

A RESOLUTION ADOPTING A NEW CITY EMPLOYEE MANUAL

WHEREAS, the City Attorney and City Staff have reviewed the City's existing personnel rules and regulations and recommend that the City adopt a new Employee Manual to establish a comprehensive framework for the administration of the City's workforce and workplace consistent with Federal, State, and local law; and,

WHEREAS, the new Employee Manual aligns the City's compensation practices with merit-based principles and modernizes the benefits applicable to the City's workforce, including by offering an Unlimited Paid Time Off policy for certain City employees in lieu of leave time with an accumulated cash value; and,

WHEREAS, the City anticipates that these changes will maximize the City's ability to recruit and retain talent as well as the cost efficiency of services provided to the City's taxpayers; and,

WHEREAS, the City Council has determined that it would be in the best interest of the City and its residents to adopt the new Employee Manual as set forth herein.

NOW THEREFORE, be it resolved by the City Council of the City of Rolling Meadows, Illinois, as follows:

Section 1. Recitals.

The facts and statements contained in the preambles to this Resolution are found to be true and correct and are hereby adopted as part of this Resolution.

Section 2. Adoption of Employee Manual.

The City of Rolling Meadows Employee Manual, attached to this Resolution as **Exhibit A**, is hereby adopted and will be effective as of January 1, 2024.

Section 3. Effective Date.

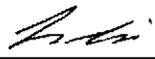
This Resolution shall be in full force and effect upon passage and approval in the manner provided by law.

PASSED AND APPROVED by the City Council of Rolling Meadows, Cook County, Illinois this 19th day of December, 2023.

AYES: McHale, Budmats, Vinezeano, Boucher, Koehler

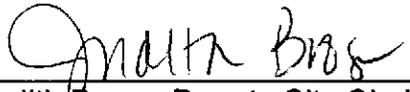
NAYS: O'Brien

ABSENT: Reyez



Lara Sanoica, Mayor

ATTEST:



Judith Brose, Deputy City Clerk

Exhibit A

**EMPLOYEE MANUAL
Effective January 1, 2024**



EMPLOYEE MANUAL

Effective: January 1, 2024

TABLE OF CONTENTS

| | |
|--|-----------|
| CHAPTER 1: INTRODUCTION | 5 |
| 1.1 PURPOSE OF EMPLOYEE MANUAL | 5 |
| 1.2 AT-WILL EMPLOYMENT STATEMENT | 5 |
| 1.3 APPLICABILITY | 5 |
| 1.4 DEFINITIONS | 5 |
| CHAPTER 2: SAFE AND WELCOMING WORKPLACE | 8 |
| 2.1 EQUAL EMPLOYMENT OPPORTUNITY..... | 8 |
| 2.2 AMERICANS WITH DISABILITIES ACT | 8 |
| 2.3 REASONABLE ACCOMMODATIONS FOR DISABILITY AND PREGNANCY | 9 |
| 2.4 RELIGIOUS ACCOMMODATIONS | 10 |
| 2.5 ANTI-DISCRIMINATION AND HARASSMENT | 10 |
| 2.6 WHISTLEBLOWER PROTECTION..... | 16 |
| 2.7 DRUG AND ALCOHOL-FREE WORKPLACE..... | 16 |
| 2.8 SMOKE-FREE WORKPLACE | 20 |
| 2.9 VIOLENCE-FREE AND BULLYING-FREE WORKPLACE..... | 20 |
| 2.10 WEAPONS PROHIBITED | 21 |
| CHAPTER 3: HIRING AND RECRUITMENT | 22 |
| 3.1 RECRUITMENT | 22 |
| 3.2 JOB TRANSFER AND PROMOTION | 22 |
| 3.3 TWELVE-MONTH PROBATIONARY PERIOD | 22 |
| 3.4 CONDITIONS AFFECTING EMPLOYMENT ELIGIBILITY | 23 |
| 3.5 ELECTED OFFICIALS AND THEIR APPOINTEES..... | 24 |
| 3.6 RELATIVES OF ELECTED OFFICIALS AND EMPLOYEES | 24 |
| 3.7 PERSONAL RELATIONSHIPS | 24 |
| CHAPTER 4: WORK SCHEDULE, ATTENDANCE, AND WAGES | 26 |
| 4.1 TIME AND ATTENDANCE | 26 |
| 4.2 ATTENDANCE DURING INCLEMENT WEATHER AND EMERGENCIES | 27 |
| 4.3 HOLIDAYS..... | 27 |
| 4.4 PAYROLL ERRORS | 28 |
| 4.5 PAY PERIODS | 28 |
| 4.6 OVERTIME PAY AND COMPENSATORY TIME..... | 29 |
| 4.7 WORK PERIODS | 29 |
| 4.8 LUNCH PERIOD | 30 |
| 4.9 REST PERIODS..... | 30 |
| 4.10 BREAK TIME FOR NURSING MOTHERS IN THE WORKPLACE..... | 30 |
| 4.11 REMOTE WORKING..... | 30 |
| CHAPTER 5: TIME AWAY FROM WORK | 36 |
| 5.1 UNLIMITED PAID TIME OFF..... | 36 |
| 5.2 UNLIMITED PTO EXCLUSIONS (OPT-OUT) | 38 |
| 5.3 MISCELLANEOUS LEAVE REQUIRED BY LAW | 39 |
| 5.4 JURY DUTY OR WITNESS DUTY..... | 40 |
| 5.5 FAMILY AND MEDICAL LEAVE (FMLA)..... | 41 |
| 5.6 MILITARY FAMILY AND MEDICAL LEAVE ACT POLICY..... | 44 |
| 5.7 LEAVE DUE TO CRIMES OF VIOLENCE (VESSA)..... | 47 |

| | | |
|---|---|-----------|
| 5.8 | MILITARY LEAVE (ISERRA/USERRA) | 50 |
| 5.9 | GENERAL LEAVE OF ABSENCE | 51 |
| CHAPTER 6: COMPENSATION AND PERFORMANCE MANAGEMENT | | 54 |
| 6.1 | COMPENSATION | 54 |
| 6.2 | PERFORMANCE EVALUATION | 55 |
| 6.3 | LONGEVITY INCENTIVE | 56 |
| 6.4 | TRAINING AND DEVELOPMENT | 56 |
| CHAPTER 7: EMPLOYEE BENEFITS | | 58 |
| 7.1 | HEALTH, DENTAL AND LIFE INSURANCE | 58 |
| 7.2 | RETIREMENT HEALTH SAVINGS (RHS / PEHP)..... | 58 |
| 7.3 | EMPLOYEE ASSISTANCE PROGRAM..... | 59 |
| 7.4 | RETIREMENT/PENSION BENEFITS | 59 |
| 7.5 | DEFERRED COMPENSATION | 59 |
| 7.6 | PRE-TAX TRANSPORTATION BENEFITS ACCOUNT | 60 |
| 7.7 | WORKER’S COMPENSATION | 60 |
| 7.8 | TUITION REIMBURSEMENT | 60 |
| CHAPTER 8: OTHER IMPORTANT CITY POLICIES..... | | 63 |
| 8.1 | WORKPLACE SEARCHES (NO EXPECTATION OF PRIVACY) | 63 |
| 8.2 | AUTHORIZED MEDIA CONTACT | 63 |
| 8.3 | DRESS CODE | 63 |
| 8.4 | UNIFORM | 64 |
| 8.5 | DRIVER’S LICENSE VERIFICATION AND USE OF PERSONAL VEHICLES | 64 |
| 8.6 | USE OF CITY VEHICLES | 64 |
| 8.7 | TRAFFIC CITATIONS..... | 65 |
| 8.8 | USE OF PERSONAL CELL PHONES | 66 |
| 8.9 | CONFIDENTIAL INFORMATION..... | 68 |
| 8.10 | OUTSIDE EMPLOYMENT..... | 68 |
| 8.11 | GIFT BAN | 69 |
| 8.12 | CONFLICTS OF INTEREST | 69 |
| 8.13 | POLITICAL ACTIVITY | 69 |
| 8.14 | REPRESENTING PRIVATE INTEREST IN COURT | 69 |
| 8.15 | DISCLOSING OF INTEREST IN LEGISLATION | 70 |
| 8.16 | USE OF CITY PROPERTY | 70 |
| 8.17 | REIMBURSEMENT OF MILEAGE AND OTHER EXPENSES | 70 |
| 8.18 | PERSONNEL FILES..... | 70 |
| 8.19 | EMPLOYEE MEDICAL RECORDS | 71 |
| 8.20 | CHANGE OF EMPLOYEE INFORMATION | 71 |
| 8.21 | REQUESTS FOR EMPLOYMENT VERIFICATION..... | 71 |
| 8.22 | INFORMATION SYSTEMS POLICIES AND GUIDELINES (COMPUTER / INTERNET / EMAIL) | 71 |
| 8.23 | PERSONAL SOCIAL MEDIA | 77 |
| CHAPTER 9: WORKPLACE SAFETY | | 79 |
| 9.1 | EMPLOYEE SAFETY..... | 79 |
| 9.2 | WORK PLACE ILLNESS OR INJURY..... | 79 |
| 9.3 | REPORTING OF VEHICULAR ACCIDENTS AND INJURIES | 80 |

| | |
|--|-----------|
| CHAPTER 10: CONDUCT AND DISCIPLINE | 81 |
| 10.1 WORKPLACE CONDUCT / PROHIBITED ACTIONS | 81 |
| 10.2 DISCIPLINARY ACTION | 82 |
| 10.3 LIMITED APPEAL OF DISCIPLINARY ACTION | 83 |
| CHAPTER 11: SEPARATION AND EXIT | 85 |
| 11.1 RESIGNATION NOTICE | 85 |
| 11.2 RETIREMENT NOTICE INCENTIVE | 85 |
| 11.3 LAY-OFF / RELEASE | 85 |
| 11.4 ABANDONMENT OF POSITION | 85 |
| 11.5 RETURN OF CITY PROPERTY | 85 |
| 11.6 EXIT INTERVIEW | 86 |
| 11.7 FINAL PAY | 86 |
| CHAPTER 12: FORM OF EMPLOYEE ACKNOWLEDGEMENT | 87 |
| APPENDIX A – IDENTITY PROTECTION POLICY | 88 |
| APPENDIX B – LEAVE ACCRUALS FOR OPT-OUT EMPLOYEES | 91 |
| B.1 INTRODUCTION; RULES FOR ALL ACCRUED PAID LEAVE | 91 |
| B.2 FLOATING HOLIDAYS | 91 |
| B.3 VACATION LEAVE | 92 |
| B.4 SICK LEAVE | 93 |
| B.5 COMPENSATORY TIME AND OVERTIME..... | 95 |

CHAPTER 1: INTRODUCTION

1.1 Purpose of Employee Manual

The purpose of the City of Rolling Meadows Employee Manual (“*Manual*”) is to present the principal rules, regulations, benefits and conditions of employment that may apply to City employees. The City reserves the right to apply, interpret, change, suspend, add to, or cancel all or part of the policies, procedures, benefits and other terms summarized in this Handbook at any time. This Manual supersedes and cancels all prior policies, practices, and administrative orders, whether written or oral, which conflict with the express terms of this Manual.

This Manual cannot account for every possible situation. The City Manager is ultimately responsible for administering, clarifying, and interpreting the provisions of this Manual. No individual, supervisor or manager has the authority to change the City’s policies or terms of this Manual on a unilateral basis.

It is the responsibility of each employee to carefully read this Manual, be familiar with its contents, and adhere to its policies. Each employee is required to acknowledge receipt of this manual by promptly completing the attached Acknowledgement Form and filing it with Human Resources. If you are uncertain about a policy or a procedure, please speak to your supervisor.

1.2 At-Will Employment Statement

This Manual and its policies are not any sort of contract of employment and do not constitute enforceable promises. Your employment with the City is a voluntary one and is subject to termination by you or the City **at will, with or without cause, and with or without notice, at any time**, unless otherwise stated in a collective bargaining agreement or other written agreement applicable to you. Nothing in this Manual can be interpreted to be in conflict with or to eliminate or modify in any way the at-will status of City employees.

1.3 Applicability

This Manual applies to all employees of the City. For employees covered by a collective bargaining agreement, that agreement will control in the event of a conflict between any part of this Manual and any agreement. Likewise, for sworn fire and police personnel, state statute and Fire and Police Commission Rules will control, when applicable, in the event of a conflict with this Manual. In addition, this Manual is not intended to grant additional benefits to employees covered under a collective bargaining agreement beyond those described in the applicable collective bargaining agreement.

1.4 Definitions

The following terms have special or limited meanings where they are used throughout this Manual:

Regular Full-Time Employees are those who are regularly scheduled and budgeted to work a full-time schedule of 35 hours or more per week on an annual basis. Regular full-time employees are generally eligible for City's benefit programs, subject to the terms, conditions and limitations of each program. Full-time employees can be considered Exempt Employees or Non-Exempt Employees under the Fair Labor Standards Act.

Regular Part-Time Employees are those who are regularly scheduled to work less than 35 hours per week on an annual basis. While they receive all legally mandated benefits, they are not eligible for the City's benefit programs, unless specifically included in the benefit description. Part-time employees can be considered Exempt Employees or Non-Exempt Employees under the Fair Labor Standards Act.

Temporary or Seasonal Employees are those who are hired on a temporary basis for a specific period of time (less than 1,000 hours per year), such as summer months and peak periods. Temporary or seasonal employees may work on part-time or full-time basis. While they receive all legally mandated benefits, they are not eligible for the City's benefit programs, unless specifically included in the benefit description. Temporary or Seasonal employees can be considered Exempt Employees or Non-Exempt Employees under the Fair Labor Standards Act.

Probationary Employees are all newly hired regular full-time and part-time employees, as well as all employees that are promoted, transferred to a different position, or are re-employed after separation from the City for 30 days or longer. Probationary employees must serve a 12-month probationary period from the effective date of hire. Probationary employees can be considered Exempt Employees or Non-Exempt Employees under the Fair Labor Standards Act.

Exempt Employees are those who meet the definition of an exempt employee per the Fair Labor Standards Act. Exempt Employees are not entitled to overtime pay, including compensatory time in lieu of overtime. (However, employees who Opt-Out of the City's Unlimited PTO plan remain eligible for compensatory time; see **Section 5.2**.)

Non-Exempt Employees do not meet the definition of an exempt employee per the Fair Labor Standards Act, and so are entitled to overtime pay at a rate of not less than 1.5 times their regular hourly rate of pay for hours worked over 40 hours in a workweek.

Represented Employees are those who hold a position that is represented by a union and who are subject to the conditions of a collective bargaining agreement between the City and a union.

Non-Represented Employees are those employees who hold a position that is not represented by a union and are not covered by a collective bargaining agreement.

Protected Category refers to those actual or perceived characteristics of a person for which a person may not be discriminated against under Federal, State, and Local law. These include, but are not limited to, a person's: race, color, religion, sex and gender, pregnancy status, sexual orientation, gender identity and expression, national origin, ancestry, citizenship status, preferred language or language fluency, age (over 40 years old), physical or mental disability, military status, unfavorable discharge from military service, veteran status, genetic information, marital status, arrest record, order of protection status, persons who make legitimate complaints (e.g. retaliation, whistleblowing), association with a person with a disability or handicap, work authorization status, parental status, credit history, and criminal history, or any other characteristic protected by applicable law.

CHAPTER 2: SAFE AND WELCOMING WORKPLACE

2.1 Equal Employment Opportunity

The City is an Equal Opportunity Employer that does not discriminate on the basis of any Protected Category. The City is dedicated to this policy with respect to recruitment, hiring, placement, promotion, transfer, training, compensation, benefits, employee activities and general treatment during employment. Accordingly, these decisions will be made without reference to any Protected Category applicable to an applicant or employee.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of Human Resources Specialist. The City will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. Violation of this anti-retaliation policy will lead to discipline, up to and including termination, even for a first offense.

2.2 Americans with Disabilities Act

The City affirms the goals of the Americans with Disabilities Act and will not discriminate in its employment practices against qualified individuals with disabilities. It is also the intent of the City to guarantee disabled persons equal opportunity to participate in or enjoy the benefits of City services, programs, or activities, and to allow disabled employees a bias free work environment.

The City is committed to creating an environment in which facilities for public meetings and general public use are accessible. Furthermore, the City will provide auxiliary aids and services (interpreters, readers, assisted listening devices, text telephones, large print materials, audio tape, help in filling out forms, and other similar services and actions) if necessary and if the accommodation can be provided without undue hardship to the City. Communication of information concerning accessibility and requests for accommodation will be included in City publicity announcements.

The City will endeavor to make a reasonable accommodation to the known physical or mental limitations of employees with disabilities unless the accommodation would impose an undue hardship on the operation of our business. If you need assistance to perform your job duties because of a physical or mental condition, please let Human Resources know. The City is committed to ensure equal opportunities for disabled employees and any adaptation that permits the employment or advancement of individuals with disabilities will be reasonably accommodated, provided it does not cause undue hardship to the City. Every effort will be made to provide an accessible work environment and additional accommodations where feasible and reasonable, including auxiliary aids and services.

Employment practices such as hiring, training, testing, transfer, promotion, compensation, benefits, termination, will be administered to not promote discrimination of disabled employees. Recruitment and selection processes will be administered to provide equal opportunity for employment to qualified applicants and will not discriminate on the basis of disability. Timely requests for accommodation during an application/interview process will be reviewed upon request and provided where reasonable. City staff will ensure that disabled persons enjoy the same opportunities via reasonable accommodation as non-disabled employees and applicants to participate in and benefit from City programs, services and activities.

2.3 Reasonable Accommodations for Disability and Pregnancy

The City, upon request, will provide a reasonable accommodation to qualified employees or applicants who have disabilities, who are pregnant, who are recovering from childbirth, or who have other medical or common conditions related to pregnancy or childbirth. Paid leave or unpaid leave available to an employee may be one potential form of reasonable accommodation.

An employee seeking a reasonable accommodation must submit their request for a reasonable accommodation to Human Resources. Human Resources will evaluate each request on a case-by-case basis; consider all of the facts and circumstances known at the time of the request; respond to the request within a reasonable time period; and, where appropriate, provide accommodations as promptly as possible. If a request is denied as resulting in an undue hardship to the City's operations, Human Resources will discuss possible alternatives with the qualified employee or applicant and make a reasonable effort to assist the employee or applicant in finding ways to successfully perform job functions. An employee's failure to cooperate may result in loss or denial of the opportunity to receive a reasonable accommodation. Requests for reasonable accommodation that have been denied by Human Resources may also be submitted to the City Manager for review within five business days from the employee's receipt of the notice of denial.

Human Resources may ask for medical documentation of a hidden disability and/or the limitations that a disability imposes on the employee's ability to perform essential job functions. All medical information will be kept confidential by Human Resources, and will be disclosed to Department Heads and/or supervisors only on a need-to-know basis. When a Department Head or supervisor is provided medical information about an employee with a disability, the Department Head or supervisor also will keep the information confidential.

The City will not require an employee to accept an accommodation which the employee did not request or allow any form of retaliation against individuals who seek a reasonable accommodation. Performance reviews will be based solely on work performance and will not be affected by the request of or provision of any reasonable accommodations.

2.4 Religious Accommodations

The City will endeavor to accommodate the sincere religious beliefs of its employees to the extent the accommodation does not pose an undue hardship on the City's operations. If you wish to request an accommodation, please speak to Human Resources.

To practice their religious beliefs, employees may be absent from work for a reasonable period of time. Requests for religious accommodation will be treated no differently than any other request for personal time off and may be used in conjunction with paid or unpaid leave available to the employee. Any reasonable request will not be arbitrarily denied.

2.5 Anti-Discrimination and Harassment

2.5.1 Statement of Policy

The City is committed to maintaining a work environment which is free from all forms of harassment or discrimination of any kind. To this end, the City supports and complies with all applicable Federal, State, and local laws and ordinances prohibiting discrimination, harassment, and retaliation.

In keeping with this commitment, the City will not tolerate sexual harassment or any other form of harassment or discrimination of any kind based upon any Protected Category, by its employees or against its employees by anyone, including supervisors, co-workers, officers, vendors, customers or any third party. The City will not tolerate harassing or discriminatory conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile or offensive working environment. This Policy is intended to assure that the City is taking all steps to prevent harassment and discrimination in the workplace and to correct harassing or discriminatory conduct that does occur before it becomes severe or pervasive.

Each City employee and officer bears the responsibility to refrain from discrimination or harassment in the workplace. City employees who engage in discriminatory or harassing conduct may be subject to disciplinary action, up to and including termination, even for a first offense. Furthermore, it is the responsibility of all supervisors to make sure that the work environment is free from harassment or discrimination of any kind.

The City also prohibits retaliation of any kind against anyone who has complained about discrimination or harassment, whether that concern relates to discrimination against or harassment of the individual raising the concern or against another individual.

2.5.2 Definitions and Prohibited Conduct

2.5.2.1 Sexual Harassment

Sexual harassment, for purposes of this Policy, means any harassment or discrimination on the basis of an individual's actual or perceived sex or gender, including unwelcome sexual advances, requests for sexual favors, other verbal, non-verbal, or physical acts of a sexual or sex-based nature, where:

- A. Submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- B. Submission to or rejection of the conduct by an individual is used as the basis for employment decisions affecting the individual; or
- C. The conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment affects the victim and other employees as well. Each incident of harassment contributes to a general atmosphere in which everyone suffers the consequences. Sexually-oriented acts or sex-based conduct have no legitimate business purpose. Where the conduct is directed by a supervisor (or someone in a management position) toward a subordinate, the former will be held to a higher standard of accountability because of the degree of control and influence they have or are perceived to have over the employment conditions and benefits of the subordinate.

Prohibited acts of sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. This behavior is unacceptable in the work place itself and in other work-related settings such as business trips, court appearances and business-related social events. This behavior may include, but is not limited to: unwanted sexual advances; requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering; catcalls; touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail, instant messaging, texts, Internet or computer usage); and other physical, verbal or visual conduct of a sexual nature. Harassment that does not include sexual activity or language may also constitute discrimination if it is severe or pervasive and directed at employees because of their actual or perceived gender. Sexual harassment of any person is prohibited, even where it involves persons with whom the City does not have an employment relationship.

2.5.2.2 Class-Based Harassment and Discrimination

Class-based harassment or discrimination consists of unwelcome conduct of any kind, whether verbal or physical, or disparate treatment affecting an individual's terms and conditions of employment based upon any Protected Category.

Harassing conduct (based on other protected categories) includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail, instant messaging, texts, internet, computer usage or cell phone, whether personal or employer-issued) because of their actual or perceived membership in a Protected Category.

2.5.3 Individuals Covered Under the Policy

This policy covers all employees of the City. The City will not tolerate, condone or allow harassment or discrimination, whether engaged in by fellow employees, supervisors, officers or by other non-employees who conduct business with the City. The City supports and encourages reporting of all incidents of harassment and discrimination, regardless of who the offender may be, and will promptly investigate all reported incidents. To this end, employees should not assume that the City is aware of harassing conduct, and should report harassing conduct to ensure it is known, investigated, and addressed. Where the alleged offender is not an employee or officer of the City, Human Resources, in consultation with the complainant, will review the complaint and make every effort to identify a reasonable remedy if harassment or discrimination has been confirmed.

2.5.4 Responsibility of Supervisory Employees

Each supervisor is responsible for maintaining the workplace free from harassment and discrimination. This is accomplished by promoting a professional environment and by dealing with harassment and discrimination as with all other forms of employee misconduct.

A supervisor must address an observed incident of harassment or discrimination or a complaint, with seriousness, take prompt action to investigate it, report it, and end it, and implement appropriate disciplinary action. This also applies to cases where an employee tells the supervisor about behavior that constitutes sexual harassment, or other harassment or discrimination, but does not want to make a formal complaint. In addition, all supervisors must report complaints of harassment or discrimination to Human Resources or the City Manager.

In addition, supervisors must ensure that no retaliation will result against an employee making a complaint of harassment or discrimination.

2.5.5 Responsibility of Individual Employees

Each individual employee has the responsibility to refrain from harassment and discrimination in the workplace and to report incidents of harassment or discrimination. An individual employee who harasses or discriminates against a fellow employee is, of course, liable for their individual conduct and will be subject to disciplinary action, up to and including termination, even for a first offense.

2.5.6 Complaint Process

While the City encourages individuals who believe they are being harassed or discriminated to firmly and promptly notify the offender that their behavior is unwelcome, the City also recognizes that these confrontations may be ineffective or impossible. In the event that informal, direct communication between individuals is either ineffective or impossible, or even when that communication has occurred, the following steps should be taken to report a complaint of harassment or discrimination. (While this policy refers to “employees,” City officers, contractors, volunteers, and interns may also submit complaints as described below.)

- A. Reporting of Incident:** All employees must report any suspected harassment or discrimination by another employee to their Department Head, except where the Department Head is the individual accused of harassment or discrimination. In that case, the complaint should be reported to Human Resources or the City Manager. Anonymous reports will be accepted and investigated, but the claimant’s willing cooperation is a vital component of an effect inquiry and an appropriate outcome.

To be clear, the normal chain of command need not be followed for reporting a harassment complaint, but it is encouraged. In the case of an instance of sexual harassment, if the victim prefers to report the suspected harassment to someone of the same gender, the complaint can be reported to a Department Head of another Department or to Human Resources. The employee may also make a report of any harassment to any Department Head with whom they feel comfortable if they are otherwise uncomfortable reporting to the listed individual designated by this policy.

The report may be made initially either orally or in writing, but reports made orally must ultimately be reduced to writing.

- B. Investigation of Complaint:** When a complaint of harassment or discrimination has been reported, the City Manager, or the Mayor in the event the City Manager is the individual accused of harassment or discrimination, will decide as to whether a detailed fact-finding investigation is necessary. (For example, if the alleged harasser does not deny the accusation, there would be no need to interview witnesses, and the City could immediately determine appropriate corrective action).

If a fact-finding investigation is necessary, the City Manager or Mayor will initiate an investigation of the suspected harassment or discrimination within five working days of notification. An outside investigator may be designated or engaged if the responsible person deems it appropriate to do so based on the facts and circumstances then known. The fact-finding investigation will include an interview with the employee(s) who made the initial report, the person(s) towards whom the suspected harassment was directed and the individual(s) accused of the harassment or discrimination. Any other person who may have information regarding the alleged harassment or discrimination may also be interviewed.

- C. Records; Confidentiality:** Employees who report incidents of harassment or discrimination are encouraged to keep written notes in order to accurately record the offensive conduct. Every effort will be made to keep all matters related to the investigation and various reports confidential, except as required by law.
- D. Timeframe for Reporting Complaint:** The City encourages a prompt reporting of complaints so that rapid response and appropriate action may be taken. Delayed reporting of complaints will not, in and of itself, preclude the City from taking remedial action.
- E. Protection Against Retaliation:** The City will not in any way retaliate or permit any employee to retaliate against an individual who makes a report of harassment or discrimination or provides information related to the report. Any witness to an incident of harassment or discrimination is also protected from retaliation. Retaliation is a serious violation of this Anti-Harassment/Anti-Discrimination Policy and should be reported immediately. Any person found to have retaliated against another individual for reporting harassment or discrimination will be subject to the same disciplinary action provided for harassment/discrimination offenders, meaning disciplinary action up to and including termination, even for a first offense. No one making a complaint of harassment or discrimination or providing information related thereto will be retaliated against even if a complaint made in good faith is not substantiated. Similar to the prohibition against retaliation as set forth in this policy, whistleblower protection from retaliatory action is afforded under the State Officials and Employees Ethics Act (5 ILCS 430/15-10; 5 ILCS 430/70-5), the Whistleblower Act (740 ILCS 174/15(a)) and the Illinois Human Rights Act (775 ILCS 5/6-101).
- F. Appeals:** If either party directly involved in a harassment or discrimination investigation is dissatisfied with the outcome or resolution, that individual has the right to appeal the decision. The dissatisfied party should submit their written comments in a timely manner to the Mayor for review.

2.5.7 Discipline/Sanctions

The City Manager or, in the event the City Manager is the individual accused, the Mayor will be responsible for making any decisions regarding the conclusion of an investigation including disciplinary action.

Disciplinary action will be taken against any employee found to have engaged in harassment or discrimination of any other employee. The extent of sanctions may depend in part upon the length and conditions of employment of the particular employee and the nature of the offense. The City has the right to apply any sanction or combination of sanctions, up to and including termination, even for a first offense, to deal with unreasonable conduct, harassment, or discrimination. Individuals who perpetuate harassing conduct may also be subject to civil penalties under State law in addition to any discipline by the City.

Where a hostile work environment has been found to exist, the City will take all reasonable steps to eliminate the conduct creating the environment.

2.5.8 False and Frivolous Charges

If an investigation results in a finding that the complainant falsely accused another of harassment or discrimination knowingly or in a malicious manner, the complainant will be subject to appropriate sanctions, up to and including termination, even for a first offense. False and frivolous charges do not refer to charges made in good faith which cannot be proven. Given the seriousness of the consequences for an individual accused of harassment or discrimination, a false and frivolous charge is a severe offense that can itself result in disciplinary action, up to and including termination, even for a first offense. False reports may also carry civil penalties under State law in addition to any discipline by the City.

2.5.9 Education / Training

Education and training for employees and officers at every level of the City is critical to the success of the City's policy against harassment and discrimination. This policy will be distributed to all employees and officers of the City. All employees and officers must read and sign a receipt of the City's policy. In addition, employees and officers will receive annual training regarding the City's policy. The training will include, at a minimum, the following: (i) the definition and a description of sexual harassment, unlawful discrimination, and harassment, including examples of each; (ii) details on how an individual can report an allegation of sexual harassment, unlawful discrimination, or harassment, including options for making a confidential report to a supervisor or the Department of Human Rights; (iii) the definition and description of retaliation for reporting sexual harassment, unlawful discrimination, or harassment allegations utilizing examples, including availability of whistleblower protections under the Workplace Transparency Act, the Whistleblower Act, and the Illinois Human Rights Act; and (iv) the consequences of a violation of the prohibition on sexual harassment, unlawful discrimination, and harassment and the consequences for knowingly making a false report. A person who fills a vacancy in an elective or appointed office and all newly hired employees will complete their initial harassment and discrimination prevention training program within 30 days after commencement of their office or employment.

2.5.10 External Procedures for Filing a Complaint of Harassment or Discrimination

The City hopes that any incident of harassment or discrimination can be resolved through the internal process outlined above. All employees, however, have the right to file formal charges with the Illinois Department of Human Rights (IDHR) and/or the United States Equal Employment Opportunity Commission (EEOC). A charge with IDHR or the EEOC must be filed within 300 days of the incident.

The IDHR may be contacted as follows:

CHICAGO (312) 814-6200 TTY (866) 740-3953

The EEOC can be contacted as follows:

CHICAGO (312) 872-9744 TTY (800) 669-6820

An employee who is suddenly transferred to a lower paying job or passed over for promotion after filing a complaint with IDHR or EEOC may file a retaliation charge with either of these agencies. The charges must be filed within 300 days of the retaliation.

2.6 Whistleblower Protection

The City complies with the Illinois Whistleblower Act (740 ILCS 174/) and laws prohibiting retaliation against a whistleblower. The City strives to conduct its business with the utmost integrity and in strict accordance with all applicable Federal, State, and local laws. Accordingly, employees are encouraged to immediately or as soon as practicable, report any improper actions, including violations of Federal, State, or local laws, committed by City employees or its officials to the City Manager or their designee.

All employees are responsible for reporting improper governmental actions, as well as reporting any retaliatory conduct resulting from that action, and must fully comply with provisions set forth in Chapter 2, Article XIV of the City's Code of Ordinances.

The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination, even for a first offense. Employees making good faith complaints or reports that are protected by this policy will not be retaliated against. Any whistleblower who believes they are being retaliated against must contact the City Manager or designee immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

The goal of this whistleblower policy is to keep the confidentiality of the employee and protect said employee against retaliation. Where possible, the confidentiality of the employee will be maintained unless the employee's identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense.

2.7 Drug and Alcohol-Free Workplace

The residents and employees of the City are a valuable resource and their health and safety are of serious concern to the City. Residents need to be assured that City employees do not perform their duties while under the influence of drugs not prescribed for the treatment of an illness. Employees have the right to work in a drug free environment and to work with persons free from the effects of drugs.

Consistent with these beliefs, the City, in compliance with its obligations under the Federal Drug Free Workplace Act and the Illinois Drug Free Workplace Act, has a policy of maintaining a drug and alcohol-free workplace. The unlawful manufacture, dispensing, possession, use, or distribution of illicit drugs or alcohol is prohibited on City premises as part of any City activities. Use of prescription drugs, which do not prevent employees from performing their duties in a safe and efficient manner, is not prohibited by this policy.

Any employee who is convicted of violating a criminal drug statute or ordinance of driving under the influence of alcohol or drugs, must inform their Department Head or City Manager within 24 hours of its occurrence.

2.7.1 Medical and Recreational Cannabis Use

Employees who are in positions where they act as sworn law enforcement officers, firefighting personnel, vehicle operators requiring a Commercial Driver's License (CDL), and Federally funded positions are prohibited from using cannabis or cannabis infused products while on or off duty. For these employees, the City has a zero-tolerance policy for cannabis use, and violations may result in discipline up to and including termination, even for a first offense. Pre-employment drug and alcohol screening tests for these employees will include testing for cannabis, and a positive test result may result in the withdrawal of an offer of employment.

For all other employees, any disciplinary action or negative employment action based on the results of a test conducted under this Policy for cannabis consumption will also be tied to a good faith belief that the employee is impaired by or under the influence of cannabis during work hours. For these positions, pre-employment drug testing does not include testing for cannabis.

2.7.2 Drug and Alcohol Testing

- A. **Pre-Employment:** After a conditional offer of employment for applicable positions in the City's employment selection procedure, individuals may be required to take a physical examination which will include a drug and alcohol screening test. An offer of employment may be withdrawn in response to a positive screening test result.
- B. **Reasonable Suspicion:** In the event there exists reasonable suspicion that an employee is under the influence of alcohol or illegal drugs, the employee will be required to submit to an alcohol and/or drug test. The City will provide written notice to the employee setting forth the facts and inferences upon which the City based its conclusion of reasonable suspicion. Notice will be provided within a reasonable time frame after completion of the drug and/or alcohol test. Refusal to comply with the order to test may subject the employee to discipline as set forth in *Section 2.7.2.F*, but the taking of the test does not operate to waive any objections or rights the employee may have. When testing is ordered, the employee will be removed from duty and placed on leave with pay pending results of the tests. Any reassignment or relief from duty will be discontinued immediately in the event of negative test results.

- C. **Post-Accident:** Mandatory drug/alcohol testing will be conducted when an employee is involved in an at-fault accident involving a City vehicle or a personal vehicle while performing job duties, as determined by the City Manager or designee. The employee must immediately notify their supervisor and be readily available and submit for post-accident testing immediately after the accident. An employee who is seriously injured in an accident and cannot submit to the required test(s) must provide the necessary authorizations for the City to obtain the medical records and reports that would indicate if alcohol or a controlled substance was in the driver's system and the level present. Employees must also follow the accident reporting procedures set forth in *Section 9.3* of this Manual.

- D. **Laboratory Standards:** The City will use only a laboratory meeting all National Institute on Drug Abuse (NIDA) standards. A chain of custody procedure will be followed. All initial positive urine drug screens will be confirmed through GC/MS (gas chromatography, mass spectroscopy), or an equivalent scientifically accurate test. A sufficient sample will be collected to allow for initial screening; a confirmatory test; and finally, a sufficient amount to be set aside reserved for later testing if requested by the employee. Testing must include tamper proof containers and must observe proper chain of custody procedures. The employee will receive a copy of positive test results.

- E. **Tampering and Substitution:** If the City obtains information that indicates there has been tampering with, adulterating, or substituting a test specimen, or causing another person to tamper with, adulterate, or substitute a specimen, whether the employee's own specimen or another employee's specimen, will result in disciplinary action, up to and including termination, even for a first offense. Any specimen that is deemed by the collection agent to be adulterated, diluted, or otherwise appears tampered with will result in an employee being requested to immediately give a second specimen at the direction of the collection agent. If the second specimen is invalid, it will be treated as a positive test result.

- F. **Refusal to Test:** Refusal to submit to testing for drugs and alcohol is treated as a positive test result and may result in discipline, up to and including termination, even for a first offense. Refusal to test includes: failure to appear at a collection site when directed or in a timely manner; failure to remain at the collection site; failure to provide the required or sufficient amount of specimen; failure to permit a monitored or observed collection; and failure to cooperate in any part of the collection process.

- G. Medical Review Officers:** A medical review officer (MRO) will review and interpret all confirmed positive test results to determine if there could be an alternative medical reason for the positive test result and to ensure that the chain of custody is complete and sufficient. The MRO will interview the employee (or make a good faith effort to do so) and examine the employee's medical history, including the employee's current prescriptions. The MRO will give the employee an opportunity to discuss the results and provide documentation of legally prescribed medication. If the employee provides adequate documentation and the MRO determines that there is a legitimate medical explanation for the prohibited drug found in the employee's system, the drug test will be reported to the City as negative. However, if there is no legitimate, alternative medical reason for the positive test, the MRO will report a positive test result.
- H. Discipline:** An employee who violates this policy will be subject to disciplinary action up to and including termination, even for a first offense. In the first instance an employee tests positive on an alcohol or drug test, disciplinary action less than termination, as determined in the sole discretion of the City Manager, may include mandatory referral to a substance abuse treatment program. Referral to a treatment program will include the following conditions: 1) an appropriate treatment program must be determined by a physician designated by the City; 2) the employee agrees to discontinue use of illegal drugs, or the abuse of alcohol or prescription drugs; 3) the employee agrees to submit to random testing for a period of one year. Employees who do not comply with the aforementioned conditions, or who test positive for drugs or alcohol a second time, is subject to termination.
- I. Voluntary Requests for Assistance:** Employees who feel they may have a substance abuse problem are urged to contact their Department Head or the City Manager for a referral. Employees may also contact the City's Employee Assistance Program (see *Section 7.2*) directly. The City will not take adverse employment action based upon an employee merely seeking voluntary treatment, counseling or other support for an alcohol or drug- related problem. However, if the employee's request follows the questioning or misconduct of an employee, or if the employee is found impaired on the job, the employee's voluntarily seeking treatment, counseling or other support for these problems is not a defense to disciplinary action being imposed.
- J. CDL Random Drug and Alcohol Testing Policy:** Only those employees that must obtain a commercial driver's license (CDL) for the performance of their job duties are subject to random testing as provided by Federal law. For those employees covered by the requirements of the federally mandated CDL testing program, conflicting Federal regulations supersede any other City policy regulating drug and alcohol use. However, non-conflicting sections in the general City drug and alcohol use policy apply to all employees, including those employees covered under the federally mandated CDL program. Testing will be performed in accordance with the U.S. Department of Transportation regulations.

K. **Records:** The City will maintain medical records relating to alcohol or drug abuse, diagnosis and treatment, confidential and in a medical file separate from the regular personnel file. Access will be limited to those who need to know. The City will not disclose these records to persons outside the City without the employee's consent unless disclosure of the records is necessary for legal or insurance purposes.

2.8 Smoke-Free Workplace

The City has designated all City facilities, including the City Hall, the Fire Stations, Police Station, Police Neighborhood Resource Center, and the Public Works Facility, as smoke free areas.

2.9 Violence-Free and Bullying-Free Workplace

The City is committed to promoting a safe work environment free of violence, harassment, intimidation, and bullying. Behaviors that are abusive, obscene or considered to be threatening conduct or communication that is intended to harass, annoy, alarm, torment, embarrass or injure another will not be tolerated. The City will take any and all action that is necessary, including legal prosecution, to assure that our workplace is and remains free of violence and bullying.

While on duty or on City property, employees may not use obscene or abusive language or offensive gestures in their communication with coworkers or members of the public; may not by oral, written, electronic or other means of communication threaten or intimidate coworkers or members of the public; and may not physically endanger, intimidate or injure coworkers or members of the public. Even a single instance of this type of conduct may constitute bullying that is subject to discipline.

City employees must report incidents of threats or acts of physical violence directly and as soon as possible to their Department Head or the City Manager, even if made in jest. Each incident of violent behavior, whether the incident is committed by another employee or a member of the public, must be reported to the Department Head or City Manager immediately.

If an employee is aware of a threat of imminent physical harm to him/herself, another employee or member of the public, the employee should attempt to remove him/herself from the dangerous situation and immediately notify appropriate emergency personnel by calling "911." As soon as possible, the employee must report this emergency call immediately to their supervisor or, in the event the immediate supervisor is not available, to another management employee immediately.

2.10 Weapons Prohibited

Employees of the City are prohibited from possession or using any weapon in: any building or facility owned, leased or controlled by the City; any vehicle or equipment owned, leased or controlled by the City; any public playground; or at any time or in any area that is associated with City employment, while they are acting within the scope of their employment. This prohibition includes, but is not limited to, firearms, knives, explosives, ammunitions, martial arts weapons, and other objects whose purpose is to cause harm to another person regardless of licensure or concealment.

Any City employee who violates this policy will be subject to disciplinary action up to and including termination, even for a first offense. In addition, any City employee who violates this policy is acting outside the course and scope of their duties, and the City will not defend or indemnify an employee who carries or discharges a weapon while on the job.

This policy does not apply to:

- Sworn law enforcement officers employed by the City who are specifically authorized to carry a firearm or weapon.
- Tools used to perform an employee's duties that are provided or approved by the City, so long as they are not: brandished, used to threaten another person, or used to willfully harm another person.

CHAPTER 3:HIRING AND RECRUITMENT

3.1 Recruitment

It is the goal of the City to appoint the best qualified applicant for each position. Selection procedures employed by the City will ensure the employment of the best-qualified applicants, including factors as job related education, experience, skills, and knowledge. As the City is committed to identifying and recruiting the best-qualified applicants for each position, recruitment efforts will be planned and carried out to assure open competition.

The City will not discriminate in the hiring process based upon any Protected Category.

Any evidence that an applicant, whether an internal applicant or one from outside the City, falsified information, made fraudulent statements, or failed to provide all of the required information may be subject to discharge and/or disqualified from consideration for employment.

3.2 Job Transfer and Promotion

Every employee may be eligible for consideration for promotion or transfer to a vacant position for which they are qualified. Consideration will be given to the employee's ability, previous performance, training, and suitability of the position and length of service. In all instances, the City will seek to place the most qualified candidate in the available position.

All employees appointed to a different position within the City must serve a probationary period in accordance with *Section 2.1* to determine whether or not the employee can adequately handle the new duties and responsibilities. If the evaluation at the end of the probationary period indicates that the employee is not able to satisfactorily function in the new position, the employee may be returned to their previous position or to another position at the same salary level from which the employee was transferred or promoted and for which the employee is qualified only if a position is vacant and funded. In the event there is no vacant, funded position to which the employee can be placed, the employee will be considered "laid off" for lack of work and entitled to unemployment benefits and continuation of healthcare coverage under COBRA.

3.3 Twelve-Month Probationary Period

Each new employee of the City must serve a 12-month probationary period that serves as the final stage of the selection process whereby new staff members have the opportunity to demonstrate the capacity to perform the required duties/responsibilities and to permit the City to evaluate the employee's performance in the new position. The 12-month probationary period applies to new hires and also applies to all employees that are promoted, transferred to a different position, and re-employed after separation from the City for 30 days.

A written performance evaluation will be prepared prior to the midpoint of the employee's probationary period and a meeting conducted with the employee to point out their strengths and more importantly, job performance concerns with specific recommendations for improvement. Prior to completing the probationary period, a final probationary performance evaluation will be prepared documenting the employee's job performance and whether or not the employee successfully completed their probationary period. This final probationary performance evaluation is used as the last phase of the City's selection process.

This 12-month probationary period does not change the employee's at-will nature of employment. An employee may be terminated prior to the completion of the probationary period for any reason. In addition, successful completion of the probationary period does not grant property rights to the position, nor does completion of the probationary period create a contract or right to future employment with the City.

Employees may use personal time off during the probationary period.

3.4 Conditions Affecting Employment Eligibility

In accordance with federal law, the City may hire and retain only persons who are eligible to work in the United States. Verification of employment eligibility must be provided at the time of hire.

Applicants who have been previously discharged for cause by the City are not eligible for re-employment. Similarly, unless waived by the City Manager, applicants who resigned from the City while suspended; failed to provide adequate advance notice of their resignation; or resigned while under investigation will not be eligible for re-employment.

Applicants with prior City service who were not discharged for cause, but instead resigned or were laid off but no longer on an active recall list and were considered to be in good standing with regard to prior job performance and attendance at the time of their separation, are eligible for re-employment. These applicants will not receive credit for prior service with the City, except as may be required under law or a City pension plan. In instances where a former employee in good standing is re-employed within three months or less of their end of employment with the City, any employee benefits and privileges will continue to be based on the employee's original employment date.

Residency within the City or any specific distance from the City is not a prerequisite for initial or continued employment. However, the City Council or City Manager may require an employee to live within a specified distance from City Hall or some other fixed location based upon a demonstration that the essential duties of their position stated in the job description require the employee to reside within close proximity to the City. Persons who accept a position with a residency requirement must establish their primary residence within the distance limit no later than the conclusion of their probationary period, and must thereafter keep their primary residence within the distance limit at all times.

3.5 Elected Officials and Their Appointees

No persons holding the Office of City Mayor or City Alderperson or appointed to the office of City Manager may be employed in any other capacity with the City during the term that they hold appointed or elected office, except that the Mayor also serves as local Liquor Control Commissioner.

3.6 Relatives of Elected Officials and Employees

Applicants related to elected officials or employees of the City must disclose and indicate on their official job application their related status to any person currently holding office or employed by the City. Discovery by the City of a failure to disclose these relationships during the application process may result in the disqualification of the applicant. Discovery by the City of an employee's failure to disclose these relationships after being hired regardless of the length of the employee's service could result in disciplinary action.

Applicants related to elected officials or employees of the City will be considered only on the basis of their qualifications, experience, training, physical fitness for the job, personal character and integrity. The City Manager, as the appointing authority for the City, has sole discretion regarding whether or not an offer of employment will be made to the applicant. Assignment of employees that are related to officers or employees of the City will comply with the requirements set forth in *Section 3.7*, immediately below.

3.7 Personal Relationships

Working relationships can sometimes evolve into personal relationships. It is the City's intention to hire and retain the most qualified employees for all positions in the City, and that no hiring, promotion, disciplinary, or termination decisions be made solely on the basis of the existence of a personal relationship between employees. However, when employees are engaged in a personal relationship, a conflict of interest may arise in certain instances. While the City encourages a collegial and supportive atmosphere at work for its employees, personal relationships between employees may become a concern if they create an appearance of impropriety, impair the work of any employee; involve harassing, demeaning, or creating a hostile working environment for any employee; or disrupt the smooth and orderly flow of work. In order to avoid conflicts of interest, the City has implemented this policy surrounding the management of personal relationships in the work environment.

For purposes of this policy personal relationship includes dating; engagement to be married; cohabitation within the same household and living in a romantic partnership (excludes platonic roommates sharing living expenses); having a romantic or sexual relationship.

An employee may not supervise or hire a person with whom they are related or are having a personal relationship. An employee may not work in a position where they have influence over the terms and conditions of the employment of a person with whom they are related or have a personal relationship.

Employees that are in a personal relationship, regardless of whether one employee has supervisory authority over the other, must immediately report the relationship to Human Resources, so that the situation can be evaluated. In case of an actual or potential conflict of interest, the City will take prompt action. This may include reassignment or, if necessary, termination of employment for one or both of the individuals involved.

If a relationship or social activity between two or more employees has: (a) the potential or effect of involving the employees, their coworkers, or the City in any kind of dispute or conflict with other employees or third parties; (b) interferes with the work of any employee, creates a harassing, demeaning, or hostile working environment for any employee; (c) disrupts the smooth and orderly flow of work, or the delivery of services to the residents or customers; or (d) tends to place in doubt the reliability, trustworthiness, or sound judgment of the persons involved in the relationship, the employee(s) involved may be subject to counseling and/or disciplinary action, up to and including termination, depending upon the circumstances. The City also reserves the right to reassign any employee at its sole discretion in the event a conflict to this policy is identified.

CHAPTER 4: WORK SCHEDULE, ATTENDANCE, AND WAGES

4.1 Time and Attendance

Employees are expected to be readily available during their assigned duty hours, as set by their supervisor and Department Head. Non-Exempt employees do not have access to City property at any time except during their regularly scheduled work hours without the prior express approval from their immediate supervisor. An employee whose work requires time away from an assigned work station/location during work hours is required to inform their immediate supervisor of that fact and ensure that the supervisor can conveniently contact the employee during the time they are away.

It is expected that each employee will arrive early enough to be at their work station at the start of their work day. Any employee who is absent from work because of illness or appointments outside of the office is required to notify their supervisor as soon as possible prior to the time that they are due to begin work.

Good attendance, as defined below, is expected from all employees and is a condition of employment. Employment with the City carries with it the personal responsibility of each employee to be on the job as of the scheduled starting time and prepared to deliver the services or perform the duties for which they were hired, every scheduled workday. This responsibility includes maintaining good health standards, taking reasonable precautions against accidents, both on and off the job, and managing personal affairs so that the attendance requirement is effectively and consistently met. While it is recognized that an occasional absence is unavoidable, the City expects employees to manage their personal affairs so as to minimize their time away from work.

Coming to work on time, working the entire scheduled shift or workday, and leaving the worksite at the scheduled time are essential functions of an employee's job. Good attendance and good attendance habits are an integral part of every employee's job description. Among other things, "good attendance habits" mean the following:

- Being at your work station ready for work by the start of the shift, but not commencing work before your scheduled start time;
- Remaining at your work station unless the needs of the job require being elsewhere, except during authorized breaks (including restroom breaks);
- Taking only the time normally allowed for breaks and meal periods;
- Remaining at work during your entire shift, unless excused by a supervisor;
- Not leaving work until the scheduled end of your shift, unless excused by a supervisor;
- Leaving promptly at the end of your shift, unless you have been given advance permission from your supervisor to work past that point; and

- Calling in and personally notifying your supervisor or, if not available, designated clerical and/or support staff, either prior to the start of your work shift or in accordance with established department policy if you are going to be either absent or tardy, unless a verifiable emergency makes it impossible for you to do so. Leaving a voicemail, e-mail or text message is not an acceptable substitute for personal notification to your supervisor.

Excessive absences or lateness (including a pattern of absences or lateness) may lead to disciplinary action, up to and including termination.

4.2 Attendance During Inclement Weather and Emergencies

The City's goal is to remain open and fully operational during inclement weather or other emergency conditions. Accordingly, employees should plan ahead to ensure they have the equipment, transportation, and other arrangements necessary to work their full scheduled shift even when conditions may make it difficult to travel.

At times, if the operational needs of the City allow, Department Heads may authorize employees to arrive late, leave early, or work remotely during inclement weather and emergencies. In these circumstances, an employee who elects to arrive late or leave early may make up any non-worked time during the same pay period, or use paid time off to supplement any hours not worked.

4.3 Holidays

The City observes the following holidays:

1. New Year's Day
2. Martin Luther King, Jr. Birthday
3. Memorial Day
4. Independence Day
5. Labor Day
6. Veteran's Day
7. Thanksgiving Day
8. Day after Thanksgiving
9. Christmas Eve
10. Christmas Day

Full-time, Non-Represented Employees are paid at their regular rate of pay for City designated holidays referenced above (up to eight hours of time per holiday) if they would be regularly scheduled to work on that holiday but City offices are closed. In the unlikely event a Non-Exempt employee is required to perform work on a listed holiday, the employee will receive double their regular hourly rate of pay for all hours worked. In addition, if the employee works less than 8 hours on that holiday, the employee will also receive straight time pay for unworked hours up to 8 hours of actual time worked.

For example, if an employee must work for a total of four hours during a holiday, the employee would be paid for twelve hours in total: 2.0 times the regular rate for the four hours actually worked (totaling 8 hours of pay), and the regular rate for four hours of holiday pay not actually worked. Employees that work 8 hours will be paid 16 hours for that holiday. Employees that work 10 hours will be paid for 20 hours for that holiday.

Part-time, temporary and seasonal employees do not receive holiday pay for time not worked.

When a holiday falls on a Saturday, it will be observed on the preceding Friday. When a holiday falls on a Sunday, it will be observed on the following Monday. The City Manager may change these observances for operational reasons.

In the event an employee does not work on a scheduled workday before or after a holiday, and the employee has not taken an authorized leave, the employee will not receive holiday pay until proof of sickness or excusable absence is established to the satisfaction of the employee's Department Head.

4.4 Payroll Errors

If an employee believes that a payroll error or improper deduction has been made to their paycheck, the employee should immediately report the matter to their Department Head, or to the Finance Director. Employees must report errors within five working days of when they become aware of the error so that the matter can be investigated and promptly remedied if appropriate to do so. Be assured that no retaliation will be taken or tolerated against any employee who reports a potential payroll error.

If the City determines that a payroll error or an improper deduction has occurred, the employee will be reimbursed for the error no later than the payday following the date of the determination.

4.5 Pay Periods

The normal pay period for the City is a two-week, 14-day period that commences at 12:00 am Sunday and ends fourteen days later on Saturday at 11:59 pm. The normal pay date for a pay period is the Friday following the end of the pay period for a total of 26 pay periods per year. When a payday falls on a holiday, checks or direct deposits will be issued or made on the previous workday.

It is the responsibility of the employee to record or enter their work hours as prescribed by the City, and the responsibility of the Department Head or designee to assure proper recording of hours worked. Before records of time worked are submitted for payroll processing, they are to be signed off by the employee attesting that they are a true and accurate representation of hours worked or leave taken during the pay period. Each timesheet must be reviewed, approved, and signed by the Department Head.

Each employee on the payroll will receive a payroll advice form electronically stating their pay, deductions, and accrued leave balances as of the end of the pay period. The City offers and prefers that employees utilize direct deposit for payroll. However, the City will prepare paper paychecks if it is an employee's preference. An employee's first payroll will generally be paid only by check.

It is the policy of the City that there will be no advancement of paychecks for any reason.

4.6 Overtime Pay and Compensatory Time

From time to time, the City may require employees to work outside of, or in excess of, their regular working schedule in order to meet the City's operational needs. The City's preference is to adjust the schedules of Non-Exempt employees as necessary to maintain their regular working hours per pay period (and not require working overtime). For Non-Exempt Employees, all overtime worked must be approved in advance by the appropriate Department Head. Working overtime without approval may result in disciplinary action.

Unless specified otherwise in a collective bargaining agreement, for Non-Exempt Employees will be paid for hours worked in excess of 40 hours in a workweek at the rate of 1.5 times the employee's straight time hourly rate. Unless otherwise stated in a collective bargaining agreement, overtime will not be paid in the form of compensatory time. Hours worked for purposes of overtime include all use of paid benefit time such as Unlimited PTO, sick, vacation, and compensatory time. Overtime hours worked will not be compensated more than once (pyramiding) for the same hours worked under any circumstances.

Represented Employees may be eligible to receive their overtime pay in the form of accrued compensable time in lieu of additional pay. These employees should refer to their collective bargaining agreements for additional information. Non-Represented Employees are ineligible to accrue compensatory time and overtime work will be paid in the period when it is accrued.

Exempt Employees do not qualify for overtime pay, including compensatory time in lieu of pay. (However, employees who Opt-Out of the City's Unlimited PTO plan remain eligible for compensatory time; see *Section 5.2*.)

4.7 Work Periods

In general, the work period for employment is defined as a consecutive seven-day period commencing at 12:00 a.m. Sunday and ending at 11:59 p.m. Saturday, the seventh day.

4.8 Lunch Period

Unless specified otherwise in a collective bargaining agreement, regular full-time employees are allowed a paid lunch period of 30 minutes and may take up to an additional 30 minutes of unpaid time (up to one hour in total) as scheduled by the employee's supervisor to facilitate efficient City operations. Employees are to be relieved of all work-related duties during their lunch break. Non-Exempt employees must record their time in and time out from lunch. Employees are not permitted to work through lunch and be excused from work early or to be paid extra for lunch time except under unique situations approved by the Department Head.

4.9 Rest Periods

Department Heads are authorized to establish two rest periods during each workday, with each period not to exceed 15 minutes in duration. Rest periods are counted as paid and time worked. The scheduling of these periods is entirely discretionary with the Department Head, and will be arranged based on departmental operations. Employees are encouraged to take their rest periods. There is no monetary compensation for skipped rest periods and break periods may not be used for arriving late, leaving early or extending lunch periods. Break periods which are not taken may not be carried over from one day to the next.

4.10 Break Time for Nursing Mothers in the Workplace

The City will provide reasonable break periods each day without loss of pay to an employee who needs to express breast milk for her infant child, as long as the break time will not unduly disrupt the operations of the City. The break time must, if possible, run concurrently with any break or meal time already provided to the employee. The City will also make reasonable efforts to provide a room or other location, in close proximity to the work area, other than a toilet stall, where an employee can express their milk in privacy.

If you need additional breaks for this purpose during working time, consult your supervisor to make arrangements. Likewise, your supervisor can help identify a private area to use for this purpose. Employees will not be subject to discipline or retaliation for utilizing this Policy.

4.11 Remote Working

The City recognizes that remote work may provide some employees with conveniences and flexibility depending on the position worked by the employee. Remote work is not an entitlement or a City-wide benefit, nor does it change the terms and conditions of the employment between the City and the employee. Remote work is not feasible in all situations and is not available for certain positions. Requests for a remote work arrangement will be reviewed on a case-by-case basis and determined on individual circumstances of the employee's work and the needs of the organization at the time of the request.

4.11.1 Definition

“**Remote work**” is City work that can be accomplished from a remote location. While working remotely, the employee is accessible, productive, and works their normal schedule, unless an alternative schedule is agreed to by the employee’s Department Head.

4.11.2 Eligibility

Remote work may be available to employees in either of the following situations:

- **Regular:** Full-time, Non-Represented Employees may request regularly-scheduled remote work arrangements. Employees requesting remote work arrangements must have successfully completed their probationary period and be in good standing with both performance and attendance.
- **Exceptional (Irregular):** Employees who are suffering from illness, injury, or other person circumstances that would qualify for paid leave under this Manual may instead be allowed to engage in remote work on an exceptional (irregular) basis with the approval of the City Manager or their designee.

In either case, supervisors of employees engaging in remote work must be able to maintain accountability and good communication with the employee. In addition, the employee must be able to work with other employees and members of the public as needed and have connectivity to specialized records systems/software. Eligibility for remote work is based on both the position and the employee. Not every job, or every employee, is well-suited for remote working.

A. Suitable Positions. An employee’s position may be suitable for remote working when the job duties:

- Are independent in nature.
- Are primarily knowledge-based.
- Lend themselves to measurable deliverables.
- Do not require frequent interaction at the regular worksite with supervisors, colleagues, clients, or the public, in person or by phone.
- Do not require the employee’s immediate presence at the regular worksite to address unscheduled events, unless alternative arrangements for coverage are possible.
- Are not essential to the management of on-site workflow.

B. Suitable Employees. Employees may be suitable for remote working when their personal characteristics, as determined by the supervisor, include:

- Demonstrated dependability and responsibility.
- Effective communication with supervisors, coworkers, and clients.
- Demonstrated motivation.

- The ability to work independently.
- A consistently high rate of productivity.
- A high level of skill and knowledge of the job.
- The ability to prioritize work effectively.
- Good organizational and time management skills.

Employees who are not upholding City obligations, such as meeting performance or conduct expectations, are not eligible to remote work. An employee may be considered ineligible for remote work in the event the remote work can be demonstrated to have resulted in diminished individual or organizational performance, or continuation of remote work will interfere with the employee's ability to attain or return to a fully successful performance level. Employees who are not meeting performance and conduct expectations, or who have a disciplinary history of work performance issues may not be eligible to work remotely. In addition, the City reserves the right to modify or discontinue the remote work arrangement for any or all employees at any time.

4.11.3 Requesting Regularly Scheduled Remote Work

For regularly scheduled remote work, employees interested in remote work must discuss the request with their supervisor to assess the need and to create their remote work plan. The discussion between the employee and supervisor should include, but is not limited to: the operational and organizational impacts, reason for the request, as assessment of the position, employee productivity and attendance history, and the remote work site location. These arrangements may be utilized for regular and recurring, or an occasional basis. Either an employee or a supervisor can suggest remote work schedules as a possible work arrangement. Remote work arrangements are not guaranteed.

If regular remote work is approved, the first three months will be considered a trial period. After successful completion of the trial period, the work arrangement will be reviewed at least annually thereafter on a performance evaluation to ensure continued success. The arrangement may be canceled for any reason by management. Generally, any employee working remotely on a regular basis must work at least four full days per week where they are physically present at their principal City worksite. This allows for up to a maximum of one day of remote work subject to: Department Head discretion, the City's operational needs, and the participation of other employees.

4.11.4 Additional Considerations

A. **All City Policies Apply.** All the rules applicable at the regular worksite are applicable while remote working. Employees must comply with all City employee manual policies, administrative protocols, and department rules and regulations. Failure to do so may result in removal from the program and/or disciplinary action.

- B. **Time and Attendance.** Employees must perform designated work during scheduled work hours while remote working. Employees working remotely must work regular hours and be available to manage projects with other staff and the public as necessary. An employee must receive authorization to work in outside of their normal worktime or work overtime. Unauthorized overtime may result in discipline. Exempt and Non-Exempt employees who are approved to remote work must record and certify all hours worked. Employees will record their start and end times for each day that work is performed on the City's Employee Time Record form. At the end of the workweek, the employee will certify the accuracy of the Employee Time Record and transmit it to their Department Head or designee.
- C. **In-Person Work Requirements.** Remote work arrangements may be terminated or temporarily suspended by the City with notification the employee given within a reasonable time for a short or permanent basis if the employee's Department Head deems that the department's needs require the employee to be physically present or if the employee is not performing the job duties as expected. Department staffing and vacation schedules will take precedence and employees must adjust accordingly to ensure office coverage. Mandatory meetings or other situations where attendance is required at the physical workplace, must be attended by the employee, regardless of scheduled remote work days. Remote work days may be rescheduled during the same work week if scheduling permits.
- D. **Equity in Remote Work.** While the City will make attempts to be equitable between employees in similar position in terms of requests for remote work opportunities, the approval of the request for remote work does not create an entitlement for other employees or future employees in the same classification to be eligible for a remote work assignment.
- E. **Right to Monitor.** While working remotely, the City reserves the right to monitor employee's work, productivity, and working hours.

4.11.5 Equipment and Supplies

The Department Head or designee will identify the equipment and supplies required to successfully work at an alternate location, and will specify those items in the remote work plan. If the department does not provide the needed equipment or supplies, and the employee does not have them, the employee may not be eligible to remote work. For example, remote work may be inappropriate for employees who do not already have a home with: a private working space, a desk and chair, broadband internet, or other essentials. Departments have the sole discretion to provide City equipment and supplies, or allow employees to use their personal equipment and supplies while working remotely. Because remote work arrangements are primarily for the convenience of the employee, employees are not authorized to incur expenses attributable to their remote work arrangement without the prior express written consent of a Department Head. (See *Section 8.17* of this Manual for reimbursement procedures for any authorized expenses.)

Remote work assignments will be consistent with City policy regarding removing City property from the City's premises. An employee must receive authorization to remove any City owned property from its premises. All City rules regarding the use of computers and the internet apply while an employee is working remotely, regardless of whether the employee is using City-provided or personal equipment.

City equipment or supplies provided by the City are for City business only. An employee does not obtain any rights to City equipment or supplies provided in connection with remote work. The employee must immediately return all City equipment and supplies at the conclusion of the remote work assignment or at the Department Head's request. An employee must protect City equipment and supplies from possible theft, loss, and damage. The employee may be liable for replacement or repair of the equipment or supplies in compliance with applicable laws on negligence or intentional conduct in the event of theft, loss, or damage.

Any equipment, including software, files, and databases provided by the City remain the property of the City. An employee must adhere to all software copyright laws, and may not make unauthorized copies of any City-owned software. Employees may not add hardware or software to City equipment without prior written approval.

4.11.6 Appropriate and Safe Worksites

A remote work employee must designate a work area suitable for performing official business. The employee must perform work in the designated area when remote working. Requirements for the designated work area will vary depending on the nature of the work and the equipment needed, and may be determined by the Department Head.

Employees working remotely must work in an environment that allows them to perform their duties safely and efficiently. Employees will manage dependent care and personal/household responsibilities in a way that allows them to successfully meet all job requirements. Employees are responsible for ensuring their work areas comply with any health and safety requirements.

Employees are covered by workers' compensation laws when performing work duties at their designated alternate locations during regular work hours. Employees who suffer a work-related injury or illness while working remotely must notify their supervisor and complete any required forms immediately.

The City is not liable for damages to an employee's personal or real property while the employee is working at an alternate worksite.

4.11.7 Security and Access to City Records

All files, records, papers, or other materials created while working remotely are City property. Employees working remotely and their supervisors must identify any confidential, private, or personal information and records to be accessed and ensure appropriate safeguards are used to protect them. A Department Head may require employees to work in private locations when handling confidential or sensitive material. Employees may be prohibited from printing confidential information in remote work locations to avoid breaches of confidentiality.

The Illinois Freedom of Information Act and the Public Records Act regarding public documents apply to employees working remotely. Upon receipt of an appropriate request, and subject to authorized exemptions, an employee working remotely must permit inspection and examination of any public record in the employee's custody, or any segregable portion of a public record, within required time limits. This requirement exists regardless of where the public record is physically located.

CHAPTER 5: TIME AWAY FROM WORK

5.1 Unlimited Paid Time Off

The City believes that taking time off from work is essential, both personally and professionally for all full-time employees. Subject to the terms discussed in more detail below, the City does not limit the number of days Non-Represented employees may take during the year for time off work. PTO requests must be approved by a Department Head, and each team member is expected to balance their work and time off appropriately. Due to business or staffing needs, PTO requests are not guaranteed to be approved, partially or in whole.

Full-time employees, whether exempt or non-exempt, may request to use Paid Time Off (PTO) during their regularly scheduled work hours, subject to Department Head or designee approval. PTO can be taken for a variety of reasons, including planned vacations, personal days off, illness, bereavement, etc. PTO may not be used, however, by an employee to effectively realize an alternative work schedule or to pursue secondary employment.

Under this policy, there is no accrual of PTO beyond the approval process described below. The intent of this policy is that the employees will ensure that they manage their PTO to prioritize work responsibilities while balancing personal needs and/or commitments. Employees are expected to complete their productivity, deadlines, customer needs, and all job performance requirements. Except where a right to access leave is protected by law, failure to meet these performance requirements may require corrective action.

- A. Use for Planned Leave:** You must coordinate with your Department Head in advance of scheduling PTO. This will allow your Department Head to plan for your absence and schedule coverage, if needed. Submit all PTO requests to your manager. If you are unable to request your PTO in advance due to illness or an emergency, please notify your Department Head according to the Time and Attendance policy (*Section 4.1*).
- B. Use for Sick Leave:** To be eligible to use PTO for sick leave, employees must provide proper notification of absence prior to the start of your shift as discussed under the Time and Attendance policy. Employees must give this notification for each day they are absent unless the absence has been approved in advance. Employees may be required to submit, in writing, the reason or reasons for their continued sick leave, the estimated date of return and whether any supplemental income payments are being received or whether an application for them is pending. The City may also require, at any time, written verification from the employee's doctor. PTO may be used for an injury, illness or other unexpected situation up to a maximum of two weeks unless approved in advance. An illness or injury that requires additional leave will generally qualify for the City's Family Medical Leave Act (FMLA) program as described in *Section 5.5*.

- C. Use for Other Leave:** For military leave, personal or family medical leave (FMLA), victim’s leave (VESSA), or other forms of leave mandated by law, an employee will be eligible to use up to a maximum of 12 weeks of PTO in any 12-month period, regardless of the number of qualifying occurrences or types of leave that may arise. For the purposes of this limitation, the City will use a “rolling” 12-month period measured backwards from the date of the most recent qualifying leave. This plan may affect wage replacement benefits such as workers’ compensation or disability insurance.
- D. No Other Benefit Time Accruals:** Immediately upon becoming eligible for the Unlimited PTO program, employees will cease to accrue or expend any other form of paid time off that may be available to City employees. **Appendix B** will apply to Non-Represented Employees until they become eligible for the Unlimited PTO program.
- E. No Payment at Separation:** The PTO granted under this policy is like an income replacement insurance benefit and is not considered accrued time or considered vested wages. Employees will not be paid for PTO at separation.
- F. Transition Period for Affected Employees (Opt-In):** The City is providing an option for Non-Represented Employees employed with the City prior to January 1, 2024, to extend the time before implementing the Unlimited PTO program. Non-Represented Employees employed with the City as of January 1, 2024 (“**Affected Employees**”) will not automatically become eligible for the Unlimited PTO program. Instead:
- In 2024, the City will provide notice to Affected Employees after changes to the City’s payroll system have been made to enable the Unlimited PTO plan.
 - Between the date of this notice and December 31, 2024, an Affected Employee who is not currently on leave may voluntarily opt into the Unlimited PTO program and will become eligible as of the start of the next pay period following their election. This opt-in election is irrevocable except with the mutual consent of the City.
 - On January 1, 2025, this Unlimited PTO program will apply to all Non-Represented Employees, except for those employees who have opted-out in accordance with **Section 5.2** below.

All Employees who are hired or who become Non-Represented Employees after January 1, 2024 will be automatically included in this Unlimited PTO program and will not be afforded the opportunity to opt-in or opt-out as set forth in this Section.

- G. Disposition of Legacy Time – At Inception:** Non-Represented Employees who have existing accrued vacation, sick (subject to the following rules), or compensatory time (“**Legacy Time**”) as of the date of their eligibility for Unlimited PTO are eligible to receive the cash value of their Legacy Time at their current hourly rate of pay at the time of payout. For sick leave, the following rules apply:
- i. “**Tier 1**” **Employees:** For employees who hired on or before November 2, 2010, the full cash value of all sick leave will be available to the employee. The employee may determine the amount of sick time to be paid as cash and the amount to be contributed to the employee’s RHS or PHEP account.

- ii. **“Tier 2” Employees:** For employees hired after November 2, 2010 and who are not eligible to receive any cash value for their sick leave, any accrued sick leave balance will be retained. No new debits or credits will be applied to this balance. This provision is to allow the employee, if eligible, to preserve any ability to receive service time credits from their pension system for their unused sick time at retirement. (Eligibility and rules for these programs is determined by the employee’s pension system, and not by the City.)

The employee may elect to schedule payments across one or multiple payroll periods. Any Legacy Time remaining as of the final regular payroll of calendar year 2025 will be paid out to the employee at that time. Employees who separate from employment with remaining Legacy Time will be paid for any remaining time no later than the next regularly scheduled payday following their separation.

H. Disposition of Legacy Time – Upon Change in Position: Employees who are newly promoted or reclassified to a position that is eligible for the Unlimited PTO policy will be paid in a single lump sum for all Legacy Time within 45 days of the successful conclusion of their probationary period as provided in subsection G above. Legacy Time will be paid at the employee’s current rate of wages at the time of payout. Promoted employees who separate from the City prior to the completion of their probationary period will be paid for accrued leave time under the provisions applicable to the employee immediately before their promotion.

I. Exclusion of Represented Employees: Represented Employees are specifically excluded from this Unlimited PTO policy.

5.2 Unlimited PTO Exclusions (Opt-Out)

A. Optional (Opt-Out): Eligible employees may voluntarily opt-out of the Unlimited PTO program and elect to continue to accrue vacation, sick, holiday, and compensable time under the provisions of *Appendix B*. In order to be eligible to exercise their opt-out, an employee must:

- i. Be employed by the City prior to January 1, 2024;
- ii. Cannot have been subject to a collective bargaining agreement as of January 1, 2024; and,
- iii. Not opt into the City’s Unlimited PTO plan (see *5.I.F*), request a payment of Legacy Time (see *5.I.G*), or accept a payment of Legacy Time (see *5.I.G*).

The opt-out election must be made prior to December 31, 2024 and is irrevocable except with the mutual consent of the City. Employees who opt-out are ineligible to participate in the City’s Unlimited PTO program including payments of Legacy Time.

B. Mandatory: Battalion Chiefs of the City of Rolling Meadows Fire Department are automatically excluded from the Unlimited PTO Program. The City’s leave policies in effect as of December 31, 2023 will govern Battalion Chiefs unless otherwise bargained for in an applicable collective bargaining agreement.

5.3 Miscellaneous Leave Required by Law

The following types of leave are available to all employees as required by law in addition to this Manual's other leave policies. These provisions are intended only to be summaries of the rights available under the law as well as the City's procedures, and do not create any new benefits for employees. Unless stated otherwise, employees may take paid leave in conjunction with any of the following types of leave. Otherwise, leave taken will be excused but unpaid by the City.

5.3.1 School Visitation

Every employee is entitled to leave for attendance at school conferences, behavioral meetings, or academic meetings related to the employee's child if the conference or meeting cannot be scheduled during non-work hours.

To be eligible for school visitation leave, employees must have worked the six consecutive months before the leave and have worked an average of at least 17.5 hours per week (being one-half the hours worked by a Full-Time Employee). Additionally, if applicable, employees must have exhausted all accrued vacation, personal, and other leave (excluding sick and disability leave). To obtain this leave, an employee must provide their supervisor with a written request for leave at least seven days in advance of the conference. In emergency situations, the request must be made at least 24 hours in advance. Employees may make up any unpaid time off by working on a different day or shift as directed by their supervisor.

Although employees are allowed up to eight hours of leave per school year, employees may not take more than four hours of leave in a single day and the City can require that the leave be scheduled so as not to unduly disrupt its operations. Each employee must submit documentation of the school visitation to their supervisor. Any employee who fails to submit a verification statement to their supervisor within two working days following the school visitation when requested may be subject to the standard disciplinary procedures imposed by the City for unexcused absences from work.

5.3.2 Family Bereavement

The City will provide an employee with leave as a result of a death in the employee's family, as well as in the event of a miscarriage or stillbirth; a diagnosis that negatively impacts pregnancy or fertility; or an unsuccessful assisted reproduction, adoption, or surrogacy.

For purposes of this Section, an employee's "family" is defined as their parents (including parents by marriage), grandparents, spouse, domestic partner, children (including children by marriage, adoption, or court order), siblings (including siblings by marriage), and grandchildren.

A single instance of leave under this Section will be provided be for a period not exceeding ten workdays. Of this 10-day period, the City will provide all ten days of paid leave for circumstances that involve a spouse or domestic partner, child, or expected child, and three days of paid leave in all other circumstances. Notice of leave must be provided at least 48 hours in advance, unless notice is not reasonable and practicable. The City may require employees to submit reasonable documentation supporting their leave. This Section is in addition to, and does not limit, the use of other qualifying types of leave for bereavement.

Employees may be entitled to up to a maximum of six weeks of bereavement time during a 12-month period in the event that they suffer more than one qualifying event.

5.3.3 Blood Donation

Full-time employees who have been employed by the City for at least six months may receive up to one hour of paid leave every 56 days to donate blood. However, employees may take leave only after obtaining approval from their Department Head.

5.3.4 Elections

The City encourages employees who desire to do so to exercise their right to vote before or after working hours. Employees who are registered to vote and who are not otherwise able to vote outside working hours are eligible to receive up to two hours of paid time off work in order to vote in a general or special election or an election where propositions are submitted to a popular vote. All requests for election time off must be submitted to an employee's supervisor prior to the election day and the City may specify the hours during which employees may absent themselves from work in order to vote.

Employees appointed as an election judge are eligible for unpaid leave to perform their duties as an election judge, including training. In lieu of unpaid leave, an employee may, but is not required, to used vacation time or other forms of paid leave.

5.4 Jury Duty or Witness Duty

Employees who are summoned to jury duty or testifying as a witness at the request of the City, or testifying under subpoena to matters related to their employment with the City, cannot utilize any other form of leave for this purpose and will receive full pay or pro-rated pay at their straight-time hourly rate for time not worked. Employees must endorse to the City any payment received for jury or witness duty. The payment of the jury duty benefit is made when the employee presents a copy of the subpoena for jury duty service to their supervisor and provides the City with the check received from the court for jury duty or witness duty.

5.5 Family and Medical Leave (FMLA)

5.5.1 General

The City provides leave pursuant to the Family and Medical Leave Act (“*FMLA*”). Family or medical leave will consist of appropriate paid leave and unpaid leave in accordance with the City’s Paid Time Off policy (*Section 5.1*).

5.5.2 Eligibility for Leave

Any employee who has been employed for at least twelve months, *and* for at least 1,250 hours during the preceding twelve-month period is eligible for family and medical leave. Except for those employees designated as “key” or “highly compensated” employees, employees will be returned to the same or to an equivalent position upon their return.

All employees who meet the applicable time of service requirements may be granted family or medical leave consisting of appropriate accrued paid leave and unpaid leave, for a period of twelve workweeks (during a 12-month period) for the following reasons:

- A. The birth of the employee’s child and in order to care for the child;
- B. The placement of a child with the employee for adoption or foster care;
- C. To care for a spouse, child or parent who has a serious health condition; or
- D. A serious health condition that renders the employee incapable of performing the functions of their job.
- E. Because of certain family and medical events as specified in the Military FMLA Policy, below.

The entitlement to leave for the birth or placement of a child for adoption or foster care will expire twelve months from the date of the birth or placement.

For purposes of this Policy, the City has adopted a “rolling” 12-month period measured backward from the date of any FMLA leave usage. In order to determine the amount of available leave, the calculation is made each time an employee commences leave. From that date, the preceding 12-month period is examined. Any leave used during that preceding twelve months is deducted from the twelve weeks annual leave provided by law under this policy. An employee is entitled to take no more than the remaining balance of leave.

5.5.3 Procedure for Requesting Leave

In all cases, an employee requesting leave must complete an “Application for Family and Medical Leave” and return it to Human Resources. The completed application must state the reason for the leave, the duration of the leave, and the starting and ending dates of the leave.

An employee intending to take family or medical leave because of an expected birth or placement, or because of a planned medical treatment, must apply for leave at least 30 days before the leave is to begin. If leave is to begin within 30 days, or if the leave is for an unplanned medical treatment, an employee must give notice to their supervisor and to Human Resources as soon as the necessity for the leave arises.

If the City subsequently becomes aware that an employee's absence qualifies for FMLA leave, the City will designate the leave as FMLA leave, regardless of whether the employee applies for FMLA leave.

An employee on medical leave of absence for a serious health condition, whether or not as a result of a workers' compensation injury, will be designated (and run concurrently) as FMLA leave by the City if the employee is eligible for FMLA leave.

5.5.4 Medical Certification

Appropriate forms must be submitted to initiate family/medical leave and to return the employee to active status. Employees requesting family/medical leave must provide the City with the appropriate medical certification. (The City also may first designate a leave as an FMLA leave where appropriate, even where Employee has not made such a request prior.)

An application for leave based on the serious health condition of the employee or the employee's spouse, child or parent must also be accompanied by a "Medical Certification Statement" completed by a healthcare provider. The certification must state the date on which the health condition commenced, the probable duration of the condition, and the appropriate medical facts regarding the condition.

If the employee is needed to care for a spouse, child or parent, the certification must so state, along with an estimate of the amount of time the employee will be needed. If the employee has a serious health condition, the certification must state that the employee cannot perform the functions of their job. Medical certifications of a serious health condition must be provided to the City no later than 15 days after the request for leave is submitted to the City, unless it is not practicable under the particular circumstances to do so, despite the employee's diligent, good faith efforts.

5.5.5 Benefits Coverage During Leave

During a period of family or medical leave, an employee will be retained on the City's health plan under the same conditions that applied before leave commenced. To continue health coverage, the employee must continue to make any contributions that they made to the plan before taking leave.

For any unpaid portion of leave, an employee is not entitled to the accrual of any seniority or employment benefits that would have occurred if not for the taking of leave. An employee who takes family or medical leave will not lose any employment benefits that accrued before the date leave began.

During unpaid family/medical leaves of absence, the employee will not accrue employment benefits, such as vacation pay, sick/personal pay, etc. Employment benefits accrued by the employee up to the day on which the FMLA leave begins will not be lost. Also, during the leave, the employee will not receive pay for holidays.

5.5.6 Return to Employment Following Leave

An employee eligible for family and medical leave – with the exception of those employees designated as “key” or “highly compensated employees” – will be restored to their old position *or* to a position with equivalent pay, benefits, and other terms and conditions of employment. The City cannot guarantee that an employee will be returned to their original job. A determination as to whether a position is an “equivalent position” will be made by the City.

If the employee does not return to work after the expiration of the leave, the employee will be required to reimburse the City for payment of health insurance premiums during the family leave, unless the employee does not return because of the presence of a serious health condition which prevents the employee from performing their job or circumstances beyond the control of the employee.

5.5.7 Release to Return to Work

Employees who wish to return to work from FMLA leave for a serious health condition will be required to present a fitness-for-duty release by a doctor prior to being restored to employment.

5.5.8 Intermittent Leave

In the case of leave for the birth or placement of a child, intermittent leave or working a reduced number of hours is not permitted unless both the City and employee agree. If both spouses are employed by the City, the combined leave will not exceed twelve weeks.

If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment for the employee or a family member, including during a period of recovery from a serious health condition, or if the City agrees to permit intermittent or reduced schedule leave for the birth of a child or for placement of a child for adoption or foster care, the City may require the employee to transfer temporarily, during the period the intermittent or reduced leave schedule is required, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee’s regular position. The alternative position to which the employee may be transferred must have equivalent pay and benefits, but is not required to have equivalent duties.

5.6 Military Family and Medical Leave Act Policy

5.6.1 Eligibility

To be eligible for leave under the military Family and Medical Leave Act provisions, an employee must be eligible for traditional FMLA leave and either be:

- A. The parent, spouse, son or daughter of a servicemember in the Armed Forces, including a member of the National Guard or a Reserve component of the Armed Forces, or of an Armed Forces retiree, who is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation; or
- B. The spouse, son, daughter, parent or next of kin of a servicemember in the Armed Forces, including a member of the National Guard or Reserve component of the Armed Forces, or a qualifying veteran, who is undergoing medical treatment, recuperation, or therapy, who is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

5.6.2 Policy

Eligible employees can take leave for any of the following reasons:

5.6.2.1 Qualifying Exigency Leave

An employee may take leave because of any qualifying exigency arising out of the fact that a son, daughter, spouse, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation. This leave is limited to relatives of National Guard and Reserve servicemembers and of Armed Forces retirees who are in federal service. Qualifying Exigency Leave may be used:

- A. To address any issues arising from a military member's short-notice deployment;
- B. To make or update financial and legal arrangements arising from the military member's covered active duty;
- C. To attend counseling for the employee, the military member or the child of the military member;
- D. To attend military events and related activities;
- E. To spend up to 15 calendar days with the military member who is on Rest and Recuperation leave during covered active duty;
- F. To address certain child care and related activities concerning the military member's child that arise from the military member's covered active duty;
- G. To attend post-deployment activities for up to 90 days;
- H. To address certain activities related to the care of the military member's parents who is incapable of self-care; or

- I. For any other event that the City and the employee agree is a qualifying exigency and agree to the timing and duration of the leave.

5.6.2.2 Military Caregiver Leave

An employee may take leave to care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin (nearest blood relative) of the covered servicemember. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserve, or a veteran discharged for conditions other than dishonorable, who is undergoing medical treatment, recuperation or therapy, who is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. This leave does not cover relatives of veterans or servicemembers on the permanent disability retired list. The serious injury or illness is covered if it was incurred while in the line of duty and renders member medically unfit to perform their military duties. The City will rely on authorized healthcare providers or designated officials in the Department of Defense to determine whether the servicemember is a covered servicemember.

5.6.3 Notice of Leave

5.6.3.1 Qualifying Exigency Leave

When the need for leave because of a qualifying exigency related to a family member's active duty is "foreseeable," the employee should provide notice as soon as practicable, regardless of how far in advance the leave is foreseeable. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, it should be practicable for the employee to provide notice of the need for leave either the same day or the next business day. As soon as practicable means as soon as both possible and practical, considering all of the facts and circumstances in the individual case.

5.6.3.2 Military Caregiver Leave

When military caregiver leave is requested, as with traditional FMLA, an employee must provide the City at least 30 days' advance notice before FMLA leave is to begin if the need for the leave is foreseeable. If 30 days' notice is not practicable, notice must be given as soon as practicable.

5.6.4 Certification for Leave

5.6.4.1 Qualifying Exigency Leave

When an employee requests leave because of a qualifying exigency, the employee must provide a copy of the covered military member's active duty orders or other documentation issued by the military indicating that the covered military member is on active duty or called to active duty status in support of a contingency operation, and the dates of the covered military member's active duty service. The employee will need to supply documentation once per deployment and again only for a different active duty or call to active duty status of the same or a different covered military member.

The City will also require the employee to obtain a certification for Qualifying Exigency Leave. A Certification of Qualifying Exigency for Military Family Leave is available from Human Resources.

5.6.4.2 Military Caregiver Leave

When an employee takes leave to care for a covered servicemember with a serious injury or illness, the City will require the employee to obtain a certification to be completed by the employee and an authorized healthcare provider of the covered servicemember. A Certification for Serious Injury or Illness of a Current Servicemember – for Military Family Leave and a Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave are available from Human Resources.

The City may also require information confirmation of the employee's relationship with the covered servicemember at any time in this process.

If the employee's family member is a current service member who needs care, the City will accept "invitational travel orders" ("*ITOs*") or "invitational travel authorizations" ("*ITAs*") issued to any family member to join an injured or ill servicemember at their bedside, regardless of whether the employee is named in the order or authorization. An ITO or ITA is sufficient certification for the duration of time specified in the ITO or ITA. During that time period, an eligible employee may take leave to care for the covered servicemember in a continuous block of time or on an intermittent basis.

If the employee's family member is a veteran with a serious illness or injury, the City will accept a copy of a VASRD rating determination or the enrollment notice from the VA's Program for Comprehensive Assistance for certification of the veteran's serious injury or illness.

5.6.5 Duration of Military Family and Medical Leave

Under the military FMLA policy, the City provides eligible employees with: (1) up to twelve workweeks of job-protected leave in a 12-month period for Qualifying Exigency Leave; or (2) up to 26 workweeks of leave for eligible employees within a single 12-month period to care for a covered servicemember with a serious illness or injury for Military Caregiver Leave.

Eligible employees using qualifying exigency leave will be entitled to up to a cumulative maximum of twelve workweeks of FMLA leave within a 12-month leave period. Employees using military caregiver leave alone or military caregiver leave in combination with traditional FMLA-qualifying leave, or qualifying exigency leave, may take up 26 workweeks of leave during any single 12-month period. The amount of leave taken for traditional or qualifying exigency is limited to a total of twelve workweeks; the difference may be military caregiver leave. Any combination of FMLA leave may not exceed the maximum limit of 26 workweeks. The 26 workweeks run on a separate FMLA year that commences with the first day leave is taken and can run until the end of the 12-month period. Unused military caregiver leave is forfeited at the end of the 12-month period.

5.7 Leave Due to Crimes of Violence (VESSA)

The City will provide up to twelve weeks of leave from work to an employee who is a victim of violence (or who has a family or household member who is a victim of a crime of violence), pursuant to the Illinois Victims' Economic Security and Safety Act (“**VESSA**”), if the employee is:

- A. Seeking medical attention for, or recovering from, physical or psychological injuries caused by a crime of violence to the employee or the employee's family or household member.
- B. Obtaining services from a victim services organization for the employee or the employee's family or household member.
- C. Obtaining psychological or other counseling for the employee or the employee's family or household member.
- D. Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future crimes of violence or ensure economic security.
- E. Seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from a crime of violence.

5.7.1 Definitions

“Family or household member” means a spouse, parent, son, daughter, and persons jointly residing in the same household whose interests are not adverse to the employee as it relates to the crime of violence.

“Parent” means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter.

“Son or daughter” means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age, or is 18 years of age or older and incapable of self-care because of a mental or physical disability.

5.7.2 Period of Leave

Employees are entitled to a total of 12 workweeks of VESSA leave during any 12-month period. (This policy does not create a right for an employee to take leave that exceeds the leave time allowed under, or is in addition to the leave time permitted by, the federal Family and Medical Leave Act.) Leave may be taken intermittently or on a reduced work schedule.

5.7.3 Existing Leave

VESSA leave is itself unpaid. An employee may use paid time off in conjunction with VESSA leave.

5.7.4 Employee Notice Requirements

The employee must provide Human Resources with at least 48 hours advance notice of the employee’s intention to take VESSA leave, unless providing notice is not practicable. When an unscheduled absence occurs, the City will not take any action against the employee if the employee, within a reasonable period after the absence (generally, 15 days) provides certification.

5.7.5 Employee Certification

The City may require the employee to provide certification to Human Resources that:

- A. The employee or the employee’s family or household member is a victim of a crime of violence; and
- B. The leave is for one of the purposes enumerated in the above “Basis” paragraph.

The employee must provide certification to Human Resources within a reasonable period after the City requests certification. An employee may satisfy the above certification requirement by providing to the City a signed and dated statement of the employee, and by providing any of the following documents as soon as they are obtained:

- A. Documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee or the employee’s family or household member has sought assistance in addressing the crime of violence and the effects of the violence;
- B. A police or court record; or

C. other corroborating evidence.

5.7.6 Confidentiality

All information provided to the City, including a statement of the employee or any other documentation, record, or corroborating evidence, and the fact that the employee has requested or obtained leave pursuant to this policy will be **retained in the strictest confidence by the City**, except to the extent that disclosure is: (i) requested or consented to in writing by the employee; or (ii) otherwise required by applicable Federal or State law.

5.7.7 Restoration to Position

In general, an employee who takes leave under this policy is entitled upon their return to be restored to the position of employment held by the employee when the leave commenced; or to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

5.7.8 Loss of Benefits

The taking of leave under this policy does not result in the loss of any employment benefit accrued prior to the date on which the leave commenced. An employee who takes leave under this policy for the intended purpose of the leave is entitled upon return from leave to be restored to the same position or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. However, the employee is not entitled to: the accrual of any seniority or employment benefits during any period of leave; or any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

5.7.9 Reporting to The City

The City may require an employee on leave under this policy to report periodically to Human Resources on the status and intention of the employee to return to work.

5.7.10 Maintenance of Health Benefits

Except as provided under “Loss of Benefits,” during any period that an employee takes leave under this policy, the City will maintain coverage for the employee and any family or household member under group health plan for the duration of leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of leave.

5.7.11 Failure to Return from Leave

The City may recover the premium that it paid for maintaining coverage for the employee and the employee’s family or household member under the City’s group health plan during any period of leave under this policy if:

- A. The employee fails to return from leave under this policy after the period of leave to which the employee is entitled has expired; and
- B. The employee fails to return to work for a reason other than:
 - i. the continuation, recurrence, or onset of a crime of violence that entitles the employee to leave; or
 - ii. other circumstances beyond the control of the employee.

The City may require an employee who claims that they are unable to return to work because of a reason described in (i) or (ii) above to provide, within a reasonable period after making the claim, certification to the City that the employee is unable to return to work because of that reason. An employee may satisfy this certification requirement by providing Human Resources with:

- A. A sworn statement of the employee;
- B. Documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional with whom the employee has sought assistance in addressing a crime of violence and the after-effects of that violence;
- C. A police or court record; or
- D. Other corroborating evidence.

The City will not fail to hire, refuse to hire, discharge, or harass any individual exercising their rights under this policy or otherwise discriminate against any individual exercising their rights under this policy with respect to the compensation, terms, conditions, or privileges of employment of the individual, or retaliate against an individual in any form or manner for exercising their rights under this policy.

5.7.12 Leave Availability Calculation

The City uses a “rolling” 12-month period measured backward from the date of any VESSA leave usage. In order to determine the amount of available leave, the calculation is made each time an employee commences leave. From that date, the preceding twelve (month period is examined. Any leave used during that preceding twelve months is deducted from the twelve weeks annual leave provided by law under this policy. An employee is entitled to take no more than the remaining balance of leave.

5.8 Military Leave (ISERRA/USERRA)

City employees who are members of the uniformed or military services receive extended employment rights as set forth in the Illinois Services Employment and Reemployment Rights Act (ISERRA) (330 ILCS 61/1-1 et seq.), the Uniformed Services Employment and Reemployment Rights Act (USERRA) (38 USCA 4301, et seq.) and all other applicable state and federal laws. This policy is not intended to grant any rights or impose any responsibilities in excess of those contained in state and federal law.

If an employee needs leave for uniformed or military service, the employee must provide notice to their Department Head and Human Resources, along with a copy of their orders for service, as soon as they become aware of their need for leave. The City will provide leave for uniformed or military service in accordance with the requirements of state and federal law.

During periods of uniformed or military leave, the City's health-plan benefits will continue in accordance with state and federal law. For periods of leave for active duty, the City will continue to pay the employer's share of the full premium and administrative costs related to the continuation of health-plan benefits.

During periods of military leave for annual training, employees continue to receive full concurrent compensation for up to 30 calendar days per year. During periods of leave for active service, employees receive differential compensation, meaning pay due when the employee's rate of compensation for military service is less than their daily rate of compensation as a public employee. In the case of differential pay, the employee will receive their regular compensation as a public employee minus the amount of base pay for active service. Differential compensation for voluntary active service is limited to 60 work days in a calendar year. Employees may elect, but are not required to, use accrued leave with pay in lieu of differential compensation during any period of military leave. Differential compensation will not be paid for active service without pay. Employees who have exhausted concurrent compensation for annual training, may receive differential pay for annual training, as set forth and limited by law.

5.9 General Leave of Absence

Employees may request a general unpaid leave of absence for personal matters, which may be granted at the discretion of the employee's Department Head and the City Manager. The following are examples of the kinds of situations for which personal unpaid leave may be appropriate:

- The continuation of or completion of a pursuit of a degree for the purpose of training in subjects related to the work of the employee and which will benefit the City.
- To recover their own health or attend to family illness upon exhausting their FMLA time.
- Personal business which will require an employee's attention for an extended period, such as a settlement of an estate, liquidating a business, attending court as a witness on non-City related cases, and for purposes other than the above where the City determines, in the City's discretion, that granting unpaid leave will be in the best interests of the City.

5.9.1 Procedures

- A. Employees may submit a written request to the Department Head asking for a leave of absence without pay. The request will be in writing, stating the reason for the request, the date desired for the start of the leave and the probable date of return. The request along with the written recommendation of the Department Head will be forwarded to the City Manager for authorization.

- B. Authorization for leave will be at the sole discretion of the City Manager, whose decision will be based upon the operational needs of the City; the work record of the individual; and the reason for the request.
- C. If applicable, an employee is required to exhaust available paid leave before an unpaid general leave of absence is commenced.
- D. If any employee is absent because of illness or non-occupational disability, the Employee will be required to first exhaust accumulated leave until the employee becomes eligible for disability pension benefits. In the event that the has exhausted all leave prior to the expiration of any waiting period for disability benefits, the employee will not be entitled to any compensation from the City.

5.9.2 Status of Benefits

With the exception of group health coverage, an employee is not entitled to accrue or receive any other employment benefit while on a general leave.

For the remainder of the month during which a general leave begins, and for one calendar month thereafter, the City will continue to provide group health insurance coverage under the same conditions as it did before the leave began. Thereafter, insurance coverage, if desired by the employee and otherwise available through the City, will be made available under COBRA and fully paid by the employee through the duration of the leave.

5.9.3 Duration

A general leave of absence may be granted for up to twelve workweeks. Extensions may be granted for additional periods of up to twelve additional workweeks, not to exceed a total of 24 workweeks, inclusive of all other leaves taken by the employee. An employee may request an extension of the general leave by making application to the City in the same manner as an original request.

The City is entitled to fill the employee's position at any time during their leave if it determined that the employee's absence impairs the operations or delivery of services. In cases where a determination is made to fill the employee's position, the City will notify the employee of this decision in writing and offer the employee an opportunity to return to work before the scheduled end of their leave. The employee is required to respond to the offer for re-employment within three business days from the date of notice from the City, and will be considered to have declined the offer if they fail to respond at the close of the third business day.

5.9.4 Conditions for Returning to Duty

- A. A return date will be agreed upon by the employee and the City Manager at the time the general leave is granted. Generally, this will be the probable return date specified in the employee's application.

- B. An employee returning from a general leave will be placed in the employment position held before the leave began, if the employment position is vacant. If the former employment position is not vacant, the employee may be returned to the most equivalent, available employment position with the City for which the employee is qualified, with the right of the employee to transfer to the employee's former employment position if and when it becomes available if the employee remains qualified.
- C. If no vacant, funded positions exist to which the employee may be reinstated at the conclusion of their leave, the employee will be provided preferred status over applicants from the general public for any vacancy in their former job classification or a in a job classification having a maximum salary rate below their former classification and for which they are qualified. This preferred status will be provided for a time period equal to the length of the employee's leave of absence, and will take into consideration the former employee's job performance and attendance record. Preferred status in this context does not obligate or require the City to reinstate the former employee.
- D. Prior to reinstatement after a general leave of absence for an illness, an employee must present to the Human Resources a physician's written statement certifying that the employee is capable of returning to work and performing, either with or without reasonable accommodations, the essential functions of the employment position involved.

5.9.5 Resignation or Termination

An employee who fails to return from a general leave on the designated return date, either as originally agreed or as extended, will be considered as having abandoned and resigned their employment position with the City.

Employment with another employer while on a leave of absence constitutes a voluntary resignation.

Abuse of the City's leave of absence policies will result in loss of leave privileges and/or release from the City. In cases where the City has reason to believe that an employee is not in compliance with the leave policy, they will be notified in writing that their approved leave has been revoked or that their employment with the City has been terminated. In either case, employees will be informed that they have five business days after the date of the notice to submit an appeal to the City Manager for reconsideration.

CHAPTER 6: COMPENSATION AND PERFORMANCE MANAGEMENT

6.1 Compensation

It is the City's policy to compensate all employees on a fair and equitable basis for the work which they perform. Jobs are classified according to duties and responsibilities as a basis for determining wage and salary classifications. The City Council adopts, from time to time, positions and the minimum and maximum ranges of pay for each non-represented position. Represented positions are subject to the pay provisions of their collective bargaining agreement.

The City Manager is responsible for the implementation of the City's system of compensation and has full discretion and authority to adjust employee salaries within this framework. In setting the appropriate rate of pay for each employee, the City Manager will consider economic and budgetary factors as well as the following guidelines:

- A. **Merit Pay:** The primary objective of the City's system of compensation is to establish and maintain a strong relationship between compensation and performance. Salary increases or advancement within a salary range is based upon demonstrated work performance exceeding acceptable or average standards. Length of service will not automatically relate to a level of compensation, but experience will be reflected in evaluations of performance.
- B. **Market Pay:** Pay should be adequate to attract and retain talent relative to compensation paid by comparable communities.
- C. **Pay Compression:** Pay differences should be substantial enough to reflect and reward differences in performance, skills, responsibility, or seniority.
- D. **Internal Equity:** Employees with similar duties and responsibilities should receive similar pay, even if their title or department differs.

Except as otherwise provided in collective bargaining agreements, it is the policy of the City to review the salary or wages of each employee once each year to determine if an increase is merited, or more frequently in special circumstances. Salary adjustments will generally be made by the City Manager after considering the recommendation of the employee's Department Head as to the employee's eligibility and qualifications. For employees who have reached the maximum salary allowable, the City Manager may, at the Manager's discretion, provide a one-time, lump-sum bonus payment in lieu of an adjustment to the regular rate of pay.

The total compensation package provided by the City includes group medical insurance benefits, life insurance, and pension. Except as otherwise provided by written agreement or this Manual, the salary authorized under the schedules for each position will be the only compensation provided to employees for their services.

6.2 Performance Evaluation

Regular evaluations of each employee's performance are used to assist the City in strengthening its services, to assist the employee in their professional development, and as an important factor in considering employee salary adjustments. A performance evaluation will be prepared by appropriate supervisory personnel at the end of the new hire's probationary period and thereafter at least once during each calendar year. Additional evaluations may be made between these required evaluations as necessary.

Employees will be evaluated by their immediate supervisors. The performance evaluation will be reviewed by the next higher-level supervisor, up to and including a Department Head. In the event the employee is transferred from one supervisory work unit to another supervisory work unit or in the event the employee's present supervisor is transferred, the former supervisor will, if possible, provide the current supervisor with an evaluation of the employee's work for the period the employee was under the former supervisor. This evaluation will be considered in preparing the annual performance evaluation. In the event the immediate supervisor leaves the employment of the City prior to conducting performance evaluations, the next higher-level supervisor will evaluate all affected employees.

The City Manager is responsible for establishing the criteria that will be used to measure each employee's job effectiveness, performance, and development. The performance evaluation process will consist of the following:

- A discussion of the evaluation criteria with the employee prior to the preparation of the evaluation document;
- A discussion of the completed evaluation document with the employee;
- An opportunity for the employee to review the document and submit any responses or explanations that may be appropriate; and
- An opportunity for the employee to discuss the evaluation with the Department Head or, for reviews provided by a Department Head, the City Manager if the evaluation is felt to be inaccurate.

The evaluation will be discussed with the employee and become part of their official personnel record. Once the evaluation report has been discussed with the employee, the employee will acknowledge the fact that the report has been discussed with him/her by signing and dating the form. The employee may include comments regarding the evaluation at that time, which will become part of the record. All written comments provided by employees and/or meeting requests concerning the report must be done so within 30 days of the date on which the employee initially discussed the report with their supervisor.

The completed evaluation document will be submitted to Human Resources. All reports are to be kept confidential, except as required by law, and included in the employee's personnel file.

Following the evaluation process, the Department Head will recommend to the City Manager any actions to be taken. Recommended actions may include, but are not limited to:

- Adjustments in compensation
- Training requirements and assignments
- Promotion/demotion
- Transfer
- Awards/discipline
- Performance objectives
- Corrective action plans
- No action at this time
- Termination

6.3 Longevity Incentive

In addition to their base compensation, full-time regular employees who have worked for the City for over 10 years will receive a longevity incentive as part of their base pay as provided in the schedule below. For Non-Exempt Employees, the longevity incentive is included in calculating the employee's overtime pay rate.

| Accumulated City Service | Longevity Incentive (% of base salary) |
|--|---|
| Completion of 10 years of service (120 months) | 2.25% |
| Completion of 15 years of service (180 months) | 2.50% |
| Completion of 20 years of service (240 months) | 2.75% |
| Completion of 25 years of service (300 months) | 3.00% |

Some employees previously waived their right to this longevity incentive by participating in an education incentive plan that is no longer available to employees. These employees will receive the greater of (i) the longevity incentive provided by this policy or (ii) the education incentive, as a percentage of salary, received by the employee as of December 31, 2023.

6.4 Training and Development

The City recognizes the need for training, development and professional growth to maintain a successful City and to provide the best possible service to the City and the surrounding communities.

Employees are encouraged to participate in professional level training. At the discretion and approval of the City Manager, sufficient time may be made available for staff to attend conferences, conventions, institutes and other training activities. Consideration will be given toward defraying expenses (tuition, transportation, meals and lodging) involved with training subject to available resources. To permit equitable distribution of these opportunities to as many members of the staff as possible, consideration will be given on the basis of the value of the training to the City and the previous performance of the employee as evidenced on their performance evaluations.

Training and development opportunities are subject to the availability of funds. Employees who wish to submit a request for consideration as part of the City's overall fiscal budget and appropriations process should submit a written request to their immediate supervisor that includes information regarding the specific job-related benefits to be derived from the training.

CHAPTER 7: EMPLOYEE BENEFITS

7.1 Health, Dental and Life Insurance

All full-time employees are eligible to participate in the City group health, dental and life insurance programs. Insurance coverage(s) will commence on the first day of employment, and will cease on the last day of employment, or when regularly scheduled hours are reduced to part-time status for an extended time. For Non-Represented employees, all employees are eligible to participate in all plan options (HMO, PPO, etc.) starting thirty days after they become eligible (hired or changed to full-time status), and will be provided with coverage until thirty days after they are no longer eligible (separation or change to part-time status).

As an alternative to participating in the City's health insurance program, an employee who has health coverage elsewhere may receive a \$500 monthly incentive (or as otherwise provided in a collective bargaining agreement) for opting out of participation in the City's health insurance plans.

Employees are eligible to make pre-tax contributions to a Flexible Spending Account (FSA) up to the published Federal annual contribution limits.

After separation, eligible employees may continue their health insurance coverage for a limited time under the provisions of the Federal Consolidated Omnibus Budget Reconciliation Act of 1985 ("**COBRA**") and the Illinois Insurance Code. Employees will be provided with information about continuation coverage at the time of separation, but are generally required to pay the full insurance premium to continue coverage including the portion paid by the City.

A brochure describing the provisions of each insurance plan and applicable rates to be paid by the City and employee will be provided to each employee at the time of employment and thereafter annually. As the City's benefit offerings change periodically, where there is any conflict between this brochure and the provisions of this Manual, the benefits brochure controls.

7.2 Retirement Health Savings (RHS / PEHP)

The City automatically opens a Retirement Health Savings account (also known as Post Employment Health Plan or "**PEHP**") for employees who receive City health insurance. Each year in the month of January, the City will contribute 0.5% of the employee's base salary as of January 1. Employees who join the City midyear are not eligible for a pro-rated contribution.

City RHS contributions may be used to pay for insurance premium expenses such as health, vision, dental, long term care, Medicare Part B and insurance coverage continuation. All contributions, accumulations, and reimbursements are tax exempt.

RHS is an individual, investment-driven account. RHS account contributions and value are subject to market risks which may result in declining value. RHS account holders are responsible for selecting investment options for their accrued RHS contributions.

7.3 Employee Assistance Program

The City recognizes that a wide range of illnesses and problems can adversely affect an employee's health, wellbeing, and job performance. These illnesses and problems may include alcoholism, drug dependence, emotional or psychiatric illnesses, marital and/or family discord, stress disorder, legal difficulties and/or financial problems.

To help employees who are encountering these difficulties, the City has implemented an Employee Assistance Program (EAP), available to all employees. The EAP provides confidential and professional assessment, short-term counseling, and referral services. While the City believes that it is in the best interest of the employee, the employee's family, and the City to provide an EAP, using the services offered by the EAP does not relieve an employee of the responsibility attendant with their City job. Additional information regarding the EAP is available through the individual's Department Head and Human Resources.

7.4 Retirement/Pension Benefits

The City is covered by various pension funds and plans. State statute requires pension contributions to be deducted from all eligible employees' paychecks.

All City employees, with the exception of sworn Fire Department and Police Department employees, who are employed at least 1,000 hours per year, must participate in the Illinois Municipal Retirement Fund (IMRF). State law requires that a specified amount be deducted from each employee's payroll check for their contribution to the IMRF. In addition, the City, as the employer, also contributes to the IMRF. IMRF eligibility, participation, contributions and benefits are as mandated by the IMRF and applicable state and federal laws. For more information on the details of the IMRF and its benefits, employees should contact the Human Resource Specialist or refer to the IMRF website at www.imrf.org.

7.5 Deferred Compensation

All full-time and part-time regular employees may participate in a 457(b) deferred compensation plan offered by City. Deferred compensation is a tax-sheltered retirement plan approved by the Internal Revenue Service (IRS) that allows an employee to defer or designate some portion of their salary, within the limit established by the IRS, to be transferred to an investment fund selected by the employee. The employee's gross, or taxable income, is reduced by the amount deferred, thus reducing the amount of income taxes paid by the employee. Income taxes are paid when the funds are distributed to the employee (upon retirement, termination of City employment, or in the event of an emergency), at which time various payment options are available to the employee.

For information on the Deferred Compensation Plan, employees should contact Human Resources.

7.6 Pre-Tax Transportation Benefits Account

The City supports environmentally friendly commuting options and the well-being of our employees. Accordingly, the City offers access to a pre-tax Transportation Benefit Account to allow employees to set aside up to \$300 per month to pay for transit passes on regional providers such as Metra, Pace, and CTA. For more information, employees should contact Human Resources.

7.7 Worker’s Compensation

In accordance with the Illinois Workers’ Compensation Act (820 ILCS 305/1, *et seq.*), the City maintains workers’ compensation insurance. The Illinois Workers’ Compensation Act provides a system of benefits to most employees who experience work related injuries and occupational diseases. Workers’ compensation benefits are subject to change as a result of changes in the law.

For more information regarding Workers’ Compensation benefits, employees should contact Human Resources.

The City reserves the right to manage incidents involving workers’ compensation to the fullest extent permitted under the law. Employees found to be defrauding the City with respect to workers’ compensation claims will be subject to disciplinary action, up to and including termination, even for a first offense. Also, employees who fail to comply with requests and/or orders from the City while absent from work due to a workplace injury or illness will be subject to disciplinary action, up to and including termination, as well as other sanctions or actions permitted under the law.

7.8 Tuition Reimbursement

Starting three years after their anniversary date, regular full-time and part-time employees are eligible to apply for reimbursement for the cost of tuition to attend courses or programs that, in the discretion of the City, are relevant to the employee’s current and future employment with the City. Reimbursement rates will be determined by the City based on relevance to City employment, as follows:

| | A / Pass | B | C | All Other Grades |
|------------------------------------|-----------------|------------|------------|-------------------------|
| Direct benefit to the City: | 100% | 50% | 25% | 0% |

| | | | | |
|---|------------|------------|------------|-----------|
| Limited or indirect benefit to the City: | 50% | 50% | 25% | 0% |
|---|------------|------------|------------|-----------|

To qualify for tuition reimbursement an employee must complete and submit a Request for Tuition Reimbursement form and a letter requesting reimbursement to their Department Head prior to enrolling in the course. Once the course is successfully completed, the employee must submit proof of satisfactory completion and proof of payment for tuition in order to be reimbursed.

All reimbursements are for the actual costs of tuition only, and exclude any expenses such as books, commuting, meals, and supplies. If grants, scholarships, or other assistance is available to the employee, these means should be pursued and the City’s reimbursement will be secondary to these sources.

Any employee receiving a Tuition Reimbursement benefit will be required to enter into a written agreement to repay any reimbursements made by the City if their employment with the City ends less than five years after completion of the course or program, as follows:

| Service Time Since Completion Date | Required Repayment |
|---|---------------------------|
| Less than three years (<36 months) | 100% repayment to City |
| Three to five years (36-59 months) | 75% repayment to City |
| Five or more years (60+ months) | No repayment required |

When attendance at classes or similar training programs is at the direction of the City and not voluntary, and the classes and training are available only outside of normal working hours, Non-Exempt Employees will be paid for the actual travel time from City Hall to the classroom or training facility and the actual time spent in the class or training session.

For employees seeking additional academic credentials and or certifications or other training that is not required by the City as a condition of continuing employment, and instead, is considered voluntary, travel and time spent in the course or training program is the responsibility of the employee and is not compensable time. All courses of a voluntary nature must be taken during non-work hours.

Tuition Reimbursement is limited to the Federal limit for tax-deductible tuition reimbursement (\$5,250 at the time of adoption of this Manual) per employee per calendar year and is subject to the availability of funds. Employees who wish to submit a request for consideration as part of the City's overall fiscal budget and appropriations process should submit a written request to their immediate supervisor that includes information regarding the specific job-related benefits to be derived from participation.

CHAPTER 8: OTHER IMPORTANT CITY POLICIES

8.1 Workplace Searches (No Expectation of Privacy)

All City property, including offices, desks, files, file cabinets, lockers, vehicles (whether locked or unlocked), cell phones and computers are the property of the City and are issued for the use of employees only during their employment with the City.

The City reserves the right to search all City property, as well as any other City area or article on City premises, at any time. Employees do not have an expectation of privacy as to any City property or as to any items brought to the City's premises or working areas.

While the City will ordinarily attempt to make inspections with the employee's consent or in the employee's presence, the City has the right to conduct inspections without prior consent or notice. Employees must cooperate, and those who refuse to cooperate will be subject to disciplinary action, up to and including termination of employment, even for a first offense.

In general, and if the circumstances allow in the City's determination, the City will conduct searches with the approval of a Department Head and participation by at least two supervisory personnel.

8.2 Authorized Media Contact

The City Manager is responsible for all official contact with the news media during working hours, including answering questions from the media. The City Manager may designate specific employees to give out procedural, factual or historical information on particular subjects or issues. Employees who are contacted by the news media on job sites must inform the media representative(s) in a firm but polite manner that City policy requires them to refer all questions to the City Manager's Office. Where possible, employees will immediately contact the City Manager to inform him/her of the media contact and the nature of the questions or issues raised by the media.

8.3 Dress Code

Employees are to dress in a clean and professional manner that is safe, appropriate to their job responsibilities, and meets the following guidelines:

- Employees should be clean and well-groomed. Grooming styles dictated by religion and ethnicity aren't restricted.
- Clothing should be work-appropriate. Graphic shirts, shorts, ragged sneakers, and slippers are not permitted. Clothing typically used for athletics (excluding golf) and outdoor activities are not appropriate, except where consistent with an employee's duties.
- Clothing must be in a good state of repair. Discernable rips, tears, or holes are not allowed.

- City Hall office employees should adhere to “business casual” dress code. In addition to typical office attire, items such as: flannel collared shirts, short-sleeve collared (polo) shirts, jeans, casual pants, dresses, skirts of an appropriate length, dress sandals, and clean athletic shoes are all acceptable.

Employees who appear for work dressed in a manner inconsistent with this dress code may be required to return home to change. The time required to return home to change is considered non-working time and is non-compensable. Employees who repeatedly violate this provision may be subject to discipline.

8.4 Uniform

Uniforms may be provided in accordance with departmental rules and regulations. Employees are responsible for the proper care and use of uniforms supplied by the City. Uniforms may be worn only during working hours, or for conducting official City business outside working hours. Uniforms may be worn to work, but are not to be worn during any personal activity. In the event uniforms are lost or stolen as a result of wearing them outside of working hours, employees will be held liable to the City for any costs or damages.

8.5 Driver’s License Verification and Use of Personal Vehicles

All employees occupying positions which require the operation of a City vehicle or personal vehicle for City business must maintain a valid driver’s license and to show their physical license and supply their driver’s license number to their Department Head or designee upon request for verification purposes.

An employee who uses their personal vehicle for City business must maintain valid automobile insurance and provide their Department Head proof of insurance. Minimum insurance requirements are either:

A combination of no less than \$100,000 Bodily Injury Liability per Person, \$300,000 Bodily Injury Liability per Occurrence, and \$100,000 Property Damage Liability

- or -

\$300,000 Combined Single Limit for Bodily Injury and Property Damage Liability.

8.6 Use of City Vehicles

Employees operating City vehicles must maintain a valid State of Illinois Driver’s license appropriate for the type and size of vehicle being operated.

Employees operating a City or their own personal vehicle for their job position must maintain a current, valid driver’s license appropriate for the type and size of vehicle being operated.

Employees must inform their immediate supervisor or Department Head if their license has expired or is otherwise invalid, which will prevent them from being able to drive City owned equipment or their own personal vehicle for City business. If any employee required to operate a vehicle as part of their job duties is found to have a suspended or revoked license, that employee may be subject to discipline up to and including termination, even for a first offense. Failure to inform an immediate supervisor or Department Head of a suspended or revoked license may result in discipline up to and including termination, even for a first offense.

The use of City-owned vehicles is limited to official business with no other employee being authorized daily commuting (portal-to-portal) or personal use, unless during the course of and as a result of the necessity of official business as authorized by the Department Head.

Employees operating City vehicles are responsible for the proper care and use of the vehicle and must operate the vehicle in a safe, courteous and lawful manner. When using vehicles, employees must keep in mind that they are representatives of the City and that their conduct in adhering to the rules of the road and courtesy on the road is a reflection on the City.

Employees who regularly operate City vehicles in the normal course of performing their duties are responsible for ensuring that their assigned vehicle is in operating condition and immediately notifying their supervisor of conditions or malfunctions that require maintenance or repair.

Employees must wear seat belts during the operation of any vehicle, either as an operator or passenger. This policy also applies when an employee is using their own personal vehicle for City business. Employees failing to comply with this safety policy will receive disciplinary action.

Employees must not use a cellular phone while operating a vehicle unless doing so through a car's hands-free system.

Any form of smoking, including vaping, is prohibited in City vehicles.

Employees must ensure that unattended vehicles are locked and secured.

Employees must report to their immediate supervisor any medical condition which would inhibit their ability to properly operate a motor vehicle safely.

8.7 Traffic Citations

All traffic citations received while driving a City vehicle or an employee's private vehicle for City business are the sole responsibility of the driver. Violations must be reported to the employee's supervisor immediately upon returning to the work site. Failure of an employee to pay any fines within the prescribed time limits that are charged to the City as a result of the employee's use of a vehicle will result in disciplinary action.

8.8 Use of Personal Cell Phones

8.8.1 Purpose

This policy concerns use of personal cell phones and other personal listening devices at work, the personal use of City-issued cell phones, and safety requirements concerning the use of cell phones and other personal listening devices by employees while driving. Recognizing the presence of personal communication and entertainment devices currently in the work place, reasonable and practical policies concerning the use of these devices is required so that the attention of City employees is focused on providing services for which they are employed, and to provide a work environment free from distractions resulting from co-workers using a variety of communication and entertainment devices for personal use in the work place.

8.8.2 Policy

This policy concerning cellular phones and other personal listening devices in the workplace is an umbrella policy covering four distinct but related uses of cellular phones and other personal listening devices in the work place: 1) Use of Personal Cell Phones and Other Personal Listening Devices; 2) Personal Use of City-Provided Cellular Phones; 3) Safety Issues Related to the Use of Cellular Phones and Other Personal Listening Devices; and 4) Responsibilities of Supervisors and Department Heads concerning Cellular Phones and Other Personal Listening Devices in the Workplace. Following is the specific policy for each of the four uses described above.

8.8.3 Use of Personal Cell Phones and Other Personal Listening Devices

Excessive personal calls, emails, or text messaging during the workday, regardless of the device used, can interfere with the City's operations, can present an unprofessional appearance to the public, and can be distracting to others. Employees should generally handle personal matters on nonwork time.

Personal cellular phones and other personal listening devices, with or without headphones or earphones, may not be used in a manner that creates a distraction in the workplace or presents an unprofessional appearance to the public. Personal cell phones are to be set to vibrate or alert the user in some manner other than emitting an audible sound. Employees must inform friends and family members of the City's cell phone usage policy since the restriction on using personal cell phones during normal work periods applies to incoming as well as outgoing communications. Generally, City business should be conducted using City-issued equipment, and employees are not expected to use their personal devices to conduct City business. The City is not liable for the loss or damage of personal cellular phones and other personal listening devices brought to the workplace. Employees found to be in violation of any portion of this policy will be subject to discipline.

8.8.4 Personal Use of City-Provided Cellular Phones

Where job or business needs demand immediate access to an employee, the City may issue a City-owned and serviced cell phone to an employee for work-related communications. City issued equipment is City property, and employees do not have an expectation of privacy as to any City-issued cell phone. Text messages and phone logs may constitute records subject to disclosure and may be reviewed by the City.

Where necessary, emergency or personal phone calls may be made from the City's land-line phone or a City cell phone if one has been issued to the employee. Supervisors and Department Heads are allowed appropriate flexibility and discretion in circumstances where personal phone use by an employee is required. Where possible, employees under these circumstances should give their supervisor prior notice. Approval by an employee's supervisor of personal phone use under these circumstances, regardless of whether or not the employee has provided prior notice, will not be unreasonably denied.

Employees in possession of City equipment such as cellular phones are expected to protect the equipment from loss, damage or theft. Employees are not permitted to activate or deactivate any operational features or settings, or to alter in any way the operation of the device from that which was set at the time of issuance. Employees in possession of City equipment such as cellular phones or radios that require recharging must ensure that City devices are properly installed in appropriate recharging appliances prior to the end of their shift. Employees found to have tampered with or failed to re-charge City-issued equipment will be subject to discipline.

Upon resignation or termination of employment, or at any time upon request by an employee's supervisor or Department Head, the employee may be asked to produce the phone for return or inspection. Employees unable to present the phone in good working condition at the time of the request are subject to discipline and responsible for the cost of a replacement.

Employees who separate from employment with outstanding debts for equipment loss or damage will be subject to legal action for recovery of the loss.

8.8.5 Safety Issues Related to Using Cellular Phones and Other Personal Listening Devices While Driving

The City requires its employees to follow all federal, state and local laws regarding the use of cellular/smart phones and electronic devices while driving.

Employees charged with traffic violations resulting from the use of a cellular phone or electronic device while driving will be subject to disciplinary action and may be subject to personal liability resulting from traffic violations. Violations of this portion of the policy will be subject to discipline.

8.9 Confidential Information

Confidentiality is extremely important to maintain the public and community's trust. The City works diligently to maintain confidentiality at the highest level. All current and former employees have a responsibility not to share confidential City information.

Employees are not permitted to remove or make copies of any confidential City records, reports, or documents without prior approval from the City Manager. This is in accordance with the City's Identity Protection Policy, attached to this Manual as **Appendix A**, as well as any Federal and State laws; including the Health Insurance Portability and Accounting Act (HIPAA) (Article 5; Section 5-18) requirements.

8.10 Outside Employment

Employees may engage in other employment outside of official duty hours provided that approval is first secured from their Department Head and by the City Manager. The City reserves the right to prohibit outside employment where the outside employment:

- is conducted on City time;
- interferes with working hours or overtime requirements of the employee's position;
- involves the use of City uniforms, facilities, equipment or supplies of any kind;
- involves the use of official City information not available to the public;
- may reasonably be construed by the public to be an official act of the City or a conflict of interest;
- reflects adversely upon the employee or the City; or
- is in conflict with the employee's position with the City. This includes work which an employee would be expected to do as part of their normal duties for the City, work requiring approval or review of the City, or work which would tend to influence the exercise of improper judgment on any matter coming before the employee in the course of their City employment.

An employee must submit a fully completed Permission for Outside Employment form to their Department Head prior to engaging in outside employment. A copy of the form may be retained from the Department Head or Human Resources Specialist. A Department Head may place reasonable limitations or conditions on the performance of any outside employment. Requests that have been approved will be valid for a period of one year from the date of approval by the City Manager. A new Request form is required if the outside employment extends beyond the one-year period, or if there is a substantial change in the type of work or working conditions described in the original request. The City reserves the right to revoke any approval for outside employment when the outside employment is determined to interfere with the employee's assigned duties for the City, or in the event that the City determines that the outside employment reflects adversely upon the City or falls under any other case identified above. Approved requests for outside employment are maintained in the employee's official personnel file.

8.11 Gift Ban

Employees of the City must fully comply with provisions set forth in the Gift Ban regulations as set forth in Chapter 2, Article X of the City's Code of Ordinances.

8.12 Conflicts of Interest

Except as provided by Illinois law or City ordinance, no City employee may have a direct or indirect financial interest in any contract with the City; the sale to, or purchase from, the City of any personal or real property; or the procurement or performance of any business or work for the City.

All employees must further refrain from any conduct that may reasonably create the appearance of a conflict of interest. Accordingly, employees are strongly encouraged to obtain prior approval or guidance from their Department Head or the City Manager concerning any matter that could create an appearance of a conflict of interest.

8.13 Political Activity

The City respects the right of employees to engage in political activities. All employees are urged to exercise their individual right to vote as citizens.

However, employees must restrict political campaign activities to non-working time and must not be in any uniform that identifies the employee as an employee of the City while engaging in political campaign activities. As such, no employee may engage in political activities during working hours, or while on duty, or while wearing or utilizing any equipment, wearing apparel or supplies owned or provided by the City. Employees engaged in political activity must not represent that the activity is on behalf of the City. City property cannot be used to advance political campaigns, and campaign materials cannot be posted or displayed on City property or vehicles.

No employee may use their official position to coerce or inhibit others in the free exercise of their political rights, to solicit or receive any contribution or service from any candidate, party, or political purpose, or to secure or aid any person in securing an elected public office.

Employees of the City must fully comply with provisions set forth in the Prohibited Political Activities regulations as set forth in Article VII of the City's Code of Ordinances.

8.14 Representing Private Interest in Court

No employee may represent any private interest in any action or proceeding taken against the City unless protected or provided by law.

8.15 Disclosing of Interest in Legislation

An employee who has direct or indirect interest in any legislation before the City Council or any City board or commission must disclose this interest to their Department Head or the City Manager including and before they plan to participate in any discussion before the City Council, board, or commission.

8.16 Use of City Property

The use of City property for one's personal benefit by any employee of the City is forbidden, unless approved by the employee's Department Head and the City Manager in writing. This prohibition does not apply to any specific use of City property otherwise permitted as referenced in a particular policy in this Manual.

8.17 Reimbursement of Mileage and Other Expenses

Employees who must use their personal vehicles when conducting City business will be reimbursed at the currently effective Federal standard mileage rate. Mileage calculation begins from the point of embarkation but excludes any mileage to and from work except when required on days which are not the employee's normal work days. No reimbursement for personal vehicle usage will be provided when a City vehicle may have been reasonably utilized by the employee.

The City also provides for reimbursement of other designated expenses incurred by an employee in carrying out their job responsibilities, including expenditures that can be incurred on business related travel. Procedures for travel advances and expenses are contained in the City's Purchasing Manual. An employee may forfeit any reimbursement if they fail to follow the requirements of the Purchasing Manual throughout their travel and when submitting a request for reimbursement.

8.18 Personnel Files

A complete record of all personnel actions will be maintained on each employee by Human Resources. Each file will include an application, reference letters, appointment notification, performance evaluations, personnel actions, earned benefits, commendations and other relevant information.

The procedure for employees to inspect their personnel file is governed by the Illinois Personnel Record Review Act (820 ILCS 40/1 *et seq.*). Employees may arrange to review their personnel file by contacting Human Resources. The City will ordinarily provide employees with the opportunity to review their personnel file within five working days. The review will be conducted under the supervision of a member of the City's Human Resources office or another member of management. Some materials may be withheld from review as permitted by law. In no instance will an employee be allowed to remove materials from their personnel file. If an employee disagrees with information contained in their personnel file, the employee can submit a written statement to be inserted in their file explaining their position, in compliance with the Illinois Personnel Record Review Act.

8.19 Employee Medical Records

Information obtained by the City regarding the medical or genetic condition or history of an applicant or employee will be collected on separate forms, kept in separate medical files, and be treated as a “confidential medical record.”

8.20 Change of Employee Information

Employees must promptly notify Human Resources of any changes in relevant personal information, including residence address, residence telephone number, secondary employment, number and names of dependents, individuals to be contacted in the event of an emergency, changes in marital status, and changes in banking and direct deposit information. Failure to report changes in a timely manner may jeopardize benefits. Falsification of information may result in discipline, up to and including termination, even for a first offense.

8.21 Requests for Employment Verification

No City employee, other than the City Manager or their designee, is authorized to respond to requests for verification of employment status. All requests for employment verification must be in writing and must include a waiver signed by the employee about whom the information is sought.

As a general rule, the City’s practice is only to confirm dates of employment, salary range, and positions held in response to a request for reference concerning a former employee. No City employee may provide an employment reference regarding any current or former City employee in either their City or personal capacity without the prior written approval of the City Manager.

8.22 Information Systems Policies and Guidelines (Computer / Internet / Email)

The purpose of this policy is to ensure the responsible and acceptable standards for the use of the City’s electronic information systems, both internal and external, and to establish acceptable policies and procedures for the safety and security of electronic information systems and its users.

These information systems are defined as all electronic system technologies that process and/or store data, electronic messages, voice messages, and other media. These systems include, but are not limited to, the City’s computer network and its components, notebook computers, workstations, PC's, the e-mail system, Internet provider service, and the telephone and voice mail systems. The City’s Information Systems are the exclusive property of the City and that any information or data generated or stored by the use of the Information Systems is the property of the City, even when created through the use of a personal password.

The City has developed the following policies to ensure the responsible and acceptable use of information technology resources. City employees must read, understand and abide by all provisions contained in this policy.

Questions related to these policies may be directed to the Chief Information Officer.

8.22.1 Use of City-Owned Computer Equipment/Software:

Use of any City-owned computer equipment (i.e., personal computers, system terminals, printers, or other peripherals), or any software, are for City business purposes only. The employee consents to the employer's monitoring of all data, documents, and electronic mail messages. The City reserves the right to monitor data, documents, and electronic mail (e-mail) messages at any time, with, or without notice to the employees. Employees may be disciplined up to discharge for improper use of City-owned equipment, or software.

8.22.2 Local Area Network Acceptable Use Policy:

The Local Area Network (LAN) is a vital component of the City's operation. The City depends on the network for file service, printing, and operation of vital programs related to accounting, water billing, licensing, and other important functions. Each employee of the City is required to adhere to the following policies in order to ensure the integrity of the LAN:

- All employees who have access to the LAN will be provided with a login name and will be required to use only their login name when signing on to the system. Employees are prohibited from sharing their logins or passwords with any unauthorized person. Employees are prohibited from creating secret passwords or any other type of locking system to prevent others from using a specific workstation or files. Exceptions to this rule will be granted by the Department Head and/or the Chief Information Officer.
- Computer user passwords must be changed on a schedule designated by the Chief Information Officer to promote the security of the network.
- Security of the network will be the responsibility of all employees of the City. All infractions of the procedures set forth, along with any other security violations, must be reported to the Chief Information Officer.
- The Chief Information Officer will be responsible for the repair, reconfiguration, modification, installation, and other needs of the network, including personal computers. For example, the installation of new software requires approval from the Chief Information Officer. All other employees of the City who utilize a computer, unless authorized, are prohibited from performing these actions (actions include installing screen savers, shareware, etc.). Requests for service must be made to the Chief Information Officer on service request forms. If a problem occurs during non-business hours, it will be evaluated for seriousness by the supervisor on duty. If it requires immediate attention, the Chief Information Officer should be contacted by the supervisor on duty.
- Any employee must report all computer virus outbreaks immediately to the Chief Information Officer.

- Users of the LAN (all employees with a computer) are prohibited from copying, installing, or using any software or data files that violate applicable copyrights or license agreements. For example, if your department buys a single copy of a graphics program, you may not install it on multiple computers. The Department Heads are ultimately responsible for any infractions of this policy.
- No person may access, delete, or copy files in a directory other than their personal or department directory without permission from the employee who created/maintains the directory.
- The computer network, including all its applications and all data entered, created, received, stored, or transmitted on it, is the property of the City. All data created, entered, received, stored, or transmitted through City technology resources, including but not limited to E-mail and the Internet, are City property. Users have no expectation of privacy in connection with the use of City technology resources, including the creation, entry, receipt, storage, or transmission of data.
- Data transmitted or received using the City's technology resources or stored on the network may satisfy the definition of "public record" subject to potential disclosure under the Illinois Freedom of Information Act. The Illinois Freedom of Information Act defines public record as "all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, recorded information and all other documentary materials, regardless of physical form or characteristics, having been prepared, or having been or being used, received, possessed, or under the control of any public body".

8.22.3 Installation of Software on City-Owned Equipment:

All software installed on any City-owned computer system may be done by the City's consultant or authorized agent. All software must be scanned for viruses prior to installation on either the City's computer networks, or any City-owned computer equipment.

8.22.4 Electronic Mail (E-Mail) Policy:

The City operates and maintains an e-mail system to communicate between employees, and between employees and the outside world through the Internet. The following actions are strictly prohibited:

- The posting of any communication the City deems inappropriate for a professional setting, including, but not limited to: material containing references of a sexually explicit or implicit nature, profane or vulgar language, language of a racist nature or derogatory to persons based on any Protected Category. (Employees should also refer to the Anti-Harassment / Anti-Discrimination Policy).
- The posting of any communication that may be interpreted as a personal attack upon an individual's group or character.
- Opening or downloading E-mail attachments received from unknown senders because of the potential to spread an unknown virus.

- Use of E-mail for personal commercial activities.
- E-mailing internal documents or information to non-City employees, which would normally require a Freedom of Information Act Request and/or documents, which are exempt from disclosure.
- Intentionally intercepting, reading, altering, or receiving another person's E-mail without authorization from the City Manager.

All E-mail (including personal E-mail) is the property of the City and subject to disclosure. The City reserves the right, with the City Manager's approval, to monitor all messages at any time, with or without notice to employees. The use of a system logon or password should not convey any expectations of privacy to the employee. The expectation of no privacy extends to the creation, entry, receipt, storage, or transmission of data, including data that is deleted. In many instances a deleted file is not erased from a computer's memory. The users should be aware that the action of deleting data, documents, or e-mail messages does not mean that the data, document, or e-mail message has been eliminated from the system. As long as information is available in the memory of a computer or system, it may be discovered in litigation and may create liabilities for the City, and the City may have legitimate interest in monitoring deleted files.

To maintain the security of the system, each user is required to log out of the system if they are not in physical control of the computer and know they will be away from the computer. If a user fails to observe the logout procedure, other non-authorized users may have access to messages stored in the mailbox or have the ability to send E-mail. Users will be held responsible for E-mail sent using their account.

Employees may be disciplined up to discharge for improper use of the e-mail system by using any form of derogatory language on the system.

8.22.5 Internet Policy

Overview: The Internet is a useful research and communication resource which is provided to municipal employees for uses related to municipal business. Access to the Internet provides e-mail capabilities for contacting outside resources and access to databases for research and informational purposes. This policy is intended to prevent the misuse of Internet access, specifically as it pertains to the following unacceptable practices.

- Improperly downloading files that contain viruses which may contaminate City information systems and databases.
- Accessing objectionable or improper material.
- Use of work time to access non-work-related information, to "surf" the Internet, or to send/receive Instant Messages (IMs).
- Misrepresenting an individual's opinion as City policy.

Each individual user is responsible for the appropriate use of this resource as described in the Employee Internet Policy found below. Each department is responsible for ensuring that each user is familiar with the contents of this policy.

Statement of Purpose: To ensure that use of the Internet among employees of the City is consistent with municipal policies, all applicable laws, the individual user's job responsibilities, and to establish basic guidelines for appropriate use of the Internet.

Policy: Employee Internet access must be authorized by appropriate supervisory personnel in each City department. Access to the Internet via City equipment can only be used for the following purposes:

- To accomplish job responsibilities more effectively.
- For professional development.
- Personal research on a de minimis basis. Personal Internet usage is not to interfere with work and must not violate the restrictions set forth in this policy.

All use of the Internet via City equipment must follow all applicable laws and policies, federal, state, and local laws, in addition to City policies. Internet access via City equipment, therefore, must not be used for illegal, improper, or illicit purposes.

- Users may not use City equipment to attempt any unauthorized use, nor interfere with other users' legitimate use, of any internal or external computer.
- Users must not create, install, or knowingly distribute a computer virus of any kind on any City computer, regardless of whether any demonstrable harm results.

Use of the Internet by City employees must be consistent with the City personnel rules and regulations regarding employee conduct and ethical standards as described in the Employee Policy Manual.

The Internet may not be used for any of the following:

- To access materials where the topic is sex, sexual conduct, sexually graphic images or similar subject matter or access to materials in which the topic is related to the practice, purpose, dissemination or degradation of persons based on any Protected Category. (Employees should also refer to the Anti- Harassment / Anti-Discrimination Policy). Police Officers conducting Internet Crimes investigations may access this material in the course of their duties, but only from the approved workstation within the guidelines of the Police Department Policy.
- For access that is not in compliance with Federal or State laws, local ordinances, and/or City administrative and personnel policies.
- Downloading of files without the permission of your Department Head or Chief Information Officer (in the Department Head's absence). Once permission is obtained, no files may be downloaded to the network, but must be downloaded to the user's personal computer hard drive.
- Hacking, which is unauthorized access to other computers.

- Access to sites for which there is a fee without obtaining authorization from a Department Head.
- Access to personal chat rooms. Personal chat rooms are strictly prohibited; their usage does not lend to the minimum usage standards set forth within this policy. Access to professional association chat rooms may be accessed with permission from the Department Head.

The safety and security of the City's computer system and resources must be considered at all times when using the internet. Users must not share any password for any City computer or with any unauthorized person, nor obtain any other user's password by any unauthorized means. Individual users are responsible for adhering to this policy when downloading resources from the Internet.

A wide variety of information is available on the Internet. Some individuals may find some information on the Internet offensive or otherwise objectionable. Individual users should be aware that the City has no control over and cannot therefore not be responsible for the content of information available on the Internet.

Individual users must be aware of, and at all times attempt to prevent potential City liability in their use of the Internet.

No one may copy, install, or use any software or data files in violation of applicable copyrights or license agreements.

No person without specific authorization may read, alter, or delete any other person's computer files or e-mail. This applies regardless of whether the computer's operating system permits these acts.

The Internet must be treated as a formal communications tool like telephone, radio, and video communications. Therefore, each individual user is responsible for complying with this and all other relevant policies when using the City's resources for accessing the Internet. Use of these same resources in violation of this policy or applicable department policies is grounds for disciplinary action as defined in the City's Employee Manual.

Employee use of the Internet, including non-work hour use, will be monitored without the employee's knowledge to identify noncompliance. There should be no expectation of the right of privacy, including in material that is downloaded from the Internet and stored on the user's personal computer hard drive.

If an employee should inadvertently access a non-permitted web site, the Department Head and the Chief Information Officer must be notified immediately.

To maintain the security of the system, each employee is required to lock their system when leaving the workstation or not in physical control of the computer for short periods of time. When leaving the workstation at the end of the workday, employees should log out of their systems. Users will be held responsible for Internet activity conducted from their account.

8.23 Personal Social Media

The City understands that the personal use of social media can be an enjoyable and rewarding way to share your life and opinions with family, friends and coworkers. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, and how it might impact the workplace, we have established these guidelines for appropriate use of social media.

8.23.1 General Guidelines

In the rapidly expanding world of electronic communication, social media can mean many things, and includes all means of communicating or posting information or content of any sort on the Internet, including any personal social networking site, blog, bulletin City Council, chat room or any other Internet-based forum.

Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees or otherwise adversely affects the ability of the City to appropriately serve its residents may result in disciplinary action, up to and including termination.

8.23.2 Application of City Employment Policies and Rules to Personal Activities Online

The same rules found in this Employee Manual apply to your activities online. Carefully read these guidelines paying specific attention to the City's Computer Policies contained in *Section 8.22* and the City's Anti-Harassment/Anti-Discrimination Policy contained in *Section 2.5* of this Manual. You should ensure any and all social media postings are consistent with these City policies and all applicable laws. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action, up to and including termination.

8.23.3 Use of Social Media at Work

Refrain from using social media while on work time or on City equipment, unless it is work-related as authorized by your supervisor.

Do not use City email addresses to register on social networks, blogs or other online tools utilized for personal use.

8.23.4 Treatment of Others Online

Always be fair and courteous to fellow employees or other persons you come into contact with in the workplace when posting online. Note that you are more likely to resolve work-related complaints by speaking directly with your co-workers, by contacting the appropriate supervisor, or following the proper channels to address issues within the workplace, as provided for in this Manual than by posting complaints to a social media outlet.

In terms of posting comments online, avoid content which could reasonably be viewed as malicious, obscene, threatening or intimidating, or that might constitute harassment, discrimination or bullying.

Examples of prohibited conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of any Protected Category.

Conduct which would not be permissible in the workplace is not permissible between coworkers online, even if afterhours or via personal electronic communication devices.

8.23.5 Posting Work-Related Information Online

The same rules and regulations regarding release of confidential information in the workplace apply to personal postings online.

When posting online on a personal social media site or other Internet forum not related to your official job duties, express only your personal opinions and do not represent yourself as a spokesperson for the City.

If the City is a subject of the content you are creating, be clear that your views do not represent those of City. For example, a disclaimer may be used such as "The postings on this site are my own and do not necessarily reflect the views of the City."

CHAPTER 9: WORKPLACE SAFETY

9.1 Employee Safety

The City will make every reasonable effort to provide a safe and healthy work environment, including approved working equipment, proper protective equipment and sufficient employee training and instruction.

Employees must immediately report any unsafe conditions to the appropriate supervisor. Examples of situations that must be immediately reported include any problems or defects with equipment or missing equipment. Employees will not be retaliated against for promptly reporting injuries or unsafe conditions.

Each employee is required, as a condition of employment, to obey rules and to develop and exercise safe work habits in all work activities, to prevent injuries to themselves, their fellow employees and to conserve City property and equipment. For example:

- Employees must keep their workspaces neat, clean, and organized, without debris that would block emergency exits or create a tripping hazard.
- Employees should know the location of all safety and emergency equipment as well as safety contact phone numbers.
- Employees should be familiar with the use and operation of all safety and emergency equipment, or should request assistance or training in their use and operation. The City provides training for employees who will encounter specialized risks on the job.

Employees who create deliberate or ongoing safety violations or who create safety hazards to employees or the public may be subject to discipline.

9.2 Work Place Illness or Injury

9.2.1 Procedure

Employees who are injured or become ill while performing their duties for the City must make an immediate report of the injury or illness to their immediate supervisor. **Every injury, including those not requiring medical attention, must be reported in writing** to the Department Head by the injured employee as soon as possible but in no event later than 24 hours of the injury. The Department Head is responsible for the completion and submission of a Form 45 no later than the end of the supervisor's or Department Head's work shift after the occurrence of the injury.

9.2.2 Immediate Medical Care

If an employee is injured and requires immediate medical care, the employee must go immediately to a physician or medical facility designated by the City for treatment. In the event that the employee requires to be transported to a medical facility by ambulance, the immediate supervisor will accompany the employee. In instances where transport by ambulance is not necessary, the immediate supervisor will transport the employee to the physician or medical facility and will remain with the employee until they are released or other arrangements are made to care for the employee.

9.2.3 Return to Work

If the employee is released for duty after medical attention for regular or light duty, and light duty is available as determined by the department in conjunction with the Department Head, the employee must obtain from the attending physician a certification that the employee can return to work. This certification should be completed on a work status report. Employees must release all medical information relative to the injury to the City or its authorized agents, and a claim may be denied if a release is refused. In addition, the employee is responsible for securing the necessary documentation to justify worker's compensation payments. In the case of an employee who has been released for light duty, said employee may be placed on light duty, if available and at the discretion of the Department Head, in conjunction with Human Resources, in a temporary position consistent with the light duty conditions specified by the attending physician and at the employee's normal wage, until the attending physician releases the employee for regular duty or as long as light duty remains available.

9.3 Reporting of Vehicular Accidents and Injuries

An employee who is involved in an accident while driving a City vehicle or their private vehicle while performing job duties must follow the procedure prescribed by law and immediately report the accident to their immediate supervisor and complete a written accident report, filed within 24 hours of the accident. If any accident or damage involves private property, the Police Department should also be notified immediately. Any employee involved in an at-fault accident while operating a City vehicle or personal vehicle while performing job duties is subject to an immediate drug and/or alcohol screening.

Supervisors or Department Heads must inform the City Manager or their designee of all accidents or injuries no later than the end of the supervisor's or Department Head's work shift after the occurrence of said accident or injury. In addition, the supervisor or Department Head must complete and submit all applicable reports to the City Manager or their designee as soon as practicable but in no case later than 24 hours after any accident or injury. If a City employee is injured, the supervisor or Department Head is responsible for the completion and submission of a report as soon as practicable but in no case later than the end of the supervisor's or Department Head's work shift after the occurrence of the injury.

CHAPTER 10: CONDUCT AND DISCIPLINE

10.1 Workplace Conduct / Prohibited Actions

Your adherence to certain rules and regulations governing employee behavior is necessary for the efficient operation of the City and for the benefit and safety of City residents and employees. Conduct that interferes with operations, discredits the City, is offensive to others, or is not in the best interests of the City will not be tolerated and may result in disciplinary action, up to and including termination, even for the first offense. Examples of conduct for which you may be subjected to disciplinary action, up to and including immediate termination, are listed below.

- Criminal misconduct, whether on or off duty. These issues will be addressed on a case-by-case basis considering job related factors such as the nature of the employee's duties, the type of offense involved, and the date the sentence was completed.
- Theft or any act of dishonesty, whether on or off duty.
- Driving a City vehicle under the influence of drugs or alcohol.
- Failing to abide by any City policy set forth in this Manual.
- Failing to abide by other City workplace, safety, and health policies and practices.
- Failing to follow a directive or request by any supervisor.
- Concealing or knowingly failing to report violations of City policy.
- Falsifying an employment application, timesheet, or any other City record.
- Negligence or improper conduct leading to damage of City property.
- Gambling on City property.
- Possessing a weapon on City property or during working hours.
- Possession, use, or distribution of alcohol or drugs on City property or during working hours.
- Possession or use of illegal substances at any time, whether on or off City property.
- Reporting to work or working under the influence of alcohol or drugs.
- Threatening, intimidating, cursing or otherwise interfering with another employee.
- Sexually or otherwise harassing another employee or member of the public.
- Discriminating against another employee or member of the public on the basis of a Protected Category.
- Being in unauthorized areas of City facilities.
- Theft or unauthorized possession, use or removal of property belonging to the City or another employee, regardless of value.

- Insubordination, incompetence, negligence, inefficiency, failure or refusal to perform assigned duties.
- Damage or negligence in the care, operation and/or handling of City property.
- Unsatisfactory work performance, whether or not deliberate.
- Work performance in an unsafe manner.
- Failing to report an accident or unsafe condition.
- Not working during working time or engaging in personal business during working time (i.e. excluding breaks) without permission from a supervisor.
- Unauthorized use of telephones, computers, mail system, or other City equipment.
- Unsatisfactory attendance and punctuality, unexcused absences, leaving early, or failing to give required notice of absence or lateness.
- Claiming sick or other leave under false pretenses.
- Overstaying scheduled rest or lunch periods or taking excessive breaks.
- Sleeping on the job (except during sleeping time for employees on a 24-hour shift).
- Leaving the job without permission.
- Refusing to work a reasonable amount of overtime when reasonably necessary.
- Failing to maintain satisfactory or proper standards of dress, grooming, and cleanliness.
- Use of foul or inappropriate language toward any employee or the public.

This list does not include all conduct for which an employee may be disciplined and/or terminated. Incidents requiring discipline will be handled on a case-by-case basis.

10.2 Disciplinary Action

As in any organization, a code of conduct is necessary for the establishment and maintenance of an effective, productive and respectful work environment. All City employees must adhere to the generally accepted rules and standards of business and personal conduct that are necessary for the effective operation of the City's offices and productive delivery of service to the population served.

Discipline is intended to improve employee performance, or to correct unacceptable employee behavior. Discipline may include talking and counseling with an employee and special training of an employee in their job. Discipline may also include imposing a penalty for breaking rules or for actions that are detrimental and/or disruptive to the effective discharge of City functions.

In most cases, disciplinary action will ordinarily be of a progressive nature. Discipline will generally consider the seriousness of the offense; the repetitive nature of the offense; and the employee's prior work and disciplinary record. Repeated violations of the same rule, violations of more than one rule in a single act, violations of different rules at different times, and aggravating circumstances, may be examples for accelerated or compound disciplinary action. **Moreover, certain offenses may result in immediate dismissal, even for a first offense.** This policy in no way modifies the at-will status of City employees, nor does it limit or affect the City's ability to bypass any disciplinary step discussed below.

Disciplinary action may involve any one or more of the following in appropriate cases:

- A. **Reprimand.** The reprimand is usually issued, orally or in writing, when an employee's performance or conduct does not meet acceptable minimum standards. Generally, criteria for improvement of performance will be detailed and time limits set for accomplishment of acceptable performance.
- B. **Transfer.** An employee may be involuntarily transferred where the employee's performance in their assigned position is below the acceptable minimum and where the supervisor determines that the employee's particular skills might be better utilized in a different position. No reduction in grade or regular base salary will occur when a transfer is made, but future increases may be delayed or curtailed for an indefinite period of time.
- C. **Suspension.** Any action on the part of the employee which is in violation of the orders of their supervisor or contrary to Departmental or City rules, but not serious enough to warrant dismissal, may be suspended without pay. This power is exercisable by the City Manager. Alternatively, when an employee has acted or is alleged to have acted in a manner which would be cause for dismissal, the employee may be suspended while charges are investigated. In most cases, when an employee is suspended pending the completion of a trial or investigation and is subsequently exonerated, the employee will be reinstated without loss of pay or benefits.
- D. **Demotion.** Demotions for disciplinary reasons may be necessary in situations where an employee's work and/or behavior is unsatisfactory, but does not merit dismissal provided that the City has an available position to which the employee may be demoted. Demoted employees may be retained and assigned less responsible work, and must serve a 12-month probationary period in the new position in accordance with the probationary conditions stated in this Manual.
- E. **Termination.** The City Manager may terminate any employee. The notice of termination will be in writing and will state the specific charges and reasons for dismissal. Prior to termination, an employee will be offered a pre-disciplinary hearing at which time the employee will be able to present any evidence in defense of the charges.

10.3 Limited Appeal of Disciplinary Action

Non-Represented Employees may appeal a disciplinary action taken by a supervisor or Department Head using the following procedure:

1. An employee may appeal an action taken by their supervisor. Appeals must be filed as a written statement with the Department Head within three working days after being notified of the disciplinary action. The written statement must indicate the action which is being appealed and the reason(s) the action is being appealed.
2. The Department Head is responsible for making inquiry into the facts and circumstances of the appeal and providing the employee with a written decision within three working days after receipt of the statement. A copy of this decision is to be given to the City Manager.
3. If the employee is not satisfied with the decision of the Department Head, the employee may appeal the decision to the City Manager in writing, within three working days.
4. The City Manager will consider the information provided and may, at the Manager's sole discretion, conduct an informal meeting with the employee and other involved individuals.
5. The City Manager will render in writing their findings and decision within ten working days after receiving the appeal, or otherwise extended with the consent of the employee. Copies of the findings and decision will be provided to the employee, the Department Head and Human Resources. The City Manager's decision is final.

CHAPTER 11: SEPARATION AND EXIT

11.1 Resignation Notice

The term “resignation” refers to the voluntary separation of employment on the part of the employee for any reason, including retirement. In the event of resignation, the City employees should provide written notice to their Department Head between 30 and 15 days prior to the resignation date to allow the City sufficient time for training and any operational changes that may result from the employee’s resignation. Once accepted, a notice of voluntary resignation is irrevocable.

11.2 Retirement Notice Incentive

Employees who retire from the City often have accumulated special skills and institutional knowledge. In order to best facilitate their transition to retirement for both the employee and the City, employees who provide at least six months advance notice of their intended retirement date will receive an automatic one-time bonus payment of \$500 in their last paycheck. Employees who provide less than six, but at least three months advance notice will receive an automatic one-time bonus payment of \$250 in their last paycheck.

11.3 Lay-Off / Release

Should the City be unable to continue the employment of a person in their current position because of funding, the re-organization of the City or other reasons and the City is unable to offer some other mutually satisfactory assignment, the employee may be released.

Notification of release will be given to the employee in writing by the City Manager or their designee at least two weeks in advance of separation. This does not apply to circumstances where employees are released for cause.

11.4 Abandonment of Position

When an employee is absent from work three days or longer without communicating the cause for the absence to the Department Head, this will be construed as job abandonment and that the employee has resigned their employment position. In this event the Department Head will send notice to the employee by regular mail at the employee’s address shown on the City’s payroll records. This notice will advise the employee that the employee has been deemed to have resigned from their employment position with the City.

11.5 Return of City Property

An employee, leaving City employment, whether through resignation, lay-off, or dismissal, must return any City property that they may have in their possession. Failure to return all City property may result in criminal prosecution.

11.6 Exit Interview

An exit interview will be conducted with each employee upon termination of employment to discuss the reasons their termination of employment and/or any suggestions or concerns the employee may have had with regard to their employment and the management of the City, Section, Unit, Department, etc. Exit interviews will not be offered to employees who are terminated as a disciplinary action.

This exit interview will be scheduled with Human Resources. All paperwork will be processed and any City property in the employee's possession must be returned at that time.

11.7 Final Pay

The final compensation for any employee will be paid on the next regular pay period following the effective date of said employee's termination. Final compensation will be paid by direct deposit or, if an employee does not participate in direct deposit, a final paycheck will be forwarded to the employee by U.S. Mail at their current address.

When an employee quits, is discharged, or is laid off for an expected duration of 7 days or more, the employee may be entitled to unemployment insurance. The Illinois Department of Employment Security (IDES) administers the unemployment insurance program for the State of Illinois. You are directed to refer to the IDES website at <https://ides.illinois.gov/unemployment/resources/benefits-rights.html>.

CHAPTER 12: FORM OF EMPLOYEE ACKNOWLEDGEMENT

*(A copy of this acknowledgement will be retained
by the City and placed in your personnel file).*

I acknowledge having received a copy of the City of Rolling Meadows Employee Manual and having been given an opportunity to read its contents before signing this Acknowledgement.

I understand that, as a condition of my employment, it is my responsibility to know and follow these policies. I understand that certain policies and procedures will change over the course of my employment with the City at the discretion of the City Council and that these changes will be communicated to me. I also understand that, if I am subject to a collective bargaining agreement or a written employment contract, these terms will supersede the terms of this Manual when in conflict.

I understand that the City of Rolling Meadows Employee Manual does not constitute or create an employment contract of any kind and contains no enforceable promises.

I also understand that this Manual does not create an assurance of continued employment.

By signing below, I acknowledge, understand, accept and agree to comply with all the policies and procedures contained in this Manual.

Signature

Printed Name

Date

APPENDIX A – IDENTITY PROTECTION POLICY

This policy is adopted pursuant to the Identity Protection Act (5 ILCS 179/1 *et seq.*) to protect social security numbers from unauthorized disclosure.

PROHIBITED ACTS.

No City employee may do any of the following:

- (1) Publicly post or publicly display or otherwise intentionally communicate or otherwise intentionally make available to the general public in any manner an individual's social security number.
- (2) Print an individual's social security number on any card required for the individual to access products or services provided by the City.
- (3) Require an individual to transmit their social security number over the Internet, unless the connection is secure or the social security number is encrypted.
- (4) Print an individual's social security number on any materials that are mailed to the individual, through the U.S. Postal Service, any private mail service, electronic mail, or any similar method of delivery, unless state or federal law requires the social security number to be on the document to be mailed. Notwithstanding any provision in this section to the contrary, social security numbers may be included in applications and forms sent by mail, including, but not limited to, any material mailed in connection with the administration of the Unemployment Insurance Act, any material mailed in connection with any tax administered by the Illinois Department of Revenue, and documents sent as part of an application or enrollment process or to establish, amend, or terminate an account, contract, or policy or to confirm the accuracy of the social security number. A social security number that may permissibly be mailed under this section may not be printed, in whole or in part, on a postcard or other mailer that does not require an envelope or be visible on an envelope without the envelope's having been opened.
- (5) Collect, use, or disclose a social security number from an individual, unless:
 - (i) required to do so under state or federal law, rules, or regulations, or the collection, use, or disclosure of the social security number is otherwise necessary for the performance of that agency's duties and responsibilities;
 - (ii) the need and purpose for the social security number is documented before collection of the social security number; and
 - (iii) the social security number collected is relevant to the documented need and purpose.
- (6) Require an individual to use their social security number to access an Internet website.

- (7) Use the social security number for any purpose other than the purpose for which it was collected.
- (8) Encode or embed a social security number in or on a card or document, including, but not limited to, using a bar code, chip, magnetic strip, RFID technology, or other technology, in place of removing the social security number as required by this policy.

EXCLUSIONS FROM PROHIBITIONS. The above-listed prohibitions do not apply in the following circumstances:

- (1) The disclosure of social security numbers to agents, employees, contractors, or subcontractors of a governmental entity or disclosure by a governmental entity to another governmental entity or its agents, employees, contractors, or subcontractors if disclosure is necessary in order for the entity to perform its duties and responsibilities; and, if disclosing to a contractor or subcontractor, prior to disclosure, the governmental entity must first receive from the contractor or subcontractor a copy of the contractor's or subcontractor's policy that sets forth how the requirements imposed under the Identity Protection Act on a governmental entity to protect an individual's social security number will be achieved.
- (2) The disclosure of social security numbers pursuant to a court order, warrant, or subpoena.
- (3) The collection, use, or disclosure of social security numbers in order to ensure the safety of: state and local government employees; persons committed to correctional facilities, local jails, and other law enforcement facilities or retention centers; wards of the State; and all persons working in or visiting a state or local government agency facility.
- (4) The collection, use, or disclosure of social security numbers for internal verification or administrative purposes.
- (5) The disclosure of social security numbers by a state agency to any entity for the collection of delinquent child support or of any state debt or to a governmental agency to assist with an investigation or the prevention of fraud.
- (6) The collection or use of social security numbers to investigate or prevent fraud, to conduct background checks, to collect a debt, to obtain a credit report from a consumer reporting agency under the federal Fair Credit Reporting Act, to undertake any permissible purpose that is enumerated under the federal Gramm Leach Bliley Act, or to locate a missing person, a lost relative, or a person who is due a benefit, such as a pension benefit or an unclaimed property benefit.

FREEDOM OF INFORMATION ACT REQUESTS. Consistent with the Illinois Freedom of Information Act, City employees must redact social security numbers from information or documents being supplied to the public pursuant to a Freedom of Information Act request before allowing the public inspection or copying of the information or documents.

APPLICABILITY.

This policy does not apply to the collection, use, or disclosure of a social security number as required by state or federal law, rule, or regulation.

This policy does not apply to documents that are recorded with a county recorder or required to be open to the public under any state or federal law, rule, or regulation, applicable case law, Supreme Court Rule, or the Constitution of the State of Illinois.

If a federal law takes effect requiring any federal agency to establish a national unique patient health identifier program, any City employee that complies with the federal law will be in compliance with this policy.

IDENTITY PROTECTION PROCEDURES.

All City employees having access to social security numbers in the course of performing their duties will be trained to protect the confidentiality of social security numbers. The training will include instructions on the proper handling of information that contains social security numbers from the time of collection through the destruction of the information.

Only City employees who must use or handle information or documents that contain social security numbers will have access to these information or documents.

Social security numbers requested from an individual will be provided in a manner that makes the social security number easily redacted if required to be released as part of a public records request.

When collecting a social security number, or upon request by the individual, a statement of the purpose or purposes for which the City is collecting and using the social security number will be provided to the individual.

DISTRIBUTION OF POLICY.

Each current City employee will be provided a copy of this policy. Each employee hereinafter hired by the City will be provided and will acknowledge receipt of a copy of this policy upon commencing their employment. A copy of this policy will be made available to any member of the public, upon request. If the City amends this policy, the City will file a written copy of the amended policy with the City Council, will also advise all City employees of the existence of the amended policy and make a copy of the amended policy available to each of its employees. The acknowledged copy of this policy will be filed and maintained in each City employee's personnel file.

APPENDIX B – LEAVE ACCRUALS FOR OPT-OUT EMPLOYEES

B.1 Introduction; Rules for All Accrued Paid Leave

These policies are provided in an Appendix because most City employees, and all new City employees after the effective date of this Manual, will not utilize this paid leave plan.

Appendix B summarizes the City’s leave policies applicable to full-time, non-represented employees who are not participating in the City’s Unlimited PTO plan (“**Eligible Employee**”). See **Sections 5.1 and 5.2** for more information about when and how an employee may become an Eligible Employee. For Eligible Employees, where there is a conflict between Appendix B and any other section of this Manual, the applicable provisions of Appendix B control.

The following rules apply to all types of leave in Appendix B unless otherwise provided:

- A. Leave is accrued at the end of each pay period, based on dividing the annual number of hours earned equally across 26 pay periods.
- B. Leave may only be used once it is accrued. Negative balances are not permitted.
- C. Leave is debited on the date it is actually used (and not the date when future leave is approved or scheduled).
- D. Leave balances will be maintained in the City’s payroll system. A statement of leave balances accrued will be provided to each employee at each pay period.
- E. Leave is provided on a “use it or lose it” basis. Any leave accrued in excess of the listed maximum balance (limit) is automatically forfeit with no cash value paid. The City will not purchase accrued leave.
- F. Where a cash value (payout) is provided for a type of leave, the payout is determined based on the number of hours to be paid multiplied by the employee’s hourly rate of pay as of the time of payment. All payments are subject to federal and state income tax withholding.

B.2 Floating Holidays

Each Eligible Employee is afforded three floating holidays (24 hours) as of January 1 annually. The maximum balance for floating holidays is 24 hours; accordingly, hours that are not used during the year are surrendered. Floating holidays are not considered holidays for any purpose in this Manual. Floating holidays have no cash value and are not paid at separation. The use of floating holidays is subject to the provisions of **Section 5.1.A** (concerning planned leave).

B.3 Vacation Leave

B.3.1 Accrual, Limits, and Usage

Each Eligible Employee is subject to the following annual accrual rates and limits, based on their date of hire with the City and their time in service. The use of vacation leave is subject to the provisions of *Section 5.1.A* (concerning planned leave).

| “Tier 1A” – Hired On or Before January 1, 1996 | | |
|---|----------------------------|------------------------|
| Service Time | Annual Hours Earned | Maximum Balance |
| 25+ Years (240+ Months) | 240 | 480 |
| “Tier 1B” – Hired Between January 2, 1996 and November 2, 2010 (Inclusive) | | |
| Service Time | Annual Hours Earned | Maximum Balance |
| <10 Years (<120 Months) | 120 | 240 |
| 11-15 Years (120-179 Months) | 160 | 320 |
| 15+ Years (180+ Months) | 200 | 400 |
| “Tier 2” – Hired On or After November 3, 2010 | | |
| Service Time | Annual Hours Earned | Maximum Balance |
| <6 Years (<72 Months) | 80 | 160 |
| 6-15 Years (72-191 Months) | 120 | 240 |
| 16-24 Years (192-299 Months) | 160 | 320 |
| 25+ Years (300+ Months) | 200 | 400 |

B.3.2 Value at Separation

An Eligible Employee who separates from the City will receive the cash value of any accrued and unused vacation time in their final pay check.

For employees who are separating for retirement, an employee may choose to direct some or all of the cash value after tax to pre-pay future health insurance coverage from the City. Coverage will be pre-paid a specific number of months based on the premium value applicable at the time of the employee’s retirement. If the employee passes away with pre-paid premiums remaining, the employee’s spouse and dependents may continue to participate in the plan, or may request a cash settlement based on the value of the premiums at the time of purchase and the balance remaining in the account.

B.4 Sick Leave

B.4.1 Accrual, Limits, and Usage

Each Eligible Employee is subject to the following annual accrual rates and limits for sick leave, based on their date of hire with the City and their time in service. The use of sick leave is subject to the provisions of *Section 5.1.C* (concerning sick leave).

| Date of Hire | Annual Hours Earned | Maximum Balance |
|---|---------------------|-----------------|
| Tier 1: On or Before November 2, 2010 | 96 | 1,400 |
| Exception: “Tier 1” employees who worked during their City career on a 24-hour shift (sworn fire) | 96 | 1,800 |
| Tier 2: After November 2, 2010 | 96 | 180 |

B.4.2 Tier 1 Sick Leave Value – During Employment

For Eligible Employees hired on or before November 2, 2010, the following provisions may provide the employee with value for sick hours accrued on an ongoing basis during their employment:

- A. **Minimum Eligibility:** The following programs are available only to employees who have accumulated at least the following number of sick hours based on their classification. No program under this Section may reduce the number of sick hours below these minimum thresholds.

| Employee Classification | Eligibility Threshold |
|---|-----------------------|
| Employees who worked during their City career on a 24-hour shift (sworn fire) | 1,080 hours |
| All other employees | 720 hours |

- B. **Automatic RHS / PHEP Conversions:** For employees who meet the eligibility threshold, each year, on the employee’s anniversary date, the City will automatically debit 50% of the sick days the employee accumulated and did not use during the preceding anniversary year and contribute their cash value to the employee’s RHS / PHEP account (**Section 7.2**). If necessary, the number of hours debited will be reduced to maintain a leave balance equal to the employee’s eligibility threshold.

- C. **Optional Cash Conversions:** For employees who meet the eligibility threshold, each calendar year, the employee may request to receive the cash value of up to 50% of the sick days the employee accumulated and did not use during the previous calendar year. The number of hours requested may not exceed the number of hours the employee has in excess of the eligibility threshold.

B.4.3 Tier 1 Sick Leave Value – At Separation

For Eligible Employees hired on or before November 2, 2010, sick leave has no cash value and is surrendered upon separation except as follows:

- A. **Eligibility:** To be eligible for the following programs, the employee must be separating from employment with the City in good standing and, at the time of separation, meet at least one of the following sets of criteria:
- i. Have 20 years of service with the City.
 - ii. Have both: (1) eight years of service; and (2) be over 55 years of age.
 - iii. Have suffered a permanent disability that both: (1) leaves the employee unable to perform their current full-time duties; and (2) qualifies for a duty-related disability pension.
- B. **Cash Payment:** Sick time will first be debited and converted to its cash value up to the following thresholds based on their classification.

The employee may choose to direct some or all of the cash value after tax to pre-pay future health insurance coverage from the City. Coverage will be pre-paid a specific number of months based on the premium value applicable at the time of the employee’s retirement. If the employee passes away with pre-paid premiums remaining, the employee’s spouse and dependents may continue to participate in the plan, or may request a cash settlement based on the value of the premiums at the time of purchase and the balance remaining in the account.

| Employee Classification | Maximum Cash Threshold |
|--|------------------------|
| Employees who worked during their career on a 24-hour shift (sworn fire) | 720 hours |
| All other employees | 480 hours |

- C. **RHS / PHEP Contribution:** Any remaining leave after the cash payment provided above will be debited, converted to its cash value, and contributed to the employee’s RHS or PHEP account.

B.4.4 Tier 2 Sick Leave Value

Sick leave has no cash value for Eligible Employees hired after November 2, 2010. All sick leave is surrendered upon separation. The employee, if eligible, may receive service time credits from their pension system for their unused sick time at retirement. (Eligibility and rules for these programs is determined by the employee's pension system, and not by the City.)

B.5 Compensatory Time and Overtime

B.5.1 Compensatory Time for Directors and Assistant/Deputy Directors

For Eligible Employees who hold the titles of "director," "chief," "assistant director," "deputy director," "deputy chief," or similar, the employee's salary reflects that working hours beyond a 40-hour workweek is necessary to fulfill the position's duties and responsibilities. However, these employees may earn compensatory time on an hour-for-hour basis (one hour worked is compensated with one hour of compensatory time) for overtime hours worked (see *Section 4.6* for rules of calculation), but only for both: (1) hours worked under one of the following two circumstances; and (2) in the case of employees who are not Department Heads, with the prior authorization of a Department Head:

- A. Supervision is needed to ensure the proper management of subordinate personnel on either a call-back, extended shift, or fill-in for another supervisor on another shift; or
- B. A special management assignment requiring significant extra hours of work beyond that normally associated with the supervisory position.

B.5.2 Compensatory Time and Overtime for All Other Employees

For all Eligible Employees not included in *Section B.5.1*, regardless of their position's FLSA Exempt or Non-Exempt status, time will be paid on an hourly basis and overtime hours may be earned as provided in *Section 4.6*. For overtime hours worked, the employee may choose to receive overtime pay (*Section 4.6*) or compensatory time in lieu of overtime. One overtime hour worked will be compensated with 1.5 hours of compensatory time.

B.5.3 Use of Compensatory Time

The use of compensatory time is subject to the provisions of *Section 5.1.B* (concerning planned leave), except that the use of compensatory time will only be denied where use on the date requested would unduly disrupt the City's operations.

B.5.4 Accrual Limits

Employees may not accumulate more than the following maximum balances of compensatory time. Any earnings above the maximum balance will be paid out as overtime (*Section 4.6*) to FLSA Non-Exempt (e.g. overtime eligible) employees, or surrendered for FLSA Exempt employees.

| Employee Classification | Maximum Balance |
|--------------------------------|------------------------|
| Police & Fire (non-clerical) | 480 hours |
| All other employees | 240 hours |

B.5.5 Cash Value

At any time, employees may request that a distribution of some or all of their compensatory time be paid at its cash value. All compensatory time will be paid at its cash value upon separation.