

TO: Mayor Laurel L. Prussing and Urbana City Council

FROM: Vacellia P. Clark, Human Resources Manager

DATE: October 10, 2013

SUBJECT: **AN ORDINANCE AMENDING CHAPTER TWO, SECTION 2-99(8) OF THE URBANA Code OF ORDINANCES RELATING TO CIVIL SERVICE (Veteran's Preference)**

This memorandum serves as a request to amend the language in sub-section 8 of Chapter 2, Article 5, Section 2-99 of the Urbana City Code regarding veteran preference.

Background

On August 4, 2011, Illinois Governor Patrick Quinn approved Public Act 97-0251, "**Exam of Firefighter Applicants**", which amended the Illinois Municipal Code and the Fire Protection District Act (65 ILCS 5/10-1-7.1). This was subsequently amended by P.A. 97-898 which went into effect on August 6, 2012 and P.A. 97-1150, became effective on January 25, 2013. The legislation set forth uniform procedures for full-time entry level appointments to fire departments throughout the State of Illinois. Provisions in the statute include minimum requirements for applicants, procedures and requirements for awarding preference points. The statute does not allow for municipalities to exercise home rule authority as it relates to the implementation of this Act.

Section (h) of the Act allows local Civil Service Commissions to establish categorical preference points as part of the examination process. A Commission may establish preferences in up to seven (7) categories and preference points for each category may range from 0 to 5. The minimum amount of points available must total no fewer than ten (10) and no more than thirty (30). **However, the Act requires that a minimum of five (5) points be assessed for Veteran preference.**

The current language regarding veteran preference points in the Urbana City Code is outdated. The current Urbana Code limits Veteran preference to persons engaged in military service for specified periods and ends on December 31, 1976. As such staff is requesting to strike/amend the following language in sub-section (8) of the City Code:

(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 eligible 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.*

Staff Recommendations:

Staff is recommending that the current language in sub-section (8) be replaced with the language below which defines “Veteran” and corresponding preference points. With a few exceptions the recommended language below mirrors the Illinois Compiled Statute (65 ILCS 5/10-2.1-6.3 (h)1 & 8).

Veteran preference – Veteran preference is only applicable upon original entry. Persons who were engaged in the military service of the United States for a period of at least one year of active duty and who were honorably discharged therefrom, or who are now or have been members on inactive or reserve duty in such military or naval service, shall be preferred for appointment to and employment with the fire department and all other departments within the municipality.

Scoring of Preferences - The commission shall give preference for original appointments to persons meeting the eligibility for veteran preference points by adding 5 points to the final grade for the recognized preference achieved. The commission shall determine the number of preference points for all categories except veteran preference.

Finally amending this section of the Urbana City Code not only allows staff the ability to assign veterans preference points to entry level firefighter candidates but it will also allow us to assign veteran preference points to any candidate testing with the City who meets the veteran preference criterion and who is otherwise qualified for the entry level position in which he/she is testing.

Thank you for your consideration in this matter. Please feel free to contact me if you have any questions.

vpc

ORDINANCE NO. 2013-10-098

**AN ORDINANCE AMENDING CHAPTER TWO, SECTION 2-99(8)
OF THE URBANA CODE OF ORDINANCES RELATING TO CIVIL SERVICE**

(Veteran's Preference)

WHEREAS, the City of Urbana has a population of more than 25,000 and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970 and 65 ILCS 5/1-1-10; and

WHEREAS, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public safety and welfare; and

WHEREAS, the Mayor and City Council heretofore have adopted Section 2-99 of the Urbana City Code, authorizing a Civil Service System; and

WHEREAS, the Mayor and City Council find that the best interests of the City are served by amending said section.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Champaign County, Illinois, as follows:

Section 1. Urbana City Code, Chapter 2, "Administration," Section 2-99, "Civil Service System", is hereby amended with the underlined text indicating new language and the strikethrough text indicating deletions as follows:

~~(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.~~

- (8) a. Veteran preference - Veterans preference is only applicable upon original entry. Persons who were engaged in the military service of the United States for a period of at least one year of active duty and who were honorably discharged therefrom, or who are now or have been members on inactive or reserve duty in such military or naval service, shall be preferred for appointment to and employment with the fire department and all other departments within the municipality.

b. Scoring of Preferences - The commission shall give preference for original appointments to persons meeting the eligibility for veteran preference points by adding 5 points to the final grade for the recognized preference achieved. The commission shall determine the number of preference points for all categories except veteran preference.

Section 2. Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

Section 3. This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 4. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

PASSED by the City Council this _____ day of _____,
_____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____,
_____.

Laurel Lunt Prussing, Mayor