



**PERSONNEL DIVISION**  
(217) 384-2458

**MONA L. SHANNON**  
Personnel Manager

## **Memorandum**

**DATE:** January 7, 2004  
**THRU:** Bruce Walden  
**TO:** Mayor Satterthwaite and the Urbana City Council  
**FROM:** Mona Shannon  
**RE:** Civil Service Ordinance Amendments

The attached revisions to the Civil Service Ordinance (City of Urbana Code of Ordinances, § 2-99) would change two current practices and would modify 2-99 to fit current practices; clarify potential ambiguities between statute, ordinance, rules, and position descriptions; and delete unnecessary passages. The proposed changes in current practice are part of our continuing effort to ensure that the Civil Service rules support the City's effort to improve diversity and ensure equal opportunity.

Over the last twenty-two months, we have had the opportunity to implement the new Civil Service rules and to identify two areas in which those rules could be enhanced. The proposed changes were developed in conjunction with the Civil Service Commission. A discussion of this proposal is attached.

In addition to the above, City staff has been working with the Civil Service Commission over the last year to improve the link between the civil service rules and current practice. In a series of six meetings, the Commission has made a number of changes in the Civil Service rules and has clarified the meaning of existing rules for City staff. In addition, the Commission and the staff have identified several rules that can best be clarified by an amendment in the Civil Service Ordinance. A discussion of this proposal is attached.

### **Attachments**

An Ordinance Relating to Civil Service {Original entry- certification, probation, exam age, and internal applicants; publication of rules; and purging obsolete language}

Discussion of Proposed Civil Service Amendments

This Ordinance:  
AMENDS the Code of Ordinances.

ORDINANCE NO. 2004-01-007

{An Ordinance Relating to Civil Service}

{Original entry- certification, probation, exam age, and internal applicants;  
publication of rules; and purging obsolete language.}

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 Ordinance 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 appointing authority (t~~The head of the department or office in~~  
which a civil service position ~~classified under civil service~~ is to be filled)  
shall notify the commission of that fact, and the commission shall certify to  
the appointing authority officer ~~officer~~ a pool of candidates consisting of the names  
and addresses of 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 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. 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 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.~~ 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.~~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.~~ 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.

~~2.b. The Commission shall establish an experienced firefighter eligibility register, which shall be used solely for the purpose of filling open positions created by the Intergovernmental Agreement referred to in the preamble of this Ordinance, in the event the parties enter into that agreement. This eligibility register shall be valid until twelve months after the date of the signing of the Intergovernmental Agreement. Firefighters employed by the University of Illinois Fire Department as of the date on which the Intergovernmental Agreement is signed shall qualify to apply for placement on~~

~~the experienced firefighter eligibility register if they are at least twenty-one years of age; have received a high school diploma or its equivalent; and have attained the certification of Fire Fighter II by the State of Illinois. Those applicants who receive a passing score on both the Urbana Civil Service panel interview and the staff interview will be placed on the eligibility register. Conditional offers of employment will then be made, contingent upon successful completion of the background check, psychological profile and medical examination. The appointing authority may select any individual from the eligibility register, irrespective of the number of times any candidate on that register was considered. All open positions created by the Intergovernmental Agreement shall be filled by the selection of individuals from the experienced firefighter eligibility register. Any positions not filled from this register due to a lack of qualified candidates shall be filled as otherwise provided by the Civil Service Ordinance and Rules.~~

~~After the expiration of twelve months from the date of the signing of the Intergovernmental Agreement, the register established by this Ordinance shall become void and shall have no further effect.~~

~~All appointments made pursuant to this Ordinance shall be subject to all Civil Service Ordinance provisions and Rules regarding probationary periods, however, the probationary period for candidates hired under this program shall only be six (6) months.~~

(2)b. All appointments of experienced firefighters made pursuant to ~~this~~ Ordinance #9798-48 shall be allowed to retain their ~~present~~ 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 ~~their current~~such residence.

~~All appointments made pursuant to this Ordinance shall be subject to all other Civil Service Ordinance provisions that do not conflict with the express provisions of this Ordinance.~~

4.a. Original appointment shall be on probation for a period not to exceed six (6) months to be fixed by the civil service rules ~~provided except~~ that original appointment of all classified personnel to the police department or fire department shall be on probation for a period ~~not to exceed twelve (12) months~~ to be fixed by the rules of the department. Firefighters shall be on probation for a period not to exceed twelve (12) months.

4.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.

8. ~~No person over the age of twenty-one (21) shall be disqualified because of age from taking an examination for a position of Fire Fighter or Police Officer in classified service.~~

13. Internal Applicants for Original Entry Job bidding.  
~~The appointing authority 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 application job bidding process by which Part-Time and/or temporary and/or Seasonal internal employees in the Public Works Department shall may bid apply for and be considered for hire into those certain Public Works civil service positions as an alternative or in addition 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-~~ 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.

14. 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.

~~All nonprobationary incumbents employed in job classifications incorporated into civil service as a result of this section are hereby enrolled and will immediately receive civil service status.~~

**Section 3.** This ordinance shall become effective immediately upon its passage and approval.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_.

AYES:

NAYS:

ABSTAINS:

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Tod Satterthwaite, Mayor

## Discussion of Proposed Civil Service Amendments

The numbers listed below refer to the numbered sections within the City of Urbana Code of Ordinances, § 2-99

### **Proposed Changes in Practice**

**(2) a This change would permit the Commission to certify more than 30 candidates to a Department Head when requested.**

Currently, a list of not more than 30 candidates is referred to the department head. In most cases, there are fewer than 30 candidates on a register and all candidates are referred. The ordinance restricts the list to 30 candidates to improve management of large registers. This revision retains this option while **permitting** department heads to **request** a larger pool if a larger pool would provide a more diverse candidate pool, better serve the needs of the department or office, and/or improve equity. This revision also increases flexibility in the issuance of a subsequent certification list (if any); clarifies the definition of “appointing authority” (a term used throughout 2-99); deletes the sentence, “In making such certification, sex shall be disregarded”; and overrides the statute’s (IL ST Ch. 65, ACT 5, Art. 10, D. 1) requirement to post the candidate’s final grades.

**13: This revision would allow department heads and the Library Director the same authority as the Director of Public Works to establish and administer an internal job-application process by which Part-Time, Temporary, and/or Seasonal employees can be appointed to civil service positions.**

Currently, Public Works is the only department that can use an internal application process to appoint a non-civil service City employee to a civil service position. In conjunction with the expansion of Section 13, the authority to approve the positions to which this section applies will move from the Director of Public Works and the Personnel Manager to the Civil Service Commission. The Commission already has the authority to determine the evaluation procedures. Section 13 has allowed Public Works to appoint qualified City employees to civil service positions and increase the diversity of their workforce. Expansion of this provision provides needed flexibility to other departments and the Library. The Personnel Manager and the Civil Service Commission will assist the Directors to ensure proper administration of this provision.

### **Clarification of Rules (No change in current practice)**

(2) b. This revision would delete the description of the obsolete Intergovernmental experienced firefighter register while retaining the special residency provision.

(4) a. This revision removes the 12-month limit on police officer probation. Under the new FOP contract, police officer probation may exceed 12 months in some cases.

(4) b.3. This revision reminds the reader that the cumulative length of probation for a firefighter cannot exceed 12 months. Pursuant to 65 ILCS 5/10-1-7(l) the cumulative length of probation of any firefighter appointed to the lowest rank shall not exceed one year unless the position includes paramedic responsibilities. This provision of the statute is a rare limitation of home rule powers.

8. This revision is intended to clarify Urbana’s age limit for original entry firefighters and police officers and continue the City’s current practice.

The civil service statute, 65 ILCS 5/10-1-7 states, “no person who has attained his or her 35th birthday shall be eligible to take an examination for a position as a fireman or a policeman”.



65 ILCS 5/10-1-12 states, "If a person is placed on an eligibility list and becomes over age before he or she is appointed to a police or fire department, the person remains eligible for appointment until the list is abolished pursuant to authorized procedures. Otherwise no person who has attained the age of 36 years shall be inducted as a member of a police department and no person who has attained the age of 35 years shall be inducted as a member of a fire department, except as otherwise provided in this division." During the last seven years, the City of Urbana has consistently applied this age limit. The Civil Service Commission, the Chief of the Fire Department and the Chief of the Police Department recommend retention of this age limit.

Although Federal and State law permits this age limit, language contained in Urbana's Civil Service Ordinance creates ambiguity as to whether the age 35-cut-off is enforceable. For 22 years, from 1974 through 1996, the state of the law fluctuated while Congress and the courts addressed the legality of these age limits under the Federal Age Discrimination and Employment Act (ADEA). These age limits are intended to improve the safety of the public and employees. Fire and Police pension systems typically offer generous benefits to relatively young employees to address these same concerns. For instance, our fire and police pension systems permit employees to retire at age 50 with 20 years of service. Employees with less than 20 years of service are not eligible for retirement until age 60 unless they become disabled. Although employers may address safety concerns by requiring stringent physicals of existing employees, most cities are reluctant to fire dedicated civil servants short of full retirement eligibility.

In July of 1986, during a period in which the above age limits were prohibited by federal law, the Urbana Civil Service Ordinance was revised to allow applicants over 35 to test. However, the Civil Service statute's prohibition of appointing such candidates was not clearly overridden. As a result of a congressional exemption, these age limits were permissible again from October 31, 1986 through December 31, 1993. From January 1, 1994 to December 31, 1996 the age limits became illegal again and Urbana did not use them during this period. On September 30, 1996, Congress re-enacted the firefighter and police officer age exemption and made the exemption permanent and retroactive to 1993. Apparently, shortly after the 1996 amendment, the Personnel Division re-implemented the Civil Service statute's age 35 cut-off. Unfortunately, section 8 of the City of Urbana Civil Service Code was not revised at that time. This section states, "No person over the age of twenty-one (21) shall be disqualified because of age from taking an examination for a position of fire fighter or police officer in classified service." However, the statute's age limits have been consistently advertised and applied since the 1996 amendment. City staff and the Civil Service Commission recommend deletion of this passage and continuation of the current practice of following the statute. **If the City Council elects to retain this passage, the Personnel Manager and City Attorney believe that no applicant over the age of 21 can be legally disqualified because of age from testing for firefighter and/or police officer, with the result that all applicants of any age over 34 will be allowed to test.**

14. This revision would continue to allow changes in Civil Service rules to become immediately effective upon passage. Currently, the Commission proposes rule changes in an open meeting, records the proposed changes in the minutes, and adopts those changes in a subsequent open meeting. The statute (65 ILCS 5/10-1-6) does not require this process, but it does require that the location of rule changes be printed in a newspaper a minimum of 10 days prior to the effective date of the rule change. This revision would override the statute in support of Civil Service Rule 1.3 b that allows new rules to become effective upon passage. It would also clarify that the City may publish the location of the rules on the City's web site in lieu of publication of the location of the rules in the newspaper. Current civil service rules and practice do not conform to the statute.

Unnumbered section-transfer of incumbents into civil service- The staff recommends deletion of this obsolete language. It appears that the section referred to in this passage was deleted or amended and that this portion of that section was inadvertently retained.