

CHAPTER 24

PERSONNEL

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ARTICLE I. IN GENERAL

SEC. 24-1100. MEDICAL TREATMENT FOR POLICE OFFICERS AND FIREFIGHTERS INJURED IN THE LINE OF DUTY.

(a) Medical treatment for City employees including, without limitation, police officers and firefighters shall be as provided in the collective bargaining agreements between the F.O.P. and the City or the I.A.F.F. and the City, or as provided in state statute, as the case may be.

(b) In any case in which the accident contemplated by subsection (a) shall be due to the negligence of some person liable in damages therefore, if the City incurs any expense contemplated by subsection (a), it may recoup the expense from the party liable therefor and shall have an action over for the recovery of the expense against the person liable for the injury.

ARTICLE II. PERSONNEL CODE

DIVISION 1. IN GENERAL

SEC. 24-2100. SHORT TITLE.

This article shall be called "Personnel Code."

SEC. 24-2101. DEFINITIONS.

As used in this article, the following terms shall have the meanings ascribed to them:

- (1) **Appointed personnel** shall mean any person appointed for specific duties by the city administrator with the advice and consent of the City Council.
- (2) **Department Director** shall mean any appointed personnel having direct supervision and responsibility for personnel, records, funds maintenance and service to be performed by a City department.
- (3) **Official** shall mean any elected or appointed person commissioned by warrant under the corporate seal of the City.

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- (4) **Regular, full-time employee** shall mean any person who works a normal workweek as defined in Section 24-2105 but not including seasonal, part-time or temporary employees.
- (5) **Part-time employee** shall mean any person who works less than the normal workweek as defined in Section 24-2105 but more than one thousand (1,000) hours per year.
- (6) **Seasonal employee** shall mean any person who works less than 20 hours per workweek as defined in Section 24-2105 or one thousand (1,000) or less hours per year.
- (7) **Temporary, full-time employee** shall mean any person hired to work a normal workweek for a period not to exceed three hundred sixty-five (365) consecutive days.

SEC. 24-2102. SCOPE OF ARTICLE; EXCLUDED PERSONNEL.

The provisions of this chapter shall apply to all City employees except the following: members of the police and fire departments; employees of the Moline public library; employees of the City park and recreation department, provided, however that the board of library trustees or the parks and recreation board may elect, by resolution, negotiated collective bargaining agreement, or otherwise, to apply the provisions of this chapter to their respective employees.

SEC. 24-2103. APPOINTMENT OF DIRECTORS, DEPARTMENT DIRECTORS AND SUPERINTENDENTS.

The city administrator, with the advice and consent of the City Council, shall appoint all department directors, as provided elsewhere in this Code, with departmental, supervisory or official capacity, except elected officials and those employees directly responsible to elected officials other than the mayor.

SEC. 24-2104. REPORT OF ACCIDENTS INVOLVING PERSONS OR PROPERTY.

City personnel involved in, or having any knowledge of, any accident whereby any person employed by the City or any property or equipment owned or operated by the City is involved, shall immediately report the accident and pertinent information to the department supervisor who shall forward the information to the human resources office. This section shall be in addition to the requirement of reporting accidents as provided for in the state Motor Vehicle Act.

SEC. 24-2105. WORKDAY AND WORKWEEK; REPORTS; HOLIDAY COMPENSATION.

Unless otherwise agreed upon or provided for, and except in the case of an emergency as determined by the mayor or city administrator, the following shall apply:

- (1) The City workweek shall be forty (40) hours per week.
- (2) There shall be provided at least eight (8) hours rest in each twenty-four (24) hour period.
- (3) Department supervisors shall establish a normal workday specifically designating the starting time, the quitting time, rest breaks, and the lunch period, which time shall be strictly adhered to by the City employees. Employees shall be at their places of work according to departmental regulations.
- (4) All departments shall maintain a daily attendance record of employees, and provide reports concerning same upon request of the human resources manager or city administrator.

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- (5) The provisions of this section shall not apply to department directors or officials.

SEC. 24-2106. OUTSIDE EMPLOYMENT.

Outside employment is generally incompatible to full-time public service. No City employee shall engage in any outside employment which will impair the performance of said employee's duties or be detrimental to the City service.

SEC. 24-2107. SENIORITY.

Seniority shall be determined and administered in accordance with collective bargaining agreements and past practice.

SEC. 24-2108. GRIEVANCE PROCEDURE.

Employees with any grievance for which provisions for appeal are not covered by a state statute or collective bargaining agreement, arising out of their employment with the City, except requests for or concerns about any wage increase or disciplinary action, shall follow this procedure:

- (1) **Step 1.** Employees with such complaint or grievance arising out of their employment shall have the right to discuss the conditions and circumstances of said complaint with the department director if requested within ten (10) working days after the condition or circumstances giving rise to said complaint occurs.
- (2) **Step 2.** If this discussion does not resolve the issue, the complaint or grievance shall be reduced to writing and signed by the aggrieved employee and presented to the city administrator's designee by the aggrieved employee individually or by the employee's selected representative. Any grievance which is submitted to the city administrator's designee shall be submitted within five (5) working days after discussing the matter with the department director and shall be answered in writing not later than fifteen (15) working days after the meeting in which the discussion of the grievance is concluded, and if the grievance is denied or remains unsettled, the city administrator's designee in either's answer shall state that any provision of this Code or other ordinance cited by the employee was not violated or that no provision of this Code or other ordinance cited by the employee was violated or that no provision of this Code or other ordinance is involved in the grievance or any combination of these positions. Any grievance processed through Step 2 and which is not referred, in writing, to Step 3, shall be deemed settled on the basis of said answer. The time periods provided in this paragraph (2) may be extended by agreement between the employee filing the grievance and the city administrator's designee.
- (3) **Step 3.** In the event the decision of the city administrator's designee in Step 2 is not satisfactory to the aggrieved employee, the aggrieved employee shall have the right to appeal in writing such decision to the city administrator within five (5) working days from the date of the Step 2 answer and shall be answered in writing not later than fifteen (15) working days after receipt in the city administrator's office and if the grievance is denied, the city administrator shall state that any provisions of this Code or other ordinance cited by the employee was not violated or that no provision of this Code or other ordinance cited by the employee was violated or that no provision of this Code or other ordinance is involved in the grievance or any combination of these positions. The decision at Step 3 is final. The time periods provided in this paragraph (3) may be extended by agreement between the employee filing the grievance and the city administrator.

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SEC. 24-2109. EMPLOYEE ORGANIZATIONS.

(a) Employees of the City may fully and freely associate themselves in organizations of their own choosing for their mutual benefit as provided and allowed under state and federal law. No employee shall be required to join any such organization as a condition of employment or continuation thereof and the right of an employee with or without such an organization to petition the city administrator or the City Council, as provided and allowed under state and federal law, is hereby recognized. Employees of the City shall have the right to organize and designate representatives of their own choosing from among themselves for the purpose of collective bargaining, and the right of such representative to meet with the city administrator and the City Council is hereby recognized.

(b) Except as otherwise governed by state or federal law or collective bargaining agreements, employees of the City shall have the right to contact the city administrator without representation if they see fit to do so.

(c) Collective bargaining or negotiation shall be conducted at a designated time and place as is agreed upon by the employees of the City and their representatives, and the city administrator and the City's other representative(s), if any.

SEC. 24-2110. DEDUCTION OF EMPLOYEE ORGANIZATION DUES FROM PAYCHECKS.

Any deduction of employee organization dues shall be governed by the City's collective bargaining agreement with such employee organization.

SEC. 24-2111. RIGHT TO STRIKE.

Because the public health, safety and welfare may be adversely affected thereby, no employee shall have the right to engage in or encourage any form of sit down, slowdown, or in fact cause any form of work stoppage or strike for any reason, against the City, except as otherwise dictated by state or federal law. A refusal by an employee to perform an assignment injurious to employee's health or physical safety shall not be considered a violation of this section.

SEC. 24-2112. TRAVEL EXPENSES.

(a) Requests for budgeted travel expense funds for official City business, special education, or training, shall be submitted to the city administrator for approval on an authorized form obtainable from the finance office in accordance with a written travel policy to be adopted and approved by the city administrator from time to time.

(b) Due to an immediate need, the city administrator and not less than two (2) members of the Committee-of-the-Whole of the City Council, may approve unbudgeted travel expense funds in lieu of City Council action. Upon such approval, the finance director shall make the prescribed payment.

(c) All expenses incurred for approved official City business, special education or training shall be reported on the "travel expense statement" forms with payment in accordance with the written travel policy. In the event that the travel expense reported is greater than the amount advanced or authorized by the officials set forth in Sec. 24-2112 (b) above, a claim may be filed and submitted to the City Council, and, upon approval of the claim, authorized payment will be made.

SEC. 24-2113. RELATIONS WITH THE PUBLIC.

No City official or employee shall grant special consideration, treatment, or advantage to any citizen or group beyond that which is available to every other citizen or group. City officials shall at all times comply with the Code of

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Ethics and Gift Ban Act in Chapter 2 of the Code. City officials or employees shall at all times conscientiously and faithfully perform their duties; they shall be tactful, patient and courteous in answering all inquiries.

DIVISION 2. EMPLOYMENT PRACTICES

SEC. 24-2200. IN GENERAL.

The department director or designee, in conjunction with the human resources manager, subject to approval by the city administrator, shall have the authority to employ the necessary personnel, as authorized by this article or City Council action, to perform the necessary duties of their respective departments. It shall be the department director or designee and human resources manager's duty, in accordance with the written recruitment and selection policy promulgated by the city administrator, to determine by the applicant's history and interview process whether the applicant has the necessary qualifications for performing the duties required, before recommending the employment of the job applicant.

SEC. 24-2201. APPLICATION; PHYSICAL EXAMINATION.

(a) No person shall be considered to have become an employee of the City until the date such person has begun work in a position following application for an advertised vacancy, has received and accepted a tentative, conditional offer of employment from the human resources office, has passed any medically necessary examinations, and attended orientation and agreed in writing to abide by the City's present residency requirements as a continuing condition of employment.

(b) Applicants seeking appointment or employment in a City position shall complete a standard application form as provided by the City's human resources office.

(c) Any offer of employment shall be considered tentative and conditional until and unless the applicant passes a background history check, completes any medically necessary examinations to be given by a physician of the City's choosing to determine whether the applicant has the physical and mental ability to perform the essential functions of the required work.

(d) A newly hired employee shall be given an orientation to City employment and the applicant's required work.

(e) This section shall not apply to those employees hired in an emergency and for a period of less than ten (10) working days.

SEC 24-2202. PROBATIONARY PERIOD.

The first one hundred eighty (180) days of service of an employee is subject to this division, unless a different term is provided for in a collective bargaining agreement, is a probationary period during which there shall be no responsibility on the part of the City for the continued employment of the new employee. Termination of employment during this probationary period is not subject to challenge by the employee.

SEC. 24-2203. RESIDENCY.

(a) **Purpose.** It is the intent of this section to require policy making employees to live within the corporate limits of the City so that the City may be assured that said employees are knowledgeable about and attuned to the interests of the City and the workings of the social, civic, political, educational and commercial infrastructures existing therein. Additionally, it is the intent of this section to require non-policy making employees whose employment is covered by a collective bargaining agreement to reside within the area of residence that has been established on the basis of response time and administrative convenience in the enforcement of said policy as set forth

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in each respective collective bargaining agreement. Where residency is a required condition of employment in a collective bargaining agreement but no particular area of residence is specified in such collective bargaining agreement, then the area of residence shall be as described in Section 24-2203(d). Residency for non-policy making employees who are not covered by a collective bargaining agreement shall be as provided in Sec. 24-2203 (b) below.

(b) **Residency required.**

- (1) The city administrator, city attorney and all department directors shall reside within the corporate limits of the City.
- (2) Notwithstanding anything herein to the contrary but excepting to Section 24-2203(b)(1), all employees whose employment is not covered by a collective bargaining agreement shall reside within twenty (20) miles of the municipal building located at 1630 8th Avenue in Moline.
- (3) A new employee shall not be required to live within the applicable area of residence as defined herein until one hundred and eighty (180) days after completion of the employee's probationary employment.
- (4) All other City employees not specifically identified herein, including library, police and fire personnel, shall reside within the area described in such employees' respective collective bargaining agreement or the area of residence shown in 24-2203(d), whichever area of residence is the smaller area.
- (5) Said residency requirements are a continuing condition of employment with the City; failure to comply with same and failure to notify the human resources office of any change in residence within ten (10) days after a change in residency shall be grounds for and shall constitute a mandatory discharge.
- (6) Existing employees whose present residence does not conform to the above requirements but which present residence is a lawful residence under previous ordinances of the City shall not be required to conform hereto; however, a change in residency by said employee shall be in conformance herewith.

(c) **Other provisions.**

- (1) Regardless of an employee's place of residence, failure to report to work at the designated starting time shall constitute an unpaid, unexcused absence unless a properly authorized official has previously declared that the class of employees to which an employee failing to report to work belongs is excused from said duty.
- (2) No employee shall be permitted to take a City vehicle outside the corporate limits of the City for the purpose of commuting to and from the place of employment and the residence of said employee; provided, said restriction shall not prevent an employee from using a City vehicle for such commuting when the residence is located within the corporate limits of the City and the most direct route to and from the place of employment to said residence requires traveling through areas not within the corporate limits of the City.
- (3) An applicant for regular, full-time City employment shall agree in writing as part of the application procedure to comply with the above residency requirements; said application shall contain sufficient notice of these requirements.

(d) **Area of residence.**

- (1) All that area in Illinois and Iowa bounded by and including the following recorded sections:

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Commencing and/or beginning with:

Sec. 5, T20N, R2E, 4th PM, R.I. Co., State of Illinois; and
Sec. 9, T20N, R2E, 4th PM, R.I. Co., State of Illinois; and
Sec. 15, T20N, R2E, 4th PM, R.I. Co., State of Illinois; and
Sec. 14, T20N, R2E, 4th PM, R.I. Co. & Whiteside Co., State of Illinois; and
Sec. 23, T20N, R2E, 4th PM, R.I. Co. & Whiteside Co., State of Illinois; and
Sec. 25, T20N, R2E, 4th PM, Whiteside Co., State of Illinois; and
Sec. 31, T20N, R3E, 4th PM, Whiteside Co., State of Illinois; and
Sec. 5, T19N, R3E, 4th PM, R.I. Co. & Whiteside Co., State of Illinois; and
Sec. 8, T19N, R3E, 4th PM, R.I. Co. & Whiteside Co., State of Illinois; and
Sec. 16, T19N, R3E, 4th PM, R.I. Co. & Whiteside Co., State of Illinois; and
Sec. 21, T19N, R3E, 4th PM, R.I. Co. & Whiteside Co., State of Illinois; and
Sec. 27, T19N, R3E, 4th PM, Whiteside Co., State of Illinois; and
Sec. 34, T19N, R3E, 4th PM, Whiteside Co., State of Illinois; and
Sec. 3, T18N, R3E, 4th PM, Henry Co., State of Illinois; and
Sec. 10, T18N, R3E, 4th PM, Henry Co., State of Illinois; and
Sec. 15, T18N, R3E, 4th PM, Henry Co., State of Illinois; and
Sec. 22, T18N, R3E, 4th PM, Henry Co., State of Illinois; and
Sec. 27, T18N, R3E, 4th PM, Henry Co., State of Illinois; and
Sec. 34, T18N, R3E, 4th PM, Henry Co., State of Illinois; and
Sec. 3, T17N, R3E, 4th PM, Henry Co., State of Illinois; and
Sec. 10, T17N, R3E, 4th PM, Henry Co., State of Illinois; and
Sec. 15, T17N, R3E, 4th PM, Henry Co., State of Illinois; and
Sec. 22, T17N, R3E, 4th PM, Henry Co., State of Illinois; and
Sec. 27, T17N, R3E, 4th PM, Henry Co., State of Illinois; and
Sec. 33, T17N, R3E, 4th PM, Henry Co., State of Illinois; and
Sec. 4, T16N, R3E, 4th PM, Henry Co., State of Illinois; and
Sec. 9, T16N, R3E, 4th PM, Henry Co., State of Illinois; and
Sec. 17, T16N, R3E, 4th PM, Henry Co., State of Illinois; and
Sec. 20, T16N, R3E, 4th PM, Henry Co., State of Illinois; and
Sec. 30, T16N, R3E, 4th PM, Henry Co., State of Illinois; and
Sec. 31, T16N, R3E, 4th PM, Henry Co., State of Illinois; and
Sec. 1, T15N, R2E, 4th PM, Henry Co., State of Illinois; and
Sec. 11, T15N, R2E, 4th PM, Henry Co., State of Illinois; and
Sec. 15, T15N, R2E, 4th PM, Henry Co., State of Illinois; and
Sec. 21, T15N, R2E, 4th PM, Henry Co., State of Illinois; and
Sec. 29, T15N, R2E, 4th PM, Henry Co., State of Illinois; and
Sec. 30, T15N, R2E, 4th PM, Henry Co., State of Illinois; and
Sec. 36, T15N, R1E, 4th PM, Henry Co., State of Illinois; and
Sec. 35, T15N, R1E, 4th PM, Henry Co., State of Illinois; and
Sec. 3, T14N, R1E, 4th PM, Henry Co., State of Illinois; and
Sec. 4, T14N, R1E, 4th PM, Henry Co., State of Illinois; and
Sec. 8, T14N, R1E, 4th PM, Henry Co., State of Illinois; and
Sec. 7, T14N, R1E, 4th PM, Henry Co., State of Illinois; and
Sec. 12, T14N, R1W, 4th PM, Mercer Co., State of Illinois; and
Sec. 11, T14N, R1W, 4th PM, Mercer Co., State of Illinois; and
Sec. 10, T14N, R1W, 4th PM, Mercer Co., State of Illinois; and
Sec. 9, T14N, R1W, 4th PM, Mercer Co., State of Illinois; and
Sec. 8, T14N, R1W, 4th PM, Mercer Co., State of Illinois; and
Sec. 7, T14N, R1W, 4th PM, Mercer Co., State of Illinois; and
Sec. 12, T14N, R2W, 4th PM, Mercer Co., State of Illinois; and
Sec. 11, T14N, R2W, 4th PM, Mercer Co., State of Illinois; and
Sec. 10, T14N, R2W, 4th PM, Mercer Co., State of Illinois; and

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Sec. 9, T14N, R2W, 4th PM, Mercer Co., State of Illinois; and
Sec. 8, T14N, R2W, 4th PM, Mercer Co., State of Illinois; and
Sec. 6, T14N, R2W, 4th PM, Mercer Co., State of Illinois; and
Sec. 1, T14N, R3W, 4th PM, Mercer Co., State of Illinois; and
Sec. 36, T15N, R3W, 4th PM, Mercer Co., State of Illinois; and
Sec. 35, T15N, R3W, 4th PM, Mercer Co., State of Illinois; and
Sec. 34, T15N, R3W, 4th PM, Mercer Co., State of Illinois; and
Sec. 28, T15N, R3W, 4th PM, Mercer Co., State of Illinois; and
Sec. 20, T15N, R3W, 4th PM, Mercer Co., State of Illinois; and
Sec. 19, T15N, R3W, 4th PM, Mercer Co., State of Illinois; and
Sec. 13, T15N, R4W, 4th PM, Mercer Co., State of Illinois; and
Sec. 11, T15N, R4W, 4th PM, Mercer Co., State of Illinois; and
Sec. 3, T15N, R4W, 4th PM, Mercer Co., State of Illinois; and
Sec. 34, T16N, R4W, 4th PM, R.I. Co., State of Illinois; and
Sec. 28, T16N, R4W, 4th PM, R.I. Co., State of Illinois; and
Sec. 20, T16N, R4W, 4th PM, R.I. Co., State of Illinois; and
Sec. 17, T16N, R4W, 4th PM, R.I. Co., State of Illinois; and
Sec. 8, T16N, R4W, 4th PM, R.I. Co., State of Illinois; and
Sec. 6, T16N, R4W, 4th PM, R.I. Co., State of Illinois; and
Sec. 31, T17N, R4W, 4th PM, R.I. Co., State of Illinois; and
Sec. 30, T77N, R1E, 5th PM, Muscatine Co., State of Iowa; and
Sec. 19, T77N, R1E, 5th PM, Muscatine Co., State of Iowa; and
Sec. 13, T77N, R1W, 5th PM, Muscatine Co., State of Iowa; and
Sec. 12, T77N, R1W, 5th PM, Muscatine Co., State of Iowa; and
Sec. 1, T77N, R1W, 5th PM, Muscatine Co., State of Iowa; and
Sec. 36, T78N, R1W, 5th PM, Muscatine Co., State of Iowa; and
Sec. 25, T78N, R1W, 5th PM, Muscatine Co., State of Iowa; and
Sec. 24, T78N, R1W, 5th PM, Muscatine Co., State of Iowa; and
Sec. 13, T78N, R1W, 5th PM, Muscatine Co., State of Iowa; and
Sec. 18, T78N, R1E, 5th PM, Muscatine Co., State of Iowa; and
Sec. 7, T78N, R1E, 5th PM, Muscatine Co., State of Iowa; and
Sec. 6, T78N, R1E, 5th PM, Muscatine Co., State of Iowa; and
Sec. 31, T79N, R1E, 5th PM, Scott Co., State of Iowa; and
Sec. 30, T79N, R1E, 5th PM, Scott Co., State of Iowa; and
Sec. 20, T79N, R1E, 5th PM, Scott Co., State of Iowa; and
Sec. 17, T79N, R1E, 5th PM, Scott Co., State of Iowa; and
Sec. 9, T79N, R1E, 5th PM, Scott Co., State of Iowa; and
Sec. 4, T79N, R1E, 5th PM, Scott Co., State of Iowa; and
Sec. 34, T80N, R1E, 5th PM, Scott Co., State of Iowa; and
Sec. 26, T80N, R1E, 5th PM, Scott Co., State of Iowa; and
Sec. 24, T80N, R1E, 5th PM, Scott Co., State of Iowa; and
Sec. 18, T80N, R2E, 5th PM, Scott Co., State of Iowa; and
Sec. 8, T80N, R2E, 5th PM, Scott Co. & Clinton Co., State of Iowa; and
Sec. 4, T80N, R2E, 5th PM, Clinton Co., State of Iowa; and
Sec. 3, T80N, R2E, 5th PM, Clinton Co., State of Iowa; and
Sec. 35, T81N, R2E, 5th PM, Clinton Co., State of Iowa; and
Sec. 36, T81N, R2E, 5th PM, Clinton Co., State of Iowa; and
Sec. 30, T81N, R3E, 5th PM, Clinton Co., State of Iowa; and
Sec. 29, T81N, R3E, 5th PM, Clinton Co., State of Iowa; and
Sec. 28, T81N, R3E, 5th PM, Clinton Co., State of Iowa; and
Sec. 27, T81N, R3E, 5th PM, Clinton Co., State of Iowa; and
Sec. 23, T81N, R3E, 5th PM, Clinton Co., State of Iowa; and
Sec. 24, T81N, R3E, 5th PM, Clinton Co., State of Iowa; and
Sec. 19, T81N, R4E, 5th PM, Clinton Co., State of Iowa; and

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Sec. 20, T81N, R4E, 5th PM, Clinton Co., State of Iowa; and
Sec. 21, T81N, R4E, 5th PM, Clinton Co., State of Iowa; and
Sec. 22, T81N, R4E, 5th PM, Clinton Co., State of Iowa; and
Sec. 23, T81N, R4E, 5th PM, Clinton Co., State of Iowa; and
Sec. 25, T81N, R4E, 5th PM, Clinton Co., State of Iowa; and
Sec. 30, T81N, R5E, 5th PM, Clinton Co., State of Iowa; and
Sec. 29, T81N, R5E, 5th PM, Clinton Co., State of Iowa; and
Sec. 28, T81N, R5E, 5th PM, Clinton Co., State of Iowa; and
Sec. 34, T81N, R5E, 5th PM, Clinton Co., State of Iowa; and
Sec. 35, T81N, R5E, 5th PM, Clinton Co., State of Iowa; and
Sec. 36, T81N, R5E, 5th PM, Clinton Co., State of Iowa; and
Sec. 6, T80N, R6E, 5th PM, Clinton Co., State of Iowa; and
Sec. 5, T80N, R6E, 5th PM, Clinton Co., State of Iowa; and

To the area of commencement and/or beginning.

- (2) It is the intent of the City Council that the sections above described form a closed polygonal figure within which employees must reside.
 - (3) An employee not residing within such polygonal figure but residing on land which abuts and touches one of the sides of such figure by at least one hundred (100) lineal feet shall be considered in compliance with this residency requirement, provided, the employee presents to the city administrator a written opinion from an attorney licensed to practice in the state in which the land is situated, stating as follows:
 - a. The employee has a sufficient estate in the land or possessory right to use same as employee's principal place of residence;
 - b. That the land in which the employee has an estate or possessory right does abut the above described polygonal figure and touches said polygonal figure by at least one hundred (100) lineal feet.
- (e) The area of residency as set forth in (d) above shall apply to all City employees unless otherwise set forth in the City's formal collective bargaining agreement under which such employee is governed and excepting those listed in Section 24-2203(b)(1).

DIVISION 3. TERMINATION OF EMPLOYMENT

SEC. 24-2300. DISMISSAL.

(a) **Non-Bargaining Unit Employees.** The department director or the city administrator may dismiss an employee at any time for just cause.

(b) **Bargaining Unit Employees.** A department director or the city administrator may dismiss a bargaining unit employee in accordance with the collective bargaining agreement covering such employee.

(c) An employee who is dismissed shall be given written notice of the reasons for the action, copies of which notice shall be forwarded to the city administrator and human resources manager. Those employees directly responsible to elected officials other than the mayor may be dismissed by the elected official at any time for just cause, and notice as provided for in this section shall be given.

(d) **Officials Appointed by Mayor.** The mayor shall have power to remove any appointed official, appointed by the mayor and who does not report to the city administrator, on any formal charge, whenever the mayor shall be of the opinion that the interests of the City demand the removal, unless state law preempts the City's home rule power concerning such mayoral appointed official. The mayor shall report the reasons for such removal to the City

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Council at a meeting thereof to be held not less than five (5) days, or more than fifteen (15) days, after the removal. If the mayor shall fail or refuse to file with the City Clerk a statement of the reasons for the removal, or if the City Council by two-thirds (2/3) vote of all its members authorized by law, disapproves the removal, the official shall thereupon become restored to the office from which said official was removed. No official shall be removed a second time for the same incident.

(e) The city administrator shall have power to remove any person appointed by such administrator as set forth elsewhere in this City Code.

SEC. 24-2301. RETIREMENT PLAN GENERALLY.

The pension, if any, of City officials and employees shall be according to the laws of the state and the United States. A summary of the municipal retirement pension plan shall be made available to employees upon request.

SEC. 24-2302. DEFERRED COMPENSATION PLAN.

(a) Any regular full-time employee or regular part-time employee or eligible official of the City of Moline may defer compensation from the City by electing to do so in writing.

(b) Any regular full-time employee or regular part-time employee or eligible official of the City of Moline electing to defer compensation shall do so by entering into a written contract on appropriate forms furnished by the human resources office.

(c) No deferred compensation plan shall be permitted which does not possess a ruling from the internal revenue service that the deferred compensation is not subject to income tax in the year earned, but is subject to income tax only upon distribution.

(d) Any recognized plan meeting all the qualifications set forth in 40 ILCS 5/24-101, and any amendments thereto, may be chosen by an employee, unless the City, by special ordinance, shall limit its participation to a particular plan.

SEC. 24-2303. CONTRIBUTIONS AND PAYMENTS.

The City of Moline shall not contribute or make any additional payments to or on behalf of its employees because of any deferred compensation plan, but shall make all contributions and payments on behalf of its employees as required by statute or regulation promulgated thereto.

SEC. 24-2304. RESIGNATIONS.

To resign in good standing, appointed personnel shall submit resignations in writing one (1) calendar month in advance of the effective date of their resignation; all other employees shall submit resignations in writing two (2) weeks in advance of the effective date of their resignation.

SEC. 24-2305. LAYOFFS AND RECALLS.

(a) Department directors, other than the Fire Chief and Police Chief, shall lay off employees when necessary due to changes in duties or lack of work or funds. Seniority and qualifications, as set forth in the various collective bargaining agreements, shall govern all layoffs and recalls.

(b) The board of fire and police commissioners shall have the duty to lay off members of the fire department and police department and shall follow the procedures contained herein rather than those contained in 65 ILCS 5/10-2.1-18 and amendments thereto.

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- (1) A layoff shall be necessary when the force of the fire department and police department is reduced, when positions are displaced because of a member of the force being returned to active duty from disability, or when a position is abolished either as a reorganization of the department or other reason.
- (2) Seniority in rank shall prevail for all layoffs and the officers and members reduced in rank or removed from the service of the fire or police department shall be considered furloughed without pay.
- (3) When any position which was vacated because of the reasons stated in (1) above is reinstated, the board of fire and police commissioners shall notify those members furloughed without pay by registered mail of such reinstatement of positions and said notified members shall have prior right to such positions if otherwise qualified, and in all cases seniority shall prevail.
- (4) Written application for such reinstated position must be made by the furloughed person within thirty (30) days after notification has been provided as above and such person may be required to submit to examination by physicians of both the board of fire and police commissioners and the applicable pension board to determine physical fitness of said person.
- (5) In case of displacement of position because a member of the fire or police department is returned to active duty from disability, the board of fire and police commissioners is hereby authorized to withhold layoff and, if necessary, exceed the authorized strength of the department or any position within the department for a period not to exceed ninety (90) calendar days. If a vacancy for the position displaced fails to occur within said ninety (90) day period, the board of fire and police commissioners shall follow the procedures set forth in (1) and (2) above.

(c) Layoff and recall procedures established herein shall not take precedence over such procedures established by collective bargaining agreements or memoranda of understanding between the City and employee organizations and shall not apply to the City and employee organizations and shall not apply to "worksharing" arrangements established in such agreements, memoranda, or, for persons not a part of any bargaining unit, by order of the city administrator.

(d) **"Worksharing"** for purposes of this section shall mean a reduction of paid hours of work for part or all of the workforce; provided, such reduction of hours is not sufficient to qualify an employee as an unemployed individual under 820 ILCS 405/239.

SEC. 24-2306. EMPLOYMENT TERMINATION PAY.

Employees who leave the service of the City for any reason shall receive all pay which may be due them with the following qualifications:

- (1) Employees shall be paid for all unused accrued vacation leave in accordance with collective bargaining agreements of the City and with state or federal law.
- (2) In case of the death of an employee, such employee's estate shall be paid for unused accrued vacation leave and regular pay then accrued.

SEC. 24-2307. CONTINUATION OF HEALTH BENEFITS.

Any employee or any dependent of said employee who is receiving health benefits at the time of such employee's termination of employment shall be entitled to continue such benefits at the employee's or dependent's sole and exclusive cost and expense, with no expense to the City, but only in accordance with, and for the time required by, federal law; provided, however, that for certain classes of employees, the cost and expense shall be determined by

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collective bargaining agreements or non-bargaining unit wage and benefit resolution. Upon separation of employment, employee health benefit premiums, if any, shall be deducted from employee's final paycheck.

DIVISION 4. VACATION, HOLIDAYS AND SIMILAR BENEFITS.

SEC. 24-2400. VACATIONS.

(a) Regular full-time employees or regular part-time employees shall be entitled to vacation leave as provided in the City's respective collective bargaining agreements, but if no collective bargaining agreement applies, then pursuant to written City policy, promulgated from time to time by the City Council or City Council's designee.

(b) Temporary or seasonal employees, paid on an hourly basis, are excluded from the provisions of this section.

SEC. 24-2401. PAID HOLIDAYS.

(a) Holidays to be observed with pay, and the policies covering same, shall be as provided in the City's respective collective bargaining agreements, but if no collective bargaining agreement applies, then pursuant to written City policy, promulgated from time to time by the City Council or City Council's designee.

(b) Temporary or seasonal employees, paid on an hourly basis, are excluded from the provisions of this section.

SEC. 24-2402. SICK LEAVE, DISABILITY LEAVE, RECORDS, ETC.

(a) **Coverage.** The provisions of this section shall apply to all City employees and appointed personnel, including police officers and firefighters. Sick leave and disability leave, and the policies concerning same, shall be as provided in the City's respective collective bargaining agreements, but if no collective bargaining agreement applies, then pursuant to written City policy, promulgated from time to time by the City Council or City Council's designee.

(b) **Records.** Department directors shall be responsible for maintaining sick leave records and attendance records of their subordinates. The human resources office shall be responsible for maintaining disability records and other medical records for all City employees.

(c) **Multiple Compensation Prohibited.** So as to preclude multiple compensation for the same sickness or injury, worker's compensation, duty disability or pension shall not be claimed or payable for periods during which sick leave or disability leave with pay is claimed or payable, or vice versa.

Sick leave, disability leave with pay, worker's compensation, duty disability or pension may not be claimed for the same period.

(d) **Disability Leave with Pay.** The disability pay provided for herein shall be paid in lieu of any worker's compensation otherwise payable, and acceptance and application and approval of said disability pay shall constitute a waiver of the right to worker's compensation for the period which it covers, as set forth in the various collective bargaining agreements.

(e) **Temporary and Seasonal Employees.** Temporary and seasonal employees will not be entitled to accrual of sick leave time.

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SEC. 24-2403. BEREAVEMENT LEAVE.

(a) Bereavement leave shall be as provided in the City's respective collective bargaining agreements, but if no collective bargaining agreement applies, then pursuant to written City policy, promulgated from time to time by the City Council or City Council's designee.

(b) Temporary or seasonal employees, paid on an hourly basis, are excluded from the provisions of this section.

SEC. 24-2404. MILITARY LEAVE.

(a) Military leave shall be as provided in the City's respective collective bargaining agreements, but if no collective bargaining agreement applies, then pursuant to written City policy, promulgated from time to time by the City Council or City Council's designee; provided, however, that any such policies or agreements shall at all times be, and remain consistent, with federal law.

(b) Temporary, part-time, or seasonal employees, paid on an hourly basis, are excluded from the provisions of this section as permitted by federal law.

SEC. 24-2405. LEAVE OF ABSENCE.

(a) Leave of absence or unspecified leave without pay shall be as provided in the City's respective collective bargaining agreements, but if no collective bargaining agreement applies, then pursuant to written City policy, promulgated from time to time by the City Council or City Council's designee.

(b) Temporary, part-time or seasonal employees, paid on an hourly basis, are excluded from the provisions of this section.

SEC. 24-2406. SPECIAL LEAVE.

Employees or officials of the City on special leave for official City business, special education, or training, as authorized in the budget process and approved by the appropriate supervisory official, if any, shall receive regular pay during the period of the leave; also, all necessary expenses may be paid by the City, if authorized by the appropriate supervisory official. In administering or interpreting this section, the appropriate supervisory official shall follow all requirements of the City's applicable collective bargaining agreements, or written City policy for non-bargaining unit employees. For purposes of this section, "appropriate supervisory official" shall mean the respective department directors, or for department directors, the city administrator.

SEC. 24-2407. ABSENCE WITHOUT LEAVE.

An employee absent for three (3) consecutive workdays without notice and without sufficient and satisfactory reason, or an employee failing to report to work after the end of a formal leave of absence, or after notification of cancellation of a leave of absence, shall be considered to have resigned.

ARTICLE III. POSITIONS AND COMPENSATION

DIVISION 1. IN GENERAL

SEC. 24-3100. DEFINITIONS.

As used in this article, the following terms shall have the meanings ascribed to them:

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Classification shall mean a group of positions, or one position, that:

- (1) Has similar duties and responsibilities;
- (2) Requires like qualifications; and
- (3) Can be equitably compensated by the same salary range.

Position shall mean a group of currently assigned duties and responsibilities requiring the full or part-time employment of one (1) person. A position may be occupied or vacant.

SEC. 24-3101. BI-WEEKLY PAYROLL; APPROVAL PROCEDURE.

The salaries and pay of all officers and employees of the City shall be due and payable bi-weekly to each person entitled thereto, as set forth in the respective collective bargaining agreements, or, for non-bargaining unit employees, on a schedule established from time to time by the City Council.

DIVISION 2. CLASSIFICATION

SEC. 24-3200. ADMINISTRATION OF CLASSIFICATION PLAN.

(a) The city administrator shall be responsible for administering the classification plan of the City. The city administrator may assign other officials or employees to assist in this activity.

(b) The city administrator or designee shall review requests for changes in the classification plan to review or adjust compensation. The human resources manager, along with selected human resources staff shall factor evaluate job descriptions submitted for reclassification according to past practice.

(c) The findings and recommendations of the city administrator or designee shall be submitted in writing to the requesting employee within a reasonable time frame.

SEC. 24-3201. ALLOCATION OF NEW POSITIONS.

The department director shall complete a job description covering the duties and responsibilities of each proposed position which shall be forwarded to the human resources office for review and editing. The human resources office shall recommend allocation of the position to one (1) of the classifications in the classification plan; if a suitable classification does not exist, it shall recommend the establishment of a new classification, and if the classification is adopted by the City Council as provided by this division, the human resources manager shall add said classification to the City's pay and classification plan as set forth in Appendix 1.

SEC. 24-3202. REVIEW OF IMPROPERLY CLASSIFIED POSITIONS.

If an employee has facts which indicate that said employee's position is improperly classified because of changes in duties occurring after assumption of the position, then said employee shall proceed according to the City's respective collective bargaining agreements and past practice; provided, however, if said employee is a non-bargaining unit employee, said employee may request the human resources manager to review the classification of said position in accordance with past practice; such request shall be submitted in writing within 30 calendar days after a change in duties is made and shall contain a statement of justification. Salary adjustments, if any, shall be applied only after approval of the city administrator.

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SEC. 24-3203. MAINTENANCE OF CLASSIFICATION PLAN.

(a) The city administrator may require departments or employees to submit job descriptions on a periodic basis, or any time the city administrator has reason to believe that there has been a change in the duties and responsibilities of one (1) or more positions.

(b) Each time a new classification is established, a classification delineation shall be written and incorporated in the pay and classification plan. The classification shall be added to the schematic list of classifications; also, an abolished classification shall be deleted from the pay and classification plan by removing the class specification and eliminating the classifications from the schematic list of classifications.

SEC. 24-3204. INTERPRETATION OF CLASSIFICATION DELINEATIONS.

The classification delineations are descriptive and not restrictive; they are intended to indicate the kinds of positions which shall be allocated to the classifications established.

SEC. 24-3205. OFFICIAL COPY OF THE PAY AND CLASSIFICATION PLAN.

The human resources office shall be responsible for maintaining an official copy of the pay and classification plan. The official copy shall include regulations for administration, a schematic list of classifications, position titles and job descriptions, and classification delineations, plus all amendments thereto. A copy of the official plan shall be available for inspection by the public under reasonable conditions, during business hours.

SEC. 24-3206. MANNER OF AMENDING THE PAY AND CLASSIFICATION PLAN.

Each time a new classification of positions is proposed to be established or a current classification of positions is proposed to be abolished, the human resources office shall submit its findings and recommendations to the city administrator. The city administrator shall determine whether the establishment or the abolition of a classification is in order; such changes shall take the form of amendments to the pay and classification plan.

SEC. 24-3207. ALLOCATION OF POSITIONS.

(a) The positions covered by the pay and classification plan are hereby allocated to appropriate classes as set forth in Appendix 1 and entitled "City of Moline Pay and Classification Plan" and job descriptions attached thereto, which are incorporated herein as though set forth verbatim and made a part hereof by reference.

(b) The City Council hereby authorizes the city administrator to maintain, operate, modify, delete, and amend said Appendix 1 without further Council action or authority provided the following conditions are met:

- (1) That any such maintenance, operation, modification, deletion, or amendment be within the amount budgeted and appropriated for costs of personnel budget expenditure accounts; and
- (2) That any new position shall be added only by proper City Council action; and
- (3) Appendix 1 may be reviewed by the City Council at least once every three (3) years upon the request of any two (2) aldermen or the mayor.

(c) Pay and classification plans for seasonal employees shall be by a separate schedule or plan, adopted from time to time by the City Council.

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SEC. 24-3208. CLASSIFICATION PLAN ADOPTED BY REFERENCE.

The classifications and grades as set forth in Appendix 1 to this chapter, entitled "City of Moline Pay and Classification Plan," and job descriptions attached thereto, which are incorporated herein as though set forth verbatim and made a part hereof by reference, are hereby adopted. [Copies of Appendix 1 are on file and available for public inspection in the City's human resources office.]

DIVISION 3. COMPENSATION

SEC. 24-3300. MINIMUM PAY FOR NEW EMPLOYEES; EXCEPTIONS.

The minimum rate of pay for each job description is based upon the assumption that a new employee meets the minimum qualifications based on the job and stated in the job description. A new employee shall be paid the minimum rate of pay for such employee's job description; however, exceptions may be granted upon the approval of the city administrator as set forth as follows:

- (1) If a new employee more than meets the minimum qualifications, and will not accept appointment at the minimum rate for the job description, such employee may be appointed at a higher rate of pay within the pay grade.
- (2) Each case shall be thoroughly analyzed and measured against standards of the respective job description.
- (3) Every effort shall first be made to recruit a qualified employee who will accept appointment at the minimum pay rate of the job description.

SEC. 24-3301. PROMOTIONS.

(a) When an employee is promoted to a position in a higher grade, such employee's salary shall be increased as set forth in the respective collective bargaining agreement, or for non-bargaining unit employees, in an amount within the pay grade of the new position reflecting the employee's experience and qualifications as determined by the city administrator. In no case shall the employee be paid more than the maximum of the pay grade for the employee's new position, unless approval is granted by resolution of the City Council.

(b) If allowed, pursuant to respective collective bargaining agreements, or if no such agreement applies, promotional increases may be delayed for a period not to exceed the one-hundred eighty (180) days probationary period, the employee shall be entitled to any promotional increase retroactive to the effective date of the promotion.

SEC. 24-3302. TRANSFERS.

(a) When an employee is transferred to a position of the same grade, such employee's salary shall be as set forth in the respective collective bargaining agreement; or for non-bargaining unit employees, such employee's salary shall be increased in an amount within the pay grade of the new position reflecting the employee's experience and qualifications as determined by the city administrator. In no case shall the employee be paid more than the maximum of the pay grade, unless approval is granted by the City Council.

(b) If an employee is transferred to a position having a higher pay grade minimum than the position from which the employee was transferred, the change shall be deemed a promotion and the provisions of this division governing promotions shall apply.

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(c) Any employee temporarily assigned to perform all the major job duties of another position shall continue to be paid at the rate of the employee's regular position, unless the city administrator determines otherwise. In no case shall the employee be paid more than the maximum of the pay grade for the employee's temporarily assigned position.

SEC. 24-3303. DEMOTIONS.

When a City employee is demoted or transfers into a lower pay range job description or employee's position is downgraded to a lower classification, such employee shall be paid at a rate which is within the approved range for the lower pay range job description, not to exceed the maximum of the lower pay range, even if a reduction in the employee's pay occurs as the result, unless the city administrator determines otherwise.

SEC. 24-3304. PART-TIME EMPLOYMENT.

Part-time employment shall be paid for at an hourly rate commensurate with hours worked and the amount of work performed.

(Ord. No. 3013-2009; Chap. 24 repealed in its entirety; new Chap. 24 enacted; 06/02/09)