

## CHAPTER 33: ADMINISTRATIVE DEPARTMENTS AND BOARDS

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### GENERAL PROVISIONS

#### § 33.01 ESTABLISHMENT OF DEPARTMENTS.

All city departments now in existence, inclusive of but not by way of limitation the department of law, department of sanitation, street department, department of public works and safety (board of public works and safety), and the department of building code compliance (office of building inspector), are hereby re-established and re-created in the nature and form as they exist at the time of the passage of this section, and such departments shall have the same powers and duties and be subject to the same authority, restrictions, and limitations as such departments are subject to at the time immediately preceding the passage and adoption of this section, and any and all sections of the Decatur Code of 1978 are hereby amended in conformity herewith. (Ord. 1982-9, passed 8-17-82)

### POLICE AND FIRE DEPARTMENTS

#### § 33.10 AUXILIARY POLICE.

(A) The board of public works and safety of the city is authorized to appoint special policemen to act as an auxiliary police force. The members of the auxiliary police force shall be

subject to the supervision and direction of the chief of police of the city, and they shall be subject to removal or discharge at any time by the board of public works and safety upon the recommendation of the chief of police.

(B) The chief of police of the city is made immediate commanding officer of the auxiliary police force, with power to appoint such subordinate officers as he deems suitable and necessary. The board of public works and safety is further directed to require each member before admission to the auxiliary police force to sign and swear to an application setting forth his age, description, residence, occupation, and a release by which the applicant releases the city from all right of action for damages from personal injury and from all loss, costs, expense, and liability, incurred either directly or indirectly through his work as a member of the auxiliary police force, and such other information as the board shall deem desirable. Each member of the auxiliary police force shall serve under the direction of the chief of police and his subordinate officers and is required to obey his directions.

(C) The chief of police is hereby authorized to furnish each member of the auxiliary police force with a membership card, but no member of the auxiliary police force shall be construed to be an employee of the city. Members of the auxiliary police force shall act without compensation; provided, that the board of public works and safety may, in its discretion, pay compensation to any member or members of such auxiliary police force as the board may deem advisable.

(D) Each member of the auxiliary police force, before admission, shall take and subscribe to the same oath administered to regular policemen. ('67 Code, § 23.01)

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Cross-reference:

Benefits and regulations for Police and Fire Department employees, see Ch. 35  
Police Equipment and Training Fund, see Sections 34.30 through 34.33

Statutory reference:

Special fire and police officers, IC 36-8-3-7

### § 33.11 USE OF FIRE TRUCKS OUTSIDE CITY.

(A) The charges hereinafter set forth shall be made for a run of fire trucks, out of the city limits and a charge hereinafter set forth will be made for 4 volunteer firemen who will accompany the fire trucks to fires. The party calling will be held responsible for the charges for the rural runs.

(B) The following charges will be made for a fire truck on rural fires: charges for the first hour, within one mile, \$15; over one mile and less than 5 miles, \$20; over 5 miles and less than 10 miles, \$25; \$5 extra for each additional hour.

(C) Four volunteer firemen will accompany the fire truck and they will receive \$1.50 each for the first hour and \$1 each for each and every additional hour. ('67 Code, § 23.02)

## CITY PLAN COMMISSION

### § 33.20 CITY PLAN COMMISSION ESTABLISHED.

(A) In order to improve the present health, safety, convenience, and welfare of our citizens and to better plan for the future development of our community to the end that the street and highway systems may be carefully planned, that our community centers shall grow with adequate highway, street, utility, health, educational, religious, and recreational facilities and environments, that the needs of agriculture, industry, and business may be recognized along with the future growth of our city, that residential areas may provide healthy and pleasant surroundings for the family life, and that the growth of our city may be commensurate with and promotive of more efficient and economical use of public funds, there shall be and there is created a planning commission for the city, all as provided for by IC 36-7-4-200 et seq.

(B) The planning commission shall serve in an advisory capacity to the present established boards and officials.

(C) The planning commission shall be composed of 7 members to be elected and appointed as follows: The common council shall appoint 3 persons, who must be elected or appointed municipal officials or employees in the municipal government, as members; and the Mayor shall appoint 4 citizens as members, not more than 2 of whom shall be members of the same political party. (IC 36-7-4-207(b))

(D) The planning commission shall have such powers, and do and perform such duties as are conferred upon planning commissions. ('67 Code, § 23.20)

## DEPARTMENT OF PARKS AND RECREATION

### § 33.25 DEPARTMENT OF PARKS AND RECREATION.

(A) Creation of department. There is created and established for the city a department of parks and recreation, consisting of a park and recreation board, a superintendent, and such other personnel that the board determines, established pursuant to IC 36-10-3-3.

(B) Adoption of enabling legislation. IC 36-10-3-1 through 36-10-3-39, as such pertains to third-class cities, is hereby adopted by reference the same as if set out verbatim herein.

(C) Board membership. The park and recreation board shall be known as the Decatur Park and Recreation Board and shall consist of 4 members to be appointed by the Mayor of the city and 2 ex officio members, those being:

(1) A member of the North Adams Community Schools board of school trustees, selected by such body, and

(2) A member of the library board of the Decatur Public Library, selected by such body.

(D) Initial terms. The terms of the initial appointments to the park and recreation board

shall be as follows:

- (1) One member appointed by the Mayor shall be for a term of 1 year.
- (2) One member appointed by the Mayor shall be for a term of 2 years.
- (3) One member appointed by the Mayor shall be for a term of 3 years.
- (4) One member appointed by the Mayor shall be for a term of 4 years.
- (5) Terms of ex officio members shall be for a term of 4 years.

(E) Term expirations and filling vacancies. As a term expires, each new appointment will be for a 4-year term. All terms will expire on the first Monday in January, but a member continues in office until his successor is appointed. In making initial appointments, the appointing authority, in order to provide for continuity of experience shall give special consideration to the appointment of members from previous park or recreation boards. If a vacancy occurs, the appointing authority shall appoint a person to serve for the remainder of the unexpired term.

(F) Salary. The common council shall fix the salary of members of the park and recreation board, not to exceed \$300 per year.

(G) Powers and duties. The park and recreation board shall have such powers and duties as are set out in the statute to which reference was heretofore made and which has been incorporated by reference herein.

(H) Meetings and offices. At its first regular meeting in each year, the board shall elect a president and a vice-president. The vice president shall have authority as the president during the absence or disability of the president.

(I) Non-reverting fund. There is created a non-reverting fund into which moneys from fees charged for particular activities of the department shall be deposited and thereafter used, paid-out, and expended as provided by law, and the balance of the non-reverting fund in existence at the time of the passage of this section shall be transferred into such fund hereby created.

(J) Effective date. This section shall be in full force and effect on January 3, 1983, and until such time the existing department of parks and recreation is hereby re-created in its form at the time of the passage of this section and such department shall have the same powers and duties as such existing board has at the time of the passage of this section.

(K) Repeal. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

(L) Severability. Should any section, paragraph, sentence, clause, or phrase of this section be declared unconstitutional or invalid for any reason, the remainder of the section shall not be affected thereby but shall remain in full force and effect.

(M) Affect on prior contracts and actions. This section shall not affect in any manner or means any rights, privileges, duties, or responsibilities created by the board of parks and recreation

in existence at the time of the passage of this section, whether created by contract or otherwise, and all such existing rights, privileges, duties, and responsibilities created by such prior board shall inure to the benefit or obligation of the department hereby created. (Ord. 1982-9, passed 8-17-82)

## JOINT DEPARTMENT OF AVIATION

### § 33.35 CREATION OF AVIATION DEPARTMENT.

There shall be a Joint Department of Aviation for the necessity of acquiring and operating an airport in the county. (Ord. 1987-4, passed 4-21-87)

### § 33.36 AVIATION BOARD OF COMMISSIONERS.

There shall be established a Joint Aviation Board of Commissioners, hereafter referred to as the Board, which shall consist of six members to be appointed by the Mayor and the County Board of Commissioners, as follows:

(A) The Mayor shall have the right to appoint three members to the Board, provided that no more than two members shall be of the same political party; and further, that the County Board of Commissioners shall have the right to appoint three members to the Board provided that such persons shall be of a political party to the end that no more than three of the total six members shall be of the same political party;

(B) The first members of the Board shall hold office as follows: two for the term of four years, which those members shall be appointed by the Mayor; two for a term of three years, which those members shall be appointed by the County Board of Commissioners; one for the term of two years, which that member shall be appointed by the Board of Commissioners; and, one for the term of one year, which that member shall be appointed by the Mayor.

(C) The first members so appointed shall hold office from 12:00 noon on the first Monday in January of the year of their appointment, which shall be January 5, 1987. On the expiration of their respective terms, the executive of the respective entity shall appoint a Commissioner to fill the vacancy caused by the expiration, and the Commissioner so appointed shall hold office for a term of four years, and until his successor is appointed and qualified. If a vacancy occurs in the Board by resignation or otherwise, the executive who made the appointment shall appoint a Commissioner for the remainder of the term of that Commissioner vacating his appointment.

(D) The Board shall elect a President, Vice President, and Secretary from its membership, each of whom shall serve in such offices for a term of one year. Such officers shall be elected annually at the Board's annual meeting to be held in December of each year and such officers shall take office on the first Monday of the following year. On alternate years, the office of President shall rotate between an appointee of the city and an appointee of the county.

(E) Any executive having appointment powers may, at any time, remove a Commissioner from office, who that executive has appointed, but only upon filing in writing with the Clerk of the fiscal body the reason for the removal.

(F) The Board shall have all powers and duties permitted by the laws of the state

pursuant to IC 8-22-2-5, and by rules and regulations it may create with are consistent with the laws of the state.

(G) In general, the Board shall abide by the provisions of IC 8-22-2-1 et seq., and amendments thereto.

(H) In the event the Board wishes to sell part or the whole of any aviation land or improvements owned by the eligible entities (city and county), then the Board shall prepare an ordinance authorizing the sale and submit it to the fiscal body of each entity. Before any part of the aviation land or improvements are transferred, passage of an ordinance by both the city and the county, by and through their fiscal bodies, will be required. Proceeds from the sale shall be deposited in the Aviation Fund provided for hereinafter, which shall be managed by the county, which shall be responsible for all required accountings of any funds with state and federal taxing authorities.

(I) The Board shall have the authority to accept gifts of money or property, and may accept such gifts subject to conditions imposed by the donor, if the Board determines that acceptance of such gifts are in the public interest. (Ord. 1987-4, passed 4-21-87)

#### § 33.37 TAX LEVY.

(A) The county and the city, by and through their proper authorities, shall be responsible for establishing the appropriate tax levies for the Joint Department of Aviation, acting by its Joint Aviation Board of Commissioners. All appropriations for the Department of Aviation or the Aviation Board of Commissioners shall be handled by the County Council, and the City Council upon submission of a budget to those bodies by the Board.

(B) The budget for the Joint Department of Aviation shall be paid for by equal appropriations from the fiscal bodies of the city and the county.

(C) Monies appropriated by the participating political subdivisions shall be deposited in an Aviation Fund in the custody of the County Auditor. Monies may be withdrawn therefrom only upon vouchers approved by the Board and signed by the President and Secretary of the Board. (Ord. 1987-4, passed 4-21-87)

#### § 33.38 BOND ISSUES.

In the event the need arises to sell bonds for the purpose of providing for payment of the cost of construction, extensions, additions, or improvements to any aviation parcel, the City Council and the County Council shall be the fiscal bodies which are authorized to issue and sell the bonds pursuant to IC 8-22-2-18. (Ord. 1987-4, passed 4-21-87)

#### § 33.39 CONTRACT PROVISIONS.

(A) Each of the eligible entities, the city and the county, respectively, by adoption of this joint ordinance, in consideration of the mutuality thereof and the mutual benefits to be derived therefrom, agree to the terms hereof, and the same shall for all purposes be considered as a legal and binding contract, which cannot be modified, amended, or revoked by the unilateral action of either entity.

(B) In the event either entity desires to abandon the joint enterprise to be undertaken hereby, then and in that event, the other entity shall have the right to carry on the same; and all right, title, and interest of the abandoning entity shall terminate, transfer to, and inure to the benefit of the surviving entity at no cost whatsoever. Such abandonment shall constitute a forfeiture by the abandoning entity of all of its right, title, and interest in and to all property and interests in property owned by the joint authority, which shall be thereupon and thereby transferred to the surviving entity, with no consideration therefor paid by the survivor entity to the abandoning entity. (Ord. 1987-4, passed 4-21-87)

CHAPTER 34: CITY FUNDS; FINANCIAL REGULATIONS

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PUBLIC EMPLOYEES' RETIREMENT FUND

§ 34.01 CITY'S ELECTION TO PARTICIPATE.

The city hereby elects to become a participant in the public employees' retirement fund as established by IC 5-10.3-1-1 et seq. ('67 Code, § 24.04)

§ 34.02 CITY'S CONTRIBUTION.

The city agrees to make the required contributions under the public employees' retirement fund act, commonly designated as "The Indiana Public Employee Social Security Integration and Supplemental Retirement Benefits Act". ('67 Code, § 24.05)

§ 34.03 EMPLOYEES COVERED.

The following are declared to be covered by the fund: All full time employees of the civil city, including elected officials, but excepting officers and members of the police and fire departments who are covered by either the police pension fund or the firemen's pension fund. ('67 Code, § 24.06)

§ 34.04 POSITIONS NOT COVERED.

It is hereby declared that none of the classifications or positions specified in Section 34.03 are compensated on a fee basis, or are of an emergency nature, or are in a part time category. ('67 Code, § 24.07)

§ 34.05 BEGINNING DATE FOR PARTICIPATION.

The active participating membership of the city shall begin on January 1, 1971. ('67 Code, § 24.08)

§ 34.06 EFFECTIVE DATE.

This chapter shall be in full force and effect from date of passage, approval by the Mayor, and approval by the board of trustees of the Public Employees' Retirement Fund of Indiana, except that active participation membership shall begin on the date set forth in Section 34.05. ('67 Code, § 24.09)

CUMULATIVE CAPITAL DEVELOPMENT FUND

§ 34.10 ESTABLISHMENT.

There is hereby established a city Cumulative Capital Development Fund. (Ord. 1984-9, passed 8-21-84; Am. Ord. 1985-3, passed 5-21-85)

Statutory reference:

Cumulative Capital Improvement Funds, see IC 6-7-1-31.1

§ 34.11 AD VALOREM PROPERTY TAX LEVY.

(A) An ad valorem property tax levy shall be imposed and the revenues from the levy shall be retained in the city Cumulative Capital Development Fund.

(B) The maximum rate of levy under division (A) above shall not exceed:

(1) Four cents (\$.04) per \$100.00 assessed valuation for 1986.

(2) Eight cents (\$.08) per \$100.00 assessed valuation for 1987.

(3) Twelve cents (\$.12) per \$100.00 assessed valuation for 1988.

(Ord. 1984-9, passed 8-21-84; Am. Ord. 1985-3, passed 5-21-85).

§ 34.12 USE OF FUNDS.

(A) The funds accumulated in the Cumulative Capital Development Fund shall be used for all purposes authorized and described in IC 36-8-14, 36-9-16-2, 36-9-16-3, 36-9-16.5, 36-9-17, 36-9-26, 36-10-3-21, and 36-10-4-36.

(B) Notwithstanding division (A) above, funds accumulated in the Cumulative Capital Development Fund may be spent for purposes other than the purposes stated in division (A) above if the purpose is to protect the public health, welfare, or safety in an emergency situation which demands immediate action. Money may be spent under the authority of this section only after the Mayor of the City of Decatur, Indiana issues a declaration that the public health, welfare, or safety is in immediate danger that requires the expenditure of money in said fund. (Ord. 1984-9, passed 8-21-84; AM. Ord. 1985 S-3, passed 5-21-85)

§ 34.13 EFFECT OF FUND.

This fund takes effect upon approval of the State Board of Tax Commissioners, August 5, 1985.

(Ord. 1984-9, passed 8-21-84; Am. Ord. 1985-3, passed 5-21-85)

FINANCE REGULATIONS

§ 34.20 WARRANTS DRAWN ON CITY TREASURY.

Pursuant to IC 36-1-3-5 (Home Rule Legislative Authority) the Common Council does hereby authorize the Mayor the Fiscal Officer of the city, to draw warrants on the city treasury for miscellaneous city expenditures not made under the discretion of a department and not specifically fixed by statute. (Ord. 1984-9, passed 8-21-84)

POLICE EQUIPMENT AND TRAINING FUND

§ 34.30 FEE RECEIVED FOR VEHICLE INSPECTION: RECEIPT ISSUED.

(A) A fee is established in the amount of \$5 per vehicle for the inspection by law enforcement officers of the Police Department for the inspection of certificates of title for motor vehicles and the certification of the correct VIN number, as required by law.

(B) The officer shall issue a receipt for each fee collected to the person or firm paying the fee imposed. (Ord. 1988-13, passed 6-7-88)

§ 34.31 FEE REMITTED TO CLERK-TREASURER.

(A) Each fee collected shall be promptly remitted to the Clerk-Treasurer.

(B) The Clerk-Treasurer shall issue an official receipt for remittance specifying on such receipt the number of general receipts and the amount for each. (Ord. 1988-13, passed 6-7-88)

§ 34.32 FUND ESTABLISHED.

The Clerk-Treasurer shall receipt the fees to a fund which shall be deposited in a special fund established and known as the Special Vehicle Inspection Fund. (Ord. 1988-13, passed 6-7-88)

§ 34.33 USE OF FUNDS; CHIEF OF POLICE AND COUNCIL TO APPROVE DISBURSEMENTS.

(A) The Common Council must appropriate the money collected from the inspection fees only for law enforcement purposes.

(B) All disbursements from the funds shall be on the recommendation of the Chief of Police with the approval of the Common Council. (Ord. 1988-13, passed 6-7-88)

ACCIDENT REPORT ACCOUNT

§ 34.40 ACCIDENT REPORT ACCOUNT.

(A) In all instances where a police officer of the city prepares a written accident report, pursuant to IC 9-3-1-3, any applicant requesting a photocopy of the report shall pay, to the city, a fee of \$3 for each report, which shall be collected by the Police Department.

(B) The Police Department shall issue a receipt for each fee collected.

(C) Each fee collected shall be deposited in a separate account known as the Accident Report Account.

(D) Pursuant to IC 9-3-1-3, the funds so deposited may be expended at the discretion of the Chief of Police for any department purpose reasonably related to the keeping of accident reports and records or the prevention of street and highway accidents. (Ord. 1988-10, passed 5-17-88)

CHARGE CARDS ISSUED TO CITY EMPLOYEES

§ 34.50 CHARGE CARDS ISSUED TO CITY EMPLOYEES

(A) Any credit cards and charge cards under the City of Decatur name will be kept with the Department Head of each department.

(B) The Department Head will keep a log which would include the employee's name, employee's position, reason for usage of the card, estimated amounts to be charged, fund and account numbers to be charged, and the date the card is issued and returned. Once the purpose for which the card was issued is accomplished, the card must be returned to the Department Head.

- (C) All claims filed in connection with use of the credit cards and charge cards must be itemized as provided in I.C. 5-11-10 before being approved and paid. If the claims are not itemized or properly documented, the employee is responsible for payment of the claim. If any interest or penalty is incurred due to late filing by an employee, the employee is responsible for paying the interest or penalty charges.
- (D) All costs incurred and charged with a credit card or charge card must be business related and not for personal use. Reasonable “tip” or gratuity is allowable where service has been provided. Such items as personal telephone calls, movies, alcohol, or any other personal expenses should not be paid from public funds, and will be the employee’s responsibility.
- (E) An employee who abuses the credit card or charge card use will be restricted from future card use and subject to disciplinary action.
- (F) Credit limits for credit cards and charge cards to be set by Resolution by the Common Council from time to time. (Ord. 2004-18, passed 11-16-2004.)

CHAPTER 35: EMPLOYEE BENEFITS AND REGULATIONS

Section

General Provisions

- 35.01 Application of chapter
- 35.02 Sick leave for all employees

Hourly Employees

- 35.03 Hourly Employees
- 35.04 Employees of the Decatur Police Department
- 35.05 Employees of the Decatur Fire Department
- 35.06 Leave of Absence Policy for all employees

GENERAL PROVISIONS

§ 35.01 APPLICATION OF CHAPTER.

Employee Benefits, Regulations, Practices and Procedures, for all employees of the City of Decatur, inclusive of but not limited to, employees of the Civil City of Decatur and the City of Decatur Water and Sewage utilities, shall be as follows:

§ 35.02 SICK LEAVE.

(A) The following sick leave policy is hereby established for all employees of the City inclusive of but not limited to employees of the Civil City, City Water Utility, City Sewage Utility, Fire Department, Police Department and Parks and Recreation. The effective date of repealing Ordinance No. 1984-19 Section 35.05 is January 1, 1990 and the effective date of this Ordinance is January 1, 1990.

(B) Each employee shall be entitled to one day per month earned sick leave. A new employee would qualify immediately upon hiring. The employee is eligible for a paid sick day beginning with the second month of employment. An employee is entitled to a total of 12 paid sick days paid per each calendar year commencing January 1, 1990.

(C) For each full year of employment, 12 days shall be added to the total of accumulated sick days if not used during that employment year. If a portion of the total 12 days is used, the remaining days will be carried forward. If more than 12 sick days are used in a one year period, those excess days will be deducted from accumulated sick days. Each 24 hour shift Fire Department employee is entitled to accumulate sick days up to a total of 90. All other City employees are entitled to accumulate sick days up to a total of 200, this includes the Chief and Assistant Chief of the Fire Department during their tenure.

(D) (1) An employee shall receive compensation days for accumulated sick days at retirement or upon honorable job termination in the following manner:

1-15 years service 10% of accumulated days

16-24 years service 12½% of accumulated days  
25 or more years of service 15% of accumulated days

(2) Arrangements must be made prior to retirement so that compensation days can be budgeted accordingly.

(3) An employee terminated for cause shall forfeit his or her claim to the compensation days.

(4) Job termination status, honorable or for cause, shall be approved by the Board of Public Works.

(E) Sick days shall include those days which an employee is unable to work because of illness, hospitalization and injuries.

(F) One days absence shall be permitted without any proof of sickness or injury. If an employee is disabled two or more days, upon return to work the employee shall deliver to his or her supervisor a certificate from a licensed physician, certifying that the employee was disabled and unable to work due to sickness or injury during the entire period of absence.

(G) All current employees will be given credit for sick days on an evaluation of past sick time records, as reviewed by their department heads. Each employee employed with the City of Decatur on January 1, 1990, is entitled to accumulated sick days based on the following formula: Number of years of employment X 12 minus sick days used. (For example, if an employee has worked 9 years, he or she will have 108 possible sick leave days earned.  $9 \times 12 = 108$ . If that employee used 35 days over 9 years, that number would be subtracted; which is as follows  $108 \text{ minus } 35 = 73$  sick days. For calendar year 1989 and all prior employment years, no more than 12 days per year shall be deducted from the accumulated sick days earned. For example, If that same employee working 9 years used 35 days in a 1 year period, then a maximum of 12 days would be deducted from the total of 108 possible sick days leaving 96 sick days to draw on). The maximum number of accumulated sick days that each 24 hour shift Fire Department employee will be entitled to commencing January 1, 1990 is 90 days. The maximum number of accumulated sick days that all other City employees will be entitled to commencing January 1, 1990 is 200.

(H) Under extreme circumstances, a 24 hour shift Fire Department employee can request the Board of Works to extend by 10 working days, any sick leave benefit. Any other City employee can request the Board of Works to extend by 20 working days, any sick leave benefit. Only employees who have exhausted all sick leave and vacation time would be eligible. (Ord. 1989-28, passed 12-19-89)

## HOURLY EMPLOYEES

§ 35.03 HOURLY EMPLOYEES, excepting employees of the Police Department and Fire Department.

(A) HIRE: New employees are strictly temporary employees for the first 60 calendar days of their employment. During this probationary period, such temporary employees may be laid-off without preference. There shall be no obligation to rehire such employees.

After the expiration of the first 60 calendar days of employment the new employee's seniority shall be dated back to the day he started work. However, it is agreed that temporary employee's seniority shall be retained in cases of temporary lay-off for the purpose of computing the first 60 day calendar days.

(B) VACATIONS: The City will award vacation on the basis of city service:

(1) All employees with service to the City of one (1) full year or more shall receive one (1) weeks vacation with forty (40) hours pay at the rate in effect when the vacation is taken in any year in which the employee actually works.

(2) Employees with service to the City of two (2) full years or more shall receive two (2) weeks vacation with eighty (80) hours pay at the rate in effect when the vacation is taken in any year the employee actually works.

(3) Employees with service to the City of eight (8) full years or more shall receive three (3) weeks vacation with one hundred twenty (120) hours pay at the rate in effect when the vacation is taken in any year the employee actually works.

(4) Employees with service to the City of fifteen (15) full years or more shall receive four (4) weeks vacation with one hundred sixty (160) hours pay at the rate in effect when the vacation is taken in any year the employee actually works.

(5) Vacation days may not be accumulated from one year to the next.(Ord. 2001-7)

(C) HOLIDAYS: The Mayor and Board of Public Works and Safety have mutually agreed that the following days shall be legal holidays:

(1) New Years Eve Day and New Years Day

(2) Presidents Day

(3) Good Friday

(4) Memorial Day

(5) July 4th

(6) Labor Day

(7) Columbus Day

(8) Veteran's Day

(9) Thanksgiving Day and following Friday

(10) Christmas Eve Day and Christmas Day

It is agreed that the city will pay to permanent employees (those who completed their probationary period) eight (8) hours pay at the regular rate on the above

named holidays; all work performed on any of the above named holidays will be paid at the rate of time and one-half the employee's regular rate of pay; the city will not pay employees who do not report for work on holidays when work is scheduled on a holiday. Holidays in all cases will be considered as a day worked if they fall within the employee's regular scheduled workweek.

§ 35.04 Employees of the Decatur Police Department:

(A) VACATIONS:

For those Decatur Police Officers with an employment onset on or before December 31, 1992 shall receive the following vacation time:

- (1) 1-5 years of service - 15 working days paid vacation each year.
- (2) 6-15 years of service - 21 working days paid vacation each year.
- (3) 16 and over years of service - 28 working days paid vacation each year.
- (4) Vacation days may not be accumulated from one year to the next.

(B) Vacations for those Decatur Police Officers with an employment onset date of January 1, 1993 and later shall receive the following vacation time:

1. Police Officers with service to the City of one (1) full year or more shall receive one (1) week vacation with forty (40) hours pay at the rate in effect when the vacation is taken on any year when the employee actually works.
2. Police Officers with service to the City of two (2) full years or more shall receive two (2) weeks vacation with eighty (80) hours pay at the rate in effect when the vacation is taken in any year when the employee actually works.
3. Police Officers with service to the City of eight (8) full years or more shall receive three (3) weeks vacation with one hundred twenty (120) hours pay at the rate in effect when the vacation is taken in any year when the employee actually works.
4. Police Officers with service to the City of fifteen (15) full years or more shall receive four (4) weeks vacation with one hundred sixty (160) hours pay at the rate in effect when the vacation is taken in any year when the employee actually works.
5. Vacation days may not be accumulated from one year to the next.

(C) HOLIDAY DUTY COMPENSATION:

(1) In addition to the vacation days, Police Officers will be allowed an additional thirteen (13) days off work, with pay, to compensate for working on holidays.

(2) Such additional days may not be accumulated from one year to the next.

(D) HIRE:

New Decatur Police Officers are probationary employees for the first year of their employment. During this probationary period, such probationary employees may be laid off without preference. There shall be no obligation to hire such employees. After the expiration of the first year of employment, the new employee's seniority shall be dated back to the date he or she started work. However, it is agreed that temporary employees' seniority shall be retained in cases of temporary layoff for the purposes of computing the first one year of employment.

§ 35.05 (A) pertaining to Decatur Firefighters vacation shall be amended as follows:.

(A) VACATIONS:

For those Decatur Firefighters with an employment onset date on or before December 31, 1992 shall have the following vacation time:

Firefighters: (working 24 hour shifts)

(1) 1 - 5 years of service - 8 working days paid vacation each year.

(2) 6 - 10 years of service - 9 working days paid vacation each year.

(3) 11 - 15 years of service - 10 working days paid vacation each year.

(4) 16 - 20 years of service - 13 working days paid vacation each year.

(5) 21 and over years of service - 16 working days paid vacation each year.

(6) Vacation days may not be accumulated from one year to the next.

Firefighters: (working regular 40 hour work week)

(1) 1 - 5 years of service - 15 working days paid vacation each year.

(2) 6 - 15 years of service - 21 working days paid vacation each year.

(3) 16 and over years of service - 28 working days paid vacation each year.

(4) Vacation days may not be accumulated from one year to the next.

(B) Vacations for those Decatur Firefighters with an employment onset date of January

1, 1993 or later shall be as follows:

Firefighters: (working 24 hour shifts)

- (1) Firefighters with service to the City of one (1) full year or more shall receive three (3) working days paid vacation at the rate in effect when the vacation is taken in any year in which the employee actually works.
- (2) Firefighters with service to the City of two (2) full years or more shall receive six (6) working days paid vacation at the rate in effect when the vacation is taken in any year in which the employee actually works.
- (3) Firefighters with service to the City of eight (8) full years or more shall receive nine (9) working days paid vacation at the rate in effect when the vacation is taken in any year in which the employee actually works.
- (4) Firefighters with service to the City of fifteen (15) full years or more shall receive twelve (12) working days paid vacation at the rate in effect when the vacation is taken in any year in which the employee actually works.
- (5) Vacation days may not be accumulated from one year to the next.

Firefighters: (working a regular 40 hour work week)

- (1) One (1) full year of service or more shall receive one (1) full weeks paid vacation with forty (40) hours pay at the rate in effect when the vacation is taken in any year in which the employee actually works.
- (2) Two (2) full years of service or more shall receive two (2) weeks paid vacation with eighty (80) hours pay at the rate in effect when the vacation is taken in any year in which the employee actually works.
- (3) Eight (8) full years of service or more shall receive three (3) weeks paid vacation with one hundred twenty (120) hours pay at the rate in effect when the vacation is taken in any year in which the employee actually works.
- (4) Fifteen (15) full years of service or more shall receive four (4) weeks paid vacation with one hundred sixty (160) hours pay at the rate in effect when the vacation is taken in any year in which the employee actually works.
- (5) Vacation days may not be accumulated from one year to the next.

(B) HOLIDAY DUTY COMPENSATION:

- (1) In addition to vacation days, Firefighters working 24 hour shifts will be allowed an additional seven (7) days off work each year, with pay, to compensate for working on holidays. Regarding the Firefighters working a regular 40 hour work week shall receive an additional 13 days off work each year with pay, to compensate for working on holidays.

(2) Such additional days may not be accumulated from one year to the next.

(C) ADDITIONAL PAY FOR OFF DUTY CALLS:

(1) In addition to regular pay, regular firefighters will be paid such sums or rate of pay as established by the Board of Public Works and Safety.

(D) PAY FOR REGULAR FIREFIGHTERS WORKING IN RELIEFS:

(1) In addition to regular pay, regular firefighters working on off duty days in relief of other firefighters on vacation, sick leave, or leave of absence, shall be paid additionally at the same rate of pay as temporary firefighters.

(E) It is the duty and responsibility of all firefighters to work on assigned or scheduled holidays, unless any such firefighter obtains a substitute regular or temporary firefighter to work in his place. It is the firefighter assigned to work and not the Fire Chief's or any other person who has the responsibility of obtaining any such substitute. A firefighter who does not work on an assigned or scheduled holiday loses one day of additional "Holiday Duty Compensation" for each such occurrence.

(F) HIRE:

New employees are probationary employees for the first calendar year of their employment. During this probationary period, such temporary employees may be laid off without preference. There shall be no obligation to rehire such employees. After the expiration of the first calendar year of employment, the new employee's seniority shall be dated back to the date he or she started work. However, it is agreed that the temporary employee's seniority shall be retained in cases of temporary layoff for the purpose of computing the first calendar year of employment. (Ord. 2006-12 passed 12/19/2006).

§ 35.06

LEAVE OF ABSENCE POLICY FOR ALL EMPLOYEES OF THE CITY OF DECATUR, INCLUSIVE OF BUT NOT LIMITED TO, EMPLOYEES OF THE CIVIL CITY OF DECATUR AND THE CITY OF DECATUR WATER AND SEWAGE UTILITIES, AND SHALL ALSO INCLUDE EMPLOYEES OF THE POLICE DEPARTMENT AND FIRE DEPARTMENT:

(A) A leave of absence with pay may be granted by the Board of Public Works and Safety for emergency reasons of great personal urgency involving such events as serious illness or death in the employee's family, for a total period not to exceed seven (7) days in any one calendar year, and such leave shall not be cumulative from year to year.

(B) A leave of absence may also be granted by the Board of Public Works and Safety for maternity leave to an employee for a total period not to exceed six (6) weeks. Said leave of absence for maternity purposes shall be without pay except that the employee may use accumulated vacation days as well as accumulated sick days which the employee is entitled to under the vacation and sick leave policies described elsewhere in this chapter. (Ord. 1992-20 adopted 12-22-92)