

**ORDINANCE NO. F-1931**

**AN ORDINANCE AMENDING PORTIONS OF CITY OF WHEATON  
PERSONNEL RULES AND REGULATIONS**

WHEREAS, the City of Wheaton, Illinois, is a home rule municipality pursuant to the provisions of Article VII, Section 6 of the Illinois Constitution, 1970; and, as such, the City may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the City of Wheaton has determined that the employment, performance and conduct of its employees is related to its government and affairs; and

WHEREAS, the Personnel Manual of the City of Wheaton dated May 1, 2015 and adopted by Ordinance No. 1856, (hereinafter "Personnel Manual") which is incorporated in this Ordinance by reference as if fully set forth, contains the personnel rules and regulations of the City; and

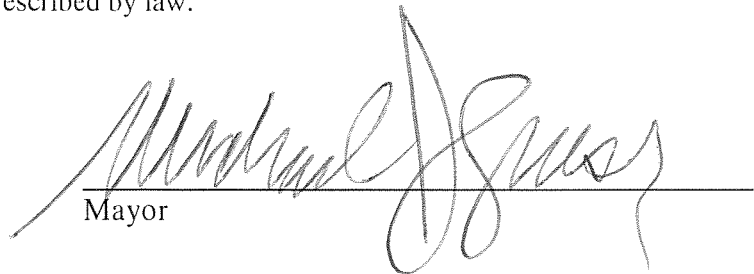
WHEREAS, the City of Wheaton has determined that it is necessary to amend portions of the Personnel Manual to reflect changes required by law and to comport with current practices

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule power as follows:

SECTION 1: The Personnel Manual, hereafter titled Employee Manual, is hereby amended by the adoption of Exhibit 1 which is attached hereto and incorporated herein as if fully set forth. Those sections of the Employee Manual referenced in Exhibit 1 shall be the personnel rules and regulations related to the matters set forth therein and shall fully supplant and replace those sections of the Employee Manual existing prior to the adoption of this Ordinance which hereby are rescinded. In all other respect the Employee Manual is reaffirmed.

SECTION 2: That all ordinances or parts of ordinances in conflict with these provisions are repealed.

SECTION 3: That this ordinance shall become effective May 1, 2016, after its passage, approval and publication in the form and manner prescribed by law.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
City Clerk

Ayes:

Roll Call Vote:  
Councilman Prendiville  
Councilman Rutledge  
Mayor Gresk

Councilman Saline  
Councilman Scalzo  
Councilman Suess  
Councilwoman Fitch

Nays: None

Absent: None

Motion Carried Unanimously

Passed: April 18, 2016

Published: April 19, 2016



# The City of Wheaton Employee Manual

**Effective May 1, 2016**

## **Chapter 1 – Non-Discrimination Policies**

### **B. Policy on Harassment and Other Inappropriate Behavior:**

#### **1. Prohibited Conduct**

The City strictly prohibits harassment and other inappropriate conduct by its employees, visitors, customers, vendors and contractors, whether on City premises, at job sites or in connection with the City's business (including by telephonic, electronic or paper-based communication).

Harassment is unwelcome conduct (verbal, visual or physical) that is based upon a person's gender, color, race, ancestry, religion, national origin, age, disability, or other characteristic protected by law. The City will not tolerate harassing conduct that affects an individual's job benefits, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive working environment for any person. All employees have a personal responsibility to keep the workplace free of any such of harassment. No one including a manager, department head, supervisor or employee has the authority to request or require an employee or applicant to submit to harassment as a condition of receiving any job benefit (such as a raise or a promotion) or avoiding any job detriment (such as a pay cut or a demotion).

The City's prohibition against harassment includes sexual harassment. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature.

Sexual harassment may include sexual propositions; suggestive comments; sexually oriented kidding, teasing, or practical jokes; offensive gender-based comments; discussions of a sexual nature; foul or obscene language or gestures; displays of foul or obscene printed material, pictures, and photographs; and physical contact such as patting, pinching, grabbing or brushing against another's body where such conduct rises to the level of sexual harassment as defined by the courts.

Any conduct prohibited by this policy will result in corrective action and/or termination of employment."

#### **2. Complaint Procedure**

- a. Any person who believes that he or she has been a victim of a violation of this policy, or who becomes aware of conduct that may violate this policy, must immediately report it to your supervisor and any one of the following persons: Department Head, Director of Human Resources or City Manager.

- b. Supervisors must immediately report any conduct that may violate this policy of which they become aware of to their Department Head, who will then forward it to the Director of Human Resources.
- c. All reported violations of this policy will be investigated.
- d. The investigation will be conducted thoroughly and promptly. It may include interviews with the person making the complaint; the person against whom the complaint is made, any potential witnesses identified by either person, as well as with others whom the City believes may have relevant information. Employees are expected to cooperate in this process. The investigation may also include a review of pertinent documents and other materials. The person making the complaint normally will be requested to put his or her complaint in writing, setting forth full particulars (such as the date, time, location, presence of any witnesses, etc.) to ensure that all possible violations of this policy are investigated.
- e. The investigation will be conducted in a manner that protects the confidentiality of those involved to the greatest extent possible. Employees involved in an investigation may be instructed to or instructed not to discuss the investigation with other employees depending upon the specific circumstances of the investigation. The City will use the criteria set forth in rulings of the National Labor Relations Board in making these determinations.
- f. The results of the investigation will be discussed with the person making the complaint and the person against whom the complaint is made.
- g. If warranted, appropriate disciplinary action will be taken, up to and including immediate termination.

Employees are expected to use this procedure in a responsible manner. Any employee who makes a complaint that he or she knows to be false may be subject to corrective action.

This complaint procedure is a critical part of the City's efforts to eliminate workplace harassment. Persons who believe they have been harassed or who receive reports of harassment of others are required to use it.

A request not to investigate a reported violation of this policy cannot be honored.

### 3. No Retaliation

The City will not retaliate against or discipline any person for making a good faith complaint under this procedure, regardless of the outcome of the investigation. Similarly, the City will not retaliate against or discipline any person (other than a person who is found to have violated this policy) who provides truthful

information in connection with an investigation. Violation of this policy will result in corrective action and/or termination of employment.

## **Chapter 2 – Entrance Requirements and Introductory Appointment**

### **F. Background Investigations:**

1. Prospective employees may be fingerprinted and/or required to complete a municipal position assessment as a pre-requisite to employment.
2. A background investigation may be completed on a prospective employee prior to employment. Prior to such an investigation, applicants must execute the necessary information releases.

### **I. Employment Status Classification:**

1. The City of Wheaton recruits and employs personnel under the following classifications:
  - a. Temporary employment: Hired either part-time or full-time to temporarily supplement the work force, or to assist in the completion of a specific project. Employment beyond any initially stated period (normally not to exceed 6 months) does not imply a change in employment status. Employees in this classification are not eligible for benefits.
  - b. Part-time employment: Regular employment, not to exceed twenty (20) hours a week and one thousand (1,000) hours annually. Exceptions may be made with the authorization of the Director of Human Resources.
  - c. Seasonal employment: Employment which is considered short-term -- an employee under this category is employed for less than two calendar quarters during a calendar year, and does not have reasonable assurance of being rehired for the same service in a subsequent calendar year. Employees in this classification are not eligible for benefits.
  - d. Full-time employment: Employment requiring eight (8) hours or more per day, with a minimum of forty (40) hours a week.
  - e. Inactive employment: Formerly a full-time employee who is no longer on payroll. An employee may remain in an inactive status for a maximum of 12 months subject to the duty of reasonable accommodation if any.
  - f. Supervisor: The use of the classification “supervisor” throughout this policy manual shall identify an employee whose principal work is substantially different from that of his/her subordinates and is a member of the management group who has the authority to direct the daily work

activities of other employees and to whom the employees shall contact for reporting to work late, illness, or other absence, and make requests for authorized leave; and which requires the consistent use of independent judgment.

2. Job descriptions for all City positions are on file with the Director of Human Resources. For further details, refer to Chapter 3, Section D.
3. The employee's status shall be used to determine, among other things, eligibility for fringe benefits.

## **Chapter 3 – The Pay Plan**

### **A. Pay Schedule:**

The pay schedule shall be adopted annually by the City Council and shall apply to all employees not covered by a collective bargaining agreement.

1. **New Employees.** All new employees will be paid the minimum rate in the appropriate salary range. Exceptions may be permitted with the Department Head's recommendation, and the approval of the Director of Human Resources.
2. **Performance Pay Increases.** Employees who have successfully completed their introductory period will be eligible for a performance pay increase effective on the evaluation date each year. Such increases are determined by performance evaluation ratings. Performance pay increases may be in the form of a merit/step increase, or within the guidelines of an open-range pay plan.
3. **Re-evaluation.** In the event that the pay range of any position is changed and it results in an increased or decreased salary range for the position, the employee shall retain his/her current pay rate or assume the entry level step of the new range, whichever is greater (except as described in Section G.1 of this chapter).
4. **Pay Rates Exceeding Range Maximum.** Except for demotions (see Section G of this chapter), an employee whose pay rate exceeds the maximum prescribed for his/her pay range, will not be reduced in pay if any of the following occurs:
  - a. As a result of a change of his/her position to a lower classification; or
  - b. The change is as a result of a compensation system change created by a periodic pay survey conducted by the City, or some other change in compensation philosophy.

The employee will not be eligible for pay rate increases until the pay range maximum is more than the pay rate he/she currently receives.

5. Pay Classifications. Employees fall into three classifications for pay range purposes: the "General Occupation" Classification, the "Managerial/Professional Occupation" Classification, and the "Department Head Occupation" Classification. The majority of employees fall into the General Occupation classification, and are placed in a merit step plan. Employees in the Managerial/Professional and Department Head Occupation classifications are placed in an open-range pay system. In selecting employees for the Managerial/Professional and Department Head Occupation scales, the City will review a position's scope of responsibility, final decision-making authority, and departmental hierarchy. See Section C of this chapter for further details.
6. Pay Ranges. The City is committed to establishing pay ranges for positions based upon the following factors: knowledge required, verbal and written guidelines, complexity, scope & effect, supervisory responsibility, personal contacts, purpose of contacts, physical demands, work environment, the relationship of that job to other jobs of similar qualifications and responsibilities in comparable communities, and other factors as are deemed appropriate from time to time.

Ranges are determined by surveying not less than ten (10) benchmark positions with comparable communities. Benchmark positions are determined by the Human Resources Department, and are defined as positions whose essential functions are similar to (and can be easily matched with) like positions within comparable communities.

7. Comparable Communities. The selection of communities is based on criteria such as: distance from Wheaton, population, crime rate, household income, equalized assessed valuation (EAV), number of full-time employees, total salaries paid, number of residents per full-time employee, and number of part-time employees. The list of comparable communities may change from time to time due to a change in selection criteria and/or a community no longer meeting the criteria.
8. Survey of Communities. The Human Resources Department will ordinarily survey the communities for comparable positions by requesting job descriptions and the pay range for the benchmark positions at expected intervals of approximately four (4) years. This will occur prior to May 1<sup>st</sup> for the next fiscal year. During other years, the Human Resources department will survey for the Annual Range Adjustment as described in Section B.3 of this chapter. The supervisor and/or the Department Head, with the input of the Director of Human Resources, will determine what positions are comparable based on the job description.
9. Maintenance of the Pay Plan. The Human Resources Department will be responsible for the continuous maintenance and administration of the City's compensation plan. The review will include an analysis of prevailing rates of pay for similar positions in comparable communities, budgetary considerations, and



other related factors.

**B. Pay Increases:**

Employees are eligible for pay rate increases on the employee's evaluation date. In the case of a promotion, the employee's date of promotion becomes his/her new evaluation date. The evaluation date for all Department Heads is May 1. All increases are retroactive to the evaluation date as defined in Section F.2.

1. Employees in the General Occupation classification advance through the steps by receiving a "Meets Standards" or better rating through a performance evaluation. The increases consist of an annual range adjustment on May 1, and employees are eligible for a merit step increase when the employee "Meets Standards" according to the evaluation given on the evaluation date.
2. Employees in the Managerial/Professional Occupation classification are in an open-range pay-for-performance system. These employees are eligible for a merit increase on their evaluation date. The City Council will approve the Managerial/Professional Occupation scale merit matrix annually as recommended by the City Manager.
3. Department Heads are in the "Department Head Occupation" classification. Their salary increases will operate in an open-range pay-for-performance system. Their performance evaluation format is at the discretion of the City Manager.
4. Determination of Annual Range Adjustment (ARA). The Consumer Price Index (CPI), Economic Cost Index (ECI), data from comparable communities, along with current collective bargaining agreements and the needs, demands and financial circumstances of the City, will serve as a general guide in determining the annual range adjustment. The CPI and ECI used will be provided by the U.S. Department of Labor, Bureau of Labor Statistics (<http://www.bls.gov>). The Director of Human Resources will forward the data to the City Manager for his recommendations to the City Council.

**N. Pay Advances:**

The City does not provide pay advances.

## **Chapter 4 – Fringe Benefit Package**

**D. Vacation Leave:**

1. Tier 1 Vacation Program
  - a. Full-time employees under Tier 1 shall earn paid vacation days on a monthly basis, in accordance with the following schedule:

<u>Service Time</u>	<u>Vacation Available (max accrual)</u>
First Four Years	10 work days per year
Fifth Year	15 work days per year
Sixth Year	16 work days per year
Seventh Year	17 work days per year
Eighth Year	18 work days per year
Ninth Year	19 work days per year
Tenth Year	20 work days per year
Eleventh Year	21 work days per year
Twelfth Year	22 work days per year
Thirteenth Year	23 work days per year
Fourteenth Year	24 work days per year
Fifteenth Year and after	25 work days per year

- b. Employees may roll over up to one (1) year of accrued vacation leave (at their specific eligibility rate) according to the schedule in Section D.1. Accumulation of additional time must be approved in writing by the City Manager.
- c. For the purposes of determining vacation eligibility, the employee's date of employment, and not the calendar year, is controlling. An employee is not entitled to use any vacation time until he has completed six (6) full months of consecutive full-time employment.
- d. Recognizing that every employee's anniversary date is different, for the purpose of earning vacation time, Department Heads are authorized to advance an employee vacation days not yet earned with the approval of the Director of Human Resources.

2. Tier 2 Vacation Program

- a. Full-time employees under Tier 2 shall earn paid vacation days on a monthly basis in accordance with the following schedule.

<u>Service Time</u>	<u>Vacation Available (max accrual)</u>
First Four Years	10 work days per year
Fifth Year	15 work days per year
Sixth Year	16 work days per year
Seventh Year	17 work days per year
Eighth Year	18 work days per year
Ninth Year	19 work days per year
Tenth Year and after	20 work days per year

- b. Employees under Tier 2 may not roll over more than five (5) vacation days from one year to the next.
  - c. For the purposes of determining vacation eligibility, the employee's date of employment, and not the calendar year, is controlling. An employee is not entitled to use any vacation time until he has completed six (6) full months of consecutive full-time employment.
  - d. Recognizing that every employee's anniversary date is different, for the purpose of earning vacation time, Department Heads are authorized to advance an employee vacation days not yet earned with the approval of the Director of Human Resources.
3. Part-Time Employees

Approved part-time employees who work on average a minimum of twenty (20) hours a week for at least one consecutive year, will accrue vacation time at a rate of three (3) vacation days per year. Vacation days will be accrued on an employee's first anniversary date and may not be carried over from one anniversary year to the next.

#### **J. Health and Life Insurance:**

1. Under the Affordable Care Act (ACA), for purposes of providing an employee with health benefits, full-time is defined as an average of 30 hours a week or more than 130 hours a month. To be considered full-time, the employee must work more than 120 days in a year. The City provides a comprehensive health plan for full-time employees and eligible dependents. Full-time employees become eligible for health insurance coverage immediately upon the first day of their employment. Information and Summary Plan Descriptions regarding these plans are available on the City's Intranet and in the Human Resources Department. This insurance is provided under the terms of the City's group hospitalization and major medical plans and is subject to change.
2. The City provides all full-time employees group life insurance. Full-time employees become eligible for life insurance coverage after 90 continuous days of employment. The life insurance policy may change from time to time. Benefits and requirements of the plans vary and are described in the policy booklet provided to the employee. Policy booklets are available on the City's Intranet and in the Human Resources department.

Full-time employees over the age of 70 will continue to receive City sponsored life insurance benefits, but at reduced amounts. Full-time employees will not be eligible for City sponsored life insurance benefits upon reaching the age of 75.

3. This Employee Manual contains an outline of some City benefits. In the event of discrepancies between this manual and insurance documents, the insurance documents supercede the manual.

**K. Dental Program:**

Under the Affordable Care Act (ACA), for purposes of providing an employee with health benefits, full-time is defined as an average of 30 hours a week or more than 130 hours a month. To be considered full-time, the employee must work more than 120 days in a year. The City will make available to employees participation in a dental program(s) as may be offered from time to time.

## **Chapter 5 – Administrative Policies**

**A. Hours of Work and Payroll Deductions:**

1. Work Periods, Hours of Work, Punctuality, and Rest Periods

- a. Department Heads determine the working hours for their staff. They will also approve time sheets (where applicable) and/or approve time cards in the City's timekeeping software for each assigned employee, indicating the following information:

- 1) Hours worked each day and total hours worked each work week.
- 2) Each day the employee was absent due to sick or vacation time.
- 3) Each regular day off for the employee.

Department Heads will receive a payroll earnings report showing hours worked for each employee in that period. Within one week of receiving the report, it must be signed and returned to the Finance Department.

- b. Department Heads are authorized to establish reasonable lunch and rest periods during each work day. The granting of periods and the determination of the time and length is entirely discretionary with the Department Head and may be arranged as the Department Head feels is most consistent with departmental operation.

2. Payroll Deductions

Automatic payroll deductions are made for Federal and State Income Tax purposes and for employee's pension contributions and social security, where applicable. Other authorized deductions, as approved by the City Manager, may also be arranged for at the employee's request in accordance with the Illinois Wage Payment and Collection Act, 820 ILCS 115/9.

**J. Gifts and Rewards:**

1. The City requires employees to follow the provisions of the State Officials and Employee's Ethics Act (5ILCS 430).
  - a. The Act prohibits officers and employees of intentionally performing any prohibited political activity, or intentionally using any property or resources of the City of Wheaton in connection with any prohibited political activity.
  - b. The Act prohibits officers and government employees and their spouses and immediate family living with them from receiving any gratuity, monetary value from a prohibited source, with certain exceptions. The Act also provides a detailed process for the investigation of allegations of violations of the Act and for the hearing(s) held to determine whether a violation has occurred. The definition of "prohibited source" is any person or entity who:
    - 1) Is seeking official action by the recipient or the City,
    - 2) Does business with or seeks to do business with the recipient or City,
    - 3) Conducts activities regulated by the recipient or City, or
    - 4) Has interests that may be affected by the performance or non-performance of the official duties of the recipient.
  - c. The Act was intended to improve government ethics by greatly restricting the flow of gratuities in government. Further information may be found by reviewing the Officials and Employee's Ethics Act (5ILCS 430).
2. The City requires employees to follow the provisions of Chapter 2, Article VIII, Sections 2-526/2-536, and Chapter 42, Article V, Sections 42-125/42-129 of the Wheaton City Code.
  - a. These sections of the City Code set forth certain financial disclosure requirements and also contain provisions relating to conflicts of interest, representing private interests before the City, other policy requirements relating to ethical behavior, political activities and strict limitations related to the acceptance of gifts.
  - b. Further information may be obtained by reviewing these chapters of the City Code.

**U. Drug-Free Workplace:**

The possession, use, or being under the influence of alcohol or the manufacture, distribution, possession, use, or being under the influence of any illicit or illegal drug while on duty is strictly prohibited. Additionally, the consumption of medical cannabis on City property is prohibited. Further, nothing in the *Compassionate Use of Medical Cannabis Act* changes current CDL policies which remain in full force and effect.

For the purposes of this policy, drugs shall be defined as any drug which is not legally obtainable and/or any drug which is legally obtainable, such as a prescription drug, but which is not legally obtained, is not being used for prescribed purposes, and/or is not being taken according to prescribed dosages.

While taking legally obtained prescription drugs, an employee at work must be able to safely operate equipment and safely perform the essential functions of their job without endangering themselves, others or property. Any violation of this policy is grounds for disciplinary action, and/or termination of employment. The City recognizes that alcohol and drug abuse may have medical or physiological origins and that the interests of the City and the affected individual may best be served by the individual's participation in a professional treatment program. Therefore, the City may elect to defer some disciplinary action if the suspected substance abuser voluntarily submits to professional evaluation and treatment. If the individual refuses to participate in a professional assistance program, the City may apply whatever disciplinary action, and/or termination of employment, that would otherwise be appropriate under the circumstances.

## **Chapter 7 – Transfers, Reductions in Force, Complaints and Disciplinary Action**

### **C. Disciplinary Action:**

The steps listed below will guide corrective actions in most cases. They are progressive in nature, applying an increasingly severe penalty each time an employee is disciplined. The steps emphasize continual interaction between the employee and the Department Head and should provide sufficient opportunity for correction of the inappropriate conduct or shortcoming while making the employee sufficiently aware of the consequences of the violations and job responsibilities.

This procedure does not preclude a Department Head from by-passing steps when disciplining an employee nor does it prohibit a Department Head from dismissing an employee after consultation with the Director of Human Resources. The nature, extent and seriousness of the offense, as well as past job performance, will determine the appropriate disciplinary action.

#### **1. Verbal Warning**

When a less formal means of handling a disciplinary incident is warranted, a verbal warning will be issued. A “Verbal Warning Notice” will be completed and

placed in employee file kept by the Department Head. A copy of this notice will be given to the employee.

2. Written Warning

- a. When a more formalized means of handling a disciplinary incident is warranted, a written warning or reprimand will be issued. An "Employee Incident Notice" or other written document will be completed and placed in the employee's personnel file and a copy will be given to the employee. The supervisor will meet with the employee and inform the employee of the action taken, and expected employee behavior change.
- b. Written warnings may also be issued when an employee has failed to correct actions disciplined via verbal warnings.

3. Suspension

- a. Violations which are serious in nature but not serious enough to warrant dismissal will be disciplined by a suspension without pay. An employee's refusal to adequately correct previously disciplined actions may also result in suspension.
- b. Department Heads, after consulting with the Director of Human Resources, have the authority to suspend an employee for a period no longer than five (5) days. If a situation arises that necessitates immediate disciplinary action for safety and protection of life and public property, in the opinion of the supervisor, and if the Department Head is not available, the supervisor has the authority to suspend the employee until review of the situation is completed by the Department Head and/or the Director of Human Resources.
- c. A Department Head will document the rationale for the suspension and its duration. This document will be presented to the employee during a meeting with the supervisor and Department Head. A copy of the form will be placed in the employee's personnel file.
- d. A Department Head or Director of Human Resources must also, within one working day, notify the City Manager in writing of the action, outlining the reason for the extent of the suspension. A suspension issued by the Department Head will not prohibit the City Manager from dismissing the employee if the City Manager feels a dismissal is justified.

4. Dismissal

- a. Except for those employees subject to the Board of Fire & Police Commissions rules, the Department Head, after consultation with the

Director of Human Resources, may dismiss any employee with or without cause, either with or without notice.

- b. The Department Head may prepare a written dismissal notice enumerating the reasons for the dismissal action. The notice may be discussed with the employee during a dismissal conference with the Department Head.
- c. In the event dismissal is for unsatisfactory performance a report with written notification stating the details of the unsatisfactory performance must be filed by the Department Head with the City Manager prior to the issuance of a dismissal notice.

5. Causes for Dismissal

Evidence of the following, though not all-inclusive, may be cause for dismissal:

- a. Unsatisfactory work performance as determined by the employee's supervisor through formal and informal evaluation,
- b. Incompetence, negligence or inefficiency in the performance of assigned duties,
- c. Abusive attitude and language to another employee or the public, or abusive conduct resulting in physical harm or injury to another employee or the public,
- d. Violation of any lawful or official regulation, order or rule, or failure to obey any lawful and reasonable direction given by an employee's superior, provided that such violation or failure to obey amounts to insubordination or a serious breach of discipline which may reasonably be expected to result in lower morale in the organization or to result in loss, inconvenience, or injury to the City or public,
- e. Taking for personal use a fee, gift, or other valuable item during the course of the employee's work or in connection with it,
- f. Illegal or indecent conduct,
- g. Culpable negligence or willful misconduct causing damage to public property or waste of public supplies,
- h. Absence without an authorized leave or failure to report after an authorized leave of absence,
- i. Feigning illness or injury; fraudulent use or misuse of funeral, disability, Workers Compensation, or sick leave,



- j. Direct or indirect solicitation and/or receipt during working hours of any assessment, subscription or contribution for the purpose of electing any candidate to any City of Wheaton public office,
- k. Violation of the City's e-mail or internet policy,
- l. Engaging in any act which endangers the safety, health or well being of themselves or others, or which is of sufficient magnitude that the consequences cause or act to cause disruption of work or gross discredit to the organization,
- m. Violation of any rule, procedure or regulation pertaining to conduct of a City employee,
- n. Theft or unauthorized possession, use or removal of City of Wheaton property, or property of a City employee or resident,
- o. Falsification of personnel records, including the falsification of any material fact on an employment application,
- p. Under the influence of, possession or use of alcohol or illicit drugs while performing duties for the City of Wheaton or being under the influence of prescription drugs to the extent that it impairs the employees ability to safely operate job related equipment and vehicles or safely perform the essential functions of their job so as not to endanger themselves, others or property,
- q. Engaging in excessive absenteeism or tardiness,
- r. Involvement in a job-related accident resulting in any property damage or injury to a third person or fellow employee where the employee is found at fault,
- s. Display of other misconduct comparable in seriousness to the offenses enumerated above,
- t. Misuse of the City of Wheaton purchasing card, or
- u. Any conduct on or off the job which reflects adversely on the City of Wheaton or is inconsistent with the mission and business of the City of Wheaton.

## **Chapter 8 – Retirement and Resignation**

### **A. Retirement:**

Definition: An employee will be eligible to receive Retirement-related benefits described in this chapter after having served for a total of twenty (20) or more years with the City,

and having reached pensionable age as defined by IMRF or the applicable pension plan for sworn employees.

1. An employee intending to retire should provide a written notice to his/her immediate supervisor at least two (2) months prior to the effective date of retirement.
2. Use of time-off by departing employees: Departing employees may only take up to two (2) days of paid time off (e.g. personal days, vacation days, compensatory time) during the last two (2) weeks of employment, unless otherwise approved by the Director of Human Resources.
3. Retirement Programs

Depending on the employee's position, the City participates in and contributes towards the employee's retirement program. Questions regarding eligibility should be directed to the Human Resources Department.

- a. Eligible City employees participate in a combination of Social Security and the Illinois Municipal Retirement Fund.
    - 1) All eligible employees hired after May 1, 1992 will be covered by the Illinois Municipal Retirement Fund as of their date of hire.
    - 2) Part-time employees who work more than 1000 hours per year are required to be included in the Illinois Municipal Retirement Fund. An employee must be in a position normally requiring performance of duty for more than 1,000 hours in the next 12-month period in order to be able to participate in IMRF. It is the *expected* annual hourly requirements that control. The actual hours worked may be more or less than the hours expected.
  - b. Full-time sworn Police Officers and Firefighters participate in their respective service's pension plan as required by State Statute and applicable collective bargaining agreements.
  - c. All employees are eligible to participate in 457 Deferred Compensation Plans as provided by Nationwide and ICMA-RC from time to time.
4. Sick Leave Pay:

Tier 1

Employees under Tier 1 may receive a cash payment of unused accrued sick leave if the following conditions are met:

- a. An employee attains twenty (20) years of full-time service and

meets pensionable age requirements as defined by IMRF or the applicable pension plan for sworn employees, or

- b. An employee attains ten (10) years of full-time service and age 62, and meets pensionable age requirements as defined by IMRF or the applicable pension plan for sworn employees.

Sick leave payment will be at the rate of one-half day per accrued day of sick leave with up to 50 total days being paid out.

- a. At no time will greater than fifty (50) days be paid out at retirement, unless such employee is grandfathered under Chapter 4.A.1.a.
- b. Any remaining sick leave balance will be applied to IMRF pension credits under the applicable IMRF rules and regulations (where applicable).

#### Tier 2

Upon retirement, employees under Tier 2 will not be eligible for payment of unused accrued sick leave. Unused sick leave balance may be applied to IMRF pension credits as determined by applicable IMRF rules and regulations.

### 5. Retirement Pay:

#### Tier 1

Employees under Tier 1 who terminate service in good standing (voluntarily and with appropriate notice) with the City are eligible for retirement pay as follows:

- a. Employees who attain 15 years of service and are at pensionable age will be eligible to receive (two) 2 months retirement pay.
- b. Employees who do not meet pensionable age but attain 20 years of total service with the City will be eligible for (two) 2 months retirement pay.

#### Tier 2

Employees under Tier 2 are not eligible for Retirement Pay.

- 6. Retirement pay and cash payment of unused accrued sick time shall be paid out only once during the employee's lifetime. Retirement pay and payment of unused accrued sick time shall be based on the rate of pay at retirement.
- 7. Health, dental and life insurance programs will terminate on the last day of the month in which the employee retires. Election to continue in the City's insurance programs is limited as follows:

- a. It must be exercised immediately upon retirement, with the employee forfeiting any future participation upon cancellation.
- b. Retirees are responsible for the full cost of the insurance program. Premium payments are due by the 25<sup>th</sup> of the month preceding the month of coverage (e.g., February 25 for March). Retirees receiving their pension distribution are required to have continued health insurance premiums deducted directly from the applicable monthly pension checks.
- c. Retirees may purchase City sponsored life insurance benefits up to the age of 70.
- d. Individuals who retire from active service and are immediately eligible for an IMRF pension are not required to actually begin the IMRF pension, but must be eligible to immediately receive the pension on the date of termination (40 ILCS 5/7-101).