

**VILLAGE OF OLYMPIA FIELDS**

**PERSONNEL MANUAL**

**ADOPTED BY PRESIDENT AND  
THE BOARD OF TRUSTEES  
April 1, 2019**

## WELCOME

Dear Employee:

You and the Village of Olympia Fields have made an important decision: The Village has decided you can contribute to our success, and you've decided that the Village is the place where you can pursue your career productively and enjoyably.

We believe we have each made the right decision, one that will result in a mutually profitable relationship. The minute you start working here, you become an integral part of the Village and its future. Every job in the Village is important, and you will play a key role in the continued growth of the Village.

As you will quickly discover, our success is based on delivering high-quality municipal services. How do we do it? By working hard, thinking about our residents' and business owners' needs, and doing whatever it takes. We do it by acting as a team.

Should you have any questions concerning this Manual, your employment or employment benefits, please feel free to discuss them with your supervisor, department head or the Village Administrator.

Again, welcome.



Sterling M. Burke  
Village President

## **RECEIPT & ACKNOWLEDGMENT OF THE VILLAGE OF OLYMPIA FIELDS PERSONNEL MANUAL**

This Personnel Manual contains a general description of some of the employment policies of the Village of Olympia Fields. It serves as a guide; it is not the final word in all cases. Individual circumstances may call for individual attention.

Changes in operating procedures and economic conditions will occur. As a result, the contents of this Manual may be changed at any time at the discretion of the Village. No changes in any benefit, policy or rule will be made without due consideration of the mutual advantages, disadvantages, benefits and responsibilities such changes will have on you as an employee and on the Village of Olympia Fields.

Please read the following statements and sign below to indicate your receipt and acknowledgment of the Village of Olympia Fields Personnel Manual.

I have received and read a copy of the Village of Olympia Fields Personnel Manual. I understand that the policies, rules and benefits described in it are subject to change at the sole discretion of the Village of Olympia Fields at any time. I understand that this Manual replaces and supersedes all other previous manuals for the Village of Olympia Fields up to and as of April 1, 2019.

I am aware that during the course of my employment confidential information will be made available to me. I understand that this information is critical to the success of the Village of Olympia Fields and must not be given out or used outside of the Village of Olympia Fields' offices, unless properly requested and authorized. In the event of termination of employment, whether voluntary or involuntary, I hereby agree not to utilize or exploit this information with any other individual, municipality, company or corporation.

I understand that, should the content be changed in any way, the Village may require an additional signature from me to indicate that I am aware of and understand any new policies.

I understand that my signature below indicates that I have read and understand the above statements and have received a copy of the Village of Olympia Fields Personnel Manual.

---

Employee's Printed Name

---

Position

---

Employee's Signature

---

Date

---

Department Head's Signature

---

Date

The signed original copy of this Receipt & Acknowledgment must be given to your department head - it will be placed in your personnel file.

## TABLE OF CONTENTS

	<u>PAGE</u>
<b>WELCOME</b>	i
<b>RECEIPT &amp; ACKNOWLEDGMENT OF THE VILLAGE OF OLYMPIA FIELDS PERSONNEL MANUAL</b>	ii
<b>INTRODUCTION</b>	1
<b>THE VILLAGE'S PUBLIC RELATIONS PHILOSOPHY</b>	3
<b>SERVICE EXPECTATION</b>	3
<b>EMPLOYEE RELATIONS PHILOSOPHY</b>	4
<b>VILLAGE GOVERNMENT</b>	5
Village President and Board of Trustees	5
Village Administrator	5
Appointive Offices	5
Village Departments	6
<b>VILLAGE OF OLYMPIA FIELDS ORGANIZATION CHART</b>	12
<b>SECTION 1: GENERAL POLICIES AND PRACTICES</b>	13
Sec. 1.01 - Purpose of Manual	13
Sec. 1.02 - Director of Personnel	13
Sec. 1.03 - Personnel Philosophy	13
Sec. 1.04 - Citizen Complaints	14
Sec. 1.05 - Amendments to the Personnel Manual	15
Sec. 1.06 - Verification of Understanding of Contents of Personnel Manual	15
<b>SECTION 2: COVERAGE</b>	15
<b>SECTION 3: EMPLOYMENT-AT-WILL</b>	16
<b>SECTION 4: EMPLOYMENT</b>	16
Sec. 4.01 - Recruitment and Selection	16
Sec. 4.02 - Personnel Files	17
Sec. 4.03 - Employment Eligibility	18
Sec. 4.04 - Classification of Employees	19
Sec. 4.05 - Job Descriptions	20
Sec. 4.06 - Anniversary Date	21
Sec. 4.07 - Aptitude & Ability Tests	21

	<u>PAGE</u>
Sec. 4.08 - Promotions	21
Sec. 4.09 - Former Employees	21
Sec. 4.10 - Reinstatement of Benefits	22
<b>SECTION 5: EQUAL EMPLOYMENT/NONDISCRIMINATION</b>	<b>22</b>
Sec. 5.01 - Policy	22
Sec. 5.02 - Definitions	22
Sec. 5.03 - Adoption of Federal and State Statutes, Rules and Regulations	22
Sec. 5.04 - Recruitment	24
Sec. 5.05 - Job Placement/Promotion	25
Sec. 5.06 - Compensation and Employment Benefits	25
Sec. 5.07 - Layoffs and Termination	25
Sec. 5.08 - Accommodations for Employees with Disabilities	25
Sec. 5.09 - Investigation of Alleged Acts of Discrimination	26
Sec. 5.10 - Communication of Equal Employment Opportunity (EEO)/ Nondiscrimination Policies	26
Sec. 5.11 - Use of Funds	26
Sec. 5.12 - Third Party Contracts	26
Sec. 5.13 - Public Contracts	27
Sec. 5.14 - Enforcement	28
<b>SECTION 6: PHYSICAL/MEDICAL EXAMINATIONS</b>	<b>29</b>
Sec. 6.01 - Applicants for Permanent Full-Time Employment	29
Sec. 6.02 - Subsequent Physical Examinations	29
Sec. 6.03 - Results and Findings	29
Sec. 6.04 - Reasonable Accommodation	30
<b>SECTION 7: PROBATIONARY PERIOD</b>	<b>30</b>
Sec. 7.01 - Probationary Period	30
<b>SECTION 8: CONDUCT, WORK HABITS, ATTITUDES</b>	<b>31</b>
<b>SECTION 9: CONFIDENTIALITY</b>	<b>31</b>
<b>SECTION 10: DISCIPLINARY ACTIONS</b>	<b>32</b>
Sec. 10.01 - Discipline Generally	33
Sec. 10.02 - Disciplinary Actions - Grounds; Serious Offenses; Other Offenses	33
Sec. 10.03 - Disciplinary Actions - Types, Procedures, Appeals	38
Sec. 10.04 - Reinstatement	41
Sec. 10.05 - Disciplinary Appeal Procedure	41
Sec. 10.06 - Dismissal Hearing Procedure	41
Sec. 10.07 - Processing	42

	<u>PAGE</u>
<b>SECTION 11: GRIEVANCE PROCEDURE</b>	<b>42</b>
Sec. 11.01 - Policy	42
Sec. 11.02 - Reason for Grievance	42
Sec. 11.03 - Appropriateness of Grievance	42
Sec. 11.04 - Representation	43
Sec. 11.05 - Grievance Procedure	43
Sec. 11.06 - Extension of Time	44
Sec. 11.07 - Time Requirements	44
Sec. 11.08 - Grievance Records	44
Sec. 11.09 - Access to Records	45
<b>SECTION 12: COMPENSATION &amp; PERFORMANCE</b>	<b>45</b>
Sec. 12.01 - Wage and Salary Policy	45
Sec. 12.02 - Application	45
Sec. 12.03 - Official Pay Plan for Village Employees	45
Sec. 12.04 - Job Scope	46
Sec. 12.05 - Individual Pay	47
Sec. 12.06 - New Appointees	47
Sec. 12.07 - Promotions	47
Sec. 12.08 - Call Back Pay (Non-Exempt Employees)	47
Sec. 12.09 - Withholdings From Paycheck (Mandatory)	47
Sec. 12.10 - Error in Pay	48
Sec. 12.11 - Overtime Pay	48
Sec. 12.12 - Compensatory Time	49
Sec. 12.13 - Worked Performed on Village Holidays	49
<b>SECTION 13: HOURS AND DAYS OF WORK</b>	<b>50</b>
Sec. 13.01 - Regular Work Schedule	50
Sec. 13.02 - Compensation	50
Sec. 13.03 - Emergencies	50
<b>SECTION 14: OUTSIDE EMPLOYMENT</b>	<b>50</b>
<b>SECTION 15: PAY PERIOD</b>	<b>52</b>
Sec. 15.01 - Pay Cycle	52
Sec. 15.02 - Distribution	52
<b>SECTION 16: TIME-KEEPING PROCEDURES</b>	<b>53</b>
<b>SECTION 17: WAGE GARNISHMENTS (ASSIGNMENTS)</b>	<b>53</b>

	<u>PAGE</u>
<b>SECTION 18: PERFORMANCE AND COMPENSATION REVIEWS</b>	<b>53</b>
Sec. 18.01 - Responsibility	53
Sec. 18.02 - Purpose	54
Sec. 18.03 - Use of Evaluations	54
Sec. 18.04 - Frequency of Evaluations	54
Sec. 18.05 - Seasonal/Temporary Employees	54
<b>SECTION 19: WORK SCHEDULE</b>	<b>54</b>
Sec. 19.01 - Absence or Lateness	54
Sec. 19.02 - Break Periods	55
Sec. 19.03 - Attendance	56
Sec. 19.04 - Record of Absence or Lateness	56
Sec. 19.05 - Inclement Weather and "Acts of God"	56
<b>SECTION 20: SEPARATION OF EMPLOYEES</b>	<b>56</b>
Sec. 20.01 - Termination/Suspension	56
Sec. 20.02 - Resignation	56
Sec. 20.03 - Severance Pay	57
Sec. 20.04 - Layoffs and Recall	57
Sec. 20.05 - Deaths	58
Sec. 20.06 - Exit Interview	58
<b>SECTION 21: BENEFITS</b>	<b>58</b>
The Benefits Package	58
Eligibility for Benefits	58
Paid Leaves of Absence	59
Sec. 21.01 - Holidays	59
Sec. 21.02 - Recognized Holidays	59
Sec. 21.03 - Holiday Policies	60
Sec. 21.04 - Personal Days	60
Sec. 21.05 - Vacations	61
Sec. 21.06 - Sick Leave	63
Sec. 21.07 - Maternity Leave	65
Sec. 21.08 - Funeral (Bereavement) Leave	66
Sec. 21.09 - Jury/Witness Duty	66
Sec. 21.10 - Leave for Blood Donation	67
<b>SECTION 22: UNPAID LEAVE OF ABSENCE</b>	<b>67</b>
Sec. 22.01 - Illinois School Visitation Rights Act	67
Sec. 22.02 - Election Day	68
Sec. 22.03 - Military Leaves of Absence	68
Sec. 22.04 - Victims' Economic Security and Safety Act Policy ("VESSA")	73
Sec. 22.05 - Personal Leave of Absence	77

	<u>PAGE</u>
Sec. 22.06 - Accepting Other Employment or Going into Business While on Leave of Absence	78
Sec. 22.07 - Insurance Premium Payment During Leaves of Absence	78
<b>SECTION 23: THE FAMILY AND MEDICAL AND MILITARY CAREGIVER LEAVE POLICY ("FMLA")</b>	<b>79</b>
Sec. 23.01 - Purpose	79
Sec. 23.02 - Employee Eligibility	79
Sec. 23.03 - Employee Entitlement	80
Sec. 23.04 - Definitions	80
Sec. 23.05 - Reasons for FMLA Leave	84
Sec. 23.06 - Substitution of Paid Leave	86
Sec. 23.07 - Leave Taken Intermittently or on a Reduced Leave Schedule	87
Sec. 23.08 - Employee Notice Requirements	90
Sec. 23.09 - Certifications	92
Sec. 23.10 - Designation of Leave	94
Sec. 23.11 - Continuation of Employee Benefits	94
Sec. 23.12 - Return to Work/Fitness for Duty Certification	95
Sec. 23.13 - Other Employee Rights	97
Sec. 23.14 - Confidentiality	97
Sec. 23.15 - Unlawful Acts	97
Sec. 23.16 - Enforcement	98
Sec. 23.17 - The FMLA Does Not ...	99
Sec. 23.18 - The FMLA and the ADA	96
Sec. 23.19 - The FMLA and Worker's Compensation - "Light Duty"	100
Sec. 23.20 - The FMLA and the Pregnancy Discrimination Act	100
Sec. 23.21 - The FMLA and COBRA	100
Sec. 23.22 - The FMLA and Section 125 Cafeteria Plans	101
<b>SECTION 24: INSURANCE COVERAGE</b>	<b>103</b>
Sec. 24.01 - Group Insurance	103
Sec. 24.02 - Worker's Compensation	104
Sec. 24.03 - Unemployment Insurance	105
Sec. 24.04 - Social Security	105
Sec. 24.05 - Retirement Plans	105
Sec. 24.06 - Optional Benefits	105
Sec. 24.07 - Employee Assistance Program	106
Sec. 24.08 - C.O.B.R.A. (Consolidated Omnibus Reconciliation Act)	106
<b>SECTION 25: POLITICAL ACTIVITY</b>	<b>107</b>
Sec. 25.01 - Definitions	107

	<u>PAGE</u>
Sec. 25.02 - Non-Discrimination Based on Political Activity or Discrimination	110
Sec. 25.03 - Prohibited Political Activities	110
Sec. 25.04 - General Rules in Regard to Political Activities	111
Sec. 25.05 - Penalties	112
<b>SECTION 26: VEHICLE USAGE POLICY</b>	<b>112</b>
Sec. 26.01 - Introduction	112
Sec. 26.02 - Scope	112
Sec. 26.03 - General Guidelines	112
Sec. 26.04 - Pre-Operation Inspection	114
Sec. 26.05 - Operator's License	114
Sec. 26.06 - Take Home Vehicle	114
Sec. 26.07 - Out-of-Town Travel and Meeting Attendance	114
Sec. 26.08 - Trailers and Towing	115
Sec. 26.09 - Parked Vehicles	115
Sec. 26.10 - Accident Reporting Requirements	115
Sec. 26.11 - D.U.I.'s	116
Sec. 26.12 - Vehicle Backing Guidelines	116
Sec. 26.13 - Personally-Owned Vehicles Used for Village Business	116
Sec. 26.14 - Use of Safety Restraints	116
Sec. 26.15 - Motor Vehicle Driving Record	117
<b>SECTION 27: VILLAGE SAFETY POLICY</b>	<b>117</b>
Sec. 27.01 - Safety and Loss Policy Statement	117
Sec. 27.02 - General Risk Management Goals, Policies and Responsibilities	118
Sec. 27.03 - Organizational Structure	119
Sec. 27.04 - Executive Safety Committee	123
Sec. 27.05 - Accident Review Procedures	125
Sec. 27.06 - Accident Review Board	126
Sec. 27.07 - Accident Review	127
Sec. 27.08 - Fleet Safety	128
Sec. 27.09 - Sick and Injured Employees	129
Sec. 27.10 - Early Return to Work Policy	131
Sec. 27.11 - Health, Safety and Loss Control Inspections	133
Sec. 27.12 - Federal and State Employees Right-to-Know Acts	137
Sec. 27.13 - Occupational Safety and Health Act (O.S.H.A.) - Record Keeping	143
<b>SECTION 28: DRUG AND ALCOHOL FREE WORKPLACE POLICY</b>	<b>145</b>
Sec. 28.01 - Purpose	145
Sec. 28.02 - Drug and Alcohol Policy	146
Sec. 28.03 - Mandatory Testing	148
Sec. 28.04 - Supervisor/Department Head Responsibilities	152

	<u>PAGE</u>
Sec. 28.05 - Testing Procedures	153
Sec. 28.06 - Effect of Positive Tests for Alcohol and/or Controlled Substances	154
Sec. 28.07 - Confidentiality	155
Sec. 28.08 - Implementation	156
Sec. 28.09 - Consent Form	156
Sec. 28.10 - Counseling and Rehabilitative Services	157
<b>SECTION 29: ANTI-HARASSMENT POLICY</b>	<b>157</b>
Sec. 29.01 - Harassment Policy	157
Sec. 29.02 - Sexual Harassment Policy	159
Sec. 29.03 - Other Remedies	167
Sec. 29.04 - False and Frivolous Complaints	167
Sec. 29.05 - Violation of this Policy	167
<b>SECTION 30: E-MAIL &amp; ELECTRONIC COMMUNICATIONS POLICY</b>	<b>167</b>
Sec. 30.01 - Introduction	167
Sec. 30.02 - Applicable Communication Tools	168
Sec. 30.03 - Usage Guidelines for Communication Tools	168
Sec. 30.04 - Limits of Privacy	171
Sec. 30.05 - Specific Regulations for Using Electronic Resources for Threats, Harassment and Pornography	172
Sec. 30.06 - Viruses	173
Sec. 30.07 - Regulation and Enforcement	173
Sec. 30.08 - Acknowledgment of Receipt	173
<b>SECTION 31: ACCEPTANCE OF GIFTS, GRATUITIES, CONTRIBUTIONS OR OTHER VALUABLE ITEMS</b>	<b>174</b>
Sec. 31.01 - Definition	174
Sec. 31.02 - Gift Ban	174
Sec. 31.03 - Gift Ban Exceptions	174
Sec. 31.04 - Disposition of Gifts	176
Sec. 31.05 - Penalties	176
<b>SECTION 32: SMOKE/TOBACCO FREE WORKPLACE POLICY</b>	<b>176</b>
<b>SECTION 33: PHOTO IDENTIFICATION AND NAME TAG POLICY</b>	<b>177</b>
Sec. 33.01 - Purpose	177
Sec. 33.02 - Scope	178
Sec. 33.03 - Policy Statement	178
Sec. 33.04 - Procedures	178
<b>SECTION 34: WORKPLACE VIOLENCE POLICY</b>	<b>179</b>
Sec. 34.01 - Purpose	179

	<u>PAGE</u>
Sec. 34.02 - Definition	179
Sec. 34.03 - Reporting Workplace Violence	180
Sec. 34.04 - Discipline for Violations	180
Sec. 34.05 - Retaliation	180
Sec. 34.06 - Guidelines for Responding to Risk Situations	180
Sec. 34.07 - Suggestions for Implementation/Planning Stages	181
Sec. 34.08 - Post-Accident Review	182
Sec. 34.09 - Counseling	182
<b>SECTION 35: SOLICITATION</b>	<b>182</b>
Sec. 35.01 - Non-Employee Solicitation	182
Sec. 35.02 - Postings	182
Sec. 35.03 - Working Time Definition	182
Sec. 35.04 - Collections and Donations	183
<b>SECTION 36: PERSONNEL RECORDS</b>	<b>183</b>
Sec. 36.01 - Personnel Records	183
Sec. 36.02 - Employee Inspection of Records	183
<b>SECTION 37: DISABILITY ACCOMMODATION POLICIES</b>	<b>184</b>
Sec. 37.01 - Policy	184
Sec. 37.02 - Americans with Disabilities (ADA) Policy	184
Sec. 37.03 - Pregnancy Discrimination	186
Sec. 37.04 - Nursing Mothers	191
Sec. 37.05 - Disability Grievance Procedures	191
<b>SECTION 38: NON-RETALIATION POLICY</b>	<b>193</b>
Sec. 38.01 - Policy	193
Sec. 38.02 - Encouragement of Reporting	193
Sec. 38.03 - Protection from Retaliation	194
Sec. 38.02 - Reporting Process	194
<b>SECTION 39: TRAVEL REIMBURSEMENT POLICY</b>	<b>194</b>
Sec. 39.01 - Purpose	194
Sec. 39.02 - Definitions	194
Sec. 39.03 - Authorized Type of Official Business	195
Sec. 39.04 - Options	195
Sec. 39.05 - Procedures and Forms Required	195
Sec. 39.06 - Authorized Expenditures	196
Sec. 39.07 - Other Conditions and Restrictions on Travel	198
Sec. 39.08 - Approval of Expenses	199
Sec. 39.09 - Documentation of Expenses	199
Sec. 39.10 - Maximum Reimbursement	200

	<u>PAGE</u>
<b>SECTION 40: EDUCATION, TRAINING AND REIMBURSEMENT</b>	<b>200</b>
Sec. 40.01 - Education Assistance	200
Sec. 40.02 - Education/Training (Attending Seminars/Training Sessions)	201
Sec. 40.03 - Training Cost Agreement	201
<b>SECTION 41: WORKING FROM HOME/OFF-SITE POLICY</b>	<b>202</b>
Sec. 41.01 - Purpose	202
Sec. 41.02 - Work-at-Home Criteria	202
Sec. 41.03 - Start or End Work Remotely	202
Sec. 41.04 - Work Schedule	203
Sec. 41.05 - Work-at-Home Responsibilities	203
Sec. 41.06 - Equipment, Supplies and Telephone/Data Connection	203
Sec. 41.07 - Security	204
Sec. 41.08 - Disciplinary Procedures	204
Sec. 41.09 - Data and Equipment	204
<b>SECTION 42: ASSIGNMENT AND USE OF PERSONAL AND VILLAGE-ISSUED CELLULAR PHONES</b>	<b>204</b>
Sec. 42.01 - Policy	204
Sec. 42.02 - Assignment	205
Sec. 42.03 - Eligibility	205
Sec. 42.04 - Use of Personal Cellular Phones	205
Sec. 42.05 - Village-Issued Cellular Phones	206
Sec. 42.06 - Policy Violations	206
<b>SECTION 43: MISCELLANEOUS POLICIES</b>	<b>206</b>
Sec. 43.01 - Bulletin Boards	206
Sec. 43.02 - Communications	207
Sec. 43.03 - Disclosure of Information	207
Sec. 43.04 - Community Activities	208
Sec. 43.05 - Dress Code	208
Sec. 43.06 - Uniforms	208
Sec. 43.07 - Personal Telephone Calls and Postage Machine Use	209
Sec. 43.08 - Entering and Leaving the Premises	209
Sec. 43.09 - Entry After-Hours	209
Sec. 43.10 - Expense Reimbursement	209
Sec. 43.11 - Housekeeping	210
Sec. 43.12 - Workplace Search Policy	210
Sec. 43.13 - Open Door Policy and Counseling	210
Sec. 43.14 - Parking Lot	210
Sec. 43.15 - Payroll Advances	211
Sec. 43.16 - Personal Use of Village Property	211
Sec. 43.17 - Property and Equipment Care	211
Sec. 43.18 - Recycling, Waste Prevention and Conservation	211

	<u>PAGE</u>
Sec. 43.19 - Restricted Areas	211
Sec. 43.20 - Return of Village Property	211
Sec. 43.21 - Security	212
Sec. 43.22 - Theft	212
Sec. 43.23 - Village Meetings	213
Sec. 43.24 - Violation of Policies	213

## INTRODUCTION

We welcome you to our Village staff; our employees are the key component in our efforts to provide Village of Olympia Fields residents and businesses with high quality public services.

This Manual has been developed to provide Village employees with an explanation of the conditions of their employment and the general personnel policies and practices pertaining to their employment with the Village.

As an employee of the Village, you are provided with a competitive salary and fringe benefits package. In return, you are expected to perform your job to the best of your ability and to comply with the Village's and your department's policies, rules, and regulations. Your employment makes you a representative of the Village in the eyes of the public; your attention and sensitivity to good public relations cannot be overemphasized. It is part of your job. We look forward to you working with the Village in meeting the expectations and desires of those we serve.

The Village President and Board of Trustees ("corporate authorities") have the authority and responsibility to establish all Village policies, including personnel policies. The Village Administrator and department heads are given the authority by the corporate authorities to carry out its prescribed policies and to address matters affecting Village government. These include, but are not limited to, establishing service levels, setting standards of service and determining the scope of municipal services; directing, controlling, and supervising the municipal workforce; selecting new employees; promoting, assigning or transferring employees; disciplining, imposing layoffs or relieving employees of their assignments; establishing and amending work rules, regulations and organizational structure; and carrying out operations in the manner considered to be in the best interest of the Village.

The contents of this Manual constitute only a summary of the employee benefits, personnel policies and employment regulations in effect at the time of publication. Your particular department head or supervisor may have additional work rules that are specific to your individual work assignment. This Manual should not be construed as creating any kind of "employment contract", since the Village has the ability to add, change or delete wages, benefits, policies and all other working conditions as it deems appropriate without obtaining another person's consent or agreement.

The Village does not intend for this Manual, whether provided to an employee before commencement of employment or after commencement of employment, to constitute part of any offer of employment or to create a property interest in continued employment with the Village. **THIS MANUAL IS NOT INTENDED NOR SHOULD IT BE CONSTRUED AS AN EMPLOYMENT CONTRACT, EITHER EXPRESSED OR IMPLIED, BETWEEN THE VILLAGE OF OLYMPIA FIELDS AND ANY VILLAGE EMPLOYEE. THE MANUAL IS SUBJECT TO REVISION, AMENDMENT AND CHANGE AT ANY TIME AT THE SOLE DISCRETION OF THE VILLAGE.**

**EMPLOYMENT WITH THE VILLAGE IS "AT-WILL", MEANING THAT EITHER THE VILLAGE OR ITS EMPLOYEES MAY TERMINATE THE EMPLOYMENT**

**RELATIONSHIP AT ANY TIME, WITH OR WITHOUT CAUSE, AND WITH OR WITHOUT NOTICE. EMPLOYMENT-AT-WILL IS THE SOLE AND ENTIRE AGREEMENT BETWEEN THE VILLAGE AND YOU CONCERNING THE DURATION OF YOUR EMPLOYMENT AND THE CIRCUMSTANCES UNDER WHICH YOUR EMPLOYMENT MAY BE TERMINATED. THIS MANUAL SHALL SUPERSEDE ANY AND ALL OTHER PRIOR MANUALS, WRITTEN DOCUMENTS OR ORAL REPRESENTATIONS, ISSUED BY THE VILLAGE, THAT CONTRADICT THE AT-WILL NATURE OF YOUR EMPLOYMENT.**

The Village welcomes your suggestions, comments or questions concerning your employment, and we encourage any employee to discuss these items with his/her supervisor or department head. Clarification and interpretation of this Manual shall be made by the Village Administrator. Any questions which are not adequately answered in this Manual should be directed to the Village Administrator, who will be the final determining authority in regard to an employee's status under the Village's Personnel Manual.

The policies in this Manual are not intended to supersede any provisions of the Village Code, the police collective bargaining unit or any other collective bargaining unit in existence at the time of adoption of this Manual or thereafter, the rules and regulations established by the Police Department, or the laws of the State of Illinois and the federal government. If a conflict exists between the Village Code, any collective bargaining agreement, the Police Department's rules and regulations, state statutes, or federal laws and the policies set forth in this Manual, the applicable provisions of the Village Code, a collective bargaining agreement, Police Department rules and regulations, or state or federal laws shall apply.

## THE VILLAGE'S PUBLIC RELATIONS PHILOSOPHY

The Village's most important goal is customer satisfaction. Our residents are the most important people in the world. Let's face it - without our residents, we would not be here. Therefore, please observe the following **RULES FOR SUCCESS**:

1. **RESIDENTS** are the most important people we encounter during our workday, whether we are dealing with them in person or over the telephone.
2. **RESIDENTS** are not dependent on us. We are dependent on them.
3. **RESIDENTS** are not an interruption of our work. They are the purpose for it.
4. **RESIDENTS** favor us with their patronage. We are not doing them a favor by serving them.
5. **RESIDENTS** are part of our Village's business. They are not outsiders.
6. **RESIDENTS** are not cold statistics. They are human beings with feelings and emotions like our own.
7. **RESIDENTS** are not someone to argue with or match wits with.
8. **RESIDENTS** are people who bring us their problems and/or questions. It is our job to respond as quickly and efficiently as possible.
9. **RESIDENTS** are deserving of the most courteous and attentive treatment we can give them.
10. **RESIDENTS ARE THE LIFE LINE OF OUR SUCCESS.**

## SERVICE EXPECTATION

After an employee has learned to competently perform his/her duties, the employee's next step is to familiarize his/herself with other Village activities. This can prove valuable to the employee, Village residents and the Village itself.

Knowledge of the services of the Village of Olympia Fields will help an employee avoid the "I don't know" syndrome. The residents' confidence in an employee increases as the employee is able to answer their basic questions. However, an employee should not pretend that he/she knows the answer or try to guess the answer when the employee is uncertain. If the employee is unsure of the correct information, the employee should refer the inquiry to the department head, or to a person more qualified to respond.

As a public employee, it is your mission to provide the best possible citizen-friendly services to Village "customers" - the Village residents.

## EMPLOYEE RELATIONS PHILOSOPHY

The Village is dedicated to providing what it believes to be an excellent employee relations program. The Village will attempt to maintain good working conditions, competitive wages and benefits, open communication and employee involvement.

Please tell the Village if you have a problem. The Village thinks you will find it receptive to your concerns. The Village is always looking for ways to make this a better place to work.

If there is something about your job that is bothering you, you should let it out in the open and discuss it. The Village cannot help you unless you tell us what it is the Village can do.

The Village's "Problem Solving Procedure" offers all employees the freedom to discuss anything they wish with their supervisors or department heads. If you have a problem, it can usually be resolved by following these steps:

1. Any concern should first be discussed with your immediate supervisor.
2. If your supervisor cannot solve the problem or if you are not satisfied after Step 1, you should ask to speak to the department head.
3. If you still feel the need to speak to another member of management after following Steps 1 and 2, you are encouraged to speak to the Village Administrator.

If, in the event you have a concern and for personal reasons you cannot follow the steps above, you may go directly to the Village Administrator. The Village Administrator is available for advice and assistance in solving your problem at any time.

When you inform the Village of your concern or problem, the Village will try to answer your concern or solve your problem as soon as possible under the circumstances.

## VILLAGE GOVERNMENT

### **Village President and Board of Trustees**

The Village of Olympia Fields' form of government is the Village President/Board of Trustees. The President and Board of Trustees are elected through non-partisan elections for staggered terms of four years. The Village Government derives its powers from State Law, particularly the Illinois Municipal Code (65 ILCS 5/1, *et seq.*) and the Village's Code of Ordinances. It has jurisdiction over all property within the corporate limits of the Village.

The Board of Trustees consists of six (6) members. The Board is the legislative branch of the Village Government and performs such duties and has such powers as may be conferred by state statute. The Village Board meets at 7:00 monthly at Village Hall, or as otherwise determined by the corporate authorities.

The Village President is the chief executive officer of the Village and performs all duties required of the President by state statute, the Village's Code of Ordinances or other ordinances of the Village. The Village President has supervision over all appointed officers of the Village and over all employees of the Village.

### **Village Administrator**

The Village Administrator is appointed by the Village President, by and with the advice and consent of the Board of Trustees. The Village Administrator is the chief administrative officer of the Village and reports to and is subject to the direction of the Village President and Board of Trustees as provided by law. The Village Administrator acts as the personnel officer with respect to all Village employees and furnishes the Village President and Board of Trustees his/her recommendations concerning the appointment, removal and compensation of Village employees. The Village Administrator is also responsible for coordinating the functions of the various departments, committees, officers and employees of the Village. In regard to personnel matters, the Village Administrator's responsibilities include, but are not limited to:

- (a) Direct, supervise, coordinate, combine, and organize all departments and offices of the Village. The Village Administrator shall review departmental procedures to attain improved efficiency and cost reduction.
- (b) To the extent not prohibited by state law or federal law, hire, and when appropriate, suspend or remove Village employees, except for department heads and appointed officials. Such hires, suspensions and removals shall be based on merit and the qualifications or disqualifications of the individual involved, without regard to race, color, national origin, age sex, disability, religion, or political affiliation. The Village Administrator may authorize any department head to exercise such authority with respect to subordinates in that respective department. The Village Administrator may recommend to the Village President the appointment, suspension or removal of department heads and appointed officials.

- (c) Propose to the corporate authorities such personnel rules and regulations to manage Village personnel.
- (d) Interpret and review with Village employees, the provisions of the Illinois Municipal Retirement Fund and the Village's health insurance, worker's compensation insurance and liability insurance programs. The Village Administrator shall administer all fringe and benefit programs.
- (e) Review employee performance, training and development for purposes of salary adjustment and submit recommendations to the corporate authorities for approval.
- (f) Investigate and submit reports to the corporate authorities concerning complaints relating to Village services and administration.
- (g) Establish and maintain a system of communication with and between Village departments, residents and the corporate authorities.
- (h) Make such other reports as the corporate authorities may require concerning the operations of Village departments and offices.

### **Appointive Offices**

- (a) Appointive Offices by the Village President and Board of Trustees:

- Village Administrator
- Village Clerk
- Village Attorney
- Chief of Police
- Director of Finance
- Building Commissioner/Building Official
- Director of Public Works

- (b) Appointive Offices by Village Clerk:

- Deputy Clerk

### **Village Departments**

The Village of Olympia Fields is organized into the following departments, each having a department head/director:

- Administrative
- Police
- Finance
- Building and Zoning
- Public Works

(a) Administrative Department. The Village Administrator is the chief administrative officer of this department and is responsible to the corporate authorities. The functions of the Administrative Department include, but are not limited to the following:

1. Handle all requests and inquiries made through the Village Hall by residents and individuals conducting business with the Village government and insure that any appropriate action necessary is taken.
2. Coordinate activities of the Village departments.
3. Act as Village purchasing officer and provide the necessary control over all Village purchases.
4. Act as personnel officer for the Village government, maintain all records necessary for Village personnel, maintain the Village Code and policies and update as required.
4. Maintenance and coordination of all human resource functions (health insurance, dental insurance, life insurance and supplemental health plans).

(b) Police Department. The Police Chief is the head of the Police Department and is responsible to the Village Administrator. Generally, the corporate authorities have the authority to promote, discipline, and discharge all employees of the police department. However, in cases of emergency, the Police Chief, with the approval of the Village President, has the power to appoint police officers for temporary purposes. The functions of the Police Department include, but are not limited to the following:

1. Enforce all Village ordinances.
2. Maintain all necessary files for the Department.
3. Carry out public relations for the residents of Olympia Fields.
4. Investigate citizen complaints and criminal activity.

Disciplinary action for any employee of the Police Department is set forth in Chapter 17, Article II, Sec. 17-18 of the Village Code and the Uniform Peace Officers' Disciplinary Act, 50 ILCS 725/1 *et seq.*

(c) Finance. The Director of Finance is responsible to the Village Administrator. The duties of the Director of Finance include, but are not limited to the following:

1. Provide various monthly financial reports as directed by the President and Board of Trustees, including but not limited to:

- (i) Treasurer's Report
- (ii) Voucher List
- (iii) Cash Flow Analysis

2. Supervision of administrative office staff and overseeing the day-to-day Village operations associated with, but not limited to, water billing, building department and code enforcement.
3. Receive all monies and deposit to appropriate accounts.
4. Perform such other duties and functions as may be prescribed by Illinois State Statute, the Village Code, other Village ordinances, or at the direction of the President and Board of Trustees.

(d) Building and Zoning Department. The Building Commissioner/Building Official ("Building Commissioner") is the director and zoning administrator of the Building and Zoning Department and is responsible to the Village Administrator. The Building Commissioner is responsible for administering the provisions of the Olympia Fields Code of ordinances, International Building Codes and International Fire Codes. The functions of the Building and Zoning Department include, but are not limited to:

1. Supervise and manage the Building and Zoning Department, Code Enforcement Officer, Building Clerk and Metra Station Coin Collector.
2. Manage code enforcement activity and process to ensure a responsive, courteous and efficient service to Village residents and businesses.
3. Supervise the State of Illinois elevator certification program.
4. Maintain such proper records as required by Village ordinances and state statute and ensure files are continuously organized and maintained in an accurate and organized fashion by assigned personnel, and ensure that permit applications and process documents are complete, accurate and periodically updated..
5. Facility manager for the Village Hall facility.
6. Assist and advise the President, Board of Trustees and other Village officers and commissions on matters concerning building, zoning and subdivision problems as required.
7. Assist the Planning and Zoning Commission.
8. Responsible for directing the effective operations of the code enforcement, zoning, engineering, and building permit functions of the Building and

Zoning Department.

9. Oversee the application, review, approval and issuance of building permits to ensure the submittals meet the technical requirements of all applicable zoning and building codes and other regulatory requirements.
10. Manage the inspection and building permit process to ensure existing and new buildings meet the Village Code, adopted codes and state statute for the alteration/construction, property maintenance, fire protection, life safety and use/occupancy.
11. Oversee code compliance and effective resolution of resident complaints and conflicts with construction work or related conditions through requests for corrective action; and, where applicable, manage the application of the enforcement and penalty provisions of the zoning and building codes, including inspections, violation notices, citations, fines and court actions.
12. Interpret codes and identify potential code amendments to ensure the Village Code and adopted codes meet the changing needs of the community, address new governmental agency regulations and state and federal law, and appropriately reflects building industry advances in materials and equipment.
13. Supervise consultants, including the Village Planner and Engineer, and other consultants hired to review building permit plans and perform building permit special inspections.
14. Participate in the preparation of Department's annual operating budget.
15. Participate in the preparation of Department's goals, objectives, policies and priorities and implementation of such.
16. Direct, schedule, assign and monitor work to designated personnel.
17. Participation in the selection, training, motivation and evaluation of personnel; provide and coordinate team training; work with personnel to correct deficiencies; and implement corrective disciplinary measures.

(e) Public Works Department. The Director of Public Works is the director of the Public Works Department and is responsible to the Village Administrator. The functions of the Public Works Department include, but are not limited to:

1. Supervise such employees as are engaged in operation and maintenance of sewage disposal and water supply and treatment plants, acquainting him/herself weekly or more often as to the mechanical and functional status of all public works under his/her control.

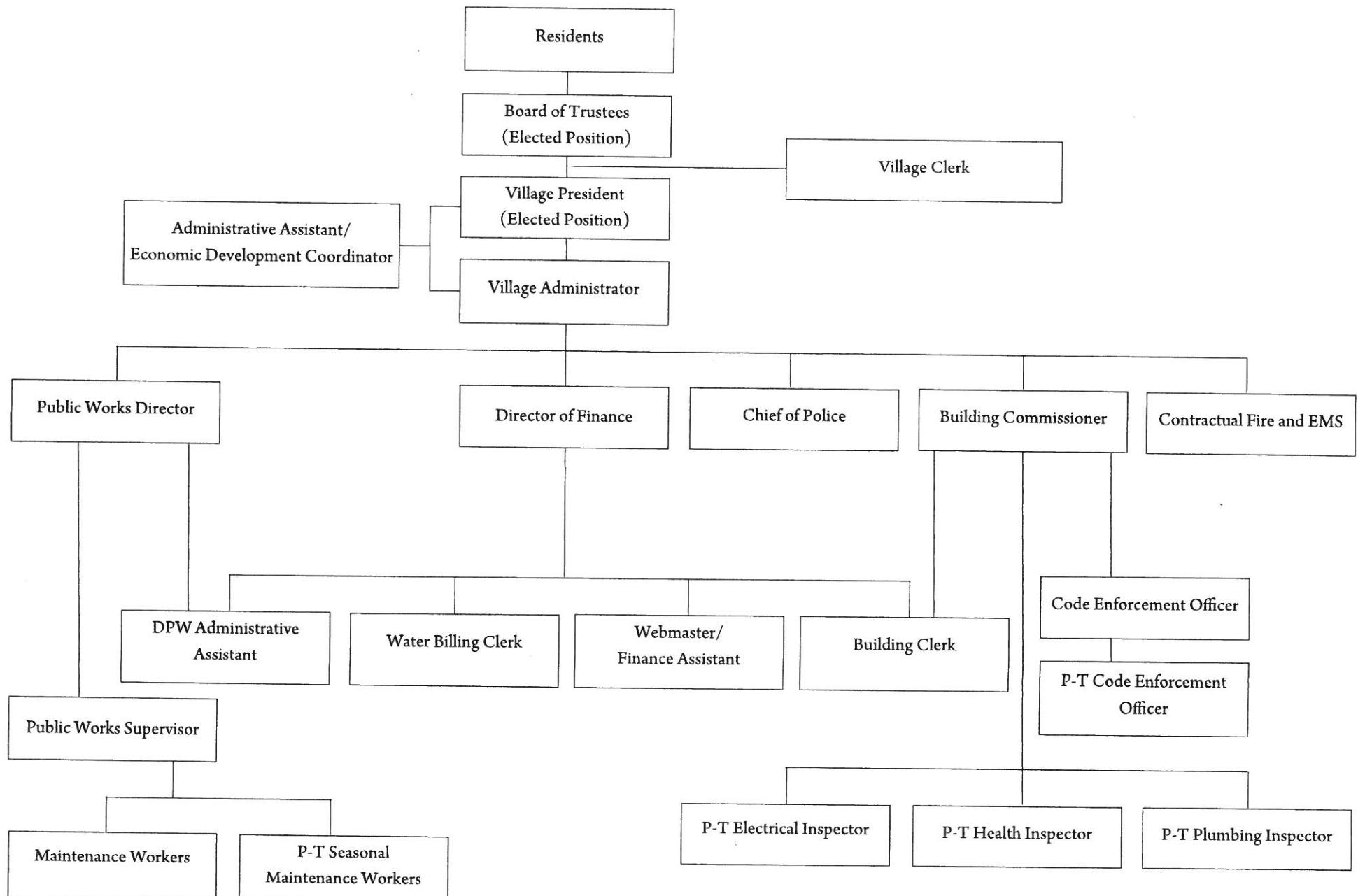
2. Shall have the authority to direct the work of employees in his/her department, and to recommend to the Board of Trustees changes in their wages, salaries, or other compensation. He/she shall secure and interview candidates for new public works employment, making recommendations to the Board as to competence, capability, and recompose.
3. Make a written report to the designated trustee each month, concerning the status of his/her department, action taken, and recommended action by the Board in connection with the department.
4. Correlate all sewer, streets and water.
5. Enforce the provisions of the Village Code relating to the installation of new water and sewer line connections.
6. Operate and maintain the water treatment facilities and distribution system.
7. Collect meter reading data as required by the Village Code.
8. Implement a preventive maintenance program of routine inspections and corrective actions of those areas under the responsibility of the Department.
9. Operate and maintain the sewerage treatment facilities and collection system
10. Maintenance and care of all public streets, alleys and driveways in the Village.
11. Maintenance and care of all public buildings assigned to the Department.
12. Maintenance and care of all lighting of public streets, alleys and public grounds.
13. Insure that all roadway drains and gutters function properly and are kept free of defects.
14. Care and maintenance of all equipment required to perform these functions.
15. Implement a preventative maintenance program of routine inspections and corrective actions of those areas in the responsibility of the Department.

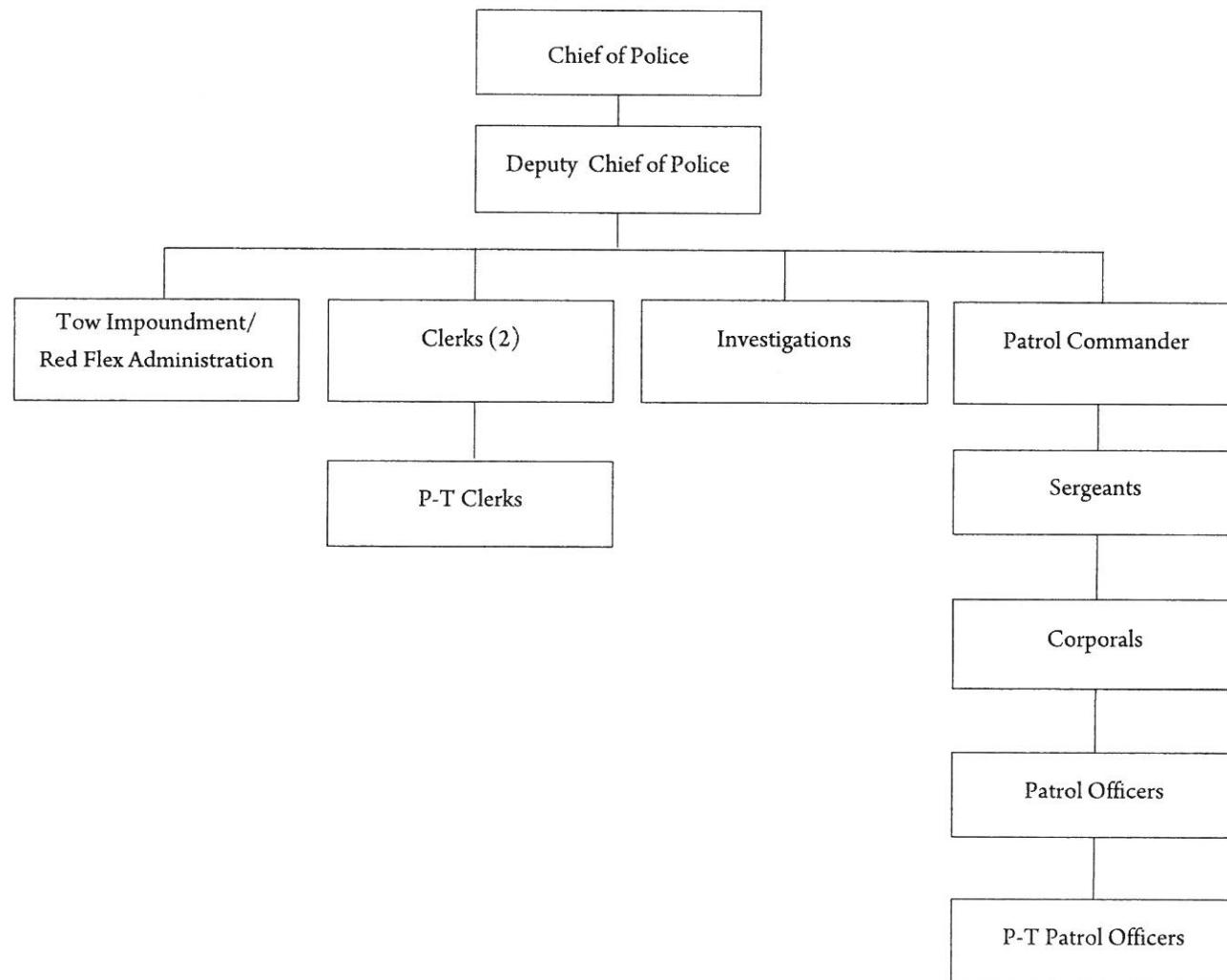
(f) Village Clerk/Deputy Clerk. The Deputy Clerk is responsible to the Village Clerk. The duties of the Village Clerk/Deputy Clerk include, but are not limited to, the following:

1. Maintain a central Village file of all records, correspondence, documents

and manuals necessary for the efficient operation of the Village government.

2. Maintain records of licenses and permits issued pursuant to the Village Code.
3. Perform such other duties and functions as may be required by the Illinois State Statutes, the Village Code, other Village ordinances or at the direction of the President and Village Board and the Village Administrator.





# SECTION 1

## GENERAL POLICIES AND PRACTICES

### **1.01 Purpose of Manual**

1. The purpose of the Village of Olympia Fields Employee Personnel Manual ("Policy" or "Manual") is to set forth the rules and regulations of employment with the Village and the benefits and services available to its employees. The personnel policies included in this Manual are designed to be equitable to all Village employees. It is expected that a systematic application of these policies will result in employee awareness.
2. It is the responsibility of management to inform employees of their responsibilities, duties, and rights in matters of personnel and operational policies. This information is a necessary prerequisite of a well-informed employee. Learning and understanding the contents of the various policies is an educational process. This Manual serves as an informational and educational guide, and is meant to contribute toward making employees better informed and their experience with the Village more rewarding.
3. This Manual will be reviewed annually and revised and updated as needed. Comments and suggestions are welcome and are to be forwarded to the Village Administrator.
4. In the event that any of the policies adopted herein are in conflict with federal or state law, the rules and regulations of the Police Department, or any existing collective bargaining agreement, the latter shall take precedence.
5. Each rule of the Manual and each section thereof is an independent rule. The holding that any rule or section is void, invalid, or ineffective, for any reason, does not affect the validity of any other rule or section of this Manual.

### **1.02 Director of Personnel**

- 1.02.1 The Village Administrator is the personnel officer of the Village and is charged with the administration of all personnel rules and regulations and the enforcement of the same. The Village Administrator may, from time to time, designate other specific responsibilities with regard to personnel matters. The Village Administrator is, with input from department heads in regard to their respective departments, the final authority regarding hiring, suspending or dismissing employees, except department heads, or as otherwise provided by federal/state law or Village ordinance.
- 1.02.2 The Village Administrator or his/her duly authorized designee shall maintain the Village personnel records of the employees.

### **1.03 Personnel Philosophy**

The Village Administrator shall, in the implementation and procedural development of the policies set forth herein, adhere to the following principles:

1. Employment with the Village shall be based on merit and fitness, free of personal and political considerations, or discrimination based on race, color, religion, national origin, ancestry, age, sex, marital status, mental or physical disability, military status, sexual orientation, gender-related identity or unfavorable discharge from military service. Likewise, merit increases and advancement opportunities shall be based on demonstrated ability.
2. Just and equitable incentives and conditions of employment shall be established and maintained for the operation of the Village government.
3. High moral shall be maintained by fair administration of the Village Code and this Manual and by every consideration of the rights and interests of employees consistent with the best interests of the public and the Village.
4. Tenure of employees covered by this Manual shall be subject to good behavior, the satisfactory performance of work and availability of funds.
5. The personnel policies and benefits of the Village should make a career in municipal government attractive to persons who possess the ability, integrity and dedication to public service.
6. All solicitations or advertisements for employees placed by or on behalf of the Village shall state that all qualified applicants will receive consideration for employment with the Village without regard to race, color, religion, sex, sexual orientation, gender-based identity, place of birth, national origin, ancestry, age, marital status, political affiliation, or physical or mental disabilities which would not interfere with the efficient performance of the job in question.
7. All written requests, including but not limited to bid specifications, RFP's, written proposals for goods and/or services, promulgated by or on behalf of the Village, shall state that the Village will not discriminate against any qualified bidder because of race, color, religion, sex, sexual orientation, gender-related identity, national origin, ancestry, age, place of birth, marital status, political affiliation or physical or mental disability which would not interfere with the efficient performance of the job in question.
8. All pay schedules shall be based on equitable rates for positions carrying similar characteristics, duties or responsibilities.
9. All employees are entitled to prompt and fair adjudication of grievances and disposition of disciplinary action.

#### **1.04 Citizen Complaints**

1. Citizen complaints against a Village employee should, when possible, be made in writing and signed by the complainant. Citizen complaints against police officers must be made in writing.
2. Complaints should be directed to the appropriate supervisor or department head.
3. The supervisor or department head will institute an investigation befitting the complaint with appropriate follow-up. Where the complaint concerns a member of a union, the outcome of the investigation will be forwarded to the proper union representative. Disciplinary actions taken will be based on the current collective bargaining agreement, or this Manual if not covered by the relevant collective bargaining agreement.
4. The supervisor or department head will advise the Village Administrator of the results of the investigation. In the event the employee is not a member of a union, the rules set forth in this Manual or applicable department rules shall apply.

#### **1.05 Amendments to the Personnel Manual**

This Manual may be amended from time to time as needed. All amendments shall be approved by the President and Board of Trustees prior to inclusion in the Manual.

#### **1.06 Verification of Understanding of Contents of Personnel Manual**

1. Each employee shall receive a copy of the Personnel Manual at the time of employment. Upon separation from Village employment, the employee must promptly return his/her copy of the Manual. Copies of amendments to the Manual shall be distributed after approval by the President and Board of Trustees.
2. Upon receipt of the Village's Personnel Manual, the employee will execute an accompanying form stating that the employee is responsible for reading and being knowledgeable of the contents of the Personnel Manual.
3. The executed statement will be kept in the employee's personnel file.

## **SECTION 2**

### **COVERAGE**

Apart from any other departmental rules or regulations, statutes or ordinances, this Manual shall apply to all employees of the Village. **Only full-time employees of the Village are eligible to participate in the benefits described in this handbook.**

## SECTION 3

### EMPLOYMENT-AT-WILL

All employees are employees-at-will, except employees governed by a current collective bargaining agreement.

## SECTION 4

### EMPLOYMENT

The task of handling personnel records and personnel administrative functions at the Village of Olympia Fields has been assigned to the Village Administrator. However, questions regarding insurance, wages and interpretations must be initially directed to your department head.

The Village is committed to the consideration of all qualified candidates and non-discrimination in employment practices and procedures.

#### **4.01 Recruitment and Selection**

**General Policy:** The Village Administrator, or his/her designee, shall have the responsibility and authority for recruiting, selecting, retaining, suspending and removing all Village employees other than the sworn personnel of the Police Department. Appointments to all positions shall be solely on the basis of merit, which shall be determined by evaluation of an applicant's training, education, experience and the ability to perform the tasks required.

Appointments to sworn positions in the Police Department shall be made by the Police Chief, with final approval by the Village Administrator.

**Applications:** All applications for employment with the Village shall be filed with the Village Administrator, his/her designated representative, and/or a department head, who shall by examination or other appropriate means, evaluate the qualifications of the various applicants. Examinations may include a written, oral, psychological or performance test, or any combination thereof. After proper evaluation of all the applicant's qualifications, the department head shall select the applicant who, in the department head's opinion, is the best qualified to perform the duties of the open position. The Village Administrator shall have the final hiring decision.

**Physical Standards:** The Village may require a police candidate hired after the date of this Manual, to have passed the Illinois Law Enforcement Physical Fitness standards as required by the basic academy entrance requirements. As a condition of employment, applicants for other positions must meet the physical requirements established for the position for which they apply as a condition of employment. A physical examination will be required after an offer of conditional employment has been made to the applicant. Prospective employees must give written authorization in order to obtain a physical examination, which will be paid for by the Village. *See Section 6.01 of this Manual.*

**Residency:** Employees need not be residents of the Village. However, employees must have sufficient transportation to ensure that their attendance or punctuality will not be impaired due to transportation difficulties.

**Minimum Age:** The minimum age for Village employment (other than police officers) shall be eighteen (18) years of age. The minimum age for employment as a part-time or seasonal employee shall be sixteen (16) years of age.

**Operators of Village Vehicles:** Any employee operating a Village-owned vehicle must possess a valid driver's license and classification appropriate to the type of Village vehicle(s) to be operated. Driver's license status and previous driving history will be verified with the Secretary of State where the license was issued. Where an employee is required to operate a Village-owned vehicle as a condition of employment, the employee must have a valid driver's license at all times. An employee's primary residence must match the address on his/her driver's license. The employee's driver's license must be acceptable to the Village's insurer and will be reviewed annually. Any changes in an employee's driving record must be reported to his/her department head or immediate supervisor immediately. Failure to do so may result in disciplinary action, including possible dismissal. *See Section 28 of this Manual for further information.*

**Relatives:** The Village may employ relatives of an employee. However, members of an immediate family shall not work in the same department at the same time. This policy applies to promotions, demotions, transfers, reinstatements and new appointments. For purposes of this policy only, the immediate family is defined as spouse, civil union partner, mother, father, brother, sister, son, daughter, including step-brothers and sisters and step-sons and daughters, and parents-in-law.

#### **4.02 Personnel Files**

A personnel history file shall be maintained for each full-time, part-time and temporary employee. Such files shall include basic personnel information such as job application forms, withholding statements, named beneficiaries, performance evaluations, promotional records, commendations, disciplinary actions, etc. All medical records shall be kept in a separate, confidential file. Prior to actual employment, the applicant shall provide the department head with all appropriate data necessary for his/her personnel records, including the completion of a physical/medical examination paid for by the Village as described in Section 6.01 of this Manual.

It is important to keep your personnel file up-to-date as it relates to pay, deductions, benefits and other matters. If you have a change in any of the following items, you need to notify your department head as soon as possible:

- Legal name
- Home address
- Home telephone number
- Cell phone number
- Emergency contact
- Number of dependents
- Marital status

- Change of beneficiary
- Driving record or status of driver's license, if you operate any Village vehicle
- Military status
- Exemptions to your W-4 tax form
- Copy of your driver's license
- Copy of your social security card

Coverage or benefits that you and your family may receive under the Village's benefits package could be negatively affected if the information in your personnel file is incorrect.

Since the Village refers to your personnel file when we need to make decisions in connection with promotions, transfers, layoffs and recall, it's to your benefit to ensure your personnel file includes information about completion of educational or training courses, outside civic activities, and areas of interest and skills that may not be part of your current Village position.

Upon written request, you may examine your own personnel file while in the presence of the Village Administrator or his/her designated representative to the extent required by the Illinois Personnel Records Review Act (820 ILCS 40/1 *et seq.*). You will not be permitted to remove any information from your personnel file. However, you may request copies of the information contained in your file. The Village has the right to charge you a fee for making such copies.

#### **4.03 Employment Eligibility**

The Village ensures that all employees are legally eligible to be employed in the United States. Failure to meet eligibility requirements will make a candidate ineligible for hire, or result in a withdrawal of an offer of employment, or termination of employment for an employee.

4.03.1 Individuals who may legally work for the Village are U.S. citizens, noncitizen nationals, lawful permanent residents and aliens authorized to work. To comply with federal law, the Village shall verify the identity and employment authorization of each person it hires by completing and retaining Form I-9, Employment Eligibility Verification, for each employee. The Village shall not discriminate against individuals on the basis of citizenship, immigration status and national origin.

(a) The prospective employee must complete the employee section of Form I-9 in order to be employed by the Village.

4.03.2 Credit investigation. In accordance with the requirements imposed by the Federal-Truth-In-Lending Act, the Fair Credit Reporting Act, and the Illinois Employee Credit Privacy Act, the Village shall conduct a pre-employment credit check on all applicants who are offered and who accept an offer of employment for the positions of Village Administrator, Village Clerk, Deputy Village Clerk and Director of Finance and Administration. Employment with the Village may be conditional upon the Village's review of the information in the credit check. The Village reserves the right to conduct this credit check at any time after employment with

the Village. An applicant /employee has certain legal rights to discover and dispute or explain any information prepared by the credit check.

4.03.3 A background investigation may be completed on every prospective employee prior to appointment. In the event a prospective employee is investigated, he/she will be properly notified prior to the investigation being conducted. Falsification or omission of information as part of the application process, including omission of felony conviction information, is grounds for denial or termination of employment. Fingerprinting may also be required for prospective employees prior to appointment; failure to or a negative finding is grounds for denial or termination of employment.

#### **4.04 Classification of Employees**

There are several types of employment at the Village: they include full-time and part-time employees, and temporary or seasonal employees. In addition, employees are classified as either exempt or non-exempt. At the time you are hired, you are classified as full-time, part-time, part-time irregularly scheduled, or temporary/seasonal and are also told whether you qualify for overtime pay. Unless otherwise specified, the benefits described in this Manual apply only to full-time employees. All other policies described in this Manual and communicated by the Village apply to all employees, with the exception of certain wage, salary and time off limitations applying only to "non-exempt" employees, as defined below. If you are unsure of which job classification your position fits into, please ask your department head.

4.04.1 **Full-Time Employees.** An employee who successfully completes the Probationary Period (*see* Section 7 of this Manual), of employment and who works at least 37.5 hours per week on a regular basis is considered a full-time employee.

##### **4.04.2 Part-Time Employees.**

- **Regular Part-Time.** An employee who works less than a regular 37.5 hour workweek, but on a regular basis, as approved by the Village Administrator or department head, is considered a regular part-time employee.
- **Part-Time, Irregularly Scheduled.** An employee who works for the Village, but on an "as needed" basis only, as determined by the department head with the written approval of the Village Administrator.

If you are either a regular or irregularly scheduled part-time employee, you are not eligible for benefits applicable to full-time employees, but only to those benefits specifically described in this Manual, or as granted on occasion, or to the extent required by federal and state laws.

4.04.3 **Temporary/Seasonal Employees.** From time to time, the Village may hire employees for specific periods of time or for the completion of a specific project or whose period of employment is limited to seasonal conditions, *i.e.*, summer

employee, or by other restrictive qualifications. An employee hired under these conditions will be considered a temporary/seasonal employee. The job assignment, work schedule and duration of the position will be determined on an individual basis.

- (a) If you are a temporary/seasonal employee, you are not eligible for benefits described in this Manual, except as granted on occasion, or to the extent required by federal and state laws. Those temporary/seasonal employees classified as non-exempt (defined below) who work more than forty hours (40) hours during any work week will receive overtime pay.
- (b) Volunteers and interns (high school students and/or college students) are not eligible for any benefits described in this Manual. Volunteers and interns are supervised and answer directly to their department head and/or Village Administrator.

**4.04.4 Exempt Employees:** Exempt employees are exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act ("FLSA"). This exemption is determined by evaluating the duties and responsibilities required of the employee against the criteria outlined in the FLSA. A job is classified as exempt if its duties and responsibilities are primarily executive, managerial, or administrative, or if it requires an advanced educational degree or knowledge and experience in a field considered to be professional. Exempt employees fulfill their duties without a focus on the amount of time it takes. Therefore, exempt employees are paid a yearly salary that does not vary between pay periods based on the quality or quantity of work, and are not eligible to receive overtime for hours worked beyond 40 hours in a workweek.

**4.04.5 Non-Exempt Employees:** Non-exempt employees do not qualify, by the nature of their work and responsibilities, for exemption from overtime or minimum wage provisions of the FLSA. Non-exempt employees are paid by the hour and must receive no less than one and one-half times their regular rate of pay for hours worked in excess of 40 hours in a workweek.

## **4.05 Job Descriptions**

Each department head, with the approval of the Village Administrator, shall develop, maintain and/or amend job descriptions for each position within his/her department. Job descriptions shall be descriptive and explanatory, and shall list all of the essential functions of the position; however they need not be restrictive, and the listing of particular examples of duties shall not preclude the assignment of other tasks when considered necessary by the department head.

If the duties and responsibilities are changed for a particular position, the job description for such position shall be updated.

#### **4.06 Anniversary Date**

The anniversary date for salary purposes is the date that an individual becomes a full-time employee of the Village and/or the date of an employee's latest promotion.

#### **4.07 Aptitude & Ability Tests**

An applicant or employee seeking a promotion may be required to take an aptitude and/or ability test relevant to the position for which the applicant or employee is applying. If you have a disability which will affect your ability to take such a test, it is important that you advise a Village representative so that a reasonable accommodation can be arranged. Requested accommodations may include accessible testing sites, modified testing conditions and accessible testing formats. The Village reserves the right to require medical documentation concerning the need for the requested accommodation. *See Section 6.04 of this Manual.*

#### **4.08 Promotions**

All vacancies occurring in classified positions shall, whenever possible, be filled by promotion of a qualified Village employee.

4.08.1 Promotions within the Village shall be based on the requirements of the position to be filled and the qualifications of an employee to fulfill those requirements. All promotions shall be made upon department head recommendation to, and approval by, the Village Administrator.

4.08.2 Criteria used in the selection of the most qualified applicant shall be based upon:

- Experience in related job classification and within Village service;
- Performance evaluations;
- An examination where feasible or required; and
- Other criteria, such as attainment of additional education and/or licenses related to the position.

4.08.3 If no acceptable candidate is found within Village service, then the vacancy will be filled from outside sources.

#### **4.09 Former Employees**

The Village may consider a former employee for re-employment. Such applicants are subject to the Village's usual pre-employment procedures. To be considered, applicants must have left in good standing and must have provided a least two (2) weeks' advance notice of their intention to terminate their employment with the Village.

If an employee left Village employment for military service, he/she may be entitled to re-employment in accordance with federal and state law. *See Section 22.03, "Military Leaves of Absence", of this Manual.*

#### **4.10 Reinstatement of Benefits**

Generally, in the event a former employee returns to work for the Village, regardless of the length of his/her previous employment and length of time since employment was terminated, benefits shall accrue as if the former employee was a new/first-time Village employee. The Village Administrator may, in individual cases and under exigent circumstances, consider an employee's request to "bridge" his/her service time for purposes of benefit accruals and eligibility, provided that the employee previously worked for the Village at least five (5) continuous years and left his/her employment with the Village in good standing.

### **SECTION 5**

#### **EQUAL EMPLOYMENT/NONDISCRIMINATION**

##### **5.01 Policy**

It is the policy of the Village to afford equal employment opportunity to all personnel practices to all employees and applicants. There shall be no discrimination based on race, color, religion, sex, sexual orientation, gender-based identity, marital status, pregnancy, national origin or ancestry, citizenship status, age physical or mental disability unrelated to ability, military status, or an unfavorable discharge from military service. This policy shall apply to all officials and personnel of the Village.

The Village has and will continue to support a policy of non-discrimination and equal opportunity to attain the diversity it seeks among members of its staff. Specifically, the Village will act to recruit and ensure career growth of qualified minorities, women, veterans and individuals with disabilities, as well as making reasonable accommodations in furthering the employment of individuals with disabilities.

All Village employees are expected to adhere to this Policy and to work actively for its implementation both internally and in carrying out Village programs.

##### **5.02 Definitions**

For purposes of this Policy, the term "minority" shall mean American Indians, Asian, Blacks or Hispanics, or such protected classes as youth, elderly, women or persons with disabilities.

##### **5.03 Adoption of Federal and State Statutes, Rules and Regulations**

The Village hereby declares to uphold, defend, enforce and advocate for all laws related to Equal Employment Opportunity and shall comply with all existing federal, state and local nondiscrimination statutes, rules, regulations and guidelines as they pertain to employment by the Village, including but not limited to the following:

- 5.03.1 Title VI of the Civil Rights Act of 1964, and as amended from time to time, which prohibits discrimination in the participation in or benefits of programs or activities

receiving federal financial assistance on the basis of race, color or national origin.

- 5.03.2 Title VII of the Civil Rights Act of 1964, and as amended from time to time, which prohibits discrimination because of race, color, religion, sex, sexual orientation, gender identity or national origin in all employment practices, including hiring, firing, promotions, compensation, and other terms, privileges and conditions of employment.
- 5.03.3 The Equal Pay Act of 1963 ("EPA"), and as amended from time to time, which covers all employees who are covered by the Fair Labor Standards Act. The Act forbids pay differentials on the basis of sex.
- 5.03.4 The Age Discrimination Act of 1967 ("ADEA"), and as amended from time to time, which prohibits discrimination because of age against anyone between the ages of 40 and 65.
- 5.03.5 Genetic Information Nondiscrimination Act of 2008, and as amended from time to time, which prohibits the use of genetic information in making employment decisions, restricts an employer from requesting, requiring or purchasing genetic information, and strictly limits the disclosure of genetic information.
- 5.03.6 The Americans with Disabilities Act of 1990 ("ADA"), and as amended from time to time, which prohibits discrimination against individuals with disabilities on the basis of their disabilities.
- 5.03.7 Pregnancy Discrimination Act, and as amended from time to time, which prohibits discrimination based on pregnancy in any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoffs, training, fringe benefits, such as leave and health insurance, and any other term or condition of employment.
- 5.03.8 Federal Executive Order 11246, and as amended from time to time, which requires every contract with federal financial assistance to contain a clause against discrimination because of race, color, religion, sex, sexual orientation, gender identity or national origin.
- 5.03.9 Section 504 of the Rehabilitation Act of 1973 and the U.S. DOL Implementing Regulations at 29 CFR 32, and as amended from time to time, which prohibits any discrimination based on disability.
- 5.03.10 Section 188 of the Workforce Investment Act of 1988 (WIA") and the U.S. DOL Regulations at 29 CFR Parts 31 and 32, and as amended from time to time, which provides that no person in the United States shall be excluded from participation in, be denied the benefits of, or be subject to discrimination on the basis of race, color or national origin, under any program or activity receiving federal financial assistance from the U.S. Department of Labor.

- 5.03.11 Article I, Section 17-19 of the Illinois Constitution, which prohibits discrimination based on race, color, creed, national ancestry, disability and sex in the hiring and promotion practices of any employer.
- 5.03.12 Illinois Human Rights Act (775 ILCS 5/1-101 *et seq.*), and as amended from time to time, which prohibits discrimination based on race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, including gender-related identity, pregnancy, or unfavorable discharge from military service in connection with employment, real estate transactions, access to financial credit and the availability of public accommodation.
- 5.03.13 Illinois Equal Pay Act of 2003 (820 ILCS 112/1 *et seq.*), and as amended from time to time, which prohibits an employer from discriminating between employees on the basis of sex by paying wages to an employee at a rate less than the rate at which an employee of the opposite sex for the same or substantially similar work on jobs, the performance of which requires equal skill, effort and responsibility, and which is performed under similar working conditions, unless the wages are made under:
  - (a) A seniority system;
  - (b) A merit system; or
  - (c) A differential based on any other factor other than: (i) sex; or (ii) a factor that would constitute unlawful discrimination under the Illinois Human Rights Act.

#### **5.04 Recruitment**

The Village will consider qualified minority-group applicants for vacancies in all job classifications, in conjunction with the Village's established policy of advancement and promotion from within the Village, on the basis of individual merit, experience, training, skills, knowledge, current job performance and physical abilities, as such abilities are applicable to the essential functions of a position.

- 5.04.1 The Village will not discriminate in the recruitment, advertising, employment, placement, layoff or termination, promotion, demotion or transfer, rate of pay or other forms of compensation and use of facilities.
- 5.04.2 The Village will actively provide nondiscriminatory outreach, selection and service to all individuals.
- 5.04.3 The Village will make efforts to hire minority individuals for all job categories so that minority employment in all categories of the work force represents a proportionate share of minority populations in the Village as well as the surrounding areas.

- 5.04.4 All decisions pertaining to employment, upgrading, transfer, recruiting, layoff, terminations, training and pay rates of employees will be made and executed without regard to race, color, religion, sex, sexual orientation, pregnancy, gender-related identity, national origin, ancestry, age, marital status, physical or mental disability, military status, and unfavorable discharge from military service.
- 5.04.5 The Village will use the term "Equal Opportunity Employer" in all public media advertising activity.

## **5.05 Job Placement/Promotion**

Opportunities for promoting and upgrading all qualified minority-group employees will be enhanced by:

- 5.05.1 Making all members of management aware that the Village intends to ensure opportunities for utilization of qualified minority personnel at all levels; and
- 5.05.2 Reviewing qualifications of all candidates for opportunities for promotion from within.

## **5.06 Compensation and Employee Benefits**

All personnel will be compensated fairly according to their job classification, without regard to race, color, religion, national origin, ancestry, age, marital status, physical or mental disability, military status, unfavorable discharge from military service, sex, sexual orientation, or gender-related identity.

## **5.07 Layoffs and Termination**

If it becomes necessary to lay off or terminate employees, selection will be made without regard to race, color religion national origin, ancestry, age, marital status, physical or mental disability, military status, unfavorable discharge from military service, sex, sexual orientation, or gender-related identity.

## **5.08 Accommodations for Employees with Disabilities**

The Village shall provide reasonable accommodations to persons with disabilities. The Americans with Disabilities Act (ADA), as amended by the ADA Amendments Act of 2008, is a federal anti-discrimination statute that provides protections to persons with disabilities in employment, public accommodations, state and local government services, and telecommunications. Employees with a disability (as defined under the ADA, as amended) may be eligible for a reasonable accommodation that allows them to perform the essential functions of their position. A reasonable accommodation may include such things as changing the physical layout of the workplace, restructuring job duties, or modifying the work schedule. *See Section 37 off this Manual for the entire Disability Accommodation Policies.*

The Village will comply with all relevant and applicable provisions of the ADA and the Rehabilitation Act of 1973.

- 5.08.1 The Village will not discriminate against any qualified employee or applicant with respect to any terms, privileges, or conditions of employment because of a person's physical or mental disability.
- 5.08.2 The Village will make reasonable accommodations wherever necessary for all employees or applicants with disabilities, provided that the individual is otherwise qualified to safely perform the duties and assignments connected with the job and provided that any accommodations made do not require significant difficulty or expense, and structural limitations.

#### **5.09 Investigation of Alleged Acts of Diserimination**

The Village will thoroughly investigate instances of alleged discrimination and take corrective action if warranted. Additionally, the Village will be continually alert to identify and correct any practices that are at variance with the intent of the Equal Opportunity/Nondiscrimination Policy. Management is primarily responsible for seeing that the Village's equal opportunity and nondiscrimination policies are implemented, but all members of the staff share in the responsibility for assuring that by their personal actions the policies are effective and apply uniformly to everyone. Any employee, including department heads, involved in discriminatory practices will be subject to discharge. *See Sections 37.02 and 29.02, respectively, of this Manual, for ADA Policy and Sexual Harassment Policy.*

#### **5.10 Communication of Equal Employment Opportunity (EEO)/Nondiscrimination Policies**

Equal Employment Opportunity and Nondiscrimination policies will be communicated to all applicants and employees in the following manner:

- On bulletin boards
- In this Personnel Manual
- At staff meetings
- In employment advertisements

#### **5.11 Use of Funds**

The Village prohibits the use of federal and state funds for political activity.

#### **5.12 Third Party Contracts**

The Village will not contract with other agencies, banks, businesses, vendors, *etc.*, who practice or establish a pattern of discrimination based on race, color, religion, national origin, ancestry, age, marital status, physical or mental disability, military status, unfavorable discharge from military service, sex, sexual orientation, or gender-related identity.

## 5.13 Public Contracts

- 5.13.1 Every party to a contract with the Village and every eligible bidder shall refrain from unlawful discrimination and discrimination based on citizenship status in employment and undertake affirmative action to assure equality of employment opportunity. Every party to a contract with the Village and every eligible bidder must be in compliance with Section 5/2-105 of the Illinois Human Rights Act (775 ILCS 5/2-105).
- 5.13.2 The Village will incorporate into any contract for construction work, or modification thereof, subject to the relevant federal, state and local rules and regulations, which is paid in whole or in part with the aid of such financial assistance, the following "Equal Employment Opportunity Clause":

In the event of the contractor's non-compliance with the provisions of this Equal Employment Opportunity Clause, the contractor may be declared ineligible for future contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations, and the contract may be cancelled or voided in whole or in part, and other sanctions or penalties may be imposed or remedies invoked as provided by statute or regulation. During the performance of this contract, the contractor agrees as follows:

- (a) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, pregnancy, marital status, national origin or ancestry, citizenship status, age, physical or mental disability unrelated to ability, military status or an unfavorable discharge from military service; and further, that he or she will examine all job classifications to determine if minority persons or women are underutilized and will take appropriate affirmative action to rectify any underutilization.
- (b) If the contractor hires additional employees in order to perform this contract or any portion of this contract, the contractor will determine the availability of minorities and women in the areas from which the contractor may reasonably recruit and the contractor will hire for each job classification for which employees are hired in a way that minorities and women are not underutilized.
- (c) In all solicitations or advertisements for employees placed by the contractor or on the contractor's behalf, the contractor will state that all applicants will be afforded equal opportunity without discrimination because of race, color, religion, sex, sexual orientation, gender-based identity, pregnancy, marital status, national origin or ancestry, citizenship status, age, physical or

mental disability unrelated to ability, military status, or an unfavorable discharge from military service.

- (d) The contractor will send to each labor organization or representative of workers with which the contractor has or is bound by a collective bargaining or other agreement or understanding, a notice advising the labor organization or representative of the contractor's obligations under this Equal Opportunity Clause. If any labor organization or representative fails or refuses to cooperate with the contractor in its efforts to comply with this Equal Opportunity Clause, the contractor will promptly notify the Village and will recruit employees from other sources when necessary to fulfil its obligations under the contract.
- (e) The contractor will submit reports as required by the Illinois Department of Commerce and Economic Opportunity ("Department") and the Village, furnish all relevant information as may, from time to time, be requested by the Village, and in all respects comply with this Equal Opportunity Clause.
- (f) The contractor will permit access to all relevant books, records, accounts and work sites by personnel of the Village and the Department for purposes of investigation to ascertain compliance with this Equal Opportunity Clause.
- (g) The contractor will include verbatim or by reference the provisions of this clause in every subcontract awarded under which any portion of the contract obligations are undertaken or assumed, so that the provisions will be binding upon the subcontractor. In the same manner as with other provisions of this contract, the contractor will be liable for compliance with applicable provisions of this clause by subcontractors and will promptly notify the Village and the Department in the event any subcontractor fails or refuses to comply with the provisions. In addition, the contractor will not utilize any subcontractor declared by the Illinois Human Rights Commission to be ineligible for contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations.

#### **5.14 Enforcement**

The Village Administrator shall coordinate and oversee the Village's EEO/Nondiscrimination Policies. Any inquiries concerning Equal Opportunity, discrimination or related matters are to be directed to the Village Administrator.

## SECTION 6

### PHYSICAL/MEDICAL EXAMINATIONS

The purpose of a physical examination is to determine whether or not the applicant's or employee's physical fitness is consistent with the job's physical requirements. It is Village policy that every newly-hired or rehired employee will be required to take an employment examination prior to being placed on the payroll.

**6.01** Applicants for permanent full-time employment shall be required to submit to a physical examination at Village expense, following a conditional offer of employment but before actual employment takes place.

6.01.1 Physical examinations for regular part-time and seasonal employees may also be required following a conditional offer of employment as directed by the Village Administrator. Returning part-time employees are exempt from a required physical examination.

6.01.2 The content of the physical examination will be routinely reviewed with physician input to insure the exam being conducted by the Village is appropriate for the position being filled. The actual exam may vary due to the type of work or job the individual has been conditionally hired to perform.

6.01.3 Existing employees will be subject to routine physical examinations based on federal and state statutes and regulation, departmental policies and input from physicians.

**6.02** Subsequent physical examinations may be required in the following instances:

(a) An injured employee who has recently received medical attention must have medical approval before he/she returns to work.

(b) An employee who has been absent from work for more than three (3) days may be asked to have a medical examination before returning to work.

(c) When there is doubt as to an employee's physical well-being following absenteeism because of illness or at any other time, he/she may be asked to go to the authorized medical facility for an examination.

(d) As required under certain federal and state laws and regulations and/or Village regulations. Under certain situations, the Village may provide for physical and/or mental examinations of current employees in accordance with applicable law to establish the fitness of the employee to continue to work within his/her assigned classification. Such mandated examinations shall be at the Village's expense.

**6.03** The results and findings of all physical/medical examinations shall be treated as

confidential. Information shall not be provided to anyone outside the normal processing involved in hiring an individual without the individual's expressed written consent and as allowed under the Health Insurance Accountability Act ("HIPAA").

**6.04** Reasonable Accommodation. If an applicant or employee has a disability which will affect his/her ability to take such a test, he/she is to advise a Village representative so that a reasonable accommodation can be arranged. Requested accommodations may include accessible testing sites, modified testing conditions and accessible testing formats. The Village reserves the right to require medical documentation concerning the need for the accommodation.

## SECTION 7

### PROBATIONARY PERIOD

#### 7.01 Probationary Period

7.01.1 Each employee receiving an initial appointment, promotion or re-employment to a permanent full-time position with the Village shall serve a minimum probationary period of ninety (90) days, or as otherwise required by the department in its offer of employment, before his/her appointment, promotion or re-employment shall be considered permanent. Police officers shall serve an eighteen (18) month probationary period. If an employee takes approved time off in excess of five (5) working days during his/her probationary period, the probationary period may be extended by that length of time by the department head with approval of the Village Administrator.

7.01.2 During an employee's probationary period, work habits, conduct, abilities, attitudes, promptness and other pertinent characteristics shall be observed and evaluated by the department head.

7.01.3 If the performance of the employee is found to be unsatisfactory to the department head, the department head may remove or demote the probationary employee at any time during the probationary period, with the approval of the Village Administrator. Such removal or demotion shall not be subject to review, appeal or hearing.

7.01.4 During the probationary period, the employee will earn credit for vacation and sick leave to be taken at a later date. Any time off during the probationary period must be approved by the Village Administrator.

7.01.5 At the end of the probationary period, if there is reason to believe that an employee may develop the ability to perform satisfactorily by a one-time extension of the probationary period, the department head, and as approved by the Village Administrator in writing, may grant thirty (30) day extensions not to exceed ninety (90) days. During the extension of time, the full-time employee will continue to

accrue fringe benefits for which he/she is eligible. During the extension, the employee shall also remain at the same step in the pay plan at which he/she was appointed.

## **SECTION 8**

### **CONDUCT, WORK HABITS, ATTITUDES**

- 8.01 It shall be the duty of each individual employed by the Village to maintain high standards of conduct, cooperation, efficiency, and economy in his/her work for the Village. Whenever work habits, attitude, production or personal conduct of any employee falls below a desirable standard, his/her supervisor or department head should point out the deficiencies at the time they are observed.
- 8.02 Corrections and suggestions should be presented in a constructive and helpful manner in an effort to elicit the cooperation and goodwill of the employee.
- 8.03 Whenever possible, oral and/or written warnings, with sufficient time for improvement shall precede formal discipline. *See Section 10, "Disciplinary Actions", of this Manual.*

## **SECTION 9**

### **CONFIDENTIALITY**

Employees are exposed daily to a great deal of confidential information. None of this information, including the method or procedure used for handling a specific matter or case, should be repeated or discussed with anyone not connected with Village government. It should be discussed with other Village employees only as necessary to the processing of daily business. Your employment with the Village assumes an obligation to maintain confidentiality even after you leave the Village's employ.

Any violation of confidentiality seriously injures the Village's reputation and effectiveness. Therefore, please do not discuss Village business with anyone who does not work for the Village, and never discuss business transactions with anyone who does not have a direct association with the transaction. Even casual remarks can be misinterpreted and repeated, so develop the personal discipline necessary to maintain confidentiality. If you hear, see, or become aware of anyone else breaking this trust, consider what they might do with information they get from you.

Confidential information includes, but is not limited to:

- (a) Personal problems of any citizen or fellow employee in his/her relationship to the Village;
- (b) Programs or policies under study but not promulgated;
- (c) Future actions of the Village which could bring about profit taking at the expense

of the Village; and

(d) Any information classified as confidential by the President and Board of Trustees, the Village Administrator, a department head or a supervisor.

Discussing confidential information displays poor judgment and undermines the confidence of the people in Village government and the confidence the Village has placed in an employee. The ability to keep confidential information is one of the criteria by which an employee is measured when opportunities for advancement are considered.

No one is permitted to remove or make copies of any Village records, reports or documents without prior department head approval. Because of its seriousness, disclosure of confidential information could lead to dismissal.

Personnel in some Village departments (such as the Village Hall offices) may be responsible for compliance with additional confidentiality requirements and procedures, and are expected to confer with their department heads about them.

## **SECTION 10**

### **DISCIPLINARY ACTIONS**

By accepting employment with the Village, an employee has a responsibility to the Village and his/her fellow employees to adhere to certain rules of behavior and conduct. The purpose of these rules is not to restrict an employee's rights, but rather to be certain that the employee understands the conduct expected and necessary. When each person is aware that he/she can fully depend upon fellow employees to follow the rules of conduct, then the Village will be a better place to work for everyone.

This Disciplinary Policy applies to all full-time employees who have completed the probationary period. The policy pertains to matters of conduct as well as the employee's competence. However, an employee who does not display satisfactory performance and accomplishment on the job may be dismissed, in certain cases, without resorting to the steps set forth in this Policy.

Under normal circumstances, department heads are expected to follow the step procedure outlined below. There may be particular situations, however, in which the seriousness of the offense justifies the omission of one or more of the steps in the procedure. Likewise, there may be times when the Village may decide to repeat a disciplinary step.

To ensure that Village business is conducted properly and efficiently, an employee must conform to certain standards of attendance, conduct, work performance and other work rules and regulations.

When a problem in these areas does arise, the employee's department head should coach and counsel the employee in mutually developing an effective solution. If, however, the employee fails to respond to coaching or counseling, or an incident occurs that requires formal discipline, the

employee shall be subject to the disciplinary actions set forth in this Section.

#### **10.01 Discipline Generally**

- 10.01.1 It shall be the duty of all Village employees to comply with and assist in carrying into effect, the provisions of the Village's Personnel Manual.
- 10.01.2 No full-time employee shall be disciplined except for cause. Such discipline shall be in accordance with procedures established by this Section and collective bargaining agreements, if applicable.
- 10.01.3 It is the duty of every employee to attempt to correct any faults in his/her performance when called to his/her attention, and to make every effort to avoid conflict with Village rules and regulations.
- 10.01.4 It is the duty of every department head to discuss and document in written form, inadequate performance with the employee in order to correct the deficiencies and to avoid the need to exercise disciplinary action.
- 10.01.5 Discipline shall be, whenever possible, of an increasingly progressive nature, the steps of progression being:
  - (a) Warning - Oral
  - (b) Warning - Written
  - (c) Suspension
  - (d) Removal

However, each infraction will be evaluated individually to determine the appropriate disciplinary action to be taken.

#### **10.02 Disciplinary Actions - Grounds**

The following is a list of offenses for which disciplinary action may be taken. These offenses are not necessarily the only areas in which disciplinary action may be taken if conduct or instances require. Each case shall be considered on its merits.

1. Falsification, material omission, or fraud in securing employment with the Village.
2. Drinking, selling or possessing intoxicating alcohol or non-intoxicating beer on duty; reporting for duty drunk or impaired by intoxicating alcohol or non-intoxicating beer while in Village uniform; being on duty so intoxicated as to be unable to properly perform assigned duties, or to a hazard to one's self or others. *See also* Section 28, "Drug and Alcohol Free Workplace Policy", of this Manual.
3. Unauthorized possession of controlled substances, imitation controlled substances, or drug paraphernalia on Village property or while on duty; reporting for duty while

under the influence of a controlled substance, or while in Village uniform. *See also* Section 28, "Drug and Alcohol Free Workplace Policy", of this Manual.

4. Sale of controlled substances, imitation controlled substances or drug paraphernalia on Village property or during duty hours.
5. Insubordinate defiance of authority, refusal to comply with proper orders, wanton disrespect to authorities, wanton disregard of directives or insolence.
6. Sleeping while on duty, except where and/or when authorized, or during unpaid duty time.
7. Misappropriation, misuse, theft, destruction, loss, conversion or unauthorized use of Village monies, equipment or property or the property of another, actual or attempted.
8. Dishonesty, deliberate misrepresentation; falsification, exaggeration or concealment of a material fact in connection with any official document; or withholding of material facts in connection with matters under official investigation.
9. Engage in outside business activities or part-time employment on Village time, or uses Village property for such activity.
10. Loss of, damage to, unauthorized uses or destruction of Village property (including motor vehicles), records or information.
11. Fighting, threatening, or inflicting bodily harm on another, physical resistance to lawful authority or indecent or immoral conduct while on the job.
12. Any serious inefficiency, incompetency or improper act which severely hampers productivity or endangers the safety, health, or well-being of another Village employee or which is of sufficient magnitude that the consequences cause or act to cause disruption of work or discredit to the Village.
13. Has induced or has attempted to induce, an officer or employee of the Village to commit an unlawful act or act in violation of any departmental or official regulation of work.
14. Off-duty conduct of such major impact that the employee is unable to fulfill his/her job responsibilities; off-duty misconduct of such significance that there is an adverse effect upon the Village.
15. Unauthorized possession or use of firearms, dangerous weapons or explosives while on duty.

16. Absence from duty for two (2) consecutive work days without prior notice to and approval of the appropriate supervisor or department head.
17. Falsification of records or the use of official position for personal advantage, or the attempt to use official position to influence the results of an official investigation.
18. Criminal convictions (other than a minor traffic offense) for acts or conduct occurring on or off the job that are plainly related to performance and are such nature that to continue as an employee would impair carrying out the Village's responsibility to its citizens, or to other Village employees, or if not related to job performance, would place the Village's image in an unfavorable light.
19. Failure to comply with departmental policies, special rules, or instructions established by department head when such violation or a failure to obey amounts to an act of insubordination or a serious breach of proper discipline.
20. Compromising an examination through unauthorized possession, use, or furnishing to others examination information or materials.
21. Participation in an unlawful strike, work slowdown, sit-down, concerted stoppage or similar concerted interference with Village operations.
22. Harassment of other employees or supervisory personnel, including sexual harassment of another employee, whether verbal or physical, when submission to such conduct is an explicit or implicit condition of employment, when submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.
23. Any act of discrimination by a Village employee in violation of any state or federal law.
24. Has used or threatened to use, or attempted to use political or improper personal influence in securing promotion, leave of absence, transfer, change in pay rate, or character of work.
25. Abuse of Village leave privileges, including the Village's sick leave policies.
26. Failure to report to work or to notify the appropriate supervisor or department head of absence for two (2) consecutive work days after the expiration of a leave of absence, which has expired or has been disapproved, revoked, or canceled by the employee's department head or Village Administrator.
27. Excessive or chronic absenteeism or tardiness.

28. Backbiting, manipulating, negative behavior and other divisive activities which are detrimental to the efficient functioning of the Village.
29. Commission of acts or omission or other conduct prejudicial to the interests of the Village, such conduct reflecting discredit upon the Village or resulting in a direct hindrance to the effective performance of governmental functions.
30. Abusive attitude, language or display of conduct unbecoming an employee of the Village to fellow employees or the public while on duty.
31. Appealing convictions, during employment, on misdemeanor and/or traffic charges when such conviction results in absence from work.
32. Failure to report, prior to scheduled duty, to supervisor or department head, use of prescription drugs or medication which may impair the employee's ability to perform all duties.
33. Employee injured off-duty, falsely claiming an on-duty injury, or collaborates a false claim of injury of another employee.
34. Solicitation of donations, gifts, fees or other valuable things for any personal purpose during work hours, including the sale of any items or solicitation of any goods, services or products. During non-working hours, the solicitation of any donation, fee, gift or other valuable thing for any personal gain if he/she represents he/she is a Village employee. Also, the employee representing to the public that he/she is a Village employee during non-working hours, shall not sell any item or solicit any goods, services or products.
35. Engaging in conduct which constitutes, or may be perceived as, imitation, coercion or inappropriate use of influence of an employee's position with the Village to promote the economic gain of the employee or another person/entity.
36. Failure of a supervisor to reprimand an employee when the conduct of the employee requires such action.
37. Incompetence or inefficiency in the performance of duties of the position. "Incompetence" means a lack of ability, knowledge or fitness to perform duties which are reasonably within the scope of employment. "Inefficiency" shall mean the performance of the duties of the position at a level lower than ordinarily expected of other employees in similar positions.
38. Delay or failure to carry out assigned work or instructions in a reasonable period of time.
39. False representation to a superior as to the quality and/or quantity of work performed.

40. Leaving job without permission.
41. Failure to request leave according to established procedures.
42. Loafing on duty while not on authorized rest periods.
43. Careless workmanship or neglect of duty.
44. Careless use of Village property resulting in possible or actual damage and disruption or possible disruption of Village services.
45. Failure to observe recognized or instructed safety procedures, including failure to use safety equipment such as eye protective devices or safety shoes, failure to follow established procedures, failure to submit accident reports, failure to report accidents or leaving the scene of an accident prior to investigation.
46. Rude, boisterous play which adversely affects production, discipline or morale, use of abusive or offensive language, quarreling or inciting to quarrel.
47. Interfering with the production of others while on the job.
48. Accepting money, favor or gifts for personal gain for work done as a Village employee.
49. Excessive time at breaks or lunch hour.
50. Failure to complete reports promptly and accurately.
51. Horseplay.
52. Failure to immediately report work-related injury or accident or non-work related injury or illness that may affect work performance.
53. Failure to report absence within two (2) hours of the scheduled starting time, quitting work before the proper time or leaving the premises during working hours without authorization from the supervisor or department head, unless in the performance of an authorized job-related duty.
54. Failure to be courteous to a citizen.
55. Switching schedules with another employee without prior approval of management.
56. Failure to follow Village and department operating procedures or administrative policies, including ethics, internet or safety policies.
57. Unauthorized use of Village telephones, including conducting personal business

during working hours.

58. Unauthorized use or abuse of Village material or equipment or allowing such use or abuse and unauthorized use of Village property or services of other employees for non-Village related purposes.
59. Showing disrespect or disregard for authority.
60. Failure to pay just debts, thereby causing repeated undue cost or annoyance to Village officials or so that the reputation of the Village or the department is jeopardized.
61. Failure to work assigned overtime.

#### **10.03 Disciplinary Actions - Types, Procedures, Appeals**

The Village may take any of the following forms of disciplinary action against employees, even for a first offense if warranted.

- 10.03.1 **Verbal Reprimand.** Unless the severity of the employee's actions require a stronger or more direct response, ordinarily, the first course of disciplinary action is a verbal reprimand given by the supervisor or department head. The verbal reprimand shall reference the actions for which the reprimand is issued and the manner in which the problem(s) is to be resolved. The reprimand should be given to the employee in private and during a formal discussion with the employee about the matter. The department head shall fully document the verbal reprimand and documentation of the incident shall be placed in the employee's personnel file.
- 10.03.2 **Written Reprimand.** Unless the severity of the employee's actions requires a stronger or more direct response, additional misconduct or a more serious initial violation shall warrant a written reprimand by the supervisor or department head. This reprimand shall include a description of the incident, an outline of the circumstances surrounding the incident, and a statement regarding the resolution of the incident. The written reprimand shall be given to the employee and the employee will be asked to sign it. Failure to sign shall be noted. The employee shall be given an opportunity to respond to the reprimand in writing. A copy of the reprimand and the response, if any, shall be placed in the employee's personnel file.
- 10.03.3 **Suspension.** If the employee's performance does not improve within three (3) months following a written reprimand, or if the employee is again in violation of Village practices, rules or standards of conduct, the department head, with the consent of the Village Administrator, may suspend the employee, with or without pay, for a period of up to twenty (20) work days when the offense or infraction warrants it. The Notice of Suspension shall

be in writing and is to include documentation of the reasons for suspension, the length of the suspension, notice of the opportunity to respond in writing, and the procedures for appealing the suspension. The employee shall sign the suspension notice. Failure to sign the notice shall be noted. The notice of the suspension shall be placed in the employee's personnel file.

- (a) An employee may also be suspended with or without pay for an indefinite period when the Village Administrator determines that such action is necessary and in the best interest of the Village, *e.g.*, in cases where the employee is charged and awaiting trial for a criminal offense or pending a decision to terminate the employee. When an employee has acted or is alleged to have acted in a manner that would be cause for dismissal, the employee may be suspended while such charges are being investigated.
- (b) Any probationary employee may be suspended by the Village Administrator.
- (c) Probationary, temporary, seasonal or part-time employees shall not have the right to appeal the suspension.

10.03.4 Demotion. An employee may be demoted or assigned to a less responsible position by the department head when the employee's work is not satisfactory or for other reasons. A reduction in salary shall accompany such demotion. When a vacancy exists in a lower classification for which the employee is qualified, the department head may place the employee in the vacancy. When no such vacancy exists, the department head shall notify the Village Administrator, and the employee will be terminated without prejudice and become eligible for re-employment to another position that he/she is qualified for with the Village. The written notice of demotion shall state the reasons for such action and be furnished to the employee. The notice shall inform the employee of his/her right file a written response and procedures for appeal. A copy of the demotion shall be placed in the employee's personnel file.

10.03.5 Dismissal. Any employee may be dismissed by a department head, with the approval of the Village Administrator, by delivering a written notice of dismissal to the employee which states the reasons for dismissal and notice of the pre-termination meeting as required by law, and the procedures for appeal. The notice shall also state the effective date of termination and a notice for the employee to meet with the Village Administrator or designee to process the necessary documents. A copy of the dismissal shall be placed in the employee's personnel file.

- (a) Pre-termination procedure. Prior to the final decision to terminate a non-probationary employee, the employee will be given:

1. Written notice of the charges;
2. An explanation of the basis of the Village's charges; and
3. An opportunity to present his/her explanation of the matter.

10.03.6

General Provisions.

(a) Suspension in the absence of department head or Village Administrator. If a situation arises that, in the opinion of a supervisor, necessitates immediate disciplinary action for safety and protection of public property, and if the department head is not available, then the supervisor shall have the authority to order the offending employee be immediately sent home until review of the situation is completed by the department head immediately upon his/her availability. The supervisor shall, however, inform the offending employee of the reason why the order is being made and inform the employee of the opportunity to respond when the department head returns. The department head, as soon as practicable, shall be notified of any employee being sent home and, as soon as practicable, shall notify the Village Administrator.

Whenever a disciplinary action is to be taken against an employee, the employee shall be advised in writing by the department head of the violations and the discipline that will be administered. A meeting will then be scheduled with the employee to discuss the discipline and the employee will be given an opportunity to respond to the violations.

(b) Notification of Village Administrator. In all cases, the Village Administrator shall be notified of any disciplinary action taken involving suspension, demotion or dismissal, prior to its occurrence.

(c) Resignation in Lieu of Disciplinary Action. None of the above shall preclude affording the employee an opportunity, in lieu of disciplinary action, to voluntarily resign as an employee of the Village. Such resignation shall be deemed to be a waiver of all appeal rights defined in this Manual.

(d) Non-Disciplinary Status Changes. These provisions are not intended to and shall not limit the authority of a department head to make job assignments within the department or of the Village Administrator to make job assignments or reassignments of non-sworn personnel within a department or from department to department for any non-disciplinary reason.

#### **10.04 Reinstatement**

In the event a demotion, suspension or dismissal is reversed by the Village Administrator, the employee shall be reinstated in his/her former position and shall be reimbursed for all back straight time wages, minus unemployment compensation received by the employee, if applicable.

#### **10.05 Disciplinary Appeal Procedure**

Any regular full-time employee who has been suspended or removed may file an appeal of any disciplinary action involving suspension or demotion by a supervisor or department head. The employee may file an appeal in writing within ten (10) working days after being personally notified in writing and acknowledging receipt of notification of the reasons for the disciplinary action. The employee must submit, in writing, the reason for the appeal to the department head and the Village Administrator. The Village Administrator shall review the employee's appeal, and any written comments from the department head and shall make a decision in writing within thirty (30) calendar days of receipt of the appeal. A copy of the decision shall be sent to the employee and department head, and placed in the employee's personnel file. The decision of the Village Administrator shall be final.

#### **10.06 Dismissal Hearing Procedure**

Any regular full-time employee who has been dismissed, may request an informal hearing on the dismissal, in writing, within ten (10) calendar days of the effective date of dismissal. The appeal shall be filed with the Village Administrator and the department head. Upon receipt of a request for a hearing, the Village Administrator shall set a time and place for said hearing to be held not less than five (5) nor more than thirty (30) calendar days after receipt of the request. The employee and the department head shall be notified of the hearing in writing. Upon receipt of the request for a hearing, the Village Administrator may require the employee and the department head to specifically set forth the facts alleged to constitute the cause for dismissal. Informal hearings may be broad in their character and evidence may be heard upon any facts or circumstances pertinent to such charges. The department head, employee and such witnesses as each requests shall attend the hearing. Either party may, at his/her own expense, request that a certified record of the hearing be kept. Failure of the employee to appear at the hearing shall be deemed to be a withdrawal of the request for a hearing. Within five (5) working days after the conclusion of the hearing, the Village Administrator shall determine whether the charges are sustained. The finding and decision of the Village Administrator shall be final (except as otherwise provided by Village ordinance and/or Village rules and regulations) and notice of said finding and decision shall be sent to the employee and department head. If the Village Administrator determines that the charges are sustained, the dismissal shall be effective immediately. Original documents to the hearing shall be placed in the employee's personnel file. The Village Administrator may alter the terms of the dismissal as circumstances warrant.

10.06.1        Probationary, temporary, seasonal or part-time employees shall not have the right of appeal from such action.

## **10.07 Processing**

All disciplinary actions shall be processed on a completed Employee Disciplinary Report. The department head shall be responsible for filing the following with the Village Administrator within twenty-four (24) hours of an employee termination:

- (a) Personnel Action Report
- (b) Basis for the termination decision
- (c) Equipment receipts, if applicable
- (d) Final time sheet

The Finance Department shall be responsible for seeing that the former employee completes all pension and health insurance forms, and that an appointment for an exit interview is made on the payday following the date of termination. The employee's final paycheck shall be issued at the interview.

# **SECTION 11**

## **GRIEVANCE PROCEDURE**

### **11.01 Policy**

It is the policy of the Village to give employees an opportunity to resolve any disputes arising from the interpretation or application of this Manual or departmental rules and regulations with their supervisors or department heads in order to find mutually satisfactory solutions as rapidly as possible. In the presentation of grievances at any supervisory level, employees are assured of the freedom from restraint, interference, discrimination or reprisal.

It is the Village's policy that there be, at all times, full and free discussion of employment matters between employee and supervisory personnel, since many grievances may be the result of misunderstandings and lack of communication.

### **11.02 Reason for Grievance**

Employees may present a grievance concerning the interpretation of the Village Code, Village Personnel Manual, department rules and regulations, their working conditions, and their relationship with co-workers or supervisors. Employee service ratings and merit reviews are specifically excluded from the grievance procedures set forth in this Section.

### **11.03 Appropriateness of Grievance**

When a question exists as to whether a particular matter is subject to the grievance procedure, final determination will be made by the Village Administrator. A grievance claim shall not be heard or

processed if the grievance concerns application of Village Code, ordinance provisions or policies approved by the Board of Trustees, state statutes or when the Village Administrator has a good reason to believe that a grievance has been brought in bad faith or for inappropriate reasons such as harassment.

#### **11.04 Representation**

Employees may have representation of their own choosing in the presentation of their grievances.

#### **11.05 Grievance Procedure**

An employee desiring to process a grievance shall do so in accordance with the following procedure. If the grievance is settled to the employee's satisfaction, the grievance procedure shall terminate at that step.

11.05.1      **Step 1:** An employee who has a grievance shall submit in writing his/her grievance within five (5) working days of the date of occurrence, with the employee's immediate supervisor. The grievance must specifically state that the employee is raising the matter as a grievance and that he/she requests a meeting to discuss the alleged grievance. The supervisor shall meet with the employee within five (5) working days from receipt of the request to hear the grievance. A copy of the grievance, as well as the supervisor's answer shall be given to the employee within five (5) working days of the meeting, with copies forwarded to the department head and the Village Administrator.

If the grievance is not resolved to the employee's satisfaction, the employee may proceed to Step 2 within five (5) days of the date of the supervisor's written answer. If the supervisor fails to meet with the employee within the five (5) working day time frame for said meeting, the employee may proceed to Step 2 within ten (10) working days of the date the grievance was originally submitted.

11.05.2      **Step 2:** If the grievance is not settled at Step 1, and the employee wishes to appeal the grievance to Step 2, and if the immediate supervisor in Step 1 is not a department head, the employee must submit a written request for a meeting, along with a copy of the grievance and the supervisor's answer, if applicable, to the department head within the time frames set forth in Step 1. The department head shall meet with the employee within five (5) working days from receipt of the request to hear the grievance. The department head shall have the right to request the supervisor to attend the meeting. The department head will issue his/her written determination within five (5) working days of the meeting, with copies given to the employee and the Village Administrator.

If the grievance is not resolved to the employee's satisfaction, the employee

may proceed to Step 3 within five (5) days of the date of the department head's written answer. If the department head fails to meet with the employee within the five (5) day time frame for said meeting, the employee may proceed to Step 3 within ten (10) working days of submitting the written request for a meeting with the department head.

#### **11.05.3**

**Step 3:** If the grievance is not settled at Step 1 or 2, and the employee wishes to appeal the grievance to Step 3, the employee must submit a written request for a meeting to the Village Administrator within the time frames set forth in Step 2. The Village Administrator shall meet with the employee and the department head within five (5) working days from receipt of the request to settle the grievance. The Village Administrator shall have the right and the responsibility to conduct investigations as he/she sees fit and proper in order to make a determination on the grievance. A decision shall be issued within ten (10) working days of the meeting. The Village Administrator shall forward a copy of the decision to the employee and department head. The decision of the Village Administrator shall be final and no further right of appeal shall be provided to the employee, unless otherwise provided by Village ordinance or state statute.

An employee should be aware that circumstances which give rise to a grievance shall not exempt the employee from the responsibility of completing the assigned order, task or project, or other regularly assigned work.

#### **11.06 Extension of Time**

In the event an employee, supervisor, or department head must be absent from work in a manner that affects the time periods set forth above, these periods may be extended to allow for adequate response time at the request of the absent party and as approved by the Village Administrator. Extensions may also be had upon mutual agreement of all parties in writing.

#### **11.07 Time Requirements**

If a grievance is not presented within the time limits set forth above, it shall be considered "waived". If a grievance is not appealed to the next step within the specified time period or any agreed extension thereof, it shall be considered settled on the basis of the Village's last answer. If the Village does not answer a grievance or an appeal thereof within the specified time limits, the aggrieved employee may elect to treat the grievance as denied at that step and immediately appeal the grievance to the next step as provided in section 11.05, above.

#### **11.08 Grievance Records**

The appropriate department head shall be responsible for the maintenance and control of grievance records and shall maintain such records in a secure file.

## **11.09 Access to Records**

Access to grievance records will be made in the same fashion as access to personnel records as provided in Section 36 of this Manual. The department head shall provide access to records regarding a grievance to those involved in a grievance procedure.

## **SECTION 12**

### **COMPENSATION & PERFORMANCE**

#### **12.01 Wage and Salary Policy**

It is the Village's desire to pay wages and salaries that are competitive with other employers in the marketplace in a way that will be motivational, fair and equitable, variable with individual performance and in compliance with all statutory requirements.

#### **12.02 Application**

The Village applies the same principles of fairness and external comparability to all employees, regardless of organizational level, race, color, religion, sex, sexual orientation, gender-related identity, marital status, national origin or ancestry, citizenship status, age, physical or mental disability unrelated to ability, military status, or an unfavorable discharge from military service.

#### **12.03 Official Pay Plan for Village Employees**

The Village Administrator shall be responsible for the development of a uniform and equitable pay plan which shall consist of a minimum and maximum rate of base pay for each position listed. Salaries for positions, excluding temporary and seasonal positions, shall be reviewed each budgetary period by the President and Board of Trustees as to appropriateness of the salary ranges.

The Village Administrator shall determine the scale of salaries and wages in accordance with the following principles:

- Positions of approximate equal responsibility and ability requirements have substantially equal compensation.
- The scale for Village positions takes into account salaries and wages paid for similar work by other governmental agencies in this locality allowing for comparable differences.
- Cost of living in this locality is taken into account to include changes therein from year to year.
- Merit increases for any position are based primarily on performance of duty, work habits, and attitude of the employee, and secondarily, on the length of service.

- No employee shall be paid less than the greater of the federal minimum hourly wage established from time to time by the Federal Fair Labor Standards Act ("FLSA"), or the rate established by the Illinois Minimum Wage Act, and as amended from time to time.

12.03.1 Pay Plan. The pay plan will set forth a minimum and maximum salary rate for all exempt positions and shall set minimum salary rate, maximum salary rate and a series of salary ranges, based on tenure, for all non-exempt supervisory and nonexempt positions.

12.03.2 Salary Ranges. Salary ranges shall be determined with regard to the grade of salary, qualifications, prevailing salary rates for comparable work in other public and private employment in the area, recommendation of the department head and in accordance with the Village's financial policies and other economic conditions.

12.03.3 Annual Salary Budget. An annual salary budget shall be included as part of the Village Administrator's recommendation. The budget shall be determined after consideration of the Village's current financial condition and shall be prepared as a percentage of the base salaries anticipated to be paid by each department.

12.03.4 Pay Adjustments. Pay adjustments will be based upon the performance of employees, with the exception of sworn members of the Police Department and any members of any other collective bargaining unit whose pay adjustments are governed by the current collective bargaining agreement. Each employee shall be evaluated at least once annually. The department head shall review the performance level and salary level based on tenure and recommend a salary adjustment. There shall be no limitation on the salary adjustment which the department head and the Village Administrator may confer on an employee except in the following situations:

- a. The salary adjustment will increase the employee's base salary to a rate higher than the maximum allowable rate established for the employee's position.
- b. The Village's salary budget has been exhausted.

12.03.5 Temporary/Seasonal Employees. Temporary and seasonal employees shall be paid at an hourly rate determined from time to time by the department head and as approved by the Village Administrator.

## **12.04 Job Scope**

The Village Administrator will evaluate the scope, responsibility, impact and required skills of each Village position, and rank all positions from high to low. This evaluation shall be independent

of any employee or his/her performance. Each position is then assigned a range of pay, including a minimum and maximum. The Village Administrator may periodically examine the market conditions to ensure ongoing compatibility. Changes in pay ranges will be made as needed and as the Village can afford, to maintain market compatibility.

## **12.05 Individual Pay**

An individual's pay within this range will depend on his/her sustained performance over time. Each year every employee shall have a performance review with his/her department head. During that review, significant performances/events that occurred throughout the year will be discussed.

The overall performance rating will influence the wage/salary adjustment. Through individual performance and by increasing job responsibilities and moving to higher level positions, an employee may significantly impact his/her pay. *See Section 12.03, above, for more information.*

## **12.06 New Appointees**

Generally, a new employee shall be hired at the entry level pay rate for the position. The pay rate for each position is based upon the assumption that a new employee meets the minimum qualifications stated in the job description.

When a new employee meets the minimum qualifications, or if an employee is re-employed or reinstated in his/her original position or in another position within a similar job description, that person may be appointed at a rate higher than the Entry Level Rate, subject to the written approval of the Village Administrator. Conversely, with approval of the Village Administrator, original employment, other than for police officer, below the Entry Level Rate may be authorized where the most qualified candidate possesses less than the minimum qualifications for the available position. When the employee is able to function on a full performance basis, he/she will be advanced to the entry level pay.

## **12.07 Promotions**

A promotion is a change in the permanent rank of an employee to a position involving an increase in responsibility and a higher pay range. The employee's pay rate shall be increased based on the current pay scale as applicable for that rank.

## **12.08 Call Back Pay (Non-Exempt Employees)**

Occasionally, an employee may be asked to return to work after he/she has left work for the day. If this occurs, the employee will be guaranteed a minimum of two (2) hours of pay. If the employee works longer than two (2) hours, the employee will be paid for the time actually worked.

## **12.09 Withholdings From Paycheck (Mandatory)**

The Village is required by law to make certain deductions from an employee paycheck each time one is prepared. Among these are federal, state and local income taxes and the employee's

contribution to Social Security and pensions as required by law. These deductions will be itemized on the employee's check stub. The amount of the deductions will depend on the employee's earnings and on the information the employee furnishes on his/her W-2 form regarding the number of dependents/exemptions claimed. Any change in name, address, telephone number, marital status or number of exemptions must be reported to the employee's department head or Finance Director immediately to ensure proper credit for tax purposes. The W-2 form the employee receives for each year indicates precisely how much of the employee's earnings were deducted for these purposes. Any other mandatory deductions to be made from an employee's paycheck, such as court-ordered attachments, will be explained whenever the Village is ordered to make such deductions.

Note: *See* Section 17, "Wage Garnishments (Assignments)", of this Manual for further information. If the employee elects to be covered by the Village's health care plan, a portion of that cost will be deducted as determined by the corporate authorities. *See* Section 24.01 of this Manual for further information.

#### **12.10 Error in Pay**

Every effort is made to avoid errors in an employee's paycheck. If an employee believes an error has been made, he/she should tell his/her department head immediately. The department head will take the necessary steps to research the problem and to assure that any necessary correction is made properly and promptly.

#### **12.11 Overtime Pay**

From time to time it may be necessary for an employee to perform overtime work. When it is necessary to work overtime, the employee is expected to cooperate as a condition of his/her employment.

- 12.11.1      **Basis of Determination.** Overtime shall constitute authorized work in excess of the normal number of scheduled straight hours for which an employee is paid during the designated work cycle of that employee. Authorized forms of paid leave shall be included in calculating hours worked during a given work cycle. The Village shall provide overtime compensation in compliance with the FLSA and any other applicable state or federal law.
- 12.11.2      **Assignment.** All overtime must be authorized in advance by the employee's department head or by a designated supervisor. Employees are expected to respond to a call-out during an emergency or when overtime is assigned, except when illness or unusual circumstances make it impossible to do so. Responsiveness to call-out orders and fulfillment of overtime assignments shall be considered in all performance evaluations. Overtime hours shall be assigned as equally as practical.
- 12.11.3      **Compensation.** All non-exempt employees shall be compensated at a rate of 1 ½ time their regular hourly rate of compensation for each authorized

hour worked in excess of 37.5 hours per week and only after 37.5 hours are completed. If, during that week, an employee is away from the job because of a job-related injury, paid holiday, jury duty, vacation taken in single-day increments, or paid sick time, those hours not worked will not be counted as hours worked for the purpose of computing eligibility for overtime pay.

- (a) Police Department full-time sworn personnel and members of any other collective bargaining unit shall be compensated for overtime and holiday pay in accordance with the current collective bargaining agreement.
- (b) Exempt employees are not eligible for overtime compensation or compensatory time; however, the Village Administrator, in his/her discretion, may grant time off as he/she deems advisable due to long hours worked from time to time.

## **12.12 Compensatory Time**

A non-exempt employee may request compensatory time off in lieu of compensation for overtime hours worked, which shall be provided at a time and one-half (1 ½) basis for each hour of overtime worked, with a maximum accumulation of forty (40) hours of compensatory time.

- 12.12.1 An employee must request the use of compensatory time off at least forty-eight (48) hours in advance. The use of compensatory time shall be subject to the approval of the employee's department head. The department head shall grant the request unless the department head, in his/her reasonable exercise of discretion, determines that the employee's use of compensatory time during the period requested, will disrupt or otherwise have an adverse effect on the operation of the department; provided, however, the department head shall not deny an employee's request to use compensatory time if the denial will violate any applicable federal or state law.
  - (a) All compensatory time credit must be used within six (6) months of accruing such time. Any compensatory time not used within six months shall be forfeited.
  - (b) All police department full-time sworn personnel shall be given compensatory time off in accordance with the current collective bargaining agreement.
  - (c) Exempt employees shall not be eligible for compensatory time.

## **12.13 Work Performed On Village Holidays**

A full-time non-exempt employee who works on an observed Village holiday will be paid at his/her equivalent straight-time hourly rate for the time actually worked, in addition to receiving

holiday pay. Holiday pay for sworn police personnel is subject to the provisions of the current collective bargaining agreement.

- 12.13.1 Police department employees who work on observed Village holidays will receive compensatory time off equal to 1½ times the holiday hours worked. The compensable hour value of observable holidays is set forth in Section 22.02, "Recognized Holidays", of this Manual.
- 12.13.2 In the event any other collective bargaining agreement for employees provide for holiday pay, the holiday pay set forth therein for such employees shall govern.

*See Section 21.01 of this Manual for further information on Holidays.*

## **SECTION 13**

### **HOURS AND DAYS OF WORK**

#### **13.01 Regular Work Schedule**

The standard work cycle for all employees, except police personnel, shall be from Sunday, beginning at 12:00 a.m., through 11:59 p.m. of the following Saturday. The regular work schedule for employees shall be 8:00 am to 5:00 pm on Mondays, Tuesdays, Wednesdays, and Fridays, and 8:00 am to 6:00 pm on Thursdays, or as determined by the Village Administrator or department head for the purpose of best meeting the needs of the Village and in conformance with federal and state regulations. Full-time employees are required to work 37.5 hours during each work cycle.

- 13.01.1 Police Department hours of work shall be as established by the Police Department rules and regulations and the current collective bargaining agreement.

#### **13.02 Compensation**

Compensation, including overtime compensation, will be computed to the nearest quarter hour of time worked.

#### **13.03 Emergencies**

In the event of an emergency, as determined by a department head or Village Administrator, all employees who are called shall be required to report to work upon notification.

## **SECTION 14**

### **OUTSIDE EMPLOYMENT**

Full-time employees and police officers may accept outside employment, whether part-time,

temporary, or permanent, only with prior approval of their department heads and consistent with the requirements of the Illinois Gift Ban Act and this Manual.

**14.01** Outside employment shall not be permitted if:

- (a) The outside employment would extend beyond twenty (20) hours a week, except during an employee's regular days off, holiday or vacation time.
- (b) It physically or mentally hampers the employee in his/her ability to do the job required of the employee for the Village.
- (c) It would reflect adversely upon the employees of the Village.
- (d) Where it appears to have an adverse effect on the employee's sick leave record.
- (e) The outside employment conflicts or interferes, or is likely to conflict or interfere with the employee's ability to discharge the duties and responsibilities of his/her Village job, or when such outside employer does not provide adequate worker's compensation for its employees.
- (f) The outside employment or any service for private interest is incompatible or creates a conflict of interest with his/her official duties. If there is any doubt, the employee should consult with his/her department head or Village Administrator.
- (g) It is a violation of any rule or regulation of the Village.
- (h) The outside employment involves the employee's appearance in Village uniform (unless the Village has signed a contract for police coverage), and use of Village facilities, equipment, telephone, including Village owned cell phones), computer or programs, internet service, facsimile, copier or supplies of any kind.
- (i) No police officer of the Village may serve as a sworn law enforcement officer of another department or agency as secondary employment.

**14.02** The Village reserves the right to prohibit outside employment in the following cases where the outside employment:

- (a) Is conducted on Village time.
- (b) Interferes with working hours or overtime requirements of the employee's position.
- (c) Involves the use of official information not available to the public.
- (d) Which is in conflict with the employee's position with the Village. This shall include work that an employee would be expected to do as part of his/her normal duties; work requiring approval or review of the Village; or work which would tend

to influence the exercise of proper judgment on any matter coming before the employee in the course of his/her Village employment.

**14.03** No employee shall directly or indirectly maintain any outside business or financial interest, or engage in any outside business or financial activity which conflicts with the interest of the Village or which interferes with the employee's ability to discharge Village duties fully. Such conflict of interest shall be grounds for discharge.

**14.04** Employees who engage in outside employment shall do so only with the understanding and acceptance that their primary duty, obligation and responsibility is to the Village of Olympia Fields. All Village employees are subject to call at any time for emergencies, special assignments or overtime duty. No outside employment may infringe upon this obligation.

**14.05** It is the employee's responsibility to keep his/her department head fully informed with regard to any non-Village employment which the employee may have. Employees who have permission for outside employment must provide their department heads with contact information, including the name, address and telephone number of the outside employer and must notify their department heads of any change in such information. An employee shall notify his/her department head each time there is a change in the employee's outside employment, including a change in the employer, the nature of work performed, or the address or telephone number of such employer.

## **SECTION 15**

### **PAY PERIOD**

#### **15.01 Pay Cycle**

Village employees will be paid on the 15<sup>th</sup> and 30<sup>th</sup> of each month. If the pay day falls on a Saturday, Sunday or holiday (excluding floating holidays), the payday will be the Friday before. If a legal holiday falls on a weekday, the pay check will be issued on the regular workday immediately preceding the holiday.

#### **15.02 Distribution**

Paychecks are:

- delivered to the department head for distribution no later than 12:00 p.m. on payday and handed to the employee by the end of the workday; or
- directly deposited to the employee's checking or savings account.

15.02.1 Pick up by third party. Family members may pick up an employee's pay check if they have authorization in writing from the employee. Each department head shall keep a record of family members who have written

authorization. Employees shall be responsible for keeping such written authorizations current.

15.02.2 Illness/Emergency. In the case of illness or emergency, an employee may give the department head verbal approval to distribute the employee's pay check to another person, provided the person who picks up the check signs a receipt for it.

## **SECTION 16**

### **TIME-KEEPING PROCEDURES**

Department heads shall develop and implement a method for keeping a record of the time worked by employees in their departments. Employees shall keep accurate records of the hours they work using the method developed by the department head. If the employee makes an error on his/her card, the department head must make the correction and the employee and department head must initial the correction.

Falsification of time records by an employee, whether it's the employee's record or another person's record, is grounds for disciplinary action, including discharge of any employee involved in the falsification.

## **SECTION 17**

### **WAGE GARNISHMENTS (ASSIGNMENTS)**

The Village is obligated to execute any court-ordered wage assignment or garnishment against an employee's wages. Whenever a court-ordered deduction is to be taken from an employee's pay check, the employee will be notified.

According to the federal and state wage garnishment laws, two (2) or more garnishments, unless such garnishments are for child support or alimony, that require the Village to make deductions from an employee's pay, may be cause for dismissal.

## **SECTION 18**

### **PERFORMANCE AND COMPENSATION REVIEWS**

#### **18.01 Responsibility**

A formalized program for evaluating the work performance of all Village employees shall be maintained. The Village Administrator, in cooperation with department heads, will administer a system of rating employee performance. The standards of performance recommended as a basis of such rating will have reference to the quality and quantity of work done, the manner in which the work is done, the conduct of employees and faithfulness to their duties, and other characteristics that measure the value of an employee.

## **18.02 Purpose**

The purpose of these evaluations is to enable employees and supervisory personnel to work together to improve job performances and, therefore, the service provided Village residents. A copy of the job performance evaluation will be provided and discussed with the employee involved. The employee will have a space provided on the evaluation form to comment on the rating. The employee, as well as all personnel involved in the rating process, will be required to sign and date the form. The original signed evaluation shall be placed in the employee's personnel file.

## **18.03 Use of Evaluations**

Performance evaluations may also be used in determining the successful completion of an employee's probationary period; including disciplinary actions or dismissal, as a basis for salary increases; as a factor in determining order of layoff; as a basis for training, promotions, demotions and transfers; and for such other purposes as may be set forth in this Manual.

## **18.04 Frequency of Evaluations**

Each department head shall prepare and record on the forms prescribed by the Village Administrator, evaluations of the performance of all probationary, full-time and part-time employees. Job performance evaluations for all personnel will be done at the end of six (6) months of employment for probationary employees and thereafter, annually by the department head, unless the probationary period is extended. In such cases, the job performance evaluation shall be again conducted at the end of the extended probationary period and thereafter on an annual basis. The Village Administrator shall review and sign-off on all evaluations.

## **18.05 Seasonal/Temporary Employees**

Seasonal/temporary employees are not covered by the Village's performance evaluation program. Seasonal/temporary employees who are re-employed in the same position may be awarded a performance-based increase at the discretion of the Village Administrator; provided, however, that seasonal/temporary employees shall not be eligible for more than one (1) salary increase in any twelve (12) month period.

# **SECTION 19**

## **WORK SCHEDULE**

### **19.01 Absence or Lateness**

From time to time, it may be necessary for an employee to be absent from work. The Village is aware that emergencies, illnesses, or pressing personal business that cannot be scheduled outside work hours may arise. Sick days and personal days have been provided for this purpose.

If an employee is unable to report to work, or if the employee will arrive late, he/she is to contact

the department head immediately. The employee must give the department head as much time as possible to arrange for someone else to cover the employee's position until the employee arrives. If the employee knows in advance that he/she will need to be absent, the employee is required to request this time off directly from the department head. The department head will determine when will be the most suitable time for the employee to be absent from work. When the employee calls in to inform the Village of an unexpected absence or late arrival, he/she should ask for the department head directly. For late arrivals, the employee must indicate when he/she is expected to arrive for work. **Notifying the switchboard operator or a fellow-employee is not sufficient.** If the employee is unable to call in him/herself because of an illness, emergency or for some other reason, the employee must have someone call on his/her behalf. If the department head is not available, the employee may leave the information with his/her supervisor.

Absence from work for three (3) consecutive days without notifying the department head or supervisor will be considered a voluntary resignation.

## 19.02 Break Periods

19.02.1      Lunch Breaks. If an employee works 7½ continuous hours or more, the employee will be given a ½ hour unpaid lunch break to begin no later than five (5) hours after the start of the workday, unless otherwise provided in a current collective bargaining agreement. Scheduling of lunch breaks shall be determined by the department head or designee. The department head will give each employee his/her lunch period schedule.

Each employee is expected to take his/her fully allotted time for lunch. The employee should not perform any work during his/her regularly scheduled lunch period, unless specifically requested to do so by the department head. In that event, the lunch period will be rescheduled or the employee will be paid for the time worked, as provided in Section 12.11, "Overtime Pay", of this Manual.

Lunch periods not taken, except as provided above, shall not result in additional compensation to the employee.

19.02.2      Break/Rest Periods. Full-time employees are entitled to two (2) fifteen (15) minute rest break per 7½ day without loss of pay. Rest breaks for part-time employees shall be at the supervisor's or department head's discretion, without loss of pay. Scheduling of rest breaks shall be determined by the supervisor or department head. Employees shall conform to the schedule set forth in the departmental rules or as determined by their department head.

19.02.3      Sworn Police Officers. Police officers must be prepared to respond to calls at all times, even during a meal break. Therefore, police officers are considered to be on paid time when on meals or breaks or as provided in the current collective bargaining agreement.

### **19.03 Attendance**

Employees are expected to be in attendance on time at their designated work site in accordance with their respective department work rules. The employee must notify his/her supervisor or department head forty-eight (48) hours prior to scheduling a day off unless such time of is the employee's scheduled vacation time or an emergency.

### **19.04 Record of Absence or Lateness**

When absent because of illness for three (3) or more successive days, an employee is required to submit written documentation from his/her doctor. If absent five (5) or more workdays because of illness, the employee will be required to provide written documentation from a doctor that he/she is able to resume normal duties before the employee is allowed to return to work. The employee is responsible for any charges made by his/her doctor for this documentation.

The employee's department head will make a note of any absence or lateness, and the reason, in the employee's personnel file. An employee's attendance record will be considered when evaluating requests for promotions, transfers, leaves of absence and approved time off, as well as scheduling layoffs, etc.

### **19.05 Inclement Weather and "Acts of God"**

In the event inclement weather, power/utility failure, fire, flood or some other "Act of God" keeps the Village from operating, full-time employees, except public work employees and police officers, will receive their regular pay, provided the Village officially declares that it is closed for that time. Every effort will be made to provide employees with advance notice in the event the Village will be closed.

## **SECTION 20**

### **SEPARATION OF EMPLOYEES**

#### **20.01 Termination/Suspension**

Employees may be suspended and/or terminated in accordance with Section 10 of this Manual.

#### **20.02 Resignation**

- 20.02.1 To resign in good standing, a regular full-time non-exempt employee must submit a resignation, in writing, to the Village Administrator, a minimum of two (2) weeks (14 calendar days) notice prior to the effective date of resignation. The notice must state the effective date of the resignation and the reasons for leaving. This two (2) week requirement may be waived by the Village Administrator under special circumstances.
- 20.02.2 An employee shall not be allowed to use vacation time after submitting

his/her resignation and prior to the effective date.

- 20.02.3 An employee leaving Village employment, whether through resignation, lay-off, or dismissal, shall return all Village property prior to the date of termination. Failure to return Village property will result in the employee's final paycheck being held back and the value of the outstanding Village property deducted from the final paycheck.
- 20.02.4 An employee who resigns from Village employment in good standing and who subsequently applies for re-employment, may be considered in filling positions with the Village for which he/she is qualified. The employee shall not be credited with prior Village service in the computation of seniority, longevity or vacation time earned. An employee who resigns without proper written notice, fails to return Village property, resigns while disciplinary action is pending against him/her, or is dismissed from employment, shall not be considered to have resigned in good standing, and therefore, not be eligible for re-employment.
- 20.02.5 Exempt employees shall give the Village Administrator at least twenty-eight (28) days written notice prior to the effective date of the resignation.

### **20.03 Severance Pay**

The Village does not pay severance pay. When an employee leaves Village employment, he/she will be paid for actual time worked, plus any accrued but unused vacation time, as specified in Section 21.05, "Vacations", of this Manual and any accrued but unused sick time, as specified in Section 21.06, "Sick Leave", of this Manual. The Village Administrator and department heads will be entitled to the severance pay set forth in their respective employment contracts or agreements.

### **20.04 Layoffs and Recall**

- 20.04.1 The order of layoff shall be determined by the Village Administrator. Seniority and performance shall be taken into consideration by the Village Administrator in determining the layoff sequence, but seniority shall not be the governing factor, except as otherwise provided by statute.
- 20.04.2 The same considerations shall apply in recall situations. A recall notice will be sent by registered or certified mail to the last known address on Village records.
- 20.04.3 A recalled employee who does not report for work within seven (7) days after notice of recall is received (or arranges to return to work within fourteen (14) days) will be considered to have resigned.

## **20.05 Deaths**

All normal separation benefits shall be paid to the named beneficiary or estate as required by law.

## **20.06 Exit Interview**

An exit interview will be conducted by the Village Administrator.

# **SECTION 21**

## **BENEFITS**

### **The Benefits Package**

In addition to receiving an equitable salary and having an equal opportunity for professional development and advancement, an employee may be eligible to enjoy other benefits that will enhance the employee's job satisfaction.

A good benefits package is a solid investment in the Village and its employees. It not only insures the loyalty of long-time capable employees, it also helps to attract talented newcomers who can help the Village grow. The Village Administrator will periodically review the benefits program and will make modifications, with the approval of the President and Board of Trustees, as appropriate to the Village's financial condition.

### **Eligibility for Benefits**

All full-time non-exempt and exempt employees will enjoy the benefits described in this Manual as soon as they meet the eligibility requirements for each particular benefit.

Part-time employees will enjoy only those benefits specifically made applicable to the part-time employee as described in this Manual, or which are required by federal or state law to be afforded to such employee, provided he/she meets the minimum requirements set forth by law and in the benefits plan(s).

No benefits, except for earned sick leave, vacation, and health, dental and life insurance are available to an employee during his/her Probationary Period, except as otherwise provided by federal or state law. For purposes of eligibility for, and accrual of, benefits provided by the Village, "full-time or part-time employment" shall not include any period which is unpaid, and which exceeds thirty (30) calendar days, unless otherwise provided by federal or state law. Unpaid periods of leave up to and including thirty (30) calendar days shall be included in calculating the length of the employee's active service.

For sworn police officers, where any benefit provided in the current collective bargaining agreement conflicts with any of the benefits provided in this Manual, the benefit provided in the collective bargaining agreement shall apply.

Temporary or seasonal employees are not eligible for benefits.

### **Paid Leaves of Absence**

Time off for any reason during a working day will count first against the employee's allotted sick days or personal days, as appropriate, in hourly, quarter day, half day or full day increments. Once the employee has used all of his/her earned sick or personal days, the time will be counted against the employee's earned vacation time. Thereafter, unless specifically accepted, any time off will be without pay.

#### **21.01 Holidays**

21.01.1 Eligibility. Only full-time employees are eligible for holiday pay. A full-time employee's eligibility for paid holidays begins immediately upon employment as a full-time employee.

(a) Part-time, temporary and seasonal employees are not entitled to holiday pay. However, such employees may observe the designated holiday if the Village offices are closed. Compensation for part-time, temporary or seasonal employees who work on a designated holiday shall be determined by the department head, with approval of the Village Administrator.

(b) Sworn police officers and members of any other collective bargaining unit are entitled to holiday pay as set forth in the respective current collective bargaining agreement.

21.01.2 Work on Holidays. See subsection 21.01.1, above for compensation information.

#### **21.02 Recognized Holidays**

The following holidays are paid holidays for full-time employees:

HOLIDAY	TIME ALLOWED OFF
New Year's Day	1 day
Martin Luther King Day	1 day
President's Day	1 day
Memorial Day	1 day
Independence Day	1 day

Labor Day	1 day
Columbus Day	1 day
Veteran's Day	1 day
Thanksgiving	2 days (Thursday & Friday after Thanksgiving)
Christmas	2 days (Christmas Eve & Christmas Day)
New Year's Eve	1 day

Whenever any of the above holidays falls on a Sunday, it shall be observed on the Monday immediately following; whenever the holiday fall on a Saturday, it will be observed on the preceding Friday.

### **21.03 Holiday Policies**

21.03.1      Loss of Holiday Pay. An unauthorized absence by an employee on the last scheduled working day before or the first scheduled working day after a Village observed holiday, shall result in the employee not being compensated for the holiday, nor for the period of absence without authorized leave, and may also be subject to disciplinary action. If a holiday occurs during a period that the employee is on vacation, no vacation time will be charged for that day. For all holidays falling within an employee's leave of absence, disciplinary suspension, or lay off, such holidays shall not be compensable.

21.03.2      Religious Holidays. An employee may take off to observe his/her religious holidays. If available, a full day of unused (sick/personal) leave, or a vacation day may be used for this purpose. Otherwise the time off is without pay. The employee must notify his/her department head at least two weeks (14 calendar days) in advance.

### **21.04 Personal Days**

Full-time employees are eligible for three (3) paid Personal Days per calendar year. Examples of reasons for which an employee may request a Personal Day include, but are not limited to personal business, medical and dental examinations, personal emergencies, family emergencies, court appearances and religious holidays. Time off may be taken in increments of not less than two (2) hours. Prior approval of the department head or the Village Administrator must be obtained for two of the personal days. One (1) Personal Day may be taken at any time without notice; however, the Personal Day taken without notice must be a whole, 7½ hour day. Unused personal day leave may not be carried over from one year to the next, nor will there be any compensation for unused leave at the time of separation from Village employment. A new employee starting work after October 31<sup>st</sup> shall be eligible for four (4) hours of personal leave for that calendar year.

Part-time, temporary and seasonal employees may take up to three (3) Personal Days without pay with the approval of the department head or Village Administrator.

## 21.05 Vacations

21.05.1 Accrual. Full-time employees completing a probationary period and attaining permanent full-time status hired on or after May, 2019 shall be allowed vacation leave according to the following schedule:

YEARS OF SERVICE	ANNUAL VACATION ACCRUED
Year one (1) of service through nine (9) years	10 working days
Ten (10) years through fourteen (14) years	15 working days
Fifteen (15) years through nineteen (19) years	20 working days
Twenty (20) years or more	25 working days

Employees hired prior to April 1, 2019, shall be subject to the vacation leave policy in effect on their date of hire, as follows:

YEARS OF SERVICE	ANNUAL VACATION ACCRUED
Less than one (1) year of service	
After one (1) year of service through seven (7)	10 working days
Eight (8) years through fourteen (14)	15 working days
Fifteen (15) years through nineteen (14)	20 working days
Twenty (20) years or more	25 working days

21.05.2 Vacation leave must be taken in the year following the year accrued, and any excess accrued may not be carried over into the following year, except as provided below in subsection 21.05.6.

21.05.3 Vacation Periods. Employees must take at least one (1) full week of vacation consisting of five (5) consecutive work days annually. Otherwise, vacation leave must be taken in minimum blocks of one (1) day at a time. An exception may only be granted with the written consent of the Village Administrator and the department head. Employees are required to file a request for vacation leave with their department head at least one (1) month in advance. The department head shall approve and schedule vacation leaves with particular regard with operating requirements, and insofar as possible, with the requests of the employees. If any conflicts arise in requests for vacation leave, preference will be given to the employee with the most seniority.

21.05.4 Absence on account of sickness, death in the family, injury or disability in excess of that authorized in this Manual for such purposes, may at the

request of the employee, and at the discretion of the Village Administrator and department head, be charged against an employee's vacation leave allowance.

21.05.5 No salary payment shall be made in lieu of vacation earned but not taken except upon termination of employment for eligible employees as provided in subsection 22.05.8.

21.05.6 Carry-over. Vacation credits earned in one (1) twelve month period of time shall be fully used during the succeeding twelve (12) months or to the end of the calendar year. Carry-over will only be approved in unusual circumstances by the Village Administrator and department head. This approval shall be documented and filed in the employee's personnel records. Except in instances specifically approved by the Village Administrator and department head, the chaining of the use of vacation credits with previously earned vacation credits shall not be permitted. In effect, an employee cannot run together two (2) consecutive years of vacation credits without the approval of the Village Administrator and department head.

21.05.7 Holidays and Sick Leave. When a Village observed holiday occurs during the period of an employee's vacation, an additional day of vacation leave shall be granted. If an employee becomes ill during a vacation period, such days may not be designated as sick leave days, thereby carrying over the vacation time to another period, unless specifically approved by the Village Administrator.

21.05.8 Separation from Employment. If the employee does not work the entire time to earn the vacation days after they have been taken, the employee shall repay the Village for those vacation days not earned upon termination of Village employment. A full-time employee who is departing from Village employment shall be paid any accrued, unused vacation time upon separation. However, upon termination of employment, the effective date of termination shall not be extended by the number of days represented by a salary payment for unused vacation. Should an employee leave Village employment for any reason before his/her probationary period is completed, the employee shall not be entitled to any accrued vacation pay.

21.05.9 Upon the death of a Village employee, the named beneficiary of the deceased employee shall be entitled to receive such sum for any accrued vacation period to which the employee was entitled at the time of death. Such benefits shall be computed by multiplying the employee's daily rate by the number of days accrued vacation due.

21.05.10 Part-time, temporary and seasonal employees are not eligible to accrue or use any paid vacation leave.

## 21.06 Sick Leave

Sick leave is a privilege provided by the Village and shall not be abused. It is intended to cover genuine illness and is not to be used as a means of obtaining additional time off. All full-time employees are eligible for sick leave with pay due to illness or injury, other than in line of duty, according to the following provisions.

21.06.1 Eligibility. Full-time employees are eligible for ten (10) sick days each calendar year. A full-time employee who has not worked a full calendar year will be eligible for .83 days per month.

21.06.2 Usage. A full-time employee may use sick leave for the following reasons:

- Personal illness or physical incapacity;
- Quarantine of an employee by a physician;
- Illness or injury in immediate family of employee (immediate family is defined as spouse, parent, child, brother, sister, mother-in-law or father-in-law) subject to approval of the department head;
- Inability to perform job duties due to pregnancy or childbirth (unless the employee is on disability leave through the Illinois Municipal Retirement Fund (IMRF);
- Doctor or dentist appointments that cannot be scheduled during non-work hours, subject to the department head's approval; or
- Any purpose allowed under the Family and Medical Leave Act (FMLA)

Note: *See Section 23, “Family and Medical and Military Caregiver Leave Policy”, of this Manual.*

21.06.3 Accumulation/Payment of Unused Sick Days. Full-time employees will be paid for each unused sick day at their regular rate of pay on January 15<sup>th</sup> of the following accrual year. Upon completion of the calendar year, and prior to January 15<sup>th</sup>, the employee may choose between payment for all unused sick days or bank part or all of the earned sick days. Sick days given in any given current year must be used prior to employees using any sick days in their sick bank. Employees are allowed to bank up to a maximum of thirty (30) sick days.

21.06.4 Unused Sick Leave. Unused sick leave will not be compensated for in any way at the time of resignation or dismissal of an employee. An employee leaving Village employment shall not be allowed to use sick leave in the

last two (2) calendar weeks of employment.

21.06.5      Retirement. A full-time employee retiring from Village employment may use his/her accumulated (banked) sick leave to receive additional pension credits if allowed by IMRF or other public pension program. For this benefit, "retirement" shall mean the employee's separation from employment with the Village after meeting the minimum requirements for a full pension under the employee's public pension plan.

21.06.6      Notification. An employee who is unable to report to work shall notify his/her immediate supervisor or department head as soon as the necessity of the absence becomes known to the employee, but in no event less than one half (½) hour prior to the starting time for that employee. Failure to provide notice on each such day shall be considered a leave of absence without pay for that full day. Repeated failure to adhere to this notification provision will result in disciplinary action, including loss of sick leave benefits, suspension and/or dismissal. Paid sick leave will not be granted if taken immediately before or after authorized vacation or holiday time unless specifically approved by the Village Administrator.

21.06.7      Physician Certification. Sick leave with pay of three (3) consecutive working days shall be allowed only after presenting a written statement by a physician certifying that the employee's condition prevented the employee from reporting to work and the employee's ability to return to work if requested by the department head or Village Administrator.

(a)      A physician's certificate may be required for absences of three (3) days at the discretion of the department head or Village Administrator when either has reasonable suspicion that the employee is abusing his/her sick leave privilege.

(b)      The Village may require an employee to be examined by a physician or other medical professional designated by the Village for the purpose of determining whether an employee is suffering from a physical or mental condition which has resulted in the employee being unable to work or which makes it inadvisable in the exercise of sound medical discretion for the employee to work. If the physician or other medical professional designated by the Village certifies that an employee is capable of returning to work at the employee's assigned position or at a temporary position determined by the department head, the employee must return to work as soon as reasonably possible.

21.06.8      Partial Days. Absence for a part of the day that is chargeable to sick leave shall be charged in an amount not smaller than one (1) hour increments.

21.06.9      Exhaustion of Sick Days. An employee who has exhausted his/her sick leave may apply paid vacation time or personal days to authorized sick leave.

21.06.10      Work-Related Injury/Disability. An employee receiving sick leave with pay who simultaneously receives compensation under Worker's Compensation laws or through disability provisions of the IMRF, or the Police Pension Fund Act, shall receive for the duration of such compensation, only that part of their regular salary which will, together with said compensation, equal their regular salary.

21.06.11      Records. Records of all credits and debit to the sick leave account of each employee will be kept and may be reviewed by the employee upon request to his/her department head.

21.06.12      Abuse of Sick Leave. Abuse of sick leave privileges shall be subject to disciplinary action, including dismissal of the employee from Village employment.

21.06.13      Part-time, temporary and seasonal employees shall be excused from having to work by their department head for the same reasons that a full-time employee is eligible for sick leave but shall not be entitled to sick leave benefits.  
  
(a)      The sick leave policy for sworn police officers shall be as provided in the current collective bargaining agreement and/or as provided in the Police Department Rules and Regulations.

21.06.14      The Village Administrator or an employee's department head has the right to direct an employee to leave work due to illness.

## **21.07 Maternity Leave**

Regular full-time employees who are unable to work due to pregnancy related disability shall be entitled to leave for the period of their disability on the same basis as other employees with disabilities. Compensation and benefits (if any) while on leave shall be afforded on the same terms as for all other employees absent due to disability not caused by a work-related injury.

Pregnancy and childbirth are considered temporary disabilities by the IMRF. Applications for such temporary disability are made by the employee directly to IMRF according to its applicable rules.

*See also Section 23, "Family and Medical and Military Caregiver Leave Policy", and Section 37.03, "Pregnancy Discrimination".*

## **21.08 Funeral (Bereavement) Leave**

21.08.1 A full-time employee may be granted up to three (3) working days leave with pay in the event of a death of a spouse, child (including step or adopted), mother or mother-in-law, father or father-in-law, sister, brother, or grandparents. If the employee receives notification of the death while at work, he/she may also be allowed the balance of the working day off with pay.

21.08.2 If any portion of the approved leave falls on any day the employee is not scheduled to work, the employee will receive compensation for only those days normally worked. Funeral leave shall include a maximum of three (3) calendar days regardless of the relationship to scheduled days.

21.08.3 Such leave shall not be deducted from either sick leave or vacation leave. Use of accrued vacation or sick leave may be used by an employee to extend funeral leave if approved by the department head or Village Administrator.

21.08.4 The Village may require proof of death, relationship and/or attendance at the funeral.

21.08.5 Vacations will be extended as a result of a death of an immediate family member occurring during vacation.

21.08.6 Leave without pay may be granted to employees seeking leave to attend funerals of relatives other than the employee's immediate family. Request for such leave shall be made to the employee's department head. If the employee prefers, unused personal leave or earned vacation may be used for this purpose.

## **21.09 Jury/Witness Duty**

All employees shall receive full pay for time spent on jury duty, as limited below. An employee testifying as a witness at the request of the Village shall also receive full pay, as limited below, for such time. Employees testifying as a witness for another reason shall not receive pay for time not worked. Part-time, temporary and seasonal employees shall be granted unpaid leave when required to appear for jury duty. Part-time, temporary and seasonal employees testifying as witnesses at the request of the Village will receive their hourly rate only for the time spent at court testifying for the Village.

Compensation for such leave shall be limited to the difference between the pay received for this service and the employee's normal pay, not to exceed 7½ hours per day. Full-time employees shall receive that portion of their regular salary equivalent to the time normally worked. However, jury duty shall be paid to the Village. In order to receive jury duty pay, the employee must present a statement of jury service issued by the court to his/her department head. Should a Village observed holiday occur during jury duty, additional holiday time or holiday pay shall not be given to the

employee.

On any day or half-day the employee is not required to serve, the employee must return to work, unless the location or other circumstances of jury duty makes such a return to work during the half-day unreasonable.

When an employee is notified of jury/witness duty, the employee is to provide written notification to his/her supervisor or department head the following business day after receiving such summons or notification.

When serving on a jury, the employee must make regular contact with his/her supervisor or department head.

#### **21.10 Leave for Blood Donation**

- 21.10.1 An employee may use up to one (1) hour or more, upon approval of his/her department head, or in accordance with a current collective bargaining agreement, to donate blood every 56 days in accordance with medical standards.
- 22.10.2 An employee may use the leave authorized only after obtaining approval from his/her department head.

### **SECTION 22**

#### **UNPAID LEAVES OF ABSENCE**

##### **22.01 Illinois School Visitation Rights Act**

The Village will comply with the Illinois School Visitation Rights Act, 820 ILCS 147/1 *et al.*

- 22.01.1 The Village will grant an employee leave of up to a total of eight (8) hours during any school year, and no more than four (4) hours of which may be taken on any given day, to attend school conferences or classroom activities related to the employee's child if the conference or classroom activities cannot be scheduled during non-work hours.
- 22.01.2 In order to qualify for this leave, an employee must exhaust all accrued vacation leave, personal leave, compensatory leave, and any other leave granted to the employee except sick leave and disability leave.
- 22.01.3 The employee must provide his supervisor or department head with a written request for the leave at least seven (7) days in advance. In emergency situations, no more than twenty-four (24) hours' notice is required. The employee must consult with his/her supervisor or department head to schedule the leave so as not to unduly disrupt the operations of the

Village.

22.01.4

The leave is unpaid leave. However, the employee may work extra hours to make up the time off as directed by the department head, and if a reasonable opportunity exists for the employee to make up the time taken. A reasonable opportunity to make up the time does not include the scheduling of make-up time in a manner that would require the payment of wages on an overtime basis. If the time is made up, the time shall be credited at the same rate as paid for the employee's normal working hours.

22.01.5

The department head or Village Administrator has the right to require documentation of the school visitation from the employee. This verification shall be provided by the school administrator. Failure of an employee to submit the verification, if requested within two (2) working days of such request, shall subject the employee to disciplinary action for an unexcused absence from work.

## **22.02 Election Day**

The Village encourages employees to exercise their voting privileges in local, state and national elections. However, since there is now early voting and on Election Day the polls are open for long periods, the employee is encouraged to participate in early voting or to vote before or after regular working hours.

## **22.03 Military Leaves of Absence**

This Policy shall apply to full-time employees.

22.03.1

Definitions. The following definitions shall apply to this Policy:

- (1) “Active Duty” means any full-time military service regardless of length or voluntariness including, but not limited to, annual training, full-time National Guard duty, and State active duty, Active duty, unless otherwise provided, includes active duty without pay.
- (2) “Active Service” means all forms of active and inactive duty regardless of voluntariness including, but not limited to, annual training, active duty for training, initial active duty training, overseas training duty, full-time National Guard duty, active duty other than training, state active duty, mobilizations, and muster duty. Active service, unless otherwise provided, includes active duty without pay. Active service also includes reserve component voluntary service and reserve component involuntary service as set forth in the Illinois Service Member Employment and Reemployment Rights Act, 330 ILCS 61/1-10.

- (3) “Base/Basic Pay” means the main component of military pay, whether active or inactive, based on rank and time in service. It does not include addition of conditional funds for specific purpose such as allowances, incentive and special pay.
- (4) “Benefits” means the terms, conditions, or privileges of employment, including wages or salary for work performed, that accrues by reason of an employment contract or agreement or Village policy, plan or practice and includes rights and benefits under a pension plan, health plan, insurance coverage and awards, bonuses, severance pay, supplemental unemployment benefits, vacations, and the opportunity to select work hours.
- (5) “Differential Compensation” means pay due when the employee’s daily rate of compensation for military service is less than his/her daily rate of compensation as a Village employee.
- (6) “Inactive Duty” means inactive duty training, including drills, consisting of regularly scheduled unit training assemblies, additional training assemblies, periods of appropriate duty or equivalent training, and any special additional duties authorized for reserve component personnel by appropriate military authority. “Inactive duty” does not include active duty.
- (7) “Military Leave” means a furlough or leave of absence while performing active service. It cannot be substituted for accrued vacation, annual, or similar leave with pay except at the sole discretion of the employee. It is not a benefit of employment that is requested but a legal requirement upon receiving notice of pending military leave.
- (8) “Military Service” means:
  - (i) Service in the Armed Services of the United States, National Guard of any state or territory regardless of status and the State Guard. “Military service”, whether active or reserve, includes service under U.S.C. Titles 10, 14 or 32, or State active duty.
  - (ii) Service in a federally recognized auxiliary of the United States Armed Forces when performing official duties in support of military or civilian authorities as a result of an emergency.
  - (iii) A period for which an employee is absent from employment for the purpose of medical or dental treatment for a

condition, illness, or injury sustained or aggravated during a period of active service in which treatment is paid by the United States Department of Defense Military Health System.

- (9) "Reserve Component" means the reserve component of Illinois and the United States Armed Forces regardless of status.
- (10) "State Active Duty" means full-time State-funded military duty under the command and control of the Governor and subject to the Military Code of Illinois.

22.03.2

Basic Protections:

- (a) All employment rights shall be extended to an employee in military service unless otherwise provided.
- (b) Although an employee is not required to get permission for military service, the employee is required to give advance notice of pending service unless it is a military necessity.
- (c) The Village may not impose conditions for military leave, such as work shift replacement unless the employee requests scheduling options in lieu of paid military leave.
- (d) An employee is not required to accommodate the Village's needs as to the timing, frequency, or duration of military leave; however, the Village may bring concerns over the timing, frequency, or duration of military leave to the attention of the appropriate military authority.
- (e) An employee who is absent on military leave shall, minimally, for the period of military leave, be credited with the average of the efficiency or performance ratings or evaluations received for the 3 years immediately before the absence for military leave. The rating shall not be less than the rating the employee received for the rated period immediately prior to the employee's military leave. In computing seniority and service requirements for promotion eligibility or any other benefit of employment, the period of military duty shall be counted as civilian service. This subsection does not apply to probationary periods.

Compensation and Health Insurance:

- (a) Concurrent compensation. During periods of military leave for annual training, an employee shall receive full compensation for up to 30 days per calendar year. Military leave for purposes receiving concurrent compensation may be performed nonsynchronously.
- (b) Differential compensation. During periods of military leave for active service, an employee shall receive differential compensation subject to the following:
  - (i) An employee may elect the use of accrued vacation, annual or similar leave with pay in lieu of differential compensation during any period of military leave.
  - (ii) Differential compensation for voluntary service is limited to 60 work days in a calendar year.
  - (iii) Differential compensation shall not be paid for active service without pay.
  - (iv) An employee who has exhausted concurrent compensation under subsection (a) above, in a calendar year, shall receive differential compensation when authorized under subsection (b)(ii) above, in the same calendar year.

A copy of the military voucher shall be submitted prior to authorization for payment to the employee for the period of such leave.

- (c) Village's Health Plan. The Village's share of the full premium and administrative costs shall continue to be paid by the Village for active duty:
  - (i) If an employee is in military service less than thirty-one (31) days, health insurance shall be provided as if the employee had remained employed. If the period of active service is thirty-one (31) days or more, the employee shall be charged 102% of the entire premium, including the part that the Village normally pays.
- (d) Pension. The period of active duty shall not be considered a break in service for vesting and accrual purposes. If an employee elects to continue making pension contributions while on military duty, the Village shall make its proportionate share for that time period.

The employee shall be given a grace period of up to five (5) years after returning to make up the contributions.

22.03.4

Re-employment. A full-time employee who is called to active duty or who leaves the employ of the Village to enter military service, shall, upon discharge, be entitled to return to the position of employment which he/she left with the same increases in status, seniority and wages that were earned during his/her term of military service by employees in like positions who were on the job during the time of such returning employee, or to a position of like seniority, status and pay unless the Village's circumstances have so changed as to make it impossible or unreasonable to do so, provided:

- He/she receives a certificate or other evidence of honorable discharge or satisfactory completion of military service;
- Is, at the time of discharge or completion of military service, still qualified to perform the duties of the position of employment which he/she left;
- Makes an application for re-employment within the following time limits:
  - (i) **Less than 31 days service:** By the beginning of the first regularly scheduled work period after the end of the calendar day of duty, plus time required to return home safely and an eight (8) hour rest period. If this is impossible or unreasonable, then as soon as possible.
  - (ii) **31 to 180 days:** The employee must apply for reemployment no later than 14 days after completion of military service. If this is impossible or unreasonable through no fault of the employee, then as soon as possible.
  - (iii) **181 days or more:** The employee must apply for reemployment no later than 90 days after completion of military service.
  - (iv) **Service-connected injury or illness:** Reporting or application deadlines are extended for up to two (2) years for persons who are hospitalized or convalescing.

If the employee is not qualified to perform the duties of his/her former position by reason of disability sustained during military

service, but is qualified to perform the duties of another position, he/she shall be restored to such other position with like seniority, status and pay, or the nearest approximation thereof consistent with the circumstances of his/her case.

## **22.04 Victims' Economic Security and Safety Act Policy ("VESSA")**

22.04.1 Employee Entitlement. All employees may take up to twelve (12) weeks of unpaid VESSA leave during each consecutive twelve (12) month period for which eligibility criteria have been met. The initial 12-month period is measured forward from the date the employee first takes VESSA leave. The next 12-month period begins the first time VESSA leave is taken after completion of any previous 12-month period. VESSA leave shall be granted to enable an employee who is a victim of domestic or sexual violence to maintain financial independence necessary to leave abusive situations and to protect the civil and economic right of an employee who is a victim of domestic or sexual violence and an employee with a family or household member who is a victim.

22.04.2 Employee Eligibility. To be eligible for VESSA leave, an employee must:

- (a) Currently be an employee in active status;
- (b) Be a victim of domestic or sexual violence or have a family or household member who is a victim. A "family or household member" is defined as a spouse, parent, son, daughter, other person related by blood or by present or prior marriage, other person who shares a relationship through a son or daughter, and persons jointly residing in the same household.
  - (i) The child who is a victim must be under the age of eighteen (18) or, if eighteen (18) years or older, the child is mentally or physically disabled and incapable of self-care.
  - (ii) VESSA is not allowed if the employee's interests regarding the violent act are adverse to the victim's interest.

22.04.3 Reasons for Leave. An eligible employee may take VESSA leave for the following reasons:

- (a) To seek medical attention for, or recover from, physical or psychological injuries caused by domestic or sexual violence;
- (b) To obtain services from a victim services organization;
- (c) To obtain psychological or other counseling;

- (d) To participate in safety planning, seek temporary or permanent relocation, or take other actions to increase the safety of the victim from future domestic or sexual violence or ensure economic security; or
- (e) To seek legal assistance or remedies to ensure the health and safety of the victim, including preparing for or participating in any legal proceeding related to or resulting from domestic or sexual violence.

If an employee misrepresents facts in order to be granted a VESSA leave, the employee will be subject to immediate termination.

22.04.4 Notice of Leave. The employee must provide the Village with at least forty-eight (48) hours prior notice of the employee's intention to take the leave, unless advance notice is not practicable under the particular circumstances. When an unscheduled absence occurs, the employee must provide notice and the required certification required under subsection 22.04.5, within a reasonable period of time after the absence. Failure to provide the required notice and certification may result in treatment of the absences as unexcused.

22.04.5 Certification. An employee requesting VESSA leave must provide the following documents for all absences: The certification must show that: (1) the victim for whom the leave is requested is the employee, a covered family member, or a covered household member; (2) the victim was subjected to an act or threat of domestic or sexual violence; and (3) the leave is to seek assistance for one or more of the purposes enumerated in subsection 22.04.3 above.

- (a) The employee must provide two types of written documentation as certification: (1) a sworn statement by the employee showing the leave qualifies for a purpose covered by VESSA; and (2) written documentation from a source from whom assistance was sought or who could otherwise verify the nature of the leave, such as documentation from: (a) a representative of a victim services organization, an attorney, member of the clergy, or a medical or other professional, from whom the employee has sought services on behalf of a covered victim to address domestic or sexual violence or the effects of the violence; (b) a police or court record; or (c) other corroborating evidence.
- (b) FMLA medical certification issued by the victim's health care provider shall be required to support a request for unpaid VESSA leave for a serious health condition in accordance with the Village's Family and Medical Leave Policy.

- (c) The Village may require an employee to obtain subsequent recertification on a reasonable basis.
- (d) It is the employee's responsibility to ensure that the Village receives the proper certification. If the Village does not receive adequate certification within a reasonable time period after leave is requested, or if the certification does not confirm a VESSA-qualifying purpose, the employee's absences may instead be processed under other applicable leave policies and the employee shall be held accountable for time taken under the Village's attendance standards.

22.04.6 Reporting While on Leave. The employee may be required to contact his/her supervisor on a regular basis regarding the status of his/her leave and the employee's intention to return to work.

22.04.7 Confidentiality. The Village shall maintain an employee's written certifications and other documentation regarding requests for VESSA Leave in a confidential file. The Village shall not disclose the nature of an employee's VESSA leave and such documentation except to the extent the disclosure is: (1) requested or consented to in writing by the employee; or (2) otherwise required by applicable federal or state law.

22.04.8 Use of Paid or Unpaid Leave. VESSA leave is unpaid leave. However, the employee has the option to take VESSA leave with or without pay. An employee may request to apply accrued vacation or sick leave (sick leave may only be used for medical reasons in accordance with the Village's sick leave policy) which would otherwise apply to the circumstances of the leave. For instance, if the leave is for the employee, because the employee is temporarily disabled due to domestic or sexual violence, the employee may use accrued sick time for that portion of the leave. The employee may use accrued vacation or other personal time for any of the purposes allowed in subsection 22.04.3 above. Any portion of the twelve-week period for which accrued leave is not applied shall be without pay. The substitution of paid leave time for unpaid leave time does not extend the 12-week leave period.

22.04.9 FMLA Leave. VESSA does not create a right for an employee to take a leave that exceeds the leave time allowed under, or in addition to, the leave time permitted by the FMLA. For employees on VESSA leave who are also eligible for FMLA leave, VESSA leave time is not in addition to the FMLA entitlement when the reason for VESSA leave also qualifies under FMLA, but depletes the FMLA leave entitlement when used. An employee who may have exhausted all available leave under FMLA, for the purpose other than what which is available under VESSA, remains eligible for leave under VESSA.

22.04.10 Return from VESSA Leave. An employee who has taken VESSA leave shall be restored to the position of employment held by the employee when the leave commenced or an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment. However, the employee shall have no greater right to reinstatement or other benefits and conditions of employment than if the employee had not taken leave. The employee must return to work immediately after the expiration of his/her approved VESSA leave in order to be reinstated to the employee's position or an equivalent position.

(a) If an employee takes leave because of his/her own medical or psychological condition, the employee shall be required to provide medical certification that he/she is fit to resume work, according the Village's usual policies.

(b) An employee on leave may be required to report periodically to his/her supervisor or department head on his/her status and intention to return to work.

22.04.11 Medical and Other Benefits. During an approved VESSA leave, the Village shall maintain the employee's health benefits, as if the employee continued to be actively employed. If paid leave is substituted for unpaid leave, the Village will deduct the employee's portion of the health plan premium as a regular payroll deduction. If the leave is unpaid, the employee must pay his/her portion of the premium during the leave. An employee's health care coverage may cease if the employee fails to make timely payments of his/her share of the premiums. If the employee does not return to work at the end of the leave period, the employee shall be required to reimburse the Village for the cost of the premiums paid by the Village for maintaining coverage during the employee's unpaid leave, unless the employee cannot return to work because of the continuance, onset or recurrence of domestic or sexual violence, or other circumstances beyond the employee's control. If that is the case, the employee shall be required to produce written certification to confirm the circumstances beyond the employee's control.

(a) Vacation, sick time, seniority, or other benefits shall not accrue while the employee is on unpaid VESSA leave. The employee shall remain entitled to all of his/her benefits which accrued prior to leave.

22.04.12 Intermittent and Reduced Schedule Leave. VESSA leave may be taken intermittently (in separate blocks of time) or on a reduced leave schedule (reducing the usual number of hours the employee works per workweek or workday). If leave is unpaid, the Village shall reduce the employee's salary based on the amount of time actually worked.

22.04.13 Reasonable Accommodation in the Workplace. The Village will consider

making reasonable accommodations to an employee or job applicant for a known limitation resulting from domestic or sexual violence, unless the accommodation would cause the Village an undue hardship. If an employee is an otherwise qualified individual who can perform the essential functions of his/her job, but needs such an accommodation, the Village may provide an adjustment to the job structure, workplace facility, work requirements, or the employee's telephone number, seating assignment, or physical security of the employee's work area in response to a need covered by VESSA. The Village will also consider a request for transfer, reassignment, or modified work schedule if needed due to a known limitation caused by an act or threat of domestic or sexual violence. Other safety measures may also be appropriate. Any employee covered by VESSA may make a request for leave or for a reasonable accommodation to his/her supervisor, department head or the Village Administrator.

22.04.14 The Village strictly forbids any of its employees, department heads, Village Administrator or other representative from discriminating, retaliating, or otherwise treating an employee unfavorably for requesting or taking VESSA leave or exercising any other rights under VESSA. If an employee feels that he/she has been denied his/her VESSA rights or if the employee feels that he/she has been treated unfavorably for having exercised any VESSA rights, the employee should immediately report such action to his/her supervisor, department head or Village Administrator. The Village will investigate the employee's concerns and take corrective action if it determines that someone has violated the Village's VESSA policy.

## **22.05 Personal Leave of Absence**

In very special circumstances, a full-time employee may be granted a leave of absence without pay for a personal reason that is not otherwise covered in this Personnel Manual, but never for taking employment elsewhere or self-employment. A request for a specified period, not exceeding (1) year must be submitted to the employee's department head. A personal leave of absence must not interfere with the operations of the department or the Village. The department head will submit the employee's request to the Village Administrator for final approval. Such leave shall be subject to the following provisions:

22.05.1 A leave of absence connected with illness, injury or other matters covered by sick leave or FMLA leave, shall not be granted until eligible sick leave or FMLA leave has been used up.

22.05.2 Request for a leave of absence and/or extension of a leave of absence, if the original leave request was for less than one (1) year, due to extended illness or recuperation from an injury or other physical condition may be required to be accompanied by a physician's certificate regarding the extent of such illness or other disability.

22.05.3 A personal leave of absence granted for less than one (1) year may be

extended thereafter for an additional period, provided that such leaves of absence, as extended, shall not, in the aggregate, exceed a total of one (1) year, after which time employment may be terminated.

- 22.05.4 A request for a leave of absence must be presented to the employee's department head not less than two (2) weeks prior to taking leave.
- 22.05.5 During such leave of absence, an employee shall retain any accrued benefits but shall not be covered under the Village's health insurance plans unless the employee pays 100% of all premium costs. In addition, the employee on such leave of absence shall not continue to accrue benefits during such leave. However, the benefits accrued until such time shall not be taken away.
- 22.05.6 An employee seeking to return to full-time employment status from a leave of absence, shall give at least two weeks' prior written notice to the department head. The department head will submit the request to the Village Administrator for final approval. If approved, failure to report to duty within three (3) working days after the termination of the leave of absence shall be considered as a resignation by the employee and shall forfeit all rights and privileges accordingly.

Employees desiring a leave of absence must be aware that any position in the Village is subject to elimination. Absolute assurance of reinstatement, therefore, cannot be given. Reinstatement shall depend upon the needs of the Village as determined by the employee's department head in conjunction with the Village Administrator. The Village will make an effort to return the employee to the same or equivalent position subject to the needs of the Village.

## **22.06 Accepting Other Employment or Going into Business While on Leave of Absence**

If an employee accepts any employment or goes into business while on a leave of absence from the Village, the Village may, at its option, consider the employee to have voluntarily resigned from employment with the Village as of the date on which the employee began his/her leave of absence.

## **22.07 Insurance Premium Payment During Leaves of Absence**

The Village will continue to pay its share of insurance premiums for employee coverage and dependent coverage in accordance with this Personnel Manual and federal and state laws while an employee is on a disability leave of absence. While the employee is on any other type of unpaid leave of absence from the Village, unless otherwise provided in this Manual, the employee shall be responsible for paying the total premiums for his/her coverage and that of the employee's dependents. Failure to do so may result in loss of coverage and possible refusal by the insurance carrier to allow the employee's coverage to be reinstated.

## **SECTION 23**

### **THE FAMILY AND MEDICAL AND MILITARY CAREGIVER LEAVE POLICY (FMLA")**

#### **23.01 Purpose**

Child rearing, family illness, employee medical leave and military caregiver leave are available to eligible employees as provided in this Policy or as may be provided under other forms of leave as set forth in Section 22 of this Manual.

The Village's Policy has been amended to comply with the federal Family and Medical Leave Act 2008 and 2009 amendments (FMLA) and the U.S. Department of Labor's revised FMLA regulations. This Policy may be further amended from time to time to reflect any amendments and/or revisions to the FMLA and its regulations. Should any of the provisions of this Policy be deemed more restrictive than the FMLA, then the FMLA provision shall control.

This Policy applies to all Village employees who meet the eligibility requirements. However, where a conflict exists between any relevant provision of the current police collective bargaining agreement and any provision of this Policy, the applicable provision of the collective bargaining agreement shall apply.

The Village Administrator is responsible for the administration of this Policy. If an employee has any questions concerning FMLA leave, including his/her entitlement to FMLA leave or what is a qualifying reason for taking FMLA leave, such questions should be addressed to the Village Administrator.

#### **23.02 Employee Eligibility**

To be eligible for FMLA leave, the employee must:

- have worked for the Village for at least twelve (12) months; and
- have worked at least 1,250 hours during the previous twelve (12) month period.

For purposes of determining if a part-time employee is eligible, 52 weeks is equal to twelve (12) months. If an employee is maintained on the Village payroll for any part of a week, the week counts as a week of employment.

For an employee returning from a covered military service obligation under Section 22.03 of this Manual, such employee shall be credited with the hours of service that would have been performed but for the military service. The employee's pre-service work hours shall be used to calculate the hours of service.

### **23.03 Employee Entitlement**

An eligible employee may take up to twelve (12) weeks [twenty-six (26) weeks to care for a covered service member with a serious injury or illness - *see* subsection 23.04(m) below] during each consecutive 12-month period for which the eligibility criteria set forth above has been met. The initial 12-month period is measured forward from the date the employee first takes FMLA leave. The next 12-month period begins the first time FMLA leave is taken after completion of any previous 12-month period.

### **23.04 Definitions.** For the purpose of this Policy, the following definitions shall apply:

- (a) “Child” means a biological, adopted or foster child, a stepchild, or legal ward, or a child of a person standing *in loco parentis*, who is under age 18; or 18 or older and incapable of self-care because of a physical or mental disability at the time the FMLA leave is to commence.
- (b) “Covered service member” means either:
  - (i) a current member of the Armed Forces (including a member of the National Guard or Reserves); or
  - (ii) a veteran of the Armed Forces (including a member of the National Guard or Reserves) who is discharged during a period of five (5) years preceding the date the employee first takes military caregiver leave to care for the veteran. A veteran who is dishonorably discharged does not meet the definition of covered service member.
- (c) “Chronic condition” means:
  - (i) Any period of incapacity or treatment due to a condition which requires at least two (2) visits per year for treatment by a health care provider or a nurse under direct supervision of a health care provider;
  - (ii) Continues over an extended period of time (including recurring episodes of a single underlying condition); and
  - (iii) May cause episodic rather than continuing period of incapacity (*e.g.*, asthma, diabetes, epilepsy, migraine headaches, *etc.*)
- (d) “Health Care Provider” means:
  - (i) A doctor of medicine or osteopathy authorized to practice medicine or surgery by the State in which the doctor practices; or
  - (ii) A podiatrist, dentist, clinical psychologist, optometrist, or

chiropractor authorized to practice in the State and performing within the scope of his/her practice, meaning authorized to diagnose and treat physical or mental health conditions (treatment by a chiropractor is limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist);

(iii) A nurse practitioner, nurse-midwife, clinical social worker, or physician assistant authorized to practice in the State and performing within the scope of his/her practice, meaning authorized to diagnose and treat physical or mental health conditions;

(iv) A Christian Science practitioner listed with the First Church of Christ Scientist in Boston, Massachusetts. Where an employee or family member is receiving treatment from a Christian Science practitioner, the employee may not object to any requirement from the Village that the employee or family member submit to examination (not treatment) to obtain a second or third certification from a health care provider other than a Christian Science practitioner.

(v) A health care provider as defined in (i), (ii), or (iii) who practices in a country other than the United States, and who is licensed to practice in accordance with the laws and regulations of that country.

(e) “Immediate family member means an eligible employee’s child, spouse or parent.

(f) “Incapacity” means the inability to work, attend school or perform other regular daily activities, due to a serious health condition, treatment therefor, or recovery therefrom.

(g) “In Loco Parentis” means an eligible employee or individual with day-to-day responsibilities to care and financially support a child that has no biological or legal relationship to the employee or individual (*i.e.*, civil union partner’s child).

(h) “Intermittent leave” means leave taken in separate blocks of time due to a single illness or injury, rather than for one continuous period of time, and may include leave periods from one (1) hour or more to several weeks.

(i) “Key employee” means a salaried employee who is among the highest paid ten percent (10%) of all Village employees. The determination of whether a salaried employee is a “key employee” shall be made at the time of the request for FMLA leave.

(j) “Parent” means the biological parent of an eligible employee or an individual who stands or stood in *loco parentis* to an eligible employee when the employee was a

child; *the term does not include “parent-in-law”.*

(k) “Qualifying exigency” means one or more of the following circumstances:

- (i) Short-term deployment - to address any issues that may arise due to the fact that a military member received notice of deployment seven (7) or less calendar days prior to the date of deployment. Leave is limited to seven (7) days, beginning with the date of notification;
- (ii) Military events and related activities - to attend any official ceremony, program or event sponsored by the military that is related to the covered military member’s active duty; and to attend family support or assistance programs and informational briefings sponsored by the military or American Red Cross related to the covered military member’s active duty or call to active duty;
- (iii) Child care and school activities - to arrange for alternative childcare; to provide childcare on an urgent or immediate basis; to enroll or transfer a child to a new school or day care facility; and to attend meetings with school staff that are made necessary by the covered military member’s active duty or call to active duty;
- (iv) Financial and legal arrangements - to make or update financial or legal arrangements related to the covered military member’s absence while on active duty; and to act as the covered military member’s representative with regard to obtaining, arranging or appealing military benefits while the member is on active duty and for ninety (90) days following the termination of the member’s active duty status.
- (v) Counseling - to attend counseling sessions related to the covered military member’s deployment or active duty status;
- (vi) Rest and recuperation - to spend up to five (5) days with a covered military member for each instance that the covered military member is on short-term, temporary rest and recuperation leave;
- (vii) Post-deployment activities - to attend ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of ninety (90) days following termination of the covered military member’s active duty status; and to address issues arising from the death of a covered military member; and/or
- (viii) To address other activities which may arise due to the covered military member’s deployment that the Village and employee agree qualify as an exigency and agree to both timing and duration of such leave.

(l) “Reduced leave schedule” means a leave schedule that reduces an eligible employee’s usual number of hours per workweek, or hours per workday. A reduced leave schedule is a change in the employee’s schedule for a period of time.

(m) “Serious health condition” means an illness, injury, impairment, or physical or mental condition that involves:

- (i) Impatient care (*i.e.*, over-night stay) in a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care; or
- (ii) Continuing treatment by a health care provider that includes any one or more of the following:
  1. Period of incapacity of more than three (3) consecutive calendar days, including any subsequent treatment or period of incapacity relating to the same condition that also involves:
    - Two (2) or more treatments by a health care provider, by a nurse or physician’s assistant under the direct supervision of a health care provider, or by a provider of health care services (*e.g.*, physical therapist) under the order of, or on referral by, a health care provider; or
    - At least one (1) treatment by a health care provider, which results in a regimen of continuing treatment under the supervision of the health care provider
  2. Any period of incapacity due to pregnancy or for prenatal care.
  3. Any period of incapacity or treatment for such incapacity due to a chronic health condition.
  4. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective (*e.g.*, Alzheimer’s, a severe stroke, or the terminal stages of a disease). The employee or immediate family member must be under the continuing supervision of, but need not be receiving active treatment, a health care provider.
  5. Any period of absence to receive multiple treatments (including any period of recovery) by a health care provider, or a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive calendar days in the

absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, *etc.*), severe arthritis (physical therapy), kidney disease (dialysis).

Treatment does not include routine physical examinations, eye examinations, dental examinations, or conditions for which cosmetic treatments are administered unless inpatient hospital care is required or unless complications develop.

Serious health care condition does not include: common cold, stress, flu, allergies, routine dental problems, nausea, earaches, minor ulcers, cosmetic conditions (acne, plastic surgery), and headaches (other than a migraine).

- (n) “Serious injury or illness” in the case of a member of the Armed Forces, National Guard or Reserves, means an injury or illness incurred by a covered service member in the line of duty on active duty that may render the member medically unfit to perform his/her duties.
- (o) “Spouse” means a husband or wife, including a civil union partner, as defined or recognized under state law.

### **23.05 Reasons for FMLA Leave**

An eligible employee is entitled to a total of twelve (12) weeks of unpaid leave [26 weeks to care for a covered service member with a serious injury or illness - *see* subsection 23.05.6.2, below] during each Leave Year for one or more of the following reasons:

- 23.05.1 Treatment for substance abuse. FMLA leave may only be taken for treatment for abuses by a health care provider or provider of health care services on referral by a health care provider. Absence due to the employee’s present and continuing use of a substance does not qualify for leave. An employee may also take FMLA leave to care for a covered family member receiving treatment for substance abuse.
- 23.05.2 Pregnancy and birth of a child, adoption, or placement for foster care and to care for such child (“bonding time”). Leave for bonding time must be taken during the 12-month period following the birth or placement and must be taken in a single consecutive period, unless intermittent leave is approved by the Village Administrator, as provided in subsection 23.07, below. Such leave must be completed during the 12-month period. An employee cannot take leave on a reduced leave schedule for such purposes, unless exigent circumstances exist and such leave is approved both by the employee’s department head and the Village Administrator.
- 23.05.2.1 Where both spouses are employed by the Village and both are eligible employees, the number of weeks of FMLA leave for which both are entitled is limited to a combined total of

12 weeks of leave for such leave.

23.05.3 To care for the employee's spouse, child or parent (but not a parent-in-law) with a serious health condition.

23.05.3.1 Where both spouses are employed by the Village and both are eligible employees, the number of weeks of FMLA leave to which both are entitled to care for a parent is limited to a combined total of 12 weeks.

23.05.4 An employee's serious health condition that makes the employee unable to perform any one or one of the essential functions of his/her job.

23.05.5 Any qualifying exigency, as defined above, arising out of the fact that an employee's spouse, child or parent is on active duty or has been called to active duty status. The Village has the right, in its discretion, to require the employee to provide reasonable documentation or statement of family relationship, in the form of a simple written statement from the employee, a child's birth certificate, a court document, a civil union certificate (license), *etc.*

23.05.6 Military caregiver entitlements. Military caregiver leave allows an eligible employee who is the spouse, child, parent or next of kin of a: (i) current member of the Armed Forces who is on the temporary disability retired list, who has a serious injury or illness incurred in the line of active duty for which he/she is undergoing medical treatment, recuperation or therapy; or otherwise in outpatient status; or otherwise on the temporary disability retired list; or (ii) a covered veteran with a serious injury or illness that was incurred by the covered veteran in the line of duty on active duty in the Armed Forces or that existed before the veteran's active duty and was aggravated by service in the line of duty on active duty. An employee may not take FMLA leave under this provision to care for a member of the Armed Forces, and member on the permanent disability retired list if the member does not meet the definition of covered service member.

23.05.6.1 The Village has the right, in its discretion, to require the employee to provide reasonable documentation or statement of family relationship, in the form of a simple written statement from the employee, a child's birth certificate, court document, civil union certificate (license), *etc.*

23.05.6.2 An employee is entitled to a total of twenty-six (26) weeks of unpaid leave during a "single 12-month period" to care for a parent, child, spouse or next of kin who is a covered service member with a serious injury or illness regardless of whether the employee has taken leave for another FMLA

qualifying reason in the past 12 months.

- (a) The “single 12-month period” begins on the 1<sup>st</sup> day of FMLA leave for a covered service member and ends 12 months later, notwithstanding the employee’s 12 workweeks of FMLA leave for other FMLA qualifying reasons.
- (b) If an employee does not take all of his/her 26 workweeks of FMLA leave to care for a covered service member during the “single 12-month period”, the remaining weeks are not carried over and are forfeited.
- (c) An employee is entitled to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the “single 12-month period”, provided that the employee is entitled to no more than 12 weeks of leave for the reasons described in paragraphs 23.05.1 -23.05.5, above. For example, an employee may, during the “single 2-month period”, take 16 weeks of FMLA leave to care for a covered service member and 10 weeks of FMLA leave to care for a newborn child. However, the employee may not take more than 12 weeks of FMLA leave to care for a newborn child during the “single 12-month period”, even if the employee takes fewer than 14 weeks of FMLA to care for a covered service member.
- (d) Where both spouses are employed by the Village, the number of workweeks of leave to which both are entitled shall be limited to a combined total of 26 workweeks during the “single 12-month period”.

## **23.06 Substitution of Paid Leave**

FMLA leave under this Policy is generally unpaid leave. If, however, the employee is eligible for any paid leave under any other benefit program, such as accrued vacation, unused sick or personal pays, the employee shall be required to exhaust all his/her paid leave upon the commencement of, and concurrently with, FMLA leave. Paid leave will run concurrently with and be counted toward the employee’s total 12-week or 26-week period of FMLA leave.

- 23.06.1 Leave taken for a serious health condition pursuant to IMRF temporary disability or other temporary disability plan, *i.e.*, police pension plan, shall be considered FMLA leave and shall be credited against an employee’s

FMLA leave entitlement. Accrued paid leave will not be substituted while temporary disability benefits are being received.

23.06.2

Leave taken for a serious health condition which results from injury to the employee pursuant to worker's compensation shall be credited against the employee's FMLA leave entitlement. Employees on leave that qualifies as both worker's compensation and FMLA leave shall be credited against an employee's FMLA leave entitlement. Accrued paid leave will not be substituted while the employee is receiving worker's compensation benefits. As of the date worker's compensation benefits cease, an employee is required to substitute any unused accrued paid leave.

- (a) Employees on leave that qualifies both as worker's compensation and FMLA leave who are offered a light duty position will have the option of remaining on FMLA leave without pay (and foregoing the light duty position and additional worker's compensation benefits) or accepting the light duty position. If the employee declines light duty, as of the date worker's compensation benefits cease, the employee must use accrued paid leave. If the employee accepts the light duty position, then the employee's right to job restoration (as described below) runs through the end of the applicable Leave Year. If the employee accepts light duty, then he/she retains the right to be restored to the same position held at the time FMLA leave commenced or to an equivalent position.

23.06.3

Employees are required to substitute any unused accrued compensatory time for FMLA leave, reducing the remaining FMLA leave accordingly.

**23.07 Leave Taken Intermittently or on a Reduced Leave Schedule**

23.07.1

Intermittent Leave for Birth or Placement of Child for Adoption or Foster Care. An employee may only take intermittent leave for the birth or placement of a child for adoption or foster care upon approval of the Village Administrator. An employee cannot take leave on a reduced leave schedule for such purposes unless exigent circumstances exist and such leave is approved by both the employee's department head and the Village Administrator. If intermittent leave or leave on a reduced leave schedule is approved, the employee shall:

- (a) Be allowed to take leave intermittently or on a reduced leave schedule for only the first six (6) weeks of the twelve (12) week FMLA entitlement. Absence from work must be increments of not less than one (1) hour.
- (b) Schedule the intermittent or reduced leave schedule so it does not unduly disrupt Village operations.

- (c) Provide the Village, in writing, with the employee's proposed schedule of intermittent or reduced leave no less than thirty (30) days before the schedule is to commence. The schedule must be of sufficient definiteness so that the Village is able to schedule replacement employees, if necessary, to cover the absences.
- (d) Intermittent leave or leave on a reduced schedule must commence within sixteen (16) weeks following the birth, adoption, or placement of a child. The remaining six (6) week period must be taken in a single block.

23.07.2 Intermittent Leave or Leave on a Reduced Leave Schedule for Qualifying Exigency. Leave due to a qualifying exigency may be taken on an intermittent or reduced leave schedule.

- (a) If the need for leave is foreseeable, the employee is required to provide such notice to the Village Administrator at least thirty (30) days prior to the commencement of the leave. If the leave is not for a foreseeable qualifying exigency, the employee must provide notice to the Village Administrator within two (2) working days of learning of the need for the leave except in extraordinary circumstances where such notice is not feasible. Under such circumstances, notice must be given as soon as possible, generally the same day or the next business day.
- (b) The employee shall furnish the Village Administrator with the proper certification of qualifying exigency for military family leave on Form WH-384-R (supplied by the Village Administrator), regarding the need for intermittent leave or leave on a reduced leave schedule. The form must be returned to the Village Administrator within fifteen (15) calendar days of receipt by the employee. Failure to return the completed form may result in a denial of the employee's request for the FMLA leave.

23.07.3 Intermittent Leave or Leave on a Reduced Leave Schedule for Medical Necessity. Intermittent leave or leave on a reduced leave schedule may be taken because of one's own serious health condition, care for a parent or child with a serious health condition, or to care for a covered service member with a serious injury or illness. Intermittent leave or leave on a reduced leave schedule for a medical necessity will only be granted if the medical need can best be accommodated through intermittent leave or a reduced leave schedule for planned and/or unanticipated medical treatment. Medical necessity shall be determined and certified by a health care provider.

- (a) An employee must give no less than thirty (30) days written notice

to the Village Administrator if the leave is foreseeable. If the leave is not foreseeable, the employee must provide notice within two (2) working days of learning of the need for the leave except in extraordinary circumstances where such notice is not feasible. Under such circumstances, notice must be given as soon as possible, generally the same or the next business day.

- (b) The employee shall return a complete and sufficient copy of the appropriate medical certification to the Village Administrator within fifteen (15) days of receiving the certification. Failure to provide a complete and sufficient medical certification may result in a denial of the employee's FMLA request.
- (c) The employee must provide the Village Administrator, in writing, with the employee's proposed schedule of intermittent leave or leave on a reduced leave schedule no less than thirty (30) days before the intermittent leave or leave on a reduced leave schedule is to start if the leave is foreseeable. If the leave is not foreseeable, the schedule must be provided with reasonable promptness after the employee learns of the probable necessity for the leave. The schedule must be of sufficient definiteness so that the Village Administrator is able to schedule replacement employees, if necessary, to cover the absences.
- (d) The employee is to schedule the intermittent leave or leave on a reduced schedule so that it does not unduly disrupt Village operations.
- (e) Intermittent leave or leave on a reduced leave schedule may be taken in increments of no less than one (1) hour.

#### 23.07.4

Transfer of Employee to Alternate Position. If an employee requests intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment, the Village may require such employee to:

- (a) Transfer temporarily to an available alternative position for which the employee is qualified and that:
  - (i) has equivalent pay and benefits; and
  - (ii) better accommodates recurring periods of leave than the employee's regular position; or
  - (iii) transfer the employee to a part-time job with the same hourly rate of pay and benefits; provided, however, the employee

will not be required to take more leave than is medically necessary.

(b) When the employee is able to return to full-time work, he/she will be placed in the same or equivalent position as the position the employee left when the FMLA leave commenced.

### **23.08 Employee Notice Requirements**

Employees are required to complete the Application Form for the Family or Medical Leave available from the Village Administrator. It must be completed and returned to the Village Administrator at the times specified below.

23.08.1 **Foreseeable Leave.** If the leave is foreseeable, the employee is required to return the Application to the Village Administrator at least thirty (30) days before the commencement of the leave, including any request for an intermittent or reduced leave schedule. If thirty (30) days' notice is not practicable, notice must be given as soon as practicable.

(a) Notice need only be given one time if the FMLA leave is continuous, intermittent or on a reduced leave schedule if FMLA leave is for the same qualifying reason.

(b) When an employee seeks leave due to a FMLA-qualifying reason for which the Village has previously provided FMLA-protected leave, the employee must specifically reference the qualifying reason for the leave and the need for "FMLA" leave.

(c) The employee must also follow any Village policy requiring advanced notice, reasons for leave and anticipated start and duration of the leave.

(d) Failure to complete the Application Form for Family or Medical Leave or follow Village policy when need is foreseeable may result in the delay or denial of FMLA leave.

(e) In case of planned medical treatment for a serious health condition, the employee is required to make a reasonable effort to schedule treatments so as not to disrupt Village operations.

(f) Employees are required to give additional notice as soon as practicable whenever there is a change in the dates of scheduled leave.

(g) Upon receiving sufficient notice of an employee's need for FMLA-qualifying leave, the Village Administrator will notify the employee

of his/her eligibility to take FMLA leave within five (5) business days of the request, absent extenuating circumstances. At this time, the Village Administrator will also provide the employee with written notice of the employee's rights and obligations with respect to the leave (as well as copies of the required certification forms).

23.08.2 Unforeseeable Leave. When the need for leave is not foreseeable or is for a qualifying exigency that is not foreseeable, the employee must notify the Village Administrator of the need for leave as soon as practicable, and must follow the Village's normal call in procedures by calling his/her department head. Failure to follow the Village's call-in procedures, absent unusual circumstances, may result in the delay or denial of the leave.

23.08.2.1 The employee must provide sufficient information for the Village Administrator to determine whether FMLA applies to the leave request.

- (a) If the employee is seeking leave for a FMLA-qualifying reason, the employee does not have to expressly assert rights under the FMLA or mention the FMLA.
- (b) If the employee is seeking leave due to a qualifying reason for which the Village Administrator has previously provided the employee FMLA leave, the employee must specifically reference either the qualifying reason for the leave or the need for FMLA leave.

23.08.3 Failure to provide notice.

23.08.3.1 Foreseeable leave - 30 days. If the employee fails to give timely notice with no reasonable excuse, the Village may delay FMLA coverage until 30 days after the date the employee gives notice.

23.08.3.2 Foreseeable leave - less than 30 days. If the employee fails to give notice as soon as practicable, the Village may delay FMLA coverage for a time equal to the amount of time in which the notice should have been given.

23.08.3.3 Unforeseeable leave. If the employee fails to give notice as required, the Village may delay FMLA coverage on a case-to-case basis, depending on the facts of each case.

## 23.09 Certifications

### 24.09.1 Initial Certifications.

23.09.1.1 A leave to care for the employee's own serious health condition or the serious health condition of a covered family member must be supported by a medical certification completed by the health care provider for the employee or the covered family member. A qualifying exigency leave or leave to care for a covered service member with a serious injury or illness must also be supported by a certification. The Village Administrator will provide the proper certification to the employee no later than five (5) business days of the employee's request for leave.

23.09.1.2 The employee must return a complete and sufficient certification to the Village Administrator within fifteen (15) days of receiving the certification, unless it is not practicable. If the employee returns an incomplete or insufficient certification, the Village Administrator shall advise the employee in writing what additional information is necessary to make the certification complete and sufficient. In order to cure the deficiency, the employee must return a complete and sufficient certification to the Village Administrator within seven (7) calendar days. If the employee fails to cure a deficiency in the certification or fails to return the certification within the prescribed time period, the Village Administrator may deny FMLA leave.

(a) If the employee never provides the required medical certification, the leave will not be designated as FMLA leave and the employee will be subject to appropriate disciplinary action. In this case, the employee will not be subject to the protections of the FMLA.

23.09.1.3 The Village Administrator may contact the employee's health care provider to clarify or authenticate the medical certification submitted for leave for the employee's own serious health condition or the serious health condition of a family member. If the Village Administrator has reason to doubt the validity of a medical certification, the employee will be required to obtain a second or third opinion at the Village's expense. Failure to comply with these certification requirements may result in the delay, denial or termination of FMLA leave.

- (a) If a second opinion is required by the Village, the health care provider will be designated by the Village.
- (b) If a third opinion is required by the Village, the health care provider will be designated or approved jointly by the Village and the employee. The opinion of the third health care provider shall be binding on the Village and the employee.

23.09.2

Recertifications. The Village Administrator may request recertifications every thirty (30) days, subject to the following:

- (a) More than 30 days. If the medical certification indicates that the minimum duration of the condition is more than 30 days, the minimum duration must expire before the request for a recertification; except in all cases, recertification shall be required when the leave is scheduled to expire or every six (6) months, whichever occurs earlier.
- (b) Less than 30 days. The Village Administrator may request recertification at any time during the course of the leave for an employee's own serious health condition, if:
  - (i) the employee requests an extension of leave;
  - (ii) the circumstances of the employee's condition as described in the previous certification has changed significantly; or
  - (iii) the Village has reason to suspect that an employee's stated reason for leave is fraudulent or suspects the continuing validity of the certification.
- (c) The employee must provide the requested recertification within fifteen (15) days after the Village's request, unless extenuating circumstances exist.
- (d) Upon request from the Village Administrator, the employee must provide a certification from his/her health care provider if the employee claims that he/she cannot return to work after FMLA entitlement has been exhausted or has expired. Such certification must be provided within thirty (30) days from the date of the Village's request for certification.
- (e) Recertifications shall be at the employee's expense.

## 23.10 Designation of Leave

If the Village learns of an FMLA reason for leave after leave has commenced under another of the Village's policies, the Village will designate the leave as FMLA-qualifying from the commencement of the leave. Employees are required to cooperate in providing the Village Administrator with information needed to make this determination.

## 23.11 Continuation of Employee Benefits

### 23.11.1

Group Health Plans. The Village shall maintain, during the FMLA leave period, group health and dental insurance at the same level and under the same conditions that applied before the employee's FMLA leave commenced.

- (a) If, prior to leave, employees are required to contribute to the premium payments, an employee on FMLA leave shall be required to continue his/her share of the premiums.
- (b) The Village's obligation to maintain health and dental benefits will cease if and when an employee informs the Village of an intent not to return to work at the end of the leave period, if the employee fails to return to work when the leave entitlement is exhausted, or if the employee fails to make any required payments while on leave.
- (c) An employee has thirty (30) days to pay his/her share of any premiums for group health and/or dental insurance coverage during FMLA leave. If the employee fails to pay, coverage will be dropped. The employee will receive written notice, at least fifteen (15) days in advance of the date coverage is to cease, advising that coverage will be dropped on a specified date, at least fifteen (15) days after the date of the written notice, unless payment is received by that date.
- (d) The Village shall recover the premiums that the Village paid for maintaining group health and dental insurance for the employee during any period of *unpaid* FMLA leave under the following conditions:
  - (i) The employee fails to return from leave after FMLA entitlement has been exhausted or has expired; and
  - (ii) The employee fails to return to work for a reason other than:
    - 1. The continuation, recurrence, or onset of a serious health condition that entitles the employee to leave; or

2. Other circumstances beyond the control of the employee; or
  - (iii) The employee does not provide the requested medical certification from his/her health care provider if the employee does not return to work within thirty (30) days after the Village makes such a request; or
  - (iv) The reason stated in the medical certification for not returning to work does not meet the criteria set forth in subsection (d)(ii), above.

23.11.2 Other Benefits. An employee on FMLA leave shall be responsible for the payment of the full premium for all other insurance, pension and other benefits. Failure of the employee to pay the entire premium for such item shall result in the lapse for the duration of the FMLA leave. If the employee returns from FMLA leave, all such insurance, pension and other benefits shall be restored without any break in service.

23.11.3 Accrual of Benefits. The employee will continue to earn accrued benefits during paid FMLA leave. An employee shall not accrue any credit toward vacation or other benefits, including seniority, based upon time worked for the period of time the employee is on *unpaid* FMLA leave. An employee will not forfeit any benefits or seniority accrued prior to taking FMLA leave. With respect to pension and other retirement plans, any period of FMLA leave shall be treated as continued service for purposes of vesting and eligibility to participate in such plans.

## **23.12 Return to Work/Fitness for Duty Certification**

23.12.1 Fitness for Duty Certification. Before returning to work following FMLA leave due to the employee's serious health condition, the employee will be required to present a fitness-for-duty certification from his/her health care provider that the employee is medically able to resume work and perform the essential functions of his/her job. If the Village has a "reasonable safety concern", it may also require periodic fitness-for-duty certifications prior to the employee's return from intermittent or reduced schedule FMLA leave, up to once every thirty (30) days. A "reasonable safety concern" means a reasonable belief of significant risk or harm to the individual employee, fellow employees, the served public or others.

23.12.2 Notice of Change. If the date on which the employee is scheduled to return to work from FMLA leave changes, the employee is required to give notice of the change, if foreseeable, to the Village Administrator within two (2) business days of the change.

23.12.3

Restoration to Position. Subject to the limitations below, an employee returning from FMLA leave will be restored to the position held when leave commenced or to an equivalent position.

- (a) Job restoration may be denied if conditions unrelated to the FMLA leave have resulted in the elimination of the employee's position (*i.e.*, lay-offs, shift elimination);
- (b) The employee was hired for a specific term or only to perform work on a discrete project and the employment term or project is over; or
- (c) Key employees may be denied job restoration if it would cause substantial and grievous economic injury to the Village, in which case the key employee will be notified of this decision. If leave has commenced, the key employee will be provided with a reasonable time in which to return to work.

23.12.3.1

The right to reinstatement to the same or equivalent position is contingent upon the employee's continued ability to perform all of the essential functions of the position. If the employee is unable to perform an essential function, he/she has no right to restoration to his/her original position or another position. The employee's FMLA rights end with the expiration of the FMLA period. However, in certain circumstances, the employee may be entitled to protection under the ADA.

23.12.3.2

Summary. Upon expiration of FMLA leave, an employee who returns to work shall be restored to the same or equivalent position, subject to the conditions set forth above, if the employee:

- (a) furnished the Village Administrator with proper certifications and recertifications in accordance with this Policy;
- (b) submitted to any second or third examination by a health care provider upon request of the Village, if applicable;
- (c) furnished the Village Administrator with a fitness for duty certification of the employee's ability to return to work and to perform the essential functions of the job, if applicable; and

- (d) returns to work immediately upon expiration of the FMLA leave.

### **23.13 Other Employee Rights**

- 23.13.1 Executive, Administrative and Professional Employees. All employees are covered under this Policy regardless of exempt/non-exempt status. Note, however, executive, administration and professional employees may come under the "key employee" exception (See subsection 23.12.3(c), above).
- 23.13.2 Holiday Pay. For purposes of determining the amount of leave used by an employee, the fact that a holiday may occur within the week taken as FMLA leave, has no effect; the week is counted as a week of FMLA leave.

### **23.14 Confidentiality**

Records and documents relating to medical certifications, recertifications or medical histories of employees and employees' family members, created for purposes of FMLA, are to be maintained as confidential medical records in separate files/records, and if ADA is also applicable, such records shall be maintained in conformance with ADA confidentiality requirements, except under the following circumstances:

- 23.14.1 Department heads and supervisors may be informed regarding necessary restrictions on the work or duties of an employee and necessary accommodations.
- 23.14.2 First aid and safety personnel may be informed in cases of emergency treatment; and
- 23.14.3 Government officials investigating compliance with FMLA shall be provided relevant information upon request.

*Because the above medical records are treated as confidential, they are exempt from Freedom of Information requests.*

### **23.15 Unlawful Acts**

The FMLA makes it unlawful for the Village to:

- (a) Interfere with, restrain or deny the exercise of any rights provided under FMLA;
- (b) Discharge or discriminate against any person, whether or not an employee, for opposing or complaining about any unlawful practice under the FMLA; and
- (c) Discharge or discriminate against any person, whether or not an employee, because of involvement in any proceeding under or relating to FMLA.

## **23.16 Enforcement**

The Wage and Hour Division of the U.S. Department of Labor enforces the FMLA. An eligible employee has the choice of:

- (a) Filing a complaint with the Secretary of Labor within two (2) years after the alleged violation occurs, or three (3) years in the case of a willful violation; or
- (b) Filing a private lawsuit within two (2) years after the last action which the employee contends was in violation of the FMLA, or three (3) years if the violation was willful.

23.16.1 The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

23.16.2 Damages. If the Village is found to have violated the FMLA, the employee is entitled to lost wages, employment benefits, or actual monetary losses that are a direct result of wrongfully denied FMLA leave (such as the cost of providing care) up to the equivalent of twelve (12) weeks of wages. In addition, an employee is entitled to interest on each award. The Village will also be liable for double damages unless it acted in good faith and had reasonable grounds for believing it was not committing a violation. The burden is on the Village to prove that recovery of double damages is inappropriate. Reasonable attorneys' fees, and other costs of the lawsuit may be awarded to the successful litigant.

## **23.17 The FMLA Does Not...**

- (a) Require the Village to extend additional rights afforded by the FMLA to any additional leave period not covered by the FMLA where it provides greater unpaid leave rights than afforded by the FMLA;
- (b) Modify or affect any federal or state law prohibiting discrimination on the basis of race, religion, color, national origin, sex, age or disability (*i.e.*, the leave provisions of the FMLA are wholly distinct from the reasonable accommodation obligations under the ADA);
- (c) Supersede any state or local law that provides greater family or medical leave rights than those provided by the FMLA [**NOTE: If the Village is covered by both laws, then it must comply with the applicable provisions of both. If the leave qualifies for FMLA leave and leave under state law, the leave used counts against the employee's entitlement under both laws**]; or
- (d) Prevent the Village from amending existing leave and employee benefit programs, provided they comply with the FMLA.

If the Village violates both the FMLA and a discrimination law, an employee may be able to recover under either or both statutes; however, double relief may not be awarded for the same loss.

### 23.18 The FMLA and the ADA

If an employee is a qualified individual with a disability within the meaning of the ADA, the Village must make reasonable accommodations, barring undue hardship, in accordance with the ADA. At the same time, the Village must afford an employee his/her FMLA rights. The ADA's "disability" and the FMLA's "serious health condition" are different concepts and must be analyzed separately. The Village must provide leave under whichever statutory provisions provides the greater rights and protections:

- (a) The FMLA entitles employees to twelve (12) weeks of leave in any 12-month period; *whereas*  
the ADA allows an indeterminate amount of leave, ***barring undue hardship***, as a reasonable accommodation, and if appropriate.
- (b) The FMLA requires the Village to maintain an employee's group health plan coverage during FMLA leave on the same conditions as coverage would have been provided if the employee has been continuously employed during the leave period; *whereas*  
the ADA does not require maintenance of health insurance unless other employees receive health insurance during leave under the same circumstances.
- (c) A reasonable accommodation under the ADA might be accomplished by providing an individual with a disability with a part-time job with no health benefits (assuming health insurance is not ordinarily provided to part-time employees); *whereas*  
the FMLA permits an employee to work a reduced leave schedule until the equivalent of 12 workweeks of leave is used, with group health benefits maintained during this period.
- (d) The FMLA permits the temporary transfer of an employee who is taking leave intermittently or on a reduced leave schedule to an alternate position; *whereas*  
the ADA allows an accommodation of reassignment to an equivalent, vacant position only if the employee cannot perform the essential functions of the employee's present position and an accommodation is not possible in the employee's present position, or an accommodation in the employee's present position would cause an undue hardship.
- (e) If the FMLA entitles an employee to leave, the Village may not, in lieu of FMLA leave entitlement, require an employee to take a job with a reasonable

accommodation; *whereas*

the ADA may require that an employee is offered the opportunity to take such a position. The essential functions of the job may not be changed in order to deny FMLA leave.

- (f) If the Village requires certification of an employee's fitness for duty to return to work, as permitted under the FMLA under a uniform policy, it must comply with the ADA requirement that a fitness for duty physical be job-related and consistent with business necessity.

### **23.19 The FMLA and Worker's Compensation - "Light Duty"**

An employee maybe on worker's compensation due to an on-the-job injury or illness which also qualifies as a serious health condition under the FMLA. In this case, worker's compensation benefits are considered to be paid leave for FMLA purposes; therefore, other paid leave cannot be substituted. Absence due to worker's compensation and FMLA leave may run concurrently (subject to proper notice and designation by the Village). If a health care provider, pursuant to the worker's compensation injury, certifies that the employee is able to return to work in a "light duty" position, and the Village offers such a position, the employee is permitted, *but not required*, to accept the position. If the employee does not accept the offer of light duty, the result may be that the employee may no longer qualify for payments under the worker's compensation benefits plan; but the employee is entitled to continue on unpaid FMLA leave either until the employee is able to return to the same or equivalent job the employee left or until the 12-week FMLA leave entitlement is exhausted. [NOTE: *If the employee returning from a worker's compensation injury is a qualified individual with a disability, he/she may have rights under the ADA*]. Because worker's compensation benefits are treated like pay, the Village cannot require that other available paid leave be used during a period of leave related to a work injury. As of the date worker's compensation benefits cease, the substitution provision becomes applicable and the Village may require the use of accrued paid leave.

### **23.20 The FMLA and the Pregnancy Discrimination Act**

Under the Pregnancy Discrimination Act, the Village must provide the same benefits for women who are pregnant as it provides to other employees with short-term disabilities. Because the Act does not require employees to be employed for a certain period of time to be protected, an employee employed for less than 12 months (and therefore, not an "eligible" employee under the FMLA), may *not* be denied maternity leave if the Village normally provides short-term disability benefits to employees with the same tenure who are experiencing other short-term disabilities.

### **23.21 The FMLA and COBRA**

Under the FMLA, health benefits are defined as coverage provided by any "group health plan" as defined in section 5000(b)(1) of the Internal Revenue Code. This is the same definition used in COBRA. Therefore, any plan subject to COBRA is also subject to the relevant FMLA provisions. Included are plans providing dental, mental health, and vision benefits, as well as health flexible

spending accounts and health reimbursement plans.

Assume, for example, that an employee on leave fails to pay the required “employee” contributions. After notice, the Village terminates the FMLA employee’s coverage. This termination is a COBRA qualifying event, and the employee (and his/her dependents) must be sent the proper COBRA notices. If an employee fails to pay the required contributions, it is unlikely that the Village will pay COBRA premiums, which are typically much higher. However, one of the qualified dependents, *e.g.*, the sick one, might elect COBRA, and one-person COBRA might be cheaper than the required contribution. [NOTE: *The IRS has suggested that a COBRA qualifying event does not occur until after the expiration of FMLA leave. However, the Village is better advised to treat the qualifying event as occurring immediately upon termination of the coverage.*].

Although the FMLA permits the Village, under certain conditions, to seek recovery from the employee for any health benefit premiums which the Village paid during FMLA leave if the employee fails to return to work after the leave has expired, the Village may not condition the employee’s, or his/her dependents’ COBRA rights on the payment of these premiums.

Thus, COBRA is triggered when health coverage is terminated because of the employee’s failure to pay required premiums. In addition, COBRA is triggered when the employee informs the Village that he/she does not intend to return from FMLA leave, or when the employee fails to return from that leave. [NOTE: *According to the IRS, presumably COBRA would also be triggered if the employee came back to work but did not work the required minimum number of hours for health insurance.*].

### 23.22 The FMLA and Section 125 Cafeteria Plans

A group health plan offered under a cafeteria plan or “FSA” is still a group health plan, and is therefore subject to all applicable FMLA regulations. The following rules are applicable:

- (a) An employee may revoke his/her election in a cafeteria plan upon taking FMLA leave but must be allowed to reinstate the election upon return from leave, regardless of whether the coverage was terminated by revocation or non-payment of premiums. The employee also has the right to change an election under the same terms and conditions as any other cafeteria plan participant.
- (b) An employee making premium payments under the cafeteria plan who chooses to continue group health coverage while on FMLA leave must continue to pay his/her share of the premium. Similarly, the Village must continue to make the same contribution toward the premium as it was before the employee began FMLA leave.
- (c) Employee payments during FMLA leave can be paid on a “pre-pay”, “pay-as-you-go”, or “catch-up” basis. Under each of these methods, payments may be made from pre-tax compensation, to the extent compensation is available. The Village has flexibility as to which methods are offered, but cannot offer the pre-pay method as the sole method and the catch-up method can only be offered as the sole method

of and only if the catch-up option is the sole option offered to employees on non-FMLA leave without pay. Generally, the pay-as-you-go option must be offered as a method. The following special rules apply:

- (i) **Pre-pay:** The plan may permit, *but cannot require*, an employee to pay the amounts dues for the FMLA leave period prior to the beginning of the period. If the FMLA leave crosses two cafeteria year plans, the employee can only pre-pay for the first year.
- (ii) **Pay-as-you-go:** Payments on the pay-as-you-go method must be on:
  - 1. the same schedule as payments by employees not on leave;
  - 2. the same schedule as COBRA payments; or
  - 3. any other schedule agreed to by the parties.
- (iii) **Catch-up:** The Village and the employee can agree in advance of FMLA leave that if the employee elects to continue health care coverage while on unpaid FMLA leave, the Village will pay the employee's premium during the leave, and the amounts so advanced by the Village will be repaid by the employee when the employee returns from leave. If the employee selects the catch-up option, the Village and employee must agree on a repayment schedule before the start of FMLA leave.
- (iv) The Village is free to waive payment on a nondiscriminatory basis.

(d) If paid leave is substituted for FMLA leave and the employee continues group health plan coverage while on leave, the employee's share of the premiums must be paid by the method normally used during any paid leave, such as a salary reduction agreement.

23.22.1      Rules for Health FSAs. Special rules for health FSAs are as follows:

- (a) As long as an employee remains a participant in the health FSA (either by making payments or by Village sufferance), he/she is entitled to the full amount of coverage that had previously been selected.
- (b) If an employee's coverage under a health FSA terminates while the employee is on FMLA leave, the employee is not entitled to reimbursement for claims incurred during the period in which the coverage was terminated.
- (c) If the employee subsequently elects to be reinstated upon return from leave, he/she may not retroactively elect coverage for claims incurred during the period in which coverage was terminated. Reinstatement is at the employee's election. The Village cannot

require an employee whose coverage has terminated to reinstate coverage upon return from leave.

- (d) If the employee elects to reinstate coverage upon return from leave, the subsequent coverage is reduced proportionately. For example, if an employee has elected \$1,200 of health FSA coverage, and drops this coverage during FMLA leave in April, May and June, he/she will only be entitled to \$900 in coverage for the rest of the cafeteria plan year (less payments previously received).
- (e) FMLA requirements apply only to health benefits. Therefore, the Village is not required to continue non-health benefits if such benefits are provided pursuant to a cafeteria plan.
- (f) An employee's entitlement to cafeteria plan benefits other than group health, are governed by the Village's established policy for providing those benefits to employees on non-FMLA leave.
- (g) An employee has the right to revoke an election of non-health benefits under a cafeteria plan while on FMLA leave. However, the employee must be permitted to reinstate upon his/her return. The Village might want to continue benefits during FMLA leave to ensure that it can provide equivalent benefits upon the employee's reinstatement. If the Village elects to do this, it may recoup from the employee any costs incurred for paying the employee's share during the leave.

## **SECTION 24**

### **INSURANCE COVERAGE**

#### **24.01 Group Insurance**

All full-time Village employees shall be eligible to participate in the group health insurance (hospital, surgical and major medical) coverage plan provided by the Village and life insurance at the level of benefits determined by the Village. The Village may require employees to participate in the cost of employer-related group health and/or life insurance as it determines from time to time.

##### **24.01.1**

Termination of Insurance. An employee's insurance will terminate when the insurance policy terminates, when the employee fails to make an agreed contribution to premium when due, when the employee ceases to be eligible for coverage under the terms of the Village's group insurance program, or when the employee ceases to be employed as a full-time employee eligible for insurance.

24.01.2

Conversion of Health Insurance. Upon separation from Village service, employees and their eligible beneficiaries shall be covered by provisions of the COBRA regulations established by the federal government for the extension of group health insurance coverage benefits (See Section 24.08 of this Manual). Additionally, employees separated from Village service may convert to a private health insurance policy through the Village's carrier. Employees with full-time service and who leave the employ of the Village in good standing, may elect at the time of separation, to remain a member of the Village's group health insurance policy provided the total premium is paid by the employee, unless otherwise authorized by the President and Board of Trustees.

## **24.02 Worker's Compensation**

The Illinois Workers' Compensation Act is a no-fault insurance plan that is administered by the state and one hundred percent (100%) paid for by the Village. All Village employees are eligible for worker's compensation benefits for illness or injury arising out of and in the course of the employee's employment with the Village. Coverage begins immediately and continues for the duration of employment with the Village. There is no "time-worked" requirement or any minimum salary requirement before an employee is protected under the Act.

24.02.1

Procedures when sustaining work-related injury or illness. All work-related injuries, no matter how slight, must be reported to the employee's supervisor or department head and the proper forms filled out to assure consideration under the Act. The employee's supervisor or department head will see that the employee receives medical attention.

- (a) In an emergency, the employee may go directly to the nearest medical facility. After treatment, the employee is required to furnish his/her department head with statements regarding the on-the-job accident so that the incident is accurately documented. Failure to comply with these reporting requirements could result in loss of benefits. Although benefits are automatic, nothing can happen until the Village is informed of the injury.

24.02.2

Compensation payments.

- (a) The employee will be paid in accordance with the Illinois Worker's Compensation Act.
- (b) An employee may elect to utilize available sick leave with pay for the difference between Worker's Compensation benefits, or through the disability provisions of the Illinois Municipal Retirement Fund or Police Pension Fund and the employee's regular hourly compensation.

- (c) Worker's Compensation payments are tax-free. There are no deductions for state or federal taxes or Social Security.
- (d) Employees who are on temporary or permanent disability, and such time off is not being counted as **FMLA Leave**, shall be required to pay their own health and life insurance.
- (e) Employees returning to work after being absent due to an injury must report to their department head prior to beginning work, and must bring a doctor's clearance for returning to duty.

#### **24.03 Unemployment Insurance**

The Village pays a percentage of its payroll to the Unemployment Compensation Fund according to the Village's employment history. If you become unemployed, you may be eligible for unemployment compensation, under certain conditions, for a limited time. Unemployment compensation provides temporary income for workers who have lost their jobs. To be eligible, you must have earned a certain amount and are willing and able to work. You must apply for such benefits at your local State Unemployment Office.

#### **24.04 Social Security**

The U.S. Government operates a system of contributory insurance known as Social Security. As a wage earner, an employee is required to contribute a set amount of his/her weekly wages to the trust fund from which benefits are paid. The Village is required to deduct this amount from each paycheck an employee receives. In addition, the Village matches an employee's contribution dollar for dollar, thereby paying one-half of the cost of an employee's Social Security benefits.

#### **24.05 Retirement Plans**

- 24.05.1 Eligible Village employees shall be covered by retirement or pension plans in accordance with statutory requirements. The authorized retirement and pension plans for Village employees include the Illinois Municipal Retirement Fund, the Police Pension Fund, and the Federal Insurance Contributions Act (Social Security).
- 24.05.2 Funding for authorized retirement and pension plans are provided by a combination of payroll deductions for employee-required contributions and annual budgetary appropriation for employer contributions.

#### **24.06 Optional Benefits**

The Village, from time to time, may make available at employee expense through payroll deduction, other voluntary benefit programs to Village employees including, but not limited to: deferred compensation, credit union, additional life insurance, additional disability insurance and special pension plans.

The Village Administrator will be responsible for approving optional non-employer paid benefit programs and establishing rules and procedures for employee payroll deductions.

#### **24.07 Employee Assistance Program**

The Village provides an Employee Assistance Program (EAP) which is designed to provide confidential counseling for employees whose personal problems are affecting their abilities to function at top efficiency in their work. This service is available to all employees and their immediate families, dependent upon budgetary constraints. Counseling is offered for, but not limited to the following:

- Alcoholism
- Domestic violence
- Drug dependency
- Eating disorders
- Emotional illness
- Family problems
- Financial problems
- Legal problems
- Marital conflict

Confidentiality is one of the most important aspects of the program. If an employee contacts the EAP directly, no one in the Village will know about it unless the employee informs the Village of his/her counseling. No information concerning the nature of the employee's problem will be released without the employee's written consent. Participation in the EAP will not affect future promotional opportunities. The Village assumes the costs for the EAP assessment and referral. Other costs, like treatment, are generally covered in full or in part by the group insurance plan. Asking for assistance does not mean that the employee is obligated to accept or continue with counseling.

In some instances, the Village may help an employee pay the costs of the counseling and grant the employee appropriate time off. There may be times when the employee will be solely liable for the expenses and, in such cases, will be informed of such before they are incurred.

The Village participates in the EAP through the South Suburban Mayors and Managers Association (SSMMA). The EAP is administered by Employee Resource Systems, which can be reached at **1-800-292-2780** or **1-312-780-6316**.

#### **24.08 C.O.B.R.A. (Consolidated Omnibus Reconciliation Act)**

As an employee of the Village of Olympia Fields, you are entitled to continue health insurance coverage under the Consolidated Omnibus Reconciliation Act (COBRA). This Act requires the Village to make health insurance coverage available to an employee after that employee has permanently stopped working for the Village. The employee (or the employee's designee) must comply with certain time periods to accept COBRA conditions (sixty [60] calendar days after the employee has been notified by the Insurance Plan Administrator). If accepted, the employee is

required to pay the Village 100 % of what the employee's chosen insurance coverage would cost the Village.

If the employee fails to pay the premium within the allotted time given to do so, if new benefits have been attained through remarriage or employment, or the group plan is dropped by the Village, the employee may lose these insurance benefits.

The following chart explains COBRA conditions:

Qualifying Event	Eligible Beneficiaries	Period of Time Coverage may Continue
Voluntary termination	Former employee and his/her spouse and dependent children	Up to 18 months
Involuntary termination except when resulting from gross misconduct	Former employee and his/her spouse and dependent children	Up to 18 months
Death of an insured employee	Surviving spouse and dependent children	Up to 3 years
Divorce or legal separation of insured employee	Former spouse and dependent children	Up to 3 years
Dependent child whose status of dependency ceases due to reaching the age of 19 or 25, if a full-time student at an accredited college or trade school. Student status must be verifiable	Employee's dependent children	Up to 3 years
Attainment of Medicare eligibility by insured employee	Medicare eligible employee's spouse and dependent children	Up to 3 years

## SECTION 25

### POLITICAL ACTIVITY

#### **25.01 Definitions.**

For the purposes of this Section, the following definitions apply:

(a) "Campaign for elective office" means any activity in furtherance of an effort to

influence the selection, nomination, election, or appointment of any individual to the federal, state or local public office or office in a political organization, or selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities: (i) relating to the support or opposition of any executive, legislative or administrative action; (ii) relating to collective bargaining; or (ii) that are otherwise in furtherance of a person's official duties.

(b) "Candidate" means a person who has filed nominating papers or petitions for nomination or election to an elected office, or has been appointed to fill a vacancy in nomination, and remains eligible for placement on the ballot at a regular election.

(c) "Compensated time" means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his/her employment, but for purposes of this Section, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer or employee is on premises under the control of the Village and any other time when the officer or employee is executing his/her official duties, regardless of location.

(d) "Compensatory time off" means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his/her employment.

(e) "Contribution" has the same meaning as that term is defined in Section 9-1.4 of the Illinois Election Code (10 ILCS 5/9-1.4).

(f) "Employee" means a person employed by the Village of Olympia Fields, whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of the Village with regard to the material details of how the work is to be performed, but does not include an independent contractor.

(g) "Leave of absence" means any period during which an employee does not receive: (i) compensation for employment; (ii) service credit towards pension benefits; and (iii) health insurance benefits paid by the Village.

(h) "Officer" means a person who holds, by election or appointment, an office with respect to the Village of Olympia Fields that is created by statute or ordinance, regardless of whether the officer is compensated for service in his/her official capacity.

(i) "Political activity" means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities: (i) relating to the support or opposition of any executive, legislative or

administrative action; (ii) relating to collective bargaining; or (iii) that are otherwise in furtherance of the person's official duties.

- (j) "Political organization" means a party, committee, association, fund or other organization (whether or not incorporated) that is required to file a statement of organization with the Illinois State Board of Elections or a county clerk under Section 9-3 of the Illinois Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.
- (k) "Prohibited political activity" means:
  - (i) Preparing for, organizing or participating in any political meeting, political rally, political demonstration or other political event.
  - (ii) Soliciting contributions, including but not limited to the purchase of selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
  - (iii) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
  - (iv) Planning, conducting or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
  - (v) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
  - (vi) Assisting at the polls on Election Day on behalf of any political organization or candidate for elective office or for or against any referendum question.
  - (vii) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
  - (viii) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
  - (ix) Making contributions on behalf of any candidate for elective office in that capacity or in conjunction with a campaign for elective office.
  - (x) Preparing or reviewing responses to candidate questionnaires.

- (xi) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- (xii) Campaigning for any elective office or for or against any referendum question.
- (xiii) Managing or working on a campaign for elective office or for or against any referendum question.
- (xiv) Serving as a delegate, alternate or proxy to a political party convention.
- (xv) Participating in any recount or challenge to the outcome of any election.

(l) “Prohibited source” means any person or entity who:

- (i) Is seeking official action: (a) by an officer; or (b) by an employee, or by the officer or another employee directing that employee.
- (ii) Does business or seeks to do business: (a) with the officer; or (b) with an employee, or with the officer or another employee directing that employee.
- (iii) Conducts activities regulated: (a) by the officer; or (2) by an employee, or by the officer or another employee directing that employee; or
- (iv) Has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

## **25.02 Non-Discrimination Based on Political Activity or Discrimination**

Village employees shall not be appointed, hired or retained on the basis of their political activity. Likewise, the Village will not discriminate against employees with respect to hiring, retention or other terms and conditions of employment on the basis of their political activity or affiliation.

## **25.03 Prohibited Political Activities**

- (a) No employee or officer holding an appointive office shall intentionally perform any prohibited political activity during any compensated time as defined herein. No officer or employee shall intentionally use any property or resources of the Village in connection with any prohibited activity.
- (b) At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited activity: (i) as part of that officer's or employee's duties; (ii) during any compensated time off (such as holidays, vacation or personal time).

## 25.04 General Rules in Regard to Political Activities

- (a) No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise. Nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his/her participation in any prohibited political activity.
- (b) No officer or employee shall be awarded any additional compensation or employee benefit, in the form of salary adjustment, bonus, compensatory time off, continued employment, or otherwise, in consideration for the employee's participation in any prohibited political activity.
- (c) Nothing in this Section prohibits activities that are permissible for an officer or employee to engage in as part of his official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this Section.
- (d) No person either: (i) in a position that is subject to recognized merit principles of public employment; or (ii) in a position the salary of which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he/she is a member or officer of a political committee, political party, or a political organization or club.
- (e) Village officers or employees shall not be coerced to take part in political campaigns, solicit votes, levy, contribute or solicit funds or support for the purpose of supporting or opposing the appointment or election of candidates for any Village office. The Village respects the rights of each employee to hold his/her own political beliefs. However, employees shall restrict their political campaign activities to non-working time in accordance with this Section.
- (f) A Village officer or employee may participate in political affairs at the local and other levels of government provided such participation, including petitioning, speaking, campaigning on phone or in person, does not occur during hours of work with the Village and does not adversely affect his/her performance as a Village officer or employee.
- (g) No officer or employee shall use his/her official authority or influence to further the cause of any national or local political party or candidate for elective office.
- (h) Village officers and employees are encouraged to exercise their right to vote in any and all elections.
- (i) Village employees may take up to two (2) hours without pay to vote.

## **25.05 Penalties**

- (a) A person who intentionally violates any provision of this Section, may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.
- (b) Any person who intentionally makes a false report alleging a violation of any provision of this Section to the local enforcement authorities, the State's Attorney or any other law enforcement official, may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.
- (c) A violation of this Section shall be prosecuted as a criminal offense by an attorney for the Village by filing in the circuit court an information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.
- (d) In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of this Section is subject to discipline or discharge.

## **SECTION 26**

### **VEHICLE USAGE POLICY**

#### **26.01 Introduction.**

The operation of Village vehicles is necessary in conducting the day-to-day business of the Village. The use of Village vehicles represents one of the greatest liabilities facing the Village. Recognizing this, it is imperative that the Village takes reasonable steps to control the use of Village- and privately-owned vehicles used while performing Village business. This policy sets forth the guidelines and policies governing the operation of vehicles used in the performance of official Village business. Department heads are responsible for implementation and enforcement of this policy for all vehicles and drivers assigned to their department.

#### **26.02 Scope**

This policy applies to all Village-owned vehicles operated on public roads and includes special-use vehicles such as construction and excavation equipment designed to operate primarily off-road, but driven on public roads to a job site. Where appropriate, this policy applies to the operation of privately-owned vehicles while performing official duties.

#### **26.03 General Guidelines**

- (a) Generally, only authorized officials and employees may use Village-owned

vehicles. However, on occasion, employees of other public entities may operate Village vehicles under the specific approval of the department head, as long as such operation is essential in conducting Village business. Department heads granting permission for non-Village employees to operate Village vehicles are responsible for insuring that the driver is properly licensed, trained and qualified to operate the vehicle.

- (b) Persons volunteering services to the Village are also covered by this policy. Volunteers may operate Village vehicles when their duties require travel, pursuant to the approval or direction of the department head, and necessary in the course of performing official Village business.
- (c) Intentional abuse, moving violations, reckless operation, or negligent actions while operating any Village vehicle may result in the suspension of the employee's driving privileges, and are grounds for further disciplinary action.
- (d) Employees shall obey all applicable ordinances and laws while operating Village vehicles and any time personal vehicles are used for official Village business.
- (e) Village-owned vehicles are to be used only for official Village business and shall not be used by employees for personal reasons.
- (f) Only persons being transported in connection with official Village business shall be passengers in any Village vehicle.
- (g) When cargo, materials or tools are transported, the driver is responsible for assuring that all items are properly secured to prevent them from shifting or falling from the vehicle or trailer.
- (h) No person shall be allowed to ride on running boards, fenders, hoods, tailgates, beds, or other locations on a vehicle not designed or approved by the vehicle manufacturer for passenger seating.
- (i) The driver shall not operate any vehicle when normal vision is obstructed.
- (j) A qualified operator must be positioned at the vehicle's controls any time it is running unless otherwise approved by the manufacturer. No vehicle shall be left unattended without first stopping the motor, locking the ignition, removing the key, and locking the doors or otherwise securing the vehicle to prevent theft, vandalism, and unintentional movement. The parking brake should be set when parked on an uphill/downhill surface.
- (k) The Village shall not be responsible for any personal property left in Village-owned vehicles.
- (l) Anyone caught tampering with, disabling, or removing any safety device from any

Village vehicle will be subject to appropriate discipline.

- (m) All drivers of Village vehicles are responsible for the interior cleanliness of the vehicle used, and will have the Village vehicle washed and vacuumed as often as necessary.
- (n) Drivers shall not use a cellular or mobile phone without a headset or other hands-free device while the vehicle is turned on.

#### **26.04 Pre-Operation Inspection**

An employee or officer who operates a Village vehicle is responsible for having fluid levels including brake, transmission, engine oil and coolant checked on a regular basis. The employee is responsible for having the vehicle serviced when there is an indication of a problem such as a dashboard warning light coming on or when the vehicle is due for routine maintenance.

#### **26.05 Operator's License**

- (a) A valid Illinois vehicle driver's license or state of residence driver's license must be in the employee's possession at all times while operating a Village-owned vehicle. In the case of commercially rated vehicles, the proper commercial driver's license for the vehicle's weight and class must be valid, and in possession of the driver.
- (b) Any officer or employee who operates a vehicle in the performance of official Village duties and whose driver's license is suspended or revoked shall immediately report this fact to the appropriate department head.

#### **26.06 Take Home Vehicle**

- (a) The decision regarding assignment of Village vehicles to officers and employees as vehicles allowed to be driven to and from work is subject to the review and approval of the Village Administrator. The assignment of a take home vehicle is a privilege and not a right of any employee.
- (b) Village vehicles taken home overnight shall be locked and secured in the responsible employee's driveway or other designated parking space that is in close proximity to the employee's residence.
- (c) Village-owned vehicles are to be used only for official Village business and shall not be used by employees for personal reasons.

#### **26.07 Out-of-Town Travel and Meeting Attendance**

With the approval of the Village Administrator, an employee may take a Village vehicle home prior to leaving for an out-of-town trip or attending a late evening or early morning meeting that

would require a return to the work place after normal working hours. The employee may use the Village vehicle only for travel necessary to accomplish official Village business.

## **26.08 Trailers and Towing**

- (a) A driver whose vehicle is towing a trailer, dolly, or other equipment shall assure that the trailer hitch is securely latched, adequate for the load being towed, properly installed on the towing vehicle, and that safety chains are properly attached.
- (b) The driver shall insure that the trailer or other towed equipment is supplied with proper lighting, including brake lights, turn signals and running lights.
- (c) Any vehicle having a load that extends more than four (4) feet beyond the rear shall have the end of the load marked with a red flag that shall be at least twelve (12) inches square.

## **26.09 Parked Vehicles**

- (a) Any vehicle left unattended shall be legally parked in a designated parking space. Vehicles responding to emergency situations or those parked on job sites shall be parked with due regard for safety and security. The officer or employee assigned to the vehicle or using the vehicle will be responsible for any parking tickets and/or moving violations incurred while using the vehicle.
- (b) Village vehicles not taken home shall be secured in the Village parking lots during non-duty hours. When it is necessary to leave a vehicle at a job site overnight, the operator shall insure the vehicle is parked and secured in an area that provides reasonable security.

## **26.10 Accident Reporting Requirements**

- (a) Any accident involving a Village-owned, rented or leased vehicle or privately-owned vehicle used in the performance of Village duties, shall be reported as soon as possible after the accident, but no later than twenty-four (24) hours after the accident, no matter how insignificant the accident may appear, as follows:
  - (i) Summon medical care for any injured parties.
  - (ii) Notify appropriate law enforcement authorities.
  - (iii) Notify employee's department head.
- (b) The department head shall immediately notify the Village Administrator who shall notify Risk Management. The department head shall be responsible for initiating the departmental investigation of the accident, completing all required Village reports and recommending any follow-up preventive actions to the Village

Administrator.

- (c) When the Village driver is determined to be at fault in a vehicular accident, the department head may take disciplinary action subject to review by the Village Administrator.

#### **26.11 D.U.I.'s**

Any employee who is cited for a D.U.I. or for any other serious moving violation while driving a Village-owned vehicle or a rented or leased vehicle, will be considered to have an unacceptable driving record and his/her continued employment with the Village will be subject to review. The Village must be notified immediately of any change in the status of an employee's driving record. An employee whose duties include the operation of a Village vehicle who becomes uninsurable under the Village's liability policy will be considered to have an unacceptable driving record and his/her continued employment will be subject to review.

#### **26.12 Vehicle Backing Guidelines**

Whenever possible, the driver will take necessary precaution when backing up in a Village vehicle. Before entering the vehicle, the driver shall check the rear clearance of the vehicle. The driver shall not back up the vehicle unless such movement can be made with reasonable safety and without interfering with other traffic. A spotter should be used, whenever possible, when backing up larger commercial Village vehicles or equipment. Before and during backing movements of a larger commercial Village vehicle or equipment, the driver and spotter will check blind zones for objects not visible in rear-view mirrors, watch both sides for adequate clearance, and limit speed to allow a full stop before a collision occurs.

#### **26.13 Personally-Owned Vehicles Used for Village Business**

- (a) The Village does **NOT** provide insurance coverage for employees while operating personally owned vehicles to conduct Village business with the exception of worker's compensation benefits.
- (b) The Village will not provide coverage for physical damage to an employee's privately-owned vehicle. Employees who use personally-owned vehicles for Village business should confirm that their personal auto insurance policy provides coverage for this use.
- (c) Employees who receive a monthly vehicle allowance shall maintain liability coverage in an amount of not less than \$100,000 per occurrence/\$300,000 annual aggregate, and property damage coverage in an amount not less than \$50,000 per occurrence. Annual verification of minimum coverage will be requested.

#### **26.14 Use of Safety Restraints**

- (a) All Village vehicles must be equipped with seat belts and all occupants of Village

vehicles must properly wear seat belts any time the vehicle is in motion.

- (b) The operator of construction, excavation, and other off-road equipment, shall use the occupant restraint system any time the vehicle is in operation.
- (c) Employees are prohibited from removing, deactivating, modifying or otherwise defeating any occupant restraint system installed by the manufacturer unless approved or instructed by the manufacturer.

## **26.15 Motor Vehicle Driving Record**

- (a) At least bi-annually, Risk Management shall request a copy of the transcript of the driving record from the Illinois Secretary of State for each employee whose position requires operation of a Village vehicle.
- (b) An accumulation of one or more moving violations or convictions while operating a Village vehicle in the previous 12-month period shall be cause for disciplinary action up to and including suspension of Village driving privileges.
- (c) Any D.U.I. conviction or refusal to submit to a lawful roadside sobriety test shall result in disciplinary action up to and including suspension of Village driving privileges.

## **SECTION 27**

### **VILLAGE SAFETY POLICY**

#### **27.01 Safety and Loss Policy Statement**

The safety of our employees, our contractors and their employees, the public and the general public is paramount.

Safety will take precedence over expedience or short cuts and every employee should attempt to reduce the possibility of accident occurrence. Public and employee safety is our greatest responsibility.

The Village intends to comply with all safety laws and/or ordinances. All employees, as a condition of employment, are expected to perform all tasks in the safest and most efficient manner and are required to obey all laws while on duty.

Only under such circumstances can the association between all public employees, contractors and their employees, and the Village be beneficial and harmonious. It is our desire to provide a safe workplace, proper equipment to work with and to establish and insist upon safe methods and practices at all times. Safety adherence and employee performance will be an important measure of supervisory and employee performance evaluations by the Village.

It is a basic responsibility of all department heads to make the safety of human beings a part of their hourly and daily concern. This responsibility must be accepted by all who conduct the affairs of the Village, no matter in what capacity they may function. Supervisors at all levels are charged with advancing the safety and loss prevention programs outlined in this policy.

The Village considers no phase of operation to be of greater importance than accident prevention. Therefore, it shall be the responsibility of the Village Administrator, in unison with all department heads, to develop and implement a proactive safety and loss prevention program, to provide and maintain safe and healthy working conditions, and to develop operating practices that will provide all employees and contractors and their employees, and the general public, safe working conditions and efficient operations.

It is the responsibility of each and every employee of the Village to perform his/her job responsibilities in a manner necessary to assist in accomplishing these goals and objectives. The Risk Management Committee will review and revise these goals and objectives annually, based on identified loss trends.

Employees are expected to conduct themselves and handle equipment in such a manner as to avoid accidents. Employees shall abide by all directives of their department heads and supervisors concerning the safe and proper method for operating vehicles and equipment, utilizing Village facilities, proper safety gear, and work practices and methods. Failure to proceed and act in a safe manner and thereby causing danger to oneself, Village property or other employees shall be cause for disciplinary action.

## **27.02 General Risk Management Goals, Policies and Responsibilities**

### **27.02.1**

**General Risk Management Goals.** The Village recognizes that, through its diverse range of services and statutory obligations, it will be unavoidably exposed to a variety of risks of loss from occurrences involving damage to property, loss of income, extra expenses, liability to others, and injury to employees. The goals and objectives of the Village's Risk Management Policy are:

- a) To protect the Village against the financial responsibilities of accidental losses, which may be catastrophic in nature.
- (b) To protect the Village's assets.
- (c) To safeguard that all exposures to financial loss are discovered and treated.
- (d) To reduce other financial losses by using efficient reduction procedures.
- (e) To ensure a safe environment for employees and for members of the public who come into contact with these employees as services are

provided.

- (f) To minimize the possible interruption of vital public services.
- (g) To reduce the cost of accidents, including insurance premiums, through effective safety programs and practices.
- (h) To periodically reassess various exposures to loss, ability to bear financial loss, and the adequacy of risk avoidance, prevention, reduction, retention and transfer programs.

27.02.2

General Risk Management Policies.

- (a) The Village will provide safe working conditions for its employees. Under no circumstances will the risk of serious injury or death of employees be considered an acceptable risk.
- (b) The costs of risk shall be minimized through the sound application of risk avoidance, prevention, reduction, retention and transfer of techniques.
- (c) Administrative policies, procedures and guidelines will be established to avoid, prevent, reduce, and retain transfer risks.

27.02.3

Risk Management Responsibilities. The success of any risk management program depends on support from key individuals such as Executive, Board, top administrator, *etc.* It is also essential that department heads, supervisors and all employees be actively involved with the day-to-day aspects of safety, loss control and risk reduction.

### **27.03 Organizational Structure**

27.03.1

Village Administrator. The Village Administrator has the overall responsibility for implementing and administering the Safety Policy for the Village. Specific responsibilities shall be:

- (a) Establish and administer the Loss Prevention Program in the Village, including setting goals and objectives and measuring program effectiveness and performance.
- (b) Appoint a Safety Director to coordinate the Loss Prevention Program for the Village.
- (c) Development in each department head a strong safety attitude and a clear understanding of his/her duties and responsibilities.

- (d) Review the minutes of the quarterly Executive Safety Committee meetings to assure that accident causes are being investigated and proper corrective action is being taken to prevent a recurrence. Review specific recommendations of the Executive Safety Committee to ensure that a safe work environment is maintained.
- (e) Review the annual Loss Prevention Program audits with the Safety Director and department heads to appraise the program's effectiveness and report findings to the Village President and Board of Trustees.
- (f) Allocate risk management costs on an equitable basis for all departments.
- (g) With input from the Safety Director, periodically assess, subject to Board appropriations, the Village's exposures to risk and the effectiveness of existing risk management programs, and make recommendations for improvements.

27.03.2 Safety Director. The Safety Director shall be fully responsible for the direction and administration of the program. Specifically, his/her duties are as follows:

- (a) Act as the liaison to the Executive Safety Committee and present recommendations where necessary to the Village Administrator for approval and implementation. The Safety Director shall act as the secretary for the Committee and shall prepare the minutes and agenda for each meeting. He/she shall also maintain a central file of minutes, accident reports and accident statistics for the Committee.
- (b) Develop and maintain the Loss Prevention Program to incorporate the current practices and philosophies adopted as the most effective in preventing injuries, occupational disease, vehicular collisions, liabilities and damage to equipment and material.
- (c) Consult directly with all management personnel and employees on loss prevention matters and provide all the guidance necessary to assure effective administration.
- (d) Take follow-up actions when required to ensure that unsafe conditions or practices identified by the Executive Safety Committee or the department heads have been properly corrected.
- (e) Monitor the Risk Management and Loss Prevention Program and report results to the Village Administrator. Inform the Village Administrator and department heads about the status of matters

affecting the Loss Prevention Program.

- (f) Assist the Village Administrator in maintaining current records on insurance, property valuations, vehicle and equipment schedules, insurance registers, claims and loss experience.
- (g) Coordinate compliance with federal, state and local safety laws.
- (h) Conduct semi-annual workplace inspections.

27.03.3

Department Heads. Each department head has the full responsibility and authority for maintaining safe and healthful working conditions within his/her department. Each department head is responsible for providing the type of work environment, work procedures, and service to the public that will promote, to the highest extent possible, the safety of the municipal employees and the general public. Each department head shall:

- (a) Develop and actively support a departmental safety program that will effectively reduce and control accidents and promote safe and healthy working conditions throughout the department and ensure that such risk management and loss prevention policies and procedures are implemented.
- (b) Develop practical safety rules and regulations with regard to the standard operating procedures of the department.
- (c) Establish and maintain a system of job safety analysis and periodic safety inspections.
- (d) Assure that equipment, facilities and programs have safety measures built into them, and that appropriate regulatory requirements are adhered to within their departments.
- (e) Provide for adequate job training and continuing safety instruction to all employees in the department. Hold each supervisor fully accountable for an explanation of preventable injuries, collisions and liability incurred by departmental employees.
- (f) Review all accidents involving his/her area of responsibility, and cooperate and coordinate with other staff in the disposition and resolution of claims and recommendations for improvements.
- (g) Take corrective action for any unsafe condition that is observed which could adversely affect the safety of an employee or the general public.

- (h) Appoint a representative and alternate to serve on the Executive Safety Committee.
- (i) Make available Executive Safety Committee minutes and other safety material for inspection by all employees.

27.03.4 Supervisory Personnel. A supervisor has full responsibility for the safe actions of his/her employees and the safe performance of machines and equipment within his/her operating area. The full potential of an effective Loss Prevention Program can only be realized when supervisors cooperate in all phases of the program. The following is a list of the loss prevention responsibilities of supervisors:

- (a) Enforce aggressively the safety procedures that apply to the work he/she supervises.
- (b) Provide adequate basic job training and safety instruction to all employees in their respective department.
- (c) Ensure that all management policies herein are fully implemented for maximum efficiency of each job.
- (d) Provide continuing safety instruction while issuing daily work assignments to focus attention on potential hazards, changes in work conditions or procedures.
- (e) Ensure that all employees are instructed and understand the use and need for protective equipment for specific hazardous jobs.
- (f) Observe and evaluate work conditions and work procedures to detect and correct unsafe conditions and practices.
- (g) Investigate accidents promptly and make certain that the recommended corrective actions are completed.
- (h) Determine that the necessary safety equipment and protective devices for each job are available, used and maintained properly.

27.03.5 Employees. As a condition of employment, each employee is required to develop and exercise safe work habits to prevent injuries to themselves, their fellow workers and to conserve material resources. Each employee shall:

- (a) Report promptly to his/her supervisor all accidents and injuries occurring within the course of his/her employment.

- (b) Cooperate with and assist in the investigation of accidents to identify correctable causes and to prevent their recurrence.
- (c) Report promptly to his/her supervisor all unsafe actions, practices or conditions he/she observes.
- (d) Become familiar with and observe approved safe working procedures during the course of his/her work activities.
- (e) Keep work areas clean and orderly at all times.
- (f) Avoid engaging in any horseplay and refrain from distracting others.
- (g) Obey all safety rules and follow published work instructions.
- (h) Wear required protective equipment when working in designated hazardous operation areas.
- (i) Arrive at work suitably attired for the job(s) to be performed.
- (j) Wear automobile safety restraints (*i.e.*, seatbelts) when operating or traveling in a Village vehicle or personal vehicle in the course of performing Village duties.

#### **27.04 Executive Safety Committee**

The Executive Safety Committee functions as an advisory body to develop and recommend to the Village Administrator matters of policy and procedure affecting the administration of the Loss Prevention Program.

27.04.1      Responsibilities. The functions of the Executive Safety Committee includes, but is not limited to, the following:

- (a) Plan and recommend policies and procedures affecting the development and administration of an aggressive accident-prevention program for all employees.
- (b) Coordinate and establish goals, objectives and regulations for the Loss Prevention Program and to ensure directives are current and coincide with current needs.
- (c) Review departmental safety rules and regulations with respect to safe working procedures.
- (d) Review statistical data, records and reports pertaining to safety matters. Develop and maintain quarterly and annual bar graphs for

each department of the Village (in conjunction with the Safety Director) which will indicate the number of accidents, injuries, and equipment or property damage accidents chargeable to each department.

- (e) Make follow-up investigation of accidents and safety inspections. When appropriate, file a report with the Village Administrator and department head regarding its recommendations.
- (f) Review safety suggestions presented by employees.
- (g) Put safety recommendations approved by the Village Administrator into practice.
- (h) Conduct periodic safety inspections of all departments within the Village as determined by current needs. The inspection committee shall include the Safety Director and representatives from the Police Department and Building Department as well as a Safety Committee representative from each respective department.
- (i) Review all motor vehicle accidents, equipment damage accidents and work-related injuries to determine avoidability, in accordance with subsection 28.05, Accident Review Procedures.

27.04.2

Membership. The Executive Safety Committee shall consist of one Village employee from each department. The employee committee member will be appointed by the respective department head and will remain a member of the Executive Safety Committee at the discretion of the department head. The following Village departments to be represented by one employee are:

- Administration
- Finance
- Public Works
- Police
- Building

In addition, each department head will select one employee from his/her department to serve as an alternate committee member. In the event of the absence of the regular department representative, the alternate member will attend the scheduled Executive Safety Committee meeting to assure representation from each department.

Members of the Executive Safety Committee shall elect one of their members to serve as Chairperson of the Committee. After the Chairperson is elected, he/she will preside over all Executive Safety Committee meetings. The chairperson will serve for a period of two (2) years. In the

event an elected chairperson should leave office before his/her term has expired, the remaining members of the committee shall elect another member to serve as chairperson for the remaining unexpired term.

It will be the responsibility of each department head to immediately replace his/her department representative on the Executive Safety Committee upon notification from the committee or representative that he/she is leaving the committee.

#### 27.04.3

Meetings. The Executive Safety Committee shall meet on a quarterly basis. Any department head who believes that an unscheduled meeting is absolutely necessary for the smooth and efficient operation of his/her department, may request an emergency meeting by writing a memorandum to the Safety Director explaining the need for the emergency meeting.

An Executive Safety Committee quorum is necessary for accident review and judgment. A quorum must consist of the representatives from each department. Each member of the Committee has one (1) vote. The Committee representative from the employee's department shall not vote in the final decision regarding the accident, except to break a tie. Such member will participate in all discussions, questions, and fact-finding prior to the vote and act as an expert witness from his/her department on behalf of the Committee.

### 27.05 Accident Review Procedures

#### 27.05.1

Executive Safety Committee. The Executive Safety Committee is authorized to review all motor vehicle accidents, equipment damage accidents, and work-related injuries to determine avoidability and recommend a course of action to prevent future occurrences of this type. The Committee is authorized to obtain whatever factual information is necessary to investigate the incident, and shall inform the Village Administrator, appropriate department head, and employee of the final determination of avoidability. Discipline may be taken based upon the seriousness of the determination of avoidability.

- (a) An employee who has had an accident is required to submit an accident report form to his/her department head. The employee's supervisor is then required to submit his/her report to the department head. The department head will then forward all appropriate documentation to the Executive Safety Committee for review.
- (b) The Executive Safety Committee and/or Safety Director may request that the employee, supervisor and/or department head be present to discuss the facts of a particular case.

- (c) After reviewing all accident reports, statements and extenuating circumstances described by the Executive Safety Committee representative, the Committee will then reach a decision regarding the avoidability of the accident.
- (d) The Executive Safety Committee's determination will be forwarded to the department head for his/her records and will also be given to the employee. The department head shall determine the appropriate action to be taken based on the Safety Director's value determination in the categories of property damage, personal injury and potential seriousness of the incident.
- (e) The employee may appeal the Executive Safety Committee's decision in writing within ten (10) days after notification of the Risk Management Committee's findings. A second hearing shall be conducted at the next regularly-scheduled Executive Safety Committee meeting or at a time convenient to all concerned. If, after the second hearing, the matter is not resolved to the satisfaction of the employee or department head, either one may use the normal Village Grievance Procedures for a final appeal. This appeal must be requested within ten (10) days of the second hearing. It is understood that appeals in the Police Department shall be subject to the procedures presently employed in the Police Department.

## **27.06 Accident Review Board**

- 27.06.1 Purpose. The purpose of this subsection is to create the Accident Review Board to investigate and establish procedures in the examination of traffic accidents that involve Village employees. The Accident Review Board shall have jurisdiction over all employee related vehicle accidents except for Police Department personnel.
- 27.06.2 Policy. It is the policy of the Village to utilize the Accident Review Board to investigate all traffic accidents that involve on-duty personnel and/or Village vehicles. The Board shall:
  - (a) Determine causation factors of the accident;
  - (b) Make recommendations to the applicable department head or Safety Committee to prevent future accidents; and
  - (c) Determine the employee's degree of fault in the cause of the accident and make a recommendation for disciplinary action, if appropriate.
- 27.06.3 Accident Review Board. The Accident Review Board shall consist of the

Safety Director, who shall act as the Chairperson, and all members of the Risk Management Committee. The Chairperson shall receive all reports pertaining to an accident, convene the Board and actively participate in the review process. In addition, the Chairperson shall attend to all administrative and logistical matters of the Board and forward recommendations to the Village Administrator.

## **27.07 Accident Review**

### **27.07.1 Accident Review - Preparation.**

- (a) The Board will convene as needed, upon written notice from the Safety Director. The accident review may be continued from time to time.
- (b) A quorum of four (4) members must be present before a hearing can be conducted. In cases where a member is involved in an accident, he/she shall be disqualified for that hearing only.
- (c) An employee who has been involved in an accident and his/her supervisor will be notified of the date of the Board hearing, and will have an opportunity to personally present his/her case, if he/she so desires.
- (d) The Board shall have the power to summon any other employee to the accident review, as it deems necessary.

### **27.07.2 Accident Review - Evidence.**

- (a) All vehicular accidents will be thoroughly discussed by the Board. All the conditions listed below will be taken into consideration in investigating the accident:
  - i. Weather conditions
  - ii. Road conditions
  - iii. Light conditions
  - iv. Traffic conditions
  - v. Vehicle condition
  - vi. Driver condition
- (b) In all accidents involving employees, the employee will be counseled to prevent future occurrences and the Chairperson shall forward all appropriate information, along with specific recommendations, to the Village Administrator for review.

### **27.07.3 Final Disposition. Reports of the Accident Review Board shall be written**

and submitted to the Village Administrator. The report will contain the following information:

- (a) Acknowledgment of receipt of accident reports, name of involved employee(s) and date of review.
- (b) Analysis of the facts.
- (c) Affirmation or denial of negligence.
- (d) Signature of Chairperson.

The recommendation of the Board is only that; the final disciplinary action shall be determined by the Village Administrator. However, the Village Administrator may consider the employee's past and present driving record, as well as any other disciplinary action involving the particular employee.

## **27.08 Fleet Safety**

### **27.08.1**

Driver Selection. The selection of full-time or part-time employees who will be required to drive vehicles should be done with care. Drivers of Village vehicles shall be considered qualified when they meet the following criteria:

- (a) Possess a valid state driver's license for the proper class.
- (b) Maintain a traffic record which does not exceed the permitted number of accidents or tickets.
- (c) Pass a physical examination, including eye tests, to determine depth, perception, visual acuity, vertical and lateral balance, field of vision and color recognition.

### **27.08.2**

Driver Training. Each department shall have written guidelines prepared on the proper care and operation of its vehicles. All Village employees shall be trained on safe driving habits through the use of the National Safety Council's Defensive Driving course or other IRMA-approved defensive driving programs.

### **27.08.3**

Preventive Maintenance. Department heads and supervisors have a responsibility to make sure that equipment is in proper working order. Once a supervisor has been informed that a safety problem either exists or has the potential to exist, he/she has the obligation and responsibility to see to it that the problem is corrected or immediately inform his/her department head, who in turn shall take action. If the matter cannot be resolved because of budget constraints, the equipment should be taken out of service and the Village Administrator shall be notified.

## 27.09 Sick and Injured Employees

### 28.09.1 Treatment of Work-Related Injuries/Illnesses.

- (a) Policy. It shall be the policy of the Village for employees to report all work-related injuries or illnesses, and when appropriate, the supervisor shall take or send the injured employee to seek first aid or medical treatment from the **designated** medical facility or, in life threatening situations, to the nearest hospital emergency room.
- (b) All injuries or illnesses, regardless of how minor, shall be reported and the supervisor, when appropriate, shall send the injured employee to seek first aid or medical treatment from a doctor.
- (c) If the doctor, to whom the employee has been sent for treatment, determines that the employee is unable to return to his/her regular job, but can perform a major part of the job without aggravating his/her injury, such assignment can be made upon request to and approval by the department head.
- (d) The family of an employee who is severely ill or injured shall be notified promptly by the proper authority.
- (e) The Safety Director and department head shall be notified immediately of all disabling and possible disabling injuries.

### 27.09.2 Procedure.

- (a) Employees sustaining non-life/limb threatening injuries should be transported by a supervisor or other competent person to the Village's designated medical facility.
  - (i) Upon completion of medical treatment and evaluation, the treating physician shall immediately complete a "Restricted Duty Status" report.
  - (ii) The secondary facility shall be used only for serious life/limb threatening injuries or when the primary facility is closed.
- (b) If the injured employee has sustained an injury considered to be of a much more serious nature, the employee will be transported to the nearest hospital emergency room for treatment (preferably the designated secondary medical facility).
  - (i) Upon completion of initial treatment and evaluation, the

treating physician must complete a "Restricted Duty Status" report. This is required even if hospitalization is necessary.

- (ii) The supervisor should be prepared to furnish the appropriate form(s) to the medical facility.
- (c) If the employee refuses treatment by the designated medical facility, intending instead to visit a doctor of his/her choice, the employee should be advised by the supervisor of the Village's right and need for a medical evaluation by the Village's designated medical facility.
  - (i) The supervisor should, if practical, proceed to have the injured employee examined and evaluated, either before or immediately after the visit to his/her doctor, by the designated medical facility.
  - (ii) The supervisor shall advise the injured employee that he/she may not return to work until the designated medical facility has completed a "Restricted Duty Status" report and that no Temporary Total Disability (TTD) payments will be made until such examination has been made.
  - (iii) Sub-paragraph (ii) is temporarily waived for any employee that is hospitalized or so temporarily incapacitated as to make visiting the designated medical facility a hardship and will remain waived until such time as it is reasonable for the injured employee to report for a medical evaluation.
  - (iv) Long term injury individuals may be required to submit to medical evaluations for possible Restricted Duty work from time to time as each individual case dictates.
  - (v) When the employee is required to submit a "Return to Work" medical evaluation and follow-up examinations/treatments are necessary, the frequency of such evaluations will be determined by the treating physician and the next evaluation will be scheduled at each treatment/evaluation.
  - (vi) When medical treatment is sought, the employee must obtain a completed "Duty Status Report" for all initial and follow-up visits.
  - (vii) If the medical doctor to whom the employee has been sent for treatment determines that the employee is unable to return to his/her job without aggravating his/her injury, such

assignment will be made in accordance to the established early return to work or light duty policy.

## 27.10 Early Return to Work Policy

27.10.1 Purpose. The purpose of this subsection is to establish an early return to work program for employees who have suffered injuries that prevent them from returning to their normal duties at work.

27.10.2 Policy. It is the policy of the Village to utilize an early return to work or light duty program. The Village realizes that these programs are essential to assist in the rehabilitation of injured employees and to maintain maximum proficiency of various Village departments. Light duty programs have shown to have the following benefits for the employee and a municipality:

- (i) Speed employee's recovery toward normal capacities
- (ii) Reduces worker's compensation costs
- (iii) Increase employee safety awareness
- (iv) Reduce employee turnover
- (v) Reduce municipal training costs for replacements

27.10.3 Definitions.

(a) Light Duty. Light duty is a temporary alternative work assignment of a nature designated to comply with the individual employee's restrictions as specified in the doctor's Restricted Duty Status evaluation report and that has been assigned to an injured employee for a specific temporary period not to exceed six (6) months.

(b) Temporary Total Disability ("TTD"). TTD is worker's compensation benefits paid to an employee who is unable to perform his/her regular job as a result of a work-related injury or illness. TTD is not paid to an employee that is performing compensated work and who is paid at least as much as the TTD benefits, even if he/she is unable to perform his/her normal duties.

27.10.4 Evaluation and Modification of Work Assignments. Physicians, whether chosen by the employee or who are part of the Village's designated medical facility, shall conduct "Return-to-Work" medical evaluations, with the understanding that the Village has the ability to design or modify work assignments to meet requirements of most medical work restrictions that are established. Upon completion of medical treatment and evaluation, the treating physician shall immediately complete a "Restricted Duty Status" Report.

Department heads are required to aggressively seek alternative work duties

which meet the injured employee's work restrictions. Each department head shall establish a sample light duty listing for individuals with temporary physical limitations. These restricted duty assignments should be detail oriented, listing all work efforts involved, particularly lifting and mobility requirements. Whenever possible, employees that have work-related temporary physical limitations will be assigned to these alternative restricted duties.

In all cases, medical authorization must be obtained prior to the employee's return to work.

#### 27.10.5

#### Light Duty or Restricted Duty Assignments.

(a) Assignment Not Limited to Employee's Department. The Village is the employer, not the individual department. It is the primary goal of this policy that departments find alternative work assignments for employees assigned to their respective departments. However, when the employee's department head cannot find suitable work, the Village Administrator shall be notified and suitable restricted work shall be sought in another department.

An employee that is injured **ON-DUTY** and has been assigned to temporary restricted duty shall receive his/her normal wages. If the injury is sustained off-duty, the employee shall be paid the normal wage paid by the Village for the type of work assigned to the injured employee on restricted duty. When suitable restricted work that meets medical work restrictions cannot be assigned, the employee will not be returned to work. Such employees will remain on worker's compensation leave until suitable work is available or the employee is no longer subject to work restrictions.

(b) Assignment of Restricted Duty. When an injured employee who has been off work is being returned to work in accordance with a medical restricted duty evaluation, the temporary duty assignment shall be put in writing by the department head in a "Position Description" format.

Both the injured employee and his/her immediate supervisor shall be informed of the medical work restrictions. Under no circumstances is the employee permitted to violate these restrictions.

When the injured employee returns to work on Restricted Duty, the department head shall immediately advise the claims adjuster and TTD payments will cease.

(c) Rejection of Restricted Duty. If the injured employee **REFUSES** a restricted duty assignment, a certified letter shall be sent to him/her advising where and when to report to work in accordance with his/her medical evaluation. This letter shall advise the employee that failure to report for work will result in termination of worker's compensation TTD payments. If the injured employee does not report for a restricted duty work assignment, the department head shall immediately advise the insurance adjuster to discontinue TTD payments.

Under no circumstances will payment for reasonable and necessary medical treatments related to work injuries be discontinued. The employee has the right and may appeal discontinuance of TTD payments to the Illinois Industrial Commission.

(d) Eligibility for Restricted Duty Assignment. "On-the-job" injured employees have priority over "off-duty" injured employees when being assigned restricted duty. Injured "off-duty" employees shall be carefully evaluated by department heads to ensure that their injury will not be aggravated or re-injured on-the-job, resulting in the injury becoming a worker's compensation claim.

## 27.11 Health, Safety and Loss Control Inspections

27.11.1 Purpose. The purpose of periodic health, safety and loss control inspections is to identify any risks or occupational health and safety concerns, and correct them so as to protect the Village's assets (human, financial and physical) and to reduce risk of accident, injury and other forms of loss.

27.11.2 Policies.

- (a) On an annual basis, the Fire Department will conduct a code inspection of each Village facility, under the same standards as any other similar facility in the Village.
- (b) On an annual basis, the Safety Director will inspect, or cause to be inspected, all Village facilities.
- (c) On a monthly basis, each department will conduct an in-house self-inspection and evaluation of its facilities and equipment.
- (d) On a periodic basis (at least every 3-5 years), the Safety Director shall, subject to Board appropriations, conduct or cause to be conducted a risk identification and loss control audit of the Village.
- (e) The Village will cooperate with the federal and/or state government

in any Occupational Safety and Health Administration (OSHA) related inspections of Village facilities or job-sites. The Safety Director shall accompany OSHA personnel on any inspection.

27.11.3

Inspections.

- (a) Fire Department Inspections. Fire Department inspections of Village facilities shall be conducted in the same manner and under the same standards as other facilities in the Village. Copies of the inspection report shall be given to the Village Administrator and Safety Director.
- (b) Safety Director Inspections. Inspections shall be conducted in a manner designated by the Building Commissioner/Safety Director, drawing upon the assistance of staff, consultants, employee health and safety committee, *etc.*, as needed. Safety Director Inspections may address any area of loss control and shall be documented in writing.
- (c) Emphasis will be placed upon the condition of the facilities, equipment and machines, as well as implementation of the overall program, including but not limited to:
  - (i) Good housekeeping
  - (ii) Use of prescribed protective equipment
  - (iii) Compliance with written policies and procedures
  - (iv) Qualifications of drivers and condition of vehicles
  - (v) Condition of ladders and other equipment
  - (vi) Proper maintenance of electrical equipment, power tools, and hand tools
  - (vii) Proper guarding of open pits, ditches, tanks, etc.
  - (viii) Proper storage and handling of flammables and combustibles
  - (ix) Fire extinguishers, first aid kits, and emergency lighting
  - (x) Noise levels
  - (xi) Dust levels
- (d) Facilities and equipment noted to be unsafe for use shall be tagged by the inspector.
- (e) Copies of inspection reports shall be distributed to the Village Administrator, Safety Director and any affected department head.
- (f) Affected department heads will have two (2) weeks from receipt of the inspection report to advise the Safety Director as to the action taken or to be taken to remove identified hazards.

27.11.4 Annual Department Inspections. On an annual basis, each department head will conduct an in-house self-inspection and evaluation of his/her facilities and equipment, utilizing a standard inspection form.

- (a) The individual completing the inspection must sign and date said form. A copy of the report shall be maintained by the department head and a copy sent to the Safety Director.
- (b) The necessary actions shall be taken to come into compliance, if applicable, with a report of said actions taken attached to the subsequent self-inspection report.

27.11.5 OSHA Inspections. In the event a state or federal (OSHA) inspector visits Village facilities or job sites, the Safety Director shall be notified as soon as possible. Under state and federal law, these inspections may be made on a "no notice" basis. Labor and Industries inspection compliance officers generally concern themselves with safe working practices, use of prescribed protective equipment, adequacy of protective equipment, guarding of machines, use of shoring, equipment configurations with respect to operation protection, *etc.* When a violation of a safety standard is documented and determined to be valid by the inspection officer, a citation will be issued against the Village and served by mail directly to the Village Administrator.

Because the Public Works Department is responsible for maintaining all Village facilities and equipment, the abatement of facility and equipment safety violations will more than likely be the responsibility of the public works maintenance crew. The Public Works Director shall:

- (a) Notify the Safety Director and invite him/her to accompany the state or federal inspector on the inspection tour when any Village building or other facility is being inspected.
- (b) Record violations detected by the Village Inspector for advance planning purposes.
- (c) In the event of receipt of a citation, insure that it is posted on a bulletin board nearest to the violation until it has been abated.
  - (i) If the violation is a minor housekeeping problem, the Public Works Director will request to have the area cleared or otherwise modified to comply with the appropriate standards.
  - (ii) If abatement of the citation will require more extensive work, the Public Works Director will coordinate with

appropriate personnel to determine if the job can be done within the abatement period, or if an extension of time will be needed.

- (d) Insure that when correction of a violation can be accomplished within the abatement period, it is done without delay.
- (e) Notify the Village Administrator when modifications require the expenditure of funds so that appropriate action can be taken.
- (f) Prepare any requests for extensions needed, indicating why it is needed and how long the delay will be, with a copy to the Safety Director.
- (g) Prepare timely requests for a variance or for a hearing when the citation is questionable and should be aggrieved.
- (h) Upon completion of corrective action, certify, by date and signature at the bottom of the citation form, that each violation has been abated. Mail form to the state agency, with a copy to the Safety Director.

27.11.6

Illinois Department of Labor, Health and Safety Inspection Compliance. Effective January 28, 1987, the Illinois Health and Safety Act requires all public sector employers to comply with OSHA safety standards and record keeping adopted and enforced by the Illinois Department of Labor.

The following procedures are to be observed upon the arrival of an Illinois Department of Labor inspector to perform an unannounced safety inspection:

- (a) The receptionist should notify the Village Administrator. It will be the Village Administrator's responsibility to alert department heads, to arrange for inspection of the targeted area(s), and to accompany the inspector throughout the inspection.
- (b) In the absence of the Village Administrator, the receptionist should attempt to contact, in the following order, personnel to coordinate the inspection:
  - Safety Director
  - Director of Public Works
- (c) The inspector will outline the scope of the inspection and the records to be reviewed. A cooperative, instead of an adversarial, stance is expected. Objections to the process or refusal to permit entry will

probably result in the Inspector securing a warrant. The inspector must be provided protective equipment if the situation calls for it. The inspector may request employee input in private during the inspection. He/she may take photographs or material samples. ***Observed minor violations should be corrected in the course of the inspection, if possible.***

- (d) A closing conference with the inspector will review any violations. Employee representation at this conference may be requested by the inspector or the Village.
- (e) The Village Administrator will be responsible for correcting violations as determined in the closing conference.
- (f) Department heads, particularly Public Works and Police, should ensure that administrative personnel are aware of the preceding information and are prepared to assist in the event of an inspection.

#### 27.11.7

**Risk Identification/Loss Control Inspections (Audits).** The Safety Director, subject to Village Board approval of appropriations and/or availability of staffing, shall conduct, or cause to be conducted, every three (3) to five (5) years, a comprehensive risk identification and loss control audit of the Village. The audit shall include, but not limited to, an inspection of all:

- (a) Buildings
- (b) Grounds, including parks, trails and open spaces
- (c) Streets, utilities and other infrastructure
- (d) Village contracts and agreements, or lack thereof
- (e) Programs, services and activities
- (f) Policies, procedures and practices
- (g) Accident history
- (h) Liability claims experience
- (i) Unemployment compensation experience
- (j) Worker's compensation experience
- (k) Insurance coverages

The audit report shall include recommendations to improve the avoidance, elimination and reduction of risk through risk financing and management techniques.

#### 27.12. Federal and State Employee Right-to-Know Acts

##### 27.12.1

##### OSHA

- (a) Hazardous Substance Communication Safety Policy. The purpose of this policy is to establish procedures for the Village to comply

with the OSHA Hazard Communication Standard, 29 CFR§1910.1200 and the Illinois Department of Labor Toxic Substance Disclosure to Employees Act ("Right-To-Know-Law"). The Village shall comply with these federal and state regulations by compiling a hazardous chemicals list, using Material Safety Data Sheets ("MDS"), labeling containers, and training Village employees.

This program applies to all work operations where employees in the Village may be exposed to hazardous substances under normal working conditions or during emergency situations. The Village Administrator is hereby designated as the policy coordinator and shall have overall responsibility for the policy. The Village Administrator will review and update the program as necessary. The written program may be obtained from the Village Clerk at the Village Hall, 20040 Governors Highway, Olympia Fields, Illinois 60461, and may be reviewed or copied by any employee. The Village Administrator has direct responsibility for implementation of this policy.

Under this program, employees will be informed of the contents of the Hazard Communication Standard, the hazardous properties of chemicals with which they work, safe handling procedures, and measures to take to protect themselves from such chemicals. Employees will also be informed of the hazards associated with non-routine tasks employees may be asked to perform and the hazards associated with chemicals in unlabeled containers.

- (b) Purpose. This Policy serves as the Village of Olympia Fields' Hazard Communication Program. It provides detailed safety guidelines and instructions for receipt, use and storage of chemicals at Village-owned facilities by employees and contractors. This policy also serves to meet the requirements of OSHA Standard 1910.1200 compliance.
- (c) The Director of Public Works. The Director of Public Works has the following responsibilities:
  - (i) Insure that all hazardous substance containers are labeled.
  - (ii) Request a MDS every time a Hazardous Substance is purchased.
  - (iii) Maintain a MDS file for all Hazardous Substances.
  - (iv) Train all new employees on the Right-to-Know and

Hazardous Substance requirements.

- (v) Require department heads and supervisors to maintain all O.S.H.A. injury and other compliance records.
- (vi) Perform formal WALK-THRU safety inspections as part of monthly activities with particular emphasis on detecting hazardous material violations.
- (vii) Train employees and document compliance with the Hazardous Substance/Right-to-Know regulations.

(d) List of Hazardous Chemicals. The Village will make a list of all hazardous chemicals and related work practices used in its facilities, and will update the list as necessary. The list of chemicals identifies all of the chemicals used in the Village's work areas. A separate list is available for each location and is available there. Each list shall also identify the corresponding MDS for each chemical. A Master List of these chemicals will be maintained by and is available from the Director of Public Works as well as a Central List of all MDS to be kept in the main Safety File.

(e) Material Safety Data Sheets (MDS). MDS provide the specific information concerning the chemicals that employees use. The Village will maintain in a central location, a binder with a MDS on every substance on the list of hazardous chemicals. The MDS will be a fully completed OSHA Form 174 or its equivalent. The MDS binder will be made readily available to all employees.

The Director of Public Works is responsible for acquiring and updating MDS. If additional research is necessary or if a MDS has not been supplied with an initial shipment of a chemical, the Director is responsible for contacting the chemical manufacturer or vendor. All new procurements for the Village must include a demand for a MSDS to be furnished with the delivery of material. A Master List of MSDS is available from the Director.

(f) Labels and Other Forms of Warning. The Director of Public Works will ensure that all hazardous chemicals are properly labeled and updated as necessary. Labels will list (at least) the chemical identity of the contents, appropriate hazard warnings, and the name and address of the manufacturer, importer or other responsible party.

If there are a number of stationary containers within a work area that have similar contents and hazards, signs will be posted on them to convey the hazard information. If there are stationary process

equipment, regular process sheets, batch tickets, blend tickets and similar written materials may be substituted for container labels when they carry the same information as the labels. Written materials (MDS) that correspond with labeled containers will be made readily available to the employee during his/her work shift.

If chemicals are transferred from a labeled container to a portable container that is intended only for immediate use, no labels are required on the portable container. Pipes and piping systems will not be labeled but their contents will be described in training sessions.

If an employee discovers an unlabeled container that he/she suspects might contain a hazardous substance, he/she should immediately advise the Director of Public Works. The Director shall review the container labels and the MDS for that substance. If appropriate, the Director shall prepare a hazardous substance label for that container.

- (g) Non-Routine Tasks. When employees are required to perform hazardous non-routine tasks (*e.g.*, cleaning tanks, entering confined spaces, *etc.*), a special training session will be conducted to inform employees regarding the hazardous chemicals to which they might be exposed and the proper precautions to take to reduce or avoid exposure.
- (h) Training. Everyone who works with or is potentially exposed to hazardous chemicals will receive initial training on the Hazardous Communication Standard and the safe use of those hazardous chemicals by the Director of Public Works. A program that uses both audio visual materials and classroom type training shall be prepared for this purpose. Whenever a new hazard is introduced, additional training will be provided. Regular safety meetings will also be used to review the information presented in the initial training. Supervisory personnel will be extensively trained regarding hazards and appropriate protective measures so they will be able to answer questions from employees and provided daily monitoring of safe work practices. An annual training will be conducted for employees who are routinely potentially exposed to hazardous chemicals by their job tasks. The training plan will emphasize these items:
  - (i) Summary of the standard and this written program.
  - (ii) Chemical and physical properties of hazardous materials (*e.g.*, flash point, reactivity) and methods that can be used to detect the presence or release of chemicals (including chemicals in unlabeled pipes).

- (iii) Physical hazards of chemicals (e.g., potential for fire, explosion, etc.).
- (iv) Health hazards, including signs and symptoms associated with exposure to chemicals and any medical condition known to be aggravated by exposure to the chemical.
- (v) Procedures to protect against hazards (e.g., personal protective equipment required and its proper use and maintenance, work practices or methods to assure proper use and handling of chemicals, and procedures for emergency response).
- (vi) Work procedures to follow to assure protection when cleaning hazardous chemical spills and leaks.
- (vii) Instruction on how to read and interpret the information on both labels and MDS, where the MDS are located, and how employees may obtain additional hazard information.
  - 1. All hazardous materials shall be stored in a special area, building or cabinet, depending on type or types of material, in accordance with the hazard of that material.
  - 2. All employees will be instructed on where and how to store the materials their departments use, and will be required to use these areas when handling such materials.

The Director of Public Works and the Village Administrator will review the Village's employee training program and give advice regarding training and retraining needs. Retraining will be required when the hazard changes or when a new hazard is introduced into the workplace. The Village will provide training regularly in safety meetings to ensure the effectiveness of its training program. As part of the assessment of the training program, the Village will obtain input from employees regarding the training they received and suggestions for improving the training.

- (i) Contractors. The Director of Public Works will advise outside contractors in person of any chemical hazards that may be encountered in the normal course of their work on Village premises, the labeling systems in use, the protective measures to be taken, and the safe handling procedures to be used. In addition, the Director will inform these individuals of the location and availability of

MDS. Each contractor bringing chemicals on-site must provide the Village with appropriate hazard information on these substances, including the labels used and the precautionary measures to be taken in working with these chemicals.

(j) Additional Information. All employees, or their designated representatives, can obtain further information on this written program, the hazard communication standard, applicable MDS's, and chemical information lists from the Building Commissioner/Safety Director's office or his/her designated individual.

27.12.2 Toxic Substances Right-to-Know Act Training. The Illinois Toxic Substance Right-to-Know Act requires the following training be provided to all employees:

- (a) Personal instruction with respect to methods of material handling for each toxic substance to which the employee will or may be exposed in the normal course of his/her employment;
- (b) A Material Safety Data Sheet (MDS) pertaining to such toxic substances;
- (c) A summary of employee rights or a readily-understandable explanation of how to read and understand a Material Safety Data Sheet.

The following is a proposed training outline to be used by the Director of Public Works in order to fulfill the requirements of this Act.

- (a) Basic Training:
  - (i) Employee Rights - review employee rights as listed in the ***You Have a Right to Know*** booklet, which should be distributed to all employees.
  - (ii) Material Safety Data Sheets - review the ***You Have a Right to Know*** booklet summary on how to read an MDS.
    - 1. Inform employees of the location and availability of MDS forms in each department.
    - 2. Inform employees on how to request an MDS form.
  - (iii) Labels - instruct employees on the reading of hazard warnings on toxic materials.

(b) Hazards Training:

- (i) Substance Identification - physically acquaint all employees with toxic substances used in their departments. Indicate brand name, trade name, common name, chemical name, *etc.*
- (ii) Hazardous Ingredients - acquaint employees on the ingredients of toxic substances used in their departments (those toxic substances found on the official Village toxic substance alphabetical listing).
- (iii) Health Hazards - review the health effects of exposure to the above-mentioned toxic substances. Instruct employees on first aid methods.
- (iv) Handling of Toxic Substances - instruct employees on the proper storing, moving and use of toxic substances. Instruct the employees on the use of protective equipment - gloves, ventilation, masks, *etc.*
- (v) Emergency Procedures - instruct employees on the use of fire extinguishers and how to react in case of emergencies.

(c) Training Schedule:

- (i) All new employees shall be given the above-mentioned training as a part of their "orientation."
- (ii) All full-time employees shall be given "Right-to-Know" Act training annually thereafter.
- (iii) Employees who complete the aforementioned training should sign the Employee Training Completion form.

**Note:** A video tape is available from the IRMA offices on toxic substance training to supplement training.

### **27.13 Occupational Safety and Health Act (O.S.H.A.) - Record Keeping**

27.13.1. Purpose and Scope. The purpose of this subsection is to describe the responsibilities and actions to be taken in complying with the Occupational Safety and Health Act. The Act is intended to assure safe and healthful working conditions for employees by enforcement of safety standards. The Village is required to furnish a place of employment free from recognized hazards and to comply with safety and health standards established under the Act. The State Office of Occupational Safety and Health Administration

(IOSHA), under the Department of Labor, administers the Act. It conducts periodic inspections, investigates complaints by employees or their representatives, issues citations and assesses penalties. All of these burdens are placed upon the Village. All employees must comply with standards, rules and regulations that apply to their job. IOSHA covers all municipal employees. The Safety Director shall be responsible for maintaining O.S.H.A. records and files.

27.13.2 Reporting Serious Accidents. The law requires that any accident which is fatal to one or more employees or where there is an accident requiring hospitalization of five (5) or more employees is to be reported within forty-eight (48) hours.

All serious accidents shall immediately be reported to the Safety Director. The /Safety Director will determine if the report must go to the IOSHA regional office.

27.13.3 Violations or Penalties. Inspections, complaints, notification of violations or penalties by IOSHA of any department must immediately be reported to the Safety Director.

27.13.4 Posters. Department heads shall ensure that the following Safety and Health Protection job posters are displayed at each work location:

- EEOC
- Polygraph Protection Act
- Job Safety and Health Protection
- Federal Minimum Wage
- I.O.S.H.A. Poster
- Hazardous Materials Right-to-Know
- Worker's Compensation

27.13.5 Record Keeping.

(a) O.S.H.A. Form 200, *Log and Summary of Occupational Injuries and Illnesses*, will be maintained at Village offices and kept accurate within six (6) working days of receiving information. The Log must be retained for five (5) years following the year to which it relates. The reverse side of the form has instructions.

(b) Illinois Form 45, *Employees First Report of Injuries and Illness*, must be completed for all O.S.H.A. recordable injuries or illnesses. A copy must be maintained at the Village offices in the O.S.H.A. file, along with the O.S.H.A. 200 log. All O.S.H.A. records must be retained for five (5) years.

(c) O.S.H.A. Form 200, *Log and Summary of Occupational Injuries and Illness*, will be maintained throughout the calendar year and the columns totaled at the end of each calendar year. Instructions are on the back. The complete summary must be posted in a place accessible to employees for thirty (30) days beginning February 1 of the year following the recorded year. All O.S.H.A. Form 200s must be retained for five (5) years following the end of the calendar year to which they relate.

**NOTE:** Departments not located on property contiguous to the Village offices shall maintain an O.S.H.A. 200 Log on their premises for their employees.

## **SECTION 28**

### **DRUG AND ALCOHOL FREE WORKPLACE POLICY**

**Apart from any other rules and regulations determined to be necessary for the safe and efficient operation of Village Departments, the following policy shall apply.**

#### **28.01 Purpose**

It is the policy of the Village that the public has the right to expect all persons employed by the Village to be free from drug use and alcohol abuse. The unlawful manufacture, distribution, dispensation, possession or use of alcohol or a controlled substance in a Village workplace, or while performing the duties of a Village employee, is strictly prohibited. All facilities owned by or leased to the Village and all sites where the Village is performing work on its own behalf are subject to this policy.

Employees are expected and required to report to work on time and in an appropriate mental and physical state for work. An employee under the influence of alcohol or controlled substances while at work, may impair the well-being of other employees, the public-at-large, or may cause damage to Village property. It is the Village's intent and obligation to provide and maintain a drug and alcohol free, healthful, safe and secure work environment.

The Village recognizes drug and alcohol dependency as serious health problems. It affects an employee's physical and mental capabilities, thus inhibiting the employee from functioning productively on the job. The employee in need of help in dealing with such problems is encouraged to use the Village's health insurance plan, as appropriate. Conscientious efforts to seek such help will not jeopardize an employee's job and will not be recorded in any Village personnel file.

All employees of the Village, whether full-time, part-time, temporary or paid-on-call, and those contractors and subcontractors who are engaged in the performance of a contract subsidized in full or in part by a federal or state grant shall be given a copy of this policy. Each employee agrees that as a condition of employment with the Village, the employee will abide by the terms of this Drug

and Alcohol Free Workplace Policy as set forth below.

## **28.02 Drug and Alcohol Policy**

28.02.1 Employee Rules and Regulations Employees who are required to have a Commercial Drivers' License for employment with the Village are subject to the rules and regulations for the use of drugs and alcohol provided by the Village's Commercial Drivers' License ("CDL") Policy. Members of the Police Department who are covered by a collective bargaining agreement shall abide by the drug and alcohol provisions of the agreement. All employees not otherwise covered by a collective bargaining agreement shall be subject to the following rules and regulations.

An employee who is in violation of this Drug and Alcohol Policy will be subject to disciplinary action up to and including immediate discharge, and, if applicable, may be subject to prosecution to the extent possible under the law. Disciplinary action taken will be in accordance with established policies set forth in the Personnel Manual and rules and regulations promulgated by department heads.

- (a) Employees shall not manufacture, distribute, dispense, possess, or use controlled substances and/or alcohol on Village premises or while conducting Village business off premises. All illegal substances (as defined by the Illinois Criminal Statutes) discovered on an employee's person, property, or work area will be given to the appropriate law enforcement agency and may result in criminal prosecution.
- (b) An employee shall not report to work when under the influence of alcohol and/or controlled substances, not prescribed for medical or medicinal purposes.
- (c) An employee shall not use alcohol and/or drugs while in Village buildings, vehicles, on Village property or while in Village uniform.
- (d) An employee shall be required to immediately submit to appropriate tests for the detection of alcohol and/or controlled substances when the employee's supervisor, department head, or Village Administer has reasonable suspicion to believe that such employee is under the influence of drugs and/or alcohol. An employee who refuses to participate in any mandatory alcohol or drug testing is subject to disciplinary action.
- (e) An employee shall not abuse legal drugs, *i.e.*, over-the-counter drugs, which may affect the performance of one's duties.
- (f) An employee may not operate any Village owned or leased vehicle

while under the influence of alcohol or controlled substances.

(g) An employee shall not use any alcoholic beverages or possess any open containers of alcoholic beverages on any street, sidewalk or public place within the Village while on duty. This shall not prohibit the consumption of alcohol at Village-related social or civic events. For the purposes of this subsection, "within the Village" shall include, but not be limited to streets, sidewalks, Village buildings, Village vehicles and Village property.

28.02.2 Violation of a Criminal Drug Statute.

(a) An employee is required to notify the Village if he/she has been arrested and convicted of any criminal drug statute occurring in the workplace or performing any job-related duty while not on Village-owned property within five (5) days after such conviction. Failure to notify the Village within five (5) working days after conviction may subject the employee to immediate discharge. For the purposes of this policy, the following definitions shall apply:

(i) "Conviction" shall mean a finding of guilt, including a plea of nolo contendere, or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of federal or state criminal drug statutes; and

(ii) "Criminal drug statute" shall mean a criminal statute involving manufacture, distribution, dispensation, use or possession of any controlled substances.

(b) The Village shall notify the appropriate federal and/or state agency responsible for the grant of funds to the Village within ten (10) days after receiving notice of a conviction required under this policy from an employee or otherwise receiving actual notice of such conviction.

(c) Within thirty (30) days after receiving notice from an employee of a conviction, the Village shall:

(i) Impose an appropriate sanction;

(ii) Take appropriate personnel action against such employee up to and including termination; and/or

(iii) Require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purpose by a federal, state, local health, law enforcement, or other appropriate agency.

28.02.3 Prescribed Medical Treatment.

- (a) The use of a controlled substance as part of a prescribed medical treatment by a duly licensed physician will not subject an employee to disciplinary action or denial of employment if that treatment will not/does not adversely affect job performance.
- (b) Prescribed use must be substantiated by a physician's report or statement.
- (c) Prior to the start of a workday, an employee who is taking medications or drugs, whether or not it is prescription or non-prescription, shall notify his/her department head or supervisor that such medication or drug may interfere with the safe and effective performance of duties or operation of Village equipment.
- (d) If the use of prescription or non-prescription drugs adversely affects an employee's job performance and/or is detrimental to the public trust or safety of other employees or citizens, in the best interest of the employee and the Village, such employee will be placed on a leave of absence. Employees are required to substitute any unused accrued paid leave, *i.e.*, vacation, personal and sick leave, during such leave. At the discretion of the department head, the employee may be reassigned to other duties.
- (e) Leaves of absence will be used in accordance with current policies.
- (f) Upon request, an employee shall provide a current, valid prescription in the employee's own name for any drug or medication identified in a positive test for controlled substances within twenty-four (24) hours of the Village receiving notification of a positive drug test.

**28.03 Mandatory Testing**

All applicants for employment with the Village of Olympia Fields and all employees who are subject to mandatory testing shall sign the Village's consent form (*see* subsection 28.09, below). Any employee who refuses to participate in any mandatory testing will be subject to disciplinary action, up to and including termination. Drug or alcohol testing will include a urinalysis, breath analysis and/or blood sample testing, or other approved methods.

28.03.1 Pre-Employment Testing. All applicants for any Village position shall be required to submit to and pass a drug test as a condition of employment. The drug test shall be given to applicants with conditional offers of employment. Applicants shall be disqualified from employment with the Village for refusal to submit to a required drug test or for a confirmed positive drug test. Applicants who have completed a rehabilitation program will be subject to drug screening prior to being considered for employment.

28.03.2 Probationary Employees. A confirmed test result that is positive for alcohol or drugs during the probationary period will result in termination.

28.03.3 Traffic Accidents.

- (a) Any Village employee who, while operating a Village-owned or leased vehicle is involved in an accident will be subject to post-accident testing when there is reasonable suspicion that the employee is under the influence of alcohol or controlled substance(s).
- (b) Alcohol Tests. The employee must be tested at the earliest opportunity but in no case beyond eight (8) hours following the accident.
- (c) Controlled Substance Tests. The employee must be tested for controlled substances within thirty-two (32) hours following the accident.
- (d) Employee's Responsibility. Following any accident, the employee must contact the Village as soon as possible. An employee who has been advised that he or she is subject to post-accident testing must remain available for testing, or the Village will consider the employee as having refused to submit to testing. The employee must refrain from consuming alcohol for eight (8) hours following the accident, or until he/she submits to an alcohol test, whichever comes first. Nothing in this subsection shall be construed to require the delay of necessary medical attention for injured individuals following an accident or to prohibit the employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.
- (e) In the event the employee is so seriously injured that he/she cannot provide a sample of urine or breath at the time of the accident, the employee must provide necessary authorization for the Village to obtain hospital records or other documents that would indicate whether or not there was the presence of controlled substances or alcohol in the employee's system at the time of the accident.
- (f) Based on the results of the aforementioned drug and/or alcohol test, the employee may be subject to disciplinary action in accordance with departmental or Village guidelines for various infractions.
- (g) An employee's fitness to continue in his/her current position while enrolled in a rehabilitation program will be determined on a case-by-case basis.
- (h) Employees who have completed a rehabilitation program will be subject to drug and alcohol screening prior to returning to work.

28.03.4. On-the-Job Incidents. Any Village employee who is involved in a reportable incident (any personal injury or property damage involving a Village employee that occurs on or off Village property during assigned work hours, and/or any time an employee is wearing a Village uniform) that results in injury to persons or property will be subject to an investigation conducted by the department head or immediate supervisor. As part of the investigation, the department head or immediate supervisor shall evaluate the employee's appearance and behavior. The department head, with input from the immediate supervisor, shall direct the employee to undergo drug and/or alcohol testing if there is reasonable suspicion that the employee was under the influence of drugs and/or alcohol at the time the incident occurred.

- (a) Based on the results of the investigation and drug and/or alcohol tests, the employee may be subject to mandatory participation in a rehabilitation program as provided by the Village's health insurance carrier and/or disciplinary action in accordance with departmental or Village guidelines for various infractions.
- (b) An employee's fitness to continue in his/her position while enrolled in such a rehabilitation program will be determined on a case-by-case basis.
- (c) Employees who have completed a rehabilitation program will be subject to alcohol and drug screening prior to returning to work.

28.03.5 Leaves of Absence. Any employee who has been on a leave of absence, whether paid or unpaid, for thirty (30) or more consecutive days, may, at the discretion of the Village, be asked to submit to a drug test prior to returning to his/her work assignment. Leaves of absence includes personal, medical, FMLA or disciplinary leaves.

28.03.6 Reasonable Suspicion.

- (a) An employee, at any level, shall be required to immediately submit to appropriate tests for the detection of alcohol and/or controlled substances when the Village Administrator, department head, or the employee's supervisor has reasonable suspicion to believe that such employee is under the influence of drugs and/or alcohol.
  - (i) If more than one (1) employee has reasonable suspicion that a supervisor/department head is under the influence of drugs or alcohol, their observation should be reported, when possible, to the supervisor's/department head's immediate superior.

- (ii) If employees feel that reporting their observations in this manner would adversely affect their working conditions, the report may be made to the Village Administrator or designee.
- (iii) Employees must identify themselves to the Village Administrator or designee, who will keep their names confidential; however, employee names may be released, when necessary, if the supervisor/department head is disciplined and a grievance procedure or litigation results.

(b) Reasonable suspicion exists when at least two (2) individuals, or a professionally trained law enforcement officer or agent, observe specific, contemporaneous, articulable observations concerning the following:

- (i) Overall appearance and/or behavior including, but not limited to: slurred, rambling, incoherent speech; agitated, aggressive or passive demeanor; bloodshot, dilated, closed or moist eyes; alcohol on breath; marijuana odor; fumbling, jerky, slow reacting coordination; talkative, threatening, erratic behavior; sweaty, flushed, pale, clammy, skin; disorientation; inability to walk a straight line or unsteady, staggering, swaying movements, indication of chronic and withdrawal effects of controlled substances.
- (ii) An accident where the conduct of the employee gives rise to such reasonable suspicion.
- (iii) Possession of alcohol and/or drugs.
- (iv) Erratic operation of equipment.
- (v) Confirmed reports from police, citizens or other employees of drug and/or alcohol use or abnormal, potentially dangerous behavior or distributing drugs and/or alcohol on Village-owned property (An employee suspected of having drugs and/or alcohol on Village premises is subject to having his/her work area searched by the Village Administrator, department head or other Village official).
- (vi) Medical or physical information such as "track marks", unauthorized absenteeism or tardiness.

- (c) Any supervisor/department head who determines that reasonable suspicion exists for an employee to submit to a drug and/or alcohol test must immediately notify his/her immediate superior and/or the Village Administrator or his/her designee. Should the department head (immediate superior) and /or Village Administrator conclude that reasonable suspicion exists that an employee is impaired, testing procedures shall commence immediately. If the supervisor/department head is unable to contact the department head (immediate superior) and/or the Village Administrator within one (1) hour, the supervisor/department head may order the employee to submit to a drug and/or alcohol test. The results of the test(s) will be held by the laboratory until its release is approved by the department head (immediate superior) and /or Village Administrator.
- (d) A written record shall be made of the observations leading to an alcohol and/or controlled substances reasonable suspicion test and signed by the person who made the observations, within twenty-four (24) hours of the observed behavior or before the results of the test(s) are released, whichever is earlier.

#### **28.04 Supervisor/Department Head Responsibilities**

The supervisor/department head shall be responsible for enforcing this Policy at all times and is required to perform the following duties in conjunction with this Policy:

- (a) Enforce this Policy at all times. Any supervisor/department head who knowingly permits a violation of this policy by any employee under his/her direct supervision shall be subject to disciplinary action.
- (b) Take appropriate action to protect Village personnel and Village property by removing from the work premises or site any individual who is not in condition to perform assigned work in a normal and safe manner.
- (c) Not permit an employee to drive any vehicles if it appears that the employee is under the influence of drugs or alcohol.
- (d) Request that an employee submit to a drug and/or alcohol test when reasonable suspicion exists that such employee is under the influence of drugs and/or alcohol.
- (e) Receive at least sixty (60) minutes of training on alcohol misuse and receive an additional sixty (60) minutes of training on controlled substance use. Training will include the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances.

## **28.05 Testing Procedures**

(a) An employee shall be tested for the following substances:

Alcohol  
Amphetamines  
Barbiturates  
Cocaine/Metabolite  
Methaqualone  
Phencyclidine (PCP)  
Opiates  
Benzodiazepines  
Cannabinoids (THC)

(b) The above drug groups were selected on the ability of each drug to adversely affect physical/mental performance. As new or existing drugs develop into abuse problems, they shall be included in the screening process when technically and financially feasible.

(c) All mandatory testing for alcohol and/or controlled substances shall be conducted under the following conditions:

- (i) All alcohol and drug testing shall be conducted in a clinical laboratory or hospital facility that is licensed pursuant to the Illinois Clinical Laboratory Act and that has or is capable of being accredited by the National Institute of Drug Abuse (NIDA), or by the medical group(s) responsible for administering conditional offer of employment physical examinations if properly licensed to conduct drug testing. The employee's supervisor/department head shall accompany the employee to the designated testing facility.
- (ii) The laboratory or facility selected to conduct the test(s) must conform to NIDA standards.
- (iii) In regard to alcohol testing, an employee who has a confirmed test result showing an alcohol concentration level of 0.04 or greater shall be considered to have tested positive for under the influence of alcohol and subject to disciplinary action. This standard does not preclude the Village from removing from his/her job-related duties, an employee who has a confirmed alcohol concentration level of 0.02 or greater, including the operation of Village-owned equipment.
- (iv) All positive urine and blood samples will be retained by the laboratory for one (1) year or longer if an appeal or court action is in process.

(d) Appeal Process.

- (i) Upon receipt of a positive test, the employee or applicant will be notified of the test results.
- (ii) As part of the notification, the employee or applicant whose test results are positive, shall be provided an opportunity to explain the positive results and may request to have the additional reserved sample tested by a clinical laboratory or hospital facility of the employee's own choosing and at the employee's own expense; provided the employee notifies the department head and/or Village Administrator within twenty-four (24) hours of receiving the test results; and provided that the clinical laboratory or hospital facility selected to perform the testing meets the criteria set forth above.
- (iii) If the second test is negative, the Village will pay for the retesting.

**28.06 Effect of Positive Tests for Alcohol and/or Controlled Substances**

- (a) An employee who tests positive for alcohol and/or controlled substances shall be subject to the following:
  - (i) An employee who has a confirmed test result showing an alcohol concentration level of 0.04 or greater shall be considered to have tested positive for under the influence of alcohol.
  - (ii) An employee who has a confirmed test blood/urine alcohol concentration of 0.02 or greater may be removed from his/her job-related duties pending further investigation and/or disciplinary action or until ordered to report for duty.
  - (iii) An employee who has a confirmed test blood/urine alcohol concentration of 0.04 or greater shall be immediately removed from his/her job-related duties pending further investigation and/or disciplinary action or until ordered to report for duty.
  - (iv) An employee who tests positive for controlled substances shall be immediately removed from his/her job-related duties until such time as he/she tests negative in a mandatory return-to-work controlled substances test.
  - (v) If an employee has a confirmed positive test for alcohol and/or controlled substances, the Village Administrator or designee will:
    1. Immediately institute disciplinary proceedings, including possible termination; or

2. Allow the employee at his/her expense to voluntarily enter an appropriate treatment program sponsored by a private or governmental institution. However, referral to a program will not exempt an employee from discipline for less than acceptable job performance.

(vi) If the employee agrees to voluntarily enter an appropriate treatment program under paragraph (a)(v)(2), above, the employee must agree to participate and complete the treatment program as determined by the attending physician or substance abuse professional (SAP).

1. At the Village Administrator's discretion, the employee may be given a leave of absence, without pay, to complete the treatment program.
2. Upon completion of the treatment program, the employee may return to such duties as are assigned by the department head.
3. Such employee shall not be allowed to return to work unless:
  - (i) The employee has discontinued his/her use of illegal drugs;
  - (ii) The attending physician or SAP certifies that the employee has completed the treatment program and is drug free;
  - (iii) The employee agrees to continue in any physician or SAP after care program if recommended by the employee's physician or SAP; and
  - (iv) The employee agrees to submit to random testing during work hours for a period of twelve (12) months.

(b) Any employee who uses, distributes or manufactures illegal substances during his/her workday, including lunch hour or breaks, will be separated from Village employment and prosecuted to the extent possible under the law.

## **28.07 Confidentiality**

- (a) Information related to investigations, possible violations and any testing, testing-related documents, and test results will be kept confidential and will only be released to the employee or applicant, or Village Administrator unless otherwise required by law. Disclosure of test results to any other person, agency or organization is prohibited unless written authorization is obtained from the employee or applicant or is required by law.
- (b) Test subjects shall not be identified by name on testing forms, but by social security numbers.

(c) The results of a positive drug test shall not be released until the results are confirmed.

#### **28.08 Implementation**

- (a) The Village Administrator will assist department heads in policy implementation, day-to-day administration, and with disciplinary action arising from the implementation of this policy.
- (b) Department heads and supervisors will be trained to identify drug and alcohol use among employees. Training will aid department heads and supervisors to recognize the conduct and behavior that give rise to reasonable suspicion of drug and alcohol use.
- (c) The Village Administrator, or the appropriate department head, will be responsible for scheduling any screening of applicants and employees during normal working hours unless conditions warrant that such testing be done during non-working hours.

#### **28.09 Consent Form**

The following consent form shall be executed by all applicants and employees who undergo alcohol and/or drug testing:

"I, \_\_\_\_\_ hereby consent to allow my blood, breath and/or urine to be tested for drugs and/or alcohol. I further consent to allow the results of such testing to be released to the Village of Olympia Fields, Illinois, or its authorized agents or representatives, who have a need to know".

"I hereby release all physicians, medical facilities, testing facilities, certified BATS, and the Village of Olympia Fields, Illinois, and their employees, agents and representatives from any action that may arise out of such results being released to the Village of Olympia Fields".

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Name

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Date

---

Witness

---

Date

## **28.10      Counseling and Rehabilitative Services**

- (a)      The decision to voluntarily seek and accept treatment for any suspected problem is the responsibility of the individual employee.
- (b)      The Village recognizes alcohol and drug dependency as an illness and a major health problem. Counseling and rehabilitative services are available to assist employees who may develop alcoholism, drug dependency or related personal problems, and to assist them with treatment programs before employees engage in work-related misconduct related to the use of controlled substances and alcohol. The Village recognizes that alcohol and drug abuse are problems that can often be effectively treated if acknowledged by the employee in the early stages.
- (c)      The individual's right to confidentiality and privacy are also recognized. The pertinent information and records of personnel who seek and receive diagnosis, counseling and treatment, will be preserved in the strictest confidence.

## **SECTION 29**

### **ANTI-HARASSMENT POLICY**

The Village recognizes and advocates the inherent equality of all people, and therefore values human dignity, equality of opportunity and respect for all individual differences as reflected in racial, cultural and ethnic backgrounds, gender, age, economic conditions and other diversities. Motivated by these values and in accordance with federal, state and local laws and regulations, the Village is committed to maintaining a work environment that is free of discrimination.

The Village will not tolerate harassment of Village employees by anyone, including any supervisor, co-worker, vendor, customer or third party. The Village will not tolerate harassing conduct that interferes with an individual's work performance, affects tangible job benefits, or creates an intimidating, hostile or offensive working environment. If warranted, disciplinary action will be taken, up to and including termination of employment.

#### **29.01      Harassment Policy**

This subsection covers the Village regulations concerning harassment in general. The Village's sexual harassment policy is set forth in detail in subsection 29.02, below.

29.01.1      Definition. Harassment consists of unwelcome conduct or contact (verbal, physical or visual) that is based upon a person's protected status, such as age, color, sex, sexual orientation, gender-related identity, race, religious practice, national origin, marital status, physical or mental disability, or any other protected group status. Such harassment may include, for example, comments, verbal jokes, printed jokes, kidding, teasing or practical jokes directed at a person, based on his/her protected status.

29.01.2 Department Head/Supervisor Responsibility. All Village department heads and supervisors are expected to do the following:

- (a) Monitor the workplace environment for signs that harassment may be occurring.
- (b) Advise all employees of the types of behavior prohibited and the Village's procedures for reporting and resolving complaints of harassment.
- (c) Stop any observed acts that may be considered harassment and take appropriate steps to intervene.
- (d) Notify the Village Administrator immediately of the initial receipt of any complaint or evidence of any harassment.

29.01.3 Employee Responsibility. All Village employees are expected to do the following:

- (a) Refrain from participation in, or encouragement of, actions that could be perceived as harassment as established by this policy.
- (b) Encourage any employee who confides that he/she is being harassed to immediately report the harassment.
- (c) Immediately report any actions personally observed that could be perceived as harassment, as established by this policy. Failure to report may lead to disciplinary action.

29.01.4 Filing a Complaint. If an employee feels that he/she has experienced or witnessed harassment, the employee is to immediately report the act of harassment to his/her immediate supervisor, department head or the Village Administrator.

29.01.5 Corrective Action. All reports describing conduct that is inconsistent with this policy will be promptly and thoroughly investigated. Complaints of harassment shall be investigated and handled as confidentially as possible.

- (a) All harassment is considered misconduct, subject to disciplinary action by the Village. During the investigation of complaints under this policy, the Village may impose discipline for inappropriate conduct without regard to whether the conduct constitutes a violation of the law and even if the conduct does not rise to the level of violating this policy.
- (b) Corrective action, up to and including termination of employment, will be implemented in those situations determined to require such action.

(c) Upon completion of the investigation, the results will be communicated to the complainant, the complainant's line management and individuals involved in the investigation, as appropriate. Resolutions that aren't accepted by the complainant as completely satisfactory will be reviewed by the Village President.

29.01.6 False Complaints. Employees found to have filed false complaints of harassment will be subject to disciplinary action up to and including termination.

29.01.7 Outside Agencies. An employee may file a complaint with either of the following agencies:

Illinois Department of Human Rights 100 West Randolph Chicago, Illinois 60601	Equal Employment Opportunity Commission (EEOC) 500 West Madison Chicago, Illinois 60661
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29.01.8 Retaliation Protection. Village policy prohibits reprisal or retaliation against an employee for reporting harassment, filing complaints of harassment, supporting or assisting another employee in pursuing a complaint, or for participating in an investigation. Employees wishing to file a retaliation complaint are to be referred to the Village Administrator.

## **29.02 Sexual Harassment Policy**

It is the policy of the Village to preserve, protect and enhance the dignity of all Village personnel and to provide a professional work environment free from sexual intimidation, ridicule, and insults perpetrated upon or by any employee. The Village prohibits sexual harassment of and by its employees. Sexual harassment is inappropriate, offensive and illegal and will not be tolerated by the Village.

29.02.1 Coverage. This Policy prohibiting sexual harassment applies to all officers and employees of the Village, including but not limited to full-time and part-time employees, permanent and temporary employees, exempt supervisory and confidential employees, and elected and appointed officials.

29.02.2 Sexual Harassment Defined. Sexual harassment is behavior with sexual content or overtones that is unwelcome and personally offensive. For the purposes of this policy, "sexual harassment" means unwelcome sexual advances, direct or implied requests for sexual favors, and other verbal and/or physical conduct of a sexual nature:

(a) When submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment, evaluation, advancement or promotion;

- (b) When submission to or rejection of such conduct by an individual is used as the basis or any part of the basis affecting such individual's career, job or employment conditions; or
- (c) Such conduct has the purpose or effect of interfering with an individual's performance, or creating an intimidating, hostile or offensive working environment.

29.02.3 Prohibited Conduct.

- (a) Sexual harassment includes conduct directed by men toward women, conduct directed by women towards men, conduct directed by women towards women, and conduct directed by men towards men. Sexual harassment consists of, but is not limited to, the following:
  - (i) Verbal behavior: sexual innuendoes, negative or offensive comments, jokes, kidding or suggestions about another employee's gender or sexuality, threats related to sexual conduct, repeated unwelcome requests for dates, statements about other employees of a sexual nature, obscene or lewd sexual comments; using slang names or labels that can be considered derogatory or too familiar, such as "honey", "sweetie", "dear", "darling", "boy", "girl", or other terms people may find offensive; or talking about or calling attention to an employee's body or characteristics in a sexually negative or embarrassing way.
  - (ii) Nonverbal behavior: sexually suggestive looks, sexually suggestive or insulting sounds (whistling, catcalls, smacking or kissing noises), leering, or obscene or sexually suggestive bodily gestures.
  - (iii) Physical behavior: touching, unwelcome physical contact such as pats, squeezes, hugs, kissing, pinching, purposely rubbing up against another person's body or actual sexual assault or abuse.
  - (iv) Visual behavior: displaying pictures, cartoons, posters, pinups, calendars, signs, *etc.*, of a nude or sexual nature.
  - (v) Textual/Electronic: "sexting" (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communications (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites such as Facebook, Twitter and Instagram).

- (vi) Other behavior that can constitute sexual harassment includes ridiculing an employee who experiences sexual harassment; blaming the victim of sexual harassment for causing the problems; continuing the offensive behavior after a co-worker has expressed objection to the behavior; retaliating against an employee who rejects sexual advances by denying promotions or other job related benefits; or ridiculing a victim or alleged harasser with respect to the alleged harassment; demanding or requesting sexual favors tied to promises of better treatment or threats concerning employment; discriminating against an employee for refusing to "give in" to demands or requests for sexual favors; or rewarding or granting favors to one who submits to demands or requests for sexual favors.
- (b) Each individual employee has the responsibility to refrain from sexual harassment in the workplace. An individual employee who sexually harasses a fellow worker is liable for his/her own individual conduct. No employee shall directly or indirectly:
  - (i) Threaten or insinuate that another employee's refusal to submit to sexual advances will adversely affect that employee's relationship with the Village, work status evaluation, wages, advancement, assigned duties, or any other condition of employment;
  - (ii) Promise, imply or grant preferential treatment in connection with another employee engaging in sexual conduct; or
  - (iii) Abuse the dignity of another employee through insulting or degrading sexual remarks or conduct.

#### 29.02.4 Supervisor/Department Head Responsibility.

- (a) Each supervisor/department head is responsible for maintaining the workplace free from sexual harassment. This is best accomplished by promoting a professional environment and by treating sexual harassment the same as other forms of employee misconduct.
- (b) A supervisor/department head, as well as the Village, may be held liable for damages related to sexual harassment by a supervisor, department head, employee or third party (*i.e.*, contractors).
- (c) Liability is based either on the Village's responsibility to maintain a certain level of order and discipline, or on the supervisor/department head acting as an agent of the Village. As such, a supervisor/department head must act quickly and responsibly, not only to minimize his/her own

liability, but also the liability of the Village.

- (d) A supervisor/department head is to address an observed incident of sexual harassment or a complaint with seriousness, take prompt action to investigate it, report and end it, implement appropriate disciplinary action, and observe strict confidentiality. This also applies where an employee informs a supervisor/department head about behavior considered to be sexual harassment but does not want to make a formal complaint.
- (e) A supervisor/department head is to ensure that no retaliation will result against an employee making a sexual harassment complaint.

29.02.5 Complaints/Reporting.

- (a) Initial step. An employee who believes she or he is being sexually harassed may first identify the offensive behavior to the offending party as directly and as firmly as possible and request that it stop. Employees are encouraged to take this step if they believe that the offensive conduct may be unintentional. However, if the employee does not feel comfortable confronting the offending party, or feels threatened or intimidated by the situation, or if the behavior does not cease after a confrontation with the offending party, the matter should be reported as set forth in subsection 29.02.5(b), below.
- (b) Reporting. 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 as quickly as possible, in confidence to an immediate supervisor, department head, Village Administer, Trustee Liaison for Human Relations, or Village President by electronic or direct communication. It is not necessary for sexual harassment to be directed at the person making the complaint. After an initial communication, subsequent communication, if needed shall be in written form and contain the following information:
  - (i) Name, department and position of complainant.
  - (ii) Name(s) of person(s) alleged to be in violation of this policy, if known.
  - (iii) The specific action or series of acts or actions constituting the behavior alleged to be sexual harassment;
  - (iv) The length of time that such behavior has transpired.

- (v) The implied or actual employment action (*i.e.*, failure to promote, job assignments, refusal to hire, *etc.*) that may have occurred. [NOTE: Sexual harassment does not necessarily have to be linked to the grant or denial of an economic "quid pro quo." Sexual harassment leading to a non-economic injury is also prohibited].
- (vi) The names of any witnesses or others with knowledge of such behavior.

- (c) Documentation of any incident may be submitted with any report (what was said or done, the date, time and place), including, but not limited to, written records such as letters, notes, memos and telephone messages.
- (d) All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the Village. Every effort will be made to promptly investigate any allegation of sexual harassment in as confidential a manner as possible. No one making a complaint will be retaliated against even if a complaint made in good faith is not substantiated. In addition, any witness will be protected from retaliation.
- (e) Disclosure. The complainant shall be assured of confidentiality in the investigation to the extent possible. The complainant should be made aware that in order to investigate the complaint to its fullest extent, it may be necessary to make his/her name known and/or necessary for the complainant to confront the alleged harasser. Disclosure of the allegation of sexual harassment shall be restricted to individuals who have a "need to know" in order to conduct a proper investigation.

29.02.6 Investigation/Disposition of Complaint.

- (a) The Village Administrator or his/her designated investigator, shall investigate complaints alleging violations of this policy, except in an instance in which the allegations involve directly or by complicity, the Village Administrator, in which event the investigative responsibilities shall be assigned by the Village President to an elected member or members of the Board of Trustees or to an independent investigator acting on behalf of the Village.
- (b) The Village Administrator or his/her designated investigator, shall conduct an interview with the employee registering the complaint. The intent of the interview is to determine a true and complete account of the complaint. The following information should be sought during the interview process:

- (i) The severity of the conduct;
- (ii) The number and frequency of acts of alleged harassment;
- (iii) The apparent intent of the alleged harasser;
- (iv) The relationship of the parties;
- (v) The response of the complainant at the time of the incident(s); and
- (vi) The relevant work environment.

(c) To the extent practicable, the investigating party shall interview all other individuals who witnessed or may have witnessed the incident or who may have knowledge of the incident.

(d) The Village Administrator or his/her designated investigator, shall interview the alleged harasser and inform the individual that a complaint has been made against him/her. The individual shall be informed that the incident is not to be discussed with coworkers and that retaliatory action against the complainant will not be tolerated.

(e) To the extent practicable, the Village Administrator or his/her designated investigator, shall review any other relevant information or evidence and/or interview any other relevant witnesses.

(f) A written record of the investigation shall be made, inclusive of all notes made of conversations or verbal responses to questions posed by the investigator to the complainant, witnesses or respondent. The entire written record and report shall be provided to the Village Administrator within ten (10) working days from the date the allegations were first reported in writing.

(g) The Village Administrator shall, based upon the investigative report, evidence and all known circumstances, make a determination as to whether sexual harassment, as defined by this policy, has occurred.

(h) If the determination is that sexual harassment has occurred, the Village Administrator shall take immediate and appropriate disciplinary actions consistent with the nature and severity of the offense. Disciplinary action shall be in accordance with the rules and regulations of this Personnel Manual, the Village Code, and if applicable, to the rules of the separate departments.

(i) The discipline imposed shall reflect the severity of the improper

conduct, taking into consideration the nature of the conduct, the frequency of the conduct, the relationship of the parties involved, the intent of the offending party, and any other relevant matter.

- (ii) Discipline for sexual harassment includes, but is not limited to, verbal reprimand, written reprimand, transfer, reassignment of duties, demotion, suspension or discharge. In most severe and blatant cases of sexual harassment, the offending employee shall be immediately discharged.

29.02.7 Complaints alleging violations of this Policy by:

- (a) The Village Administrator.

If the Village Administrator is found, after appropriate investigation, to have violated this Policy, the Village President shall present the investigative report and findings to the Village Board. If the Board concurs with the findings, the Board shall impose discipline in accordance with the applicable rules and ordinances of the Village.

- (b) An elected official of the Village.

If any elected official of the Village is found to have violated this Policy, the investigative report and findings shall be presented to the Village President and Board of Trustees, excluding the member alleged to have violated this Policy. If the members concur with the findings, they shall impose appropriate discipline.

- (c) Non-employees.

In instances of sexual harassment alleged to have been committed in the work place or in a work-related situation by a non-employee, the Village Administrator and/or department head whose employee is involved shall take all lawful actions to insure the safety and dignity of the employee and to end the incidence of harassment.

29.02.8 Retaliation. In all instances, whether a violation of this Policy is determined to have occurred or to not have occurred, any official, department head or supervisor, the respondent, or any other employee of the Village shall not retaliate in any way against the complainant, witnesses or any other person involved in the investigation. Prohibited retaliatory action includes, but is not limited to, reprimand, discharge, suspension, demotion, or denial of promotion or transfer, or change in the terms or conditions of employment. In addition to the prohibition against retaliation set forth in this policy, any individual

reporting sexual harassment or any witness to such action is protected against retaliation under the following state statutes:

- (a) State Officials and Employees Ethics Act (5 ILCS 430/15-10), which provides whistleblower protection from retaliatory action for an employee who:
  - (i) Discloses or threatens to disclose to his/her supervisor, department head, Village Administrator, Trustee Liaison for Human Rights, or the Village President an activity, policy or practice of any elected official, officer, other employee, or Village agency that the employee reasonably believes is in violation of a law, rule or regulation;
  - (ii) Provides information to or testifies before the Village Administrator or his/her designee, Village President, Village Trustee, or an independent investigator acting on behalf of the Village, conducting an investigation, hearing, or inquiry into any violation of a law, rule or regulation by any elected official, officer, employee or Village agency; or
  - (iii) Assists or participates in a proceeding to enforce the provisions of the State Officials and Employees Act.
- (b) Whistleblower Act (7490 ILCS 174/15 *et seq.*), which provides that the Village may not retaliate against an employee who discloses information in a court, administrative hearing, or before a Village commission or committee, or in any other proceeding where the employee has reasonable cause to believe that the information discloses a violation of a state or federal law, rule or regulation. In addition, the Village may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a state or federal law, rule or regulation.
- (c) Illinois Human Rights Act (775 ILCS 5/6-101), which provides that it is a civil rights violation for a person, or for two or more persons to conspire, retaliate against a person because she/he has opposed what she/he reasonably and in good faith believes to be sexual harassment in employment, because she/he has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding or hearing under the Illinois Human Rights Act.

### **29.03 Other Remedies**

The filing of a sexual harassment complaint with the appropriate Village official under this Policy does not limit, extend, replace, or delay the right of any person to file a similar charge or complaint with any federal or state agency having authority to hear matters of sexual harassment complaints. A complaint must be filed with the Illinois Department of Human Rights (IDHR) within 300 days of the alleged incident(s) unless it is a continuing offense. A complaint with the U.S. Equal Employment Opportunity Commission (EEOC) must be filed within 300 days of the alleged incident(s). An employee may also file a retaliation charge with the IDHR or the EEOC within 300 days of the alleged retaliation.

### **29.04 False and Frivolous Complaints**

False and frivolous charges are cases where the accuser uses 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 of the consequences for the accused, a false and frivolous charge is considered a severe offense that shall be subject to disciplinary action, up to and including discharge, taken against the accuser.

### **29.05 Violation of this Policy**

In addition to the discipline set forth in subsection 30.02.6(h) above, any person who violates this policy may be subject to a fine up to \$5,000 per offense and any applicable fines and penalties established pursuant to Village ordinance, or state or federal law. Each violation may constitute a separate offense. Any discipline imposed by the Village shall be separate and distinct from any penalty imposed by an ethics commission and any fines or penalties imposed by a court of law or a state or federal agency.

## **SECTION 30**

### **E-MAIL & ELECTRONIC COMMUNICATIONS POLICY**

#### **30.01 Introduction**

Recent advances in electronic communications and information technologies present valuable opportunities. These technologies, when properly used, support Village activities and enable the Village to better serve its citizens and constituents through closer and timelier communications and nearly instantaneous access to vast stores of information. In recognition of these benefits, the Village has made a substantial investment in its electronic communications and information systems. While the Village encourages the use of its systems, such use carries with it important responsibilities. The careless or inappropriate use of these systems can have dramatic consequences, harming the Village, its citizens and the individual users of the Village's systems. This policy is intended to minimize the likelihood of such harm by educating users of the Village's electronic communications tools as to proper and improper usage of such tools and by setting forth the conditions that apply whenever the Village's electronic communications tools are being used.

## **30.02      Applicable Communication Tools**

These guidelines address the appropriate use of the Village's electronic "communications tools". These tools include, but are not limited to the following:

- (a)      Telephones, pagers, cellular phones and voicemail facilities;
- (b)      E-mail systems;
- (c)      Fax machines, modems and servers;
- (d)      Palm, laptop and desktop computers;
- (e)      Software licensed to the Village of Olympia Fields; and
- (f)      All internal and external computer and communications networks (such as Internet access facilities, browsers, commercial on-line services, e-mail systems) accessible directly or indirectly from the Village's computer network.

## **30.03      Usage Guidelines for Communications Tools**

30.03.1    Conditions of Access. Access to the Village's communications tools are provided in conjunction with the Village's business and the job responsibilities of everyone working on behalf of the Village. All use of the Village's communications tools is subject to this policy and to other Village policies and procedures that may be implicated by such use. The Village's communications tools may also be made available to individuals who are not employees of the Village (e.g., committee members, temporary employees, vendors and subcontractors). Such individual's use of the Village's communications tools is also governed by this policy.

Communications tools and all messages and information produced or carried by such tools are the Village's property and are subject to inspection by the Village at all times. Use of the Village's communications tools is a privilege that may be revoked at any time. Anyone who uses or is granted access to such tools must comply with the provisions of this policy.

30.03.2    Acceptable Use. The communications tools may be used to communicate internally with employees of the Village or externally with citizens, consultants, suppliers, vendors and other business relations and acquaintances. The Village provides electronic communications tools to facilitate business communications, enhance productivity and improve service to its customers. The Internet may be used for appropriate business uses such as research, updates of business information or news, or for specifically approved projects.

- (a)      Optional Provision: As with the telephone, there may be occasion to use these facilities for personal purposes. Personal use is permitted so long as it does not interfere with the performance of an employee's job and/or the transaction of Village business, consume significant resources, give rise to more than nominal additional costs

or interfere with the activities of other employees of the Village.

(b) *All communications via the computer, computer system, e-mail, internet or facsimile transmission, regardless of the business or personal nature of the communication, transmitted, received and/or stored using any of the Village's electronic communications tools are subject to being accessed and reviewed by the Village. Users should not assume that any such communications are or shall remain private.*

30.03.3

Unacceptable Use.

(a) Users should not monopolize the Village's electronic communication tools to the exclusion of others. Accordingly, activities such as sending mass e-mails or e-mails with large attachments that are not business-related, sending chain e-mails, spending excessive amounts of time on the Internet, engaging in online chat groups, social media sites/platforms/forums, printing multiple copies of documents or otherwise creating unnecessary network traffic are not allowed.

(b) Because audio, video and picture files require significant storage space, files of this sort should not be downloaded unless they are business-related.

(c) In addition to the other restrictions and conditions discussed in this policy, the Village's communications tools shall not be used:

- (i) To engage in activities for personal financial gain (e.g., day trading, gambling);
- (ii) To solicit others for activities unrelated to Village business or in connection with political campaigns or lobbying;
- (iii) To carry or publish any defamatory, discriminatory or obscene material;
- (iv) To infringe, attempt to infringe or aid in any way in the infringement or attempted infringement on another person's or entity's intellectual property rights (e.g., copyrights);
- (iv) To violate, attempt to violate or aid in any way in the violation or attempted violation of any applicable telecommunications license or any laws that govern

transborder data flow (e.g., laws dealing with data collection, protection, privacy, confidentiality and security);

(v) To violate, attempt to violate or aid in any way in the violation or attempted violation of any other law.

(d) The Village shall not be responsible for any losses or damages resulting from or relating to any use of communications tools, which violates this policy.

30.03.4 Unacceptable Content. The Village's policies prohibiting all forms of harassment, including sexual harassment, are applicable to the use of the Village's communications tools. In accordance with such policies, material that is harassing, embarrassing, sexually explicit, profane, pornographic, obscene, intimidating, defamatory or otherwise unlawful or inappropriate may not be sent by, displayed on, stored in, accessed from or downloaded to the Village's communications tools. Users encountering or receiving this kind of material should immediately delete the material from the system and should not forward the material to any other person or address. In addition, any user who believes the Village's communications tools are being used in a manner which violates either this policy or the Village's policies prohibiting harassment should immediately report the matter pursuant to the requirements of subsection 30.03.5 below. It is the responsibility of all users of the communications tools to see that these tools are used in an efficient, lawful and ethical manner at all times. Examples of unacceptable content include, but are not limited to:

(a) Sexually explicit messages, images, cartoons or jokes;

(b) Unwelcome propositions, requests for dates or love letters;

(c) Ethnic, religious or racial slurs; or

(d) Any other message that could be construed as harassment or disparagement of others based on sex, race, age, national origin, religion, disability, sexual orientation or gender-related identity.

Although the Village does not regularly monitor voicemail or electronic messages, *all users of the Village's communications tools should be aware that even personal e-mail and voicemail messages may be viewed publicly or by Village management without notice. The Village reserves the right to inspect the content of all information and messages generated by or contained in any of its communications tools. Users should not assume that any such communications are or shall remain private.*

30.03.5 Transmitting Confidential Information. Employees also have a responsibility to protect from disclosure, at all times, privileged and confidential information pertaining to the Village or other employees. In recognition of this significant

responsibility, the Village's communications tools, especially its e-mail system, should not be used to transmit confidential communications. Most e-mail is sent over the Internet, which is not a secure means of communication. There is a possibility that e-mail messages may be intercepted and read by others than the party to whom they are addressed.

Moreover, it is difficult, if not impossible, to remove e-mail messages from the system with certainty. This means that e-mail, even internal e-mail messages, may be subject to discovery in future litigation. There is also a possibility that, when documents are transmitted electronically, earlier drafts of the documents thought to have been deleted may be retrieved by the person receiving the document. Accordingly, extreme care must be taken when using e-mail to transmit confidential communications, even internally.

To protect against unintentional disclosure of confidential information in situations where there is a need to communicate such information electronically (either on a regular basis or in an emergency situation), the following guidelines are to be observed:

- (a) Confidential information pertaining to the Village itself or to any of its employees shall not be sent by e-mail without the express authorization of management.
- (b) In cases where confidential information may need to be transmitted electronically on a regular basis, the MIS department should be consulted regarding the availability of encryption software and other means for securing the communication. Note: Only authorized encryption tools may be used in connection with any Village communications tools. All such encryption tools must implement key-recovery or key-escrow techniques to permit the Village to access and recover all encrypted information.

30.03.6 **Etiquette and Village Representation.** E-mail and voicemail messages reflect the image of the Village. Such messages, therefore, should always be composed in a professional manner that is no different than the manner used to compose letters or memoranda on Village letterhead. Users of the system must keep in mind that electronic files are subject to discovery and may subsequently be used in litigation. Inappropriate use of the Village's facilities may damage the Village's reputation and could give rise to the Village and individual liabilities. Accordingly, every effort must be made to be professional in all usage of the Village's communications tools.

#### **30.04 Limits of Privacy.**

The Village respects the personal privacy of its employees. However, because communications tools are provided for the Village's business purposes, employee privacy rights in this context are

extremely limited. *Users of the Village's communications tools should have no expectation that any information transmitted over the Village facilities or stored in the Village computers is or will remain private. These systems are owned and/or controlled by the Village and are accessible at all times by the Village without notice for maintenance, upgrades or any other business or lawful purposes.* Use of passwords to gain access to the computer system or to secure particular files or messages does not imply that users have an expectation of privacy in any material created or received on the computer system. The Village has global passwords that permit it to access all material stored on the system, regardless of whether such material has been password-protected by the user.

30.04.1

Optional Provision. The Village permits personal use of its communications tools with the express understanding that it *reserves the right to review employee use of, and to inspect all material created by or stored on, these communication tools. Use of these tools constitutes each employee's permission for the Village to monitor communications and to access files that are made on or with these communications tools.*

#### **30.05 Specific Regulations for Using Electronic Resources for Threats, Harassment and Pornography**

30.05.1

Threats and Harassment. Use of the Village's electronic resources by any system user to end threatening or harassing content or message or to view, download, retransmit, distribute or otherwise communicate content or messages that may violate the Village's policies on Discrimination and/or Anti-Harassment, is prohibited.

(a) Electronic threats are taken as seriously as any other threats.

- (i) Anyone who receives threatening communications should immediately bring it to the attention of the Police Department.
- (ii) Anyone who receives a sexually harassing communication should immediately contact the Village Administrator.
- (iii) Anyone who receives a communication that harasses on the basis of race, national origin, or other protected classification should immediately contact the Village Administrator.

30.05.2

Pornography. Use of the Village's electronic resources by officers and employees, contractors, vendors and visitors to intentionally display, hold, send, view, print, download, retransmit, distribute or otherwise communicate content which the Village may deem to be indecent, obscene, sexually explicit, or pornographic is prohibited by Village policy.

Use of the Village's electronic resources by **anyone** to display, hold, send,

view, print, download, retransmit, distribute or otherwise communicate child pornography is illegal and therefore strictly prohibited. Any occurrence of child pornography material is a violation of federal and state statutes and must be immediately reported to the Police Department by law and Village policy.

**30.05.3 Consequences of Violations of this Subsection.**

- (a) Restriction of access privileges. The Village Administrator has the authority to restrict or refuse access to anyone who violates this subsection.
- (b) Disciplinary action. If any system user violates the terms of this subsection, disciplinary action will be taken in accordance with relevant disciplinary procedures contained in the Personnel Manual or contracts.
- (c) Referral to legal authorities. In addition to the consequences detailed above, the Village may contact the appropriate governmental authority when violations of federal, state, or local laws or regulations may have occurred.

**30.06 Viruses**

Viruses can cause substantial damage to electronic communications and information systems. Each user is responsible for taking responsible precautions to ensure he/she does not introduce viruses into the Village's network. To that end, all material received on any storage media and all material downloaded from the Internet or from computers or networks that do not belong to the Village must be scanned for viruses and other destructive programs before being placed onto the Village's network. Users should also understand that their home computers and laptops may contain viruses and that all disks transferred from these computers to the Village's network must be scanned for viruses.

**30.07 Regulation and Enforcement**

The Village Administrator or his/her designee is responsible for monitoring the compliance with the provisions of this policy. The Village Administrator shall also be responsible for investigation of suspected non-compliance with the provisions of this policy.

Misuse of any Village communications tools or violations of this policy may result in disciplinary action including, suspension of privileges to user, or up to and including termination of employment. Criminal or civil action may be initiated in appropriate instances. Such discipline shall be in accordance with the Village's policies and procedures.

**30.08 Acknowledgment of Receipt**

I acknowledge that I have received and read the Village of Olympia Fields' E-Mail and

Electronic Communications Policy (the “Policy”). I understand that I am responsible for familiarizing myself with the Policy and violations of the Policy may result in discipline up to and including immediate termination of my employment. I further understand that the Policy does not create or grant any contractual rights to me.

Signature: \_\_\_\_\_

Print name: \_\_\_\_\_

Date: \_\_\_\_\_

## **SECTION 31**

### **ACCEPTANCE OF GIFTS, GRATUITIES, CONTRIBUTIONS OR OTHER VALUABLE ITEMS**

#### **31.01      Definition**

For the purpose of this Section, “Gift” means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee. For purposes of this Section, all other words shall have the same meanings as those set forth in Section 25.01, “Political Activity”, of this Personnel Manual.

#### **31.02      Gift Ban**

Except as permitted below, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as “recipients”), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this Section.

#### **31.03      Gift Ban Exceptions**

The Gift Ban is not applicable to the following:

- (a)      Opportunities, benefits, and services that are available on the same conditions as for the general public.
- (b)      Anything for which the officer or employee, or his/her spouse or immediate family member, pays the fair market value.
- (c)      Any (i) contribution that is lawfully made under the Illinois Election Code; or (ii) activities associated with a fundraising event in support of a political

organization or candidate.

- (d) Educational materials and missions.
- (e) Travel expenses for a meeting to discuss business.
- (f) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.
- (g) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his/her spouse or immediate family member and not because of personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient, the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.
- (h) Food or refreshments not exceeding \$75.00 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared; or (ii) catered. For purposes of this Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.
- (i) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.
- (j) Intra-governmental and inter-governmental gifts. For the purposes of this Section, "intra-governmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift"

means any gift given to an officer or employee by an officer or employee of another governmental entity.

- (k) Bequests, inheritances, and other transfers at death.
- (l) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.00.

#### **31.04 Disposition of Gifts**

Any officer or employee, his/her spouse or an immediate family member living with the officer or employee, does not violate this Section if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered or succeeded.

#### **31.05 Penalties**

- (a) A person who intentionally violates any provision of this Section is subject to a fine in an amount of not less than \$1,001 and not more than \$5,000.
- (b) A person who intentionally makes a false report alleging a violation of any provision of this Section to the local enforcement authorities, the State's Attorney or any other law enforcement official, may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.
- (c) A violation of this Section may be prosecuted as a quasi-criminal offense by an attorney for the Village, or, if an Ethics Commission has been created, by the Commission through the designated administrative procedure.
- (d) In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of this Section is subject to discipline or discharge.

### **SECTION 32**

#### **SMOKE/TOBACCO FREE WORKPLACE POLICY**

To protect and enhance the Village's indoor air quality and to contribute to the health and well-being of all employees, the Village shall be entirely smoke free. Additionally, the use of tobacco products, including smokeless tobacco, is banned from the Village's workplace, except as designated in this policy.

- (a) "Smoke or "smoking" means either (1) the carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, or any

other lighted smoking equipment; or (2) the use of any electronic cigarette (a/k/a “vapor or vaping” cigarette).

(b) “Smokeless tobacco’ chewing tobacco” means any product that contains cut, ground, powdered, or leaf tobacco and is intended to be placed in the oral or nasal cavity, including but not limited to, snuff chewing tobacco, dipping tobacco, dissolvable tobacco products and snus.

**32.01** Smoking is prohibited in all enclosed areas within the Village’s worksites, without exception. This includes common work areas, the Police and Public Works garages, conference and meeting rooms, private offices, hallways, lunchrooms, stairs, restrooms, Village-owned or leased vehicles and any other enclosed facilities.

**32.02** The only designated smoking area in the Village is outdoors, fifteen (15) feet away from all entrances.

**32.03** It is not acceptable that either smoking or non-smoking employees are subjected to smoke that they must walk through to reach their vehicles or any other destination on the Village’s premises.

**32.04** All employees are expected to abide by this policy in all respects while at work, whether on Village premises, at a customer’s site, or while in transit between work locations or assignments, as well as while the employee is off duty if the employee is on Village premises or in vehicles owned, leased or rented by the Village.

**32.05** While the Village makes these areas available to smokers, it in no way has any legal responsibility to do so. Employees who choose to use smoking areas do so at their own risk. No additional breaks are allowed to any employee who smokes. Finally, smokers and users of tobacco products must dispose of the remains in the proper containers. This helps to keep a neat and clean environment for all employees and visiting customers and residents.

**32.06** Failure to comply with all of the components of this policy will result in disciplinary action that can lead up to and include employee termination. *See* Section 10, “Disciplinary Actions”, of this Manual.

## SECTION 33

### PHOTO IDENTIFICATION AND NAME TAG POLICY

**33.01** **Purpose**

The purpose of the Photo Identification and Name Tag Policy is to enhance the Village’s mission of providing high quality public service, provide standards and requirements for display of identification, and to provide a consistent method of identification.

### **33.02 Scope**

This policy applies to all Village employees and volunteers while on Village property, and/or while conducting Village business in the community.

### **33.03 Policy Statement**

It is the policy of the Village that the public be provided with the highest quality public service while conducting business. To that end, all persons working or conducting business on Village property and/or in the community will adhere to the identification standards set forth below.

### **33.04 Procedures**

- (a) Front office staff in all departments must wear a name tag with their first name only and department listed while on duty. The tag must be worn at chest level.
- (b) All employees will be issued a Village photo ID for identification purposes at Village functions outside of a Village facility. Employees are to wear their photo ID when hosting or appearing at Village functions or community events, especially if it is important to draw attention to the Village's participation or attendance. Employees may use judgment in deciding whether to wear their Village photo ID while conducting official business that is not on Village property if anonymity is a consideration.
- (c) Field personnel, *i.e.*, Public Works employees, Code Enforcement Officers and the Building Commissioner, while conducting Village business on private property, shall conspicuously display their Village photo ID when entering the premises and/or engaging citizens in Village business matters.
- (d) Only the Village photo ID will be used during emergency situations to identify Village personnel.
- (e) The Village photo ID will be provided by the Village and will include a photo of the employee, the employee's name, and the department in which the employee works.
- (f) Employees shall surrender their Village photo ID and name tag to their supervisor upon termination of employment, or when requested.
- (g) Lost or misplaced Village photo IDs and name tags are to be immediately reported to the employee's supervisor. Replacement Village photo IDs and name tags will be issued as necessary and a record of the lost items noted.
- (h) Staff observing persons in confidential areas without name tags will, at their discretion:

- (i) Approach the person to determine his/her status; or
- (ii) Immediately report the person to a supervisor.

33.04.1 Volunteers.

- (a) Volunteers shall be issued “Volunteer” IDs that should be displayed at all times while at a Village facility.
- (b) These IDs shall use a different colored background than employee IDs.
- (c) The word “VOLUNTEER” shall be displayed in bold, colored print. There may be some volunteer categories that need specific designations written on the ID.

33.04.2 Visitors. Department heads shall issue a visitor’s ID to any person who is not a regular contractual employee of the Village and/or professional service provider.

## SECTION 34

### WORKPLACE VIOLENCE POLICY

#### 34.01 Purpose

It is the objective of the Village to ensure the safety and well-being of its workforce and the persons with whom the Village does business. Therefore, the Village has established a zero tolerance for any violent acts or threats directed by or towards any Village employee.

#### 34.02 Definition

Violence in the workplace includes, but is not limited to:

- (a) Any physical behavior involving aggressive physical contact with any other person, including pushing, hitting, fighting, throwing objects or otherwise intentionally injuring another person or attempting to injure another person;
- (b) Any physical behavior which places a reasonable person in fear of receiving imminent physical injury or other aggressive physical contact of the sort described above;
- (c) Verbal behavior which involves threatening physical harm, either directly or implicitly, against any person; and
- (d) Any act of vandalism or other intentional damage or destruction of Village property or personal belongings on Village property.

- 34.02.1 Workplace violence also includes instances where these sorts of acts or threats are made against an employee by a non-employee.
- 34.02.2 Workplace violence does not include activities covered by Police Department regulations concerning the use of force by members in the performance of their law enforcement duties, which are treated separately under the Police Department's policies and procedures.

#### **34.03 Reporting Workplace Violence**

Employees who become aware of any threat of violence in the workplace, whether by an employee or non-employee, are obligated to immediately report in writing such action to the employee's supervisor. In the supervisor's absence, or in cases involving the supervisor, the employee may bypass the supervisor and make a complaint directly to the department head, or in the absence of the department head, to the Village Administrator. Employees should not confront the person against whom their complaint is lodged.

If the supervisor receives a complaint, it shall be his/her responsibility to notify the department head as soon as is reasonably possible to determine validity. If it is not a valid complaint, the department head shall notify the Village Administrator as soon as possible. The Village Administrator shall review all complaints and investigations. All complaints will be given a high priority and investigated as quickly as possible by the supervisor or other person as determined by the Village Administrator.

#### **34.04 Discipline for Violations**

Violations may result in discipline up to and including immediate discharge in accordance with Village procedures. Employees should also understand that such behavior may be criminal and may result in criminal prosecution.

#### **34.05 Retaliation**

Where an employee reasonably and in good faith opposes or reports any workplace violence or testifies, assists or participates in an investigation of or hearing concerning allegations of threats of violence, no person or group of persons may retaliate against the employee. Retaliation includes any act of harassment, verbal abuse, verbal threats or any other or additional act of workplace violence. Retaliation will also be considered a violation of this policy and may result in discipline up to and including discharge in accordance with Village procedures. *See Section 38, "Non-Retaliation Policy", of this Manual.*

#### **34.06 Guidelines for Responding to Workplace Violence**

- (a) Report threat/violence to the supervisor, or in his/her absence, to the department head.
- (b) Initiate investigation by department head or supervisor, if requested by

department head.

- (i) Interview personnel who made report;
- (ii) Document the information;
- (iii) Review with department head, Village Attorney, and/or Police Department representative as appropriate; and
- (iv) Report to Village Administrator.

(c) Village Administrator assesses need for additional information and determines immediate course of action:

- (i) What immediate support can be provided to the employee?
- (ii) Is temporary discipline necessary, *i.e.*, leave of absence?

(d) Meet with outside advisor (counselor) to develop plan for disciplining/assisting the employees involved.

(e) Meet with those who initially reported incident and victim, if any, to re-evaluate their current state of mind.

(f) Meet with employee to get response to charges.

(g) Document two preceding steps for review by response team (Village Administrator, counselor, department head, Village Attorney, police) and determine final course of action.

(h) Implement action.

#### **34.07 Suggestions for Implementation/Planning Stages**

- (a) Have safety committee address security concerns found in the workplace.
- (b) Train employees to recognize and respond to violent or potentially violent incidents; *i.e.*, emergency procedures, conflict resolutions and non-violent response.
- (c) Worksite analysis by Police Department:
  - (i) Identify physical risk factors.
  - (ii) Review current security measures.

### **34.08 Post-Incident Review**

Suggestions for dealing with employees after an occurrence of violent actions in the workplace:

- (a) Debriefing by management for all Village employees within 24-72 hours after the incident.
- (b) Debriefing by management for immediate co-workers, prior to victim's return to work (*i.e.*, address how workers should respond toward co-worker).
- (c) Both debriefing sessions may be aided by a counselor.
- (d) Assess what went wrong, and what could be improved.

### **34.09 Counseling**

At any point in this process, counseling is available to employees. Either the employee or supervisor/department head may contact a social worker at EAP who will provide an "intake" assessment of the employee and provide recommendation for further treatment.

## **SECTION 35**

### **SOLICITATION**

#### **35.01 Non-Employee Solicitation**

Solicitation or distribution by non-employees will not be permitted:

- (a) During the working time of any employee receiving the solicitation or distribution.
- (b) At any time in areas not open to the public or in public areas where such activity is inconsistent with the intended and normal use of the area.
- (c) In a manner which disturbs employees who are working.

#### **35.02 Postings**

The posting of non-work related materials or literature on employee bulletin boards used for Village business is prohibited.

#### **35.03 Working Time Definition**

"Working time" does not include break time, lunch periods, or other periods when employees are required to be performing their job functions. "Working time" does include the times when employees are required to be engaged in work tasks and covers both the employee engaged in

solicitation or distribution of literature and the employee to whom the solicitation or distribution is directed.

#### **35.04 Collections and Donations**

No employee shall be required to donate funds to any charitable cause or organization as a function of that person's employment.

### **SECTION 36**

#### **PERSONNEL RECORDS**

##### **36.01 Personnel Records**

Personnel records will be maintained in a central file by the Village Administrator. The records shall contain accurate and up-to-date information on every employee of the Village.

- (a) Exceptions may be made where individual department records must be maintained and where special requirements necessitate that specific records are to be kept apart, such as medical records.
- (b) In general, medical records are considered to be confidential records and shall be kept in a secured place by the department head and in the department in which the employee is assigned or in a secured place by the Village Administrator.

##### **36.02 Employee Inspection of Records**

All employees are entitled to inspect their personnel records in accordance with the "Personnel Record Review Act", 820 ILCS 40/0.01 *et seq.* ("Act").

- (a) Every employee has the right at reasonable hours and frequency to inspect all records pertaining to his/her employment, promotion, transfer, additional compensation, discharge or other disciplinary action except as provided in Section 10 of the Act. The employee may only see his/her personnel file in the presence of an assigned supervisor. An employee who wishes to inspect his/her records shall submit a request in writing to the Village Administrator or his/her department head.
- (b) If the employee disagrees with any information contained in the file, the employee may request removal of that information. Any disputes regarding the contents of a file shall follow the grievance procedure set forth in this Personnel Manual and may be referred to the Village Attorney for legal guidance on the merits of a specific case.
- (c) If the request for removal of information is denied, the employee has the right

to include in his/her file a written statement explaining the employee's position on the matter.

## SECTION 37

### DISABILITY ACCOMMODATION POLICIES

#### 37.01 Policy

It is the policy of the Village to provide reasonable accommodations for qualified persons who are employees or applicants for employment. The Village will adhere to the Rehabilitation Act of 1973, the American with Disabilities Act (ADA), including the ADA Amendments Act of 2008, the Pregnancy Discrimination Act, the Nursing Mothers in Workplace Act (820 ILCS 260/11 *et seq.*), and all other applicable federal, state and local laws, regulations and guidelines, with respect to providing reasonable accommodation(s) as required affording equal opportunity to qualified persons under such laws. Reasonable accommodations shall be provided in a timely and cost effective manner.

In considering a person with a disability for employment or promotion or in any other personnel action, the existence of a disability shall not adversely affect a personnel decision. Employment opportunities shall not be denied to anyone because of the need to provide a reasonable accommodation.

#### 37.02 Americans with Disabilities (ADA) Policy

##### 37.02.1 Definitions.

- (a) "Person with a disability" means an individual with a disability who has a physical or mental impairment that substantially limits one or more major life activities; a record of such an impairment; or is regarded as having such an impairment. Temporary, non-chronic impairments that do not last for a long time and that have little or no long term impact usually are not disabilities. The determination of whether an impairment is a disability is made on a case-to-case basis.
- (b) "Major life activity" means:
  - (i) In general: Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.
  - (ii) Major bodily functions: A major life activity also includes the operation of a major bodily function, including but not

limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

- (c) “Qualified individual” means a person who satisfies the requisite skill, experience, education and other job-related requirements of the employment position and who, with or without a reasonable accommodation, can perform the essentials functions of the position.
- (d) “Reasonable accommodation” means any modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to enjoy an equal employment opportunity. The Village shall provide a reasonable accommodation to the known disability of a qualified applicant or employee with a disability unless the accommodation would impose an undue hardship. Examples of reasonable accommodations include, but are not limited to:
  - (i) Job restructuring
  - (ii) Modified work schedules
  - (iii) Obtaining or modifying equipment or devices
  - (iv) Modifying examinations, training materials or policies
  - (v) Providing qualified readers and interpreters
  - (vi) Reassignment to a vacant position
  - (vii) Making facilities readily accessible to and usable by individuals with disabilities and changing physical layout of the workplace

#### 37.02.2

Request for Reasonable Accommodation. The Village is obligated to make a reasonable accommodation only to the known disability of an otherwise qualified applicant for employment or a qualified employee. It is the responsibility of the applicant or employee to make his/her disability status and subsequent need for an accommodation known to the appropriate department head.

- (a) **Applicant.** An applicant with a known disability needing an accommodation in the examination or interview process, shall request the accommodation from the department head or Village Administrator, if applicable, in a timely fashion (no later than forty-eight (48) hours prior to an examination or interview).
- (b) **Employees.** An employee with a known disability shall request an accommodation from his/her department head.

37.02.3

Determination of Reasonable Accommodation.

- (a) Once on notice for the need for accommodation, it is the responsibility of the department head, in concert with the Village Administrator, and the individual with a disability to engage in dialogue to identify possible accommodations and assess the reasonableness and effectiveness of each potential accommodation. Determinations regarding accommodations will be made on a case-by-case basis. Determining a reasonable accommodation is very fact-specific. In general, it must be tailored to address the nature of the disability and the needs of the individual within the context of the requirements of the job. If there are two or more possible accommodations, and one costs more or is more burdensome than the other, the Village will give primary consideration to the preference of the individual with a disability. However, the Village may choose the less expensive or burdensome accommodation as long as it is effective.
- (b) Even though the employee provides input concerning the accommodation process, the Village will determine what constitutes a reasonable accommodation on a case-by-case basis and reserves the right to request additional independent medical examinations, evaluations, or other appropriate information at the Village's expense. Medical information will be treated as confidential and will be shared with Village officials or department heads only on a need to know basis. The Village will not provide accommodations without appropriate documentation.
- (c) In limited instances, a requested accommodation may pose an "undue hardship" on the Village which prevents the accommodation from being offered. The determination of whether an accommodation creates an "undue hardship" is contingent upon a number of variables and is made by the Village Administrator with input from the Village Attorney.

37.02.4

Grievance Procedure. If an applicant for employment or an employee wishes to challenge an action related to reasonable accommodation, he/she can file a grievance as set forth in subsection 38.05, below.

**37.03**

**Pregnancy Discrimination**

37.03.1

General Prohibitions and Requirements. Under the federal Pregnancy Discrimination Act ("PDA") and state law, the Village must treat women affected by pregnancy, childbirth, or related medical conditions in the same manner as other applicants or employees who are similar in

their ability or inability to work. The PDA covers all aspects of employment, including pay, firing, hiring, job assignments, promotions, layoffs, training and fringe benefits (such as leave and health insurance benefits). Women are protected from discrimination based on current pregnancy, past pregnancy and potential pregnancy.

- (a) Current pregnancy. The Village cannot fire, refuse to hire, demote, or take any other adverse action against a woman if pregnancy, childbirth, or a related medical condition was a motivating factor in the adverse employment action, even though the Village may believe that it is acting in the employee's best interest.
- (b) Past pregnancy. The Village may not discriminate against an employee or applicant for employment based on a past pregnancy or pregnancy-related medical condition or childbirth, *e.g.*, the Village may not fire an employee because of pregnancy during or at the end of her maternity leave.
- (c) Potential pregnancy. The Village may not discriminate based on an employee's intention or potential to become pregnant. For example, the Village may not exclude a woman from a job involving processing certain chemicals out of concern that exposure would be harmful to a fetus if the employee became pregnant.
- (d) Medical condition related to pregnancy or childbirth. The Village may not discriminate against an employee because of a medical condition related to pregnancy and must treat the employee the same as others who are similar in their ability or inability to work but are not affected by pregnancy, childbirth, or related medical conditions. For example, since lactation is a medical condition related to pregnancy, the Village may not discriminate against an employee because of her breastfeeding schedule (*see* Nursing Mothers Policy set forth in subsection 38.04, below).

#### 37.03.2

Harassment. It is unlawful to harass a woman because of pregnancy, childbirth, or a related medical condition. Harassment is illegal when it is so frequent or severe that it creates a hostile or offensive environment, or when it results in an adverse employment decision (such as the victim being fired or demoted). Harassment includes unwelcome and offensive jokes or name-calling, physical assaults or threats, intimidation, ridicule, insults, offensive objects or pictures, and interference with work performance. *See* Section 30, "Anti-Harassment Policy", of this Manual which covers the regulations for dealing with harassment

complaints.

37.03.3

Workers with Caregiving Responsibilities. Discrimination based on an employee's caregiving responsibilities may violate Title VII if it is based on sex and the ADA if it is based on a family member's disability. The Village would violate Title VII by denying job opportunities to women, but not to men, with young children, or by reassigning a woman who has recently returned from maternity leave to less desirable work based on the assumption that, as a new mother, she would be less committed to her job. In addition, the Village would violate the ADA if it were to take an adverse action, such as refusing to hire or deny promotion, against a mother of a newborn with a disability over concerns that she would take off a lot of time for the child's care or that the child's medical condition would impose high health care costs.

37.03.4

Benefits of Employment. The Village must provide the same benefits of employment to women affected by pregnancy, childbirth, or related medical conditions that it provides to other persons who are similar in their ability or inability to work.

- (a) Light duty policy. The Village must provide light duty, alternative assignments, disability leave, or unpaid leave to pregnant workers if it does so for other employees who are similar in their ability or inability to work.
  - (i) The Village may not limit a pregnant worker's access to light duty based on the source of her impairment (*i.e.*, the Village may not deny light duty to a pregnant employee based on a policy that limits light duty to employees with on-the-job injuries).
  - (ii) However, if the Village's light duty policy restricts the number of light duty positions or the duration of light duty assignments, the Village may apply those restrictions to pregnant employees, so long as it also applies the same restrictions to other workers similar in their ability or inability to work.
- (b) Leave. While the Village may not compel an employee to take leave because she is pregnant as long as she is able to perform her job, the Village must allow women with physical limitations resulting from pregnancy to take leave on the same terms and conditions (*e.g.* provide them with the same amount of leave) as others who are similar in their ability or inability to work.

(i) The Village:

1. May not single out an employee's pregnancy-related condition for medical clearance procedures that are not required of employees who are similar in their ability or inability to work.
2. May not remove a pregnant employee from her job because of pregnancy as long as she is able to perform her job; and
3. Must allow her to return to work following recovery from a pregnancy-related condition to the same extent that employees on sick and disability leave for other reasons are allowed to return.

(ii) If the pregnant employee uses leave under the FMLA (*See Section 23, "FMLA Policy"*), the Village must restore the employee's original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment.

(iii) Title I of the ADA may require the Village to provide leave beyond that which it usually allows its employees to take, as a reasonable accommodation for an employee with a pregnancy-related impairment that is a disability (*see subsection 37.03.5, below*).

(c) Medical benefits. The Village, under its health insurance policy, must include coverage of pregnancy, childbirth, and related medical conditions. The coverage must provide the same terms and conditions for pregnancy-related benefits as it provides for benefits relating to other medical conditions.

37.03.5 The PDA and the ADA. Although pregnancy itself is not a disability, pregnant employees may have impairments related to their pregnancies that qualify as disabilities under the ADA. Pregnancy-related impairments are disabilities if they substantially limit one or more major life activities or substantially limited major life activities in the past. Major life activities that may be affected by pregnancy-related impairments include: walking, standing, and lifting, as well as major bodily functions such as the musculoskeletal, neurological, cardiovascular, circulatory, endocrine, and reproductive functions.

- (a) A number of pregnancy-related impairments are likely to be disabilities, even though they are temporary, such as pregnancy-related carpal tunnel syndrome, gestational diabetes, pregnancy-related sciatica, and preeclampsia.
- (b) The ADA also covers pregnant employees who are regarded as having disabilities. An employer regards a pregnant employee as having a disability if it takes an adverse action against her (e.g., refuses to hire or terminates her) because of an actual or perceived pregnancy-related impairment, unless the employer can demonstrate that the impairment is transitory (lasting or expected to last for six (6) months or less) and minor.
- (c) The Village may not discriminate against an individual whose pregnancy-related impairment is a disability under the ADA and must provide an individual with a reasonable accommodation if needed because of a pregnancy-related disability, unless the accommodation would result in an “undue hardship”.
- (d) Reasonable accommodation. Reasonable accommodations for a pregnancy-related disability, include but are not limited to:
  - (i) Redistributing marginal or nonessential functions (e.g., occasional lifting) that a pregnant employee cannot perform, or altering how an essential or marginal function is performed.
  - (ii) Modifying workplace policies by allowing a pregnant employee more frequent breaks.
  - (iii) Modifying a work schedule so that someone who experiences severe morning sickness can arrive later than her usual start time and leave later to make up the time.
  - (iv) Allowing a pregnant employee placed on bed rest to telework where feasible.
  - (v) Granting leave in addition to what the Village would normally provide under its sick leave policy.
  - (vi) Purchasing or modifying equipment, such as a stool for a pregnant employee who needs to sit while performing job tasks typically performed while standing.

- (vii) Temporarily reassigning an employee to a light duty position.

#### **37.04      Nursing Mothers**

The Village shall provide reasonable unpaid break time each day to an employee who needs to express breast milk for her infant child, unless to do so would unduly disrupt Village operations. The break time shall, if possible, run concurrently with any break time already provided to the employee.

The Village shall 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 her milk in private.

#### **37.05      Disability Grievance Procedures**

- 37.05.1      Filing a Complaint. The applicant for employment or an employee (“complainant”) alleging a complaint of disability discrimination must file a grievance in writing, unless the nature of the complainant’s disability necessitates a verbal filing. The written complaint, using the designated “Complaint Form” may be filed by mail or in person; a verbal complaint may be filed over the telephone or in person. The complaint is to be filed with the Village Administrator within ten (10) working days of the alleged incident of discrimination.
- 37.05.2      Investigation and Resolution of Complaint.
  - (a)      The Village Administrator will promptly conduct an investigation of the complaint, utilizing the technical and other expertise of Village department heads and employees as necessary. The Village Administrator will contact the complainant at regular intervals to report on the progress of the investigation until a preliminary determination as to the validity of the complaint is reached.
  - (b)      Within five (5) working days after the preliminary determination is reached on the complaint, the Village Administrator will schedule a meeting with the complainant to discuss the grievance and seek a remedy if the complaint is found to be valid. Within five (5) working days following said meeting, a written summary of the meeting and proposed remedy, if appropriate, will be sent to the complainant. If it is determined that there has been noncompliance with federal and state statutes and regulations promulgated thereto, a schedule for correcting the action or facility will be established.

37.05.3

Right of Appeal.

- (a) The complainant has the right to appeal the determination and/or resolution of the Village Administrator. The appeal is to be filed within five (5) working days of the complainant's receipt of the determination and/or proposed resolution. The appeal is to be filed in writing, unless the nature of the complainant's disability necessitates a verbal filing. A written appeal may be filed by mail or in person. A verbal appeal may be filed over the telephone or in person. The appeal is to be filed with the Village Clerk. If the appeal is not filed within five (5) working days, complainant waives his/her right to appeal the determination and/or resolution of the Village Administrator. The appeal must contain the following:
  - (i) Copy of the initial complaint form
  - (ii) Determination and/or recommended resolution of the Village Administrator.
  - (iii) Complainant's response to the recommended resolution
  - (iv) Resolution sought by the complainant.
- (b) Within fifteen (15) days of receipt of the appeal, the Village President or his/her designated agent, shall conduct a public hearing on appeal after public notice is duly given. Within thirty (30) days after the conclusion of the public hearing, the Village President will issue a written decision. The decision of the Village President is final.

37.05.4

Other Remedies. The filing of a complaint with the Village does not preclude complainant from pursuing other remedies, such as the filing of a complaint with the U.S. Department of Justice, the U.S. Equal Employment Opportunity Commission or other appropriate federal or state agency, or the filing of a suit in state or federal court. The Village's grievance procedure is not a prerequisite to the pursuit of other remedies.

37.05.5

Retaliation. An employee or an applicant for employment who makes use of the grievance procedure shall not be retaliated against for so doing.

37.05.6

Disposition of Records. Proceedings on appeal shall be recorded and maintained. A record of action taken on each complaint shall be maintained as a part of the records or minutes at each level of the

grievance process.

- (a) A Complaint Register Log shall be kept in the Village Clerk's Office. Complaint form reports shall be retained for two (2) years from the date of the original complaint. Those complaints deemed "unfounded" and not overturned on appeal, will be destroyed at the conclusion of the two (2) year period. Those complaints upheld and assigned a specific remedy shall be retained by the Village Clerk indefinitely.
- (b) Complainants may have copies of their complaints and their own statements upon request. Copies of all other data is prohibited without the express consent of the Village President unless mandated by the Illinois Freedom of Information Act ("FOIA"). Outside access to complaint records is also prohibited without the express consent of the Village President unless mandated under the FOIA.

## **SECTION 38**

### **NON-RETALIATION POLICY**

#### **38.01 Policy**

Village policy prohibits the taking of any retaliatory action for reporting or inquiring about alleged improper or wrongful activity.

#### **38.02 Encouragement of Reporting**

Village employees are encouraged to report in good faith all information regarding alleged improper or wrongful activity that may constitute:

- (a) Discrimination or harassment;
- (b) Fraud;
- (c) Unethical or unprofessional business conduct;
- (d) Noncompliance with Village policies/procedures;
- (e) Circumstances of substantial, specific or imminent danger to an employee or the public's health and/or safety;
- (f) Violations of local, state or federal laws and regulations; or
- (g) Other illegal or improper practices or policies.

The Village is firmly committed to a policy that encourages timely disclosure of such concerns and prohibits retribution or retaliation against any employee who, in good faith, reports such concerns. No officer or employee will be exempt from the consequences of misconduct or inadequate performance by reporting his/her own misconduct or inadequate performance.

### **38.03 Protection from Retaliation**

Any officer or employee who, in good faith, reports such incidents as described above will be protected from retaliation (defined as an adverse action taken because an individual has engaged in protected activities), threats of retaliation, discharge, or other discrimination, including but not limited to discrimination in compensation or terms and conditions of employment that are directly related to the disclosure of such information. In addition, an employee may be adversely affected because he/she refused to carry out a directive which constitutes fraud or is a violation of local, state, federal or other applicable laws and regulations.

### **38.04 Reporting Process**

Employees should timely report evidence of alleged improper activity as described above by contacting their immediate supervisor, department head or Village Administrator. Any instances of alleged retaliation or retribution should be reported in the same manner. Where the employee is not satisfied with the response of the supervisor, department head or Village Administrator, or is uncomfortable for any reason addressing such concerns to one of these individuals, the employee should contact the Village President.

All reports will be handled as promptly and discreetly as possible, with facts made available only to those who need to know to investigate and resolve the matter.

## **SECTION 39**

### **TRAVEL REIMBURSEMENT POLICY**

#### **39.01 Purpose**

To establish procedures for the control and documentation of expenses incurred by elected officials and Village officers and employees for professional development and training classes, seminars, workshops, conferences and any other out-of-town travel on behalf of and for the benefit of the Village. Elected officials, officers and employees are expected to exercise the same care in incurring expenses for official business as a prudent person would in spending personal funds.

#### **39.02 Definitions**

- (a) "Entertainment" includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless ancillary to the purpose of the program or event.
- (b) "Travel" means any expenditure directly incidental to official travel by elected officials, officers and employees of the Village or by wards or charges of the Village involving reimbursement to travelers or direct payment to private agencies providing transportation or related services.

### **39.03      Authorized Type of Official Business**

39.03.1      Travel, meal and lodging expenses shall be reimbursed for elected officials, officers and employees of the Village only for the purposes of official business conducted on behalf of the Village, which includes, but is not limited to off-site or out-of-town meetings related to official business and pre-approved seminars, conferences and other educational events related to the elected official's, officer's, or employee's official duties. If the officer or employee is unsure of whether an expense is reimbursable, he/she is to contact the Village Administrator to discuss the proposed travel.

39.03.2      Officers and employees may be authorized to attend professional conferences and meetings on work related topics. Officers and employees shall submit requests for conference or meeting attendance to the Village Administrator for approval. Approval for conferences is subject to budgetary constraints and the Village Administrator's discretion. The Village Administrator may pre-approve expenses for conferences and travel by including them in the annual budget.

### **39.04      Options**

Village officers and employees may choose from the following options for the payment of travel expenses:

- (a)      Use of personal funds or personal credit card to be reimbursed by the Village.
- (b)      Receive a travel advance.
- (c)      Village credit card may be used by authorized cardholders for the following travel-related expenses:
  - (i)      Registration
  - (ii)      Airfare
  - (iii)      Lodging
  - (iv)      Meals

### **39.05      Procedures and Forms Required**

Prior to incurring any expenses, registration information and projected travel expenses must be submitted to the Village Administrator for verification of funds availability, justification for attendance, and approval. This will be satisfied by the submittal of the Village's Pre-Approval Travel Request Form.

39.05.1      Travel Advance. After approval by the Village Administrator, a request for a travel advance must be submitted to the Finance Department. A

check will be issued in the check-run preceding the date of travel. Under normal circumstances, cash advances will be issued for the following purposes:

- (a) Early registration (traditionally, a separate check is mailed to the organization conducting the conference).
- (b) Airline or other transportation ticket purchase.
- (c) Room deposit at conference hotel if a cash deposit is required.
- (d) Cash advance for daily meals. (Cash advances shall be based on current U.S. General Services Administration (GSA) per diem rate for the travel destination. (See [www.gsa.gov](http://www.gsa.gov)).

39.05.2 Funds issued to an employee or officer as a travel advance are the responsibility of the officer or employee. Upon completion of travel, the travel advance must be documented on the expense report. If the approved expenses are less than the amount of the travel advance, the officer or employee shall return those extra funds with the expense report.

## **39.06      Authorized Expenditures**

The following expenses shall be reimbursed for elected officials, officers and employees of the Village only for the purpose of official business as set forth in subsection 39.03, "Authorized Type of Official Business", of this Policy.

39.06.1 Airfare. Air travel must be pre-approved by the Village Administrator. Travelers are expected to obtain the lowest available airfare that reasonably meets business needs. Travelers are encouraged to book flights at least thirty (30) days in advance to avoid premium airfare pricing. Only coach or economy tickets will be paid or reimbursed. The traveler will pay for the difference between higher priced tickets and coach or economy tickets with his/her personal funds.

39.06.2 Personal Automobiles. Travelers shall use Village vehicles for travel unless the use of a personal vehicle is pre-approved by the Village Administrator. Mileage reimbursement for personal vehicles shall be based on mileage from the work location office to the off-site location of the official business, not the officer's or employee's residence. When attending a training event or other off-site official business directly from an officer's or employee's residence, no reimbursement will be made if the distance is less than the mileage of a normal commute to work. If the distance is higher than the officer's or employee's normal commute, reimbursement will be paid based on the differential of the commute less the mileage of a normal commute to the workplace. An officer or

employee will be reimbursed at the prevailing Internal Revenue Service (IRS) mileage rate. The traveler shall only be reimbursed up to the price of a coach airfare ticket if he/she drives to a location for which airfare would have been less expensive. Lodging, meals and other expenses while *en route* are not reimbursable during the time the officer or employee is using vacation or personal time.

39.06.3 Automobile Rentals. The use of rental cars is discouraged. Such use will be approved on a case-by-case basis, depending on travel needs. Travelers shall be reimbursed for the cost of renting an automobile including gasoline expenses only as provided in this subsection. Travelers using rental cars to conduct official business are required to purchase insurance through the rental agency. Car rental insurance will cover the vehicle during personal use, *e.g.*, using the vehicle after the conference has ended. Compact or mid-size cars are required for two or fewer employees or officers traveling together and a full-size car may be used for three or more travelers. The traveler must refuel the vehicle before returning it to the rental company.

39.06.4 Public Transportation. In the case of local training or official business where an elected official, officer or employee chooses to use public transportation, reimbursement for use of public transportation shall be the cost of the public transportation plus any mileage in accordance with this Policy.

39.06.5 Other Transportation. The traveler should utilize hotel shuttle service or other shuttle services, if available. If none are offered, the use of the most economic transportation is encouraged.

39.06.6 Hotel/Motel Accommodations. Lodging shall be pre-approved. The traveler shall be reimbursed for a standard single-room at locations convenient to the business activity. The lodging expense must be supported by a hotel/motel receipt. Hotel/motel accommodations are to be reserved in advance and secured at moderate or conference rate. Reimbursement for lodging shall be limited to the number of nights required to conduct the assigned Village business. If a conference, for example, opens on a Sunday night and closes on Thursday noon, reimbursement for Sunday through Wednesday night would be allowed. In the event of a change in plans or a cancellation, the traveler must cancel the hotel/motel reservation so as not to incur cancellation charges. Cancellation charges will not be reimbursed by the Village unless approved by a vote of the Village Board of Trustees.

39.06.7 Meals. Meal expenses and reimbursements are limited to the current GSA per diem rate for the travel destination at the time the expense is incurred. Receipts shall be submitted to substantiate all expenses within

ten (10) business days after expenses are incurred. Any amount of the per diem allowance which is not spent by the traveler shall be returned to the Village at the time receipts are submitted. Meals provided by a conference or seminar shall be deducted from the per diem allowance. Partial reimbursement may be made for departure and return days based on time. Meals during in-state travel that are not part of an overnight stay will be reimbursed at the actual cost not to exceed the GSA meal rate. If not already applied by the establishment, gratuity must be calculated on the amount of the bill before sales tax. The maximum reimbursement for gratuities is 20%. Alcoholic beverages are not reimbursable under any circumstances. Additionally, no payment or reimbursement may be made for personal supplies or entertainment.

39.06.8 Parking. Parking fees at a hotel/motel or incidental to other travel will be reimbursed only with a receipt.

#### **39.07 Other Conditions and Restrictions on Travel**

39.07.1 Non-Employees. Under no circumstances are expenses to be paid by the Village when incurred by a non-employee of the Village or for an unauthorized officer or employee (officer or employee whose travel has not been approved as required by this Policy).

39.07.2 Accompanied Traveler. Family members may accompany the traveler when traveling on official Village business. However, no expenses attributable to any family member will be reimbursable expenses. All expenses will be calculated as if the traveler were traveling alone, using the minimum costs to the Village for lodging, meals and transportation.

39.07.3 Vacation in Conjunction with Business Travel. In cases where vacation time is added to a business trip, any cost variance in airfare, car rental, lodging and/or any other expenses must be clearly identified on the Travel Expense Report form and paid by the traveler.

39.07.4 Employee Repayment for Disallowed Expenses. Amounts disbursed for travel expenses which are subsequently disapproved by the Village Administrator or the Village Board, shall be refunded to the Village within fifteen (15) days. Failure to do so will result in the amount being deducted from the officer's or employee's next regular payroll check.

39.07.5 Miscellaneous Expenses. Other items of reasonable expense specifically not addressed and necessary in the course of conducting Village business shall be reimbursed after review and approval by the Village Administrator.

39.07.6 No alcoholic beverage expenses shall be reimbursed by the Village.

39.07.7      Entertainment Expenses. No elected official, officer or employee of the Village shall be reimbursed for any entertainment expense, unless ancillary to the purpose of the program, event or other official Village business.

**39.08      Approval of Expenses**

39.08.1      Expenses for Members of the Corporate Authorities. Travel, meal, and lodging expenses incurred by any member of the Corporate Authorities of the Village of Olympia Fields must be approved by roll-call vote of the Board of Trustees at an open meeting of the Village Board.

39.08.2      Expenses for Officers or Employees Other than Members of the Board of Trustees. Travel, meal and lodging incurred in excess of the then-current per diem rate established by the GSA for the travel location must be approved by roll call at an open meeting of the Board of Trustees prior to payment.

39.08.3      Advanced Expenses. Travel, meal and lodging expenses advanced as a per diem to any member of the Corporate Authorities, officer or employee of the Village must be approved by roll call at an open meeting of the Board of Trustees prior to payment. Documentation of expenses must be provided in accordance with subsections 39.03, 39.06 and 39.09 of this policy. Any excess from the per diem allowance must be repaid as provided in this policy.

**39.09      Documentation of Expenses**

Within ten (10) working days of completion of travel, an expense report, with receipts documenting all expenditures, must be submitted to the Village Administrator, before an expense for travel, meals or lodging may be approved. The following minimum documentation must first be submitted, in writing, to the Village Administrator, for approval by the Board of Trustees, on a Travel Meal Expense Report Form:

- (a) An estimate of the cost of travel, meals or lodging if expenses have not been incurred, or a receipt of the cost of travel, meals, or lodging if the expenses have already been incurred;
- (b) The name of the individual who received or is requesting the travel, meal or lodging expense;
- (c) The job title or office of the individual who received or is requesting the travel, meal or lodging expense; and
- (d) The date or dates and nature of the official business for which the travel, meal or lodging expense was or will be expended.

39.09.1 Reimbursement checks, if applicable, will be issued within thirty (30) days after the expense report has been submitted and approved.

39.09.2 All documents and information submitted under this subsection are public records subject to disclosure under the Freedom of Information Act.

#### **39.10 Maximum Reimbursement**

The maximum total amount the Village will reimburse a traveler for a single trip is the amount established by the GSA for the travel destination, effective October 1 of each year. The maximum amount may be increased because of emergency or other extraordinary circumstances when approved by the Village Board by a roll call vote at an open meeting.

### **SECTION 40**

#### **EDUCATION, TRAINING AND REIMBURSEMENT**

##### **40.01 Education Assistance**

The Village believes that an individual who possesses a desire to continue his/her education, in addition to performing their full-time job, shows a commitment to improving his/herself and his/her position within the Village. To encourage and reward such individuals, the Village has an Education Assistance benefit contingent upon budget availability.

40.01.1 Full-time employees may apply for education leave and/or tuition reimbursement for courses or other educational programs in an accredited university, college or adult education program or other school or authorized training recognized by the Village Administrator for the purpose of continuing education in subjects relating to the work of the employee and which will benefit the employee and the Village in accordance with the following tuition plan:

- (a) The employee must have completed his/her probationary period with the Village.
- (b) The employee must submit a written application for the educational program, including certification that the reimbursement is tax exempt under IRS regulations, and it must receive approval by the Village Administrator.
- (c) The Village will provide reimbursement of tuition for approved education courses provided the course is completed. The reimbursement schedule is as follows:

- (i) "B" grade or better - 50% tuition reimbursement
- (ii) "C" grade and lower - no tuition reimbursement
- (iii) If the course is a pass/fail course, the employee will be reimbursed for 50% of the tuition for passing and 0% for failing the course.
- (iv) The reimbursement will be based on the equivalent public tuition cost if the class is taken at a private school. The reimbursement will be limited to \$5,000.00 per year and only one reimbursement per class is allowed.

(d) If the employee's employment with the Village terminates for any reason within two (2) years after completing the course, the employee must reimburse the Village. If the employee fails to reimburse the Village, the Village's portion of the tuition will be deducted from the employee's final pay check.

40.01.2 Leave. If the requested educational or training program requires leave from work, the Village Administrator may authorize a special leave of absence, without pay, in accordance with Section 22 of this Manual. If it is in the best interests of the Village, an employee may be allowed to attend classes during working hours subject to the approval of the Village Administrator.

#### **40.02 Education/Training (Attending Seminars/Training Sessions)**

From time to time, the Village may arrange to have both formal and informal training programs, including professional conferences, training and seminars, to enable the employee to progress in his/her technical knowledge. An employee will receive a normal paycheck while attending these professional conferences, training and seminars when either the attendance is required of the employee by the Village or is approved by the Village Administrator subject to budgetary appropriation. The Village shall reimburse employees for expenses related to professional conferences, training and seminars if submitted in writing and approved by the employee's department head or the Village Administrator.

#### **40.03 Training Cost Agreement**

Expensive and extensive training is often part of employment within the Village workforce. The Village is at risk when investing in training for an employee and having the employee leave the Village's service shortly thereafter without the benefit of the employee's increased skills. Because of such expense and time, the Village may impose the following:

(a) The employee, prior to receiving extensive training, may be requested to execute an agreement with the Village to remain with the Village's service for

- (i) "B" grade or better - 50% tuition reimbursement
- (ii) "C" grade and lower - no tuition reimbursement
- (iii) If the course is a pass/fail course, the employee will be reimbursed for 50% of the tuition for passing and 0% for failing the course.
- (iv) The reimbursement will be based on the equivalent public tuition cost if the class is taken at a private school. The reimbursement will be limited to \$5,000.00 per year and only one reimbursement per class is allowed.

(d) If the employee's employment with the Village terminates for any reason within two (2) years after completing the course, the employee must reimburse the Village. If the employee fails to reimburse the Village, the Village's portion of the tuition will be deducted from the employee's final pay check.

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(a) The employee, prior to receiving extensive training, may be requested to execute an agreement with the Village to remain with the Village's service for

a period of time following training. Should the employee leave the Village's service prior to the time period specified in the agreement, the employee shall reimburse the Village per a pre-arranged payment schedule based on the amount of time that has passed following such training.

- (b) A reimbursement payment schedule for training received will only apply in cases where the employee voluntarily leaves Village employment. Other conditions of separation do not apply under this subsection.

## **SECTION 41**

### **WORKING FROM HOME/OFF-SITE POLICY**

#### **41.01 Purpose**

To establish clear and consistent guidelines for Village employees working from home or off-site. This Policy applies to employee work-at-home arrangements and the occasional off-site work, whether on a continuous basis or for a specific period of time. This Policy applies to all full-time and part-time employees and will be administered by the Village Administrator and the employee's department head.

Working from home is not an employee right or benefit and may be discontinued by the Village Administrator at any time. Employees will be permitted to work from home at the discretion of the Village Administrator.

#### **41.02 Work-at-Home Criteria**

To be eligible to work-at-home, employees must, among other things:

- (a) Have portable job duties;
- (b) Have a worksite and equipment (telephone, internet, supplies, *etc.*) suitable for working at home; and
- (c) Be able to work independently and productively.

Some positions, responsibilities and projects are more suitable for working from home than others. Responsibilities that do not require face-to-face interaction, require minimal supervision, involve extensive use of computers and/or telephones, and have clearly defined and easily measurable tasks are more appropriate for work-at-home arrangements. The Village Administrator, along with the employee's department head, shall examine the distinct activities, functions and tasks to determine whether a work-at-home arrangement is appropriate.

#### **41.03 Start or End Work Remotely**

An employee may occasionally be scheduled to work out of the office without first arriving at

his/her regular reporting station and/or without leaving from his/her regular reporting station. Employees must be authorized by their department heads and as approved by the Village Administrator.

#### **41.04 Work Schedule**

- (a) Regardless of the location of their station or the time of day actual work is accomplished, all full-time employees are expected to work a minimum of 37.5 hours per week and all-part-time employees are expected to work their designated number of hours per week. The suggested guideline is for all employees to be at the Village's offices a minimum of 60% of business hours. However, the Village Administrator has the final decision regarding an employee's work-at-home schedule, taking into consideration the employee's position and its job duties.
- (b) The Village Administrator shall establish the employee's work-at-home schedule. The employee will document all time worked and account for hours not worked with the appropriate leave designation (sick, leave without pay, vacation, compensatory time, FMLA, *etc.*), and, if eligible for overtime must receive department head or Village Administrator authorization before working overtime from home.
- (c) The employee shall not provide primary childcare or other care during working hours; formal care arrangements must be maintained during working hours.

#### **41.05 Work-at-Home Responsibilities**

- (a) The employee must be accessible to Village residents, colleagues and the employee's supervisor and department head.
- (b) The employee must attend required scheduled meetings (exceptions can be made with prior approval from the employee's supervisor or department head).
- (c) Every employee's Electronic Calendaring System must reflect his/her work schedule (*e.g.*, accessible schedule, off-site times, *etc.*)
- (d) Employees are required to log in their start and end time via the Village's third party payroll system.

#### **41.06 Equipment, Supplies and Telephone/Data Connection**

- (a) The Village may provide specific tools/equipment for the employee to perform his/her current duties. This may include computer hardware, computer software, phone lines, e-mail, voice-mail, connectivity to host applications, and other applicable equipment as deemed necessary.

- (b) The use of equipment, software and data supplies when provided by the Village is limited to the exclusive use of that employee alone. The employee is not permitted to allow family members or friends to use such equipment provided to them. Village equipment, software, data and supplies must be returned to the Village at the termination of the work-at-home arrangement, or upon request by the Village Administrator.
- (c) The Village will provide for repairs to Village equipment. When the employee uses his/her own equipment, the employee is responsible for maintenance and repair of equipment.

#### **41.07 Security**

When working from home, the employee must be aware of the increased risk of a security breach. The employee must ensure that all documentation is stored securely and that any laptop or PC is password protected and turned off when not in use. All Village information security, and records management and retention policies that apply at Village offices, apply when the employee works from home.

#### **41.08 Disciplinary Procedures**

The "Disciplinary Actions" set forth in Section 10 of this Manual apply equally to office-based and working-from-home arrangements. Any abuse of the working-from-home arrangements amounting to misconduct may be subject to disciplinary action.

#### **41.09 Data and Equipment**

All equipment and data is the property of the Village.

### **SECTION 42**

#### **ASSIGNMENT AND USE OF PERSONAL AND VILLAGE-ISSUED CELLULAR PHONES**

#### **42.01 Policy**

The use of cellular phones is restricted to individuals whose position or assignment is such that immediate verbal access for emergency or efficiency reasons is required, and is to be used solely for Village business unless otherwise specified in this policy.

- (a) Employees should not use cellular telephones (personal or Village issued) while operating any Village vehicle or equipment unless it is to report an accident, vehicle trouble, or if there is imminent danger to themselves or others.
- (b) Employees are not allowed to use electronic devices, cellular phones or other, in an illegal, illicit, or offensive manner.

## **42.02 Assignment**

Assignment of cellular phones is made by the Village Administrator. Prior to assignment, written justification, supplied by the employee or department head requesting the cellular phone, must be reviewed and approved by the Village President. Justification is acceptable only if it offers proof of increased efficiency or the necessity of availability on a 24-hour basis to respond to emergencies or participation in an emergency situation.

## **42.03 Eligibility**

Cellular phones may be assigned on a permanent or temporary basis to:

- (a) Village President and Board of Trustees
- (b) Village Administrator
- (c) Department Heads
- (d) Police Management
- (e) Employees who are required to respond to emergencies on a 24 hour basis
- (f) Other employees recommended by the Village Administrator or department head and approved by the Village President

## **42.04 Use of Personal Cellular Phones**

Village employees may carry personal cellular phones with them while on Village time or while using Village equipment subject to the following restrictions:

- (a) Prior to carrying personal cellular telephones during working hours, employees will inform their immediate supervisors.
- (b) Incoming and outgoing personal phone calls should be limited to scheduled break periods or lunch periods only.
- (c) During work hours an employee may notify family and/or friends in the event that Village business requires a change in the employee's personal plans or in the event of an emergency situation involving the employee and/or his/her family.
- (d) If employees have to use cellular phones while driving or operating equipment, they should attempt to pull off the road to make or take a call or use hand-free devices when available.
- (e) The Village assumes no liability for loss or damage to an employee's personal

property, including personal cellular telephones carried in Village vehicles or left on Village property. Employees assume the risk of loss or damage to personal cellular phones or other electronic devices carried by employees during their workday.

- (f) Employees may be held personally and financially responsible for all damages and litigation in the event of an accident involving Village-owned equipment resulting from employees' use of personal cellular telephones. Use of personal cellular telephones during Village work hours is considered outside the employees' scope of equipment.

#### **42.05 Village-Issued Cellular Phones**

Employees may use a Village-issued cellular phone according to the following guidelines:

- (a) Village-issued cellular phones are for business use only.
- (b) Personal use of Village-issued cellular phones is prohibited unless the employee has a Village-issued cellular phone on which a second line can be activated. In that case, the employee may have a second line activated for personal calls. The employee will be responsible for all charges for the second line and telephone bills will be sent directly to his/her home. If a second/personal line is activated, use of that line is subject to subsection 42.04, "Use of Personal Cellular Phones" above.

#### **42.06 Policy Violations**

- (a) Any time a supervisor or department head receives a complaint or suspects that an employee is violating this Policy, that supervisor or department head may require the employee to furnish personal cellular telephone records for the time frame in question for the department head to verify or negate the complaint or the suspected abuse.
- (b) Violators of this Policy may be required to turn in their Village-issued phones and/or may not be allowed to carry personal cellular phones with them while on Village time. Violators may also be subject to disciplinary action, up to and including termination.

### **SECTION 43**

#### **MISCELLANEOUS POLICIES**

##### **43.01 Bulletin Boards**

Bulletins and bulletin board(s) are the "official" way of the Village keeping everyone informed about new policies, changes in procedures and special events. Information of general interest is

posted regularly on the bulletin board(s). Employees should form the habit of reading the bulletin board(s) regularly so that they will be familiar with the information posted on it.

- (a) Each Village department shall designate space on a bulletin board for the employees to post materials which do not relate to official business (*i.e.*, personal items for sale).
- (b) An employee shall not use such space for posting abusive, offensive, inflammatory, or partisan political material.
- (c) All materials which are posted by an employee must be signed and dated by the employee prior to posting.
- (d) Where circumstances warrant, *i.e.*, where bulletin board space is limited, the department head shall have the right to remove posted material provided such removal is accomplished in a rational and nondiscriminatory manner. The department head shall have the right to limit size and quantity of posted materials.
- (e) Any materials posted on Village property which do not relate to official Village business and which are not posted in accordance with the above principles shall be removed immediately.

#### **43.02      Communications**

Successful working conditions and relationships depend upon successful communications. Not only does an employee need to stay aware of changes in procedure, policies and general information, an employee also needs to communicate his/her ideas, suggestions, personal goals or problems as they affect the employee's work.

In addition to the exchanges of information and expressions of ideas and attitudes which occur daily, the employee should make certain that he/she is aware of and utilizes all the Village methods of communication, including this Personnel Manual, bulletin boards, discussions with his/her department head, memoranda, staff meetings, newsletters, training sessions, *etc.*

#### **43.03      Disclosure of Information**

Any employee receiving a request from a member of the public for information relating to any Village matter, shall direct such inquiries to the Village Clerk, who will handle such inquiries pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.* Any employee (except police officers) receiving a request from a member of the press for information relating to any Village matter, shall direct inquiries to the Village Administrator. Any police officer receiving a request from a member of the press for information relating to any Village matter, shall direct such inquiries to the Police Chief.

#### **43.04      Community Activities**

The Village recognizes the importance of community participation. The Village encourages and supports an employee's participation in service activities that contribute to the community. This time must be scheduled at least thirty (30) days in advance and approved by the employee's department head if it is during his/her workday.

Some eligible service activities might include:

- Blood drive
- Community health screening
- Community clean-up projects
- Big Brothers/Big Sister activities
- Food drives
- Toys for Tots
- United Way drives
- Community recycling center
- Red Cross
- Assisting physically challenged or confined individuals (This must be through community organization).
- Assisting elderly citizens (This must be through a community organization).

#### **43.05      Dress Code**

Each employee is expected to dress in a neat and appropriate manner according to the employee's position and job duties. Employees who are required to wear uniforms shall maintain and wear the uniforms in a neat, clean and proper manner. Those employees who interact with the public in performing their job duties shall dress in a professional manner.

#### **43.06      Uniforms**

Employees in certain departments are required to wear uniforms as assigned while on duty or acting as a representative of the Village. Departmental policy shall specify when uniforms and proper attire are necessary. The amount and extent of uniform items shall be set forth in the rules of the appropriate department and shall be regulated by the department head and the Village Administrator, except as provided by the current police collective bargaining agreement. Uniforms

and equipment supplied to employees remain the property of the Village. Upon termination of employment, the uniforms and/or equipment must be returned in satisfactory condition, subject to ordinary wear and tear, or the Village will hold the employee responsible for the cost, except those items provided for under the current police collective bargaining agreement.

Wearing uniforms in establishments serving alcoholic beverages by the drink when not on duty or while on breaks is prohibited and shall result in disciplinary action.

Assigned uniforms will be worn at all times while an employee is on duty or while at work except when an employee is permitted by the employee's department head to be out of uniform.

#### **43.07 Personal Telephone Calls and Postage Machine Use**

43.07.1 Personal telephone calls. The use of Village telephones for personal calls is a privilege and not a right and may be withdrawn by the department head if abused through excessive use, or if telephoning interferes with work duties. Personal telephone calls shall be governed by departmental work rules. Under no circumstances shall personal calls be allowed to disrupt work unnecessarily. Personal telephone calls shall not be made on emergency phones. All charges for long distance *personal* calls outside the local area code shall be reimbursed to the Village by the employee.

43.07.6 Postage machine. Employee are prohibited from using the Village's postage machine for personal or other non-Village mail. Additionally, employees shall not use the Village as a personal mailing address.

#### **43.08 Entering and Leaving the Premises**

At the time an individual is hired, he/she will be advised about the proper entrances and exits for employees. The employee is expected to abide by these rules at all times. Failure to do so will lead to disciplinary action.

#### **43.09 Entry After-Hours**

Employees are not allowed to enter the Village offices after normal working hours for any reason without the express approval of the employee's department head or the department head on duty.

#### **43.10 Expense Reimbursement**

Village employees shall be accurate and truthful in submitting information for purposes of expense accounts with respect to reimbursement, purchases and the like. Items purchased by an employee in his/her capacity as a Village employee shall be used only for Village purposes. Employees are strictly prohibited from co-mingling Village funds with their personal funds and accounts, or the funds and accounts of any other party.

An employee must have his/her department head's written authorization (requisition/purchase order, *etc.*) prior to incurring an expense on behalf of the Village. To be reimbursed for all authorized expenses, the employee must submit an expense report/voucher accompanied by receipts and approved by his/her department head. Expense reports/vouchers must be submitted as the employee incurs the authorized reimbursable expenses. If the employee is asked to conduct Village business using the employee's personal vehicle, the employee will be reimbursed at the current IRS mileage rate. The employee is to submit this expense on an expense report/voucher.

#### **43.11 Housekeeping**

Neatness and good housekeeping are signs of efficiency. Employees are expected to keep their work area neat and orderly at all times - it is a required safety precaution.

Easily accessible trash receptacles and recycling containers are located throughout Village buildings. All litter and recyclable materials are to be put in the appropriate receptacles and containers. Employees are always to be aware of good health and safety standards, including fire and loss prevention.

Employees should report anything that needs repairing or replacing to the employee's department head immediately.

#### **43.12 Workplace Search Policy**

The Village reserves the right to search, within the extent permitted by law, any employee work space. An employee's workspace includes, but is not limited to, any computer, desk, storage unit/locker, and file cabinet. The Village further reserves the right to open, inspect, and examine all equipment and workspaces at any time for legitimate business reasons, including investigating work-related misconduct.

The Village reserves the right to inspect all packages or closed containers brought into or taken out of the work area.

#### **43.13 Open Door Policy and Counseling**

Normally, an employee is expected to use the Grievance Procedure set forth in Section 11 of this Manual to resolve a problem. However, if the problem or complaint is of a personal nature, or a very delicate matter, the employee may first meet with any member of management to discuss it. He/she will decide if the employee should first discuss the problem with the employee's immediate department head. If so, the employee will be directed to use the Grievance Procedure. If the complaint, suggestion, or question is of such a nature that resolution would be hampered by the Grievance Procedure, the management person the employee contacted will take the appropriate action.

#### **43.14 Parking Lot**

Employees are to use the parking areas designated for Village employees. Employees should lock

their cars every day and park within the specified areas.

Courtesy and common sense in parking will avoid accidents, personal injuries and damage to the vehicles of other employees. If an employee should damage another car while parking or leaving, the employee is to immediately report the incident, along with the license plate numbers of both vehicles and any other pertinent information the employee has to his/her department head.

The Village does not assume any liability for any loss or damages an employee may sustain.

#### **43.15 Payroll Advances**

The Village does not make advances or lend money to employees.

#### **43.16 Personal Use of Village Property**

Employees may not use Village equipment or tools during or after work hours for personal benefit.

#### **43.17 Property and Equipment Care**

It is the employee's responsibility to understand the machines he/she needs to use to perform his/her duties. Good care of any machine that the employee uses during the course of employment, as well as the conservative use of supplies, will benefit the employee and the Village. Employees shall not abuse or misuse Village equipment and shall not engage in conduct that wastes supplies. If the machine is not working properly or in any way appears unsafe, the employee is to notify his/her department head immediately so that the repairs or adjustments may be made. An employee shall not start or operate a machine he/she does not deem safe, nor shall the employee adjust or modify the safeguards provided.

#### **43.18 Recycling, Waste Prevention and Conservation**

The Village actively recycles as many materials as possible. Employees shall cooperate with this program.

#### **43.19 Restricted Areas**

In the interest of safety and security, certain portions of the Village's facilities may be restricted to authorized personnel only. Such areas will be clearly marked.

#### **43.20 Return of Village Property**

Any Village property issued to an employee (except those listed in the police collective bargaining agreement as an officer's possession), such as tools or uniforms, must be returned to the Village at the time of the employee's dismissal or resignation, or whenever it is requested by his/her department head. The employee is responsible to pay for any lost or damaged items. The value of any property issued and not returned may be deducted from the employee's paycheck, and the employee may be required to sign a wage deduction authorization for this purpose.

## **43.21 Security**

Maintaining the security of Village buildings and vehicles is every employee's responsibility. Employees need to develop habits that insure security as a matter of course. For example:

- (a) Always keep cash properly secure. If the employee is aware that cash is insecurely stored, immediately inform the person responsible.
- (b) Employees should know the location of all alarms and fire extinguishers, and should familiarize themselves with the proper procedure for using them, should the need arise.
- (c) When an employee leaves the Village's premise, he/she should make sure that all entrances are properly locked and secured.

## **43.22 Theft**

Internal theft is a problem for the Village. Although taking small Village items may seem inconsequential, the cumulative effect can be very large. Losses from theft immediately affect the Village's ability to increase salaries and can jeopardize the welfare of the Village.

43.22.1 The Village will not tolerate property theft of any type. The Village considers property theft to be the unauthorized use of Village services or facilities or the taking of any Village property for personal use. The following list of examples is not all-inclusive, but provides illustrations of several activities that are unacceptable.

- (a) Use of Village copy machine for personal use. The office copiers are not provided as a free service to employees. If the employee wishes to use a Village copier for personal use, the employee shall follow the established procedure for reimbursement to the Village. Failure to do so is a form of property theft.
- (b) Use of computers. The Village's personal computers (the personal computers in the office, or laptops made available for work away from the office) are to be used exclusively for business purposes unless the employee receives permission from his/her department head and arranges reimbursement to the Village. Permission will be given for the use of personal computers during non-business hours so long as employees record all time.
- (c) Taking of Village property. No item purchased or supplied by the Village should ever be removed from the Village premises without express authorization of the employee's immediate department head and the proper paper work associated with the

situation. This rule applies to all Village property including, but not limited to mechanic's tools, computers, and even pens and paper. All employees may be subject to random searches as they leave Village facilities.

43.22.2 Polygraph examination. In the event of a theft or suspected theft of property, an employee may be required to consent to a polygraph examination. If the employee refuses, that employee may be disciplined or terminated.

43.22.3 Penalty. Unauthorized possession or removal of Village property is a very serious offense. Employees violating this policy will be subjected to discipline up to and including possible dismissal and prosecution. The Village will consider the dollar value of the item(s) taken, the employee's seniority and the employee's past work record in setting penalties. If the employee is dismissed because of unauthorized possession or removal of Village property, the reason for the employee's dismissal will be provided to any future employer that contacts the Village. Referrals to law enforcement authorities will be made on a case-by-case basis.

#### **43.23      Village Meetings**

On occasion, the Village may request that an employee attend a Village sponsored meeting. If this is scheduled during the employee's regular working hours, his/her attendance is required. If it is held during the employee's non-working hours and the employee decides to attend, the employee will be paid for the time he/she spends traveling to and from the meeting, unless such meeting is held in Village Hall or other Village facilities, as well as for time spent at the meeting, but only if the employee is not an "exempt" employee. (If the employee is qualified for overtime pay by virtue of working more than forty hours that same workweek, then the employee will receive his/her overtime rate).

#### **43.24      Violation of Policies**

Employees are expected to abide by the policies in this Manual. Failure to do so will lead to appropriate disciplinary action. A written record of all policy violations will be maintained in each employee's personnel file.