

## CHAPTER 36. - EMPLOYMENT POLICIES

### ARTICLE I. - GENERAL PROVISIONS

#### § 36.01. - Purpose.

It is the purpose of this chapter to establish a modern personnel system for the city in which professional techniques can be applied with responsible administrative judgment to the personnel needs of the city and in which merit and fitness shall be the primary conditions for employment and tenure. The city council of the City of Springfield reserves the right to modify these policies at any time.

#### § 36.02. - Equal employment policy.

It is the policy of the city to be an equal opportunity employer. No officer or employee of the city shall discriminate against any other officer or employee, or applicant for employment on the basis of sex, race, color, religious belief, national origin, political affiliation, marital status, age, sexual orientation or handicap unrelated to the person's ability to perform the duties of a particular job or position, except where a bona fide occupational qualification exists.

(Ord. No. 60-02-04, § 1, 2-3-04)

#### § 36.03. - Jurisdictions.

- (a) The city personnel system shall consist of the following four jurisdictions:
- (1) *Jurisdiction A (Merit)*. Shall deal with and provide procedures by which persons are appointed, promoted, demoted, transferred, suspended, or discharged on the basis of ascertained merit and fitness for employment.
  - (2) *Jurisdiction B (Classification)*. Shall deal with and provide procedures by which the duties and responsibilities of positions are allocated to classes on the basis of similarity of duties and responsibilities.
  - (3) *Jurisdiction C (Compensation)*. Shall provide procedures by which the classes of positions are allocated to grades of compensation and by which the levels of compensation and other economic benefits are determined.
  - (4) *Jurisdiction D (Working conditions)*. Shall provide procedures by which the conditions of continuous service, eligibility for leave, hours of work, conditions of work, and other conditions of employment are determined.
- (b) Rules for Jurisdictions A and B may be adopted by the civil service commission, and rules for Jurisdictions C and D may be prepared by the office of human resources for the approval of the city council. The rules adopted under Jurisdiction D shall be minimum

requirements. The mayor and commissioners may adopt additional and more restrictive rules not inconsistent therewith provided the additional rules are reviewed by the office of human resources and legal department prior to their adoption.

(Ord. No. 670-9-95, § 1(Exh. E), 9-19-95)

#### § 36.04. - Exemptions; return to merit appointment.

(a) The following officers and employees shall be exempt from Jurisdictions A, B, C and D to the extent set forth below:

Officers or Employees	Jurisdictions
City council members	A, B, C, and D except for Section 36.63 Non-Discrimination and anti-harassment
Mayor, city treasurer and city clerk	A, B, C, and D except for Section 36.63 Non-Discrimination and anti-harassment
Principal assistants to mayor, city treasurer, city clerk and aldermen	A, B, and C. Sections 36.56, 36.59, 36.62, and 36.64 of D.
Appointed directors	A, B, and C. Sections 36.56, 36.59, 36.62 and 36.64 of D.
Appointed members of boards and commissions	A, B, C, and D except for Section 36.63 Non-Discrimination and anti-harassment
Unpaid city officers	A, B, C, and D except for Section 36.63 Non-Discrimination and anti-harassment
Heads of principal subordinate departments	A, B, and C. Sections 36.56, 36.59, 36.62 and 36.64 of D.
Corporation counsel and assistant corporation counsel	A, B, and C. Sections 36.56, 36.59, 36.62, and 36.64 of D.
Executive secretaries to mayor, city treasurer and city clerk	A. Sections 36.56, 36.59, 36.62, and 36.64 of D.
Principal policy making employees	A, upon recommendation of the appointing authority and approved by the civil service commission under criteria established by the commission and Sections 36.56, 36.59, 36.62, and 36.64 of D, if notice thereof is filed by the appointing authority with the office of human resources and the officer or employee has also been exempted from A.
Temporary employees	A, B, and C except to the extent that the manager of the office of human resources determines that it is practicable to use existing class titles and pay

	grades.
Employees working under collective bargaining agreements	Exempt from only those items specified in the applicable collective bargaining agreement.

- (b) Any person subject to Jurisdiction A may be appointed to a position exempt from Jurisdiction A and shall thereupon be granted an automatic leave of absence without pay from the position formerly held. Upon termination of the exempt appointment, the employee shall have the right to return from the leave of absence to a position under Jurisdiction A equivalent to the position formerly held, unless no position is vacant, in which case the employee shall be laid off in accordance with the provisions of Jurisdiction D or the appropriate collective bargaining agreement.
- (c) Prior to formal review by the aldermen for those department and office head positions requiring confirmation by the city council, individuals temporarily assigned to such positions or nominated for such positions by the mayor may serve in an acting capacity at the then current salary of the employee (if employed by the city) or at a salary established by the city council for individuals not employed by the city. An individual temporarily assigned to such position or nominated for such position by the mayor may not serve in an acting capacity for more than a 12-month period. Once the nominee has secured confirmation, he/she will be eligible to receive a higher salary (within existing fiscal year budgetary parameters) commensurate with his/her new responsibilities and retroactive to the date he/she originally assumed the new job responsibilities.

While serving in an acting capacity, the nominee may effect no changes in existing personnel staffing without the prior consent of the appointing authority.

(Ord. No. 171-2-91, 2-19-91; Ord. No. 764-10-91, 10-15-91; Ord. No. 620-7-92, § 1, 7-21-91; Ord. No. 199-3-93, § 1, 3-16-93; Ord. No. 670-9-95, § 1(Exh. E), 9-19-95; Ord. No. 285-8-11, § 1(Exh. A), 8-16-11; Ord. No. 275-07-16, § 1, 7-19-16; Ord. No. 006-01-18, § 2(Exh. A), 1-2-18)

§ 36.05. - Residency requirement.

- (a) (1) The following persons employed by the city shall maintain their bona fide residence within the corporate limits of the city during all periods of service with the city: the executive assistant to the mayor, the corporation counsel, the director of the office of budget and management, the director of the office of planning and economic development, the director of the office of human resources, the director of the office of public utilities, the director of the office of public works, the director of hometown security, the director of the office of information systems, the director of the office of inspector general, the director of the office of communications, the director of the office of community relations, the director of the office of education liaison, the director of the convention and visitors bureau, the director of the office of public health, the chief of the fire department and the chief of the police department. The terms "reside" and "residence" denote that a person has a permanent abode or home in a particular place, and a person may not have a permanent residence in two places at the same time. In order to have one's residence in a particular place, one must both establish a physical presence there and have the intent to make that place his permanent residence.
- (2) All other persons employed by the city shall maintain their bona fide residence within the corporate limits of the city during all periods of service with the city. This section shall include all regular part-time, full-time, and temporary employees. The terms "reside" and "residence"

denote that a person has a permanent abode or home in a particular place, and a person may not have a permanent residence in two places at the same time. In order to have one's residence in a particular place, one must both establish a physical presence there and have the intent to make that place his permanent residence.

- (b) The failure of any person employed by the city and covered by this section to comply with its provisions shall be grounds for discharge, and employment shall be terminated with the city by the appropriate appointing authority in accordance with the rules promulgated under Jurisdiction A.
- (c) Any person employed by the city who shall move his bona fide residence outside the corporate limits of the city while so employed and after January 1, 2017, shall submit his resignation forthwith or otherwise have his employment terminated.
- (d) If a person employed by the city prior to the effective date of this provision has continuously maintained a bona fide residence outside the corporate limits of the city, then his continued employment shall not be affected, provided, that any such individual whose residence shall be annexed or who shall move into the city after January 1, 2017, shall be subject to the requirements of this section.
- (e) Notwithstanding the provisions of paragraphs (a) through (d) of this section, the appointing authority may temporarily waive this residency requirement for a period not to exceed 180 days following a showing by any person employed by the city that this requirement will cause such person extreme financial or other hardship and that such hardship is of a character capable of resolution by the granting of a temporary waiver. Any person employed by the city may apply for a permanent waiver of the residency requirement based upon a showing of extreme hardship which shall be subject to approval of the city council. In the event that the city council grants a waiver, the hardship must continue to exist during the length of the individual's employment and be proven to exist each year thereafter by documented evidence presented to the office of human resources.
- (f) No nonresident of the city shall be employed for more than 12 months after beginning such employment unless he shall have moved within the corporate limits.
- (g) Upon request by the office of human resources, an employee shall certify compliance with this section using a form provided by the office of human resources. The city is under no obligation to investigate noncompliance unless a written complaint is presented to the office of human resources alleging noncompliance of the residency requirement by an employee.
- (h) If a person employed by the city who is subject to paragraph (a) marries a person employed by the city who is exempt pursuant to paragraph (d), during the marriage they shall have the choice of residency under either paragraph (a) or (d).

(Ord. No. 727-12-00, § 1, 12-19-00; Ord. No. 585-10-03, § 1(Exh. 1), 10-21-03; Ord. No. 773-11-05, § 1, 11-1-05; Ord. No. 200-6-13, § 2, 6-4-13; Ord. No. 245-06-16, § 1, 6-21-16)

#### § 36.06. - External employment.

Any person employed by the city may undertake employment outside of and in addition to his city employment providing the employee shall notify the appointing authority of the employer's name and nature of employment and provided that such external employment shall in no way present a conflict of interest or in any way compromise the employee's performance of service.

#### § 36.07. - Political activity.

The intent of this section is to promote efficiency in government and protect the public service of the city from improper political influences.

- (a) *Prohibitions; improper activities.*

- (1) No city officer or employee shall use their official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for public office.
- (2) No city officer or employee shall violate the provisions of state or federal law, as from time to time amended, prohibiting certain political activities by public officers or employees.
- (3) No city officer or employee shall engage in any political activity while performing official duties or during working hours.

(b) *Permissible activities.*

- (1) All city officers and employees may properly engage in political activity not prohibited in paragraph (a) above.
- (2) The prohibitions set forth in paragraph (a) above shall not preclude any city officer or employee from becoming or continuing to be a member of a political club or organization or from attending political meetings outside of working hours or from enjoying entire freedom from all interference in casting his vote.
- (3) Any appointed city officer or employee who becomes a candidate for elective office in city government shall be entitled to an unpaid leave of absence. The leave may be taken for any consecutive number of days falling between the filing of the candidate's candidacy petition and the time the successful candidate qualifies for office. Only one leave may be taken per candidacy except as otherwise provided by any collective bargaining agreement. Upon termination of a leave of three months or less, the officer or employee shall be returned to a position equivalent to the position from which the leave was taken; provided, however, if the leave taken is longer than three months, and there is no such position vacant, the officer or employee shall be terminated unless, in the case of an employee, the employee is subject to the layoff provisions of section 36.59 of this chapter.

An appointed officer or employee on such a leave shall not accrue sick days, personal days or vacation days, unless otherwise provided by collective bargaining agreement. Insurance benefits may be maintained at the officer's or employee's expense pursuant to section 36.55 of this chapter.

In the event the appointing authority finds that a leave of absence requested pursuant to this sub section will create an undue hardship on the conduct of the city's business, for reasons including, but not limited to, the specialized nature of the officer's or employee's work and/or lack of qualified replacements and/or cost of replacements, the appointing authority may deny or modify the requested leave. In the event of such a denial or modification, the appointing authority shall provide the officer or employee with a written explanation of the reasons why the leave, as requested, will create an undue hardship on the conduct of the city's business.

- (c) *Exceptions.* Any exceptions set forth in state or federal law shall remain in effect for purposes or application of that law to city officers or employees as provided in subsection (a)(2) above.
- (d) *Simultaneous holding of elected office and employment.* Any appointed officer or employee who is elected or appointed to any elective office in city government shall be deemed to have resigned his employment effective upon qualifying for the elective office.
- (e) *Penalties.* Violations by any city officer or employee of the prohibitions set forth in subsection (a) above shall constitute grounds for disciplinary action.

§ 36.08. - Travel policy.

(a) *Lodging.*

- (1) Each officer or employee shall be reimbursed for the actual cost of room accommodations incurred in the conduct of official city business, up to the maximum established by the office of

budget and management by administrative regulation. The maximum allowance shall be established annually at the beginning of each fiscal year.

(2) However, an officer or employee shall be reimbursed for actual lodging costs higher than those set forth above when the following occur:

- a. The officer or employee is staying the least expensive available room in a hotel or motel in which the conference or meeting he is attending is being held, whether booked by the employee or conference or meeting staff.
- b. The officer or employee has received the prior written approval of his appointing authority.
- c. The officer or employee confirms at check-in time that the room is the least expensive room available.
- d. The officer or employee certifies the above on his travel papers submitted to the office of budget and management.

(b) *Per diem.*

(1) Each employee shall be reimbursed for his per diem expenses incurred in the conduct of official city business in accordance with the maximum allowance established by the office of budget and management through administrative regulations. The maximum allowance shall be established annually at the beginning of each fiscal year.

(2) The actual reimbursement shall be determined in accordance with the following rules:

- a. An officer or employee must leave the city before 7:30 a.m. or return to the city after 11:00 a.m. to be eligible for breakfast reimbursement.
- b. An officer or employee must leave the city before 11:00 a.m. or return after 2:00 p.m. to be eligible for lunch reimbursement.
- c. An officer or employee must leave the city before 5:00 p.m. or return later than 7:00 p.m. to be eligible for dinner reimbursement.

(c) *Transportation.*

(1) *Auto.*

- a. Each officer or employee using his personal automobile in the conduct of official city business shall be reimbursed at the rate established by the Internal Revenue Code or regulations.
- b. A certificate of insurance or other proof of automobile insurance coverage must be on file with the office of budget and management prior to any travel advance or reimbursement when an employee's personal vehicle is used.

(2) *Other.* Each officer or employee traveling on official city business and utilizing modes of transportation other than his own personal automobile shall be reimbursed for the actual costs thereof provided that he utilizes the least expensive fare for the mode of transportation chosen and, with the exception of taxicabs, receives the prior written approval of his appointing authority; Whenever possible, payments for airline tickets, Amtrak tickets, conference registrations, and hotel deposits shall be made by city check.

(d) *Miscellaneous expenses.* Each officer or employee shall be reimbursed for miscellaneous expenses that are necessary in the conduct of official city business provided that he receives the written approval of his appointing authority. Miscellaneous expenses include, but are not limited to, supplies and working materials needed for conferences and seminars.

(e) *Expense advances; documentation.*

(1) Travel expenses may be advanced in the following instances, provided the total expense exceeds \$25.

- a. Lodging;
  - b. Per diem.
  - c. Transportation, with the exception of automobile mileage in the city and taxicab fares.
  - d. Miscellaneous expenses.
- (2) To be eligible for an advance of travel expenses, the employee shall submit the appropriate travel papers, including a complete copy of the description brochure of any conference or training session, to the office of budget and management at least five working days before the date of departure. The department may allow for exceptions to this requirement in emergency situations. Within five working days of the employee's return, he shall submit travel papers to the department showing actual expenses incurred for items advances, along with receipts therefor, except for per diem, so that an expense reconciliation can be made. Failure to submit this itemized information within five days will preclude further travel by the individual.
- (f) *Reimbursement; documentation.* Upon completion of travel, the officer or employee shall submit the appropriate travel papers, including a complete copy of the description brochure of any conference or training session, to the office of budget and management, along with receipts for expenses, except per diem, within 30 days in order to be eligible for reimbursement.
- (g) *Scope; exceptions.*
- (1) Except as hereinafter provided, the provisions of this section shall apply to officers or employees in all offices, departments, boards, bureaus, councils, agencies or commissions funded by the city or whose funds are administered by the city.
  - (2) Because of the unique nature of the activities of the Springfield Convention and Visitors Bureau, being the promotion of the city to convention planners as an ideal convention city, employees performing work in connection therewith shall be reimbursed for their expenses, whether incurred within or outside of the city, notwithstanding the limitations set forth in paragraphs (a), (b), (c), and (d) of this section, upon written approval of the mayor.
  - (3) Exceptions to the provisions of this section, other than those set forth above, may be made only upon the written approval of the appointing authority and the city council.
  - (4) The provisions of this section shall also apply to the mayor, aldermen, elected directors and city clerk.

§ 36.09. - Attendance.

Reliable attendance is essential to assure effective municipal operations. Unscheduled and unanticipated absence, whether by accident or design, creates an undue transfer of workload to other employees who are already carrying full workloads.

- (a) Positive steps will be taken by each department to correct attendance problems.
- (b) The office of human resources shall provide guidelines by which an attendance monitoring and analysis program will be developed and administered.
- (c) Continual unsatisfactory attendance patterns will not be tolerated and appropriate disciplinary action will follow.
- (d) Sick leave shall not be considered as a privilege or a vested right which an employee may use at his discretion, but shall be considered as a type of insurance which shall be allowed in case of necessity and actual illness, legal quarantine, or disability of the employee or illness in his immediate family, or to receive dental or medical care.

(Ord. No. 670-9-95, § 1(Exh. E), 9-19-95)

§ 36.10. - Employment of relatives.

Close relatives of current employees and officers will not be eligible for employment within the same city department except where such employment is subject to competitive examination administered by the civil service commission of the City of Springfield or by the joint apprentice training committee.

For purposes of this section, close relatives shall be limited to parents, sisters, brothers, children, mother-in-law, father-in-law, son-in-law, daughter-in-law, or any relative who is a member of the same household as the current employee.

In no case shall any individual be permitted to work under the immediate supervision of another relative as defined above.

This policy shall be effective for all persons hired for city employment after November 1, 1988.

A temporary exemption not to exceed 180 days to this policy may be made by the appointing authority in the event the public's interest requires such temporary exemption.

(Ord. No. 635-7-92, § 1, 7-21-92; Ord. No. 166-3-93, § 1, 3-2-93; Ord. No. 528-9-97, § 1 (Exh. A), 9-24-97)

§ 36.11. - Probationary period.

Upon original appointment, all classified service employees shall serve a 12-month probationary period before attaining certified status. Employees who receive a promotion shall serve a six-month probationary period. Probationary periods may run concurrently. If there is an absence of 30 days or more during the probationary period, the probationary period shall be extended by the period of absence. Probationary employees may be summarily dismissed and are not entitled to the protection afforded to certified employees.

(Ord. No. 528-9-97, § 1 (Exh. A), 9-24-97)

§ 36.12. - Performance appraisal.

A systematic performance appraisal which objectively assesses work performance shall be conducted on a regular basis for all classified service employees to assist in determining salary adjustments and making other employment decisions.

§ 36.13. - Drugs in workplace prohibited.

It is the policy of the city to maintain a drug-free workplace, pursuant to the Drug Free Workplace Act of 1988, P.L. 100-690 section 5151 et seq. Any employee who unlawfully manufactures, distributes, possesses, or uses a controlled substance in the workplace shall be subject to disciplinary action, up to and including discharge, consistent with provisions of this chapter.

§ 36.14. - Outstanding or continued service by employees program.

For the purpose of recognizing outstanding or continued service by employees the appointing authorities may develop and implement such programs within their departments to recognize such employees whenever the annual budget allows for this expense.

(Ord. No. 656-8-90, 8-7-90)

§ 36.15. - Safety policy.

- (a) It is the city's policy to maintain strict standards of loss control and to be prepared to cope with emergency situations. It is the city's intention to eliminate and minimize the causes of accidental loss



and to develop operating conditions which will permit the city to serve the community of Springfield with maximum efficiency free from personal and property losses.

- (b) The department head is responsible for fulfillment of departmental goals and objectives as well as health and welfare of each employee in the department. It is normal practice for supervisors to be delegated the authority to carry out safety policy in his or her department; but the responsibility for meeting objectives and the protection of employees in performance of their assignments cannot be transferred.
- (c) Managers/supervisors will assume the responsibility of thoroughly instructing their personnel in the safe practices to be observed in their work situation. They will consistently enforce safety standards and requirements to the utmost of their ability and authority. Managers/supervisors will act positively to eliminate any potential hazards within the activities under their jurisdiction and they will set the example of good safety practice in all spheres of their endeavors.
- (d) Each employee, as a part of the comprehensive safety and loss prevention program, is expected to place safe work practices and identification of unsafe conditions in their highest priority while performing their daily tasks.

(Ord. No. 115-2-91, 2-19-91)

§ 36.16. - Alcohol in the workplace and at social functions prohibited.

It is the policy of the city to maintain an alcohol free workplace, including employee social functions sponsored by the city involving, but not limited to, holiday celebrations and observances, retirement celebrations, farewell gatherings and sporting events.

All city employees are prohibited from possessing, consuming, serving or selling alcoholic beverages in the workplace or at employee social functions sponsored by the city.

This policy shall not apply to social functions which are private in nature involving city employees at properly licensed public or private facilities which functions are not sponsored by the city.

Employees in violation of this policy shall be subject to disciplinary action, up to and including discharge, consistent with the provisions of this chapter.

(Ord. No. 1037-12-94, § 1, 12-20-94)

§ 36.17. - Registration with Selective Service.

Any male between the ages of 18 and 26 years old seeking employment with the city shall submit documentation evidencing his registration with the Federal Selective Service System. If an applicant fails to submit the required documentation, employment with the city shall be prohibited until such time as he submits documentation.

(Ord. No. 207-04-04, § 1, 4-20-2004)

§ 36.18. - Employee indebtedness.

Any employee who is delinquent in the payment of fines or other indebtedness to the city may be subject to garnishment of wages, bonuses, or compensation in accordance with 735 ILCS 5/12-801 et seq., as hereinafter may be amended.

(Ord. No. 90-3-11, § 1, 3-1-2011)

## ARTICLE II. - DEFINITIONS

### § 36.19. - Definitions.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*Allocation.* The assignment of an individual position to an appropriate class on the basis of the kind, difficulty, and responsibility of the work actually performed in the position.

*Anniversary date.* The date upon which a regular employee receives his appointment to the position presently occupied.

*Appeal.* An application for review of grievance submitted or instituted by an employee to a higher authority.

*Appointing authority.* The mayor, city clerk or city treasurer to whom the position is subordinate.

*Appointment.* The appointment to a position in the classified service of a person who has qualified for the appointment through appropriate examination or determination of fitness.

*Cause for discharge.* Some substantial shortcoming which renders continuance in office or employment in some way detrimental to the discipline and efficiency of the service and something which the law and a sound public opinion recognize as a good cause for the employee no longer occupying the position.

*Certified employee.* An employee who has successfully completed the probationary period.

*Child.* A biological, adopted, or foster child, a stepchild, a legal ward, or a child for whom the employee is standing in loco parentis, who is:

- (1) Under 18 years of age; or
- (2) Eighteen years of age or older and incapable of self-care because of a mental or physical disability.

*Class.* A group of positions or a position having approximately similar duties and responsibilities, requiring similar qualifications, which should be properly designated by one title indicative of the nature and level of work and which should carry the same pay grade assignment.

*Class specification.* A written description of a class of positions consisting of a class title, a statement of the nature and level of work, illustrative examples of work and desirable qualifications for entry into the class of positions.

*Classification plan.* The official manual of class specifications consisting of an index to the class specifications and rules concerning administration of the plan.

*Classified service.* All positions of employment in the city except those positions wholly exempt by the provisions of this chapter and those positions exempted from Jurisdiction A, in accordance with the rules adopted under the provisions of this chapter.

*Compensation (pay) plan.* The official schedule of pay approved by the city council assigning pay grades to each class title and the provisions of this chapter concerning administration of the plan.

*Compensatory leave.* Authorized time off from work in lieu of monetary payment for overtime work.

*Continuous service.* Employment in the service without a break or interruption from the date of original appointment.

*Creditable service.* The period of time commencing from the date of original appointment to a position and including all eligible employment periods thereafter.

*Demotion.* The assignment of an employee from one class of position to another which has a lower pay grade.

*Department.* A principal subordinate department reporting to the mayor.

*Director.* The director of one of the principal offices in city government.

*Duty day.* Any day on which an employee is scheduled to be available for the duties of his position.

*Employee.* Any person employed by the City of Springfield pursuant to the provisions of this chapter.

*Examination.* The process of testing, evaluating, or investigating the fitness and qualifications of applicants and employees.

*Exempt employee.* Any employee occupying a position in the exempt service.

*Exempt service.* Consists of all positions exempted by section 36.04 of this chapter.

*Grievance.* A dispute or disagreement raised by an employee concerning the interpretation and/or application of the specific provisions of this chapter, except as otherwise limited.

*Immediate family.* An officer's or employee's spouse and children or stepchildren residing in the same household; except, however, for purposes of funeral leave, immediate family shall include other family members as set forth under section 36.58(d).

*Job audit.* A systematic examination of the duties and responsibilities of a particular employee for the purpose of determining whether such employee is properly classified.

*Layoff.* Involuntary, nondisciplinary separation from service because of shortage of funds or materials, lack of work or abolishment of position for reasons beyond the control of an employee.

*Leave.* An approved leave of absence from work as set forth in this chapter.

*Merit pay increases.* An increase in compensation provided for in the compensation (pay) plan which may be granted to an employee for exemplary service.

*Month.* One calendar month.

*Original appointment.* Appointment to a position in the classified service of a person not a current employee of the city.

*Overtime.* Authorized time worked by an employee in excess of an approved work schedule of 37½ hours a week.

*Parent.* The biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a minor.

*Pay grade.* The range of pay assigned to a class.

*Pay rate.* A specific dollar amount expressed as an annual rate, a monthly rate, bi-weekly rate, or an hourly rate established in the schedules of the official compensation (pay) plan.

*Performance appraisal.* A systematic process designed to evaluate employee work performance and the purpose of assisting management in making employment decisions.

*Personnel transaction.* Any personnel action affecting the status of an employee such as appointment, compensation, promotion, transfer, layoff, suspension, termination or a demotion.

*Position.* Any office or employment whether occupied or vacant.

*Probationary employee.* An employee who has not completed the probationary period during which he is required to demonstrate fitness in a position by actual performance of the duties of the position.

*Probationary period.* The first 12 months of employment for an original appointment and the first six months of employment for a promotional appointment, unless there is an absence of 30 days or more during the probationary period, in which case the probationary period shall be extended by the period of absence.

*Promotion.* The assignment of an employee from one class of position to another which has a higher pay grade.

*Regular full-time employee.* An employee whose regular work week consists of at least 37½ hours per week.

*Regular part-time employee.* An employee whose work week consists of less than 37½ hours per week, provided, however, that no regular part-time employee who works a regular work week of less than 20 hours shall be eligible for pro-rated benefits.

*Resignation.* Formal announcement or relinquishment of an office or employment.

*Retirement.* Voluntary separation from service of a regular full-time employee who has reached at least age 55 and has at least eight years of continuous city service.

*Seniority.* Priority based on the length of continuous service of a regular employee.

*Sexual harassment.* Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes "sexual harassment" when:

- (1) Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (2) Submission to or rejection of the conduct by an individual is used as the basis for employment decisions affecting the individual; or
- (3) The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

*Suspension.* An involuntary leave of absence for disciplinary purposes or pending investigation of charges made against an employee.

*Temporary appointment.* An appointment to meet an emergency or seasonal need not to exceed six months in any one calendar year.

*Temporary assignment.* The assignment of an employee on a temporary basis to perform the duties and responsibilities of a position in the same or a different class than the one he is currently assigned.

*Temporary employee.* An emergency or seasonal employee hired for not more than six months in any one calendar year.

*Termination.* A separation from municipal employment resulting from discharge, resignation, retirement, or death.

*Transfer.* The assignment of an employee from one position to another position in the same or another department, having similar duties and pay grade.

(Ord. No. 570-7-91, 7-2-91; Ord. No. 670-9-95, § 1(Exh. E), 9-19-95; Ord. No. 609-9-96, § 1, 9-3-96)

### ARTICLE III. - OFFICE OF HUMAN RESOURCES

#### § 36.20. - Established.

- (a) There is hereby established within the office of mayor the office of human resources.
- (b) The office of human resources shall be headed by a director appointed by the mayor with the advice and consent of the city council. The director shall be a person with professional training and experience in the field of personnel management. The director shall not be a member of any local, state, or national committee of a political party or an officer or member of standing committees of any partisan political group or organization.
- (c) Without limiting those powers and duties prescribed by law and ordinance, the office of human resources shall perform those duties and exercise those powers set forth in this subchapter. The director of the office of human resources shall have the responsibility to carry out the purposes of

this chapter in accordance with the rules approved by the civil service commission and/or city council.

§ 36.21. - Rules.

- (a) The director of human resources shall propose rules for the conduct of Jurisdictions A and B to be approved by the civil service commission and Jurisdictions C and D to be approved by the city council. When so approved and published by the director of human resources the rules shall have the force and effect of law.
- (b) Notice of any proposal to adopt, amend, or rescind any rule or to adopt or rescind any exemptions of any position or class from any jurisdiction shall be publicly announced, shall be posted in locations convenient to city employees, and copies shall be supplied upon request to any member of the public and any city employee at least ten days before consideration of such rules, amendment, exemption, or rescision by the civil service commission or city council.
- (c) The director of human resources shall publish rules of the office of human resources in convenient form for the information of the public and employees of the city. This publication shall be made within 30 days from the adoption, amendment, or rescision of any rules. Rules shall be effective upon publication as required herein.

(Ord. No. 670-9-95, § 1(Exh. E), 9-19-95)

§ 36.22. - Annual report.

The director of human resources shall make a report of the activity of the department at least annually to the city council and civil service commission together with recommendations.

(Ord. No. 670-9-95, § 1(Exh. E), 9-19-95)

ARTICLE IV. - DUTIES OF CIVIL SERVICE COMMISSION

§ 36.25. - Established; terms; officers; quorum; special meetings.

- (a) There is hereby established a civil service commission and civil service system for the city which shall operate pursuant to 65 ILCS 5/10-1-1 et seq. as now or hereafter amended, except that where there is any inconsistency between those provisions and the provisions of this chapter, the latter shall prevail.
- (b) The civil service commission, shall consist of seven commissioners, appointed by the mayor with the advice and consent of the city council. No more than four commissioners may be members of the same political party. No commissioner of the civil service commission may be an employee or officer of the city. The commission shall each year designate one of the commissioners thereof as chairman. The commissioners shall receive compensation as provided for by the city council.
- (c) The terms of office of the commissioners shall be for three years and until their successors are appointed and confirmed by the city council.
- (d) Vacancies shall be filled in the same manner as original appointments for the remainder of the unexpired term.
- (e) The chief examiner of the commission shall serve as secretary and keep a record of all resolutions, proceedings, and actions of the commission. Four commissioners shall constitute a quorum for the transaction of business. A majority vote of commissioners present shall constitute approval of business before it. Special meetings may be called by the chairman or by no less than three commissioners. Any person or his duly authorized representative shall be entitled to appear before

the commission on any matter which the commission is authorized to hear and determine prior to any final order or ruling of the commission.

(Ord. No. 87-02-08, § 1, 2-5-08)

§ 36.26. - Approval of rules.

Within 60 days from a written proposal by the director of human resources to adopt, amend, or rescind any rule promulgated under Jurisdictions A and B, the civil service commission shall approve or disapprove the rule change. The civil service commission may modify any such proposal. The commission may initiate proposals for changes in the rules.

(Ord. No. 670-9-95, § 1(Exh. E), 9-19-95)

§ 36.27. - Exemptions of positions of classes.

Within 60 days from a written recommendation by the director of human resources to exempt or to rescind the exemption of any position from Jurisdictions A, B, C and D, the commission shall approve or disapprove the exemption or rescision. This exemption or rescision shall be effective upon publication as required herein for rules.

(Ord. No. 670-9-95, § 1(Exh. E), 9-19-95)

§ 36.28. - Failure to act.

Failure of the civil service commission to act on any proposed rule or exemption within 60 days from submission shall authorize the director of human resources to place the rule or exemption in effect by publication as required herein.

(Ord. No. 670-9-95, § 1(Exh. E), 9-19-95)

§ 36.29. - Hearings by the civil service commission.

The commission shall have sole and exclusive power to hear and determine the following matters.

- (a) Written charges seeking disciplinary discharge for cause or suspension for cause totaling more than five working days or 48 duty hours from any position under Jurisdiction A;
- (b) Demotions for cause from a position under Jurisdiction A;
- (c) Complaints alleging unlawful discrimination in selection procedures in employment leading to initial appointment to, dismissal from, demotion from, transfer to, promotion to any position under this chapter.

§ 36.30. - Investigation.

The commission, upon receipt of a complaint may conduct an investigation of the enforcement of the civil service commission rules and regulations, and when the commission finds reasonable basis for the belief that a violation of the rules has occurred, to hold a hearing and, if a violation is found, to order an appropriate remedy.

§ 36.31. - Disciplinary action.

No employee under Jurisdiction A who has completed the probationary period shall be discharged except for cause or suspended for more than five working days except upon written charges approved by the appointing authority. Such employee may request a hearing concerning such disciplinary action to the civil service commission within ten calendar days after the service of such written charges upon him. No action shall be final until the expiration of the ten-day period, or if heard by the commission, until the commission renders a decision.

§ 36.32. - Hearing procedure and powers.

Hearing on any matter on which the civil service commission is authorized to hear and determine by this chapter shall be public except for good cause shown. The commission shall have the power to administer oaths, to subpoena witnesses, and to compel the production of books, papers, and records in connection with any matter before it.

§ 36.33. - Power to order remedy.

The civil service commission shall have the power to issue a final administrative decision and order after the hearing of any authorized matter. With regard to hearings on suspension or discharge, if the commission certifies to the appointing authority a final administrative decision and order that the employee is to be retained in his position, the employee shall receive full compensation for any period of suspension beyond that approved by the commission on the cause if otherwise entitled thereto. This decision and order shall forthwith be enforced by the appointing authority unless appealed.

§ 36.34. - Annual report.

The civil service commission shall make an annual report regarding the actions of the commission, together with recommendations to the city council.

#### ARTICLE V. - MERIT: JURISDICTION A

§ 36.35. - Appointment and promotion.

Appointment and promotion to positions of employment in the classified service shall be made in accordance with the rules adopted by the city council and civil service commission pursuant to this chapter; provided, however, for classified service positions the following procedures shall be utilized for initial appointment and promotion:

- (a) All open positions shall be publicly posted by the office of human resources.
- (b) All applications shall be submitted to and reviewed by the office of human resources.
- (c) The office of human resources shall submit the applications of all qualified applicants to the appointing authority. To be deemed qualified to apply, any current city employee must have successfully completed the probationary period and achieved certified status for the position they are currently holding whether it is for an original appointment or a promotion.
- (d) The appointing authority shall fill the position only with applicants so submitted by the office of human resources.
- (e) The posting requirement shall apply to all classified service positions unless otherwise provided in the collective bargaining agreement.
- (f) The civil service commission shall grant veterans points in accordance with 65 ILCS 5/10-1-16.
- (g) Any individual applicant who is a successful graduate of the federal Police Corps Cadet Program and meets the minimum qualifications set forth by the Springfield Civil Service Commission shall be certified by the civil service commission for immediate eligibility for appointment as a Springfield Police Officer.

(Ord. No. 706-8-92, 8-18-92; Ord. No. 133-2-93, 2-16-93; Ord. No. 670-9-95, § 1(Exh. E), 9-19-95; Ord. No. 528-9-97, § 1 (Exh. A), 9-24-97; Ord. No. 386-7-01, § 1, 7-17-01; Ord. No. 652-11-03, § 1, 11-19-03; Ord. No. 655-10-06, § 1, 10-17-06; Ord. No. 147-04-16, § 1, 4-5-16)

§ 36.36. - Promotion, demotion, transfer, suspension, and discharge.

Promotion, demotion, transfer, suspension, and discharge in the classified service shall be made in accordance with the rules adopted by the city council and civil service commission pursuant to this chapter.

§ 36.37. - Police and fire examination administration.

Police eligibility entry lists shall remain in force one year from date of certification unless the list is depleted; or voided by the commission. The duration of the entry and promotional list may be extended for an additional year by the action of the Springfield Civil Service Commission.

(Ord. No. 528-9-97, § 1 (Exh. A), 9-24-97; Ord. No. 252-04-06, § 1, 4-18-06)

#### ARTICLE VI. - CLASSIFICATION PLAN: JURISDICTION B

§ 36.38. - Purpose.

- (a) There shall be established a classification plan which shall be prepared in accordance with this chapter and to the extent applicable, 65 ILCS 5/10-1-1 et seq., and the rules and regulations of the civil service commission. Systematic studies shall be performed as necessary by the office of human resources to establish job classifications based on duties performed.
- (b) Composition of plan. The classification plan shall be maintained by the office of human resources including a list of all classified positions, classification standards and an index of all classification standards. Under this plan, a number of position classifications and grades are established and positions are assigned to these classifications. This system requires:
  - (1) Establishing certain levels or grades and defining them so that all work elements will be included with the duties and responsibilities clearly indicated.
  - (2) Classifying each position into its proper grade and category.
  - (3) Ensuring that positions are allocated to the appropriate class.
- (c) Adoption of plan. The office of human resources shall submit the classification plan to the civil service commission for its consideration and approval.
- (d) Amendments to plan. The office of human resources shall make recommendations for additions, deletions or amendments to the classification plan to the civil service commission. Final approval for additions, deletions or amendments shall be made by the civil service commission.

(Ord. No. 570-7-91, 7-2-91; Ord. No. 670-9-95, § 1(Exh. E), 9-19-95)

#### ARTICLE VII. - COMPENSATION PLAN: JURISDICTION C

§ 36.40. - Composition of compensation plan.

The director of human resources shall be responsible for developing a recommended compensation (pay) plan and shall report by January 1 of each year recommendations on any suggested adjustments to the plan for inclusion in the budget and for purposes of keeping the plan current. The plan shall cover all positions in the classified service and shall be based on the principle of equal pay for equal work. The



plan shall prescribe the manner of its administration, including the methods of fixing individual pay rates and of awarding pay increases within established ranges.

(Ord. No. 670-9-95, § 1(Exh. E), 9-19-95)

§ 36.41. - Adoption of compensation plan.

The director of human resources shall submit the compensation plan to the city council for its consideration and approval.

(Ord. No. 670-9-95, § 1(Exh. E), 9-19-95)

§ 36.42. - Amendments to compensation (pay) plan.

Prior to the preparation of each annual budget, as well as at other times, the director of human resources shall make such comparative studies as are necessary of the factors affecting the level of salaries in the city service. On the basis of the information derived from such studies, the director shall recommend to the council any changes in the compensation (pay) plan as are pertinent to the fairness and adequacy of the overall salary structure. Amendments to the plan shall require the same approvals as are provided for the adoption of the plan. Whenever new classes become a part of the classification plan, the salary ranges for the classes shall be adopted in the same manner.

(Ord. No. 670-9-95, § 1(Exh. E), 9-19-95)

§ 36.43. - Basic merit compensation (pay) plan established.

For the purpose of compensating employees on the basis of progressive improvement in job or professional performance in the city service, there is hereby established a basic merit compensation (pay) plan for the city. The schedule will include the classifications of office, clerical, technical, and professional management with a three-step pay rate range for each grade therein.

(Ord. No. 697-10-06, § 1, 10-17-06)

§ 36.44. - Compensation; beginning salary.

- (a) Original appointment shall be at the beginning of the pay rate range of the pay grade to which the position is assigned. However, original appointment may be made up to and including the mid-point of the pay rate range when there is a lack of eligible candidates at the beginning of the pay rate range and/or an applicant possesses qualifications warranting the higher pay rate. Whenever the action is authorized by the director of the office of human resources, it shall be determined whether the existing salary range is appropriate, whether the proposed rate represents an unreasonable departure from rates of other employees so classified, and whether the salary range should be amended to enable the employment of sufficient qualified employees at the minimum rate.
- (b) When an employee is reemployed in a class in which he was previously employed, the appointing authority may authorize an appointment at the salary step or pay rate in the pay rate range of the pay grade for the class corresponding to that which the employee had been receiving upon the termination of his previous service.
- (c) When an employee is reallocated to a position in a class having a higher pay grade, his pay rate shall be at least step 1 or the beginning of the new pay grade. When an employee is reallocated to a class at a lower pay grade and the employee's pay rate is higher than the new pay grade maximum, his pay rate shall not be lowered for one year after the date the office of human resources issues its

determination to reallocate the position. One year after the date of the reallocation, the employee's pay rate shall be adjusted to the maximum of the pay grade of the classification to which reallocated.

(Ord. No. 570-7-91, 7-2-91; Ord. No. 670-9-95, § 1(Exh. E), 9-19-95; Ord. No. 697-10-06, § 1, 10-17-06)

§ 36.45. - Basic merit pay plan; administration and requirements for advancement.

- (a) Advancement through the merit pay steps of the merit pay plan shall be on the basis of superior performance as determined by the appointing authority. In making the decision as to whether or not an employee deserves and shall receive a merit pay increase, the department head and appointing authority must find that the employee being considered has progressed in an exemplary manner in each of the following primary areas of concern:
  - (1) Productivity, including both quality and quantity of job or professional performance;
  - (2) Job or professional performance knowledge;
  - (3) Initiative, including willingness to accept responsibility and be a self starter in job performance;
  - (4) Continuous improvement and motivation or self improvement in job or professional performance;
  - (5) Attitude, including cooperation with supervisors and other employees; and
  - (6) Creation of a favorable impression on the public in the performance of job or professional duties, if applicable.
- (b) Merit increases shall be awarded on the basis of progressive improvement in the job or professional performance only, and under no circumstances shall any appointing authority award or deny any employee a merit increase on the basis of personal or political favoritism or discrimination.
- (c) A probationary employee shall not be eligible for merit pay increases.
- (d) An employee shall be eligible for a merit increase upon his anniversary date.
- (e) Merit or discretionary salary increases shall be made upon completion of performance evaluations justifying the increases.

§ 36.45.1. - Compensation; newly hired graduate engineers.

Graduate engineers recently hired by the city office of public utilities may be placed in an initial six-month training program developed by the department for the purpose of increasing the awareness, knowledge and skill levels needed to meet the goals and objectives of the utility.

Upon successful completion of the engineer training program, newly hired graduate engineers shall be eligible for a 5% salary increase.

(Ord. No. 673-12-02, § 1, 12-17-02)

§ 36.46. - Promotion, transfer, demotion, and temporary assignments.

- (a) In the case of promotion, the pay rate of the promoted employee covered by the office, clerical, technical schedule shall be increased to that step in the pay grade of the class to which promoted which will provide an increase over the pay rate prior to promotion. As the increase is intended to be at least 5%, the pay rate of the promoted employee covered by the P/M schedule shall be at least a 5% increase. In no case shall a promoted employee receive less than step 1 or the beginning pay rate of the pay grade for the class to which promoted. If an employee returns to his former position

during the probationary period, he shall return to that pay rate in the original position he would have been entitled had there been no promotion.

- (b) In the case of a transfer, the employee's pay rate will remain unchanged at the time of transfer.
- (c) In the case of demotion, the pay rate of the demoted employee shall be reduced only as necessary to bring the pay rate at the time of demotion within the basic range established for the class to which he is demoted.
- (d) Whenever the appointing authority deems it necessary, an employee with the requisite qualifications may be assigned on a temporary basis to a position in the same or a different class than the one he is currently assigned. In the event of a temporary assignment to a position in a class having a higher pay grade, the employee shall be compensated at step 1 or the beginning of the pay rate range of the higher pay grade if higher than his current pay rate. In the event of a temporary assignment to a position in a class having a lower pay grade, the employee's pay rate shall not be reduced. The temporary period shall not exceed six months. In the event of an assignment to a position in a class having a higher pay grade, the employee shall not be entitled to the higher compensation for the first five days or, if the assignment is for the purpose of substituting for a vacationing employee, for the period of the vacation, whichever is longer. A temporary assignment may be extended for a period not to exceed 12 consecutive months to replace an employee who has been granted an extended leave of absence.

(Ord. No. 570-7-91, 7-2-91)

§ 36.47. - Temporary employment.

Temporary employees shall be compensated at least minimum wage where it is not practical to use existing class titles or pay grades. When the director of human resources of personnel determines that it is practical to use existing class titles and pay grades, temporary employees shall be compensated at no less than step 1 or at the beginning of the pay rate range of the pay grade of the class to which the position is assigned. However, appointment may be made up to and including step 4 or the mid-point of the pay rate range when the appointing authority submits a request in writing that the applicant possesses qualifications warranting the higher pay rate.

(Ord. No. 923-11-90, 11-20-90; Ord. No. 670-9-95, § 1(Exh. E), 9-19-95)

§ 36.48. - Voluntary reduction.

A certified or probationary employee may voluntarily request or accept a position in a class having a lower pay grade. The request or acceptance shall be in writing signed by the employee, directed to the department head, and approved by the appointing authority. This change shall not affect the employee's status as a certified or probationary employee (a probationary employee shall serve the balance of his probationary period). The anniversary date will not change following a voluntary reduction.

ARTICLE VIII. - WORKING CONDITIONS: JURISDICTION D

§ 36.55. - Insurance.

After the end of the month in which the leave began for an approved general, military or medical leave of absence under section 36.58, the employee on leave who desires to continue any offered life and health insurance benefits must make arrangements therefor with the office of budget and management and pay the entire cost of the monthly premiums each month. However, employees on medical leave under section 36.58(f) compensable under Workers' Compensation Act shall continue to receive all insurance benefits otherwise offered as though they were in active service for a 12-month period from the first day of incapacitation. Provided further that the insurance benefits shall terminate upon the entry of a final nonappealable award under the Illinois Workers' Compensation or Occupational

Diseases Acts or the grant of a disability pension as provided by law. This section shall apply to all employees whether exempt or nonexempt from the provisions of this chapter.

§ 36.56. - Hours of work.

- (a) The appointing authority shall establish hours of work which shall be uniform within occupational groups, determined in accordance with the needs of the service, and considering the reasonable needs of the public who do business with the various city departments.
- (b) The work day shall consist of not less than eight consecutive hours, and the workweek shall consist of at least 37½ hours (five consecutive days). Exceptions to this rule may be made in departments where the work does not conform to these specified hours and where the needs of the city and citizens must be served or services maintained on another schedule. Workweeks may exceed 37½ hours or be less than 37½ hours per week, but these variances must be approved by the department and office of human resources.
- (c) The appointing authority or her designee may require any employee to work additional hours when deemed necessary.
- (d) Overtime compensation.
  - (1) For the purpose of determining overtime compensation, the office of human resources, in accordance with applicable law, rules and regulations, shall classify employees as follows:
    - a. Employees subject to the Fair Labor Standards Act;
    - b. Employees exempt from the Fair Labor Standards Act but subject to Jurisdictions A and B of the city's personnel system (civil service); and
    - c. Employees not subject to either the Fair Labor Standards Act or Jurisdictions A and B of the city's personnel system (civil service).
  - (2) Overtime compensation shall be earned and paid as follows:
    - a. Employees in positions having a 37½-hour work week, who are subject to the Fair Labor Standards Act and who work more than 37½ but less than 40 hours in a work week shall be compensated in cash payment or compensatory time at straight time rates for hours so worked. Said employees who work in excess of 40 hours in a work week shall be compensated for all hours in excess of 40 hours with compensatory time in lieu of cash payment to a maximum of 150 overtime hours (100 hours of actual overtime worked at time and a half), and thereafter shall be compensated in cash payment in accordance with the Fair Labor Standards Act so long as the act is applicable to the City of Springfield. Compensatory time accrued prior to April 15, 1986 shall not be included in determining when an employee has reached the 150 overtime hour maximum. The appointing authority shall, upon an employee's termination, and may, at any time prior thereto, liquidate the employee's accumulated compensatory time by paying cash therefor.
    - b. Employees in positions having a 37½ or 40 hour work week, who are subject to Jurisdictions A and B of the city's personnel system but who are not subject to the Fair Labor Standards Act shall be compensated in cash payment or compensatory time at straight time rates for all hours worked in excess of said work week. Provided, however, with respect to compensatory time earned after April 15, 1986, no such person shall accumulate more than 150 overtime hours of compensatory time. The appointing authority shall, upon an employee's termination, and may, at any time prior thereto, liquidate the employee's accumulated compensatory time by paying cash therefor.
    - c. Police department employees who are not subject to the Fair Labor Standards Act, but are subject to Jurisdictions A and B of the city's personnel system may, at the discretion of the appointing authority, accumulate compensatory time at straight time rates, provided, however, that they shall accrue no more than 80 hours during any calendar year and such

time must be used within 12 months of accrual or the time shall be lost. There shall be no cash compensation paid for these compensatory hours.

- d. Employees who are subject to neither the Fair Labor Standards Act nor Jurisdictions A and B of the city's personnel system may, at the discretion of the appointing authority, accumulate compensatory time at straight time rates, provided, however, that an exempt employee shall accrue no more than 80 hours during any calendar year and such time must be used within 12 months of accrual or the time shall be lost. There shall be no cash compensation paid for these compensatory hours.
- (3) It shall be within the discretion of the appointing authority to establish the time of day and day of week on which each employee's work week begins, and, unless otherwise specified in this subsection (d), to determine whether an employee shall be compensated in cash payment or compensatory time for hours worked in excess of the employee's applicable work week.
- (e) Overtime work shall not be permitted on a voluntary basis, but must be authorized by the appointing authority.

(Ord. No. 670-9-95, § 1(Exh. E), 9-19-95; Ord. No. 701-10-96, § 1, 10-22-96)

§ 36.57. - Holidays.

- (a) Legal holidays are as follows:
  - (1) New Year's Day.
  - (2) Martin Luther King's Birthday.
  - (3) Lincoln's Birthday.
  - (4) Good Friday.
  - (5) Memorial Day.
  - (6) Fourth of July (Independence Day).
  - (7) Labor Day.
  - (8) Veteran's Day.
  - (9) Thanksgiving Day and day after Thanksgiving.
  - (10) Christmas Day and Christmas Eve.
- (b) The city council may designate other days as holidays. When a holiday falls on Sunday, the following day shall be observed as a holiday for city employees. When a holiday falls on Saturday, the preceding day shall be observed as a holiday for city employees.
- (c) When Christmas Day falls on a Saturday, the preceding Thursday and Friday will be celebrated as Christmas Eve and Christmas Day. When Christmas Day falls on a Sunday, the preceding Friday and following Monday will be celebrated as Christmas Eve and Christmas Day. When Christmas Day falls on a Monday, Christmas Eve and Christmas Day will be celebrated on Monday and Tuesday.
- (d) Regular employees shall be entitled to the above holidays with pay if the holiday falls on a scheduled day of work. Any employee shall forfeit his right to a holiday with pay if absent the work day preceding the holiday or on the work day following the holiday, unless on a leave either before or after the holiday, approved by the appointing authority. In cases where sick leave is claimed for the absences, the claims must be specifically approved by the respective department head and appointing authority.
- (e) If a holiday falls within an employee's regularly scheduled vacation period, the employee shall not be charged a vacation day for the holiday.

- (f) Regular part-time employees shall begin receiving pay for holidays as above, on a prorated basis upon completion of six months' service.

(Ord. No. 614-11-99, § 1, 11-16-99)

§ 36.58. - Leaves of absence.

(a) *General leave of absence.*

- (1) Leave of absence without pay may be granted to employees, except temporary employees, for a period not to exceed three months in any one calendar year upon approval by the appointing authority. An extension for good cause may be approved by the appointing authority for a period not to exceed three months. Leaves of absence may be granted for the following purposes:
  - a. For attendance at a college, university, or business school for the purpose of training in subjects relating to the work of the employee which will benefit the employee and the city services;
  - b. For urgent personal business requiring employee's attention for an extended period, such as settling an estate or liquidating a business;
  - c. For attending court; and
  - d. For purposes other than the above that are deemed beneficial to the city service.
- (2) When an employee returns from a leave of absence of three months or less, the employee shall be returned to a position equivalent to the position from which he is on leave. When an employee returns from a leave exceeding three months and there is no such position vacant, the employee shall be laid off in accordance with the provisions of this chapter.
- (3) In the absence of reasonable excuse and notice to his appointing authority, an employee who fails to return to work at the time specified in his application for leave shall be considered to have abandoned his position and shall be terminated.
- (4) No employee shall be granted a leave of absence to go to work for any business or other entity except pursuant to a waiver granted by the civil service commission. The commission may grant a waiver of section 36.58(a)(4) only if the appointing authority does not object to the waiver and if the commission determines that no potential conflict of interest or potential harm to the city exists.
- (5) An employee on any leave of absence without pay in excess of 30 days shall not accumulate vacation and sick leave during the period of absence, and their anniversary date shall be adjusted by the period of unpaid leave.

(b) *Vacation leave.*

- (1) All employees of the city, except temporary or regular part-time personnel, shall earn a vacation with pay at the rate set forth below:
  - a. Ten days per year commencing upon the beginning of employment and ending upon the completion of six years of employment.
  - b. 15 days per year commencing upon the beginning of seven years of employment and ending upon the completion of 11 years of employment.
  - c. 16 days per year commencing upon the beginning of 12 years of employment and ending upon the completion of 13 years of employment.
  - d. 17 days per year commencing upon the beginning of 14 years of employment and ending upon the completion of 15 years of employment.
  - e. 18 days per year commencing upon the beginning of 16 years of employment and ending upon the completion of 17 years of employment.

- f. 19 days per year commencing upon the beginning of 18 years of employment and ending upon the completion of 19 years of employment.
  - g. 20 days per year commencing upon the beginning of 20 years of employment and ending upon the completion of 21 years of employment.
  - h. 21 days per year commencing upon the beginning of 22 years of employment and ending upon the completion of 23 years of employment.
  - i. 22 days per year commencing upon the beginning of 24 years of employment and ending upon the completion of 25 years of employment.
  - j. 23 days per year commencing upon the beginning of 26 years of employment and ending upon the completion of 27 years of employment.
  - k. 24 days per year commencing upon the beginning of 28 years of employment and ending upon the completion of 29 years of employment.
  - l. 25 days per year after 30 years of service.
  - m. Vacation shall accrue monthly.
- (2) Regular part-time employees shall earn vacation with pay, as above, on a prorated basis.
  - (3) Temporary employees shall not earn vacation.
  - (4) Any employee transferred from one city department to another city department shall have his vacation credits transferred to the new department without loss to the employee.
  - (5) Vacation earned in one year must be taken by the end of the next succeeding year or be lost. For the purposes of this section, a year shall be measured from initial employment date.
  - (6) Vacation time may be taken in increments of not less than one-half day at any time after it is earned with the approval of the appointing authority.
  - (7) An employee on a leave of absence without pay in excess of 30 days, shall not earn vacation for the period of absence.
  - (8) An employee (or upon his death, his spouse or estate if there is no spouse) shall be compensated for accumulated vacation upon termination of employment.
  - (9) Each appointing authority shall keep records of vacation leave allowances and shall schedule vacation leaves with particular regard to operating requirements and, as possible, the request of the employee.
  - (10) Vacation time may be taken upon completion of six months of service.
  - (11) The official vacation record shall be maintained in the office of budget and management.
  - (12) Anything in this division to the contrary notwithstanding, current employees of the Lincoln Library who receive vacation leave in excess of that specified above shall continue to receive vacation leave at the rate received on January 5, 1982, but shall not receive vacation leave at a higher rate in the future unless in accordance with the provisions of this paragraph. Employees of the Lincoln Library employed after January 5, 1982 shall receive vacation leave in accordance with the provisions of this paragraph.
- (c) *Sick leave.*
- (1) Each full-time employee of the city shall earn sick leave with pay at the rate of one work day for each completed month of service. Regular part-time employees shall earn sick leave, as above, on a prorated basis upon completion of six months service. Temporary employees shall not earn sick leave with pay.
  - (2) There shall be no maximum on the amount of sick leave that can be accumulated.

- (3) Illness or injury occurring while an employee is on vacation shall not be charged to sick leave but shall remain charged to vacation, unless the employee is seriously ill or injured or is hospitalized and presents a doctor's report.
- (4) Sick leave may be used for non-work related illness, disability, or injury of the employee, appointments with a doctor, dentist, or other professional medical practitioner, quarantine, and for serious illness or disability in the employee's immediate family which requires the employee's personal care and attention. In cases where sick leave is used for absences due to parents, spouse or children which are related to serious health conditions pursuant to the Family and Medical Leave Act (FMLA), sick leave shall be utilized in accordance with the FMLA provisions in this chapter. Employees shall make every effort to schedule non-emergency medical examinations outside normal working hours. If this is impractical, the employee shall inform the supervisor of the examinations as far in advance as possible.
- (5) Any employee on leave of absence without pay in excess of 30 days shall not earn sick leave.
- (6) Any employee who is laid off, granted leave of absence without pay, or terminates employment under creditable circumstances and resumes active employment within one year, shall be credited with the unused sick leave as he may have earned up to the time of his layoff, leave of absence, or termination.
- (7) Any employee transferred from one city department to another city department shall have his sick leave credits transferred to the new department without loss to the employee.
- (8) Upon retirement from the city, an employee shall be paid at 5/12 ths straight time rate equal to the pay rate at the time of retirement for all sick leave accumulated up to 90 days and be paid straight time rate for all sick leave accumulated over 90 days and earned prior to November 1, 1988. Beginning November 1, 1988, all sick leave accumulated thereafter by an employee shall be paid at ½ straight time rate equal to the pay rate at the time of death or retirement for all sick leave accumulated. Employees hired on or after July 1, 2014 shall not be paid for accumulated sick leave upon death or retirement.
- (9) An employee who is absent from duty because of illness shall report the reason therefor to his supervisor prior to the date of absence when possible and in no case later than one hour after the regular work day starts. An employee who is absent more than three consecutive days due to an illness may be required by the appointing authority to submit a physician's statement. During an extended illness, it is the responsibility of the employee to ensure that his supervisor is informed and kept current of his status. Failure to do this may result in denial of paid sick leave for the period of absence.
- (10) In cases of job related or non-job related injury or illness of more than five consecutive work days, the employee shall be required to notify the employer of the anticipated date of return to work immediately upon discharge by the physician and upon his return, present a physician's report indicating length of disability, date of treatment, any work limitations, and the nature and extent of the injury or illness.
- (11) Evidence of wrongful use of sick leave shall justify investigation, which may result in denial of unjust claims, denial of holiday pay, and disciplinary action. Evidence of wrongful use on the scheduled work shift immediately preceding or immediately following a holiday will result in denial of holiday pay. Where the pattern of sick leave usage indicates wrongful use of sick leave privileges, the city may verify the illness of the employee by telephone calls or personal visits to the employee. Where the call or visit fails to substantiate illness or injury, the city may request verification by a physician for each subsequent illness which occurs within the following 90-day period.
- (12) If an employee uses not more than one sick day in the course of a calendar year, the employee shall be credited during the next calendar year with three personal days off work with pay. Personal days shall be taken with particular regard to operating requirements and, as possible, the request of the employee. Personal days shall not accumulate from year to year.



- (13) Absence that is chargeable to sick leave in accordance with these provisions shall be charged in an amount not smaller than one hour increments.
  - (14) After accumulating 32 days of sick leave, employees may exchange sick leave days for vacation days at a rate of two sick leave days for one vacation day. Each vacation day so earned must be used as a vacation day within the year of the exchange. The number of sick leave days exchanged per year shall not exceed ten days and at no time shall the number of days of accumulated sick leave be so reduced to less than 30 days. No payment shall be made for vacation days acquired hereunder if not used.
  - (15) The official sick leave record shall be maintained in the office of budget and management.
- (d) *Funeral leave.*
- (1) In the event of a death in the immediate family of a regular full-time employee, the employee may with the approval of the appointing authority be granted a leave of absence with pay. This leave shall not exceed three consecutive working days, one of which must be spent in attendance at the funeral. In addition, up to two sick days may be used to supplement a funeral leave with approval of the appointing authority provided that any funeral leave shall not exceed five consecutive working days per occurrence. Immediate family of the employee will consist of the employee's spouse, children, step-children, mother, father, brother or sister, stepmother, stepfather, stepsister, stepbrother, grandmother, grandfather, grandchildren, son-in-law, daughter-in-law, brother-in-law, sister-in-law, father-in-law, mother-in-law, or legal guardian. A regular part-time employee may obtain funeral leave on a prorated basis upon completion of six months service. Temporary employees are not eligible for this benefit.
  - (2) An employee may be allowed time off with pay to attend the funeral or memorial service of a fellow worker who was currently employed in the same department provided this permission is granted by the appointing authority.
- (e) *Military leave.*
- (1) Military leaves of absence without pay shall be granted to all employees, except temporary employees, who leave their positions and enter military service for four years or less, exclusive of any additional service imposed pursuant to law.
  - (2) Upon return from military leave, the employee must provide evidence of satisfactory completion of training and military service within 90 days after separation from active duty or from hospitalization continuing after discharge for not more than one year.
  - (3) When an employee returns from a military leave, he shall be returned to a position equivalent to the position from which he is on leave unless he is unable to perform the duties or there is no vacant position, in which case the employee shall be laid off in accordance with the provisions of Jurisdiction D.
  - (4) A military leave of absence shall not interrupt continuous service for the purpose of determining the amount of vacation time eligible for upon return. Vacation and sick leave, however, shall not be earned during this leave.
  - (5) An employee who has not completed the probationary period at the time of commencing a military leave shall be required to complete the unfinished portion upon return from leave.
  - (6) In addition to and notwithstanding the above, any employee on military reserve training shall be given leave during which time the employee shall be paid the difference not to exceed a two-week period, between military pay and city salary. The employee, with approval of the appointing authority, may elect to use vacation time or liquidate compensatory time during this period of absence. In the case of an emergency call up or order to active duty by the governor, leave shall be granted for the duration of the emergency and payment shall be handled in the aforementioned manner.
- (f) *Personal leave.*

- (1) All regular employees shall be entitled to two personal days off work per year, to be awarded upon completion of 12 months of creditable service and thereafter at the beginning of each calendar year.
  - (2) Personal days may be taken in increments of not less than one-half day at a time and shall be scheduled with particular regard to operating requirements and, as possible, the request of the employee. Personal days shall not accumulate year to year.
  - (3) Employees shall not be entitled to payment for unused personal days upon retirement, resignation, or dismissal.
- (g) *Medical leave of absence.* Any employee, whether exempt or non-exempt from Jurisdiction D, who shall have become disabled from injury or illness noncompensable under the Illinois Workers' Compensation or Occupational Diseases Acts to such extent that he is unable to perform his regular duties shall first exhaust all of his/her accumulated sick and Family and Medical Leave Act leaves, where applicable. Upon exhausting all other leave, an employee may request an unpaid medical leave of absence or an extension of a medical leave of absence, for a period not to exceed three months. Medical leaves of absences and extensions shall be granted or denied at the discretion of the appointing authority. Failure to return to work after a medical leave of absence or the denial of a leave of absence may result in discharge in accordance with the provisions of Jurisdiction A, where applicable. An independent medical examination may be required by the city in considering an employee's request for a medical leave of absence under this section.

When an employee returns from any medical leave of absence of three months or less, the employee shall be returned to a position equivalent to the position from which he is on leave. When an employee returns from a leave exceeding three months and there is no such position vacant, the employee shall be laid off in accordance with the provisions of this chapter.

Nothing in this section shall be deemed as a limitation upon the right of any disabled employee, whether exempt or non-exempt from Jurisdiction D, to apply for a disability pension in the manner provided by law, but no such employee shall receive any salary from the city while receiving any benefits from a disability pension.

In the absence of reasonable excuse and notice to his appointing authority, an employee who fails to return to work at the time specified in his application for leave shall be considered to have abandoned his position and shall be terminated.

Any employee, whether exempt or non-exempt from Jurisdiction D, who is disabled for work as a result of illness or injury arising out of and in the course of his employment which is compensable under the Illinois Workers' Compensation or Occupational Diseases Acts shall be compensated as provided in the applicable act, as it may from time to time be amended, provided that the first three days of such disability shall be at full salary. Commencing with the fourth working day of disability and continuing until and including the 90th calendar day from the date of the illness or injury, such employee who remains incapacitated for work shall be additionally compensated, as salary, for all work days missed because of said illness or injury an amount equal to the difference between compensation payable under the above mentioned acts and what his net salary would be were he not disabled. As used in the immediately preceding sentence, "net salary" shall mean "gross salary less state and federal taxes, pension and union dues." The resulting amount, less deductions, shall be paid to the employee.

- (h) *Jury duty.* It shall be the policy of the City of Springfield to encourage employees to fulfill their civic responsibility for jury duty. Employees called for jury duty shall be granted time off and shall be compensated in full at their regular rate of pay minus any warrant received as compensation for jury duty.
- (i) *Family and Medical Leave Act.* All employees with a total cumulative service of at least 12 months and who have worked at least 1,250 hours over the last 12 months, may take up to a total of 12 weeks of family and medical leave, subject to the following terms;
- (1) Leave may be on an intermittent or reduced schedule basis; and

- (2) Leave shall be limited to 12 weeks per year, measuring from the most recent date of family or medical leave backward one year; and
  - (3) The employee shall exhaust all sick leave, vacation, personal days and compensatory time, pursuant to 36.58(g), until such time that either the leave is concluded or the employee becomes eligible for disability benefits, all such time counting toward the 12-week limit.
  - (4) FMLA leave may be taken for one or more of the following reasons:
    - a. Birth of a child and to care for such child; or
    - b. To care for a child newly placed with the employee for adoption or foster care; or
    - c. To care for the employee's spouse, child or parent if the spouse, child or parent has a serious health condition; or
    - d. Serious health condition that makes the employee unable to perform his or her job functions.
  - (5) An employee may be required to submit medical verification from a health care provider for leave that is a medical necessity and a fitness-for-duty certificate upon return to work, upon the discretion of the appointing authority.
  - (6) An employee is required to provide at least 30 days' notice in advance of a foreseeable leave and as much notice as is practicable for an unforeseen leave.
  - (7) If both spouses are employed by the City of Springfield, their total leave in any 12-month period may be limited to an aggregate of 12 weeks if the leave is taken for the birth or placement for adoption/foster care of a child.
  - (8) The city shall designate leave as FMLA leave as soon as it is aware of the purpose of the leave and in no case later than within two business days after the employee's return to work. The employee shall be notified in writing of the designation.
  - (9) The city shall maintain health benefits for the employee while on FMLA leave on the same terms and conditions as coverage would have been provided if the employee had continued in employment continuously for the duration of the leave. The employee will be required to maintain individual health premiums, if any. An employee returning from an FMLA leave shall be placed in the position held prior to the leave or to a position equivalent in pay and benefits.
  - (10) Failure to return to work. The city may recover the premiums that the city paid for maintaining coverage for the employee under a group health plan during any period of unpaid leave under this subsection if the employee fails to return from the leave, after the period of leave to which the employee is entitled has expired, for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the control of the employee.
- (j) Any employee of the City of Springfield who is a certified disaster service volunteer of the American Red Cross or assigned to the Illinois Emergency Management Agency in accordance with the Illinois Emergency Management Agency Act [20 ILCS 3305/1 et seq.], the Emergency Management Assistance Compact Act [45 ILCS 151/1 et seq.], or other applicable administrative rules may be granted leave from his work with pay for not more than 20 working days in any 12-month period to participate in specialized disaster relief services for the American Red Cross or for the Illinois Emergency Management Agency, as the case may be, upon the request of the American Red Cross or the Illinois Emergency Management Agency for the services of that employee and upon approval of that employee's director, without loss of seniority, pay, vacation time, compensatory time, personal days, sick time or earned overtime accumulation. The city shall compensate an employee granted leave under this section at his regular rate of pay for those regular work hours during which the employee is absent from his work. Leave under this section shall not be unreasonably denied for services related to a disaster within the United States or its territories.

(Ord. No. 923-11-90, 11-20-90; Ord. No. 294-4-92, 4-7-92; Ord. No. 500-6-92, §§ 1, 2, 6-2-92; Ord. No. 609-9-96, § 1, 9-3-96; Ord. No. 613-12-98, § 1, 12-1-98; Ord. No. 235-4-00, § 1, 4-18-00; Ord. No. 558-09-03, § 1, 9-30-03; Ord. No. 706-10-05, § 1, 10-4-05; Ord. No. 138-4-11, § 1, 4-19-11; Ord. No. 345-10-12, § 1(Exh. A), 10-2-12; Ord. No. 386-11-12, § 1(Exh. A), 11-20-12; Ord. No. 237-6-14, § 1(Exh. A), 6-18-14; Ord. No. 220-07-15, § 1(Exh. A), 7-21-15)

§ 36.59. - Layoff.

- (a) An appointing authority may lay off any employee within an operational unit in the city service whenever this action is made necessary by reason of shortage of work or funds, the abolition of a position, or because of changes in organization. However, no employee within the affected operating unit shall be laid off while there are temporary or probationary employees serving in the same class of position for which the employee is eligible and available.
- (b) If it becomes necessary to lay off an employee, the appointing authority may take into consideration the employee's performance, length of service, and ability to do the work remaining in the department.
- (c) Employees on layoff shall not accumulate vacation and sick leave during the period of absence, and their anniversary date shall be adjusted by the period of layoff.
- (d) The appointing authority shall be responsible for establishing a reemployment plan consisting of a reemployment list, the posting of the list and maintenance thereof. The reemployment plan must be submitted to the civil service commission.
- (e) The names of employees laid off shall be placed on a reemployment list for a period of 12 months.
- (f) Reappointment shall be according to the position on the reemployment list.

§ 36.60. - Resignation.

Any employee wishing to leave the city service in good standing shall file with the appointing authority, at least two weeks before leaving, a written resignation stating the date the resignation shall become effective. Upon receipt of the resignation by the appointing authority, it shall become irrevocable. Failure to comply with this procedure may be considered cause for denying the employee future employment by the city.

§ 36.61. - Retirement.

- (a) Retirement, as used in this section with respect to regular full-time employees other than police officers or firefighters, occurs when an employee voluntarily ceases employment with the city, is at least age 55, and has at least eight years continuous service with the City of Springfield. Retirement with respect to police officers and firefighters of the city occurs when an employee voluntarily ceases employment with the city, is at least age 50 and has at least 20 years of qualifying service with the police or firefighter retirement pension programs. Retirement with respect to a police officer holding the rank of lieutenant or above occurs when the employee voluntarily ceases employment with the city and has at least 20 years of qualifying service with the police retirement pension program.
- (b) Any employee wishing to retire from city service shall file with the appointing authority a written notice of retirement stating the date the retirement will become effective. Upon receipt of the retirement notice by the appointing authority, it shall become irrevocable.
- (c) The City Council of the City of Springfield, Illinois, hereby declares that a retired employee who is receiving pension benefits under the police pension fund, firefighters pension fund or the Illinois Municipal Retirement Fund shall not be eligible for reemployment with the City of Springfield.

(Ord. No. 61-02-02, § 1, 2-19-02; Ord. No. 46-01-03, § 1, 1-21-03; Ord. No. 115-03-10, § 1, 3-23-10; Ord. No. 147-5-13, § 1, 5-7-13)

§ 36.62. - Grievance procedure.

(a) Statement of policy.

- (1) It shall be the policy of the city to give employees an opportunity to discuss their grievances with the city in order to find mutually satisfactory solutions. The grievance procedure set forth in this section is designed to preserve harmony and friendly relations between the city and its employees.
- (2) The grievance provisions of this section shall not apply to any matters which can be subject to the jurisdiction of the civil service commission.
- (3) Only regular full-time and regular part-time employees, not otherwise excluded in this section, may process a grievance as outlined in this section.
- (4) Probationary employees shall have no right to grieve on matters of suspension or discharge.
- (5) An employee may designate an individual of his choosing to represent or assist the employee in processing a grievance as set forth herein.
- (6) Under no circumstances may an employee utilize regular scheduled work time in preparing a grievance. However, reasonable time shall be allowed for the presentation of a grievance.
- (7) An employee's failure to initially submit a grievance, or to appeal a decision to the next level of this procedure within the specified time limits shall constitute a waiver of the right to so initiate or appeal.
- (8) All time limitations in this procedure shall exclude Saturdays, Sundays, and holidays and may be extended by mutual agreement of the employee and the appropriate supervisor. All reference to days shall mean work days.

(b) For the purpose of this section the following definition shall apply unless the context clearly indicates or requires a different meaning.

*Grievance.* A dispute or disagreement raised by an employee against the city involving the interpretation or application of the specific provisions of this chapter except as otherwise limited.

(c) Form. In reducing a grievance to writing, the following information shall be clearly stated.

- (1) The exact nature of the grievance.
- (2) The act or acts of commission or omission.
- (3) The exact date of the act or acts of commission or omission.
- (4) The identity of the party or parties who claim to be aggrieved.
- (5) The identity of the party or parties alleged to have committed the act or acts of commission or omission.
- (6) The specific provisions of this chapter or rules promulgated hereunder that are alleged to have been violated.
- (7) The remedy which is sought.

(d) Procedure. Before initiating a grievance, employees shall raise any matters of disagreement or dispute with their immediate supervisor in order to informally resolve as many matters as possible. In the event that satisfactory settlement is not or cannot be reached, grievances shall be processed in the following manner:

- (1) Step 1. An employee shall present the grievance orally to the immediate supervisor explaining its nature and circumstances within five working days after its occurrence. The supervisor shall then attempt to adjust the matter and shall respond to the employee within five working days after the presentation of the grievance.

- (2) Step 2. If satisfactory settlement is not reached under step 1, the grievance shall be presented by the employee to the department head in writing in the form herein prescribed within five working days after the expiration of the time limit set forth in step 1 above. The department head shall issue a written decision to the employee within ten working days after the date of receipt of the written grievance.
- (3) Step 3. If satisfactory settlement is not reached under step 2, the grievance shall be presented by the employee to the director of human resources in writing in the form herein prescribed within five working days after the expiration of the time limit set forth in step 2 above. The director shall issue a written opinion to the appointing authority and employee within ten working days after the date of receipt of the written grievance.
- (4) Step 4. If satisfactory settlement is not reached under step 3, the employee shall resubmit the written grievance in the form herein prescribed within five working days after receipt of the response from the director of human resources as outlined in step 3 above to the appointing authority for review and final determination. The appointing authority shall review the written materials resulting from the grievance processing to that point, and may ask for briefs from the various parties, or may conduct a hearing. If the appointing authority holds a hearing, it shall be held within 20 working days after receipt of the written grievance, and he shall issue a final written decision to the employee within 25 working days after the conclusion of the hearing. If no hearing is held, a final written decision shall be rendered 20 working days after receipt of the written grievance. The decision of the appointing authority shall be final.

(Ord. No. 670-9-95, § 1(Exh. E), 9-19-95)

§ 36.63. - Non-discrimination and anti-harassment.

- (a) Definition to apply to this section only:

*Employee* means a full-time, part-time, or contractual employee.

- (b) The City of Springfield (hereafter, the "city") is committed to maintaining an environment that encourages and fosters appropriate conduct among all persons and respect for individual values in compliance with all applicable state and federal laws. Accordingly, the city is committed to enforcing this non-discrimination and anti-harassment policy and complaint procedure at all levels in order to create an environment free from discrimination, harassment, sexual harassment, retaliation and/or sexual assault. Discrimination or harassment based on inclusion in any protected class—race, gender and/or gender identity or expression, color, creed, religion, age, national origin, ethnicity, disability, veteran or military status, sex, sexual orientation, pregnancy, genetic information, marital or parental status, citizenship status or on any other legally prohibited basis—is unlawful and undermines the character and purpose of the city. Such discrimination or harassment violates city policy and will not be tolerated.

Any form of retaliation against anyone who has complained of or formally reported discrimination, harassment, sexual harassment, or sexual assault or has participated in an investigation of such a complaint, regardless of whether the complaint relates to the complaining person or someone else, will not be tolerated and violates both this policy and applicable law. No individual making a report will be retaliated against even if a report made in good faith is not substantiated. In addition, any witness will be protected from retaliation. Similar to the prohibition against retaliation contained herein, the State Officials and Employees Ethics Act (5 ILCS 430/15-10), Whistleblower Act (740 ILCS 174/15(a)), and the Illinois Human Rights Act (775 ILCS 5/6-101) provide whistleblower protection from retaliatory actions.

The city prohibits discrimination, harassment, sexual harassment, retaliation, and sexual assault. Furthermore, the city expects management-level personnel to serve as models of appropriate conduct for other employees and will hold them to a higher standard of accountability. Management personnel must not only refrain from actions that violate this policy but also refrain from any activity that would give the appearance of impropriety.

This policy applies to all employees of the city and applies regardless of whether the alleged wrongdoer is an employee. Employees represented by a labor organization retain all rights under their collective bargaining agreements and labor law.

- (c) Procedure. Any employee who believes that he/she has been a victim of discrimination, harassment, sexual harassment, retaliation or sexual assault prohibited by this policy or any employee who has witnessed such discrimination, harassment, sexual harassment, retaliation or sexual assault, should immediately report the circumstances in accordance with the procedure set forth below. The city may investigate and conduct what violates this policy, even in the absence of a complaint, and take remedial action where appropriate.

An employee may make a complaint to any of the following individuals:

- Immediate supervisor.
- Department/division head.
- Director, human resources.
- Labor relations manager.
- Human resources manager.
- Corporation counsel.
- Mayor's office.

While a complaint may be received by any of the individuals listed above, all complaints under this policy will be referred to the office of human resources for investigation and resolution. If the complaint is against a member of the human resources staff or otherwise poses a conflict of interest, the matter shall then be investigated and resolved by the office of corporation counsel.

Confidential reporting can be made with one of the following:

- Inspector General of the City of Springfield
- Inspector General/Ethics Officer of the State of Illinois
- Illinois Department of Human Rights (IDHR)
- Equal Employment Opportunity Commission (EEOC)

The city encourages prompt reporting of complaints so that it may respond appropriately and conduct an investigation while the matter is freshest in witnesses' memory and other evidence is most likely to be available. Because it is not always easy to interpret words or actions, employees are further encouraged to bring forward any concerns under this policy before they rise to the level of violating the law.

(Ord. No. 325-9-14, § 1, 9-18-14; Ord. No. 006-01-18, § 2(Exh. A), 1-2-18)

§ 36.64. - Disciplinary action.

- (a) (1) It is the city's policy to maintain proper order and a businesslike atmosphere through its employees. Employees subject to Jurisdiction A who have satisfactorily completed their probationary period shall be disciplined only for "cause."
- (2) For the purpose of this section the following definition shall apply unless the context clearly indicates or requires a different meaning:

*Cause for discharge.* Some substantial shortcoming which renders continuance in office or employment in some way detrimental to the discipline and efficiency of the service and something which the law and a sound public opinion recognize as a good cause for the employee no longer occupying the position.

- (3) Examples of "cause for discharge" include, but are not limited to the following:

- a. Excessive tardiness;
  - b. Excessive absenteeism;
  - c. Falsifying applications or records;
  - d. Carelessness in handling city equipment;
  - e. Sexual harassment;
  - f. Illegal use of sick or other leave;
  - g. Dishonesty;
  - h. Use of or being under the influence of illegal drugs on the job;
  - i. Use of or being under the influence of intoxicating liquors on the job;
  - j. Inefficiency;
  - k. Abuse of work schedules;
  - l. Failure to follow safety rules or procedures;
  - m. Failure to follow department work rules;
  - n. Failure to follow rules of conduct as promulgated by the civil service commission.
  - o. Failure to follow the workplace violence policy as set forth in an ordinance adopted December, 1999, on file in the city clerk's office.
- (b) Disciplinary action shall be taken in accordance with 65 ILCS 5/10-1-1 et seq. and the rules and regulations of the civil service commission to the extent applicable.
- (c) No employee or officer of the City of Springfield shall be subject to any retaliation or disciplinary action as a result of reporting any matter to the appointing authority or a city council member which has the appearance of impropriety or that appears to inhibit the efficiency or productivity of any operation of city government.

(Ord. No. 661-12-99, § 1, 12-21-99)

ARTICLE IX. - STATE OFFICIALS AND EMPLOYEES ETHICS ACT<sup>15</sup>

Footnotes:

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**Editor's note**— Ord. No. 272-05-04, § 1, adopted May 18, 2004, repealed former Art. IX, State Gift Ban Act, §§ 36.70—36.75, derived from Ord. No. 346-7-99, § 1(Exh. A), adopted July 6, 1999. Such Ord. No. 272-05-04, § 1, further enacted new provisions designated as Art. IX, State Officials and Employees Ethics Act, §§ 36.70—36.78, herein set out.

§ 36.70. - Adoption of Act.

The regulations of sections 5-15 (5 ILCS 430/5-15) and Article 10 (5 ILCS 430/10-10 through 10-40) of the State Officials and Employees Ethics Act, 5 ILCs 430/1-1 et seq. (hereinafter referred to as the "Act" in this section) are hereby adopted by reference and made applicable to the officers and employees of the City of Springfield to the extent required by 5 ILCs 430/70-5.

(Ord. No. 272-05-04, § 1, 5-18-04)



§ 36.71. - Solicitation or acceptance of gifts.

The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, by an officer or any employee of the City of Springfield is hereby prohibited.

(Ord. No. 272-05-04, § 1, 5-18-04)

§ 36.72. - Making of gifts.

The officer or making of gifts prohibited to be offered or made to an officer or employee of the City of Springfield under the Act, is hereby prohibited.

(Ord. No. 272-05-04, § 1, 5-18-04)

§ 36.73. - Political activities.

The participation in political activities prohibited under the act, by an officer or employee of the City of Springfield, is hereby prohibited.

(Ord. No. 272-05-04, § 1, 5-18-04)

§ 36.74. - Definition of officer and employee.

For purposes of this section, the terms "officer" and "employee" shall be defined as set forth in 5 ILCS 430/70-5(c).

(Ord. No. 272-05-04, § 1, 5-18-04)

§ 36.75. - Penalties.

The penalties for violations of this section shall be the same as those penalties set forth in 5 ILCS 430/50-5 for similar violations of the Act.

(Ord. No. 272-05-04, § 1, 5-18-04)

§ 36.76. - Effect on existing ordinances.

This section does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of the City of Springfield officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this section, however, the provisions of this section shall prevail in accordance with the provisions of 5 ILCS 430/70-5(a).

(Ord. No. 272-05-04, § 1, 5-18-04)

§ 36.77. - Amendment.

Any amendment to the Act that becomes effective after the effective date of this section shall be incorporated into this section by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this section by reference without formal action by the corporate authorities of the City of Springfield.

(Ord. No. 272-05-04, § 1, 5-18-04)

§ 36.78. - Future declaration of unconstitutionality.

- (a) If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this section shall be repealed as of the date that the Illinois Supreme Court's decision becomes final and not subject to any further appeals or rehearings. This section shall be deemed repealed without further action by the corporate authorities of the City of Springfield if the Act is found unconstitutional by the Illinois Supreme Court.
- (b) If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this section shall remain in full force and effect; however, that part of this section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the City of Springfield.

(Ord. No. 272-05-04, § 1, 5-18-04)