

CHAPTER 07

OFFICERS AND EMPLOYEES GENERALLY

1. **EFFECT OF CHAPTER.** The provisions of this Chapter shall apply alike to all officers and employees of the City, regardless of the time of the creation of the office or of the time of the appointment of the officers, including officers and members of the Police and Fire Departments of the City.

2. **APPOINTMENT AND REMOVAL.** The City Manager shall have the power and authority to appoint and remove at will the Deputy City Manager, all directors of departments, all deputy and assistant department directors, and any other city staff member, not included in a collective bargaining unit, including probationary, temporary and seasonal employees.

(Amended, Ordinance No. 2021-17, April 5, 2021) (Amended, Ordinance No. 2019-235, December 2, 2019) (Amended, Ordinance 2017-06, February 6, 2017) (Amended, Ordinance 2016-37, June 20, 2016) (Amended, Ordinance 2016-18, April 4, 2016) (Amended, Ordinance 2015-03, January 20, 2015) (Amended, Ordinance 2014-74, December 15, 2014) (Amended, Ordinance 2014-68, December 1, 2014) (Amended, Ordinance No. 2013-99, December 2, 2013) (Amended, Ordinance No. 2013-77, September 16, 2013) (Amended, Ordinance No. 2009-55, July 20, 2009) (Amended, Ordinance No. 2009-50, July 6, 2009) (Amended, Ordinance No. 2009-39, May 18, 2009) (Amended, Ordinance No. 2006-59, June 19, 2006) (Amended, Ordinance No. 2006-40, May 1, 2006) (Amended, Ordinance No. 2006-05, February 6, 2006) (Amended, Ordinance No. 2005-23, March 21, 2005) (Amended, Ordinance No. 2004-102, December 20, 2004) (Amended, Ordinance No. 2003-12, March 3, 2003) (Amended, Ordinance No. 2002-98, November 4, 2002) (Amended, Ordinance No. 2000-52, June 19, 2000) (Amended, Ordinance No. 2000-08, February 21, 2000)

3. **OATH.** Every officer of the City and every member of a Board or Commission of the City, shall, before entering upon his duties, take the oath prescribed by law.

4. **MONEY RECEIVED.** Every officer or employee of the City, or other person who receives money on behalf of the City, shall turn the same over to the City Treasurer at the end of the day in which the same is received. Such officers or employees shall keep a true and accurate

Revised April, 2021

Chapter 07

account of such receipts with the name of the party paying same, the amount thereof, date of payment, and the purpose or reason for payment. Such officers or employees shall, on the first day of each month, render a report under oath to the Director of the Department to which they are assigned, of all such receipts.

5. **BOND.** Every officer and employee shall, if required by statute or ordinance, upon entering upon the duties of the office, give a bond in such amount and with such sureties as may be provided by ordinance, conditioned upon the faithful performance of the duties of the office or position.

6. **SALARIES.** All officers and employees of the City shall receive such salaries as may be provided from time to time by ordinance, unless otherwise fixed by law, and shall be paid at such periods as directed by the City Manager.

7. **PAY PLAN.**

A. Classified employees other than those designated as management employees by the City Manager shall be paid bi-weekly according to a pay plan established and modified from time to time by the City Council and upon approval of payrolls submitted to the Council. Said pay plan shall assign a grade or range to each position classification, and each employee shall be paid according to the step in that grade or range said employee has achieved, beginning with Step A at entry into grade unless otherwise directed by the City Manager.

B. Advancement from a lower step to a higher step within the pay plan established by the Council shall be as authorized and directed by the City Manager, but such advancement shall not be made more than once in any 6 month period as to steps A to B and B to C and not more than once annually as to all other steps.

8. **PAYROLL DEDUCTIONS.**

A. On an employee's starting date, the employee shall supply the Finance Department with the following information:

(1) A statement indicating the number of dependents to be used in computing the amount required to be withheld from the employee's paycheck under state and federal tax laws;

(2) A statement authorizing deductions and designating beneficiaries for the appropriate state pension fund; and,

(3) A statement of information as required for coverage under the City's employee performance bond.

B. An employee may, at any time, make arrangements in writing with the Finance Department regarding the following deductions, as approved by the City Manager: employee insurance, credit union shares or loan repayment, union dues, United Way, Police Benevolent Association or other similar purposes.

9. **VETERAN'S DAY.** Veteran's Day shall be celebrated for all City purposes on the 11th day of November of each year, as provided by administrative regulation and by collective bargaining agreement.

10. **VACATION.** At the discretion of the City Manager, vacation time may be prorated based on continuous service and granted to employees who resign in good standing.

11. PART TIME, TEMPORARY AND SEASONAL EMPLOYEES.

A. Permanent part-time employees who work at least 20 hours but fewer than 40 hours per week shall accrue the following:

(1) After completion of one-year continuous service uninterrupted by resignation or discharge, one (1) week of vacation per year, which must be taken within twelve (12) months from the date that the same accrues;

Chapter 07

(2) One half (1/2) day of sick leave for each month of continuous and uninterrupted service, to a maximum of sixty seven (67) days.

B. Temporary and seasonal full-time employees shall be paid for overtime at the same rate as other employees in the same department that are not designated as management by the City Manager.

12. **ARRESTS.** The members of the City Council, the City Manager, the members of the Fire and Police Departments, the officers and employees designated as inspectors in the Economic and Community Development Department, the Neighborhood Service Officers and members of the Millikin University Police are hereby declared to be conservators of the peace with such powers to make arrests as are given to the conservators of the peace by Statute.

(Amended, Ordinance No. 2017-07, February 6, 2017) (Amended, Ordinance No. 2010-03, February 1, 2010) (Amended, Ordinance No. 2009-39, May 18, 2009) (Amended, Ordinance No. 94-70, September 19, 1994) (Amended, Ordinance 2014-38, August 4, 2014)

13. **TERMINATION OF OFFICE.** Every officer or employee of the City, upon the termination of his office or employment, for any cause whatsoever, shall deliver to the Director of his department all property, books, and records which may be the property of the City. Upon such termination of the office of a Director of a department of the City, such property, books and records shall be delivered to the City Manager.

14. **IMPERSONATION.** It shall be unlawful for any person to falsely represent himself or herself to be an officer or employee of the City, or, without being duly authorized by the City, exercise or attempt to exercise any of the duties, functions or powers of a City officer or employee, or to wear in public any uniform, or any badge, patch, device or other insignia, identical with or substantially similar in appearance to those worn by the officers or employees

of any department of the City as their official uniform or insignia. Any person violating this section shall be fined not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each offense. (Amended, Ordinance No. 2011-66, October 31)

15. **INTERFERENCE.** It shall be unlawful to interfere with or hinder any officer or employee of the City while he is engaged in the duties of his office or employment. Any person, firm or corporation violating any of the provisions of this section shall be fined not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each offense. (Amended, Ordinance No. 2011-66, October 31, 2011)

16. **RETIREMENT AGE.** The retirement age of all members of the Police and Fire departments is hereby fixed at 63 years. Mandatory retirement for additional twelve-month periods may be extended by the City Manager where he deems the convenience and necessity of the public service requires such additional service of an individual employee.

17. **WORKER'S COMPENSATION.** All officers and employees of the City, including all members of the Police and Fire Departments of the City, shall be covered by the provisions of the Acts of the General Assembly entitled, "The Workers' Compensation Act" and "Workers' Occupational Diseases Act."

18. **DEMOTION FOR CAUSE.** In addition to the power and authority to discharge or remove or suspend an officer or employee in the classified civil service of the City, the Civil Service Commission shall be, and it is hereby, empowered and authorized to demote, except that no officer or employee in such service who is appointed under the rules and after examination may be demoted except for cause upon written charges and after an opportunity to be heard in his own defense and otherwise in the same manner as is provided for discharge or removal or suspension for a period of more than thirty days.

19. **VOLUNTARY DEMOTION.** In addition to the power and authority to demote for cause as provided in Section 18 hereof, said Commission shall be, and it is hereby, empowered and authorized to demote upon request of the officer or employee in the classified service concurred in by the City Manager. Such request and concurrence shall be in writing filed with the Commission and shall each specify the position to which demotion is requested and concurred in. The request shall be supported by appearance before the Commission wherein the same is personally acknowledged by such officer or employee.

20. **PLACEMENT ON DEMOTION.** Demotion, whether voluntary or involuntary as provided herein, may be to any rank in the promotional order below the position demoted from, if there is such an identifiable order. In the absence of such identifiable promotional order, demotion shall be to a position of suitable activity and responsibility as may be determined by the Commission upon consultation with the City Manager, provided that no demotion shall result in a transfer between departments except upon the concurrence in writing by the City Manager.

21. **POSITION AVAILABILITY.** If an employee or officer in the classified service is demoted to a position wherein a vacancy exists in the authorized numbers of such position on the effective date of such demotion, such vacancy shall be filled thereby before certification and appointment from any eligibility register for such position. If such an employee or officer is demoted to a position wherein no vacancy exists in the then authorized number thereof on the effective date of such demotion, said authorized number shall be without further action increased by one until the next succeeding vacancy occurs therein whereupon without further action said authorized number shall be reduced by one, unless otherwise authorized by the City Manager.

22. **PROMOTION TO UNCLASSIFIED POSITION.**

A. An employee who has been appointed in accordance with the provisions of statute, ordinance and rule to a position in the classified service and who, after expiration of the probationary period attached to said position, if any, is subsequently appointed as authorized by and pursuant to the provisions of law or ordinance to an unclassified position or office, except Foreman, shall continue to occupy said classified position with the duties of said unclassified position being substituted for those of such classified position. Such person shall remain a member of, and said classified position shall continue to be classified in, the department, force or service in which the same was classified at the time of such subsequent appointment. Seniority and pension rights and civil service status shall not be affected by appointment to an unclassified position and the time served therein shall constitute creditable service in said classified position. In lieu of the compensation and benefits authorized for said classified position and attached thereto, the benefits of said unclassified position shall be substituted, whereupon the same shall be considered to be authorized for and attached to that particular classified position continued to be occupied as aforesaid. In the event of such an appointment, the authorized number of the affected classified position, upon the direction of the City Manager, may be increased by one, in which case the vacancy resulting therefrom shall be filled as provided by law or ordinance. Upon resignation or removal from an unclassified position before the termination of occupancy of a classified position the substitution of duties, and of compensation and benefits, shall cease. If at the time such substitution of duties ceases there is a vacancy in the authorized number of the affected classified position or if none is then existent upon the occurrence of the first vacancy thereafter, at the direction of the City Manager the authorized number thereof may be reduced by one and such vacancy eliminated without appointment from any eligibility register. During the continuance of substitution of duties as aforesaid, said classified position may be modified,

eliminated or otherwise affected the same, and in the same manner, as if such substitution had not occurred, and an employee or officer may be suspended, demoted, or removed or discharged for cause from the classified service the same, and in the same manner, as if said substitution had not occurred whether the basis thereof arises out of or is connected with the substituted duties or otherwise. (Amended, Ordinance No. 94-70, September 19, 1994)

B. Subparagraph (A) hereof shall be inapplicable to any such employee who remains in an unclassified position in excess of three (3) months, at which time such employee will no longer be entitled to any rights or privileges specified therein nor to any rights arising out of civil service law generally. (Amended, Ordinance No. 95-54, October 30, 1995)

23. APPOINTMENTS FROM ELIGIBLE REGISTERS.

A. Department directors, as appointing officers, are authorized to appoint any candidate for any non-promotional classified position with the City who is placed on the eligible register for such position by the Civil Service Commission, without regard to the rank of said person on such register. (Amended, Ordinance No. 2002-03, January 4, 2002) (Amended, Ordinance No. 2018-08, March 19, 2018)

24. COMMISSION RULES. Except as the provisions of Sections 18 through 23, inclusive, are applicable to the City Manager, the power and authority of the Civil Service Commission to make rules shall apply thereto to carry out the purpose and intent thereof, but no rule contrary to or in conflict with said provisions shall be made.

25. DEFENSE AND INDEMNITY. Except for gross negligence, willful and wanton conduct or criminal misconduct, if any claim or action is instituted against an officer, employee or member of a board, commission or committee of the City, or a former officer, employee or member, based upon an injury allegedly arising out of an act or omission occurring within the

performance of the duties on behalf of the City of such officer, employee or member, provided notice of such claim or action is given to the City Clerk within a reasonable time, the City, at it's option, shall do or cause to be done, one or more of the following:

(a) Appear and defend against said claim;

(b) Indemnify such officer, employee or member for the cost and expense of defending against such claim or action;

(c) Pay any judgment, or indemnify such employee or member for any judgment, based on such claim or action; or,

(d) Pay, or so indemnify for, the compromise or settlement of such claim or action.

26. **LINE ITEM AUTHORIZATION.** The City Manager is authorized to expend Forty Thousand Dollars (\$40,000.00) or less for single items of personal property, parcels of real property, contracts for professional, technical or expert services or construction contracts, or for matters deemed in the best interests of the City as determined by the City Manager, without further approval of Council, but only if specifically set forth as a line item and approved by Council in the approved budget and there exists sufficient funds for said expenditures. (Amended, Ordinance No. 2003-47, July 21, 2003) (Amended, Ordinance No. 2012-13, April 2, 2012); (Amended, Ordinance No. 2019-120, September 3, 2019, Effective January 1, 2020)

27. **AUTHORIZATION.** The City Manager, and those employees designated by said officer, are authorized to expend Twenty Thousand Dollars (\$20,000.00) or less for single items of personal property, parcels of real property, contracts for professional, technical or expert services or construction contracts, or for matters deemed in the best interests of the City as determined by the City Manager, without further approval of Council, but only if the Council has appropriated sufficient funds for said expenditures. (Amended, Ordinance No. 2003-47, July 21,

Chapter 07

2003) (Amended, Ordinance No. 2012-13, April 2, 2012); (Amended, Ordinance No. 2019-120, September 3, 2019, Effective January 1, 2020)