

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
CHAMPAIGN COUNTY, ILLINOIS

FILED
SIXTH JUDICIAL CIRCUIT
AUG 22 2013

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Steph M. Williams
CLERK OF THE CIRCUIT COURT
CHAMPAIGN COUNTY, ILLINOIS

ELIZABETH WALDEN,)
)
 Plaintiff,)
)
 vs.)
)
 CITY OF URBANA, ILLINOIS,)
)
 Defendant.)

Case No. 13-MR-733

COMPLAINT FOR DECLARATORY RELIEF

Plaintiff, ELIZABETH WALDEN, by her attorney, Glenn A. Stanko of Rawles, O’Byrne, Stanko, Kepley & Jefferson, P.C., for her complaint for declaratory relief against defendant, CITY OF URBANA, ILLINOIS, pursuant to Section 2-701 of the Illinois Code of Civil Procedure (735 ILCS 5/2-701), alleges and states as follows:

Parties and Persons Involved

1. Plaintiff, Elizabeth Walden (“Walden”), was employed full-time by defendant, City of Urbana, Illinois (“Urbana”), from May 8, 1989, through June 28, 2013.
2. Walden is a Republican.
3. Urbana is a municipal corporation organized and existing under the laws of the State of Illinois, and it is a home rule unit under Article 7, §6, of the 1970 Constitution of the State of Illinois.
4. Laurel Lunt Prussing (“Prussing”) is the elected Mayor of Urbana and has served as Urbana’s Mayor since May 2005.
5. Prussing is a Democrat and was elected Mayor of Urbana as a Democrat.
6. Vacellia Clark (“Clark”) is the Urbana Human Resources Manager.
7. In her capacity as the Urbana Human Resources Manager, Clark serves in the Mayor’s Office and reports directly to Prussing.

Prussing's Discharge of Walden's Spouse

8. Walden has been married to Bruce Walden since November 11, 2002.

9. Bruce Walden served as the Administrative Officer for the City of Urbana from July 1991 to June 30, 2007.

10. Sec. 2-53 of the Urbana City Code specifically provides for the office of Administrative Officer, while Sec. 2-54 sets forth required qualifications for that position, and Sec. 2-55 specifies the duties of the Administrative Officer. A copy of those sections of the Urbana City Code is attached hereto as Exhibit A.

11. Bruce Walden is a Republican and was a Republican when the events hereafter described took place.

12. In early May 2007, Prussing attempted to force Bruce Walden to resign, ejected him from his office, and placed him on administrative leave through June 30, 2007.

13. Prussing did not submit Bruce Walden's name to the Urbana City Council for reappointment as Administrative Officer for the 2007-2008 fiscal year beginning July 1, 2007, so Bruce Walden's employment with Urbana ended at the close of the 2006-2007 fiscal year on June 30, 2007.

14. Prussing unilaterally terminated Bruce Walden's employment as Urbana's Administrative Officer without specifying any reasons for her action, without giving him any notice of alleged deficiencies, issues, or problems, and without giving him any opportunity to be heard, either before or after she made the decision to terminate him.

15. Although the position of Administrative Officer is specifically provided for by Sec. 2-53 of the Urbana City Code, Prussing has never submitted another Administrative Officer

appointment to the Urbana City Council, and that position has remained vacant since Prussing terminated Bruce Walden's employment as Administrative Officer.

The State of Illinois Statutory Civil Service System for Municipalities

16. Article 10, Division 1, of the Illinois Municipal Code (65 ILCS 5/10-1-1 *et. seq.*) establishes a statutory framework for a municipal civil service system ("statutory municipal civil service system").

17. The statutory municipal civil service system establishes a merit system whereby hiring and promotion are based on test results.

18. The statutory municipal civil service system is designed to shield employment decisions from political influence, and includes specific prohibitions relating to politically-based contributions, assessments, payments, appointments, recommendations, and influence. (65 ILCS 5/10-1-27 through 65 ILCS 5/10-1-34)

19. The statutory municipal civil service system is to be administered by a civil service commission consisting of three members serving staggered three year terms, no two of which may be from the same political party. (65 ILCS 5/10-1-1)

20. Under §10-1-3 of the statutory municipal civil service system (65 ILCS 5/10-1-3), the civil service commission is required to "classify all the offices and places of employment in such municipality with reference to the examinations hereinafter provided for, except those offices and places excluded by Section 10-1-17."

21. Under §10-1-3 of the statutory municipal civil service system (65 ILCS 5/10-1-3), positions classified by the municipality's civil service commission "constitute the classified civil service of such municipality," and fall within the continuing jurisdiction of the civil service commission.

22. Other sections of the statutory municipal civil service system refer to the “classified service” rather than the “classified civil service,” but the terms are synonymous and are used interchangeably. (See, *e.g.*, 65 ILCS 5/10-1-7(a), 10-1-12, 10-1-13, 10-1-17)

23. Section 10-1-17 of the statutory municipal civil service system (65 ILCS 5/10-1-17) excludes “heads of any principal department of the municipality” from classification.

24. Under the statutory municipal civil service system, the civil service commission’s inclusion of an office or place (“position”) in the classified civil service represents a determination that the position is not exempt from classification under §10-1-17 (65 ILCS 5/10-1-17).

25. The statutory municipal civil service system protects employees covered by it from discharge without cause except after a hearing upon written charges:

Except as hereinafter provided in this Section, no officer or employee in the classified civil service of any municipality who is appointed under the rules and after examination, may be removed or discharged, or suspended for a period of more than 30 days, except for cause upon written charges and after an opportunity to be heard in his own defense.

65 ILCS 5/10-1-18(a)

The Urbana Civil Service System

26. Sec. 2-99 of the Urbana City Code (Exhibit B hereto) adopts the statutory municipal civil service system, making some modifications pursuant to Urbana’s home rule powers.

27. Urbana has a Civil Service Commission whose members are appointed by the Mayor and approved by the Urbana City Council.

28. The Urbana Civil Service Commission has enacted Civil Service Rules pursuant to the power granted by 65 ILCS 5/10-1-5. A copy of the 2013 Urbana Civil Service Rules is attached hereto as Exhibit C.

29. Section 2.1 of Rule II of the Urbana Civil Service Rules provides that the Urbana Civil Service Commission shall maintain a classification plan for the positions in the “classified service.”

30. Under Section 2.9 of Rule II of the Urbana Civil Service Rules, the classification plan is to include all classes approved by the Urbana Civil Service Commission from time to time, except those exempt under state law or under an Urbana ordinance.

31. “Classified Service” is defined in the Urbana Civil Service Rules as follows:

Classified Service shall mean all offices and positions under the jurisdiction of the Commission, which are required to be classified under the provisions of the Statute and City ordinances.

32. Sec. 2-99(1) of the Urbana City Code modifies §10-1-17 of the statutory municipal civil service system (65 ILCS 5/10-1-17) by excluding “heads of any department or division” from classification rather than merely excluding the “heads of any principal department.”

33. Inclusion of a position within the classified service by the Urbana Civil Service Commission represents a determination that the position is not exempt from classification under state law or under Sec. 2-99(1) of the Urbana City Code.

34. Section 11.2 of Rule XI of the Urbana Civil Service Rules requires that all termination proceedings against an employee in the classified service be commenced by filing written charges with the Urbana Civil Service Commission “stating the causes justifying termination.”

35. Subsequent sections of Rule XI of the Urbana Civil Service Rules allow the employee to request a hearing and establish a procedure for that hearing, which is described on page 30 of those rules as “quasi-judicial in nature.”

36. In combination, §10-1-18 of the statutory municipal civil service system (65 ILCS 5/10-1-18) and Rule XI of the Urbana Civil Service Rules assure that an employee holding a position in the Urbana classified service will only be discharged for cause, and that the employee will be afforded the right to have the Urbana Civil Service Commission determine whether cause for discharge has been established after an adversarial hearing is held in which witnesses are examined and cross-examined under oath.

37. From July 1, 2006, through August 19, 2013, the Urbana Civil Service Commission operated with no more than two members rather than the full complement of three members required by §10-1-1 of the statutory municipal civil service system (65 ILCS 5/10-1-1).

38. On August 1, 2013, Prussing reappointed a commissioner to the Urbana Civil Service Commission whose term had expired on June 30, 2013, and the Urbana City Council approved that appointment on August 5, 2013, thus again giving the Commission two members.

39. After plaintiff's counsel advised Urbana in a letter dated August 5, 2013, that the Urbana Civil Service Commission had long been improperly constituted because it had only two members (Exhibit D hereto), Prussing appointed a third member, and the Urbana City Council approved that appointment on August 19, 2013.

Walden's Employment Within the Urbana Classified Civil Service

40. Walden was initially hired to the full-time position of Account Clerk on May 8, 1989, which was a classified service position within the Urbana Civil Service System.

41. Walden was subsequently promoted to Account Clerk Supervisor on July 13, 1992, which was also a classified service position within the Urbana Civil Service System.

42. Either in 1996 or sometime prior thereto, Walden's "Account Clerk Supervisor" job title was changed to "Accounting Supervisor," which continued to be a classified service position within the Urbana Civil Service System.

43. In order to attain her original position as Account Clerk and her subsequent position as Account Clerk Supervisor/Accounting Supervisor, Walden took the required civil service examination and was appointed through the civil service process.

44. Walden's job description for the Accounting Supervisor position has remained substantially the same since at least 1996. A copy of the 1996 job description for that position is attached hereto as Exhibit E, and a copy of the 2010 job description for that position is attached hereto as Exhibit F.

**Unilateral Removal of Walden's Position From the Urbana
Classified Civil Service by the Mayor's Office**

45. On or about June 12, 2009, Clark purported to reclassify Walden's Accounting Supervisor position to an appointed position rather than a civil service position. A copy of Clark's file memo dated June 12, 2009, reflecting her action is attached hereto as Exhibit G.

46. According to Clark's memo, the action was taken because the Accounting Supervisor position is a "Division level position within the City of Urbana," and because Section 2.9d of the Urbana Civil Service Rules exempts "heads of principal Departments and Divisions of the City" from the classified service.

47. Prior to Clark's unilateral reclassification of Walden's Accounting Supervisor position, Walden had never been informed that she was considered to be a division head, did not act as a division head or perform the duties of a division head, and was not aware of any job description, performance evaluation, organizational chart, budget, financial report, or other documentation showing that she served as a division head.

48. Even after Clark unilaterally reclassified Walden's Accounting Supervisor position in June 2009, Walden did not act as a division head or perform the duties of a division head, and she was not aware of any job description, performance evaluation, organizational chart, budget, or financial report showing that she served as a division head.

49. The Urbana Civil Service Commission was not asked to consider, and did not consider, the reclassification of Walden's position from a civil service position to an appointed position in June 2009.

Prussing's Treatment of Walden's Position as an Appointed Position

50. Commencing with the fiscal year beginning July 1, 2009, Prussing unilaterally began including Walden's name and job title on the list of appointments submitted to the Urbana City Council for approval pursuant to the provisions of Sec. 2-42 of the Urbana City Code (Exhibit H hereto).

51. Sec. 2-42 of the Urbana City Code ("Appointment") provides as follows:

There may be appointed annually and whenever vacancies occur in such office, by the mayor with the approval of the city council, the following officers: administrative officer, budget director, city attorney, corporation counsel, chief of police, chief of the fire department, director of public works, city engineer, administrator of community development services, director of the light department **and such other employees as the mayor and city council may from time to time deem necessary.** (emphasis added)

52. Walden's position of Accounting Supervisor is not one specifically identified as being subject to appointment under Sec. 2-42 of the Urbana City Code.

53. The Urbana City Council has never made a joint determination with the Mayor that it is necessary to annually appoint someone to the position of Accounting Supervisor.

Prussing's Failure to Reappoint Walden in 2013

54. On May 30, 2013, Prussing submitted her annual staff appointments for the 2013-2014 fiscal year to the Urbana City Council (Exhibit I hereto), which included Walden in her position as Accounting Supervisor within the Finance Department.

55. Except for the Finance Department appointments, which were deferred at Prussing's request to the City Council meeting on June 17, 2013, Prussing's staff appointments were acted on by the Urbana City Council at its meeting on June 3, 2013.

56. On June 10, 2013, Walden was informed by her immediate supervisor, Bill DeJarnette, that he had met with Prussing, Clark, and Prussing's Chief of Staff, Mike Monson, on June 7, 2013, that Prussing had said in the meeting that she was not going to reappoint Walden, and that the others present tried to talk Prussing out of it.

57. DeJarnette also told Walden on June 10, 2013, that she was not being reappointed because she "had the wrong last name," and because Prussing thought that Walden had been involved in Les Stratton's Mayoral campaign.

58. Stratton ran for Mayor of Urbana against Prussing in the Democratic primary election in February 2013.

59. On June 11, 2013, DeJarnette informed Walden that he had talked to Prussing and that Prussing had said that Walden would be allowed to work for a couple of months after the beginning of the new fiscal year so that she would have time to find new employment.

60. On June 13, 2013, Prussing submitted her revised Finance Department staff appointments for the 2013-2014 fiscal year (Exhibit J hereto) to the Urbana City Council.

61. Prussing's revised Finance Department staff appointments for the 2013-2014 fiscal year excluded Walden from reappointment as Accounting Supervisor, listed a new position with the title of "Deputy Controller," and showed that position as "Vacant."

62. In an effort to save her job, Walden e-mailed Urbana City Council Members on June 13, 2013, which e-mail included her last six performance appraisals, and she also spoke at the Urbana City Council meeting on June 17, 2013.

63. In her last six performance appraisals, Walden met or exceeded all performance standards and received the highest overall appraisal of "Fully Meets Standards," except in one appraisal where the evaluator forgot to check one of the four boxes summarizing the overall appraisal.

64. On June 17, 2013, the Urbana City Council approved Prussing's Finance Department staff appointments for the 2013-2014 fiscal year, thus serving to end Walden's employment as of June 28, 2013.

65. After the June 17 Urbana City Council meeting, Clark informed Walden that Prussing had changed her mind about letting Walden work for two months and that June 28 would be Walden's last day of work.

Unlawful Actions by Urbana

66. Clark's unilateral reclassification of Walden's Accounting Supervisor position from a position within the classified civil service to an appointed position on or about June 12, 2009, was unlawful for the following reasons:

(a) Walden's position was a classified civil service position that fell solely under the jurisdiction of the Urbana Civil Service Commission;

(b) Only the Urbana Civil Service Commission had the power to reclassify the Accounting Supervisor position so that it was no longer a classified civil service position, but it was excluded from the process and did not consider the matter;

(c) In any event, Walden was not the head of a division.

67. The action taken by Clark on or about June 12, 2009, was null and void and without valid legal force or effect because Clark had no power to unilaterally reclassify Walden's Accounting Supervisor position as an appointed position rather than one within the classified civil service.

68. In another case approximately 15 months later, the Mayor's Office recognized that the power to remove a position from the classified civil service by reclassifying it lies with the Urbana Civil Service Commission:

(a) On September 24, 2010, the Mayor's Office sought to reclassify a Police Lieutenant position from a civil service position to an appointed position by submitting the matter to the Urbana Civil Service Commission for determination. A copy of the minutes of the meeting of the Urbana Civil Service Commission on September 24, 2010, is attached hereto as Exhibit K;

(b) In the meeting on September 24, 2010, Clark recommended that the Police Lieutenant position be reclassified to a division level position, but also recommended that the Civil Service Commission "grandfather" the current lieutenant so that he retained his civil service status;

(c) The Urbana Civil Service Commission approved Clark's proposal and recommendation regarding the Police Lieutenant position.

69. Prussing's unilateral submission of Walden's name and position to the Urbana City Council for appointment after Clark's unlawful reclassification of Walden's Accounting Supervisor position was itself unlawful because no prior joint determination had been made by the Mayor and the Urbana City Council under Sec. 2-42 of the Urbana City Code that it was necessary to annually appoint someone to the position of Accounting Supervisor.

70. Prussing's termination of Walden's employment as Accounting Supervisor was unlawful for the following reasons:

(a) When Walden's employment was terminated, the Accounting Supervisor position was still one within the classified civil service of the Urbana Civil Service System;

(b) Walden's position was not subject to appointment because it was a position within the classified civil service, and also because it was not one covered by Sec. 2-42 of the Urbana City Code;

(c) No written charges were filed with the Urbana Civil Service Commission factually stating any cause justifying termination of Walden's employment as Accounting Supervisor;

(d) Walden was not afforded an opportunity for the hearing provided for by the Urbana Civil Service Rules;

(e) Walden was terminated without cause.

71. Prussing's action in failing to reappoint Walden for the 2013-2014 fiscal year was null and void and without valid legal force or effect because Walden's position was not subject to appointment.

Actual Controversy Between the Parties

72. On August 5, 2013, Walden's counsel served a letter (Exhibit D hereto) upon the Urbana City Attorney pointing out the unlawful acts set forth above.

73. The August 5 letter demanded that Walden be reinstated to her position as Accounting Supervisor, that she be reimbursed for all pay that she has lost since her employment ended, and that all benefits be restored retroactive to the date of her discharge.

74. The August 5 letter also demanded that written charges be filed with the Urbana Civil Service Commission if Urbana believes that it has cause to remove Walden from her position as Accounting Supervisor, that a copy of the written charges be provided to her, and that she be afforded an opportunity for a full hearing before the Urbana Civil Service Commission.

75. Urbana has failed and refused to comply with any of Walden's demands.

76. An actual controversy exists between the parties for which a declaratory judgment may be entered pursuant to 735 ILCS 5/2-701.

77. Because a declaration of rights is the only relief sought, this case should be set for an early hearing as in the case of a motion, as provided for by 735 ILCS 5/2-701(b).

Declaratory Relief Requested

WHEREFORE, plaintiff, ELIZABETH WALDEN, prays that this court enter a declaratory judgment pursuant to §2-701 of the Illinois Code of Civil Procedure (735 ILCS 5/2-701), finding as follows:

A. That Vacellia Clark had no power or authority to unilaterally reclassify Walden's Accounting Supervisor in June 2009 from one within the Urbana Civil Service System to one outside the coverage of the Urbana Civil Service System.

B. That only the Urbana Civil Service Commission had jurisdiction to reclassify Walden's Accounting Supervisor position from one within the Urbana Civil Service System to one outside the coverage of the Urbana Civil Service System.

C. That Vacellia Clark's unilateral action in June 2009 reclassifying Walden's Accounting Supervisor position was null and void and of no valid legal force or effect, and that Walden continued to hold a classified civil service position within the Urbana Civil Service System thereafter.

D. That Walden's Accounting Supervisor position was not one subject to appointment because she continued to hold a classified civil service position within the Urbana Civil Service System, and also because it was not one covered by Sec. 2-42 of the Urbana City Code.

E. That Laurel Lunt Prussing's action in failing to reappoint Walden for fiscal year 2013-2014 was null and void and of no valid legal force or effect, and that Walden continues to hold a classified civil service position within the Urbana Civil Service System.

F. That, based on the above declarations, Walden is entitled to be reinstated to her position as Accounting Supervisor with full back pay and retroactive benefits.

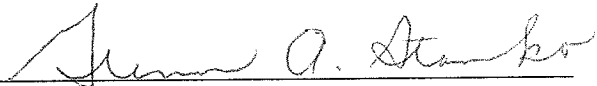
G. That Walden can only be discharged from her position as Accounting Supervisor if a complaint is filed with the Urbana Civil Service Commission showing grounds for termination for cause, notice is given to Walden, Walden is afforded an opportunity for the hearing provided by the Urbana Civil Service Rules, and cause for discharge is established by Urbana by a preponderance of the evidence pursuant to findings made by the Urbana Civil Service Commission.

Plaintiff, Elizabeth Walden, further prays as follows:

- A. That this court grant such other and further declaratory relief as it deems just and appropriate.
- B. That this court grant the expedited hearing allowed by 735 ILCS 5/2-701(b).
- C. That this court award Walden her costs herein.

ELIZABETH WALDEN, Plaintiff

By: Rawles, O'Byrne, Stanko, Kepley & Jefferson, P.C.
Her Attorneys

By: 
Glenn A. Stanko

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Sec. 2-53. Office created.

There is hereby created the office of administrative officer.

(Code 1975, § 2.77; Ord. No. 7475-93, § 2, 4-21-75; Ord. No. 7879-12, 7-17-78)

Sec. 2-54. Qualifications.

The administrative officer shall have qualifications substantially equivalent to a city manager, including educational and professional training or experience in administrative and management principles and procedures.

(Code 1975, § 2.77; Ord. No. 7475-93, § 2, 4-21-75; Ord. No. 7879-12, 7-17-78)

Sec. 2-55. Duties.

The duties of the administrative officer shall be:

- (1) To aid and assist the mayor in the formulation and development of policies, programs and procedures, as established by the mayor and the city council, and to supervise and administer the implementation of such policies, programs and procedures;
- (2) To recommend to the mayor the appointment of heads of all departments and divisions subject to appointment as provided by law or in this Code or other ordinance;
- (3) To serve as budget director, as such duties are provided for;
- (4) To provide for the development and dissemination of sufficient information relating to the business of the city;
- (5) To direct the general operations and business of all departments and divisions of the city, and to provide for communications within the city among the various departments and divisions, and to provide for coordinated planning of the various activities and duties thereof, provided that nothing herein shall be construed to remove direction and supervision vested in the city treasurer or city clerk by statute or ordinance, nor shall this division be construed as altering the lawful powers and duties of the mayor;
- (6) To assist the mayor in the enforcement of all laws and ordinances within the municipality;
- (7) To perform such other duties as may be directed by the mayor.

(Code 1975, § 2.70; Ord. No. 7475-93, § 4, 4-21-75)

Sec. 2-99. Civil service system.

By exercise of its Home Rule powers, the Urbana City Council declares that those provisions of Division 1, Article 10 of the Illinois Municipal Code which conflict with this ordinance are hereby nullified and the provisions of the ordinance shall govern in the administration of the Civil Service System in the City of Urbana.

- (1) Officers who are elected by the people, or who are elected by the corporate authorities pursuant to ordinance or law, or whose appointment is subject to confirmation by the corporate authorities, judges of election, heads of any department or division, corporation counsel, city attorney, seasonal employees, which means those persons whose employment does not exceed two hundred forty (240) work days in any fiscal year, one (1) private secretary of each elected city official, and administrative assistants to the mayor, administrative officer, chief librarian, all part-time employees, which means those persons who work thirty-five (35) hours or less where the standard work week is forty (40) hours or more per week, city engineers, shall not be included in such classified service.
- (2) a. The appointing authority (the head of the department or office in which a civil service position is to be filled) shall notify the commission of that fact, and the commission shall certify to the appointing authority a pool of candidates consisting of the names and addresses or all available candidates on the original entry registry for consideration. Alternatively, if there are more than thirty (30) candidates on the register, the appointing authority may request either that the commission limit the pool to the thirty (30) candidates standing highest upon the original entry register or to a pool in excess of thirty (30) candidates if the commission determines that certification of a larger pool would provide a more diverse candidate pool, better serve the needs of the department or office, and/or improve equity. The candidates' names shall be submitted to the appointing authority in alphabetical order and without any indication of ranking of the candidates. The appointing authority may select any candidate referred. If no candidate is found to fully meet the requirements or needs of the available position, the appointing authority may request one or more supplemental lists of certified candidates. The commission shall determine the number of candidates to be referred on a supplemental list. Consistent with the intent of this paragraph, any public posting of an original entry eligibility list, register or list of certified candidates shall be in alphabetical order without any indication of ranking of the candidates. Public posting of such lists shall not be required unless directed by the civil service commission or chief examiner.
- b. All appointments of experienced firefighters made pursuant to Ordinance No. 9798-48 shall be allowed to retain their residence in effect at the time of appointment from the experienced firefighter eligibility register; however, such appointees are required to establish residency within the civil service residency requirement upon any move from such residence.
- c. Any individual who is certified by the State of Illinois Law Enforcement Training

EXHIBIT B

and Standards Board or its designated equivalent and who has completed two years of consecutive, full-time service as a police officer, and is currently employed as a police officer, with any law enforcement agency and who is not on probationary status, shall be certified by the civil service commission for immediate eligibility for appointment as an Urbana police officer.

Any individual applicant who is a successful graduate of the federal police corps cadet program shall be certified by the civil service commission for immediate eligibility for appointment as an Urbana police officer.

All individuals appointed pursuant to this paragraph shall be subject to the probation requirements of 2-99(4) and all other probationary requirements that otherwise apply to newly-hired police officers, and must successfully pass the preplacement background review, medical, psychological, and physical fitness exams required for all entry level police officers.

- d. Any nonprobationary police or law enforcement telecommunicator, dispatcher, desk clerk or equivalent currently employed with any law enforcement agency, and who has at least two (2) years of full-time experience in that position, may be certified by the civil service commission for the immediate eligibility for appointment as a police support services clerk. Candidates applying under this section must have current Illinois State Police Law Enforcement Agencies Data System (LEADS) certification or other state National Crime Information Computer (NCIC) equivalent.

The police support services clerk employed by way of this selection process will serve six (6) months as a probationary support services clerk just as any other newly hired support services clerk. Each candidate must successfully pass the preplacement background review, psychological and other such exams as required for all entry level support services clerks.

- (3) In addition to (2) above, the commission shall certify to the appointing officer the names and addresses of not more than four (4) candidates standing highest upon the internal promotional register for the class or grade to which the position belongs. The appointing authority may select any candidate referred irrespective of where such candidate is ranked on such list and irrespective of the number of times such candidate's name was previously passed over for selection. In making such certification, sex shall be disregarded. The appointing officer shall notify the commission of each position to be filled, separately, and shall fill such place by the appointment of one (1) of the persons certified to him/her by the commission therefor.

- (4) Probation.

- a. *Initial period.* Original appointment shall be on probation for a period not to exceed six (6) months to be fixed by the civil service rules except that original appointment of all classified personnel to the police department or fire department shall be on probation for a period to be fixed by the rules of the department. Firefighters shall be on probation for a period not to exceed twelve (12) months.
- b. *Extension or discharge.*
 1. At or before the expiration of the period of probation, the appointing authority may extend the period of probation, but only if both the candidate and the candidate's lawful collective bargaining representative (in cases where the candidate is represented as a member or fair-share

- dues paying member) agree in writing to such extension, by stating in writing the appointing authority's reason for doing so to the commission. The appointing authority's request for the extension of probation shall simultaneously constitute a discharge of the candidate even though phrased only as a request for extension, and the reasons for an extension of probation shall constitute the reasons for discharge. If the candidate is not then given an extension of probation and is not discharged, the appointment shall be deemed complete, unless the original probationary period has not yet run in which case the probationary period shall continue as though no request for extension had been made.
2. Where a request for extension has been made but the commission has not made its final decision regarding the request before the expiration of the probationary period, the probationary period shall automatically be extended by thirty days past its expiration date in order to give the commission the opportunity to make its final decision.
 3. The cumulative length of the probationary period together with all extensions shall not be more than double the initial period, unless because of the unique circumstances of the candidate, the candidate has not worked at full duty in the position for a period equaling at least the initial period, so that the appointing authority has not had adequate opportunity to evaluate the candidate's performance. Pursuant to 65 ILCS 5/10-1-7(1) the cumulative length of probation of any firefighter appointed to the lowest rank shall not exceed one year unless the position includes paramedic responsibilities.
- c. *Discharge.* At or before the expiration of the period of probation, including any extensions, the appointing authority may discharge the candidate upon stating in writing the appointing authority's reason therefor to the commission. If the candidate is not then discharged, the appointment shall be deemed complete, unless the original probationary period has not yet run in which case the probationary period shall continue as though no request for discharge has been made.
- (5) When an opening occurs within an original entry classification where the appointing authority determines there is a clear and long standing under-utilization of members of a protected class, the appointing authority may reach into the full and complete register to consider for selection a minority or female candidate.
 - (6) Entry onto registers shall be on a continuing basis, even after a register has been posted, as candidates continue to qualify by the city's examination process. The personnel manager may conduct, as deemed appropriate by the chief administrative officer, testing at such intervals as appropriate to ensure that the register reflects the pool of currently-interested and qualified applicants and that an adequate pool of candidates will be available for appointment from the register. When the criteria for entry onto a register change, the commission may deem it necessary to void the register. The commission may strike off names of candidates from the register after they have remained thereon more than two (2) years with the exception of public safety (police and fire) classifications where the commission will have the option to strike names from the register after they have remained on it for six (6) months.

- (7) To prevent the stoppage of public business, or to meet extraordinary emergencies, the appointing authority may make temporary appointments to remain in force not exceeding one hundred twenty (120) days, and only until regular appointments under the provisions of civil service can be made.

- (8) Military preference is only applicable upon original entry.

Persons who were engaged in the military or naval service of the United States at any time between September 16, 1940 and July 25, 1947, at any time during the national emergency between June 25, 1950 and January 31, 1955, or at any time between January 1, 1961 and December 31, 1976 (the date that Congress declared the Vietnam Conflict had ended), and who were honorably discharged therefrom, shall be preferred for appointments to civil service positions of the City of Urbana provided they are found to possess the business capacity necessary for the proper discharge of the duties of such position as determined by examination. The civil service commission shall give preference for original appointment to persons as hereinabove designated whose names appear on any register of eligibles resulting from an examination for original entrance held under the Urbana Civil Service Commission jurisdiction on or after September 1, 1949* by adding to the final grade average which they received or will receive as the result of any examination held for original entrance, five (5) points. The numerical result thus attained shall be applied by the civil service commission in determining the position of such persons on any eligible list which has been created as the result of any examination for original entrance commenced on or after September 1, 1949 for purposes of preference in certification and appointment from such eligible list. The application for military preference must be submitted to the personnel office of the city as directed by the personnel officer. The personnel officer will direct this process, determine eligibility and adjust eligibility registers accordingly. Persons who are competing in promotional examinations under civil service shall not be eligible for military preference. The words 'engages in the military or naval service of the United States' shall mean such person was on active duty status with the military or naval forces of the United States for at least one (1) continuous twenty-four-hour period at a military or naval installation under orders which required further continuing active duty for a minimum of an additional three hundred sixty-four (364) days. The military designation of 'reserve component' or similar words shall not be controlling in the determination of whether or not such person is entitled to military preference status.

*Nothing in this section shall be construed to deprive a person otherwise qualified for military preference, from receiving such preference if such person took, and successfully passed, a Civil Service examination for original entrance commencing prior to September 1, 1949. As to any such persons, the relevant provisions of 65 ILCS 5/10-1-16 shall continue to apply.

- (9) a. Classified employees, including probational employees, who are notified that they are to be suspended without pay or terminated may request a hearing by the appointing authority before such suspension or termination is final in order to determine and review the facts upon which such action is based.
- b. Except as provided in (9)c., classified employees with nonprobational status who are notified that they are to be or have been suspended without pay or terminated by the appointing authority may appeal such action to the civil

service commission in accordance with the rules of the commission; however, no hearing shall be required in the event of a suspension of less than thirty (30) days unless such hearing is required under the rules of the commission. After hearing such appeal the civil service commission may order either a reduction of the severity of such action or a confirmation of the initial action. The order of the civil service commission shall be binding upon the appointing authority.

- c. Classified employees whose conditions of employment are covered by a collective bargaining agreement as provided for in the Illinois Public Labor Relations Act shall have only the right to appeal actions provided under such agreement.
- (10) Residency preference. Residency preference is applicable only for original entry. Persons who have resided in the City of Urbana for a continuous twelve-month period prior to testing shall be preferred for appointments to civil service positions of the City of Urbana in accordance with this paragraph. The civil service commission shall give preference for original appointment to persons as hereinabove designated who have taken an examination for original entrance held under the Urbana Civil Service Commission jurisdiction on or after the passage of this provision by adding five (5) points to the score they receive on an examination prior to the calculation of the final grade average. The numerical result thus attained shall be applied by the civil service commission in determining whether such person shall meet the minimum qualifications for placement on the register of eligible candidates.
- The application for residency preference must be submitted to the personnel office of the city as directed by the personnel manager. The personnel manager will direct this process, determine eligibility and adjust eligibility registers accordingly. Persons who are competing in promotional examinations under civil service shall not be eligible for residency preference.
- (11) The city's personnel officer shall serve as the chief examiner, secretary and agent for the Urbana Civil Service Commission.
- (12) *Internal applicants for original entry.* The appointing authority may establish and administer, with the aid of the personnel manager, an internal application process by which part-time and/or temporary and/or seasonal internal employees may apply for and be considered for hire into civil service positions as an alternative or in addition to use of the civil service register of candidates from the general public. The positions to which this paragraph applies and the administrative procedures by which those applications are received and evaluated shall be approved by the civil service commission based on recommendations from the personnel manager and the appointing authority. Nothing in this paragraph precludes an appointing authority from making an appointment from the applicable civil service register.
- (13) *Publication of civil service rules.* Changes in the civil service rules shall go into effect upon adoption by the civil service commission or at a later date if specified by the commission. Such changes will be recorded in the commission's minutes. Publication of the location of the civil service rules may be made on the city's web site in lieu of publication in a newspaper.

(Code 1975, § 2.72; Ord. No. 7980-113, § 6(C), 6-16-80; Ord. No. 8081-78, § 1, 2-2-81; Ord. No. 8283-55, 3-21-83; Ord. No. 8687-5, § 1, 7-21-86; Ord. No. 8990-1, §§ 1, 2, 7-10-89; Ord. No. 8990-52, §§ 1—3, 11-20-89; Ord. No. 9394-57, §§ 1, 2, 1-3-94; Ord. No. 9596-59, § 1, 12-4-95; Ord. No. 9798-48, § 1, 10-20-97; Ord. No. 9798-69, §§ 1—3, 11-17-97; Ord. No. 9798-124, 6-1-98; Ord. No. 2001-02-011, § 1, 2-19-01; Ord. No. 2002-01-009, § 2, 2-11-02; Ord. No. 2004-01-007, § 1, 1-30-04)



Urbana
Civil
Service
Rules

2013

**ORDINANCE
AND RULES**

*ORDINANCE REVISED
January 30, 2004*

*RULES REVISED
Dec. 26, 2012*

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ORDINANCE NO. 2002-01-009AN ORDINANCE RELATING TO THE CIVIL SERVICE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. By exercise of its Home Rule powers, the Urbana City Council declares that those provisions of Division 1, Article 10 of the Illinois Municipal Code which conflict with this ordinance are hereby nullified and the provisions of this ordinance shall govern in the administration of the Civil Service System in the City of Urbana.

Section 2. Certain paragraphs of Section 2-99 of the City of Urbana Code of Ordinances are hereby amended to read as set forth below, with the underlined text showing language to be added and the strikethrough text showing text to be deleted:

2.a. The head of the department or office in which a position classified under civil service is to be filled shall notify the commission of that fact, and the commission shall certify to the appointing officer a pool of candidates consisting of the names and addresses of not more than thirty (30) candidates standing highest upon the original entry register for the class or grade to which the position belongs. The candidates' names shall be submitted to the appointing authority in alphabetical order, and without any indication of ranking of the candidates. The Appointing Authority may select any candidate referred irrespective of the number of times such candidate's name was previously passed over for selection. In making such certification, sex shall be disregarded. If no candidate

is found to fully meet the requirements or needs of the available position, a second list of not more than thirty (30) candidates standing next highest upon the register for the class or grade may be requested and referred for consideration.

5. Entry onto registers shall, be on a continuing basis, even after a register has been posted, as candidates continue to qualify by, the City's examination process. The Personnel Manager may conduct, as deemed appropriate by the Chief, Administrative Officer, testing at such intervals as appropriate to ensure that the register reflects the pool of currently-interested and qualified applicants and that an adequate pool of candidates will be available for appointment from the register. When the criteria for entry onto a register change, the Commission may deem it necessary to void the register. The commission may strike off names of candidates from the register after they have remained thereon more than two (2) years with the exception of Public Safety (Police and Fire.) classifications where the Commission will have the option to strike names from the register after they have remained on it for, six months

10. Residency Preference

Residency preference is applicable only for original entry.

Persons who have resided in the City of Urbana for a continuous 12-month period prior to testing shall be preferred for appointments to Civil Service Positions of the City of Urbana in accordance with this paragraph. The Civil Service Commission shall give preference for original appointment to persons as

hereinabove designated who have taken an examination for original entrance held under the Urbana Civil Service Commission jurisdiction on or after the passage of this provision by adding 5 points, to the score they receive on an examination prior to, the calculation of the final grade average. The numerical result thus attained shall be applied, by the Civil Service Commission in determining whether such person shall meet the minimum qualifications for placement on the register, of eligible candidates.

The application for residency preference must be submitted to the Personnel Office of the City as directed by the Personnel Manager. The Personnel Manager will direct this process, determine eligibility and adjust eligibility registers accordingly. Persons who are competing, in promotional examinations under *civil service shall not be eligible for residency preference*

11. The City's personnel officer shall serve as the chief examiner, secretary and agent for the Urbana Civil Service Commission.

12. Internal Job-bidding.

For certain positions in the Public Works Department, the Director of Public Works may establish and administer, with the aid of the Personnel Manager, an internal job-bidding process by which Part-Time and/or temporary and/or Seasonal employees in the Public Works Department shall bid for and be considered for hire into those certain Public Works positions prior to resort to use of the Civil Service register of candidates from the general public. The positions to which this paragraph

applies shall be, determined from time to time by the Director of the Public Works, Department in conjunction with the Personnel Manager. The administrative procedures by which those bids are received and evaluated shall be approved by the Civil Service Commission.

Section 3. With the exception of the Residency Preference established by this ordinance, the changes enacted by this ordinance shall apply to all existing and future registers and to all vacancies that are filled after the passage of these amendments. The Residency Preference shall apply to the registers that are created after the passage of this ordinance, but not to those that are in existence at the time of passage of this ordinance.

This ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the 'Council of the City of Urbana, Illinois, at a regular meeting of said Council.

PASSED by the City Council this 4th day of February,
2002.

AYES: Chynoweth, Hayes, Huth, Otto, Patt, Whelan, Wyman
NAYS:
ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 11 day of February 2002.

Tod Satterthwaite, Mayor

PREAMBLE

Reference to Gender

Although fully aware of female employees, to avoid awkward sentence structure, masculine pronouns are used throughout this publication. Such use is intended to be non-sexist and non-discriminatory and is intended to refer to both females and males.

DEFINITIONS

Allocate shall mean the act of assigning each position to a class.

Applicant shall mean a person requesting permission to take an examination.

Appoint shall mean the act of the appointing officer, in assigning to positions such applicants as have been certified to him.

Appointing Authority shall mean a person or persons empowered to appoint or remove employees of the departments wherein they have jurisdiction, subject to the provisions of the Statute, the City ordinances and the Rules of the Urbana Civil Service Commission. The Appointing Authority for classified service is the Mayor. The Mayor may delegate the authority to the City's Chief Administrative Officer, except for the Office of the City Clerk, where the Clerk as an elected official is the Appointing Authority; and in all appointments to the Library, the Mayor may delegate such direct power to the Library Director.

Assignment (Temporary) shall mean the temporary change in duties of a member of the classified service.

Candidate shall mean a person on a register, as qualified by examination, seniority, or service.

Certify shall mean to refer from a register, in accordance with the Statute, the name of a candidate who shall be considered for employment. Certify shall also mean acceptance to the Classified Service after successful completion of the probationary period.

Chief Examiner shall mean the Personnel Officer who serves as an agent and secretary of the Commission and as head of the Personnel Division under the office of the Chief Administrative Officer.

Class means a position, or a group of positions with similar duties and responsibilities, designated by a short title indicating the kind of work to be done.

Classification means assignment of a position to a class.

Classified Service shall mean all offices and positions under the jurisdiction of the Commission, which are required to be classified under the provisions of the Statute and City ordinances.

The Commission shall mean the Civil Service Commission of the City of Urbana, Illinois.

Demotion shall refer to situations in which there is a (1) change to a lower grade or rank (i.e. Admin II to Admin I); or (2) a status change from full-time to part-time or (3) a reassignment of duties which results in a lower level of responsibilities. Such changes of responsibilities will be reflected in a new or revised employee job description. (Note: the supervisory reporting structure of the affected employee may or may not change with this action). A demotion can be the result of (1) disciplinary action; (2) an employee's inability to perform his/her job duties satisfactorily; or (3) an individual voluntarily requesting a demotion. Any wage adjustment resulting from a demotion will be recommended by the respective department head and approved by the Human Resources Manager and Mayor.

Department shall mean a major operating unit in the government of the City of Urbana, Illinois.

Eligible Register is a list of one or more candidates by rank who have qualified for appointment to a position within a certain class.

Employee shall mean an incumbent legally employed to perform the work of a position.

Good Standing shall mean an employee who has no active disciplinary action (e.g., notices to correct, written reprimands, or suspensions) at the time of consideration for other employment opportunities within the City of Urbana. "Active discipline" is defined as a period of time ranging from 12 to 24 months from issuance of the disciplinary action.

Lay-Off shall mean a separation of any employee from the City services, which has been made necessary by lack of work or funds, or for other reasons not related to fault, delinquency, or misconduct on the part of the employee.

Ordinance shall mean Sec. 2-99, Civil Service System, of the City of Urbana, Code of Ordinances.

Original Entrance Examination shall mean open and competitive tests held to determine the fitness of applicants for appointment to position of a certain class.

Position describes a group of duties and responsibilities, assigned or delegated by competent authority, requiring the full-time service of one person, or the part-time service of one or more persons, but not including seasonal, part-time or intern positions.

Promotion means a change of employment from a position of one class to a position of another class, which has a higher minimum rate of pay.

Promotional Examination shall mean a competitive test, or a combination of tests, to determine the fitness of applicants for appointment to positions of a certain position in the Classified Service and open only to classified employees on active duty in the grade from which promotion is sought.

Reallocation shall mean reassignment of an existing position to a class which is a part of a different promotional line, or to a class which is not a part of any promotional line.

Resignation is an act by which an employee voluntarily separates himself from his employment.

Rules shall mean the Rules of the Civil Service Commission of the City of Urbana.

Seniority shall mean a status, which accrues after completion of the probationary period, a term used to describe time worked in a class computed in accordance with the provisions of the Statute and these Rules.

Statute shall mean the Act of the General Assembly of Illinois entitled *An Act Relating to the Civil Service of Cities* approved March 20, 1895, and subsequent amendments.

Suspension shall mean the temporary debarring of a member of the Classified Service or probationary employee from his position and the performance of functions and privileges due that position.

Termination shall mean the action by the Appointing Authority to discontinue service of an employee; in the interest of the City, or upon the failure of an employee to meet certification requirements; and/or upon the death, retirement, or inability of an employee to return from a leave of absence.

Title shall mean the short designation of a class.

Vacancy shall mean a position duly created, which is not occupied, and for which a valid requisition has been received by the Commission.

This section was last updated on June 27, 2012.

RULE I - PURPOSE, AUTHORITY, ADOPTION, AMENDMENT

1.1—Purpose

In 1895, the Illinois Legislature passed "An Act Relating to the Civil Service in the Cities of the State". It was the purpose of that Statute, and the aim of the subsequent series of amendments which have followed its approval, to establish and foster the merit principle of personnel administration in the cities of Illinois.

In the preparation of the Rules and Classifications presented herewith, the Civil Service Commission of the City of Urbana has been guided by the objectives of the Statute: equal opportunity for all qualified persons to compete for positions, promotions based on competence, a career system in the City service and economical public service based on efficiency.

These Rules and Classifications are published as required by Statute in such form that employees and citizens may read them and understand the administration of Civil Service in the City of Urbana. In these Rules a genuine effort has been made toward the clarity of expression. In certain connections, however, it may be found that, due to the phrasing of the Statute, the exact meanings of some words and phrases may not be entirely clear to all readers. To remedy this, a list of such words and phrases, with clarifying definitions, has been included in the Rules so that, by reference to this list, the great majority of unfamiliar words and phrases may be easily understood.

1.2—Authority

The Civil Service Commission of the City of Urbana adopts the following rules under the authority of *An Act to Regulate the Civil Service of Cities*, Chapter 24, Article 10, Division 1, Section 1-48 of the Illinois Revised Statutes, and the Urbana Home Rule ordinance where in conflict.

1.3—Adoption and Amendment

- A. These rules shall be known as the Civil Service Rules.
- B. These rules shall become effective as of the date of adoption by the Civil Service Commission.
- C. These rules may be amended by a 2/3 vote of the Civil Service Commission.

RULE II—CLASSIFICATION PLAN**2.1—Classification Plan**

The Commission shall maintain a plan to be known as the Classification Plan of the Civil Service of the City of Urbana by which positions in the classified service shall be assigned to such classes as may be deemed desirable by the Commission.

The Commission reserves the power to amend this classification plan in order to establish new classes, abolish existing classes or to combine two or more existing classes. The Commission shall have no power to create or abolish positions.

2.2—Class Specifications

The Civil Service Commission and the Chief Examiner shall establish and maintain in the personnel office of the City of Urbana a copy of the specifications currently in force for each class of positions. This copy of the specifications for various classes shall be open to inspection by the public during office hours. These specifications shall include:

- A. The official title of each class.
- B. A statement of the nature of work, examples of work, duties to be performed and responsibilities exercised for each position.
- C. Minimum qualifications necessary to be considered eligible to take the examinations.
- D. Any special qualifications necessary for successful performance in the position.

All qualifications and revisions thereto shall be submitted by the Appointing Authority to the Commission for approval.

2.3—Content and Meaning of Class Specifications

The specifications for any position or class are intended to be descriptive only, not restrictive. The employee is expected to perform any related tasks or under emergency conditions, any reasonable task as required by the department head.

2.4—Classification of New Positions

Before a new position is established, the Appointing Authority shall recommend to the Commission its allocation to an appropriate class. The department head desiring to establish a new position shall present, through the Appointing Authority, to the Commission a full statement of the duties, responsibilities of the new positions, together with his recommendations regarding title, qualifications needed and rates of compensation.

2.5—Changes in Duties

No substantial change in duties or responsibilities, of any existing position shall be made, without the

approval of the Appointing Authority. Any permanent changes that may result in a change in qualifications and requirements must be approved by the Commission through a request that a new position be created in accordance with procedures set forth in Section 2.4.

2.6—Changes in Title - Changes in Allocation

In any case in which an employee has qualified for a position under one title, and the title of the position has been changed, the incumbent shall have the right to hold that position under its new title. However, when an incumbent holds a position that is reallocated to a class with a higher minimum pay and with greater duties and responsibilities requiring higher qualifications, the person formerly holding the position shall not automatically become eligible to continue therein. The appointing authority may fill the position by certification from the appropriate eligibility list or may promote the incumbent providing that she/he meets the position requirements. If the incumbent is not promoted, she or he may be transferred to any open position for which she or he qualifies. If the former incumbent is not otherwise placed, the person's name shall be placed on the re-employment register for that position for which she/he is qualified.

2.7—Use of Official Title

When a position is allocated to a class, the class title shall become the title of the position and shall be used in all records and communications referring to that position.

2.8—Change of Compensation

Changing the compensation of any position in the classified service, whether by ordinance or otherwise, shall not affect the tenure of the incumbent of such office unless such a change involves a change in duties and responsibilities.

2.9—Exemptions from the Classified Service

The classification plan shall include all classes as approved and from time to time amended by the Civil Service Commission except those exempted by Chapter 24, Article 10, Division 1, Section 10-17 and Chapter 24, 3-7-6 of the Statutes and the Home Rule Ordinance.

Not to be included in the classified service are:

- A. Officers who are elected by the people.
- B. Officers who are elected by the City Council or whose appointment is subject to approval by the City Council.
- C. Judges and clerks of election.
- D. Heads of principal departments and divisions of the City.
- E. Police officers above the grade of Sergeant.
- F. Seasonal employees whose employment does not exceed 240 work days in any fiscal year.
- G. One private secretary to each of the elected City officials.
- H. Administrative assistants to the Mayor.
- I. City Engineer.
- J. Part-time employees as defined in the Ordinance.

RULE III—VETERAN'S PREFERENCE

3.1—Eligibility for Preference

In order for a person to receive preference in original entry examinations in the City of Urbana, an applicant must furnish proof of eligibility for preference as directed to do so by the Chief Examiner. Acceptable proof shall include a photocopy of each discharge or release from military service.

3.2—Lateness or Unavailability of Proof of Service

If, for any reason, the individual cannot furnish proof within the specified time, the applicant must contact the Chief Examiner in writing stating his reasons. If the applicant has not produced acceptable proof of eligibility before the certification of a candidate, his name will appear on the eligibility list based on the scores earned.

When acceptable proof is received and eligibility determined, adjustments will be made to the eligibility lists and persons on the list will be notified of any changes by the Chief Examiner.

3.3—Military Preference - Original Entrance Examinations

In original entry examinations, the Civil Service Commission shall give to veteran's preference consisting of the addition of five points to the one final score of veterans whose names appear on the register of eligibles. In order to receive the five points, the applicant must first pass the examination.

3.4—Eligibles - Original Entry

Military preference will be given to each examinee that would be qualified under the laws and rules regarding veteran's preference of the United States and/or State of Illinois as modified by the Urbana Home Rule Ordinance.

RULE IV—SENIORITY

4.1—Seniority Lists

Each department head has the responsibility of providing to the Personnel Officer a current seniority list which includes the names of all employees in each class in order of their seniority.

4.2—Accumulation of Seniority Following Completion of Probation

After completion of the probationary period, an employee accrues seniority in the class retroactive to his original date of employment.

4.3—Accumulation of Seniority during Disability

Employees accrue seniority while on leave of absence for disability.

4.4—Accumulation of Seniority during Authorized Absence without Pay for Personal Convenience

For the purpose of computing service for seniority in any class, authorized absences without pay because of personal convenience of as much as, but not exceeding, 30 consecutive work days, shall not be charged against service for such total seniority. If the leave of absence for personal convenience exceeds 30 consecutive work days, no seniority shall accrue for any part of the leave of absence without pay for personal convenience.

4.5—Accumulation of Seniority during Lay-Off Status

Employees do not accrue seniority while on lay-off status except during lay-off periods not in excess of 30 consecutive work days.

4.6—Accumulation of Seniority during Suspension

Employees do not accrue seniority while on suspension.

4.7—Seniority and Promotion

Credit for seniority shall be given for actual service only (except as stated in Rule 4.3 - 4.5), including the probationary period in the rank or grade from which promotion is sought, or in ranks or grades certified at the time of examination by the Civil Service Commission, whether or not such service has been continuous.

Seniority shall be computed only from the date of appointment to the position from which the appointee is seeking the promotion to the date on which that promotional examination is to be held. The average mark to be entered for seniority shall be obtained by adding to the final grade one-quarter point every complete year of service in grade from which promotion is sought. A maximum of five points will be allowed for seniority. Such credit may only be used when candidate is competing from the next lower rank or job class.

RULE V—APPLICATION AND NOTICE OF EXAMINATION**5.1—Application Forms**

Applications for examination shall be filed upon forms furnished by the Personnel Division, and applicants must comply with the requirements of said forms in every respect. Electronically transmitted applications may be accepted with the approval of the Personnel Manager. Incomplete applications may be found unacceptable as determined by the Personnel Manager or Chief Examiner.

5.2—Fraud in Applications

Any person who, by himself or in cooperation with any other person or persons, submits information, documents or records of a false nature so as to misrepresent himself in his application for examination, shall be excluded from the examination. If fraud in a person's standard application becomes known to the Commission subsequent to said person's placement on an eligible list or said person's appointment to a position, the Commission may strike said person's name from any eligible register or dismiss said person from the service, provided that said person shall have an opportunity to be heard by the Commission in his own defense prior to the Commission's action.

5.3—Admittance to the Examination

No person who has not filled out an approved application form by the deadline date determined and posted by the Personnel Officer will be admitted to a promotional or original entry examination.

5.4—Notice of Original Entry Examinations

Notice of examinations will be posted on designated bulletin boards within the Human Resources Division and in all City buildings for no fewer than two weeks prior to the examination date and shall be advertised using methods determined by the Chief Examiner to insure reasonable notice to the general public in advance of opening for applications. Such advertisement may include publication on

an internet website, in a newspaper of general circulation, posting advertisement in conspicuous place(s), or any other methods that the Chief Examiner determines to insure reasonable public notice, except that all promotional postings shall remain public for a minimum of fourteen (14) calendar days. Where appropriate, the Human Resources Division may recommend extending the closing date or setting an indefinite closing date for filing applications. (*Amended 6/30/2011*).

5.5—Notice of Promotional Examinations

Notice of promotional examinations shall be posted on designated bulletin boards in all appropriate city buildings and/or the appropriate web site at least two (2) weeks before initial applications, bids, and/or exams are due. The notice will include the minimum qualifications and application procedures. Prior to each portion of the examination, candidates will be advised by general or individual notice of the applicable date, time, and/or deadline and location of that portion of the exam.

RULE VI—EXAMINATIONS

6.1—Minimum Qualifications

Whenever the Commission shall announce an examination for any position or class of positions, it shall fix such minimum qualifications for applicants as, in its opinion, may be appropriate for the proper and competent performance of the duties and responsibilities involved. No person shall knowingly be admitted to the examination who does not meet the minimum qualifications so fixed, but the fact that one is permitted to take an examination shall not be considered as evidence that he is qualified, nor that he is eligible for the position. The following minimum qualifications shall be a part of the requirements for admission to all examinations given by the Commission:

- A. Character and fitness. Every applicant must be free of drug or substance abuse and able to perform the duties and responsibilities of the position.
- B. Age. No applicant shall be admitted to an examination who is less than 18 years of age at the date of examination. No applicant for the police or fire departments shall be admitted to an examination who is less than 21 years of age. Nothing in this rule shall be construed to restrict the power of the Commission to fix age limits in cases where such action is, in its opinion, reasonable necessary to the achievement of the purposes of these Rules or the Civil Service Act.
- C. Citizenship. No one person will be denied the right to take any examination for any position of Civil Service except classified position of Police Officer or any rank of Police who is not a citizen of the United States.

6.2—Examination Fees

No fee will be charged for either original entry or promotional examinations unless the Personnel Officer finds it necessary to do so. When and if imposed, said fees will be reasonable and minimal in order to only cover the cost of test administration.

6.3—Retesting

Examinees shall not be permitted to retest for the same register within one-year of testing except under the following conditions: the applicant has gained experience, training, or certification that directly affects eligibility; the examination has changed; or the Commission or the Chief Examiner authorize

re-testing. The Commission may increase the waiting period between retesting or prohibit retesting as appropriate.

6.4—Character of Examinations

Examinations for positions in the City of Urbana shall be so constructed as to test fairly the skills, knowledge, abilities, and fitness of the persons examined to discharge the duties of the position to which they seek to be appointed, and may consist, as the Commission prescribes, of any appropriate and valid test instruments and measure designated by the Commission's Chief Examiner.

The following divisions are examples of exams to be utilized by the Chief Examiner to determine the qualifications and ranking of applicants:

- A. Examinations may be written, oral, by statement of training and experience, in the form of tests of knowledge, skill, capacity, intellect, aptitude, physical ability; or, by any other method, which in the judgment of the Chief Examiner is reasonable and practical for any particular classification. Different examining procedures may be determined for the examinations in different classifications.
- B. Practical tests of ability to perform the duties of the position such as preparation of reports or memoranda, actual performance of work similar to that of the position involved, or other practical, manual, or mechanical tests.
- C. Physical tests and medical examinations.
- D. Independent investigation by the Personnel Officer of the psychological suitability, temperament, and ability to meet the public or deal with people -- or any other factors which may bear upon the applicant's capacity or fitness for the position.
- E. Investigation and consideration of experience or merit in the performance of the work of positions of like or similar character. Any applicant may be rejected by the Commission before examination if his application shows failure to meet the qualifications for the position. The divisions of any examination may be held in any order, and may be administered to applicants in assembled groups or individually, as the Commission may prescribe.
- F. The Personnel Officer may alter the weighting of sections of a promotional examination, but when altered, such weights shall be a part of the examination announcement.

6.5—Original Entry Examinations

Original Entry Examinations shall consist of one or more exams as described in these rules. The Commission or the Chief Examiner may require that applicants pass one or more exams before entrance to a subsequent exam or as a condition of eligibility. When multiple exams are included in an examination process, the scores from individual exams may be weighted equally or differently to arrive at a final score, providing that the process used for a single register is uniform. When an exam is used exclusively to determine minimum eligibility requirements, the score will not be used to calculate the final exam score. In a case when the ability to read or write is not a required skill, the Commission or the Chief Examiner may require that an applicant be given the written portion of the exam orally or require that the exams consist of oral and/or performance tests. Points for veteran's preference will be added to the applicant's final score only if he passes the examinations.

A. Residency Preference

Pursuant to the Urbana Civil Service Ordinance, the Chief Examiner will add five (5) residency

preference points to the exam score of all eligible entry-level candidates prior to the calculation of the final score.

6.6—Promotional Examinations

In addition to or in lieu of an original entry examination, the Commission or the Chief Examiner may conduct a promotional examination. Promotional examinations shall be competitive among qualified candidates of the next lower rank for Police and Fire sworn positions or any lower job class for non-sworn positions. The examination will generally include a written or comparable assessment and oral examination, merit and seniority. The relative weights per part shall generally be: written or comparable assessment - 50 percent, oral examination - 30 percent, ascertained merit - 20 percent.

- A. Merit. The department head and respective supervisory personnel of the employee seeking promotion will rate the individual on job knowledge, performance and work habits. Forms will be provided by the Chief Examiner. The department head, or his designee, shall discuss the rating with the employee.
- B. Seniority. Points for seniority will be added to the final score in accordance with Rule 4.7.
- C. The following criteria shall be used to establish the promotional list for Lieutenants and Captains in Fire Department:
 1. The written examination and the assessment center, combined, shall total 100 points (“the combined score”).
 2. The written examination shall be scored on a scale of 100 points and then shall be reduced by a weighting factor to give it a weight of forty (40) percent of the combined score.
 3. The assessment center shall be scored on a scale of 100 points and then shall be reduced by a weighting factor to give it a weight of sixty (60) percent of the combined score.
 4. Seniority points (in accordance with Rule 4.7) shall then be added to the combined score.
 5. Departmental points shall then be added to produce the scores. (*Amended 11/02/2010*).

6.7—Physical Examination

The Commission may set minimum physical and medical standards for any position. The Commission may refuse to certify any candidate for an original entry or promotional position who fails the physical examination.

6.8—Questions on Religious or Political Affiliation or Opinions

At no time during the examination process will there be any questions relating to religious or political opinions or affiliations.

6.9—Religious or Political Affiliation

A person's religious or political affiliation will not be a consideration for employment.

6.10—Results of Examinations

Within 30 days of the date of any original entry or promotional examination, examinees will be notified of the results. The Chief Examiner will determine the details of the notification. As an alternative to personal notification, the Chief Examiner may post such results or otherwise make the information available to examinees within the above time frame.

6.11—Chief Examiner

The Civil Service Commission reserves the right to control all exams and may designate persons to be examiners and to conduct the exams as the Civil Service Commission directs. The Civil Service Commission may appoint a Chief Examiner who is responsible to the Commission for the conduct of examinations; the processing of applications; establishing eligibility criteria and eligible registers; and performance of related tasks as the Commission may direct.

RULE VII—ELIGIBLE REGISTERS**7.1—Eligible Registers and Lists**

Eligibility registers and lists shall be established in accordance with the Civil Service Statute, Ordinance, and Rules. An original entry register may be prepared for any position in the classified service. In addition or alternatively, the appointing authority may utilize any selection procedure authorized by the Civil Service Statute, Home Rule Ordinance, the Commission, or these rules.

7.2—Rank and Ties

Names of persons who have passed the examination will be placed on eligibility lists for such class in order of relative grades received without reference to priority time of examination. Ties in the final scores shall be resolved by arranging names of such eligibles according to their ratings on that part of the examination which has the greater weight; and if still not resolved, by order of application for examination.

7.3—Listing of Names

When an eligibility register or list is referred to the appointing authority, candidates shall be listed in alphabetical order unless this procedure conflicts with Statute, Ordinance, or union agreement.

7.4—Re-Employment Registers

Re-employment registers shall contain names of employees who have been laid off because of reduction in force or because of reallocation or reclassification of positions. Such registers shall have the appropriate names listed according to class and in order of seniority as earned up to the date of eligibility for a position on the re-employment register. Physical and medical examinations may be required where there has been an absence from active duty for two months or more. Appointments to the Fire and Police Department from active re-employment registers will be made in accordance with the Civil Service Statute unless otherwise directed by the Ordinance. In all other cases, a Department Head may appoint from the active re-employment register or an alternative register. However, individuals on the re-employment register will be given preference over alternative candidates when they are equally or better qualified than alternatively available candidates.

7.5—Duration of Names on Registers

The commission may strike off names of candidates from a register without cause after they have remained thereon more than two (2) years with the exception of public safety (Police and Fire) classifications where the commission will have the option to strike names from the register after they have remained on it for six (6) months.

7.6—Removal for Cause

The Civil Service Commission may remove a name from the list for cause, at any time. Upon

involuntary removal of the name, the Personnel Manager or Library Director will mail written notification to the candidate. Any of the following shall be sufficient cause for removal of a candidate from an eligible register, though removal may be made for cause other than those enumerated:

- A. Fraud in employment application.
- B. Failure of physical or medical examination or drug screen.
- C. Unfavorable background checks.
- D. Voluntary removal or removal for lack of availability.

The Personnel Manager or Library Director may act on behalf of the Commission to remove a name for any of the reasons enumerated above. She/he may remove a name from the register upon the candidate's request, or when the candidate fails to respond within fourteen days from the date of mailing of a written request for the candidate to reaffirm availability, or when such a letter is returned as undeliverable to the address last provided by the candidate. For purposes of this paragraph, a candidate's failure to respond to such a mailed letter shall be considered a voluntary withdrawal from the register even if the letter was undeliverable.

7.7—Appeal of Removal for Cause

When a name is removed for cause, the person may appeal the decision by filing a written appeal with the Personnel Manager or Library Director within 30 calendar days of the mailing of the notification letter. The Commission may appoint a hearing officer to hear the appeal. The appointing authority may proceed with staffing and appointment unless otherwise directed by the Commission and may choose to consider or not consider the appellant. However, the appellant may not be appointed from the subject register until such time, if any, that his or her name is returned to the register.

7.8—Entry onto Registers

Entry onto registers shall be on a continuing basis, as candidates continue to qualify by the City's examination process. The Personnel Manager (as deemed appropriate by the Chief Administrative Officer) and the Library Director may conduct testing at such intervals as appropriate to ensure that the register reflects the pool of currently interested and qualified applicants and that an adequate pool of candidates will be available for appointment from the register.

7.9—Decertification of Eligibility Registers

The Civil Service Commission may decertify any eligibility register at any time it is no longer valid as a result of an inadequate number of candidates remaining on the list, change in the needs of the City or for any material change in the specifications of the class.

7.10—Candidates Certified in Error

The Chief Examiner may invalidate the entry onto a register of an individual who was not eligible to be certified, but was certified in error. When an applicant or candidate is removed from a register due to an error, the Chief Examiner or designee must notify the applicant or candidate at the time of the removal. The notice must be in writing and specify the reason for the removal. The notice must explain the right to request a review of the removal under the provisions Rule 7.7. For purposes of this rule, written notice may be provided using alternative methods such as e-mail, interoffice mail, the U.S. Postal mail service, or commercial parcel delivery. (*Added 11/28/2012*).

RULE VIII—REQUISITION AND CERTIFICATION AND APPOINTMENT

8.1—Filling of Vacancies

The appointing authority shall notify the Personnel Manager, as agent for the commission, of each vacant position to be filled and shall request referral of the names of eligible candidates from one or more lists of eligible candidates appropriate for the vacancy to be filled. If no list of eligibles for the class exists, an examination will be held at the earliest possible date. The Library Director shall fulfill this function for the Library.

- A. The Chief Examiner has the option and authority to test both external candidates and existing City employees for any vacancy using combined or separate examinations. Eligible employees may be examined and appointed under original entry or promotion procedures, an agreement between the City of Urbana and a bargaining-unit, internal transfers within and between departments, or appointment of internal applicants for original entry in accordance with the Urbana Civil Service Ordinance.

8.2—Certification from Registers

- A. Original Entry Register. Upon request by the Appointing Authority, the Commission shall certify a pool of candidates consisting of the names and addresses of all available candidates on the original entry registry for consideration by the Appointing Authority. Alternatively, if there are more than thirty (30) candidates on the register, the appointing authority may request either that the commission limit the pool to the thirty (30) candidates standing highest upon the original entry register or to a pool in excess of 30 candidates if the commission determines that certification of a larger pool would provide a more diverse candidate pool, better serve the needs of the department or office, and/or improve equity. The candidates' names shall be submitted to the appointing authority in alphabetical order and without any indication of ranking of the candidates. The appointing authority may select any candidate referred. If no candidate is found to fully meet the requirements or needs of the available position, the appointing authority may request one or more supplemental lists of certified candidates. The commission shall determine the number of candidates to be referred on a supplemental list.
- B. Internal Registers. Upon request by the Appointing Authority, the Commission shall certify a pool of all candidates on the applicable internal register, except where referral is limited by Statute, Ordinance, or Civil Service Rules. A separate register may be certified for each category of appointment (promotion, transfer, internal original entry) or a combined list may be issued that specifies each candidate's eligibility (promotional candidate, etc.)

8.3—Notification of Candidate

The person(s) selected for appointment shall be notified in writing that he or she has been selected for appointment.

8.4—Waiver of Certification

An eligible who has been certified may, with the consent of the Commission, waive consideration or reinstatement without losing his place on the eligible list. But, unless the Commission shall otherwise direct, the name of an eligible who refuses to accept an appointment when it is tendered him, shall be removed from the eligible list. If within 30 days from the date of declination, the eligible so removed furnishes to the Commission good and sufficient reasons for his failure to accept appointment, his

name may be restored to his relative position on the eligible list. In the absence of any such excuse, the removal at the expiration of 30 days shall be final.

RULE IX—APPOINTMENT & PROBATION

9.1—Notice of Appointment

Immediate notice in writing shall be given by the Appointing Authority to the Commission of all appointments, permanent or temporary, made in the classified civil service and of all promotions, resignations, or vacancies for any cause in such service, and of the date thereof.

9.2—Probationary Period

Original appointees shall be on probation for a period of six (6) months except classified personnel in the police or fire department. Probation for these appointees shall be fixed by the rules of the department. Pursuant to 65 ILCS 5/10-1-7(1) the cumulative length of probation of any firefighter appointed to the lowest rank shall not exceed one year unless the position includes paramedic responsibilities. If the conduct and performance of a person appointed has been satisfactory, the appointment shall be deemed complete unless the appointing authority extends the period in accord with Section 2-99 (4) of the Urbana Code of Ordinance relating to Civil Service Probation.

9.3—Probation (purpose)

The probationary period is an integral part of the examination process and shall be used by the supervisor for close observation and evaluation of the employee's work performance. It is the responsibility of the supervisor to discuss with the employee their progress or lack thereof. The employee will be evaluated on a schedule determined by the Chief Examiner and against the performance standards and expectations established by the department head and the employee's supervisor.

9.4—Temporary Appointment

To prevent the stoppage of public business or to meet extraordinary emergencies, a department head may, with the approval of the Appointing Authority, make a temporary appointment to remain in force a maximum of 120 days and only until regular appointments are made.

In any case where no appropriate eligible register for a requisitioned position exists, the head of any department may nominate a member of the classified service to the Commission for temporary appointment. If the Commission finds that person to possess the necessary experience, training and other qualifications for the position, that person may be appointed to fill the existing vacancy pending the establishment of an appropriate eligible register and the making of appointments therefrom.

Any person whose name is on the eligible register for a position in the classified position, if he is properly qualified, may be temporarily appointed, without losing his place upon such a list, but no such temporary appointment shall be made until the appointing officer has received notice of approval by the Commission. Time served on temporary appointments shall be credited to the probationary period.

9.5—Restoration of Probationer to Eligible List

Should the work for which a probationer has been certified prove temporary and he be laid off without fault or delinquency on his part before his time of probation is completed, his name shall be restored to its former position on the eligible list, and the term he has served shall be credited to him as a part of his probationary period.

9.6—Assignment to Duties

All persons appointed to or promoted in the classified service shall be assigned to and perform the duties of the position to which they are appointed or promoted. An employee may be assigned temporarily, without extra pay, to perform other than his regular duties. But no assignment shall be for a period of more than 60 days without the consent of the Commission. The Commission may extend the temporary reassignment of duties for an additional 60 days.

9.7—Seasonal Employees

Seasonal employees need not be examined, placed on any eligible register or certified as a condition of their appointment. However, no person may be employed more than 240 work days in any fiscal year as a seasonal employee. Prior employment as a seasonal employee shall not prohibit a person from accepting a temporary appointment in the same fiscal year. But no portion of a person's seasonal employment shall count toward seniority or his probationary period.

9.8—Part-Time Employees

Part-time employees need not be examined, placed on any eligible registers or certified as a condition of their appointment. However, no person may be employed 36 or more hours in any week as a part-time employee. No portion of a person's part-time employment shall count toward seniority or his probationary period.

9.9—Municipal Interns

No person serving as an intern, whose direct salary shall be at least 50 percent reimbursed by the Federal Government, the State Government, or any non-profit corporation, need be examined, placed on any eligible register or certified by the Commission as a condition of his employment. No service as a municipal intern shall count toward seniority or toward probation.

RULE X—PROMOTION**10.1—Eligibility**

No person shall be eligible for promotion from his present position in the classified service unless he has successfully completed one year of service in that position. Also, he must meet any special qualifications, minimum training experience and physical requirements established by the Commission.

10.2—Candidates for Promotion in Police Department

Candidates for promotion in the Police Department may not be considered for promotion unless they have successfully completed a basic law enforcement course and/or advanced law enforcement course or any equivalent course at any other approved institution. This rule may be waived if the candidate for promotion agrees to complete the required course within nine months of promotion. Probationers must successfully complete a basic law enforcement course during probation.

10.3—Method of Promotion

Promotion in the classified service shall be made on merit, seniority in service and examination as defined in Rule 6.6. Examinations for promotion shall be competitive.

RULE XI—TERMINATION, SUSPENSION, HEARING**11.1—Causes for Termination**

It is to the mutual advantage of both the City and its employees that the rules concerning conduct be understood and adhered to in order to create an orderly work environment and insure the City is attaining its goals of public service. Employees who violate these rules are not performing in the best interest of the City and their co-workers.

The following examples of conduct are considered sufficient cause for disciplinary action, up to and including dismissal (removal may be made for causes other than those enumerated):

- A. That the employee is incompetent or inefficient in the performance of his duties.
- B. That the employee has been wantonly careless or negligent in the performance of his duties.
- C. That the employee has been brutal or profane in his treatment of the public or his fellow employees.
- D. That the employee has some permanent or chronic physical or mental ailment or defect which incapacitates him for the proper performance of his duties.
- E. That the employee has intentionally violated any lawful official regulation of the department, the City or of these rules, or order of a superior or has failed to obey any lawful and reasonable direction or order given him by his superior officer when such violation or failure to obey amounts to insubordination or serious breach of discipline.
- F. That the employee has taken for personal use a fee, gift, or other valuable things in the course of his work or in connection with it when such fee, gift, or other valuable thing is given him by any person in the hope or expectation of receiving special privileges.
- G. That the employee is engaged in a private business or an outside trade or occupation that creates a conflict of interest with the City of Urbana or prevents them from fully meeting the required performance standards of their position.
- H. That the employee has had his wages garnished more than three times during any calendar year.
- I. That the employee has been convicted of a felony or criminal misdemeanor or an offense involving corruption or deception of the City, co-workers or the public.
- J. That the employee, through negligence or willful misconduct, has caused damage to public property or waste of public supplies.
- K. That the employee during his hours on duty has engaged in any form of political activity calculated to favor or improve the changes of any political party or person seeking or attempting to hold political office.
- L. That the employee has used or has attempted to use political influence or the influence of any officer or employee in securing promotion, transfer, or increased pay.
- M. That the employee has let his physical or medical condition deteriorate to such an extent that he

can no longer, in the judgment of competent medical authority, perform the duties his position demands.

- N. That the employee has been excessive in the frequency of absenteeism or has developed a pattern or practice of repeated tardiness.
- O. That the employee deliberately gave false information on job application, time records or other records; altering, removing or destroying City records or reports without authorization.
- P. That the employee has failed to meet and/or maintain established standards of performance as provided in job descriptions and performance appraisal criteria.
- Q. That the employee failed to report accidents, damaged equipment or other hazardous conditions.
- R. That the employee was engaged in the unlawful or unauthorized removal of property from the City, co-workers or the public.
- S. That the employee, while on duty and during working hours was under the influence of or in possession of alcohol, marijuana or controlled substances not properly prescribed for the employee by a physician.
- T. That the employee was engaged in acts of sexual harassment.
- U. That the employee was absent from an assigned duty station without permission of the supervisor.
- V. That the employee was found to be in possession of any item customarily considered a lethal weapon while on duty or City property (except for law enforcement personnel) including, but not limited to: 1) firearms of any type, 2) explosives, 3) knives or similar items.
- W. That the employee refused to comply fully and accurately to an order that he report on his conduct as an employee.

Disciplinary Action: Disciplinary action is intended to be corrective and not punitive. Progressive disciplinary action should be directed primarily toward repeated occurrences of less than serious violations of rules and/or policies. Where serious violations occur, immediate action beyond those of the oral warning step should be reviewed by the Appointing Authority.

11.2—Termination Proceedings

The City of Urbana or the Urbana Free Library (in the case of Library employees) shall commence all termination proceedings against an employee by filing with the Civil Service Commission written charges factually stating the causes justifying termination. A copy of the written charges shall be served on the employee by registered mail. The effective date of the termination shall be on the 15th day following the date of mailing of the written charges.

When a hearing has been set before the Civil Service Commission Hearing Board or Hearing Officer (all hereinafter referred to as the "Board"), all parties will abide by the guidelines and code of conduct outlined herein. A hearing will be carried out with the same decorum as if it were a court proceeding.

Management and the appellant employee may be represented by counsel. Parties and their

representatives are reminded that testimony before the Board is given under oath and the conduct of any person in connection with any proceeding is subject to Illinois statutes respecting perjury and obstruction of justice.

Any person having knowledge of perjury or obstruction of justice in connection with a matter arising under the City of Urbana Civil Service Rules shall inform the Board. The Board, following any appropriate investigation, shall report any allegation or evidence of perjury or obstruction of justice, including any retaliation or threat of retaliation against an employee or witness, to the appropriate authorities.

11.3—Hearing Board

If the employee wishes to contest his termination, he must make a written request for a hearing to the Civil Service Commission within the 15-day period prior to the effective date of discharge. The Commission may act as the hearing board or may appoint a hearing officer, not directly supervising the employee, to act as the Board. The effective date of discharge, if ordered, will be the date designated by the Board.

11.4—Responsibility of the Hearing Board

The Board shall decide the case on the basis of the evidence presented at the hearing. The department proceeds first and has the burden of proof in demonstrating the factual basis for the disciplinary action and that the disciplinary action was proportionate to the nature and severity of the offense.

11.5—Nature of Hearing

Under the Illinois Open Meetings Act (5 ILCS 120/2(c)(1)), personnel matters heard before the board may be closed to the public.

To conduct a closed meeting, a motion must be passed at an open meeting to hold a closed meeting, which may be held either on the same day or sometime in the future. A quorum is required at that open meeting, and a majority of those members present at the meeting must vote in favor of the motion. The motion must specify the specific statutory exception which authorizes the closed meeting (for example, a motion "to discuss the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body"), and the vote of each member and identification of the specific exception must be disclosed at the time of the vote, recorded and entered into the minutes of the meeting. (5 ILCS 120/2(e).

The vote of each member on the question of holding a closed meeting, as well as a citation to the exception authorizing the closed meeting, be shall publicly disclosed at the time of the vote and recorded and entered in the minutes of the meeting at which the vote is taken. The public statement and citation should recite the language of the exception and not a popular description.

11.6 Notification of Time and Place of Hearing

When the hearing date has been confirmed, the Chief Examiner, on behalf of the Board, shall notify the employee in writing of the time and place where the hearing will be held by mailing such statement via certified mail to the employee's last known address. Included with the notice will be a copy of the charge and/or determination letter from the appointing authority setting out the reasons for disciplinary action and a copy of the hearing procedures to be followed. Such hearing shall not be held within five (5) working days of the date on which the notice is mailed.

11.7 Requests for Continuance

The matter of granting or refusing to grant a request for a continuance of a hearing is within the discretion of the Board.

11.8 Attendance at the Hearing

The employee must be present at the hearing and may represent himself or may be represented by legal counsel. Failure of a party to appear at a hearing may be cause for a finding in favor of the opposing party or the matter being deemed withdrawn.

11.9 Conduct of Persons at Hearing

It is improper for any person at a hearing to:

- (a) Insult, intimidate or behave discourteously to the board, any party, any witness or any other person attending the hearing;
- (b) Display boisterous conduct or commit any kind of disturbance;
- (c) Bring signs, posters, or large objects into the hearing room without the prior approval of the board;
- (d) Participate in any demonstration tending to disrupt the orderly conduct of the hearing; or
- (e) Interfere with the orderly course of a hearing.

11.10 Discovery

(A) General Policy and Protective Orders

The parties are encouraged to engage in voluntary discovery procedures. In connection with document requests, interrogatories, depositions or other means of discovery, the Board may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense. Orders may include limitations on the method, time, place and scope of discovery and provisions for protecting the secrecy of confidential information or documents.

(B) Subpoenas

The Board has the authority to issue subpoenas. Any application for a subpoena shall be made to the Board chairperson or Hearing Officer.

11.11 Report of Hearings

All proceedings before the Board during the conduct of the hearing shall be recorded by a court reporter to be employed by the Commission. The Board's determination shall be subject to judicial review pursuant to the provisions of Article III of the Illinois Code of Civil Procedure, as amended (735 ILCS 5/3-101 et seq.). The party seeking review shall be responsible for all costs incurred by the City to prepare the record for the court, including all transcription fees, and shall pay to the City the costs of preparation and certification of the record of proceedings as provided in 735 ILCS 5/3-109.

11.12 Hearing Procedure

(A) The procedures in a disciplinary hearing will be as informal as practicable. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might

make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence may be excluded.

(B) Oral evidence shall be taken only under oath or affirmation and shall be reported verbatim.

(C) Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; and to impeach any witness regardless of which party first called the individual to testify. An employee who does not testify may be called and examined as if under cross-examination.

(D) Hearings will be conducted in the following sequence:

(1) Pre-Hearing Conference

The Board may initiate or upon the application of any party, may call upon the parties to appear for a conference to consider:

- (a) The simplification or clarification of the issues;
- (b) The possibility of obtaining stipulations, admissions, agreements on matters already of record, or similar agreements which will reduce or eliminate the need of proof;
- (c) The identities of all potential witnesses;
- (d) The limitation of the number of witnesses, or avoidance of cumulative evidence, if the case is to be heard;
- (e) The possibility of an agreement disposing of any or all issues in dispute; and
- (f) Such other matters as may aid in the disposition of the hearing.
- (g) Those matters agreed upon by the parties shall be reduced to writing and signed by them, and the signed writing shall constitute a part of the record. The scheduling of a pre-hearing conference shall be according to Civil Service rule or, in the absence of rules, solely within the discretion of the Board.

(2) Order of Proceedings

- (a) The department proceeds first and has the burden of proof in demonstrating the factual basis for the disciplinary action and that the disciplinary action was proportionate to the nature and severity of the offense.
- (b) Each party may make a brief opening statement to the Board.
- (c) The department will present its case, witnesses, evidence and/or arguments first and will have an opportunity to respond and present rebuttal witnesses after the employee's presentation.
- (d) Following the department's presentation, the employee or the employee's representative presents its case, witnesses, evidence and/or arguments in defense of the employee.
- (e) Each side may call witnesses and cross-examine the other side's witnesses.
- (f) Both parties may offer rebuttal.

- (g) Prior to making its final decision, the Board may hear further argument and initiate further investigation. Alternatively, the Board may opt for a discussion format if they believe such a format may expedite the proceedings and result in a fair conclusion.
 - (h) The Board may ask any party or witness any necessary questions and may also recall any witness if clarification or additional information is needed.
 - (i) The Board may accept a resignation from the employee in lieu of further proceedings.
 - (j) In no case will additional evidence be considered or arguments heard without all parties being present and having an opportunity to respond.
 - (k) The Board shall have the authority to determine the time limits for all portions of the hearing.
 - (l) Proceedings before the Board are quasi-judicial in nature. Accordingly, parties and their representatives are expected to conduct themselves as they would in a court of law. Parties and their representatives are reminded that the Board has the authority to issue sanctions to maintain order.
- (3) Post-Hearing Procedures
- (a) The Board shall file the Findings of Fact, Conclusions and Recommendations with the Chief Examiner within thirty (30) calendar days from the close of the hearing.
 - (b) Within five (5) working days after the Chief Examiner receives written notification of the decision of the Board, the Chief Examiner shall inform the employee in writing of the decision of the Board.

11.13—Rehearings

Petitions for rehearing of persons removed or discharged from the classified service, after investigation as provided in the Civil Service Act, may be filed with the Commission within 30 days after the finding and decision have been recorded. Petitions shall state fully the grounds upon which applications for rehearings are based. In case such petitions are allowed, rehearings of original charges, together with any new evidence, may be conducted. Findings and decisions as a result of such hearings shall be entered. In case such petitions are not allowed, the order of suspension or discharge shall remain in force.

11.14—Investigative Suspension

City of Urbana employees may be placed on an unpaid suspension pending the completion of a disciplinary investigation. If the City's investigation exonerates the employee, or justifies a penalty less than termination, the employee will receive back pay for the period of the investigative suspension less any time ultimately designated as a concurrently applied disciplinary suspension. If a City employee is charged with criminal activity that would violate City policy if convicted, the employee shall be placed on an unpaid investigatory suspension pending the final judgment in any associated criminal proceedings. *(Added 12/26/2012, effective 1/1/2013).*

11.15—Suspension during Hearing

An employee who has been served with written charges for discharge may be suspended without pay during the period that the discharge proceeding is pending and until final disposition thereof.

11.16—Disciplinary Suspension

The Appointing Authority may suspend for just cause, an employee as a disciplinary measure up to 30 working days. Any employee suspended for more than five working days, or suspended within six months after a previous suspension, shall be entitled to a hearing, upon written request, before the Civil Service Commission concerning the propriety of such suspensions. The employee and the Civil Service Commission shall be notified in writing, five working days before the suspension is to go into effect, as to the reasons for such a suspension. The Commission shall give the employee an opportunity to be heard in his own defense.

For employees covered under the collective bargaining agreement with Local #1147 of the International Association of Fire Fighters, AFL-CIO, Section 16.4 of the current agreement shall supersede the hearing privilege where such language conflicts. *(Amended 3/1/2012)*.

11.17—Causes Justifying Suspension

Causes justifying suspension shall include, but are not limited to the causes specified in Section 11.1.

11.18—Discharge during Probationary Period

If any probationer shall be found incompetent or not qualified for performance of the duties of the position he is filling, he may be discharged by the Appointing Authority. The Appointing Authority, or his designee, shall discuss the reasons for the dismissal with the probationer and must be able to show that the reasons for the dismissal were discussed with the probationer prior to the dismissal action. *(Amended 9/25/12)*.

RULE XII—GENERAL PROVISIONS AFFECTING ELIGIBLES AND EMPLOYEES**12.1—Change of Address**

Every applicant, person whose name is on an eligible list, employee, or former employee awaiting some action by the Commission is required to notify the Commission of any change of address or change of name or change in marital status at the time of change. In sending notices of matters affecting such persons, the Commission assumes no responsibility beyond the address last recorded in the Commission office. Failure to respond to notices sent by the Commission may result in denial of admission to examination or in removal of names from eligible lists.

12.2—Resignations

A resignation is deemed accepted by the Commission when the agent of the Commission signs a P.A.R.F. (Personnel Action Request Form) related to the resignation. The agent, as defined in these rules, is specifically authorized to accept any resignation on behalf of the Commission whether or not the Commission as a body has considered the resignation.

No officer or employee in the classified service who tenders his written resignation shall, after his resignation has been accepted by the head of the department by the signing of a P.A.R.F. and accepted by the Commission, be allowed to withdraw the resignation unless the application for such withdrawal is filed with the Commission within 30 days of the commission's acceptance of the resignation, and then only upon the recommendation of the head of the department and with the consent of the Commission.

12.3—Leave of Absence

The Appointing Authority may grant a leave of absence to an officer or employee who has been certified in the classified service for not less than 6 months, for such period as he sees fit, not to exceed one year. Immediate report of such leave of absence shall be made to the Commission. No leave of absence shall exceed one year, except to enable an officer or employee to accept an elective or appointive position with the City of Urbana not included in the classified service, or to enter the army, navy, coast guard, or marine service of the United State, or because of disability or injury received in the performance of duty. In all such cases where a leave of absence is sought by an employee who has had a leave of absence of 60 days or more within the preceding year, no leave of absence shall be granted unless approved by the Commission. The Appointing Authority in all cases may require the employee, as a condition of granting of a leave or extension, to waive all rights to immediate reinstatement in his position upon termination of the leave and to retain only the right to be appointed to the first vacancy in the class in which he has been employed. The privilege of reinstatement beyond the actual approved leave shall extend for no more than twelve months.

Any acts committed by the individual while on authorized leave similar in nature to the prohibitions cited in Rule XI (Discipline, Termination) may result in immediate loss of reinstatement opportunity or authorized leave status.

12.4—Medical Examinations of Employees

All employees of the City of Urbana in the classified service may be required to undergo yearly standard physical examinations. Members of the Police and Fire Departments and other members of the classified service performing physically strenuous work may be required to undergo electrocardiograms in addition to their standard physical examinations.

12.5—Performance of Employees

Performance evaluations of employees may be considered by the Commission in promotional examinations, in any proceedings for termination, and in any other respect in which they may properly be applicable.

12.6—Certain Activities Prohibited

No employees holding any position in the classified service of the City shall solicit orally or by letter, or receive, or pay, or be in any manner concerned in the soliciting of any subscription, contribution, or fund for any political purpose whatsoever. No officer or employee holding any position in the classified service of the City shall, during the hours of his employment, by the use of his office or while in the dress or uniform prescribed for such office or position, conduct personal or private business transactions for their personal gain. This Rule may, by permission of the department head, be suspended, and a written copy of permit must be filed with the Commission by the department head.

12.7—Nepotism

The Civil Service Commission will not certify the appointment of any candidate for any position where a direct supervisory relationship will be established with a near relative. "Near relative" shall mean a spouse or any person bearing the same relationship to the employee's spouse; parent, step-parent, sibling, child, stepchild, grandchild, grandparent, mother-in-law, father-in-law, daughter-in-law, son-in-law, or any person with whom he/she has a relationship in loco parentis. (*Amended 11/28/2012*).

12.8—Residency

Police Officers shall be required to live within a 15 mile radius of the city limits of the City of Urbana. Fire Fighters shall be required to live within a 35 mile radius of the city limits of the City of Urbana. Experienced Fire Fighters hired pursuant to Ordinance #9798-48 shall be required to meet this requirement at the time they change their principal residence. No residency restrictions shall apply to Civil Service employees other than Police Officers and Fire Fighters. *(Amended 11/02/2010).*

RULE XIII—LAYOFFS AND RECALLS

13.1—Layoffs and Recalls

In the event the Appointing Authority determines that a position is abolished or it becomes necessary because of lack of funds, lack of work or reorganization to reduce the number of employees in the classified service, all the following factors will be considered by the City in determining layoffs:

- A. Past performance and conduct records.
- B. Training and proven experience.
- C. Public safety and needs of the City.
- D. Seniority.

Any employee in classified service who has been laid off will be placed on a re-employment register according to the same criteria used for layoff. An employee on a re-employment register may remain there for two years, but may be subject to a re-examination to determine their continued fitness and ability relative to the minimum requirements of the available position to which they are recalled.

13.2—Re-employment

Employees may be recalled to employment provided they are able to perform the work available. Any employee on layoff who declines an appointment will be removed from the list unless a waiver for satisfactory reason is approved by the Commission.

RULE XIV—TRANSFERS

14.1—Transfers

The purpose of this section is to describe the kinds of transfers possible in the City's classified service, the circumstances under which they can occur, and the effect transfers have on employee status.

- A. Employee Request for Transfer. An employee may request transfer from one position to another if the following conditions are met.
 - 1. The transfer is approved by the Appointing Authority.
 - 2. The transfer is to the same or a lower job class and to an authorized vacant position.
 - 3. The employee has worked for a minimum of six months following completion of probation (the employee's current department head may waive this requirement).
- B. Effects of Transfers between Positions on Employee Status.
 - 1. Seniority. Employees who transfer between departments within the City will begin to acquire seniority in the new department effective the date of the transfer. The seniority within their classification will continue uninterrupted when they transfer between departments without a change in classification. Transfers within one of the departments have no effect on seniority.

2. Probation. Employees appointed through transfer, who have already successfully completed a probationary period, will be required to serve an additional three (3) month probation in the new position. During the three (3) month period, the employee or new supervisor may request a return to the previous position or job class, without loss of benefits only if such return is approved by the current and previous Appointing Authorities. A return may not be granted if the position was filled or eliminated. Employees who have not yet completed an initial probationary period will not be permitted a transfer unless it is initiated by management. In those cases, the employee will be expected to complete a full probationary period in the new position.
3. Involuntary Reassignment. When, in the judgment of the Commission, a transfer between departments is management directed, the requirement of serving a new probationary period may be waived.

RULE XV—GENERAL PROVISIONS RELATING TO THE COMMISSION

15.1—Meeting of Commission

Meetings of the Commission shall be held at the call of the Chairman or any two members and notice of the date, time and purpose of the meeting shall be given to each member by the Secretary at least two days prior to the meeting. A majority of the Commission present at any meeting for which notice has been given shall constitute a quorum for the transaction of business; provided, however, that any proposed amendment to these Rules shall be spread upon the minutes, and action thereon postponed for at least one week, and each member immediately notified in writing by the Secretary, of the substance of such proposed amendment, and the time fixed for its final consideration.

15.2—Publication and Notice of Rules

All rules shall be printed for distribution by the Commission. The Commission must publish the names of places where the rules may be obtained. Changes in the rules shall go into effect upon adoption.

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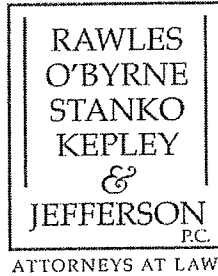
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1984-1994

Rawles, O'Byrne
Stanko & Kepley, P.C.
1994-2005

E-mail Address
gastanko@rosklaw.com

August 5, 2013

**VIA E-MAIL AND
FIRST CLASS MAIL**
(jlsimon@urbanaininois.us)

Mr. James L. Simon
City Attorney
City of Urbana
400 South Vine Street
Urbana, IL 61801

Re: Elizabeth Walden

Dear Mr. Simon:

I represent Elizabeth Walden. Your letter to Ms. Walden dated July 19, 2013, instructed that any further communication with the City regarding this matter be sent to you. Therefore, I am directing this letter to you.

Ms. Walden's employment with the City of Urbana began on May 8, 1989. She was originally hired into a position (Accounting Clerk) covered by the Urbana Civil Service System. She was subsequently promoted to Accounting Supervisor in July 1992, which was also a position within the Urbana Civil Service System. In order to attain those positions, Ms. Walden went through the required civil service examination process.

On June 12, 2009, the Mayor's Office unilaterally reclassified the Accounting Supervisor position from a civil service position to an appointed position, supposedly because it was a "Division level position." This action was made effective as of July 1, 2009, and is reflected by a file memo of the Human Resources Manager, Vacellia P. Clark, dated June 12, 2009. The Urbana Civil Service Commission did not take any action to remove the Accounting Supervisor Position from the classified civil service. In fact, there is no evidence that there was any Commission involvement in this decision.

Although Mayor Prussing initially included Ms. Walden on the FY 2013/2014 appointment list for City Council approval on June 3, no action was taken on the Finance Department positions during that meeting. Mayor Prussing ultimately excluded Ms. Walden from the Finance Department appointment list submitted to the Council in her written communication dated June 13, 2013, so Ms. Walden was not reappointed when the City Council voted on the Finance Department appointments on June 17. As a result, Ms. Walden's employment with the City ended on or about June 28, 2013, even though her immediate supervisor, William DeJarnette, originally informed her that Mayor Prussing had said that she

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would be allowed to work for a couple of months after the beginning of the fiscal year so that she would have some time to find new employment. Mayor Prussing obviously changed her mind after Ms. Walden spoke at the June 17 City Council meeting in an effort to save her job. Ms. Walden was subsequently informed by Vacellia Clark that Mayor Prussing had changed her mind and that June 28 would be her last day of work.

A statute of the State of Illinois provides for civil service systems in municipalities. (65 ILCS 5/10-1-1 *et seq.*) The City of Urbana has adopted the provisions of that statute, with certain modifications. (Urbana Municipal Code, Sec. 2-99) None of those modifications appear to be relevant to Ms. Walden's situation, except for the exemptions contained in paragraph (1) of Sec. 2-99.

In my view, Ms. Walden's discharge was unlawful for several reasons. First, she was not the head of any "division." Prior to Ms. Clark's memo of June 12, 2009, there appears to be no job description, organizational chart, budget, financial report, or other documentation showing that there were divisions within the Finance Department, or remotely suggesting that Ms. Walden was a division head. Furthermore, City records evidence that there was no change in the organizational structure relating to Ms. Walden's position or in her job description either before or after Ms. Clark's memo, other than Mayor Prussing's unilateral placement of Ms. Walden on the annual appointment list in the following years.

Second, and more importantly, even if Ms. Walden had somehow become a division head, the Mayor's Office had no power or authority to unilaterally reclassify her position and remove it from the Urbana Civil Service System. When the Accounting Supervisor position first became a classified position, it became part of the classified civil service of the City of Urbana. (65 ILCS 5/10-1-3) Only the Urbana Civil Service Commission had jurisdiction to remove the position from the classified service at some later point in time by reclassifying it. The Mayor's Office never presented the matter to the Urbana Civil Service Commission for its consideration and review. Therefore, the unilateral action taken by the Mayor's Office on June 12, 2009, was void and of no legal force or effect. Ms. Walden's position continued to be one covered by the Urbana Civil Service System. As a civil service employee, Ms. Walden could only be discharged "for cause upon written charges and after an opportunity to be heard in [her] defense." (65 ILCS 5/10-1-18). Her discharge in late June of this year was unlawful because she was denied the rights to which she was entitled as a civil service employee.

Following the action taken in June 2009 with respect to Ms. Walden's position, I note that the Mayor's Office subsequently acknowledged that only the Urbana Civil Service Commission has jurisdiction to remove a covered position from the Civil Service System by reclassifying it. In a meeting on September 24, 2010, Ms. Clark asked the Commission to change a Lieutenant position in the Police Department from a civil service position to an appointed position. A recommendation was made to "grandfather" the current Lieutenant so that he kept his civil service status. The Urbana Civil Service Commission approved the proposal. In light of the approach taken with respect to the Police Department Lieutenant position, I am confident that a court will be highly skeptical of any argument by the City that the Mayor's Office has the power and authority to remove a classified position from the protections of the Urbana Civil Service System by unilaterally reclassifying the position on its own. Civil service systems are designed to guard against the evils of employer action of that kind, which may occur due to political or personal animus.

In this case, of course, Ms. Walden's discharge took place against the backdrop of Mayor Prussing's earlier discharge of her husband, Bruce Walden, in May 2007. Mr. Walden had served as the Chief Administrative Officer for the City of Urbana for approximately 25 years at

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the time of his dismissal, which also came without cause, without a hearing, and without any explanation. Mr. and Mrs. Walden are both members of the Republican Party, while Mayor Prussing is a member of the Democratic Party. We believe that political affiliation was a significant motivating factor in Mayor Prussing's termination of both Bruce Walden and Elizabeth Walden.

A third reason why the action was unlawful is that Ms. Walden was placed on the appointment list even though there had been no prior determination by the City Council that the Accounting Supervisor position should be subject to appointment. (Urbana Municipal Code, Sec. 2-42.) Mayor Prussing just started adding the position to her annual list of appointments.

Demand is hereby made upon the City of Urbana to immediately reinstate Elizabeth Walden to her position as Accounting Supervisor, reimburse her for all pay that she has lost since her employment ended, and restore all benefits retroactive to the date of her discharge. Further, if the City of Urbana believes that it has some basis to remove Ms. Walden from her Accounting Supervisor position for cause, demand is hereby made that written charges be filed with the Urbana Civil Service Commission, that a copy of the written charges be provided to Ms. Walden, and that she be afforded an opportunity for a full hearing before the Urbana Civil Service Commission.

We will give the City of Urbana ten (10) days from the date of this letter to reinstate Ms. Walden. If it fails to do so, then Ms. Walden will deem herself free to seek whatever legal relief she deems appropriate.

Ms. Walden is willing to allow the City to credit her vacation pay against the back pay that is due and owing to her, as long as all of the vacation and comp time that she had immediately prior to her discharge is restored. In addition, upon reinstatement, she will withdraw the complaint that she recently filed with the Illinois Department of Labor regarding the City's failure to compensate her for all of her vacation time and for her accrued but unused comp time. Finally, upon reinstatement, she will withdraw the discrimination complaint that she filed under the City of Urbana Human Relations Ordinance. Incredibly, the City has declined to act on that complaint, as reflected by your July 19 letter to Ms. Walden, even though Ms. Walden was clearly an "Employee" and the City was clearly an "Employer" within the definitions set forth in Sec. 12-39 of the Human Relations Ordinance.

Demand is also hereby made that the City of Urbana preserve all notes, memoranda, records, written communications, electronic communications (including e-mail and text messages), and other documents relating in any way to (1) the June 2009 reclassification by the Mayor's Office of Ms. Walden's Accounting Supervisor position as one outside the coverage of the Urbana Civil Service System, and (2) the non-reappointment of Ms. Walden for the 2013/2014 fiscal year. Although all of the specified documents should be preserved regardless of who generated them, we will be especially interested in seeing any and all communications between Mayor Prussing and Ms. Clark regarding these subjects. We will, of course, request copies of all of the above documents at an early stage of any litigation so that they will be available for taking the discovery depositions of various City officials under oath, including those of Mayor Prussing and Ms. Clark.

Finally, thinking ahead to the possibility of a hearing before the Urbana Civil Service Commission in the event the City files written charges for discharge against Ms. Walden after her reinstatement, there appears to be a major problem with the composition of the Urbana Civil Service Commission. Under state law (which, as pointed out earlier, was adopted by the City),

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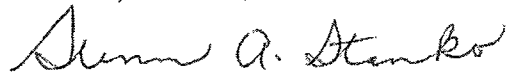
there must be three persons appointed for staggered three year terms. (65 ILCS 5/10-1-1) Not more than two members may be members of the same political party at the time of the appointment. The City of Urbana website currently lists only one person as being a member of the Urbana Civil Service Commission, although I note that Mayor Prussing has submitted Willard Broom for reappointment at tonight's meeting. I believe Mr. Broom just completed a three year term on the Urbana Civil Service Commission. However, based on the plain language of §10-1-1, a civil service commissioner may not succeed himself or herself. Someone else is to be appointed as successor when the appointed term expires.

I do not know the political affiliation of Mr. Broom or of the one current commissioner, Marion Knight, Jr., but there would be a further problem if both of them are members of the same political party, especially if a third member from the other party is not appointed so as to give the Urbana Civil Service Commission the required complement of three members.

Based on the minutes available on the City website, it looks like the Commission has had only two members for a significant number of years. The lack of a properly-constituted Civil Service Commission reflects a lack of commitment on the part of the City of Urbana to affording true civil service protection to its employees, and it raises troubling questions regarding whether the Mayor's Office views the Civil Service Commission as a mere puppet to be manipulated as it sees fit. The City of Urbana should put a full Civil Service Commission in place with members having the proper qualifications, not only for purposes of any case that may be brought against Ms. Walden, but for purposes of all matters that are considered and decided by the Urbana Civil Service Commission pertaining to any covered City employee.

Very truly yours,

RAWLES, O'BYRNE, STANKO, KEPLEY & JEFFERSON, P.C.



Glenn A. Stanko

GAS/jhm
cc: Elizabeth Walden (via e-mail)

CITY OF URBANA
PERSONNEL DIVISION



ACCOUNTING SUPERVISOR

JOB DESCRIPTION

Division: Financial Services
Department: Finance
Reports To: Comptroller
FLSA Status: Exempt

.....
JOB SUMMARY: Supervises the following account systems: collection and processing of all tax and accounts receivable, receipt and depositing of revenues, city payroll, city's purchase order system, and external and internal audits; supervises activities of one (1) full-time and one (1) Part-Time Account Clerks; designs and develops various manual and computerized accounting systems; responsible for the day-to-day administration of the City's accounting operations.
.....

ESSENTIAL JOB FUNCTIONS:

- Designs and maintains manual and computer accounting and reporting systems for the City and various other agencies.
- Supervises City biweekly payroll system as City's Payroll Clerk to include making changes in employee master records, entering payroll timesheet data, proofreading payroll trial reports, ensuring sufficient funds are available at bank, and preparing W-2's for the multiple jurisdictions and filing various reports with regulatory agencies.
- Supervises the processing, recording, and depositing of certain city revenues, such as utility tax, sales tax, property tax, federal entitlements, operating revenue, income tax, state allotments, interest income, and hotel/motel tax.
- Supervises the billing of various amounts to outside parties, designs Follow-Up collections system, and coordinates the collection Follow-Up procedures between various departments of the City.
- Supervises the City purchase payment system to include processing of purchase orders, proper account classification, and disbursement of payment.

- Supervises the reconciliation of bank statements.
- Solicits bids, recommends investment decisions, accounts for centralized interest and investment subsidiary ledger.
- Supervises the preparation of various interim financial reports, including quarterly reports to governing Board.
- Performs audit procedures of business records for testing of compliance with local taxes.
- Designs certain internal audit procedures to verify proper collection and reporting by local taxpayers.
- Supervises the Account Clerks through job assignment, delegation, monitoring progress, evaluating quality of work, initiating rewards, discipline and training.
- Coordinates resources, determines priorities and trains and develops accounting staff.
- Supervises and coordinates the collection of Recycling Tax.
- Supervises the preparation of all documents and reports for annual external audit; and works with auditors to assist in completion of annual audit in a timely and efficient manner.
- Prepares and recommends annual budget for Finance Department's accounting programs.
- Prepares and updates various city policy statements concerning accounting control and payroll procedures and policies.
- Supervises the preparation of City budget document to include analyzing information, designing document layout, assembling and proofreading.
- Assists the Comptroller in the administration of the Section 125 Plan.
- Supervises the collection of information from Urbana-Champaign Sanitary District, Northern Illinois Water Company, Champaign County for calculation of annual Sewer Benefit Tax.
- Supervises preparation of 1099's and W-2's for City and other jurisdictions.

- Supervises preparation of bid specifications and purchases for various citywide office supplies, such as stationery and computer and copier supplies.
- Prepares and authorizes non-routine adjustments to sewer benefit tax accounts.
- - Coordinates the collection of the Sewer Benefit Tax.
- Performs other related duties as assigned.

JOB SPECIFICATIONS

JOB REQUIREMENTS:

KNOWLEDGE, SKILLS AND ABILITIES:

- ✓ - Knowledge of the principles of organizational development, systems analysis and design.
- ✓ - Employee management and supervisory skills.
- ✓ - Project management skills.
- ✓ - Ability to communicate well, to make effective and clearly stated written reports, to include technical accounting information, ability to make oral presentations with clarity and logic.
- ✓ - Knowledge, skills, and abilities acquired through completion of a Bachelor's degree in Accountancy, plus 3 years work experience related to accounting, with at least one year of supervisory experience.
- ✓ - Good decision making and independent problem solving skills.
- ✓ - Knowledge of governmental accounting, bookkeeping, internal control, and budgeting procedures.
- Knowledge of office and clerical procedures suitable to computerized accounting functions.
- Ability to supervise the operation of various office machines.
- Ability to perform basic and quasi-complex computer system maintenance and design and implement computerized accounting systems.

- Ability to deal with the public in resolving routine problems related to the City's accounting and bill paying systems.

RESPONSIBILITY:

- Responsible for accuracy in cash receipts, payroll, accounting, auditing, City's daily cash management and investment system, and reporting activities.
- Responsible for the direct supervision of two (2) full-time Account Clerks.
- Responsible for maintaining accurate, up-to-date accounting systems for City and various other agencies.
- Responsible for maintenance of documentation of financial activities for internal and external audit.
- Responsible for processing of payroll and purchase order systems.

CONTACTS - INTERNAL/EXTERNAL:

- Daily contact with department heads regarding various accounting and billing matters.
- Weekly contact with various other agencies to administer their accounting systems.
- Weekly contact with representatives of the banking industry regarding the establishment and maintenance of accounts.
- Regular contact with the public, various vendors, and yard waste site users to exchange information regarding payments received, purchase orders outstanding, and collections.
- Biweekly contact with all Departmental Payroll Clerks as Supervisor of City's payroll system.

WORK ENVIRONMENT:

- Standard office setting.

SPECIAL EFFORT REQUIRED:

- Serves as treasurer for the Urbana Promotion Corporation
- Attention to detail and accuracy.
- Must be bondable.

Prepared By: Kathleen Chulista 7/18/96
Signature Date

Approved By: Ronald Eldridge
Department Head Date

Approved By: Ronald R. Hemor 7/2/96
Personnel Mgr. Date

Approved By: _____
Civil Service Commission Date

Approved By: _____
Human Relations Officer Date



CITY OF URBANA
PERSONNEL DIVISION

ACCOUNTING SUPERVISOR
Job Description

Division: Financial Services
Department: Finance
Reports To: Comptroller
FLSA Status: Exempt
Class Code: 018

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JOB SUMMARY

Supervises the following account systems: collection and processing of all tax and accounts receivable, receipt and depositing of revenues, City payroll, City's purchase order system, and external and internal audits. Supervises two (2) Account Clerks. Designs and develops various manual and computerized accounting systems, and is responsible for the day-to-day administration of the City's accounting operations.

JOB DUTIES

- Designs and maintains manual and computer accounting and reporting systems for the City and various other agencies.
- Supervises City's biweekly payroll system as the City's Payroll Clerk to include making changes in employee master records, entering payroll timesheet data, proofreading payroll trial reports, ensuring sufficient funds are available at bank, and preparing W-2 forms for the multiple jurisdictions and filing various reports with regulatory agencies.
- Supervises the processing, recording, and depositing of certain City revenues, such as utility, sales and property taxes, federal entitlements, operating revenue, income tax, state allotments, interest income, and hotel/motel tax.
- Supervises the billing of various amounts to outside parties, designs follow-up collections systems, and coordinates the collection follow-up procedures between various departments of the City.
- Supervises the City purchase payment system to include processing of purchase orders, proper account classification, and disbursement of payment.
- Supervises the reconciliation of bank statements.
- Solicits bids, recommends investment decisions, and accounts for centralized interest and investment subsidiary ledger.
- Supervises the preparation of various interim financial reports, including quarterly reports to the governing board.
- Performs audit procedures of business records for testing and compliance with local taxes.
- Designs certain internal audit procedures to verify proper collection and reporting by local taxpayers.
- Supervises the Account Clerks through job assignments, delegation, monitoring progress, evaluating quality of work, initiating rewards, discipline and training.

- Coordinates resources, determines priorities and trains and develops Accounting staff.
- Supervises and coordinates the collection of recycling taxes.
- Supervises the preparation of all documents and reports for the annual external audit and works with auditors to assist in completion of annual audit in a timely and efficient manner.
- Prepares and recommends annual budget for Finance Department's accounting programs.
- Prepares and updates various City policy statements concerning accounting control and payroll procedures and policies.
- Supervises the preparation of City budget documents to include analyzing information, designing document layout, assembling and proofreading.
- Assists the Comptroller in the administration of the Section 125 Plan.
- Supervises and coordinates the collection of information for the Urbana-Champaign Sanitary District, Illinois American Water Company, and Champaign County for calculation of the annual Sewer Benefit Tax.
- Supervises preparation of 1099 forms and W-2 forms for City and other jurisdictions.
- Supervises preparation of bid specifications and purchases for various City office supplies.
- Prepares and authorizes non-routine adjustments to Sewer Benefit Tax accounts.
- Performs other duties as assigned.

JOB SPECIFICATIONS

JOB REQUIREMENTS:

KNOWLEDGE, SKILLS AND ABILITIES

- Knowledge, skills, and abilities acquired through completion of a Bachelor's degree in Accountancy, Finance or related business management curriculum, with a minimum of 12 hours of accounting courses, plus three years' work experience related to accounting, with supervisory experience.
- Knowledge of the principles of organizational development, systems analysis and design.
- Employee management and supervisory skills.
- Project management skills.
- Ability to communicate well, both verbally and written, including the ability to make effective and clearly-stated written reports with technical accounting information and the ability to make oral presentations with clarity and logic.
- Good decision-making and independent problem-solving skills.
- Knowledge of governmental accounting, bookkeeping, internal control, and budget procedures.
- Knowledge of office and clerical procedures suitable to computerized accounting functions.
- Ability to supervise the operation of various office machines.

- Ability to perform basic and quasi-complex computer system maintenance and design and implement computerized accounting systems.
- Ability to deal with the public in resolving routine problems related to the City's accounting and bill paying systems.

RESPONSIBILITIES

- Responsible for accuracy in cash receipts, payroll, accounting and auditing, City's daily cash management and investment system, and reporting activities.
- Responsible for the direct supervision of two (2) full-time Account Clerks.
- Responsible for maintaining accurate, up-to-date accounting systems for City and various other agencies.
- Responsible for maintenance of documentation of financial activities for internal and external audits.
- Responsible for processing of payroll and purchase order systems.

CONTACTS - INTERNAL/EXTERNAL:

- Daily contact with department heads regarding various accounting and billing matters.
- Weekly contact with various other agencies to administer their accounting systems.
- Weekly contact with representatives of the banking industry regarding the establishment and maintenance of accounts.
- Regular contact with the public, various vendors, and yard waste site users to exchange information regarding payments received, purchase orders outstanding, and collections.
- Biweekly contact with all departmental payroll clerks as Supervisor of the City's payroll system.

WORK ENVIRONMENT:

- Standard office setting.

SPECIAL EFFORT REQUIRED:

- Attention to detail and accuracy.
- Must be bondable.



City of Urbana
400 South Vine Street
Urbana, IL 61801

June 12, 2009

Memo To File:

Effective July 1, 2009 the **Accounting Supervisor** position for the City of Urbana is reclassified from Civil Service to Appointed pursuant to Civil Service Rule II (2.9d). **The rule states that heads of principal Departments and Divisions of the City are not included in the classified civil service plan.** The Accounting Supervisor position is a Division level position within the City of Urbana.

Vacellia P. Clark
Human Resources Manager
City of Urbana

EXHIBIT G



incumbent is not promoted, she or he may be transferred to any open position for which she or he qualifies. If the former incumbent is not otherwise placed, the person's name shall be placed on the re-employment register for that position for which she/he is qualified.

- 2.7 Use of Official Title. When a position is allocated to a class, the class title shall become the title of the position and shall be used in all records and communications referring to that position.
- 2.8 Change of Compensation. Changing the compensation of any position in the classified service, whether by ordinance or otherwise, shall not affect the tenure of the incumbent of such office unless such a change involves a change in duties and responsibilities.
- 2.9 Exemptions from the Classified Service. The classification plan shall include all classes as approved and from time to time amended by the Civil Service Commission except those exempted by Chapter 24, Article 10, Division 1, Section 10-17 and Chapter 24, 3-7-6 of the Statutes and the Home Rule Ordinance.

Not to be included in the classified service are:

- a. Officers who are elected by the people.
- b. Officers who are elected by the City Council or whose appointment is subject to approval by the City Council.
- c. Judges and clerks of election.
- d. Heads of principal departments and Divisions of the City.
- e. Police officers above the grade of Lieutenant.
- f. Seasonal employees whose employment does not exceed 240 work days in any fiscal year.
- g. One private secretary to each of the elected City officials.
- h. Administrative assistants to the Mayor.
- i. City Engineer.
- j. Part-time employees as defined in the Ordinance.

RULE III

VETERAN'S PREFERENCE

- 3.1 Eligibility for Preference. In order for a person to receive preference in original entry examinations in the City of Urbana, an applicant must furnish proof of eligibility for preference as directed to do so by the Chief Examiner. Acceptable proof shall be an

Sec. 2-42. Appointment.

There may be appointed annually and whenever vacancies occur in such office, by the mayor with the approval of the city council, the following officers: administrative officer, budget director, city attorney, corporation counsel, chief of police, chief of the fire department, director of public works, city engineer, administrator of community development services, director of the light department and such other employees as the mayor and city council may from time to time deem necessary.

(Code 1975, § 2.7)



Office of the Mayor
Laurel Lunt Prussing

400 S. Vine Street
Urbana, IL 61801
(217) 384-2456
Fax (217) 384-2426
llprussing@urbanaininois.us

May 30, 2013

TO: Urbana City Council Members Carol Ammons, William Brown, Eric Jakobsson,
Michael Madigan, Diane Marlin, Dennis Roberts, and Charlie Smyth

FROM: Laurel Lunt Prussing

RE: Annual Staff Appointments

I am attaching my recommendations for staff appointments for the fiscal year 2013-2014 (July 1, 2013 to June 30, 2014).



APPOINTMENTS TO BE APPROVED FOR FY 2013/14

Executive Department

Michael R. Monson	Chief of Staff
Vacellia P. Clark	Human Resources Manager
Todd E. Rent	Human Relations Officer
James L. Simon	City Attorney

Community Development Services Department

Elizabeth Tyler	City Planner/Director of Community Development
Robert Myers	Planning Manager
John Schneider	Building Safety Division Manager
Kelly Mierkowski	Grants Manager
Tom Carrino	Economic Development Manager

Finance Department

William DeJarnette	Comptroller/Information Services Manager
Elizabeth Beaty	Office Supervisor
Elizabeth Walden	Accounting Supervisor

Fire Department

Vacant	Fire Chief
Russell Chism	Division Chief
Chad Hensch	Division Chief
Brian Nightlinger	Division Chief
Phillip Edwards	Fire Marshall

Police Department

Patrick Connolly	Police Chief
Sylvia Morgan	Assistant Chief of Police
Robert Fitzgerald	Police Lieutenant
Richard Surles	Police Lieutenant

Public Works

William Gray	Director of Public Works and City Engineer
Gale Jamison	Assistant City Engineer
John Collins	Operations Manager
Larry Fredrick	Fleet Manager
Mike Brunk	City Arborist
Scott Tess	Environmental Manager
Bruce Cubberley	Arbor Division Manager



Office of the Mayor
Laurel Lunt Prussing

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Urbana, IL 61801
(217) 384-2456
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llprussing@urbanaininois.us

June 13, 2013

To: Urbana City Council Members Carol Ammons, William Brown, Eric Jakobsson, Michael Madigan, Diane Marlin, Dennis Roberts, and Charlie Smyth

From: Laurel Lunt Prussing

Re: Appointments and Reappointments to Boards and Commissions

I am pleased to submit the following appointments and reappointments for your approval:

APPOINTMENTS

Staff Appointments deferred from June 3, 2013 Council Meeting – FY 2013/14

Finance Department

William DeJarnette	Comptroller
Elizabeth Beaty	Officer Supervisor
Vacant	Deputy Comptroller

Police Department

Sylvia Morgan Deputy Chief
(This is a change in title only from Assistant Chief of Police. There has been no change in Ms. Morgan's duties.)

REAPPOINTMENTS

Civilian Police Review Board – term to expire to expire June 30, 2016

Tom Costello

Community Development Commission – term to expire June 30, 2016

Chris Diana



EXHIBIT J

www.urbanaininois.us

Home of the University of Illinois

**C-U Cable and Telecommunications Commission and UPTV – term to expire
June 30, 2016**

Dale Snider

Design Review Board – term to expire June 30, 2016

Dustin Alldred

Historic Preservation Commission – term to expire June 30, 2016

Gina Pagliuso

Plan Commission – term to expire June 30, 2016

Lew Hopkins

MINUTES OF THE

September 24, 2010

URBANA CIVIL SERVICE COMMISSION MEETING

Called by the Commission

Commission members present: Willard Broom, Marion Knight

Staff Members Present: Vacellia Clark, Rhonda Collins, Liz Borman, Michelle Brooks and Pat Connolly.

The meeting was called to order by Commissioner Broom at 11:50 a.m.

Approval of Minutes of the February 17, 2009 Civil Service Meeting - The minutes were approved by the Commissioners.

Commissioner Orientation and Explanation of Rule Changes as it relates to City Code – Michelle Brooks, Assistant City Attorney discussed the Commissioner’s roles as it relates to making changes in Civil Service Rules per City Code of Ordinances Section 2-99 and State Statute.

Consider moving Police Lieutenant from Civil Service to Appointed – Vacellia Clark discussed the history of Police Lieutenant classification with Commission. Previously Lieutenants were responsible for different shifts and currently the Lieutenants are responsible for specific Divisions. Re-classifying the position gives the Police Chief more latitude and flexibility with Lieutenant promotions. The recommendation was made to “grandfather” the current Lieutenant so that he remains in Civil Service status. The commission approved the proposal.

Approval of new Police Civilian Personnel Coordinator job description - Vacellia Clark discussed the proposed duty changes including title and FLSA status change for the position of Police Civilian Personnel Coordinator. This also included the change in reporting- now reporting to the Assistant Chief of Police. The commission approved the proposed changes.

Decertification of Fire Engineer Promotion List and approval of new Fire Engineer List - Liz Borman discussed the staff request to decertify the current Fire Engineer List and approve the creation of an updated register certified through 9/1/12 per IAFF bargaining agreement. The commission approved the request.

Decertification of Parking Enforcement Officer and Parking Enforcement Supervisor registers – Liz Borman discussed the staff request to decertify the current registers for Full-Time Parking Enforcement Officer and Parking Enforcement Supervisor due to length time since originally establishing the register and lack of viable candidates remaining on these registers. The commission approved the request.

EXHIBIT K

Establishing a scheduled meeting time for Civil Service Commission - Commissioner Broom requested establishing a set meeting schedule perhaps monthly or quarterly to conduct Civil Service meetings. Staff will research available dates and contact commissioners of future meeting times. If there are not adequate agenda items, the meeting will be cancelled.

There being no further business to come before the Commission, the meeting was adjourned at 12:30 p.m.