

ORDINANCE NO. O-2023-46

**AN ORDINANCE AMENDING PORTIONS OF CITY OF WHEATON
EMPLOYEE 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 Employee Manual of the City of Wheaton dated February 6, 2023 and adopted by Ordinance No. 2023-01, (hereinafter "Employee Manual") which is incorporated in this Ordinance by reference as if fully set forth, contains the employee rules and regulations of the City; and

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

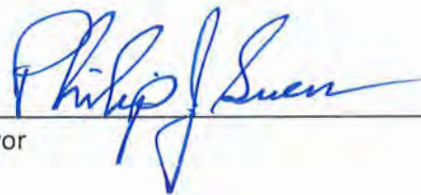
NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule power as follows:

SECTION 1: The 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 employee 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and replace those sections of the Employee Manual existing prior to the adoption of this Ordinance which hereby are rescinded.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 respects 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SECTION 2: That all ordinances or parts of ordinances in conflict with these provisions are repealed.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 December 1, 2023, after its passage, approval and publication in the form and manner prescribed by law.

Mayor



Attest:



City Clerk

Ayes: Roll Call Vote:
Councilwoman Bray-Parker
Councilman Brown
Mayor Suess
Councilman Clousing
Councilwoman Robbins
Councilman Weller

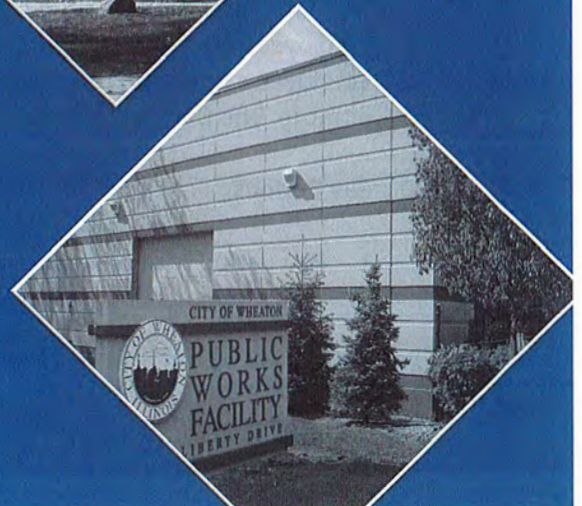
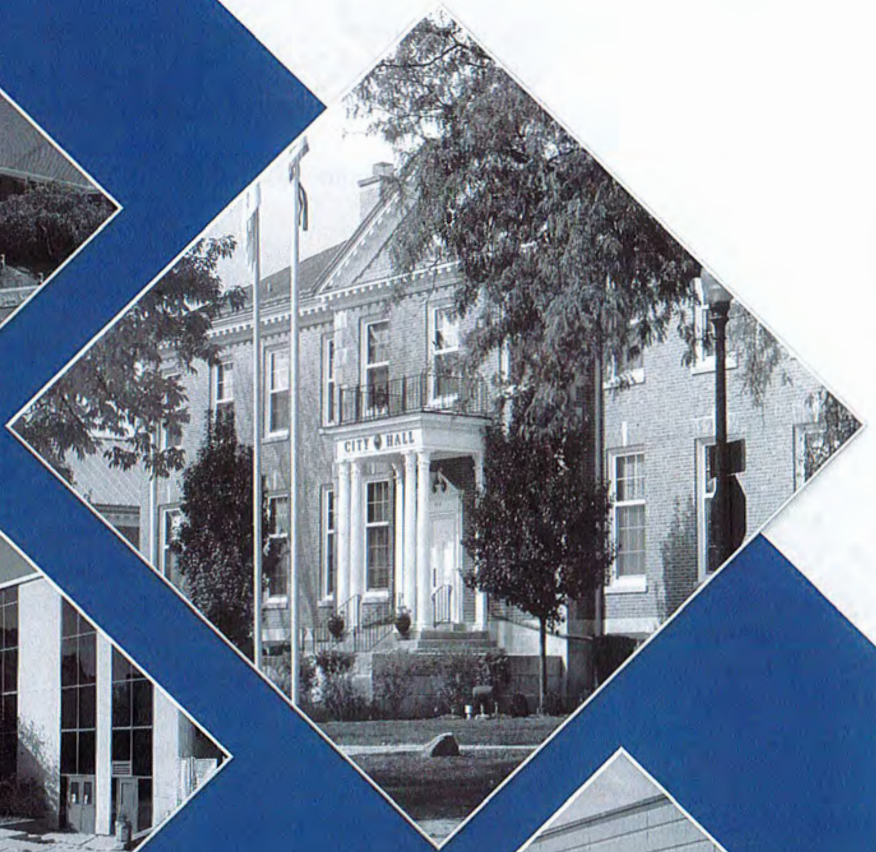
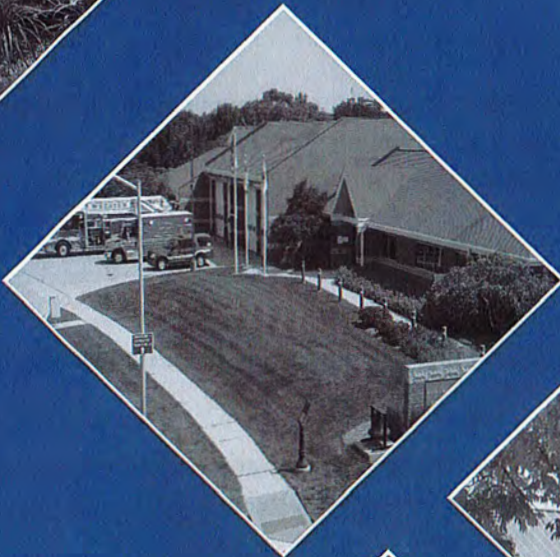
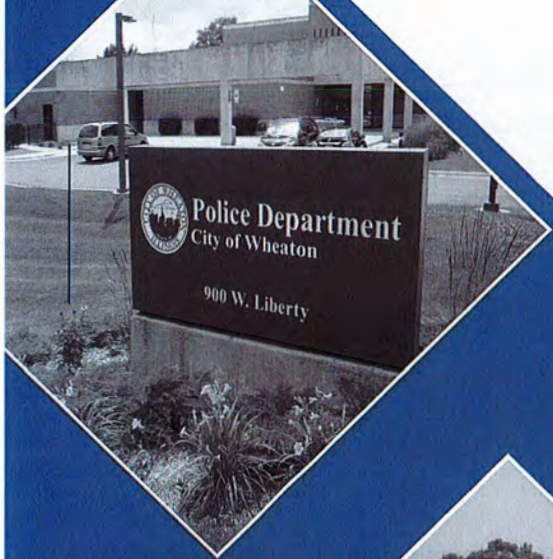
Nays: None
Absent: Councilman Barbier
Motion Carried Unanimously

Passed: November 20, 2023
Published: November 21, 2023

EXHIBIT 1

EMPLOYEE MANUAL

Effective ~~February 6th~~,
~~2023~~ December 1, 2023



CITY OF
WHEATON
Illinois

- 2) Compensatory time for exempt employees is not intended to be an hour-for-hour trade off. Exempt employees do not "book" overtime, nor there be an expectation that compensatory time be awarded when time worked is performed beyond forty (40) hours.

b. Non-Exempt Employees

Non-exempt employees shall receive pay for any approved overtime work performed. In lieu of cash payment, however, the employee may elect to receive compensatory time-off for overtime work performed in excess of the employee's normal work week in accordance with the provisions of this Paragraph J.

c. General

The following rules shall apply to the administration of the compensatory time-off policy.

- 1) Non-exempt employees whose normal work period is less than 40 hours per week may receive compensatory time-off, on an hour for hour basis, for hours worked up to a maximum of 40 hours worked in the work period.
- 2) Any non-exempt employee, whose normal work period is 40 hours per week or less, and performs work in excess of 40 hours per week, may receive compensatory time-off at a rate of one and one-half hours for each overtime hour worked.
- 3) Non-exempt employees shall not accumulate more than 63 hours of compensatory time-off.
- 4) Under no circumstances will compensatory time be granted where it is unduly disruptive, as determined by the Department Head or City Manager.
- 5) The Department Head may request the employee to utilize any earned compensatory time in instances where, in the opinion of the Department Head, the efficient operation of the Department and the City would be served.
- 6) Compensatory time must be used in the fiscal year that it is earned and may not be rolled over into the next year. All unused compensatory time will be paid out on April 30th of each fiscal year.

K. Acting Supervisor Assignment/Rate of Pay:

The City retains the sole discretion to assign acting supervisors in the absence of a supervisor. Employees who are designated as acting supervisors shall receive a stipend, in addition to the employee's normal rate or the minimum of the range for the position if assignment is one (1) month or more. The Director of Human Resources will determine the stipend amount.

L. Pay Periods:

1. Pay periods are bi-weekly. ~~Public Works Department labor personnel are paid on the Thursday following the conclusion of the Public Works Department's labor payroll period. All other personnel are paid on Friday of the following week.~~

~~March 19, 2012~~ December 1, 2023

2. Holidays. If a payday falls on a holiday, i.e. Friday after Thanksgiving, the day of pay shall be the last working day preceding the normal holiday.
3. Salaried persons employed or terminating their employment in the middle of a pay period are paid at a rate of one-tenth of the total bi-weekly salary for each day worked.
4. Employees will be paid for accrued overtime on the payroll date following the completion of their work period.

M. Payroll Deductions:

1. Required Deductions. The following deductions are required by law from each employee's paycheck:
 - a. Federal and state income tax withholding.
 - b. Social Security (except police officers and firefighters).
 - c. Medicare (certain police officers and firefighters may not qualify).
 - d. Retirement contributions (eligible employees only).
 - e. Health insurance premiums (where appropriate).
 - f. Deductions authorized by law, such as garnishments.
2. Optional Deductions. Other optional 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.
3. Statement of Earnings. With each paycheck, the City employee receives a statement of deductions and earnings, which itemizes the various deductions made. It is the employee's responsibility to maintain current payroll deduction information with the ~~Payroll Services Coordinator~~Payroll and AP Supervisor.
4. Changes to Deductions. Employees wishing to add or change their payroll deductions should contact the ~~Payroll Services Coordinator~~Payroll and AP Supervisor.
5. Direct Deposit. The City provides the opportunity to deposit payroll funds directly into personal bank accounts. Direct deposit is a service benefit strongly encouraged for all employees.

N. Pay Advances:

The City does not provide pay advances.

~~March 19, 2012~~December 1, 2023

O. Garnishment:

1. Any notice of garnishment will be received and signed for by the Payroll and AP Supervisor. ~~Payroll Services Coordinator.~~
2. Administrative Processing.
 - a. The notice of garnishment will be forwarded immediately to the Finance Department, who will process the paperwork and enter it in the payroll system.
 - b. The check for the garnished amount will be written and forwarded to the Creditor as directed. The Payroll ~~Services Coordinator~~ and AP Supervisor will notify the employee that the garnishment has been received and the processing date.

P. Total Compensation:

1. Pensionable compensation shall be determined by the applicable pension statute and/or pension plan document. Where not specified by statute or the plan, pensionable compensation shall be the base pay rate established for an employee, excluding overtime, non-taxable benefits such as medical or surgical insurance protection, flexible spending accounts and life insurance, and reimbursement for expenses such as travel, meals, uniforms and any other reimbursement or stipend.
2. Except as authorized by the City Manager, no employee shall receive pay from the City in addition to the salary or wage authorized under the pay ranges provided in the Pay Plan.
3. The pay provided by the Pay Plan is in exchange for all services rendered by the employee either in the discharge of ordinary duties and / or any additional duties which may be imposed or which the employee may undertake or volunteer to perform.
4. Employees may not accept special rewards, gifts or other compensation from outside individuals or organizations in exchange for providing City services. (For further details see Chapter 5, Section J).

Q. Service to City Award:

1. The City of Wheaton provides a performance based service award to all eligible non-union employees. This award allows eligible employees to buy back accumulated sick leave days or accumulated vacation days according to the following schedule:

| <u>Years of Service</u> | <u># of Days Eligible for Buy-Back</u> |
|-------------------------|-------------------------------------------|
| 12 Years | 5 Sick Leave Days or 5 Vacation Days |
| 17 Years | 10 Sick Leave Days or 10 Vacation Days |
| 22 Years | 15 Sick Leave Days or 15 Vacation Days |

| | |
|----------|-------------------------------------------|
| 27 Years | 20 Sick Leave Days or 20 Vacation Days |
| 32 Years | 25 Sick Leave Days or 25 Vacation Days |
| 37 Years | 25 Sick Leave Days or 25 Vacation Days |

2. Eligibility. Employees are considered eligible after 12, 17, 22, 27, 32 and 37 years of service. The employee must have received at least a “meets standards” on the annual performance evaluation for both the current year and the year previous to be eligible. If an otherwise eligible employee fails to attain the necessary score, he/she will not receive the award. Missing the award at one service year does not necessarily preclude the employee from being awarded at the next service year. However, once an employee misses one service year, they will not be eligible for that specific service year award again.
3. The award date will be in relation to an employee’s evaluation date. If the evaluation date and hire date are the same, then an employee will be eligible for the service award after their evaluation following 12, 17, 22, 27, 32 and 37 completed years of service, assuming the appropriate score. If the evaluation date and hire date differ, then the employee will become eligible for a service award at their next evaluation following the specific service year.
4. Eligible employees must return the Service to City Request form to Payroll no later than 30 days after the performance evaluation occurs. Forms received after this deadline will not be allowed. Employees electing to decline participation in the program should also return forms to payroll.
5. Tier 2 employees are not eligible for the Service to City Award.

R. Reservation of Rights:

The City reserves the right to amend, modify or terminate this Compensation Plan at any time without advance notice. This is a material term on which the City relied in preparing this Compensation Plan. The City has complete discretion to interpret, apply and alter the Compensation Plan. The Compensation Plan is not a contract, and does not give employees vested rights.

CHAPTER 4 FRINGE BENEFIT PACKAGE

A. Sick Leave:

1. Sick Leave Program

a. Tier 1

Full-time employees shall be credited with one (1) paid sick leave day for each full month of service. Such days may accumulate to a maximum of one hundred (100) sick days. Sick days will not accrue beyond one hundred (100) days, except for the purpose of IMRF accrual (i.e., the days cannot be used for sick leave, but may be accrued only for IMRF service time credit upon retirement). Regarding IMRF service time accrual, employees will accrue ½ day per month for any months in which the employee has over 100 days accrued. For employees with a sick leave accumulation in excess of 100 days as of March 31, 2012:

- 1) Sick leave balances as of March 31, 2012, will become the individual employee's accumulation maximum.
- 2) As sick leave balance is reduced; individual accumulation maximum shall also be reduced until the accumulation reaches 100 days.

b. Tier 2

Full-time employees under Tier 2 shall be credited with two-thirds (2/3) paid sick leave day for each full month of service. Such days may accumulate to a maximum of seventy-five (75) sick days; thereafter, days will accumulate at a rate of one-half day per month to a maximum of 100 days.

- c. Sick leave shall not be considered a privilege which an employee may use at the employee's discretion, but shall be allowed only in the event of actual sickness or disability of the employee. Sick leave may also be granted to meet health or dental appointments which cannot be reasonably scheduled during non-working hours, and in the event of an illness or injury of an immediate family member which requires the presence of the employee. For the purpose of this section, immediate family includes the employee's sibling, child (adopted, step, biological), grandchild, spouse or domestic partner, mother/father-in-law and the employee's parents, grandparents, or step-parents.

If a pattern of sick leave abuse occurs, the City reserves the right to impose any discipline, up to and including discharge.

~~Exempt employees shall take sick and vacation leave in 4-hour increments.~~

- d. Employees off on sick leave for five (5) consecutive or intermittent days due to the same serious health condition within one year will be required to submit a note from their health care provider which indicates when the employee is able to return to work or provide a prognosis as to the earliest date when the employee will be able to return to work. The employee will also be placed on FMLA leave. The Human Resources Department may require an employee to have the physician's certificate updated. Any costs associated with providing a physician's certificate are the responsibility of the employee.
- e. Department Heads or their designee may send an employee home on sick leave if, in the opinion of the Department Head or designee, the employee appears ill and threatens the health of other employees, or the employee is unable to properly or safely perform the essential functions of their job. Employees who are eligible for sick leave, but do not have any accrued sick days available, will be required to use other accrued paid time off (personal days, vacation days, PTO compensatory time) before being allowed to take their time unpaid.
- f. Sick leave may be advanced to employees by the Director of Human Resources. The Department Head shall provide the Director of Human Resources with a memorandum describing in reasonable detail the rationale for approval.

B. Employee Sick Leave Bank:

The purpose of the Sick Leave Bank is to provide for the voluntary transfer of accrued sick leave to eligible full-time employees who are suffering from a non-work related severe or life-threatening illness, injury, impairment or physical or mental condition and will have exhausted their own paid time off.

1. Eligibility

- a. A qualified employee may be eligible to receive donated sick leave if **all** of the following criteria are met:
 - 1) The recipient is a full-time employee with a minimum of one year (12 months) of service and at the time of the first sick day taken associated with the illness or injury and has not been disciplined for sick leave abuse or attendance. All sick leave must be exhausted, as well as all other paid leave, including but not limited to compensatory time, vacation, and personal leave, before bank participation can commence. Paid leave will not accrue while using donated time.
 - 2) The recipient is suffering from a non-work related severe or life threatening illness, injury, impairment or physical or mental condition which has caused or would cause the employee to be unable to perform the essential functions of his/her position as documented by a mandatory physician's written certification. The City reserves the right to require a second opinion by a physician of the City's choosing and at the City's expense.

- 3) The request to receive donated sick leave is submitted to the Director of Human Resources in writing and is approved by the City Manager or the City Manager's designee.
- b. A qualified employee may be eligible to donate sick leave if all of the following criteria are met:
 1. The donation of such sick leave will not cause the accrued sick leave balance of the donor to be less than eighty (80) hours at the time the donation is made. The maximum donation is eighty (80) hours per donor.
 2. The request to donate is submitted in writing to the Human Resources Department.
 3. The donation is made in increments of eight hours.
 4. Donors will remain confidential.
 5. Donation of sick leave for Leave Bank purposes will not affect the Sick Leave Buy Back eligibility.
2. Criteria for Usage
 - a. Donated sick leave may only be used for the duration of the current illness, injury, impairment or physical or mental condition of the employee for whom it was donated. (See exception under "Unused Donations" below.)
 - b. Donated sick leave shall not be transferable to any other employee but may be applied retroactively for a period not to exceed thirty (30) calendar days on behalf of the employee for whom it was donated.
 - c. Eligible employees who request sick leave donations understand that the City will announce the requesting employee's name, and, with the employee's consent, the general nature of his/her injury or illness. This will allow the City to make notice of the employee's need.
 - d. A written physician's statement must be submitted to the Director of Human Resources at least once every thirty (30) days, or as requested by the City. Failure to comply with this requirement may be grounds for termination.
 - e. Eligible employees are limited to receiving a maximum of ninety (90) donated sick leave days (or 720 hours) in a twelve-month period. This period is defined as twelve (12) calendar months from the date of application for bank participation.
 - f. Eligible employees may not receive any disability benefits from their respective pension plan at the same time as receiving donated sick leave.
 - g. Employees may not donate sick leave to their immediate supervisor.

3. Rate of Pay

Donated sick leave shall be compensated according to the receiving employee's regular rate of pay at the time of the request approval. The rate of pay of the donating employee shall have no bearing on determining the amount of compensation received by the recipient of the donated sick leave.

4. Unused Donations

Any unused portion of the donated sick leave shall be forfeited by the donating employee. Any remaining time will be kept in the Health Leave Bank for use by eligible employees as approved by the City Manager or the City Manager's designee.

5. Termination of Usage

Use and acceptance of donated sick leave shall terminate upon:

- a. Medical certification that the illness, injury, impairment or physical or mental condition is no longer severe or life threatening; or
- b. The employee is able to return to work with a physician's written approval; or
- c. The employee terminates, retires, or goes on disability.
- d. Any non-compliance with the requirements set forth in this policy may be grounds for discipline, up to and including termination.

6. Additional Participation Requests

An employee must return to work for a minimum of six (6) months after utilizing the Health Leave Bank before making a request to utilize the Health Leave Bank for a new illness or injury.

C. Sick Leave Buy Back Program:

If an employee desires, a maximum of 2 sick leave days (maximum one (1) sick leave day for Firefighters and Fire Lieutenants) can be bought back in any calendar year according to the schedule below. Payment shall be at the employee's present rate of pay. Eligible employees have the option of requesting personal days in lieu of a cash payment.

The personal days must be taken prior to May 1st and may be taken in full or half-day increments. The number of days the employee buys back or takes as a personal day will then be deducted from the unused sick leave earned and any remaining days will accumulate with those of previous years.

| # Of Sick Leave Days Used in a 12-month period | | # of Days Eligible for Buy-Back |
|---------------------------------------------------|-----------------|------------------------------------|
| Operational Employee | Office Employee | |
| 0 - 3 | 0 - 1 | 2 |
| 3.01 - 4 | 1.01 - 2 | 1.50 |
| 4.01 - 5 | 2.01 - 3 | 1 |
| 5.01 - 6 | 3.01 - 4 | 0.50 |
| 6.01 - 12 | 4.01 - 12 | 0 |

For purposes of determining the number of sick leave days used in a year, the 12-month period will run from November 1 to October 31. Sick leave days used for an FMLA-approved leave of absence will not count as sick leave days used for the Sick Leave Buy Back Program.

Newly hired employees are required to wait until November 1 to begin eligibility for this program. Employees must be on the city's active payroll for the entire plan year to be considered eligible.

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</u> (max accrual) |
|--------------------------|-----------------------------------------|
| 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.

~~d.e. Vacation time can be used for any reason, and employees do not need to disclose the reason for their time off request.~~

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.

~~e. Vacation time can be used for any reason, and employees do not need to disclose the reason for their time off request.~~

~~d.~~

3. Part-Time Employees

~~a. Effective January 1, 2024, all part-time employees, except Crossing Guards, will earn one (1) hour of paid time off (PTO) for every forty (40) hours worked. These part-time employees can carry over up to twenty (20) hours of PTO into the next year. 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.~~

b. Effective January 1, 2024, part-time Crossing Guards will receive five (5) hours of PTO at the beginning of each school year. PTO will not be carried over into the next school year.

c. Paid time off (PTO) can be used for any reason, and employees must follow proper reporting procedures determined by the department head.

a.—PTO will not be paid out at the end of employment.

E. Holidays:

1. Except as otherwise provided in this Chapter, full-time employees are given the following days off with pay:
 - a. New Year's Day
 - b. Presidents' Day
 - c. The Friday before Easter
 - d. Memorial Day
 - e. Independence Day
 - f. Labor Day
 - g. Thanksgiving Day
 - h. The Friday following Thanksgiving
 - i. Christmas Day
 - j. Two (2) personal days (all newly-hired full-time employees must work three months before taking a personal day off). A newly hired employee who works less than 6 months (but more than 4 months) in the fiscal year shall earn one (1) personal day, while a newly hired employee who works more than six (6) months in the fiscal year shall earn two (2) personal days. The scheduling of all personal days is subject to the prior approval of the supervisor who will pass the request to the Department Head.
 - k. All employees who are eligible to take personal days off must do so in the fiscal year in which the personal days are earned. Personal days may not be accrued.
 - l. Assistant Fire Chiefs (Shift Commanders), the Police Services Supervisor, Community Service Officers and Police Services Representatives are eligible for one personal day taken as paid time off. (The second personal day is included in their Holiday pay.)
2. Full-time employees who attain twenty-five (25) or more years of service by March 31, 2012, shall receive three (3) personal days. Full-time employees who attain twenty-five (25) or more years of service on/after April 1, 2012 shall continue to receive a maximum of two (2) personal days.
3. Holiday Pay: Assistant Fire Chiefs (Shift Commanders), the Police Services Supervisor, Full-Time Community Service Officers and Full-Time Police Services Representatives receive a lump sum of 4% of their annual base salary as holiday pay, computed and paid out as follows:
 - a. For employees with one (1) year of service at the time of the regular holiday pay out, the employee shall receive payment on or about Thanksgiving Day, for all authorized holidays falling during the course of the fiscal year.

- b. An unpaid leave of absence totaling less than thirty (30) days will have no effect on seniority, vacation accrual, sick leave accrual and any other benefit which is based on seniority. An employee may continue in the life and health insurance programs provided arrangements are made by the employee to pay the full premium cost for the period the employee is absent from work.
- c. An unpaid leave of absence longer than thirty (30) calendar days will result in the termination of all fringe benefits (as outlined in Chapter 4), unless otherwise approved by the City Manager.
- d. The City may determine the unpaid leave of absence to be permanent if after 30 days the employee does not return to work.

5. Unpaid Leave of Absence – Medical

- a. Temporary Disability is provided by the Illinois Municipal Retirement Fund (IMRF), when an employee is off payroll for thirty (30) days, at 50% of the last earnings when he/she went on disability.
- b. IMRF will certify permanent disability after thirty (30) months.

6. School Visitation Leave

Employees who have been employed for at least six (6) months and work a minimum of twenty (20) hours per week are entitled to a maximum of eight (8) hours unpaid leave per school year to attend school conferences or activities related to the employee's child if the conference or activity cannot be scheduled during non-work hours.

- a. Employees must exhaust all paid personal days, vacation, PTO and unpaid comp time before being eligible for this leave.
- b. Employees must provide at least seven (7) days' advance notice prior to such leave, unless due to emergency circumstances beyond the control of the employee.
- c. Leave should be taken in no less than four (4) hour increments.

7. Organ Donor Leave

Full-time employees are eligible to receive paid leave for the following:

- a. Up to thirty (30) days in any twelve (12) month period for bone marrow or organ donations.
- b. One hour every fifty-six (56) days to donate blood.
- c. Two hours not more than twenty-four (24) times in a twelve (12) month period to donate platelets.

