the action, and a statement concerning the employee's right to request a hearing. If an employee requests a hearing within five (5) working days of the sending of the notice of discipline, it shall be conducted prior to the discipline taking effect. The hearing shall be conducted by the City Manager and shall not be scheduled sooner than five (5) working days after the request for the hearing has been received unless the employee agrees to an earlier date.

After receiving notice, but prior to the hearing or the effective date of the discipline, the employee may be retained in duty status, placed on leave, or suspended with or without pay at the discretion of the City Manager.

Formal rules of evidence need not be adhered to at the hearing, but only relevant and material evidence shall be considered. The employee shall have the right to cross-examine witnesses and to submit evidence.

**Sec. 10-10. Disciplinary Action (Cont'd.)**

After hearing the evidence, the City Manager shall promptly render a decision. The City Manager, after hearing the evidence, may suspend, demote, or dismiss the employee, or take other appropriate disciplinary action, or take no disciplinary action against the employee. The City Manager may also order the payment of any regular pay the employee would have earned during the pendency of the action.

If the employee fails to respond to the advance notice, the proposed action of the City Manager shall be effective on the date specified with no need for further action.

The employee may appeal the decision to the Personnel Board but the disciplinary action shall not be stayed by such action. The appeal to the Personnel Board shall start at Step "C" of the Grievance Procedure outlined in Section 11-3 of these rules and regulations. The appeal to the Personnel Board shall be made within five (5) working days of the effective date of the City Manager's actions. Except that Police Lieutenants, Police Sergeants, Assistant Fire Chiefs and Fire Captains shall appeal to the Board of Fire and Police Commissioners and shall have no right to appeal discipline to the Personnel Board.

Disciplinary action or measures can be taken against an employee based on charges that include, but are not limited to, the following charges:

1. Incompetence.
2. Inefficiency.
3. Negligence.
4. Misconduct.
5. Insubordination that constitutes a serious breach of discipline.
6. Theft or malicious destruction of City property.
7. Conviction of a felony.
8. Unauthorized absence.
9. Abuse of leave privileges.
10. Acceptance of valuable consideration which was given with the expectation of influencing the employee in the performance of his/her duties.
11. Violation of the City's Residency Requirement, the Ordinance governing City employment and Family Relationships or other ordinances and rules pertaining to City employment working conditions or conditions of employment.
12. Drinking alcoholic beverages, or being under the influence of alcohol or controlled substances, or in possession of alcohol or controlled substances, all during work hours or on City property.
13. Behavior unbecoming a City employee.
14. Falsification of records.
15. Use of City position for personal advantage or gain.
16. Use of City information and records for anything other than City work.

**Sec. 10-10. Disciplinary Action (Cont'd.)**

Disciplinary action or measures that can be taken by the City Manager for the good of the service include the following in progressive discipline order:

1. ORAL REPRIMAND.
2. WRITTEN REPRIMAND.
3. SUSPENSION WITHOUT PAY: The City Manager may suspend an employee for up to thirty (30) working days in a calendar year.
4. DISMISSAL.

Discipline of an employee should be progressive in nature; however, there are situations that occur that justify certain disciplinary action in and of itself. Nothing in these rules and regulations shall prevent the City Manager from taking specific disciplinary action including any of the four actions of progressive discipline, demotion or reassignment.

The City Manager shall exercise the power to suspend without pay, demote and dismiss in accordance with Title 1 of The Revised Code of the City of Carbondale, Illinois.

Nothing in this section shall limit the authority of the City Manager to suspend an employee with or without pay prior to a dismissal hearing as provided for in these Rules and Regulations.

**GRIEVANCES****Sec. 11-1. Policy.**

The most effective accomplishment of the work of the City requires prompt consideration and equitable adjustment of an employee grievance. It is the desire of the City to adjust grievances informally, and both supervisors and employees are expected to make every effort to resolve problems as they arise. It is recognized, however, that there will be grievances which will be resolved only after a formal appeal and review. Accordingly, the following procedure is established.

**Sec. 11-2. Definition of a Grievance.**

A grievance is a wrong, real or fancied, considered by an employee as grounds for complaint. All grievances shall be processed through the grievance procedures as set out in Section 11-3 of these Rules and Regulations. However, grievances arising out of a demotion for disciplinary reasons, suspension, or the dismissal of non-probationary employee may be appealed directly to the Personnel Board.

**Sec. 11-3. Procedure.**

- A. An employee or the employee's representative shall first present the employee's grievance to his/her department or division head within five (5) working days of the occurrence of the incident that caused the grievance. The employee's department or division head shall make a careful inquiry into the facts and circumstances of the complaint. The department or division head shall attempt to resolve the problem promptly and fairly and shall inform the employee in writing of his/her finding and decision within five (5) working days after the receipt of the employee's grievance.
- B. If the employee is dissatisfied with the department or division head's decision, he/she may obtain a review by the Human Resources Manager by submitting a request for review within five (5) working days following the receipt of the decision from the department or division head. The Human Resources Manager shall make such investigation and conduct such hearings as he/she deems necessary and shall, within five (5) working days after the receipt of the employee's request for review, inform the employee in writing of his/her findings and decision.
- C. At any time within five (5) working days after receipt of the decision of the Human Resources Manager the employee may submit a written request for further review to the Personnel Board. The Personnel Board shall, with all due speed; investigate such complaints made to it in writing by an employee. The Board shall transmit its recommendations, which shall be advisory in nature, in writing to the City Manager.

If the employee chooses they may skip the review by the Personnel Board and go directly to the City Manager.

- D. The City Manager, within five (5) working days after the receipt of the Personnel Board's written recommendations, or by the employees request for direct review shall inform the employee in writing of his/her decision. The decision of the City Manager, at this point in the grievance procedure, shall be final.

**Sec. 12-1. General Policy.**

It shall be the policy of the City to insure that all regular employees enjoy the same number of holidays with pay each year.

**Sec. 12-2. Holidays Granted to Employees.**

A. The following holidays with pay are hereby granted to all regular City employees:

- |                               |  |
|-------------------------------|--|
| New Years Day                 | Veterans Day                                     |
| Martin Luther King's Birthday | Thanksgiving Day                                 |
| Presidents Day                | Day-After-Thanksgiving                           |
| Good Friday                   | Christmas Eve (1/2 day) –( except in years when  |
| Memorial Day                  | Christmas falls on a Saturday, Sunday or Monday) |
| Fourth of July                | Christmas Day                                    |
| Labor Day                     |  |

B. All regular employees shall be entitled to one day off with pay during the calendar year for the employee's birthday. The employee shall be entitled to take the day off on his/her birthday or thereafter within 365 days, as determined by the employee's supervisor and/or department/division head or it will be lost.

**Sec. 12-3. Day on Which a Holiday is to be Observed.**

A. All holidays listed in Sec. 12-2 A. will be observed on the day designated by the State of Illinois.

B. Except for the Christmas Eve holiday, when a holiday falls on a Sunday, the following Monday shall be observed as the holiday; when a holiday falls on a Saturday, the preceding Friday shall be observed. The Christmas Eve holiday shall be observed on the last one-half of the last regular work shift preceding the observed Christmas holiday only in those years when Christmas Day (December 25) falls on a Tuesday, Wednesday, Thursday or Friday. In years when Christmas Day (December 25) falls on a Saturday, Sunday or Monday, the Christmas Eve holiday shall not be granted.

**Sec. 12-4. Holiday Pay for Employees who Work on a Holiday and who are Eligible for Overtime.**

Regular full-time employees who qualify for overtime compensation in accordance with Section 3-9 of these Rules and Regulations and who work on a holiday shall receive compensation equal to one regular shift's pay plus one and one-half times their regular hourly rate of pay for all hours actually worked.

**Sec. 12-5. Holiday Pay when a Holiday Falls on an Employee's Day Off.**

If a holiday falls on a regular full-time employee's normal day off, said employee shall receive one normal working day's worth of pay in addition to all hours that were worked in said week.

If a holiday falls on a regular part-time employee's normal day off, said employee shall receive compensation equal to the ratio of budgeted hours to full time hours times the amount equal to a full-time shift.

**Sec. 12-6. Holiday Pay for Part-Time Employees.**

Regular part-time employees who qualify for overtime compensation in accordance with Section 3-9 of these Rules and Regulations and work on a holiday shall receive compensation equal to one and one-half times their regular hourly rate of pay for all hours worked plus holiday pay based on the ratio of budgeted hours to full-time hours times the amount equal to a full-time shift.

**Sec. 12-7. Eligibility for Holiday Pay.**

In order to receive holiday pay for an observed holiday, an employee must have worked or been on approved paid leave either the work day before or the work day after the holiday.

**Sec. 12-8. Special Holiday Provisions for Employees who are not Eligible for Overtime.**

- A. Employees who in accordance with Section 3-9 of these Rules and Regulations are not eligible for overtime payments and who are required to work on a holiday shall be paid at their regular hourly rate for a set day. Additionally, said employees will have the option of being paid for one additional normal tour of duty (either 24, 10 or 8 hours depending on the day which the holiday falls and the employee's job) of holiday pay at their normal hourly rate or being granted a day off with pay within seven (7) days of the holiday, if possible. If it is not possible for the department or division head to schedule a day off for said employee within seven (7) days from the holiday worked, the department or division head and the employee shall meet with the Human Resources Manager who shall establish the date for the employee's day off.
- B. All employees whose normal tour of duty does not require them to work on the day on which the normal holiday falls, shall be granted one normal tour of duty (either 24, 10 or 8 hours depending on the day which the holiday falls and the employee's job) of holiday pay at their normal hourly rate.

LEAVES OF ABSENCE

Sec. 13-1. General Policy.

The following types of leave, and no other, are officially established for regular employees:

- |                |                    |
|----------------|--------------------|
| Vacation Leave | Military Leave     |
| Sick Leave     | Civil Leave        |
| Injury Leave   | Leave Without Pay  |
| Funeral Leave  | Maternity Leave    |
| Suspension     | Family and Medical |

All leaves shall be granted by the department or division head in conformance with rules established for each type of leave and shall receive the approval of the Human Resources Manager or the City Manager as specified. All departments and divisions are required to maintain a permanent record of any absence from duty of their employees.

All absences, no matter what their duration, are to be reported to the Human Resources Office on forms provided by the Human Resources Manager.

The various types of leave shall be earned by regular part-time employees in direct proportion to the number of hours that they work during the normal work week. EXAMPLE - A regular half-time employee would earn one-half the normal leave that a regular full-time employee would earn.

Sec. 13-2. Vacations.

- A. GENERAL POLICY: Vacations with pay shall be granted to regular and probationary employees in accordance with the following schedule:
  1. After one (1) year of full time and continuous employment, an employee shall be granted two (2) normal work weeks of vacation.
  2. After five (5) years of full time and continuous employment, an employee shall be granted three (3) normal work weeks of vacation.
  3. After ten (10) years of full time and continuous employment, an employee shall be granted four (4) normal work weeks of vacation.

Vacation shall be earned during the work year and granted to employees once a year on the anniversary date of their employment. Vacation time shall be granted every six months in amounts equal to one-half of the vacation earned in one year. Employees shall be granted vacation time equal to one normal work week after six (6) months of employment. Vacation time equal to an additional one normal work week shall be granted to all employees at the completion of their first year of employment. Thereafter, all vacation time shall be granted every six months in amounts equal to one-half of the vacation earned in one year.

Allowances for vacation time shall be in addition to any recognized holidays which may fall during the employee's vacation.

**Sec. 13-2. Vacations (cont'd.)****B. USE OF VACATION:**

1. Employee requests for vacation leave must be approved by the appropriate department or division head.

2. Every employee who earns in excess of eighty (80) hours of vacation on an annual basis shall use the equivalent of at least forty (40) hours of vacation leave, (equivalent work week for Fire Captains and Assistant Fire Chiefs) in consecutive fashion in every twelve (12) month period or thirty-two (32) hours of vacation plus eight (8) holiday hours (equivalent for Fire Captains and Assistant Fire Chiefs) in consecutive fashion in every twelve (12) month period. Nothing herein shall restrict the employee from using additional vacation leave in increments of more or less than forty (40) consecutive hours if approved by the employee's supervisor. Upon written request to the Department Head and Personnel Office an employee may be excused from using the consecutive (40) hours of vacation leave if the (40) hours is already designated to be used for a planned upcoming event (ex: maternity, vacation, illness) in accordance with other paid leave.

3. Employees may be directed to use vacation leave by their department or division head based on the good of the service.

**C. RESIGNATION, RETIREMENT, TERMINATION, AND REINSTATEMENTS:** When an employee's service with the City is terminated in good standing, he/she shall receive compensation for unused vacation leave earned not to exceed a maximum compensation equal to the value of one and one-half (1 1/2) times the amount of vacation earned in one year. Although there is no limit on the amount of vacation leave an employee may accumulate, no compensation will be paid for any vacation leave in excess of the maximum allowed. The employee, however, shall not be compensated for hours above the cap at the time of retirement or separation from the City. Employees who exceed the vacation accumulation cap, who plan to leave the employment of the City, shall submit to the Human Resources Manager a written plan to reduce the accumulated total of vacation below the cap within a reasonable period of time. The plan must be approved by the City Manager. When such termination is by voluntary resignation of the employee, he/she shall give the City at least two (2) weeks notice or compensation for unused vacation leave may be denied. A new employee who leaves the service of the City before completing six (6) months will receive no vacation pay. Compensation for earned vacation of employees who die in the service shall be paid in cash to the spouse or estate of said individual.

**Sec. 13-3. Sick Leave.**

- A. **GENERAL POLICY:** All regular employees are eligible for sick leave after one month of service. Sick leave with pay shall be granted for the following reasons: personal illness or physical incapacity resulting from causes beyond the employee's control; illness of a member of the employee's immediate family or household that require the employee's personal care and attention; enforced quarantine of the employee in accordance with community health regulation; or a doctor's or dentist's appointment. For these purposes, the immediate family is defined as spouse, child, step-child, parent, step-parent, sibling and step-sibling. Household includes anyone maintaining a family relationship living in an employee's home.
- B. **AMOUNT OF SICK LEAVE:** Each full time regular employee shall earn sick leave credits at a rate of eight (8) hours per month. Sick leave need not be used within a specified leave year, but may be accumulated indefinitely.
- C. **CHARGES AGAINST SICK LEAVE:** Any absence from an employee's normal working shift shall be reported to the City's Human Resources Office on a "leave request form". It is the employee's responsibility to report all absences from the normal working shift to the Human Resources Office. The leave request forms shall be completed by the employee and submitted to the employee's department or division head on the date that the employee returns from sick leave. The employee's department or division shall then be responsible for submitting the leave request form to the Human Resources Office.
- D. **NOTIFICATION TO SUPERVISOR:** Any employee who will be absent from the regular working shift to which he/she has been assigned shall notify his/her immediate supervisor on or before the time when he/she is expected to report to work. Failure to so notify, except under extenuating circumstances which may be approved by the Human Resources Manager, shall cause the loss of right to claim sick leave (or any other type of leave) for such absences and, if occurring repeatedly, shall be cause for disciplinary action.
- E. **DOCTOR'S CERTIFICATE:** The City may require sufficient proof for the use of sick leave. All absences due to illness or injury which result in an absence of more than three (3) days shall be substantiated by a physician's statement giving the nature of the illness or injury and attesting to the employee's physical incapacity to perform the duties of his/her position before sick leave with pay will be granted. The City will accept documentation from a doctor as defined in the Illinois Medical Practice Act of 1987, the Illinois Optometric Practice Act of 1987, the Podiatric Medical Practice Act of 1987 or the Illinois Dental Practice Act. The City will not normally require a doctor's certificate for absences of three (3) days or less, except in cases of suspected abuse. Errors of fact or omission which present an incorrect statement of justification for absence may be considered as cause for disciplinary action.

## Sec. 13-3. Sick Leave (cont'd.)

- F. **COORDINATION WITH INJURY LEAVE AND WORKMEN'S COMPENSATION:** An employee receiving sick leave with pay and simultaneously receiving compensation under Workmen's Compensation laws or who is receiving benefits under injury leave as provided by these Rules and Regulations for the duration of such compensation, shall receive only that portion of his/her regular salary which will together with said compensation, equal his/her regular salary. Sick leave credit shall be charged accordingly.
- G. **TRANSFER OR PROMOTION:** When an employee is transferred or promoted to another position within the City Service, any unused sick leave which may have accumulated to his/her credit shall continue to be available for his/her use as necessary.
- H. **SICK LEAVE BUY BACK AND/OR CONVERSION TO VACATION LEAVE**
1. **General Policy:** It is the policy of the City to provide incentives for the elimination of the abuse of Sick Leave and therefore to increase employee productivity by reducing the amount of Sick Leave time that is used. To that end, the City shall purchase unused Sick Leave on an annual basis and at retirement or honorable termination in accordance with the below-listed paragraphs.
  2. **Definitions:** Unless the context clearly indicates otherwise for purposes of this Subsection H, the following terms shall be defined as follows:
    - a. Measurement year means the fiscal year in which the sick leave hour(s) were earned. Measurement day means the last day of the measurement year.
    - b. Fiscal year means the City's fiscal year which is May 1 through the following April 30.
    - c. Forty hour employee means an employee assigned to a position which is scheduled for an average of 40 hours of work per week.
    - d. Fifty-six hour employee means an employee assigned to a position which is scheduled for an average of 56 hours of work per week.
  3. **Annual Option to Purchase Sick Leave:** At the option of the employee, the City shall buy back from each sick leave eligible 40 hour employee who is employed on the measurement day all or any part of the employee's unused sick leave hours earned during the measurement year in excess of 64 hours up to a maximum buy back for each measurement year of 32 hours. At the option of the employee, the City shall buy back from each sick leave eligible 56 hours employee who is employed on the measurement day all or any part of the employee's unused sick leave hours earned during the measurement year in excess of 96 hours up to a maximum buy back of 48 hours.

Sec. 13-3. Sick Leave (cont'd.)

4. **Amount of Annual Buy Back:** The amount to be paid by the City for Subsection H shall be determined based upon the ratio of one hour's pay at the employee's rate of pay on the measurement day for each two (2) hours sick leave bought back. The City shall make such payments no later than the September 30 immediately following the measurement day.
5. **Effect on Accumulated Sick Leave:** Upon the Human Resources Office's receipt of the employee's notification to sell back sick leave hours, all sick leave hours to be bought back by the City shall be deducted from the employee's total accumulated sick leave hours as of 11:59 p.m. on the measurement day..
6. **Exercise of Annual Option:** The employee shall notify the Human Resources Office in writing of the employee's decision to exercise the buy back option no later than May 15th immediately following the measurement day. The employee shall designate the number of sick leave hours to be bought back in the notification. If the employee fails to notify the Human Resources Office as provided for in this paragraph, it shall be deemed that the employee has irrevocably waived the buy back option for the applicable measurement year.
7. **Implementation Date:** The first measurement year shall be the City's fiscal year 1982-83.
8. **Termination/Retirement Purchase:** Upon a sick leave eligible employee's retirement after May 1, 1982, or honorable termination after May 1, 1982, the City shall buy back all of the employee's unused accumulated sick leave hours, whether earned before or after May 1, 1982. The amount to be paid by the City for these sick leave hours shall be determined based upon the following formula:

Total unused accumulated sick leave hours multiplied by the employee's rate of pay as of the date of honorable termination or retirement, multiplied by the percentage determined in accordance with the following table. (Total sick leave hours times rate of pay times percent from table).

**PERCENTAGE DETERMINATION TABLE**

Total Accum. Sick Leave Hours for 40 hr. Employees	Total Accum. Sick Leave Hours for 56 hr. Employees	Percent of Current Pay Rate
0 - 239	0 - 319	None
240 - 479	320 - 639	10%
480 - 719	640 - 959	20%
720 - 959	960 - 1279	30%
960- 1199	1280 - 1599	40%
1200 - & over	1600 - & over	50%

## Sec. 13-3. Sick Leave (cont'd.)

9. **Payment Date:** The City shall pay to the employee amounts due pursuant to a termination or retirement purchase of sick leave no later than four (4) months after the effective date of the employee's termination or retirement.
10. **Payment Option at IMRF Retirement:** In lieu of a lump sum payment of sick leave buy back at retirement and upon the City's receipt of an employee's written statement of intent to retire pursuant to IMRF eligibility, an employee who was hired prior to January 1, 2012, who qualifies for sick leave buy back and who provides at least four months advance written notice to the City of their intent to retire has the option of receiving sick leave buy back payments in three (3) monthly installments beginning four (4) months prior to the anticipated date of separation. For any employee who was hired after January 1, 2012, and qualifies for sick leave buy back, he or she shall be paid pursuant to Sections 8 and 9 above, in one lump sum payment and shall not have the option of being paid in three (3) monthly payments.

Amounts paid to qualifying employees hired prior to January 1, 2012, for each of the three (3) monthly installments shall be based on the employee's current hourly rate at the time of the payment of said installments. Amounts shall be paid on the last paycheck of the 4<sup>th</sup>, 3<sup>rd</sup>, and 2<sup>nd</sup> month prior to the date of separation. Amounts paid cannot be used to make the employee's earnings in the last three months of employment exceed 125% of the employee's highest earnings in the 45 months preceding the employee's separation.

Amounts paid shall be recalculated and adjusted for any sick leave earned or used during the period and if sick leave is earned or used which alters eligibility for sick leave buy back or changes the percentage pay rate amount for purchased sick leave, buy back payments shall be recalculated accordingly and the City shall pay any additional amounts due the employee or the employee shall repay any overpayments due the City as a result of the recalculation.

Should an employee who begins to utilize this option decide not to retire and the City concurs with and approves of this decision, all sick leave paid in advance pursuant to this option shall be repaid in full to the City and the sick leave restored to the employee.

An employee who utilizes this option shall be required to enter into an agreement with the City consistent with this option and prior to any payments pursuant to this option.

**Sec. 13-3. Sick Leave (cont'd.)**

11. **Annual Option to Convert Sick Leave to Vacation Leave:** At the option of the employee, the City shall offer each sick leave eligible forty hour employee who is employed on the measurement day, the ability to convert unused Sick Leave hours earned during the measurement year in excess of 64 hours, up to a maximum of 32 hours as Vacation Leave in lieu of Sick Leave Buy Back.

At the option of the employee, the City shall offer each sick leave eligible fifty-six hour employee who is employed on the measurement day, the ability to convert unused Sick Leave hours earned during the measurement year in excess of 96 hours, up to a maximum conversion of 48 hours as Vacation Leave in lieu of Sick Leave Buy Back.

Sick Leave shall be converted to Vacation Leave in increments of no less than 8 hours of Sick Leave for 8 hours of Vacation Leave for a sick leave eligible forty hour employee.

Sick Leave shall be converted to Vacation Leave in increments of no less than 12 hours of Sick Leave for 12 hours of Vacation Leave for a sick leave eligible fifty-six hour employee.

Sick leave eligible forty hour employees may buy back any remaining unused sick leave hours in excess of 64 hours which were not converted to Vacation Leave pursuant to the Sick Leave Buy Back provision.

Sick leave eligible fifty-six hour employees may buy back any remaining unused sick leave hours in excess of 96 hours which were not converted to Vacation Leave pursuant to the Sick Leave Buy Back provision.

Use of converted vacation shall be subject to approval by the appropriate department or division head.

Unused converted vacation leave shall be counted in accumulated vacation and lost and unavailable to the employee at such time as the employee's accumulated vacation cap is exceeded.

**Sec. 13-4. Injury Leave.**

- A. **GENERAL POLICY:** Employees who are otherwise eligible for sick leave accumulation and are injured on the job shall be paid to the extent of 90 working days for each new and separate injury, in addition to and prior to the use of sick leave accumulations except as provided hereafter in this section. After all injury leave is used, the employee may elect to use any sick leave or vacation leave due him/her at the time of injury.
- B. **USE OF INJURY LEAVE:** The employee's eligibility for payment of injury leave will be based on the determination of the City's Worker Compensation insurance carrier under the terms of the State Worker's Compensation Act if such employee is covered by said Act.

**Sec. 13-4. Injury Leave (cont'd.)**

Such employee, if eligible for Workers Compensation, shall be paid the difference between his/her actual wages and that received from the Worker's Compensation insurance carrier. Under no conditions shall an employee receive injury leave until the insurance carrier rules whether or not the employee's accident was job related and covered by Worker's Compensation. Further, the City will not pay injury leave to any employee unless the employee provides documentation from a licensed medical doctor that an injury exists. Should a question arise concerning the employee's ability to return to work, the employee shall submit documentation concerning the injury from a licensed medical doctor.

- C. **PERIOD NOT COVERED BY WORKER'S COMPENSATION:** Charges shall be made against sick leave accruals for the three day waiting period not covered by the State Worker's Compensation Act.
- D. **USE OF SICK LEAVE AND VACATION:** After the payment and use of all injury leave charges shall be made against sick leave accruals, if any, an employee may elect to use his/her accumulated vacation leave after sick leave accrual is used.
- E. **CONTESTED INJURIES:** Charges may be made against sick leave accrual, if any, in any case the City or its Worker's Compensation insurance carrier is contesting that the injury occurred on the job. In the event that the final determination is in favor of the employee, sick leave so charged shall be re-credited to the employee's sick leave accrual balance and all payments in excess of the difference between his/her actual wages and that received from the insurance carrier shall be recoverable by the City and deducted for future payments to the employee under injury leave. In the event eligibility for payment is denied, the employee shall be eligible to utilize sick leave accruals, if any, retroactive to the date of his/her injury, and for vacation leave.
- F. **MEDICAL PROOFS:** In order to limit the obligation of the City for each new separate injury, the City may require the employee to furnish medical proof or submit to medical examination by the City at its expense to determine whether a subsequent injury is a new and separate injury or an aggravation of a former injury received while in the City service.

**Sec. 13-5. Military Leave.**

- A. **DEFINITION:** Military duty means training and service performed by an inductee, enlistee, or reservist, or any entrant into a temporary component of the armed forces of the United States and time spent in reporting for and returning from such training in service or, if a rejection occurs, from the place of reporting for service. It also includes active duty training as a reservist in the armed forces of the United States or as a member of the National Guard of the United States where the call is for training only.
- B. **ELIGIBILITY:** Any permanent employee who has completed his/her probationary period and who leaves the City service for compulsory military duty shall be placed on military leave without pay, such leave to extend through a date of ninety (90) days after his/her release from the service. Also a permanent employee who has completed his/her probationary period shall be granted a leave of absence for the purpose of being inducted or otherwise entering military service. If not accepted for such duty, the employee shall be reinstated in his/her position without loss of seniority or status or reduction in pay.

**Sec. 13-5. Military Leave (Cont'd)**

- C. **RESTORATION:** Any employee returning from military leave shall be entitled to restoration to his/her former position, provided he/she makes application within ninety (90) days after his/her release from duty under conditions other than dishonorable, (this will warrant review before reinstatement), and is physically and mentally capable of performing the duties of the position involved. In the event that the position he/she vacated no longer exists at the time he/she qualified for return to work, such persons shall be entitled to be re-employed in another existing position of the same class provided such employment does not necessitate the laying off of another person with greater seniority.
- D. **DISPOSITION OF VACATION AND SICK LEAVE:** A regular employee who leaves City service directly for such military leave without pay may elect to be paid for any accrued vacation as he/she may be entitled to if he/she was actually separating from the City service. His/her decision shall be noted on the Human Resources action form affecting the leave. If the employee elects not to be paid for such leave, the accrued leave credits shall be reinstated upon return of the employee. Employees returned to duty under this provision shall have unused sick leave credits restored for their use.
- E. **MILITARY RESERVE TRAINING:** A regular employee who has completed his/her probationary period and who is a member of any reserve component of the United States armed forces will be allowed military leave with pay for required training or duty for a period not exceeding fifteen (15) working days during any one calendar year. In the event that the time of such training is optional, the time shall be designated at the discretion of the City.
- F. **NATIONAL GUARD SERVICE:** All employees who are members of the National Guard shall be entitled to military leave with pay for not to exceed thirty (30) days in any calendar year from their City duties at times during which they shall be engaged in field training ordered or authorized at times when they are called into the actual service of the State by the Commander in Chief.
- G. **METHOD OF PAYING MILITARY LEAVE WITH PAY:** An employee on military leave may elect to be paid in one of the following manners:
1. The employee may receive his/her regular pay check. All military salaries and fees received by an employee on military leave up to that amount paid as salary by the City (other than meal, housing or travel allowances) shall be paid to the City by the employee.
  2. The employee may receive a pay check based on his/her regular rate of pay minus all salaries and fees received by the employee on military leave (other than meal, housing or travel allowances). The employee must notify Human Resources in writing and in advance of the check issuance if he/she elects this method of payment; otherwise, the payment procedure described in G.1 above will be followed. A copy of the employee's orders and military pay rate must be submitted to the Human Resources Office before any request for military leave with pay shall be granted.

**Sec. 13-6. Civil Leave.**

Any employee shall be given necessary time off without loss of pay when performing jury duty, performing emergency civilian duty in connection with national defense, and for the purpose of voting when the polls are not open at least two (2) hours before or after the employee's scheduled hours of work. In the case of an employee performing jury duty, all fees received (other than meal or travel allowances) shall be returned to the City.

The City of Carbondale recognizes the responsibility of its employees to fulfill their civic duties as jurors and witnesses in court proceedings. Therefore, the City agrees to grant non-job related and job-related civil leave with pay to regular employees;

**Non-Job Related –**

- A. who have not volunteered for jury duty and are called for jury duty; or
- B. who are not a party in a civil or criminal court proceeding, but are subpoenaed as a witness to attend such a court proceeding.

**NOTE:** An employee who is a party (plaintiff or defendant) in a court procedure is not considered a witness: therefore, vacation or leave without pay must be used.

Leave is granted for the period of time (including reasonable travel time) the employee's regular work schedule conflicts with the required court attendance time. Evidence such a written notification or the subpoena should be submitted to the employee's supervisor as far in advance as possible. Any payment for services must be turned over to the City. This excludes the reimbursement for expenses such as meals, mileage, parking Etc...

A Leave Request Form is required for non-job related civil leave and until the form can be updated, in the TYPE OF PAID LEAVE REQUESTED section, next to Other, indicate "civil leave".

**Job Related –**

Leave with pay is provided to an employee to attend court or a job related proceeding in connection with official job duties. If this is the case, no leave request is required and any payment for services as a witness must be turned over to the City (excludes reimbursements for meals, parking, mileage, etc.).

**Sec. 13-7. Leave Without Pay.**

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 City to do so. The employee request shall be considered when he/she has shown by his/her record to be of more than average value to the City and where it is desirable to retain the employee even at some sacrifice. During the employee's approved leave of absence, his/her position may be filled by a temporary appointment, temporary promotion, or temporary reassignment of any employee. At the expiration of the leave without pay, the employee has the right to, and shall be reinstated to, the position he/she vacated if the position still exists; or, if not, to any other vacant position in the same class. Approved leave without pay shall not constitute a break in service.

**Sec. 13-8. Funeral Leave.**

Up to three (3) consecutive days leave with pay may be granted an employee for the attendance of a funeral or comparable services, related travel time and/or time necessary to conduct arrangements or other necessary business related to the funeral of a member of his or her immediate family or member of his/her household. Immediate family shall include spouse, children, siblings, parents, grandparents, grand-children, great-grandparents, and in-laws in the same order. Also to be include are step-parents, step-children, step-brothers, step-sisters, and legally adopted children. In extenuating circumstances, additional leave for bereavement may be approved by the City Manager by use of vacation, sick, or leave without pay. Household includes anyone maintaining a family relationship living in an employee's home.

**Sec. 13-9. Leave Available for Maternity Purposes.**

- A. "Maternity purposes" includes only childbirth and recovery of the mother.
- B. The following leave shall be available for maternity purposes:
  - 1. All sick leave accrued by the employee.
  - 2. All vacation leave available to the employee in accordance with Sec. 13-2 of these Rules and Regulations.
  - 3. Leave without pay.
- C. Return from Leave Due to Maternity: Employees may return to work after being absent for the purpose of giving birth when they are physically able to do so. Before an employee may return to work, she must present a doctor's certificate indicating she is physically able to perform her duties.

**Sec. 13-10. Suspension.**

An employee may be suspended with or without pay by the City Manager in accordance with Sec. 10-10 of these Rules and Regulations.

**Sec. 13-11. Family and Medical Leave.**

In supplement to other leave provisions of this section, eligible employees as defined by the Family and Medical Leave Act of 1993 (the Act) shall be granted up to twelve (12) weeks of Family and Medical Leave during any twelve month period which twelve month period shall be measured from the first date such leave is taken by the employee for birth or adoption within one year of the event, in order to care for a spouse, child or parent with a serious medical condition or for the employee to deal with his/her own serious medical condition in accordance with the Act. The employee is required to obtain a physicians certification of the instance of a serious medical condition of the employee, spouse, parent or child. The City may, at its own expense, require a second opinion. The City may pay for a third opinion if the first two opinions conflict. The third opinion shall be binding on both parties. Unless otherwise approved by the City Manager, an employee taking Family and Medical Leave is required to utilize his/her paid sick and vacation leave until the leave is exhausted, making up the balance of the 12-week Family and Medical Leave period with unpaid leave.

**EMPLOYEE DEVELOPMENT****Sec. 14-1. In-Service Training.**

It will be the responsibility of the Human Resources Manager under the direction of the City Manager to foster and promote in-service training of employees for the purpose of improving the quality of personnel service rendered to the City and to assist employees to equip themselves for advancement in the service. The Human Resources Manager shall establish standards for training programs; see that training is carried out as approved; prepare certificates or other forms for recognition to persons who satisfactorily complete approved courses and programs; provide assistance to department heads in developing and conducting training to meet the specific needs of their departments and divisions; and develop supervisory and management training and other types of training programs common to all departments and divisions.

**Sec. 14-2. Incentive to Attend Training Courses.**

The City may reimburse its employees for tuition and book fees for job related college courses when the following conditions have been met:

- A. The course must be clearly job related and of benefit to the City as well as the individual. The Human Resources Manager shall determine whether or not the course is job related or not prior to the beginning of the semester.
- B. Funds for tuition and book fees must be provided for in the budget of the employee's department prior to the Human Resources Manager's approval of the course as job related or not.
- C. The course must be taken on the employee's own time and not during hours for which the employee receives salary.
- D. The City shall retain the right to limit the number of employees who wish to attend college courses during their normal working hours. The number of employees allowed to attend college courses during their normal working hours shall be determined by the departmental work load and the good of the City service. Final permission to attend job related college courses and to receive monetary compensation under this Section must be given by the Human Resources Manager and the City Manager prior to the time that the course is scheduled to begin.
- E. The employee must achieve an academic grade of "C" or above in the course.
- F. Receipts for tuition and book fees must be presented to the employee's department or division head in order to document the employee's request for reimbursement. A copy of the employee's grade card must also be presented in order to document the academic grade received in the course.

**Sec. 14-3. Service Ratings**

The Human Resources Manager, under the direction of the City Manager and in cooperation with department and division heads, shall establish a system of service ratings based on standards of performance. The standards shall have reference to the quality and quantity of work done, the manner in which the service is rendered, and the faithfulness of employees to their duties. The service ratings shall be so developed that they can be used as a guide in determining lay offs and promotions. Service ratings shall be shown to each employee but shall be confidential between the department or division head, Human Resources Office and the employee. Department or division heads or supervisors shall review service ratings with employees.

**Sec. 14-4. Incentives to Promote Employee Morale.**

The City Manager shall promote satisfactory and helpful working conditions that are conducive to high morale, greater efficiency and low rate of turnover in the City service. Such employee health and welfare programs may include: group insurance and group medical and nursing care for all employees; an employee credit union; an employee club for social and athletic activities; improvement of working conditions; adoption of non-financial incentives such as long term service awards; a suggestion system and employee magazine; and the establishment of a retirement system.