CHAPTER 11

REDUCTIONS IN FORCE, DEMOTIONS, ADMINISTRATIVE EVALUATION AND DISCIPLINARY PROCEDURES

11.1 Reductions in Force

11.1.1 A Department Head with the approval of the Village Administrator may lay off an employee when he/she deems it necessary by reason of shortage of work or funds, the abolition of the position, material change in the duties or organization, or for other related reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee.

11.1.2 Every effort shall be made to transfer employees to another department rather than lay them off; and the duties performed by an employee laid off may be reassigned to other employees.

11.1.3 When it is impossible to transfer employees to another department, the Department Head shall use the following criteria, in order, when making their recommendations:

(a) seniority will be based on an employee's length of uninterrupted service within the position occupied.

(b) an employee's length of service with the Village from the date of original full-time employment.

(c) where two or more employees have the same length of service in the same position, the employee with greater Village service will be senior.

(d) where two or more employees have the same length of service a determination will be made in favor of that employee having the better performance record and attendance record.

11.1.4 Seniority is controlling where performance factors are substantially the same.

11.1.5 No temporary or permanent separation of an employee from Village employment as a penalty in disciplinary action shall be considered as a layoff.

11.1.6 Employees laid off due to a reduction in force shall be given preference in filling positions which subsequently open and for which the employee is qualified.

11.1.7 In order to allow for an orderly and easy transition into other employment, affected employees shall be, when practical, given at least 30 days notice of an impending reduction in force.
11.2  Demotions

11.2.1  The Department Head may, with the approval of the Village Administrator, demote an employee to a lower step and/or to a lower related classification for reason of the employee's failure to meet the requirements of the position or at the request of the employee.

An employee who is serving a probationary period as a result of a promotion to a higher classification, and whose services are found to be unsatisfactory at any time during the probationary period, shall if possible be returned to the classification and pay step from which the promotion was made.

11.2.2  In cases of demotion, salary adjustments shall be made in accordance with salary levels then in effect for the position the employee assumes upon demotion.

11.2.3  Employees who have satisfactorily passed their probationary period in the position from which they are demoted may appeal the action in accordance with the procedure set forth in this chapter.

11.3  Disciplinary Procedures

11.3.1  The Village of Glendale Heights has certain specific work standards and regulations that are outlined in the Personnel Manual and in various Job Descriptions.

In the event of misconduct or unsatisfactory job performance after the probationary period, the Village has in force a three-stage counseling process. The Village will endeavor to use the counseling system described below to provide both the employee and the Village with a vehicle for addressing and resolving these problems.

The stage at which the counseling procedures will be initiated will depend upon the nature and severity of the problem and the employee's past performance. In cases of severe misconduct or deterioration of performance following any stage of counseling, immediate dismissal may result.

(a)  Oral Reminder

This consists of an informal discussion between the employee and his or her supervisor. It is an opportunity for mutual communication. The reminder will be documented and the original placed in the official personnel file for a period of one year. If no repeat infraction, the document will be removed.

(b)  Written Reminder

This is a more formal discussion during which the employee and his or her supervisor will discuss written comments prepared by the employee's supervisor. At the end of the discussion, both parties will sign the document. Both will keep a copy of the document, and the original will be placed in the employee's official file.
11.3.2 Some examples that normally will lead to a reminder and the corresponding stage at which the counseling procedure will be initiated, follow:

(a) Action normally leading to an oral reminder

1. Failure to meet Village standards on general appearance, wearing required uniforms or safety equipment.

2. Late arrival to work.

3. Discourtesy or rudeness to customers, staff, officials or other people involved with the village.


5. Not informing supervisor of absence from work at least 30 minutes prior to start time.

6. Failure to maintain Village equipment and property in a satisfactory and safe manner.

7. Excessive Absenteeism or irregular attendance as described in Section 8.3.5A of this Policy. (ORD 2000-69) (ORD 2002-68)

(b) Actions Normally Leading to a Written Reminder

1. Continuation of behavior that has already resulted in an oral reminder within the preceding twelve (12) months. (ORD 2000-69)

2. Failure to notify supervisor by end of second day of absence.

3. Refusal to perform work in accordance with reasonable Management request or direction.

4. Not following established Village wide or departmental safety procedures.

5. Verbal abuse, offensive conduct or language of customers, staff, officials or any other person involved with the Village's business.

6. Wasting time during working hours or leaving work during working hours without permission.

7. Unauthorized operation of tools, machinery or equipment.

8. Gambling on Village property.

9. Threatening, intimidating or attempting to provoke a fight.
10. Failure to observe traffic & parking rules on Village property.

11. Inability or unwillingness to work harmoniously with other employees.

(c) Actions Normally Leading to a Decision Making Leave (Suspension)

1. Continuation of conduct that has already resulted in a written reminder within the preceding twelve (12) months. (ORD 2000-69)

2. First offense of suspension of driver’s license or CDL (See Administrative Policy for Motor Vehicle Records (MVR) Program in appendix. (ORD 2002-68)

(d) Actions Normally Leading to Dismissal

1. Continuation of conduct that has already resulted in a decision making leave within the preceding twelve (12) months. (ORD 2000-69)

2. Gross misconduct or negligence in course of, or outside of, an employee's performance of his or her duties.

3. Reporting to work or being at work while under the influence of alcohol or narcotics or a controlled substance not prescribed by a doctor, or having in possession on Village premises any alcoholic beverage, drug or controlled substance not prescribed by a doctor.

4. Attempting to sell or distribute narcotics while on Village premises.

5. Falsification of medical certificates, attendance reports or other personnel records.


7. Punching the time clocks for another employee or falsifying information on a time card.

8. Failure to notify supervisor or other responsible party at place of work of absence within three work days.

9. Physical assault or conduct that may result in physical injury to a fellow employee or the public while on Village premises or while on Village business.


11. Intentional damage of Village property.

12. Lying or falsifying statements given to staff or Village officials, or falsifying Village records.
13. Theft of property from the Village or other employees.
14. Unauthorized possession of weapons or firearms on Village premises.
15. Misrepresentation or falsification of employment application.
16. Taking any fee, reward, gift, tip, or other form of remuneration in addition to regular compensation from any source for the performance of their duties.
17. Falsely claiming sick leave. (ORD 2000-69)
18. Second offense of suspension of driver’s license or CDL. (See Administrative Policy for Motor Vehicle Records (MVR) Program in appendix. (ORD 2002-68)

11.4 Decision Making Leave

11.4.1 Any action on the part of an employee which is in violation of the orders of the employee's supervisor, or contrary to the policies or rules of the department of the Village, but not serious enough to warrant dismissal, may be disciplined by a decision making leave. The authority to suspend without pay is to be exercised by the Department Head but shall not exceed 3 consecutive days at any time. The authority to suspend without pay for more than 3 consecutive days shall require the approval of the Village Administrator. (ORD 2000-69)

11.4.2 The Department Head must, within 24 hours, simultaneously notify the Human Resources Director and the Village Administrator, in writing, of all such action, outlining the reason for, and the extent of, the leave. A copy of such statement shall be signed and furnished to the affected employee.

11.4.3 Department Heads are authorized to take such other lesser forms of disciplinary action (such as inserting a written account of less serious transgressions in the employee's personnel file) as may be required; provided, upon request, a copy of such disciplinary action shall be furnished to the affected employee.

11.5 Appeal of Disciplinary Action

11.5.1 Full-time and part-time, non-probationary employees may appeal any disciplinary action taken by a supervisor in the following manner:

(a) Within three (3) working days after being notified of the disciplinary action, the employee must submit, to the Department Head, in writing, the reasons for appealing the action.

(b) Within five (5) working days of receipt of an employee's written appeal request, the Department Head shall forward it, with appropriate comments to the Human Resources Director and the Village Administrator.
Within five (5) working days of receipt of an employee's written appeal request, the Human Resources Director and Village Administrator shall conduct a hearing.

The Village Administrator's decision in the matter is final, and the employee will be so notified in writing. Village employees have the right to appear before the Village Board as residents of the Village but not as employees of the Village. This appeal shall be the exclusive method of review of disciplinary action, and the review procedure shall not be available to determine disputes involving disciplinary actions.

11.6 Administrative Appeal

11.6.1 It is the policy of the Village of Glendale Heights:

(a) To ensure that employees receive fair and equitable treatment;

(b) To provide employees with an easily accessible procedure for expressing dissatisfaction; and,

(c) To foster sound employee-supervisor relations through communication and ultimate reconciliation of work-related problems.

The employee Administrative Appeal procedure described herein has been established as a primary means of meeting these policy objectives.

Department Heads and supervisors are responsible for making certain that employees under their jurisdictions have knowledge of and understand the purpose of the Administrative Appeal, and that employees feel free to use the procedure without fear of criticism or action being taken against them affecting their job security, wage progression opportunity, or chance for job advancement.

11.6.2 Application of Administrative Appeal

This policy has application to all part-time and full-time non-probationary employees. The Administrative Appeal procedure shall not be utilized to review any disciplinary action; rather, the provisions of Section 11.5 shall apply in those instances.

11.6.3 Administrative Appeal Guidelines

(a) All time limits specified herein are calendar days. In the interest of the prompt resolution of employee complaints, the action at each step of the Appeal procedure should be taken as rapidly as possible, but not later than the prescribed time limit. In the event of extenuating circumstances, a time limit may be extended by mutual agreement of the parties at that step.

(b) Administrative Appeal hearings will be scheduled at mutually satisfactory times. Administrative Appeal hearings are considered compensable hours worked, except in cases where the employee has been placed on suspension or terminated. When heard at times
outside of the employee's scheduled working hours, appeal hearings are exempt from the minimum call-in pay rules.

(c) An employee may have the assistance of the Human Resources Director in preparing and processing an Administrative Appeal at any step.

(d) New issues that were not raised at Step 1 may not be raised by either party at Steps 2 and 3.

(e) A written summary of the complaint and facts and information accumulated should be made by the representative at each step and forwarded to the Human Resources Director and to the next higher level in the Administrative Appeal procedure, together with copies of relative appeals and responses.

(f) Administrative Appeal information or testimony must be treated in a most discreet and confidential manner by all persons involved.

11.6.4 Administrative Appeal Procedure

(a) Every reasonable effort should be made by supervisors and employees to resolve any questions, problems and misunderstandings that have arisen. Accordingly, employees should first discuss any complaints or questions they may have with their immediate supervisors, and are urged to initiate such discussions at the time the dissatisfaction or question arises. Supervisors, in turn, should take positive and prompt action to answer employees' questions and resolve complaints presented to them. Employees may also meet with the Human Resource Director prior to initiating an administrative appeal to receive guidance and assistance.

(b) Step 1 - Department Head

If an employee's problem has not been resolved after presenting it to his/her supervisor, an appeal may be initiated with the Department Head at Step 1. To be accepted for consideration, an appeal must be initiated within ten days following the date when the employee first had knowledge of the incident that gave rise to the appeal. The Department Head arranges a meeting with the employee to discuss the complaints, develops all the available facts and information relative to the appeal, and issues a decision within ten days after receiving the appeal. (In cases where an oral response has been given the employee, a memorandum summarizing the response shall be prepared and forwarded to the Human Resources Director).

(c) Step 2 - Three Member Panel

If a satisfactory resolution of the administrative appeal is not reached at Step 1, the employee may request that the appeal be processed for review at Step 2. The appeal must be submitted to the Human Resources Director in writing within seven (7) days after receiving the Step 1 decision. The Human Resources Director shall assist in forming the three (3) member panel as follows:
1. The employee selects one panel member;
2. The Department Head involved appoints one panel member; and,
3. The Human Resource Director appoints the third panel member, who also serves as Chairperson.

Panel members shall have had no prior involvement in the administrative appeal and may not be from the same department as the employee requesting the appeal.

The panel meets with the employee, conducts a thorough and objective analysis of the appeal, and develop a proposed decision. The panels written decision is presented to the employee within seven days following the meeting with copies to the Human Resources Director.

(d) Step 3 - Village Administrator

If a satisfactory resolution of the administrative appeal is not reached at Step 2, the employee may request that the appeal be processed for review at Step 3. The administrative appeal request must be in writing and presented to the Human Resources Director within seven (7) days after receiving the Step 2 decision.

The Human Resources Director will arrange to have a hearing conducted by the Village Administrator within fourteen (14) days. The Village Administrator will review all the available facts and information and issue a written decision within seven (7) days following the hearing.

A decision issued by the Village Administrator is final and binding on all concerned. A decision reached at any step must be reviewed by the Human Resources Director to ensure that the decision is compatible with established personnel policies.