

CHAPTER 11

EMPLOYEE POLICY

ARTICLE I - GENERALLY

11-1-1 OBJECTIVES OF REGULATIONS. The purpose of these policies is to bring into the service of the Village a high degree of understanding, cooperation, efficiency and unity, which comes through uniform and systematic application of good procedures in personnel administration. Also, to provide a uniform policy for all employees, with all the benefits such a program insures. The fundamental objectives sought to be achieved by these policies are declared to be:

All policies and procedures contained in this handbook shall go into effect immediately upon passage by the Village Board and approved by the Mayor.

(A) To promote and increase the efficiency, and economy in the service of the Village.

(B) To provide fair and equal opportunity to all qualified citizens, to enter Village employment on the basis of demonstrated merit and fitness as ascertained through fair and practical methods of selection.

(C) To develop a plan of recruitment, advancement and tenure which will make the service to the Village attractive as a career, and encourage each employee to render their best services to the Village.

(D) To establish, and maintain a uniform plan of evaluation, based on relative duties, and responsibilities of position in service to the Village.

(E) To establish and promote high morale among Village employees by providing good working relationships, a uniform personnel policy, opportunity for advancement, and consideration for employees' needs and desires.

(F) The Mayor and the Village Board will have the authority, and responsibility for administering these personnel regulations. These policies and regulations shall apply to all employees in the service of the Village (excluding the Chief of Police).

11-1-2 DEFINITIONS. The following words shall have the following meanings when used in this Code:

(A) **Employer:** The term employer, as used in this Code, means the Village.

(B) **Employee:** The term employee, as used in this Code, means a person working as a volunteer or for remuneration for services rendered to the Village. For purposes of this Code, an Elected Official is not an employee whose personal rights are affected by the Code.

(C) **Manager of Utilities:** The term Manager of Utilities, as mentioned in this Code, means the one individual ultimately responsible for all operations of the department.

(D) **Assistant Manager of Utilities:** As appointed by the Manager of Utilities and approved by the Village Board to take the place of the Manager of Utilities when necessary.

(E) **Elected Official:** The term Elected Official includes Village elected public office holders such as Mayor, Village Board, and Village Clerk.

(F) **Immediate Family:** The term "immediate family" includes: spouse, child, stepchild, parent, stepparent, sibling, mother-in-law, and father-in-law.

(G) **Family:** The term "family" includes: grandparent, spouse's grandparent, grandchild, step-grandchild, son-in-law, daughter-in-law, brother-in-law, sister-in-law, and a household member over whom the employee has charge and is living with the employee. Unusual circumstances will be determined on a case by case basis by the Mayor.

(H) **Length of Service:** Length of Service is defined as the length of continuous service of an employee since the employee's last date of hire with the Village.

An employee's continuous service record shall be broken by voluntary resignation or discharge. If such continuous service is broken due to curtailment of operation, said employee shall be considered on layoff.

11-1-3 EQUAL EMPLOYMENT.

(A) No person shall be discriminated against in any aspect of employment on the basis of race, color, religion, sex, national origin, age, handicap or disability, ancestry, marital status, political affiliation, or any other prohibited form of discrimination under Federal or State law or government contract or grant regulations.

(B) All employees shall adhere to this nondiscriminatory policy. Any and all affirmative action plans in effect shall also apply with regard to equal opportunity employment.

(C) Sexual harassment in the workplace is considered by the Village to be a form of sex discrimination, and no employee shall engage in any form of sexual harassment in the workplace.

(D) Any employee, person or individual who feels in any way wronged, harassed, interfered with, or discriminated against should feel free to contact the Village Board. The Village Board will investigate the matter. No employee shall be retaliated against by co-employees or supervisors for making contact with the Village Board or otherwise complaining of any form of discrimination.

11-1-4 HIRING POLICY.

(A) **Requirements.** Employment is based on each applicant's qualifications as compared with the requirements of the available position. Consideration is given to ability, experience, education, training and character.

No consideration shall be given to the applicant's political party affiliation or support in regard to any decisions on hiring, promotion, transfer, or recall.

(B) Applicant must live within Village limits, and must have a valid Illinois Driver's license.

(C) **Application Forms.** Applications for positions with the department shall be filed on forms furnished by the Village Clerk. All successful applicants shall produce an original social security card. The Manager of Utilities may require certificates of competency, licenses, medical examinations, post-offer medical examination, drug and alcohol tests, background investigations, references, police checks, motor vehicle reports/driving history, oral interviews, or other evidence of special qualifications. The Manager may reject applications of persons who are found to lack any of the requirements established for the position. The Mayor with the advice and consent of the Village Board shall appoint all employees. In considering applications of various individuals, length of service shall be used as a factor in the selection of applicants, but will not be considered the sole or even the predominant factor. No employee shall be hired and placed on the payroll and receive fringe benefits until all employment related forms, including but not limited to the employment application form, are filled out and forwarded to the Village Clerk.

11-1-5 PROBATIONARY PERIOD.

(A) A minimum of **six (6) months** of employment will be designated as a probationary period for all employees. To assure that new employees are aware of the expectations and functions of their job and to answer any questions the probationary employee may have, a formal evaluation will be made at the end of the probationary period by the employee's supervisor. The probationary period is tolled during periods of approved leave of absences.

(B) Probationary employees who are dismissed do not have redress through the grievance procedure. In the event that employment is terminated during the probationary period, any accrued benefits, leave time, etc., with the exception of vacation, will be lost.

(C) Health and life insurance will begin after **thirty (30) days** probation period.

11-1-6 WAGES AND CLASSIFICATIONS.

(A) **Employment Classification.** Employees are classified according to the following guidelines:

(1) **Full-Time.** Those employees scheduled to work a minimum of **forty (40) hours** per work week on a continuous basis on a regular weekly schedule and over **two thousand (2,000) hours** per year. Full-time employees are eligible for overtime pay and compensatory time.

(2) **Part-Time.** Those employees scheduled to work less than **one thousand (1,000) hours** per year. Part-time employees are eligible for overtime pay over **forty (40) hours** in a **one (1) week** period.

(3) **Salaried Exempt.** This classification includes all Department Heads and Supervisory and Administrative Personnel. Salaried Exempt employees are exempt from overtime. Salaried Exempt employees are paid at a fixed salary rate with the expectation that the work load will dictate the number of hours worked when you are doing a job beyond your managerial duties.

(4) **Paychecks.** Employees shall receive their paycheck on a biweekly basis. Employees shall work at least **one (1) week** before being paid, creating a **one (1) week** lag, which will be paid upon termination of employment. The paycheck actually issued will be for the preceding pay period.

(B) **Compensation.** The basic rate of pay shall be set forth by the Village Board.

(C) **Overtime.** Overtime at **one and one-half (1 ½) times** the regular rate of pay is available to employees working in excess of a **forty (40) hour** work period.

(D) **Salary Increases.** Employees are eligible for a salary increase after the completion of the probationary period.

(E) **Work Week.** The following shall be the parameters for the work: The Mayor or Manager shall determine the workweek for the departments.

No work shall be performed at home, without the prior approval of the Mayor or the Manager of Utilities.

Prior approval of manager is necessary for any employee to work early or stay late to do work related activity. All Village personnel are on **twenty-four (24) hour** call to report to work.

(F) **Lunch.** An employee shall generally be allowed a **one (1) hour** unpaid lunch break when the employee works an **eight (8) hour** shift, unless otherwise specified by the Village. Employees may skip these breaks. A manager may alter the time of the break if the employees under him or her are involved in an emergency situation or to meet work requirements.

(G) **Time and Attendance.** The Manager shall maintain accurate daily attendance records. An employee shall be at their places of work in accordance with the attendance rules. Tardiness or other abuse of regular attendance will not be tolerated. The attendance records will indicate information in order to properly pay employees for actual work performed. An employee shall have the right to review his attendance record on file in the department.

(H) Each Village employee, excluding part-time help, is mandated to be "On Call" for utility emergencies and will carry the emergency cell phone at that time. The "On Call" employee will be expected to answer the phone at all times during the time and will be subject to disciplinary action if he/she does not adhere to this requirement. The schedule for employees "On Call" will be set by the Utilities manager. If any schedule conflicts or emergencies arise, suitable arrangements are to be reviewed and approved by the Utility Manager.

The scheduled "On Call" employee will carry the phone from **4:00 p.m.** until **7:00 a.m.** Monday through Thursday, and **4:00 p.m.** Friday until **7:00 a.m.** Monday, with a **twenty (20) minute** response time. The employee shall be paid for **one (1) hour** at time and a half Monday through Friday with Saturdays, and Sundays and Holidays with pay at **two (2) hours** per day at time and a half.

(I) Employees must live within the Village limits, and must have a valid Illinois driver's license.

11-1-7

VACATIONS.

(A)

Full-time employees only.

(B)

Schedule.

(1) **One (1) year to nine (9) years** of service - **two (2) weeks**

(2) **Ten (10) years to nineteen (19) years** of service - **three (3) weeks**

(3) **Twenty (20) years to twenty-nine (29) years** of service - **four (4) weeks**

(4) **Thirty (30) years** of service and up - **five (5) weeks**

(C)

All vacations with approval of the Village Manager of Utilities.

(D)

Vacation time may accumulate and carry over **one (1) week** only with Manager of Utilities approval.

11-1-8

PERSONAL DAYS.

(A)

Each full-time employee shall be entitled to **three (3) personal days** per year. If they are not used in that calendar year, they shall terminate.

(B)

New employees will be pro-rated at **one and one-half (1 ½) days** after **six (6) months**.

11-1-9 **PAID HOLIDAYS.** Holidays falling on Saturday or Sunday will be on the day observed.

- (A) New Year's Eve and New Year's Day
- (B) Good Friday
- (C) Memorial Day (Monday)
- (D) Independence Day - July 4th
- (E) Labor Day
- (F) Veteran's Day
- (G) Thanksgiving Day
- (H) Friday after Thanksgiving Day
- (I) Christmas Eve
- (J) Christmas Day

NOTE: In order to be paid for a legal PAID HOLIDAY, an employee must be on the job or have an approved day of absence the regular working day **before** AND the regular working day **after** said holiday.

11-1-10 **SICK LEAVE.**
(A) Full-time employees - **six (6) working days** per calendar year.
(B) Newly hired employees - **one (1) sick day** every **two (2) months** until **one (1) year** of service.

(C) Sick days may accumulate. Unused sick days will be applied to retirement. Must be vested in IMRF (**eight (8) years**).

(D) After **three (3) consecutive sick days**, you must have a doctor's note to return to work.

(E) In the absence of extenuating circumstances, an employee who is absent from work for any reason and fails to notify his or her supervisor within **two (2) working days** will be considered to have resigned.

11-1-11 **MILITARY.** Any full-time, salaried exempt, or part-time employee who is a member of a Reserve component of the Armed Services, the Illinois National Guard or Illinois Naval Militia, shall be allowed annual leave with pay for **fifteen (15) days** and the Village shall pay the difference in salary and any additions or extensions thereof without pay as may be necessary for the employees to fulfill the military reserve obligation. Such leaves will be granted without loss of length of service or other accrued benefits.

In case of an emergency call up (or order to state active duty) by the Governor, the leave shall be granted for the duration of said emergency with pay and without loss of length of service or other accrued benefits.

Military earnings during the military reserve obligation or for the emergency call shall be submitted and assigned to the Village, and the Village shall return it to the payroll fund from which the employee's payroll check was drawn. If military pay exceeds the employee's earning for the period, the Village Board shall return the difference to the employee.

To be eligible for military reserve leave or emergency call up pay, the employee shall provide the Village with a certificate from the commanding officer of the employee's unit that the leave taken was for either such purpose.

Full-time employees entering into military service as a result of voluntary enlistment, induction into the service by draft, or conscription will be afforded all of the privileges provided by the Illinois Compiled Statutes, Chapter 330, Section 60/1 et seq.

11-1-12 JURY DUTY. Employees will be excused from work to serve jury duty. Employees serving jury duty shall receive their regular salaries for the work days that jury duty is served. Employees released from jury duty during working hours shall return to work. If there is less than **four (4) hours** left in the employee's work day the employee is excused for the remainder of the day. The employee keeps any jury duty compensation to cover expenses incurred.

11-1-13 WITNESS. An employee shall be excused from work when lawfully subpoenaed to serve as a witness. The employee must present written proof of the summons to testify to qualify for an excused absence. Notice to employee's supervisor should be made in advance of appearing in court. An employee's excused absence from work shall be on an unpaid basis, unless the employee's witness activity is work related and the Village requests the witness activity. The employee shall turn over to the Village any witness fee when the employee's witness activity is work related.

11-1-14 FUNERAL LEAVE. Paid funeral leave will be up to **three (3) days** for immediate family members. Paid funeral leave will be **one (1) day** for family members. The Village Manager will decide unusual circumstances on a case-by-case basis.

11-1-15 ILLNESS OR INJURY AT WORK. Any employee who is ill or injured on the job shall immediately notify the Manager who may require the employee to be transported to a hospital for examination by a physician or surgeon.

11-1-16 MATERNITY. Pregnancy shall be considered the same as any short-term disability, and request for pregnancy leave shall be made through the disability leave clause. Request for parental leave following child birth shall be made through the Leave of Absence clause, (Family and Medical Leave Act).

11-1-17 FAMILY AND MEDICAL LEAVE ACT. An employee is eligible for a leave of absence through the Family and Medical Leave Act of 1993. In order to be eligible for leave, an employee must have worked for the employer at least **twelve (12) months** and must have worked at least **one thousand two hundred fifty (1,250) hours** over the previous **twelve (12) months** prior to the leave. Eligible female and male employees are allowed up to **twelve (12) weeks** of leave per **twelve (12) month** period following the birth of a child, the placement of a child for adoption or foster care, or the serious health condition of the employee or an immediate family member (defined for purposes of the Family and Medical Leave situation as including the employee's child, spouse or parent). The leave for birth or placement must take place within **twelve (12) months** of the birth or placement of the child.

The employee's leave shall be unpaid. The employee may, upon approval of the Mayor and Manager of Utilities, use accumulated sick leave and/or vacation leave. During the leave, the Village shall continue to provide coverage under its group health plan. Following return upon leave, the employee shall be returned to a position with equivalent pay, benefits and other terms and conditions of employment.

In order to utilize leave of absence pursuant to the Family Medical Leave Act, the employee should give a **thirty (30) day** notice.

For leave based upon serious health conditions, the employer may require certification from the employee's health care provider for leave. Employer reserves the right to require a second medical opinion at the employee's own expense.

11-1-18 ILLINOIS MUNICIPAL RETIREMENT FUND. The Village will participate in contributing for all eligible employees to the Illinois Municipal Retirement Fund. The Village shall follow all guidelines of IMRF in order to protect the benefits of the employees.

11-1-19 INSURANCE. Insurance will be provided on the following basis:

(A) All full-time employees are covered by a cafeteria medical plan funded by the Village. A manual is provided to employees at the time of hiring which further explains the policy. The manual is obtained for the Village Clerk's Office. The Village Clerk's Office must be notified of a divorce or legal separation of the covered employee, and further must be notified when a child is no longer eligible as a covered dependent of the employee. Employee's children dependent health insurance coverage shall stop at age **eighteen (18)** or high school graduation. If dependent attends college full-time, coverage will continue for a maximum of **four (4) years** or age **twenty-three (23)**, whichever shall come first. If dependent insurance is available until age **twenty-six (26)** through the Village cafeteria medical plan, said coverage shall be at the expense of employee. Employees beginning employment after **August 1, 2011** shall pay **twenty-five percent (25%)** of the cost of dependent health insurance coverage; the Village shall pay **seventy-five percent (75%)** of the cost of said coverage. (**Ord. No. 673; 10-13-11**)

(B) **Legal Defense and Liability Insurance.** In any claim or action instituted against an employee, or former employee, where such claim or action arises out of any act or omission, made in good faith, occurring within the scope of employment of the employee, or former employee, the Village shall, upon written request of the employee or former employee, appear and defend the employee or former employee, against any such claim or action, including the process of appeal. The Village Attorney shall appear for and defend the employee. This Section excludes disciplinary proceedings or criminal proceedings.

(C) **Other Types of Insurance.** The provisions of Social Security legislation will cover all classifications of employees, and salary deductions will be made in accordance with the law. Employees are covered by the Workers' Compensation Act, **Illinois Compiled Statutes, Chapter 820, Section 305/1 et seq.** Any work-related injury must be reported to the Manager of Utilities. All employees are covered by unemployment insurance.

11-1-20 TRAINING. For meetings and seminars, employees may be granted leave with pay to attend meetings, seminars and conventions of professional and technical organizations, when such attendance would benefit the employee's ability to perform the job, and is approved in advance by the Manager of Utilities and/or Mayor.

For training programs conducted after regular working hours, such training shall be voluntary unless arrangements for such training includes the granting of overtime.

All employees shall be reimbursed for mileage expenses incurred while attending assigned schools outside the Village. Upon receipt of a notice to attend the training school, the employee will request the use of a departmental vehicle to transport those attending to and from school. If a departmental vehicle is not available, reimbursement shall be made for the employee's use of their personal vehicle. When **two (2)** or more persons attend the same school at the same time the Manager may require that only **one (1) person** will be eligible to receive reimbursement for travel. The Village Board shall establish the rate of reimbursement.

11-1-21 DEATH BENEFITS. Each employee shall fill out a designation of beneficiary form. Upon the death of an employee, the designated beneficiary shall be entitled to receive from the appropriation for personal services theretofore available for payment of the employee's compensation, such sums for any accrued vacation period to which the employee was entitled to at the time of death. Such payment shall be computed by multiplying the employee's daily rate of pay by the number of days of accrued vacation at the time of death.

Upon the death of an employee, the estate shall receive any unpaid compensation, accrued overtime, or other benefits the employee would have been allowed had the employee survived.

Family members of deceased employees should contact the Village Clerk's Office for explanation of any further benefits the family members or the estate of the deceased employee may be entitled to.

11-1-22 TRAVEL. Staff vehicles are to be used only for activities directly related to the conduct of business. Under no circumstances are the vehicles to be used for personal activities. Reimbursement is provided for the use of employee's private vehicles for official business at the rate designated by the State of Illinois for actual mileage traveled. Private vehicles will only be used when Department vehicles are not available and the Mayor gives prior approval. Use of staff vehicles is restricted to employees who have a valid drivers' license with current liability insurance. Employees are not permitted to use Village vehicles without the knowledge of the Manager. Employees using staff or private vehicles must record mileage on the expense log along with the destination and purpose of the trip. The log is to be returned with the vehicle's keys when using a staff vehicle. Expense claims for private vehicle usage will be honored only if the listed trip is initialed by the Manager. Any malfunctions or damages must be reported to the Manager. Travel in any vehicle will always be by the most direct route unless otherwise approved by the Mayor.

If the most economical means of travel available is by some type of transportation other than an automobile, the Mayor or Manager must approve the mode selected before departure. Travel by either airplane or train will be by coach class.

11-1-23 REIMBURSEMENT OF OTHER EXPENSES. An employee shall be allowed reimbursement for the actual cost of meals and lodging if prior approval is obtained from the Manager in accordance with these rules but not to exceed the rates indicated in the reimbursement schedule. It is necessary to submit receipts when receiving per diem. It is necessary to submit receipts when receiving reimbursement for individual meals.

11-1-24 ACCIDENTS/INJURIES. Anytime an employee is involved in an automobile accident with a Village automobile or in a personal automobile while on Village business, the employee shall notify The Manager immediately with all pertinent information, including whether personal injury is involved and whether any traffic citations were issued. The Manager shall within **twenty-four (24) hours** notify the Village Attorney if any traffic citations were issued to a Village employee and shall provide the Village Attorney with a copy of the citations. An employee is obligated to cooperate with the Village and any of the Village's legal representatives regarding the accident and any citations that may have been issued.

11-1-25 APPEARANCE. Neatness and good taste in dress, as well as care toward personal hygiene, are expected of all employees. For safety and hygienic purposes, employees may be required to comply with any appropriate dress code that is set forth by the Manager or Village Board during the performance of their duties. Those employees issued uniforms are expected to wear them to work.

Employees may be requested to change inappropriate dress, and work lost while doing so will not be compensated by the department. Employees may be evaluated on their dress and appearance. The Manager is the only individual of each department who may make exceptions to the dress code.

11-1-26 USE OF DEPARTMENT PROPERTY. All department property and equipment entrusted to any employee will be used in accordance with the property's prescribed function. All damage through recklessness, gross negligence, intentional act, deliberate misuse, or theft shall be replaced and paid for by the employee committing the violation. Such replacement of property by the employee shall not be considered the exclusive remedy against the employee, and the employee may still be subject to discipline. All department property, personal lockers, and personal offices are subject to search and seizure. All department property shall be inspected by the Manager prior to issuance of the property.

No department property shall be used for private or unauthorized purposes. All employees are required to return all department property or equipment in their possession upon separation, promotion, and/or transfer.

11-1-27 TELEPHONE USAGE. Good telephone habits are an indication that the department is interested in serving the public. At all times, answer promptly and courteously. Identify yourself by name, be friendly and helpful. Write the time and date of any message from the caller, transfer calls tactfully, give accurate information, do not keep the caller waiting and hang up carefully.

Employees shall keep incoming and outgoing personal calls to a minimum.

11-1-28 CORRESPONDENCE AND COMMUNICATIONS. No employee shall use their official position, engage in official transactions or business to harass any individual or to secure a benefit for himself or other individuals. Courtesy should be given in all communications and correspondence, and all employees should refrain from unnecessarily criticizing any individuals or agencies concerning official transactions or business.

11-1-29 SMOKING. Use of tobacco by Village employees shall only be allowed in designated areas, including smokeless tobacco.

11-1-30 PHOTO I.D.'S. The Village Board may issue a photo I.D. card for employees. All employees who are issued a photo I.D. are required to be in possession of the photo I.D. on and off duty. Employees shall not use their identification card for personal business or personal gain. If an identification card is lost or stolen, it must be reported in writing to the Manager without delay.

11-1-31 SPEECH AND DISSEMINATION OF INFORMATION. Employees are cautioned against making statements or giving impressions regarding official agency policy or position without prior expressed authority being granted. Normally, the Village Board has the sole right to adopt and interpret the policies of the organization. If in doubt, it is always preferable to consult the Manager before making any statements that might possibly be misinterpreted or misconstrued by the general public or press.

The Manager shall make all news releases concerning the department.

The Village shall comply with the **Illinois Freedom of Information Act**, and employees are allowed to disseminate information pursuant to the Act. However, employees are not allowed to disclose any information that is exempted by the **Illinois Freedom of Information Act** or prevented from disclosure by any other state statutes.

11-1-32 RELATIONS WITH CREDITORS. The Village shall charge employees any authorized costs when making wage deduction (wage garnishment) pursuant to court order or State or Federal statutes.

11-1-33 POSSESSION OF FIRE ARMS. Unless authorized by the Chief of Police, no employee of any department has legal authority to carry weapons while in the performance of their official duties.

11-1-34 ETHICS. Employees shall not recommend or promote the sale of any specific brand name product or equipment.

Many employees in the course of their work have access to medical information about patients, clients, employees, or other individuals. This may be medical, legal or job related information. Such information is not to be repeated or discussed outside the department or with other personnel unless such information is a necessary part of the employee's assigned duty.

Employees shall inform the Manager of Utilities or Mayor of any possible conflict of interest situations they may have.

Employees are prohibited from accepting gifts, gratuities, or any item of value for work performed on behalf of the Village pursuant to State law.

11-1-35 OTHER EMPLOYMENT. Employees who are injured while engaging in other employment shall notify the Manager of Utilities and the Mayor.

Employees are prohibited from having conflicting employment while having a full-time position. An employee may not be paid by another employer for the same **forty (40) hour** period employee is being paid by the Village.

11-1-36 PHYSICAL EXAMINATIONS. Each applicant for employment may be required to successfully complete a post-offer physical examination by a doctor of the employer's choice, including a drug screen upon the request of the Village. At any time, employees may be required to submit to a physical examination. As a condition of their employment, the employees of the department shall authorize the release of medical testing information including drug screens to the Village for departmental use only.

All employees engaging in heavy manual labor as their principal form of job activity for the Village may be required to submit to an annual physical exam and/or drug screens by a doctor of the employer's choice.

Drug screens can be conducted on a random basis for any personnel employed by the Village while performing work related activities for the Village and for any employee that is required to hold other than a Class A driver's license for work related purposes. For all other employees, drug screens shall be conducted upon probable cause.

The term "Drug Screens", as used throughout and disclose to the Manager of Utilities, any drug or alcohol problem that the employee may currently have.

11-1-37 REIMBURSEMENT OF COST OF TRAINING. If an employee leaves the Village's employment before the completion of **three (3) years** from the initial date of employment, that employee will be liable for all costs incurred in the employee's selection, background investigation, equipment issue and training, prorated over a **three (3) year** period. Incurred training costs will be deducted from any remaining paychecks.

11-1-38 PRESCRIPTION DRUG USE. Any employee who is taking prescription or over-the-counter drugs or medication which may have an impact on abilities to perform work shall report the use of the drugs or medications to the immediate supervisor, along with the name and address of any medical doctors prescribing the medication.

11-1-39 DRUG FREE WORKPLACE. All employees, as a condition of employment, will comply with the Village's Drug Free Workplace policy, attached to this Employee Handbook as **Appendix A.**

11-1-40 PAID LEAVE FOR ALL WORKERS ACT. Pursuant to Section 15(p) of the Act, the Village hereby adopts its current paid leave policy for all Village employees as set forth in the Village's Code of Ordinances, Employee Handbook, Annual Salary Ordinances, any collective bargaining agreements to which the Village is a party and all other binding legislative actions governing paid leave adopted by the President and Board of Trustees of the Village, as the same may be amended from time to time. However, in no event shall the Village, as an employer, provide less than **one (1) day** of paid leave per year to any Village employee. **(Ord. No. 23-830; 12-19-23)**

ARTICLE II - RIGHTS OF EMPLOYEES

11-2-1 PERSONNEL FILE. Employees are allowed to look at their own personnel files during normal business hours. Persons wishing to view their own file shall file a written request with the Manager of Utilities or Village Clerk. A copy of the request shall be placed in the employee's personnel file. Nothing should be placed in an employee's personnel file nor shall anything be removed from the file without the consent of the Mayor and Manager of Utilities. Records of prior grievances and discipline action shall be maintained in the employee's personnel file. The final decision to remove items lies within the discretion of the Mayor and the Manager of Utilities.

11-2-2 REFERENCES. Employees or former employees have the right to obtain references or recommendations. Such references shall provide the applicable date of hire and the last date employed, and a general description of the applicable job duties. Additional comments concerning the employee or former employee's job performance dependability's lies within the sound discretion of the Manager of Utilities.

11-2-3 SAFETY. The Manager of Utilities shall implement any safety procedures adopted by the Village, and employees shall comply with any of the safety procedures.

All Village employees are directed to report any hazardous conditions to their supervisor immediately.

Due to the open-office design of many Village buildings, it is impossible to provide security for personal belongings left unattended. Staff members are advised to keep their wallets, purses, etc. in their possession at all times. The Village cannot be responsible for losses due to theft.

11-2-4 ALCOHOL AND DRUG PROBLEMS. Everyone is feeling the demands of the modern world. Our daily lives are more complicated and more hectic than ever before. The majority of families have two breadwinners. Children often have jobs of their own. In addition, everyone is involved in outside activities of all types. The modern world can be a two-edged-sword: rewarding and enriching on one side and extremely sharp and stressful on the other.

Unfortunately, occasionally the stress of our world sometimes leads to abuse of alcohol and/or drugs. The Village wants to assure its employees that, if there comes a time when you are experiencing or worried about an alcohol and/or drug problem, every reasonable effort will be made to help you while working for a permanent solution to the problem.

The employee may, one time only, come to the Manager to request drug/alcohol rehabilitation assistance. Upon completion of that rehabilitation program, if the employee fails to pass a drug/alcohol screen, the employee is terminated.

ARTICLE III - RIGHTS OF EMPLOYER

11-3-1 VILLAGE'S RIGHTS. The employee recognizes that the Village possesses the exclusive right to operate and direct the employees of the Village in all aspects, including, but not limited to, all rights and authority granted by law.

The employee further recognizes that this Code is not a binding contract between the Village and the employee. Nothing contained in this Code shall be construed as creating an employment agreement between the Village and its employees from time to time.

11-3-2 NEW REGULATIONS. The Village has the right to unilaterally create new employment policies and regulations not mentioned in this Code, and to change provisions of this Code without prior notice, approval or consent of the employees of the Village.

11-3-3 MANAGEMENT RESPONSIBILITIES. The employer has the ultimate responsibility for proper management including but not limited to responsibilities and the right for the following:

(A) To maintain executive management and administrative control of the department and its property, facilities and staff.

(B) To hire all employees and to determine their qualifications and the conditions for their continued employment or their dismissal or demotion.

(C) To direct, supervise, promote, suspend, discipline, terminate, assign and schedule employees.

(D) To relieve employees from duties because of a lack of work or funds, or under conditions where continued work would be inefficient or nonproductive or under conditions as may be deemed necessary or advisable by the department.

(E) To determine services to be rendered, operations to be performed, utilization of technology and budgetary matters.

(F) To determine the methods, processes, means, job classifications and personnel by which the operations of the department are to be conducted.

It is recognized that the employer normally exercises most of the powers, rights, authorities, duties and responsibilities through and with the cooperation of the administrative staff.

ARTICLE IV - SEXUAL HARASSMENT POLICY

11-4-1 PURPOSE OF POLICY. The purpose of this policy is to (1) more clearly define sexual harassment, and (2) more clearly state the policy of the Village regarding such behavior. Sexual harassment is a violation of basic human rights fully recognized by the State of Illinois.

11-4-2 STATEMENT. It is the responsibility of each individual employee to refrain from sexual harassment, and it is the right of each individual employee to work in an environment free from sexual harassment. The Village will not tolerate sexual harassment in any form. Nor will it tolerate false or malicious accusations of sexual harassment. The Village will remain uncompromised in providing and preserving a professional atmosphere free from sexual harassment of any kind.

11-4-3 DEFINITIONS OF SEXUAL HARASSMENT. According to the Illinois Human Rights Act, sexual harassment is defined as:

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

The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991.

One such example is a case where a qualified individual is denied employment opportunities and benefits that are, instead, awarded to an individual who submits (voluntarily or under coercion) to sexual advances or sexual favors. Another example is where an individual must submit to unwelcome sexual conduct in order to receive an employment opportunity.

Other conduct commonly considered to be sexual harassment includes:

- Verbal: Sexual innuendoes, suggestive comments, insults, humor and jokes about anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside their presence, of a sexual nature.
- Non-verbal: Suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking" or "kissing" noises.
- Visual: Posters, signs, pin-ups or slogans of a sexual nature.
- Physical: Touching, unwelcome hugging or kissing, pinching, brushing the body, coerced sexual intercourse, or actual assault.

Sexual harassment most frequently involves a man harassing a woman. However, it can also involve a woman harassing a man or harassment between members of the same gender.

The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends to some extent on individual perception and interpretation. The trend in the courts is to assess sexual harassment by a standard of what would offend a "reasonable woman" or a "reasonable man", depending on the gender of the alleged victim.

An example of the most subtle form of sexual harassment is the use of endearments. The use of terms such as "honey", "darling", and "sweetheart", is objectionable to many women who believe that these undermine their authority and their ability to deal with men on an equal and professional level.

Another example is the use of a compliment that could potentially be interpreted as sexual in nature. Below are three statements that might be made about the appearance of a woman in the workplace.

"That's an attractive dress you have on."

"That's an attractive dress, it really looks good on you."

"That's an attractive dress. You really fill it out well."

The first statement appears to be simply a compliment. The last is the most likely to be perceived as sexual harassment, depending on the individual perceptions and values. To avoid the possibility of offending an employee, it is best to follow a course of conduct above reproach, or to err on the side of caution.

11-4-4 RESPONSIBILITY OF INDIVIDUAL EMPLOYEES. Each individual employee has the responsibility to refrain from sexual harassment in the workplace.

An individual employee who sexually harasses a fellow worker is, of course, liable for his or her individual conduct.

The harassing employee will be subject to disciplinary action up to and including discharge in accordance with the Authority's policy or a bargaining agreement, as appropriate.

An employee who either observes or believes herself/himself to be the object of sexual harassment is responsible for reporting the incident(s) to his/her supervisor.

11-4-5 RESPONSIBILITY OF SUPERVISORY PERSONNEL. Each supervisor is responsible for maintaining the workplace free of sexual harassment. This is accomplished by promoting a professional environment and by dealing with sexual harassment as you would deal with other forms of employee misconduct.

The courts have found that the organization as well as supervisors can be held liable for damages related to sexual harassment by a manager, supervisor, employee, or third party (an individual who is not an employee but does business with an organization, such as a contractor, customer, sales representative, or repair person).

Liability is either based on an organization's responsibility to maintain a certain level of order and discipline, or on the supervisor acting as an agent of the organization. As such, supervisors must act quickly and responsibly not only to minimize their own liability but also that of the agency.

Specifically, a supervisor must address and observed incident of sexual harassment or a complaint, with seriousness, take prompt action to investigate it, report it and end it, implement appropriate disciplinary action, and observe strict confidentiality. This also applies to cases where an employee tells the supervisor about behavior considered sexual harassment but does not want to make a formal complaint. The agency's Equal Employment Opportunity (EEO) Officer will consult with supervisors on the proper procedures to follow.

Supervisors must report any incidents or complaints of sexual harassment to the EEO Officer on the date of the alleged occurrence, or the very next business day.

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

11-4-6 PROCEDURES FOR FILING A COMPLAINT. An employee who either observes or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating her/his position to both the supervisor and offending employee. It is not necessary for sexual harassment to be directed at the person making the complaint.

The following steps may also be taken: document or record each incident (what was said or done, the date, the time, and the place). Written records such as letters, notes, memos, and telephone messages can strengthen documentation.

No one making a complaint will be retaliated against even if the complaint made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

The process for making a sexual harassment complaint falls into several stages.

(A) **Direct Communication.** If there is sexually harassing behavior in the workplace, the harassed employee should directly and clearly express her/his objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.

(B) **Contact with Supervisory Personnel.** At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to the Manager of Utilities, Mayor or the Village Board.

(C) **Formal Written Complaint.** An employee may also report incidents of sexual harassment directly to the Mayor. The Mayor will counsel the reporting employee and be available to assist with filing a formal complaint. The Mayor will fully investigate the complaint, and advise the complainant and the alleged harasser of the results of the investigation.

(D) **Resolution Outside Village.** It is hoped that most sexual harassment complaints and incidents can be resolved within the Village. However, an employee has the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) about filing a formal complaint. An IDHR complaint shall be filed within **one hundred eighty (180) days** of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC shall be filed within **three hundred (300) days**.

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, also due within **one hundred eighty (180) days** (IDHR) or **three hundred (300) days** (EEOC) of the alleged retaliation.

An employee who has been physically harassed or threatened while on the job may also have grounds for criminal charges of assault and battery.

11-4-7 TRAINING. The Mayor is responsible for ensuring that the Utilities Manager and staff are trained and made aware of the full range of practices that might constitute sexual harassment.

11-4-8 FALSE AND FRIVOLOUS COMPLAINTS. False and frivolous charges refer to cases where the accuser is using a sexual harassment complaint to accomplish some end other than stopping sexual harassment. It does not refer to charges made in good faith which cannot be proven. Given the seriousness for the accused, a false and frivolous charge is a severe offense that can itself result in disciplinary action.

ARTICLE V - DISCIPLINE

11-5-1 PROCEDURE. The formal disciplinary process is a five step procedure, but dismissal may occur at any step in the process. The Utilities Manager may use the Discipline Form attached as **Appendix C** for documentation purposes. Under normal circumstances, these steps are outlined in the following sections.

11-5-2 VERBAL REPRIMAND. A verbal reprimand informs an employee of unsatisfactory conduct, attitude or performance, and acknowledges that continued such actions will result in more severe disciplinary actions. The reprimand should be done in private, and should be documented with the date and nature of the problem and placed in the employee's personnel file.

11-5-3 WRITTEN REPRIMAND. A written reprimand informs an employee of unsatisfactory conduct, attitude or performance. Written reprimand is more severe than a verbal reprimand, but serves the same purpose to acknowledge further unsatisfactory conduct, attitude, or performance will result in more severe disciplinary action. A copy of the written reprimand will be sent to the employee, the Manager of Utilities, Mayor and employee's personnel file.

11-5-4 PROBATION. The Manager of Utilities and/or the Mayor may place the employee on probation if the employee's performance is substandard and/or the employee's conduct and behavior are inappropriate and not condoned by management. Employee may be placed on probation not to exceed **six (6) months**. At the end of **three (3) months**, an informal evaluation of the employee's performance will be conducted. At the end of the probationary period, the employee's performance will be formally evaluated. Evaluations will determine if the employee should be retained. If the employee violates the conditions of the probation, the employee may be subject to termination. Removal from probationary status is based upon satisfactory completion of the probationary period, recommendation from the Manager of Utilities, and approved by the Mayor.

11-5-5 SUSPENSION. Suspension of an employee would be at the discretion of the Manager of Utilities. The suspension will result in a loss of salary for the period of the suspension. Upon return to work the suspended employee will be placed on probationary status for a period not to exceed **six (6) months**. If the employee violates the conditions of the probation, the employee may be subject to termination. Removal from probationary status is based upon satisfactory completion of a probationary period, a recommendation from the Manager of Utilities and the approval the Mayor and Village Board. The period of suspension may be up to but not exceeding **thirty (30) days** off without pay in one calendar year. The suspension may include demotion, and is within the discretion of the Manager of Utilities.

11-5-6 DISMISSAL. Dismissal shall be used as a disciplinary action of last resort at the discretion of the Mayor and the Village Board. All employees are subject to discharge by the Mayor with the advice and consent of the Village Board during any of the disciplinary steps.

11-5-7 CODE OF CONDUCT. Disciplinary action may be brought against an employee for the following, including but not limited to:

- (A) Violating any provisions of this Personnel Code.
- (B) Knowingly falsifying a report.
- (C) Being insubordinate to or showing disrespect towards superiors.
- (D) Neglecting to perform the job or performing the job inefficiently.
- (E) Engaging in any conduct unbecoming of a Village employee or that discredits the Village.
- (F) Leaving the assigned job without permission.
- (G) Absence from work without leave or permission.
- (H) Willfully destroying or damaging any property of the Village.
- (I) Taking or giving bribes.
- (J) Being under the influence of intoxicating beverages while at work.
- (K) Using, manufacturing, distributing, dispensing, or possessing any statutorily defined illegal drugs, narcotics, or controlled substances, or failing to report to the employee's Supervisor any arrest or conviction for using, manufacturing, distributing, dispensing, or possessing any statutorily defined illegal drugs, narcotics, or controlled substance.
- (L) Failure of any employee to notify their Supervisor within **five (5) days** after an arrest or conviction of a violation of any local, state, or federal criminal drug statute.
- (M) Using a Village vehicle without the knowledge of the immediate supervisor.
- (N) Improperly operating a Village vehicle or permitting an unauthorized person to operate a Village vehicle.
- (O) Excessive unexcused absence from work or tardiness.
- (P) Possession of explosives, firearms or other dangerous weapons on Village premises, unless otherwise permitted.
- (Q) Use of overtime for other than work purposes.
- (R) Failure to follow any safety rules, regulations, or manuals.
- (S) Gambling during working hours around Village premises.
- (T) Sleeping on the job.
- (U) Being discourteous to the public.
- (V) Engaging in or instigating or causing an interruption or impeding work.
- (W) Substantial misrepresentation of facts in obtaining employment with the Village.
- (X) The use or consumption of Village property for personal or private purposes, or the use of Village employees during working hours for such purposes.
- (Y) Disorderly conduct during working time or on Village premises, including fighting, interfering with work of another, or threatening or abusing any person by word or act.
- (Z) Unauthorized use of Village property such as Village owned vehicles, equipment and materials.
- (AA) Abuse of sick leave by misrepresentation of the leave request
- (BB) Violation of a written order of a Supervisor.

- (CC) Failure to pay legitimate debts, thus exposing the Village to harassment by creditors.
- (DD) Using profanity on the job.
- (EE) Releasing confidential information.
- (FF) Using or attempting to use an official position to secure special privileges, exemptions, or personal gain except as may be otherwise provided by law.
- (GG) Engaging in disreputable acts and not conducting themselves with "good moral character".
- (HH) Abuse of telephone/internet usage for Village business only.
- (II) Theft of any Village or employee property.
- (JJ) Discriminating against any person, individual, entity, co-employee, on the basis of race, color, religion, sex, national origin, age, handicap or disability, ancestry, marital status, sex harassment or any other prohibited form of discrimination under federal or state law or government contract or grantee regulations.

11-5-8 POLITICAL POLICIES. No form of discipline can occur because of any employee's political activity or political beliefs. This prohibition on discipline does not apply to individuals in policy making or confidential positions or where an overriding interest or vital importance exists which requires that an employee's political beliefs and activities conform to those of the Supervisor or Village Board.

The Village also recognizes that false accusations can have serious affects on innocent men and women. We trust that all employees will continue to act in a responsible and professional manner to establish a pleasant working environment free of discrimination.

ARTICLE VI - MISCELLANEOUS

11-6-1 GRIEVANCE PROCEDURE. The purpose of a grievance procedure is to establish and maintain harmonious and cooperative working relationships between the Village and its employees, to assure equitable treatment of employees, and to provide expeditious means of resolving employee dissatisfaction over circumstances or conditions of employment.

Strict adherence to the grievance procedures and time limits is mandatory, except that the time limits may be extended for good cause.

A grievance is defined as a dispute, disagreement, complaint, or any matter concerning any terms or conditions of employment, or concerning the application of any departmental policy, or concerning any employee relationship, or work related issue.

As used in this Article, the term days shall mean working days of the employee filing the grievance.

At any step, if a written response is not provided to the grieving employee within the **ten (10) day** time frame, the grievance will be considered denied at that step, and the employee may proceed to the next step.

If any Supervisor is disciplined and/or discharged by the Mayor with the advice and consent of the Village Board, the discipline and/or discharge shall constitute the final resolution of the matter and there shall be no access in this instance to the various steps of the grievance procedure. The failure of a reappointment of a Supervisor by the Mayor shall not be interpreted to constitute discipline and/or discharge of an ongoing employment relationship with the Village.

Steps:

(A) A grieving employee shall within **five (5) days** after he learns of the circumstances or conditions which prompted the grievance, submit the grievance to the employee's Supervisor, in writing, informing such Supervisor of the grievance and the particulars concerning the same. The Supervisor shall provide a written response to the grieving employee within **ten (10) days** after receiving the grievance.

(B) If the grievance is not resolved to the employee's satisfaction, the employee may submit the grievance to the Mayor by summarizing the grievance in writing.

The grievance must be submitted to the Mayor within **five (5) days** of the decision of the Supervisor.

For all other employees, the grievance shall be before the Mayor.

11-6-2 LAYOFFS. In the event it becomes necessary to layoff employees for any reason, employees will be laid off based on the following criteria: Employee's knowledge, skills, and abilities in relation to positions available, lack of work, lack of funds, the employee's length of service, the employee's work record including recommendations as well as disciplinary action, the employee's attitude and relations with other employee's as well as other agencies and change in duties of the department. The employee shall receive **two (2) weeks'** notice.

11-6-3 RESIGNATION. Sick leave, vacation, and retirement fund benefits cease at midnight on the date of termination. Life and health insurance will cease at the end of the month of the termination. Employees may elect to continue participation in the plan on a self-pay basis as provided by federal statutes. The employee will be paid for each day of accrued and unused vacation time. Monies accumulated in the employee's retirement account may be refundable, according to IMRF Rules. Forms required to request this refund are available from the Village Clerk.