

RESOLUTION 12-03

RESOLUTION UPDATING UNIFORM PERSONNEL RULES AND REGULATIONS FOR THE VILLAGE OF FORSYTH

WHEREAS, the Village of Forsyth (hereinafter "Village") is an Illinois municipal corporation operating under and pursuant to the Illinois Municipal Code; and

WHEREAS, the Village previously adopted Uniform Personnel Rules and Regulations for the Village of Forsyth ("Personnel Manual") on September 8, 1997 and then revised same on May 1, 2000; and

WHEREAS, pursuant to previous motions and actions of the Village Board, the Village has made additional changes over the years to the Personnel Manual; and

WHEREAS, the auditors of the Village have asked that these changes be specifically recorded and/or clarified within the Personnel Manual; and

WHEREAS, former Village Administrator Heather Kimmons had been working to ensure that the Personnel Manual is updated to reflect the previous actions and practices of the Village Board; and

WHEREAS, the Village Board desires to adopt an updated Personnel Manual that reflects the procedures and changes previously made by the Village Board.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF FORSYTH, MACON COUNTY, ILLINOIS AS FOLLOWS:

1. That the above recitals are hereby incorporated into the body of this Resolution and restated as though set forth herein.

2. The corporate authorities of the Village do hereby adopt the revised Personnel Manual, attached hereto as Exhibit A, that makes the following four changes: (1) correct the holidays under Article V, V-2, that the Village Board previously agreed

upon; (2) clarifies that vacation time must be used annually which was previously provided for within the Personnel Manual and to ensure no dispute ever arises over same; (3) provide that 120 days of sick leave can accrue as has been provided within the Personnel Manual, but that such days shall not be paid upon termination or departure from the employment at the Village, which has been the practice of the Village; and (4) updates the insurance premiums paid for dependents that was previously modified by Village Board action on March 5, 2012.

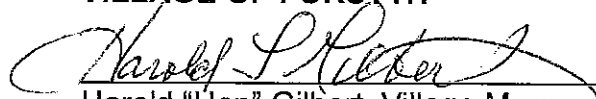
3. It is not the intent of the Village Board to modify or to change any of the existing employment practices or procedures by the adoption of this newly revised Personnel Manual, but instead simply to clarify and update the manual in accordance with past motions and/or changes made by the Village Board and the administration of same.

4. This Resolution shall become effective immediately upon its passage and approval as required by law.

PASSED this 2nd day of July, 2012, at Forsyth, Macon County, Illinois.

	YES	NO	ABSENT	PRESENT
JOHNSON	X			
REED	X			
RASHO	X			
TRACHTENBERG			X	
HUBBARD	X			
MORR	X			
GILBERT				
TOTAL	5		1	

VILLAGE OF FORSYTH


Harold "Hap" Gilbert, Village Mayor

Attest:

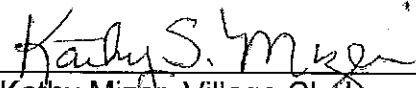

Kathy Mizer, Village Clerk

EXHIBIT A
UPDATED PERSONNEL MANUAL

**UNIFORM PERSONNEL
RULES AND REGULATIONS
FOR THE
VILLAGE OF FORSYTH, ILLINOIS
ADOPTED AND EFFECTIVE SEPTEMBER 8, 1997
Revised May 1, 2000
Updated July 2, 2012**

ARTICLE I INTRODUCTION

I-1. Rules Established

The following rules, regulations, and other administrative provisions for personnel administration are established to:

- (a) Promote and increase efficiency and economy in the Village service.
- (b) Provide fair and equal opportunity to all qualified citizens to enter Village employment in all occupations on the basis of demonstrated merit and fitness as ascertained through fair and practical method of selection without regard to age, race, color, sex, handicap, religion, national origin or ancestry.
- (c) Develop a program of recruitment, advancement and tenure which will make the Village service attractive as a career.
- (d) Establish and maintain a uniform plan of evaluation and compensation based upon the relative duties and responsibilities of positions in the Village service to assure a fair and equitable wage or salary to all employees.
- (e) Establish and promote high morale by providing good working relationships, uniform personnel policies, opportunity for advancement without regard to age, race color, sex, handicap, religion, national origin or ancestry, and consideration for employee needs and desires.

I-2. Administrative Responsibility

The personnel program consists of the sum total of all policies and procedures related to personnel administrations in the service of the Village and shall be administered by the Village Administrator or his designee. The policies and procedures of the personnel program shall apply to all employees in the service of the Village of Forsyth except the Village Administrator and elected officials.

I-3. Departmental Regulations

The head of any department may formulate in writing reasonable administrative regulations for the conduct of the department, which shall be available to all departmental employees. Nothing in this section shall be construed as granting any department authority to adopt regulations in violation of, or in conflict with, personnel regulations approved and adopted by the Village Administrator or Board of Trustees.

I-4. State and Federal Laws

Nothing in these rules and regulations shall be construed to require any employee to act in violation of any state or federal law and nothing is intended to conflict with any state or federal laws. In the event that any such conflict should occur these rules and regulations shall be revised to the extent necessary to comply with any such laws. Nothing in these rules and regulations shall be construed to deprive any employee or the Governing Body, of any right or privilege provided by any state or federal law.

**ARTICLE II
POSITION CLASSIFICATIONS**

II-1. Position Classification Plan

Each position in the Village government shall, on the basis of the duties, responsibilities, skills, experience, education and training required of the position, be allocated to an appropriate class, which may include either a singular position or two or more positions.

II-2. Job Descriptions

Each class shall have a specification that includes a concise descriptive title, a description of the duties and responsibilities of positions in the class and a statement of the qualifications for filling such positions. Such specifications shall be approved by the Village Administrator and shall be open to inspection by any interested party during regular office hours.

II-3. Job Classifications

Each job classification shall be assigned to an appropriate range in a pay plan, which has been approved by the Village Governing Body.

II-4. Maintenance of Plan

The classification plan shall, from time to time, be reviewed so as to provide for changes in class necessitated by organizational adjustment, improved methods or new or revised service programs. The Village Administrator shall approve all new or revised class descriptions, reclassify, reassign or transfer any employees when such action is deemed essential or desirable for the improvement of Village operations or the benefit of the employee.

**ARTICLE III
RECRUITMENT, SELECTION AND PLACEMENT**

III-1. Definitions

- (a) Full-time employee is one who works a normal 40-hour week on a regular and continuing basis.
- (b) Part-time employee is one who works less than a normal work week on a regular and continuing basis.
- (c) Permanent employee is a full-time or part-time employee who has satisfactorily completed a four-month probationary period.
- (d) Temporary employee is one who works on an irregular and/or nonpermanent basis.
- (e) Anniversary date is the date an employee begins employment.
- (f) Immediate family includes husband, wife, child, father, mother, father-in-law, mother-in-law, grandfather, grandmother, grandchild, aunt, uncle, brother and sister.

III-2 Qualifications for Employment

All new applicants for any position with the Village shall meet the minimum qualifications for the position as set forth in the class description. Each applicant shall complete a job application form and medical history form. The applicant also shall successfully pass a physical examination and other tests when deemed necessary by the Village Administrator.

III-3. Promotion

It is the policy of the Village to fill all vacancies for supervisory, skilled and upper-level positions from the ranks of present employees whenever possible. All employees seeking promotion shall be expected to meet the minimum qualifications for the classification to which they seek promotion, including a physical examination and/or other test when deemed necessary by the Village Administrator.

III-4. Probation

- (a) Each employee hired to fill a permanent position shall satisfactorily complete a four-month probationary period before being granted permanent employee status. Any employee may be terminated during the probationary period for reasons without specification or cause.
- (b) Each employee promoted to a classification with greater pay and responsibility shall satisfactorily complete a four-month probationary period before being granted permanent status in his new classification. Any employee who fails to satisfactorily complete such probationary period shall be returned to the pay and position he held immediately prior to his promotion or to a position with equal pay and responsibility.

III-5. Nepotism

No employee shall hold a position where the employee would supervise, check or audit the work of another employee within the employee's immediate family nor shall an employee hold a position where the employee's work would be supervised, checked or audited by a member of the employee's immediate family.

If two employees marry during the period of their employment and are affected by the above, one may be transferred to another position if a vacancy for which the employee is qualified exists or the Village may terminate one of the employees.

ARTICLE IV COMPENSATION

IV-1. Pay Plan

- (a) All employees shall be paid at the rates prescribed for in the classification in which they are employed. Employees working on a part-time basis shall receive that portion of the salary assigned to their class to be determined by the actual time they work. Employees working less than full-time and on an irregular basis shall be paid at an hourly rate computed from the salary assigned to their positions.
- (b) The promotion of any employee to a class with a higher salary range shall include an increase in his salary to at least the minimum for the new classification. If the minimum for the new classification is below his present salary, he shall not be granted more than a five percent increase in salary at the time of promotion unless the increase shall have been approved by the Village Administrator.
- (c) In the event an employee is reclassified or demoted to a lower classification, his salary must be reduced to any amount in the lower classification, however, in no event shall his salary be fixed at an amount greater than he was earning immediately prior to his demotion.

IV-2. Salary Range New Employees

A new employee will normally enter employment at the minimum rate of pay for the position in which he is employed. In the case of difficulty in finding qualified personnel or in the hiring of an exceptionally qualified person, a higher starting salary may be established by the Village Administrator.

IV-3. Merit Salary Increase

Salary increases shall not be routine or automatic. An employee assigned permanent status following completion of a probationary period may be granted a merit increase. The head of a department may recommend additional salary increases within the assigned range when both of the following have been met:

- (a) The employee has spent at least 12 full months at his present salary step; and
- (b) A performance evaluation report has been prepared not more than 60 days prior to the date of the recommendation and such report is rated satisfactory or higher.

IV-4. Performance Evaluation Required

- (a) Employee performance evaluations shall be considered in determining salary increases within the limits established in the pay plan, as a factor in promotions, as a factor in determining the order of layoffs and as a means of discovering employees who should be promoted or transferred, or who, because of their low performance, should be demoted.
- (b) An evaluation of each employee's performance of his duties and responsibilities shall be made by each department head or authorized supervisor. The evaluation shall be in writing upon such forms as are approved by the Village Administrator. Each employee shall be evaluated at

least once each 12 months and not more often than once in each six month period. A probationary employee shall be evaluated at the completion of his probationary period to determine his eligibility to be granted permanent status.

IV-5. Pay Days

Employees shall be paid bi-weekly on Fridays. When a payday falls on a holiday, employees may be paid on the preceding workday.

IV-6. Pay on Termination

An employee who is terminated will receive his final check on the first regular scheduled payday for the pay period during which his termination occurs.

IV-7. Overtime Work

(a) Overtime work shall be paid at one and one-half times the employee's regular rate of pay. Overtime work shall be paid not later than the first payday following the pay period in which it was earned.

(b) No person employed in an executive or professional position shall be eligible for overtime pay.

IV-8. Pay Records

The Village Treasurer shall keep adequate records of all persons employed, their pay scale, time worked, including overtime, accrued vacation, sick leave, bonus days, and all absences for vacation, holidays and sick leave. Such records shall be available at all reasonable times for inspection by the employee.

**ARTICLE V
ATTENDANCE AND LEAVES**

V-1. Hours of Work

(a) The normal work week shall be 40 hours consisting of 8-hour work days. No employee shall be permitted to work in excess of 40 hours per week except when an emergency exists or overtime work is necessary to carry out normal and essential services of the Village is assigned by his immediate supervisor.

(b) Work in addition to 40 hours per week shall be considered overtime work.

V-2. Holidays

(a) The following days shall be holidays for all Village employees:

- New Year's Day (January 1)
- President's Day (3rd Monday in February)
- Good Friday (Friday before Easter)
- Memorial Day (last Monday in May)
- Independence Day (July 4th)
- Labor Day (first Monday in September)
- Veteran's Day (November 11)
- Thanksgiving Day (4th Thursday in November)
- Friday after Thanksgiving Day

- Christmas Eve (December 24)
- Christmas Day (December 25)

From time to time, on special occasions, the governing body may designate other days as special holidays.

- (b) When any regular holiday shall fall on a Saturday or Sunday, the preceding Friday or following Monday shall be declared a holiday
- (c) Employees required to work on an observed holiday shall be granted one substitute holiday in addition to their regular holiday for the day.
- (d) Permanent, part-time employees shall be paid for observed holidays which fall on days for which they would otherwise be scheduled to work in an amount equal to the wages they would have earned according to the number of hours for which they would be scheduled to work on that day. Temporary help shall not receive paid holidays.
- (e) To be eligible to receive pay for an observed holiday an employee must not have been absent without leave either on the workday before or after the holiday.

V-3 Vacation

Vacation leave shall be earned and accrued from the employee's anniversary date under the conditions hereinafter stated. No employee shall be permitted to use vacation time for any period spent on unauthorized leave or participating in any work stoppage.

- (a) Full-time Employees: Effective January 1, 1986, an employee who has more than one year but less than 10 years continuous service shall be allowed 10 working days vacation per year.
Employees who on their anniversary date have 10 years or more of continuous service but less than 20 years shall receive 15 working days of vacation per year. Employees, who on their anniversary date, have 20 years or more of continuous service shall receive 20 working days of vacation per year.
- (b) Part-Time Employees: Permanent part-time employees shall receive vacation credit at the same proportion to a regular vacation as the work time of such employee bears to a regular work week in the employee's department. Temporary employees shall not earn vacation credit.
- (c) Must Be Used Annually: Vacation leave will be taken in the year following the anniversary date on which it accrues and must be used on an annual basis every year after and may not be carried over to subsequent years. Employees will be permitted to use vacation leave in units of less than one day subject to approval of their supervisor. In case of conflict, vacation leave shall be granted on the basis of seniority.
- (d) Holiday During Vacation: Paid holidays which occur during vacation leave are not counted as a day of vacation.
- (e) Termination/Separation: Upon termination or separation from employment, an employee shall be compensated for accumulated unused vacation leave.

V-4. Sick Leave

Full-time Employees: Effective September 8, 1997, all permanent full-time employees shall be entitled to sick leave pay with absences resulting from illness, injuries, accidents, or other physical incapacitation, occurring either on or off the job. No employee shall be permitted to use sick leave for any period spent on unauthorized leave or participating in any work stoppage.

- (a) Amount of Sick Leave: Full-time employees shall earn one-half working day of sick leave per month if the employee begins employment prior to the 16th or leave employment after the 15th of any month.
- (b) Accumulation of Sick Leave: No employee may accrue more than 120 days of sick leave. Accumulated sick leave shall not be reimbursable to the employee upon termination or separation from employment.
- (c) Computing Sick Leave: Any absence for a fraction or part of a day which is chargeable to sick leave shall be charged in increments of not less than 4 hours.
- (d) Doctor's Certificate: A department head may require a signed statement from a physician or dentist verifying the employee's inability to perform assigned duties because of illness.
- (e) Notification: To be eligible for sick paid leave an employee shall notify his immediate supervisor the reason for his absence no later than one hour after the beginning of the first work day for which sick leave is taken.
- (f) Abuse of Sick Leave: An employee who improperly claims sick leave shall be subject to disciplinary action, including loss of pay or dismissal.
- (g) Sick Leave Usage for Care of Immediate Family: With approval of the department head and the Village Administrator, employees may use sick leave to care for members of their immediate family.

V-5. Funeral Leave

An employee shall be allowed time off not to exceed three (3) working days when his presence is reasonably required to be with his immediate family on account of death in his immediate family. This leave shall be with pay but shall not be granted until the employee has one (1) year of continuous service in the employment of the Village.

V-6. Civil Leave

- (a) Civil Leave with Pay: An employee shall be given reasonable and necessary time off without loss of pay when: (1) performing jury duty; (2) appearing in court as a witness in answer to a subpoena in a suit in connection with his duties with the Village; (3) performing emergency civilian duty in connection with national defense; and (4) voting when the polls are not open at least two hours before or after the employee's scheduled hours of work. An employee shall reimburse the Village for jury duty compensation paid by the court.
- (b) Civil Leave without Pay: If an employee is involved in court as a party or witness in a suit not commenced with his duties with the Village, he may be granted leave without pay unless the employee elects to utilize any available vacation leave.

V-7. Other Leave Provisions

- (a) Meetings, Seminars: An employee may be granted leave with pay to attend meetings and seminars and conventions of professional and technical organizations when such attendance is properly authorized by the Village Administrator.
- (b) Leave of Absence: An employee, upon written request, and with the approval of his department head, may be granted a leave of absence without pay for a period of one year subject to prior approval by the Village Administrator.
- (c) An employee requesting any leave shall provide as much advance notice as possible to his department head.
- (d) Personal Days: Effective May 1, 1999, all full-time and permanent part-time employees shall be entitled to two (2) personal days per year, which will not accrue from year to year. Any absence for a fraction of part of a day shall be charged in increments of time not less than two hours.

**ARTICLE VI
DISCIPLINE AND TERMINATION**

VI-1. Authority to Discipline

Department heads shall have authority to discipline personnel for violations of personnel regulations, departmental regulations, Village ordinances, state statutes and federal laws.

VI-2. Means of Discipline

- (a) Employees who violate Village personnel rules and regulations and/or departmental regulations may be suspended without pay, demoted or discharged. A suspension without pay shall not exceed 15 calendar days for any given offences except as provided in paragraph (c).
- (b) An employee shall be subject to dismissal, suspension or disciplinary action for:
 - a. Insubordination;
 - b. Disregarding established safety rules or orders;
 - c. Drunkenness;
 - d. Dishonesty;
 - e. Acts not conducive to safe and efficient performance of duty;
 - f. Acts of conduct disruptive to the orderly conduct of the Village;
 - g. Failure to carry out orders;
 - h. Failure or refusal to follow grievance procedures provided by this ordinance;
 - i. Violation during working hours or on Village property of any law or ordinance;
 - j. The use of offensive language or discourteous action or behavior while on duty;
 - k. Harboring a disease, which will endanger fellow employees;

- l. The use or possession of intoxicating liquor or beer on the property of the Village or during working hours; and use of intoxicants or beer which prevents the proper discharge of duties;
 - m. Use or possession of habit forming or illegal drugs
 - n. Repeated failure to satisfactorily discharge indebtedness, which reflects unfavorably on the Village;
 - o. Tardiness in reporting to work;
 - p. Failure to satisfactorily perform job duties;
 - q. Misconduct;
 - r. Destruction of Village property;
 - s. Theft of Village property; and.
 - t. Other just cause.
- (c) An employee charged with a criminal offense may be suspended with or without pay pending a full investigation, Following such investigation, the employee may be terminated or reinstated at the discretion of the Village Administrator.

VI-3. Absent Without Leave

- (a) Any employee who is absent without leave and who fails to return to duty within 24 hours after having received notice to do so can be suspended, demoted, or discharged. Written notice sent to the employee's last known address shall satisfy the requirements of this paragraph.
- (b) Absent without leave shall be construed to be any absence in which the employee has failed to secure prior approval, or, in the case of illness or emergency, has failed to notify his immediate superior of such absence no later than the day such absence begins.

VI-4. Right to Hearing

An employee removed or discharged for cause shall be entitled to the reason or reasons for his termination. The employee is entitled to a hearing on the issue, if requested in writing to the Village Administrator within five (5) days of his termination. This hearing will be held before the Village Administrator and the employee shall be entitled to have a representative present, present evidence and will be allowed a fair opportunity to present his case. The employee may voluntarily waive such hearing.

VI-5. Resignation

An employee who terminates his employment voluntarily shall be separated in good standing, providing he gives a minimum of two weeks' notice to his immediate supervisor or department head, unless a shorter period of notice is approved by his department head.

VI-6. Reinstatement

An employee who has been separated in good standing and who is re-employed within a period of 120 days shall receive credit for all unused sick leave he had accrued at the time of separation.

ARTICLE VII GRIEVANCE

VII-1. Grievance Defined

A grievance is a complaint involving misinterpretation or misapplication of a practice or policy under the personnel rules and regulations of the Village, excluding suspension, demotion and termination for cause.

VII-2. Filing Grievance

- (a) A sincere attempt should be made by each employee and supervisor to resolve any grievance before it becomes necessary to resort to the grievance procedure.
- (b) Any employee who, after conferring with his department head, still feels aggrieved, may within 5 working days, appeal in writing to a grievance committee by filing his appeal in writing with the Village Administrator.

VII-3. Grievance Committee

The grievance committee shall consist of two department heads or supervisory personnel to be appointed by the Village Administrator and one non-supervisory employee to be jointly chosen by the above.

VII-4. Hearing and Notice

The grievance committee shall convene within 3 working days to consider said complaint and shall give not less than 1 working day notice in writing to all interested parties of the time and the place of such meeting. The grievance committee shall submit its findings to the employee and the department head within 3 working days after the hearing. Findings of the committee shall be binding unless the employee or department head elects to appeal as provided in Section VII-5.

VII-5. Appeal

- (a) Any employee or department head may appeal a finding of the grievance committee to the Village Administrator by filing written notice of intent with the Administrator not later than 3 working days from the date the grievance committee has submitted its findings.
- (b) No grievance shall be considered by the Administrator until the grievance committee shall first have reviewed the complaint and made a finding thereon.
- (c) The Village Administrator shall consider the appeal within 5 working days after filing and shall give not less than 1 working days notice of the time and place of said meeting to the employee and the department head. A decision on the appeal shall be final unless the employee elects to appeal as provided in Section VII-6.

VII-6. Final Appeal

- (a) Any employee may appeal the finding of the Village Administrator to the Village Board by filing written notice of appeal with the Village Clerk not later than 3 working days from the date the Village Administrator renders his decision.
- (b) The Village Board shall consider the appeal within 15 working days after filing and shall give not less than 5 working days notice of the time and place of such meeting to the employee and the Village Administrator.
- (c) The Village Board shall render a decision on the appeal within 5 working days from the conclusion of the hearing. The decision of the Village Board is final.

**ARTICLE VIII
POLITICAL ACTIVITY, RESIDENCY, INSURANCE**

VIII-1. Political Activity

- (a) It is the duty and right of every employee to register and vote on all political issues. Employees are permitted to join political organizations, civic associations, or civic betterment groups.
- (b) Employees are not permitted to engage in any public political activity involving the election of candidates for any Village office.
- (c) Any employee desiring to become a candidate for elective Village office shall first take leave of absence without pay or resign. Should the employee be unsuccessful in seeking Village office, he shall be returned to employment on the same terms and conditions as any other employee who has taken leave of absence without pay.
- (d) Any employee who becomes a candidate for any elected position in the federal, state or county government shall be required to take a leave of absence without pay from his position if and during such period of time that his activities as candidate interfere with his employment or adversely affect the Village.
- (e) Employees are not permitted to solicit, sell or handle political contributions in Village elections.
- (f) Employees are not permitted to wear or display any political badges, buttons or signs on their person during on-duty hours.

VIII-2. Membership on Board and Commissions

Employees are not permitted to be a member of councils, boards or commissions that are advisory or administrative to the Village except where such membership is specifically authorized by Village ordinance.

VIII-3. Residency

While employees are not required to maintain residency within the Village, employees subject to frequent call-out for emergency services are expected to reside within a reasonable distance of their place of employment or they may be terminated for cause. Reasonableness shall be solely determined by the Village Administrator for employees of the various departments of the Village.

VIII-4. Insurance

- (a) All full-time employees shall be eligible for group medical and hospital insurance following completion of the term required by the insurer.
- (b) The Village shall pay the full premium for employee medical and hospital insurance coverage. For the dependents of an employee, the Village shall pay 75% of said premium.
- (c) The Village shall pay the full premium for employee vision and dental insurance coverage. For the dependents of an employee, the Village shall not pay any portion of the premium.
- (d) All costs for individual or family medical and hospital insurance shall be paid by the employee during the period the employee is on extended unpaid leave; on unauthorized leave or participating in any work stoppage.
- (e) Individual and family medical and hospital insurance coverage may be extended for a temporarily disabled employee drawing worker's compensation. The employee's share of the cost shall be deducted from any compensation due the employee in addition to worker's compensation payments. In the event no additional compensation is due, insurance may be extended at the option of the employer.
- (f) No employee shall be entitled to a cash payment of any kind in lieu of Health Insurance.

VIII-5. Outside Employment

Employees may carry on part-time jobs, if:

- (a) There is no conflict in working hours;
- (b) The employee's efficiency is not reduced;
- (c) There is no conflict of interest that could cause embarrassment to the Village or the employee; and
- (d) Such employment is approved by the department head and Village Administrator.

VIII-6. Amendment of Rules

These rules may be amended from time to time as deemed necessary by the Village Board.