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# PERSONNEL POLICY MANUAL

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## **Section 1 – Introduction**

### **1.1 WELCOME**

Welcome and congratulations on your decision to join the City of Earlville (“City”). We are happy to have you on our team. This City of Earlville Personnel Policy Manual (“Manual”) has been developed to provide you with a general overview of some of the rules, policies, and expectations governing your employment.

You are required to read and familiarize yourself with the contents of this Manual and follow the policies contained herein. We strongly urge you to keep it in a safe and convenient place. Should you have any questions or concerns regarding your employment, whether addressed in this Manual or not, you should raise them with your Department Head and/or the appropriate member of management.

Except as provided by law, the City reserves the right to amend, supplement, interpret, or rescind any of the policies, rules, or benefits contained in this Manual at any time at its sole discretion with or without notice. This Manual supersedes and replaces all other previously-issued Manuals/Handbooks. You are required to sign the attached acknowledgment form to certify that you have read, understood, and agree to the contents of this Manual.

We look forward to working with you and hope that you find your employment to be both enjoyable and rewarding.

### **1.2 PURPOSE AND APPLICABILITY**

This Manual is only intended to provide you with a general overview of some of the policies, rules, and benefits governing your employment. This Manual is not an exhaustive list of every workplace policy, rule, or benefit for every circumstance or context. Individual departments may have their own rules, policies, and benefits.

This Manual is not a substitute for the terms of any applicable medical, pension, or other benefit plan. If there is a conflict between this Manual and the terms of such a benefit plan, the terms of the benefit plan will generally prevail.

If your employment is governed by a collective bargaining agreement or individual employment contract, the policies, rules, and benefits contained in the collective bargaining agreement or individual employment contract will apply in the event that they conflict with the rules, policies, and benefits contained in this Manual. To the extent anything in this Manual conflicts with applicable law, the law will prevail.

**Nothing in this Manual creates (or should be construed as creating) an employment contract, a binding agreement, an agreement to continue employment, or any other obligation on the part of the City, nor does it alter an employee’s “at will” employment status.**

### 1.3 EMPLOYMENT-AT-WILL

Unless otherwise provided by law, a collective bargaining agreement, or an individual employment contract, your employment is on an at-will basis. That means that either you or the City may terminate the employment relationship at any time for any lawful reason with or without cause or notice. Nothing in this Manual creates (or should be construed as creating) anything other than an employment-at-will relationship.

## Section 2 - General Employment Practices

### 2.1 EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER POLICY

The City is an Equal Employment Opportunity employer and does not unlawfully discriminate in employment opportunities or practices on the basis of race, color, creed, religion, sex, age, gender, ancestry, national origin, alienage, citizenship status, marital status, sexual orientation, medical condition, pregnancy, disability status, gender identity or expression, protected veteran status, or any other characteristic protected by federal, state, or local law. This policy applies to all areas of employment, including recruitment, hiring, training, promotion, compensation, benefits and transfers.

### 2.2 DISCRIMINATION REPORT PROCEDURE

If you believe unlawful discrimination has occurred, you should take the following steps:

An employee who observes discrimination or believes themselves to be the object of discrimination should deal with the incident(s) as directly and firmly as possible by clearly communicating their position to the offending employee, and their immediate supervisor. It is not necessary for discrimination to be directed at the person making the report.

Any employee may report conduct which is believed to be discrimination to the City through the following processes and procedures:

- **Direct Communication** – If there is discriminating behavior in the workplace, the employee suffering the discrimination should directly and clearly express their objection, indicate that the conduct is unwelcome, and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.
- **Contact with Supervisory Personnel** – At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate supervisor of the employee making the report, the employee's Department Head, the City Office Manager, or other appropriate officer. A report by an employee should be made to the employee's immediate supervisor, except in circumstances when the immediate supervisor is the offending individual or the employee reasonably determines, based on the circumstances, that the report should be made to another supervisor or officer. Reports may be made either orally or in writing, but oral reports should be reduced to writing before an investigation is initiated. The report should include a description of the incident(s), the

name of the person accused of the discrimination, the date(s) on which the incident(s) occurred, and the signature of the individual making the report. Reports should be made promptly after a suspected violation has occurred. Documentation of any incident may be submitted with any report (what was said or done, the date, the time and the place), including but not limited to written records such as letters, notes, memos, and telephone messages.

- After a report has been reduced to writing, a member of management (or a third party when appropriate) will, within a reasonable amount of time, investigate the allegations by the reporting employee. The investigation may include individual interviews with the parties involved, and where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.
- Upon completion of the investigation, the reporting employee shall be advised of the results of the investigation and the proposed resolution of the report. Appropriate disciplinary action will be taken against an offending employee.
- Individuals who submit a written report of discrimination should maintain any relevant notes and documentation. The City shall maintain records of reports and investigation materials for at least two years after the date of resolution of the report unless the circumstances are such that the records should be kept for a longer period of time.
- Reasonable efforts shall be made to keep reports of discrimination confidential. In the event of a legal claim, records relating to reports of discrimination and other legal violations may not be considered privileged from disclosure.

Employees experiencing perceived discrimination must not assume that the City is aware of the conduct. If there are no witnesses and the victim fails to notify a supervisor or officer, the City will not be presumed to have knowledge of the discrimination.

All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to our attention. However, because of the serious implications of discrimination charges, the difficulties associated with their investigation, and the questions of credibility involved, a reporting employee's willing cooperation is a vital component to any investigation.

Employees or applicants will not be subjected to unlawful retaliation for complaining of suspected discrimination or other legal violations or participating in a related investigation. If you believe you are being retaliated against, you should register a written complaint in accordance with this policy.

## **2.3 PROTECTIONS AGAINST UNLAWFUL RETALIATION**

The Illinois Public Officer Prohibited Activities Act (50 ILCS 105/4.1) (Prohibited Activities Act) prohibits all municipalities and their agents, representatives, and employees from retaliating against an employee or contractor who: (a) reports an improper government action; (b) cooperates with an investigation by an auditing official related to a report on improper governmental action; or, (c) testifies in a proceeding or prosecution arising out of an improper governmental action.

An employee or contractor desiring to exercise their rights under the Prohibited Activities Act upon suffering applicable retaliation must make a written report of the improper governmental action and provide it to the City auditing official, within 60 days of gaining knowledge of the retaliatory action at issue. The City has no auditing official, thus that responsibility goes to the LaSalle County State's Attorney (per the Illinois Public Officer Prohibited Activities Act 50 ILCS 105/4.1). If the auditing official is the individual the employee believes is committing the improper governmental action, the employee's report may be submitted to the LaSalle County State's Attorney. To the extent allowed by law, the identity of an employee reporting information shall be kept confidential unless the reporting employee waives such confidentiality in writing.

If the auditing official concludes that an improper governmental action has taken place or concludes that the municipality or supervisory officials have hindered the auditing official's investigation into the report, the auditing official shall notify, in writing, the chief executive of the municipality and any other individual or entity the auditing official deems necessary in the circumstances. Employees subjected to adverse actions for reporting improper governmental actions shall be eligible for the remedies provided in Section 4.1(f) of the Prohibited Activities Act.

Every employee shall be provided with a written summary or a complete copy of Section 4.1 of the Prohibited Activities Act upon commencement of employment and at least once each year of employment, along with a copy of the written processes and procedures for reporting improper governmental actions from the City auditing official.

## **2.4 EMPLOYMENT AUTHORIZATION VERIFICATION**

Every employee is required to be legally authorized to work in the United States. Accordingly, all employees must complete the federal Employment Eligibility Verification Form (I-9) within three days of being hired. Employees who fail to complete this form during the first three days of their employment will be terminated. If you are a current employee and have not complied with this requirement, or if your legal authorization to work has changed, you must immediately notify your supervisor and/or an appropriate member of management.

## **2.5 PRE-EMPLOYMENT DRUG TESTING AND MEDICAL EXAMS**

All candidates who have accepted an offer of employment with the City must be able to perform the essential functions of the position under consideration with or without reasonable accommodation. Prior to being given an offer of employment, candidates may be required to successfully complete a drug test for the current use of illegal drugs. If a candidate refuses to submit to a requested pre-offer drug test for the current use of illegal drugs, that individual will be disqualified from employment.

Once an offer of employment has been made and accepted, candidates may be required to answer disability-related questions and/or submit to a medical examination, which may include testing for the use of legal drugs. Post job-offer pre-employment medical examinations are given to evaluate the ability of an individual to perform the essential functions of a position with or without reasonable accommodation. If a candidate does not demonstrate an ability to perform the essential functions of the position under consideration with or without a reasonable accommodation, the offer of employment may be rescinded.

## **2.6 EMPLOYMENT CLASSIFICATIONS**

Employees shall be categorized into one or more of the classifications listed below for purposes of determining their eligibility for overtime pay and certain benefits. Any questions or concerns regarding your classification should be directed to your Department Head. Elected and/or appointed public officials, with the exception of police officers shall not be considered employees for the purposes of eligibility for overtime pay and benefits.

**Full-Time Employees** – Full-time employees are those who are regularly scheduled to work at least 36 hours per week, including vacation time, personal time and sick leave, and are not expected to be seasonal.

**Part-Time Employees** – Part-time employees are those who are regularly scheduled to work fewer than 36 hours per week and are not expected to be seasonal.

**Seasonal Employees** – Seasonal employees are those who are hired for a position with an annual employment period of six (6) months or less around the same time of year.

**Exempt Employees** – Exempt employees are exempt from the overtime provisions of the Fair Labor Standards Act and applicable state law because their job duties and salary meet the exemption requirements of the law. Exempt employees are paid a salary and are not required to be paid overtime for work performed beyond 40 hours in a workweek. It is strongly advised that exempt employees document their work hours, per Wage and Hour Laws.

**Nonexempt Employees** – Non-exempt employees do not meet the exemption tests under the Fair Labor Standards Act and applicable state law and are paid overtime for hours worked over 40 in a workweek. Non-exempt employees can be paid a salary or an hourly rate and are required to record the hours they work.

**Continuous Service** – Continuous service refers to a full time employee of the City and shall continue until the termination of an employee. Time spent in part time employment or under an approved work training program, or in an elective position, shall not count towards the accumulation of continuous service. An absence granted by the City Council under any of the City's leave programs shall not constitute discontinuance of service. The term continuous service in relation to vacation earned will be based upon completion of each full year of service.

## **2.7 CHANGES TO PERSONAL INFORMATION**

Employees are required to provide the City with current personal information, including their address, phone number, dependents, spouse's name, next of kin, and beneficiaries, as necessary for legitimate work-related purposes. Employees are required to notify the City Office Manager regarding any change to this information within one week of its occurrence.

## 2.8 PERSONNEL RECORD REQUESTS

The City maintains certain personnel records for each employee. These records may include, among other things, information regarding an employee's job status, pay, performance, disciplinary action, and attendance.

In accordance with the Employment Personnel Record Review Act (820 ILCS 40/0.01 *et seq.*), an employee may, upon request, inspect those records maintained by the City which are, have been, or are intended to be used in determining the employee's qualifications for employment, promotion, transfer, additional compensation, discharge or other disciplinary action. Such records may not include those described in 820 ILCS 40/10 including, but not limited to, letters of reference, information of a personal nature about a person other than the requesting employee, documents related to employee testing (other than an employee's score), and certain records relating to a pending investigation or claim.

Employees shall be provided with the opportunity to inspect the above-described records within seven (7) working days after their request for inspection. However, if the City can reasonably show that such deadline cannot be met, the City shall have an additional seven (7) days to comply.

## 2.9 ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES

In accordance with the Americans with Disabilities Act and other applicable law, the City shall make reasonable accommodations for the known disability of an otherwise qualified individual to the extent required by law unless undue hardship would result.

**Procedures for Requesting Reasonable Accommodations** – Otherwise qualified employees and applicants who require a reasonable accommodation to perform the essential functions of a position should take the following steps:

- Make a request to your Department Head or the City Office Manager for a reasonable accommodation. Requests can be oral or written, but employees and applicants should reduce their requests to writing.
- Once the City Office Manager has been notified of an employee or applicant's request or need for a reasonable accommodation due to a disability, the employee or applicant may be required to provide current documentation from a physician or other medical professional concerning the existence and extent of the disability. The employee or applicant shall be responsible for requesting the applicable medical documentation from their physician or other medical professional and ensuring it is provided to the appropriate member of management. The City Office Manager will generally not communicate with an employee's physician or other medical professional directly without first obtaining the employee or applicant's written consent for the release of medical information.
- After the City Office Manager has been alerted to an employee or applicant's request or need for a reasonable accommodation, an appropriate member of management will communicate with the employee or applicant regarding what accommodations, if any, would be reasonable under the circumstances. Accommodations will be made if they are

reasonable and do not cause undue hardship. All employees must be able to perform the essential functions of their positions, with or without reasonable accommodations.

- Information and documentation related to accommodations, including medical information, will be maintained in a confidential file separate from other personnel records. Information and documentation related to accommodations will only be shared with those individuals who need to know in order to provide the accommodation. Such individuals may or may not include an employee's Department Head.

## **2.10 ACCOMMODATIONS FOR CONDITIONS RELATED TO PREGNANCY**

In accordance with 775 ILCS 5/1-102(J), the City will not discriminate or retaliate against an employee or applicant affected by pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth. Otherwise qualified individuals who require an accommodation to perform the essential functions of their positions due to any medical or common condition related to pregnancy or childbirth should notify their immediate Department Head and/or the City Office Manager. If an accommodation is reasonable and does not impose an undue hardship, the accommodation will be made.

Reasonable accommodations for employees or applicants affected by pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth may include one or more of the following:

- more frequent or longer bathroom breaks
- breaks for increased water intake
- breaks for periodic rest
- seating
- assistance with manual labor
- light-duty
- temporary transfer to a less strenuous or hazardous position
- acquisition or modification of equipment
- part-time or modified work schedule
- appropriate adjustment or modification of examinations, training materials or policies
- reassignment to a vacant position
- time off to recover from a condition related to childbirth
- leave necessitated by pregnancy, childbirth, or medical or common conditions relating to childbirth

## **2.11 ACCOMMODATIONS FOR RELIGIOUS BELIEFS**

The City will endeavor to accommodate the religious beliefs of its employees to the extent such accommodation does not pose an undue hardship on operations. Employees who wish to request such an accommodation should make a written request to their Department Head and/or the City Office Manager.

Accommodations for religious beliefs may include the use of voluntary substitutes and swaps, flexible scheduling, or temporary changes in job assignments. Employees should notify their Department Head in writing of any requested time off for religious observations at least 30 days prior to the requested absence.

## **Section 3 – Employee Hours, Wages & Reimbursement**

### **3.1 WORKING HOURS**

Hours of operation are as follows:

- The City Office 8:00 a.m. - 4:00 p.m., Monday through Friday.
- The Public Works Department
  - Summer Hours (April – September) 6:00 a.m. - 2:00 p.m., Monday through Friday.
  - Winter Hours (October – March) 6:30 a.m. – 2:30 p.m., Monday through Friday.
- The Police Department (Chief) 7:00 a.m. – 3:00 p.m., Monday through Friday. Other officer hours of operation are determined by the Chief of Police.
- The City Office and Public Works employees may work alternate hours between the core hours of 6:00 a.m. and 5:00 p.m. as long as the set hours of operation are covered.

All full-time employees work week consists of 40 hours; inclusive of personal, vacation, holiday, paid leave, and/or compensatory time. The use of personal, vacation, holiday, paid leave, and/or compensatory time will not cause an employee to be paid for more than 40 hours in any given week. The goal of flex time and alternate work schedules is to provide the maximum flexibility to you while at the same time continuing to serve the public. The implementation of the flex time program is the responsibility of the Department Head.

### **3.2 MEAL PERIODS AND REST BREAKS**

Employees shall be allowed at least 24 consecutive hours of rest in every consecutive seven-day period, in addition to the regular period of rest allowed at the close of each working shift, unless otherwise exempt from the provisions of the Illinois One Day Rest in Seven Act.

Employees who work seven and one half (7 ½) continuous hours or more in a shift shall be given at least 30 minutes for a meal period beginning no later than five (5) hours after the start of the work period. Specific times for meal and any other break periods shall be determined by an employee's Department Head. Meal periods may be uncompensated when employees are completely relieved of all duties.

In addition to the meal periods discussed above, Department Heads may, at their discretion, authorize employees to take reasonable break periods during the workday. Such reasonable break periods should be taken at a time and in a manner that does not interfere with the operational needs of the employee's department. In accordance with federal law, properly authorized reasonable break periods of less than 20 minutes will be compensated. Meal periods and rest breaks may not be used to cover a late arrival or an early departure, nor may they be regarded as cumulative if not taken.

If your employment is governed by a collective bargaining agreement or individual employment contract, your meal periods and rest breaks shall be in accordance with the terms and conditions of that agreement or contract in the event of any conflict.

### **3.3 TIME KEEPING**

The work week is Monday through Sunday, with normal work hours Monday through Friday. Pay day is on Wednesdays.

If you are classified as a “non-exempt” employee, you are required to clock-in whenever you begin working time and clock-out whenever you cease working time in accordance with the timekeeping method designated by your department. For purposes of this policy, the terms “clock-in” and “clock-out” refer to the actions whereby an employee records the beginning and ending of any working time. “Working time” is the period of time during working hours when an employee is engaged in or committed to be engaged in service on behalf of the City. Travel time for official work-related purposes (excluding commuting to and from work) will be considered working time under this policy. Any questions or concerns regarding what constitutes working time should be directed to your Department Head and/or the City Office Manager.

Employees are responsible for ensuring the accuracy of their timekeeping records. Falsifying timekeeping records for yourself or other employees is strictly prohibited and may result in disciplinary action up to and including termination. Employees who believe that their timekeeping records are inaccurate shall immediately notify their Department Heads and/or the City Office Manager. Any disputes as to the accuracy of timekeeping records shall be reviewed with the employee’s Department Head and/or the City Office Manager.

The time record should be submitted to your Department Head at the end of each pay period in order to ensure proper recording of your time and to expedite the issuance of your paycheck. Department Heads will submit summary time records to the City Office for approval by the Mayor.

### **3.4 OVERTIME PAY FOR NON-EXEMPT EMPLOYEES**

In accordance with the federal Fair Labor Standards Act and applicable state law, employees classified as “non-exempt” shall be paid overtime for any working time in excess of 40 hours in a workweek. Working time for purposes of calculating overtime shall not include paid benefit/leave time, such as vacation, personal, sick, compensatory, or holidays or bereavement time.

Overtime shall be paid at one and one-half times the employee's regular base hourly rate of pay for all hours of overtime actually worked within the workweek. Non-exempt employees are prohibited from working before, beyond, or outside their scheduled work hours unless authorized to do so in writing by their Department Head. Employees who work overtime without prior authorization will be subject to disciplinary action up to and including termination.

The Public Works Department is required to do rounds every weekend. The Public Works employee assigned rounds on the weekend will be paid for two (2) hours overtime work per day to complete necessary work required to monitor and check all systems.

### **3.5 COMPENSATORY TIME IN LIEU OF CASH OVERTIME**

The federal Fair Labor Standards Act allows public employers to compensate non-exempt employees for hours worked in excess of 40 with compensatory time off (“comp time”) in lieu of cash overtime compensation. Such comp time must be credited at a rate not less than one and one-half hours for each hour worked.

Employees may only be compensated with comp time in lieu of cash overtime if the employee agrees, prior to performing the work in question, to be compensated with comp time instead of cash overtime, either in a collective bargaining agreement or other agreement. Employees may not accrue more than 240 hours of comp time at any given time.

Employees will be permitted to use their accrued comp time, within a reasonable period after making a request, so long as the use of the comp time does not unduly disrupt the operations of the employee's department. An employee who has accrued compensatory time off shall, upon termination of employment, be paid for the unused compensatory time at a rate of compensation not less than either the average regular rate received by the employee during the last three (3) years of the employee's employment or the final regular rate received by the employee, whichever is higher.

The ability to earn comp time in lieu of cash overtime may only be available to certain employees, job titles, or assignments. Any questions or concerns regarding comp time should be directed to your Department Head and/or the City Office Manager.

### **3.6 PAYROLL AND DEDUCTIONS**

Paydays shall be on Wednesday of each week. You will receive your paycheck by direct deposit. Paydays falling on holidays will be handled in the most equitable way possible according to the payroll system in effect.

The City is required by law to withhold certain deductions from your paycheck. This includes deductions for federal income tax, state income and unemployment tax, and Federal Insurance Contributions Act (FICA) contributions (Social Security and Medicare). The City is also required to withhold deductions pursuant to legal orders, such as orders for child support, bankruptcy, tax levy, money owed to a state agency, or general creditor debts.

The City will withhold certain deductions from your paycheck that you have voluntarily authorized. This includes deductions for health insurance premium contributions, retirement plan contributions, or other services. Voluntary deductions not required by law will only be made with written authorization signed by the employee.

All employees should routinely examine every paycheck and immediately report any inaccuracies to their immediate Department Head and/or the City Office Manager.

### **3.7 EXPENSE REIMBURSEMENT POLICY**

The City reimburses employees for all necessary expenditures or losses incurred by the employee within the employee's scope of employment and directly related to services performed for the City in accordance with the provisions of the Wage Payment and Collection Act (820 ILCS 115/9.5). The City is not responsible for losses due to an employee's own negligence, losses due to normal wear or losses due to theft unless the theft was a result of the City's negligence.

## **Definitions**

"Employee" means an employee, officer or official of the City. Municipal officers and officials may be subject to additional conditions or restrictions for reimbursement of expenses related to their specific offices and other state statutes or local ordinances.

"Necessary expenditures" means all reasonable expenditures or losses required of the employee in the discharge of employment duties and that inure to the primary benefit of, subject to the provisions of this policy.

## **Guidelines for Necessary Expenditures**

Authorized expenditures include: mileage, tools, equipment, meals, registration fees, training expenses, tolls and parking fees.

Unauthorized expenditures include: home Internet service, personal cell phone expenses, alcoholic beverages and entertainment expenses.

Any expenditure that is not requested and approved prior to purchase is deemed an unauthorized expenditure and reimbursement shall occur in the sole and exclusive discretion of the City in accordance with applicable law. Reimbursement of travel, meal or lodging expenses incurred by an employee are governed by the Local Government Travel Expense Control Act (50 ILCS 150/1 *et seq.*) and applicable City ordinances.

## **Pre-Approval for Authorized Expenditures**

Employee shall submit a written request to purchase any authorized expenditures at least three (3) business days prior to incurring the expense on the "Expense Reimbursement Form" attached to this Manual as Exhibit A. Following approval of the expense, the employee will be reimbursed as provided herein. If the expense is not approved following a written request, the employee will not be entitled to reimbursement.

In the event that an expense is not pre-approved, reimbursement will be subject to the discretion of the City.

## **Reimbursement Procedure for Authorized Expenditures**

Employees shall submit the previously approved Expense Reimbursement Form and appropriate supporting documentation not later than 30 calendar days after incurring the expense. Where supporting documentation is nonexistent, missing or lost, the employee shall submit a signed statement regarding any such receipts. Employees may not be entitled to reimbursement if the employee has failed to comply with this policy.

## **Section 4 – Leaves of Absence**

### **4.1 FAMILY AND MEDICAL LEAVE ACT**

In accordance with the Family and Medical Leave Act (FMLA) of 1993 (29 U.S.C. § 2601 *et seq.*), certain employees may be eligible to take job-protected leave from work for up to 12 weeks in a 12-month period for qualifying reasons.

#### **Eligibility for FMLA Leave**

To be eligible to take leave under FMLA, you must meet the following requirements:

- You have been employed by the City for at least 12 months, except: (a) if such break in service is related to qualifying military obligations and/or (b) as otherwise provided in a collective bargaining agreement or other written agreement); and
- You have been employed by the City for at least 12 months and have worked at least 1,250 hours during the 12-month period preceding the start of the leave; and
- You work at or report to a work site which has 50 or more employees within a 75-mile radius of that work site.

#### **Qualifying Reasons for FMLA Leave**

Eligible employees may only use FMLA leave for one or more of the following qualifying reasons:

- Because of the birth of your child and in order to care for such child (within 12 months after the birth of the child);
- Because of the placement of a child with you for adoption or foster care (within 12 months of the placement of the child);
- In order to care for your spouse, child, or parents if they have a “serious health condition;”
- Because of a “serious health condition” that makes you unable to perform the functions of your job; or
- Because of any “qualifying exigency” (as defined by the U.S. Secretary of Labor) arising out of the fact that your spouse, child, or parent is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces (retired member only), National Guard, or Reserves in support of a contingency operation.

## Serious Health Condition

For purposes of this policy, a “serious health condition” means an illness, injury, impairment, or physical or mental condition involving one of the following:

- **Hospital Care** – Inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity relating to the same condition;
- **Absence Plus Treatment** – A period of incapacity of more than three full consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves either: (a) treatment two (2) or more times (within 30 days and provided the first visit takes place within seven (7) days of the first day of incapacity) by a health care provider, by a nurse or physician’s assistant under direct supervision of a health care provider, or by a provider of health care services under orders of, or on referral by, a health care provider; or (b) treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider (first visit to health care provider must take place within seven (7) days of the first day of incapacity);
- **Pregnancy** – Any period of incapacity due to pregnancy or for prenatal care;
- **Chronic Conditions Requiring Treatment** – A chronic condition which: requires at least two (2) periodic visits for treatment per year by a health care provider, or by a nurse or physician’s assistant under direct supervision of a health care provider; which condition continues over an extended period of time; and may cause episodic rather than a continuing period of incapacity;
- **Permanent/Long-term Conditions Requiring Supervision** – A period of incapacity which is permanent or long-term due to a condition for which treatment may be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider;
- **Multiple Treatments (non-chronic conditions)** – Any period of incapacity to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by 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) full consecutive calendar days in the absence of medical intervention or treatment.
- **Qualifying Exigency Leave** – If you are an eligible employee (as defined above), you are entitled to take up to 12 weeks of unpaid FMLA leave for any qualifying exigency arising out of the fact that a “covered military member” is on active duty or called to active duty status. The leave described in this section is available during a 12-month rolling period and may be taken on an intermittent or reduced leave schedule basis. You will be required to provide a copy of the covered military member’s active duty orders or other documentation issued by the military that indicates that the military member is on active duty or call to active duty status in support of a contingency operation and the dates of the covered military member’s active duty service. Eligible employees may take all 12 weeks of their FMLA leave entitlement as qualifying exigency leave or the

employee may take a combination of 12 weeks of leave for both qualifying exigency leave and leave for a serious health condition (as defined above).

With respect to a Qualifying Exigency Leave:

- A “covered military member” means your spouse, son, daughter, or parent who is on active duty or called to active duty status.
- A “qualifying exigency” includes the following broad categories: (a) short notice deployment; (b) military events and related activities; (c) childcare and school activities; (d) financial and legal arrangements; (e) counseling; (f) rest and recuperation; (g) post deployment activities, including reintegration activities, for a period of 90 days following the termination of active duty status; and (h) additional categories that are agreed to by the employer and employee within this phrase.
- The phrase “son or daughter” is defined as your biological, adopted, or foster child, stepchild, legal ward, or child for whom you stood in loco parentis, of any age for qualifying exigency leave, who is on active duty or called to active duty status. (Note: This definition is different from other sections of this policy).
- A “parent” means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to you when you were a son or daughter but it does not include “parents in law.”

### **Military Caregiver Leave**

If you have been employed by the City for at least 12 months and have worked at least 1,250 hours during the 12-month period preceding the start of the leave, and you work at or report to a work site which has 50 or more employees within a 75-mile radius of that work site, and you are a spouse, child (of any age for military caregiver leave), parent, or next of kin of a Covered Service member, as defined below, you are entitled to a total of 26 workweeks of unpaid leave during a single 12-month period to care for the Covered Service member (including 12 workweeks for any other FMLA qualifying reason). The leave described in this section shall only be available during a single 12-month period beginning as of the date the leave commences and ending 12 months after that date (and any unused amounts are forfeited). Military Caregiver Leave may be permitted more than once if necessary to care for a different Covered Service member (or the same Covered Service member with multiple or subsequent injuries or illnesses) up to a combined total of 26 workweeks in a 12-month period. However, your total available leave time in any single 12-month period generally may not exceed a combined total of 26 workweeks (including FMLA time off taken for any other reason); except as provided under the FMLA regulations. You will be required to timely submit any requested documentation as a condition of receiving approved Military Caregiver Leave; except as provided under the FMLA regulations. NOTE: the 12-month computation period for this type of leave differs from the other types of FMLA leave.

With respect to Military Caregiver FMLA Leave:

- “Covered Service member” means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy from an injury or illness occurring in the line of active duty and/or during active duty, who is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.
- “Outpatient status” means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.
- “Next of kin” means the nearest blood relative of that individual (regardless of age) other than an employee’s spouse, son, or daughter. You are required to provide confirmation of the relationship upon request. The Service member may designate the blood relative who is considered their next of kin; otherwise, the following order generally will apply: blood relatives granted custody by law, brother/sister, grandparents, aunts/uncles, and then first cousins.
- “Serious injury or illness” means an injury or illness incurred by the Service member in the line of duty on active duty in the Armed Forces that may render the Service member medically unfit to perform the duties of the member’s office, grade, rank, or rating.

#### **Additional Rules and Procedures for FMLA Leave**

- **Spouses** – If your spouse also works for the City and you both become eligible for a leave due to the birth, adoption, or foster care placement of a child as described above, or for the care of a sick spouse, child, or parent, the two of you together will be limited to a combined total of 12 workweeks of leave in any rolling 12-month period. In addition, if you and your spouse both become eligible for a leave under the military caregiver family leave provision above or under a combination of the service member family leave provision, for any qualifying reasons for FMLA leave (other than for the serious condition of either you or your spouse, child, or parent), or to care for your parent with a serious health condition, the two of you together generally will be limited to a combined total of 26 workweeks of leave in any single 12-month period, but if the leave taken by you and your spouse includes leave for any qualifying reasons for FMLA leave, that leave shall be limited to a combined total of 12 workweeks of leave in any rolling 12-month period.

- **Medical Certification** – Any request for a leave for the serious health condition of either you or your spouse, child, or parent, or under the service member family leave provision above must be supported by certification issued by the applicable health care provider or the U.S. Department of Defense. You are required to submit this information on the forms provided to you by the City or on the Invitational Travel Orders or Authorizations provided to you by the Department of Defense.

You will be required to submit a new medical certification form for each leave year for a medical condition(s) that last longer than one year. Additionally, you are required to submit a recertification of an ongoing condition every six (6) months in connection with an absence where the duration of the condition is described as “lifetime” or “unknown.”

You may be required to submit a second medical opinion and periodic recertification to support the continuation of a leave (except as otherwise provided by the Department of Labor). If the first and second opinions differ, a third opinion can be obtained from a health care provider jointly approved by both you and the City (unless you accept the second opinion as determinative).

- **Intermittent Leave** – If certified as medically necessary for the serious health condition of either you or your spouse, child, or parent, or to care for a covered service member if you are a spouse, child, parent, or next of kin to the Covered Service member, leave may be taken on an intermittent or reduced leave schedule. Intermittent leave also may be taken if you qualify for leave because of a qualifying exigency arising out of the fact that your spouse, child, or parent is on active duty in support of a contingency operation, subject to the submission of a certification prescribed by the U.S. Secretary of Labor. If leave is requested on an intermittent basis, however, you may be required to transfer temporarily to an alternative position which better accommodates recurring periods of absence or to a part-time schedule, provided that the position offers equivalent pay and benefits.
- **Light Duty Work Assignments** – While voluntarily performing in a light duty capacity while on FMLA leave, that time does not count against your 12 week FMLA allotment. In effect, your right to restoration is held in abeyance during the period of time that you are performing in a light duty capacity (or until the end of the applicable 12-month FMLA leave year if longer).
- **Notification and Reporting Requirements** – All requests for leaves of absence must be submitted to your Department Head or the City Office Manager at least 30 days in advance of the start of the leave, except when the leave is due to an emergency or is otherwise not foreseeable. If the leave is not foreseeable, you must provide notice as soon as “practicable,” which generally means either the same day or the next business day that you learn of the need for leave, in the absence of any unusual circumstances. A delay in submitting an FMLA leave request may result in a loss of FMLA protections and/or a delay of the start of your leave. Your Department Head will forward the request to the appropriate member of management for approval.

You must respond to our questions relative to your leave request so that we can determine if the leave qualifies for FMLA protection; failure to do so may result in loss or delay of FMLA protections. If you are seeking leave due to an FMLA-qualifying reason for which you have previously been granted FMLA-protected leave, *you must specifically reference the qualifying reason or need for FMLA leave at the time of your request to be away from work.* It is not sufficient to simply “call in sick” without providing additional information indicating that your absence/time away from work may qualify as an FMLA qualifying event. In all cases in which you are seeking leave under this policy, you shall provide such notice consistent with established call-in procedures so long as no unusual circumstances prevent you from doing so. Failure to comply with the call-in procedures may result in a delay or denial of FMLA protected leave.

You must make an effort to schedule a leave so as not to disrupt business operations. During the leave, you may be required to report periodically on your status and your intention to return to work. Any extension of time for your leave of absence must be requested in writing prior to your scheduled date of return to work, together with written documentation to support the extension. Your failure to either return to work on the scheduled date of return or to apply in writing for an extension prior to that date will be considered to be a resignation of employment effective as of the last date of the approved leave. Employees on leaves for their own serious health condition must provide fitness-for-duty releases from their health care provider before they will be permitted to return to work. Your maximum time on a leave of absence, all types combined, and including all extensions, cannot exceed a total of 12 weeks in a rolling 12-month period, unless you are a spouse, child, parent, or next of kin on leave to care for a Covered Service member, in which case your leave can last for up to 26 workweeks in a single 12-month period.

An Employee shall not be granted a leave of absence for the purpose of seeking or taking employment elsewhere or operating a private business. Unauthorized work while on a leave of absence will result in disciplinary action up to and including termination. A leave of absence will not affect the continuity of your employment. Your original date of employment remains the same for seniority purposes. However, you will not accrue any benefits during the period you are on a leave.

- **Employee Benefits during FMLA Leave** – You will be permitted to maintain health and dental insurance coverage for the duration of the leave under the same conditions coverage would have been provided if you had remained actively at work. However, you must make arrangements for the continuation of and payment of insurance premiums before you go on leave status. If you do not return to work after the leave, or if you fail to pay your portion of the premiums, you will be required, under certain circumstances, to reimburse the City for the costs and expenses associated with insuring you during the leave.
- **Return from a FMLA Leave** – If you return from your leave on or before being absent for 12 workweeks in a rolling 12-month period or 26 workweeks during a single 12-month period if you took a leave under the Service member Family Leave provision, you will be restored to the same or to an equivalent position to the one you held when the leave started. Of course, you have no greater right to reinstatement or to other benefits and conditions of employment than if you had been continuously employed during the FMLA leave period. In determining whether a position is “equivalent” we would look at

whether the position had substantially similar terms and conditions of employment and whether the position entails similar duties, skills, efforts, responsibilities, authority, privileges, and status. The alternative position should be at the same worksite or a nearby worksite with a similar work schedule. However, the employee does not need to be reinstated in a position with the same job title or in the same physical office or cubicle as the prior position.

If the leave was due to your own serious health condition, you will be required to submit a fitness-for-duty certification from your health care provider in accordance with our normal policies and practices applicable to other leaves of absence, certifying that you are able to resume work and perform the essential functions of the job (either with or without a reasonable accommodation). A list of the essential job functions will be made available to you for compliance with this requirement prior to your leave being designated as FMLA leave. If a reasonable job safety concern exists, you also may be required to provide a fitness for duty certification up to once every 30 days before returning from an intermittent or reduced schedule FMLA leave related to your own serious health condition. Generally, a returning employee will be permitted to return to work within 2 business days following their submission of a valid fitness for duty release.

If you fail to return to work at the expiration of your approved FMLA leave, it will be considered to be a resignation of your employment with us. Likewise, an employee on FMLA leave who provides notice of their intent not to return to work upon expiration of a leave will lose their entitlement to FMLA leave and related benefits.

- **Key Employees** – Certain highly compensated key employees may be denied reinstatement when necessary to prevent “substantial and grievous economic injury” to operations. A “key” employee is a salaried employee who is among the highest paid 10% of employees at that location, or any location within a 75-mile radius. Employees will be notified of their status as a key employee, when applicable, after they request a FMLA leave.
- **Coordination with Other Policies** – The City may require you to substitute any accrued paid time off, including vacation, personal, comp, paid leave and sick time (if you otherwise qualify), for unpaid leave under this policy, and any such paid time off must be taken concurrently with your family and medical leave. If you otherwise qualify for disability pay, you will collect it at the same time you are on unpaid Family and Medical Leave.

Further, if you otherwise qualify for any other type of leave of absence, you must take that leave at the same time as you are taking your FMLA leave. All time missed from work that qualifies for both FMLA leave and for workers’ compensation will be counted toward your FMLA leave. To receive any type of paid time off benefit while on FMLA leave, you may be required to meet the conditions for taking the paid leave.

- **Anti-Retaliation Provisions** – Employees will not be retaliated against for exercising their rights under the FMLA. If you believe you have been subjected to any unlawful discrimination or retaliation, you should promptly register a complaint with your Department Head or the appropriate member of management.

## 4.2 BEREAVEMENT LEAVE

**Except as otherwise provided in this Manual,** the City may grant up to two (2) weeks or 10 workdays of unpaid bereavement leave to attend the funeral or alternative to a funeral of a covered immediate family member, make arrangements necessitated by the death of a covered immediate family member, grieve the death of a covered immediate family member, or be absent from work due to: (a) a miscarriage; (b) an unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure; (c) a failed adoption match or an adoption that is not finalized because it is contested by another party; (d) a failed surrogacy agreement; (e) a diagnosis that negatively impacts pregnancy or fertility; or, (f) a stillbirth. For the purposes of this Section, an “immediate family member” is defined as an employee’s husband, wife, domestic partner, parents (& step & foster), children (& step & foster), brother (& step & foster) sister (& step & foster), mother-in-law, father-in-law, brother-in-law, sister-in-law, grandparent, grandchildren, legal guardian, or any other relative within the first degree living in the same household.

An employee may also be granted one (1) workday of leave due to the death of a relative outside the immediate family or household. This would include an employee’s aunt, uncle, niece, nephew, and cousin, of their or their spouse (within the first degree).

Full-time employees shall be granted, up to four (4) days, paid time off from their duties with regular straight time compensation for the situations in paragraph one (1) above. The paid days will be part of the total 10 workdays allowed.

Full-time employees will be granted one (1) day paid time off from their duties with regular straight time compensation for the situation in paragraph 2  
Bereavement leave must be completed within 60 days after the date on which the employee receives notice of the death of the family member. The City may require reasonable documentation to support any requested bereavement leave, which may include a death certificate, a published obituary notice, or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or government agency. Other acceptable forms of documentation may include documentation from the adoption or surrogacy organization that the employee worked with; medical documentation certifying that the employee or his or her spouse or domestic partner has experienced an event listed. Employees are not required to identify which category of event the leave pertains to.

An employee shall provide the employer with at least 48 hours’ advance notice of the employee’s intention to take bereavement leave, unless providing such notice is not reasonable and practicable. In the event of the death of more than one covered family member in a 12-month period, an employee is entitled to up to a total of six (6) weeks of bereavement leave during the 12-month period.

For the purposes of this Section, an employee’s “child” is defined as the employee’s son or daughter who is the biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in *loco parentis*. Further, employees will be covered for pregnancy loss, failed adoptions or surrogacy agreements, unsuccessful reproductive procedures, and other diagnoses or events negatively impacting pregnancy or fertility.

Employees must notify their immediate superior prior to taking bereavement leave. In order to be compensated, the employee must have been scheduled to work on the days taken as bereavement leave.

Requests for additional time off may be considered. If granted, such time may only be taken using vacation time, personal time, comp time or unpaid time off. Time spent from work under these circumstances is not considered as time worked for calculation of overtime compensation.

Nothing in this policy shall be interpreted as increasing the total amount of time off available to an employee under the Family and Medical Leave Act or any other policy.

### **4.3 LEAVE UNDER THE VICTIMS' ECONOMIC SAFETY AND SECURITY ACT**

The Victims' Economic Security and Safety Act (VESSA) provides an employee who is a victim of domestic or sexual violence, or who has a family or household member who is a victim of domestic or sexual violence, with up to 12 weeks of unpaid leave per any 12-month period.

For the purposes of this Section, a "family or household member" shall include a spouse, party to a civil union, parent, grandparent, child, grandchild, sibling, or any other person related by blood or by present or prior marriage or civil union, other person who shares a relationship through a child, or any other individual whose close association with the employee is the equivalent of a family relationship as determined by the employee and persons jointly residing in the same household.

For the purposes of this Section, a "crime of violence" shall include homicide, sex offenses, bodily harm, harassing and obscene communications, terrorism and armed violence.

VESSA leave may be taken intermittently or on a reduced leave schedule. VESSA leave will run concurrently with any other applicable leave. For instance, leave taken under VESSA, which also qualifies under the FMLA, will be simultaneously designated as both VESSA and FMLA leave.

#### **Qualifying Reasons for VESSA Leave**

Eligible employee may use VESSA leave for the following reasons:

- To seek medical attention for, or recovery from, physical or psychological injuries caused by domestic violence to the employee or the employee's family or household member;
- To obtain victim services for the employee or employee's family or household member;
- To obtain psychological or other counseling for the employee or the employee's family or household member;
- To participate in safety planning, including temporary or permanent relocation or other actions to increase the safety of the victim from future domestic or sexual violence; and/or
- To seek legal assistance to ensure the health and safety of the victim, including participating in court proceedings related to the violence.

Employees are eligible take this leave if the victim of domestic or sexual violence is: (a) the employee themselves; (b) a covered family member (spouse, child, parent); or (c) a person jointly residing in the employee's household.

### **Notice Requirements**

Employees must provide their Department Head and/or the City Office Manager with at least 48 hours' notice in advance of taking VESSA leave unless doing so is not practicable under the circumstances. If an unscheduled absence occurs which an employee desires to be covered under VESSA leave, the employee must, upon request and within a reasonable period of time after the absence, comply with the certification requirements below. Failure to do so, may result in the absence being treated as unexcused and/or other disciplinary action.

### **Certification Requirements**

An employee requesting VESSA leave must be able to provide the following:

- A sworn statement by the employee showing that the leave qualifies for a purpose covered by VESSA; and
- Written documentation from the source from whom assistance was sought or who could otherwise verify the nature of the leave, such as documentation from:
  - A representative of a victim services organization, an attorney, a 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;
  - A police or court record; and/or
  - Other corroborating evidence.

Employees shall have the right to make the decision as to which documentation is provided for certification; however, the City will not request or require more than one document to be submitted during the same 12-month period leave is requested or taken if the leave is related to the same incident(s) of violence or the same perpetrator(s) of the violence. If an employee is unable to return to work for reasons related to the need for leave, the City may request certification from the employee. Again, in this case, the employee can choose which document to submit, and the City will not require or request that more than one document be submitted.

If an employee fails to produce adequate certification within a reasonable time period after it is requested, or if the certification does not confirm a VESSA-qualifying purpose, the employee's absence will be treated as unexcused and/or may result in disciplinary action up to and including termination.

## **Pay and Benefits**

VESSA leave is unpaid. However, employees may be required or permitted to use their accrued vacation time in lieu of taking otherwise unpaid leave under this policy. During an approved VESSA leave, an employee's health benefits will continue as if they continued to be actively employed. If an employee uses accrued vacation time in lieu of taking otherwise unpaid leave, the employee's portion of any applicable health plan premium will be deducted from their paycheck. If the leave is unpaid, the employee must pay its portion of any applicable health plan premium during the leave. Group health care coverage may cease if employees fail to make timely payments of their portion of the premium(s). Benefits, including vacation time and sick time, will not accrue while an employee is on unpaid VESSA leave. However, employees who take VESSA leave shall not suffer loss of seniority or any other benefits previously accrued.

## **Return from VESSA Leave**

Employees who timely return to work following approved VESSA leave will be restored to the same or an equivalent position. Employees who fail to timely return to work may be subject to disciplinary action up to and including termination. Employees will not be retaliated against for exercising their rights under VESSA. If you believe you have been subjected to any unlawful discrimination or retaliation, you should promptly register a complaint with your Department Head or the City Office Manager.

## **4.4 MILITARY LEAVE**

The City shall grant leave from employment to eligible full-time and part-time employees who are members of any active or reserve component of the Armed Services of the United States of America, any "military service" as defined in the State Guard Act (20 ILCS 1815/0.01 *et seq.*), or the National Guard of any state for any period actively spent in military service, whether voluntary or involuntary, including basic training, annual training, and special or advanced training.

Military leave shall be uncompensated, except to the extent required by Article 5 of the Illinois Service Member Employment and Reemployment Rights Act (330 ILCS 61/1-1 *et seq.*). Employees may use their accrued vacation time in lieu of taking otherwise unpaid leave under this policy.

## **Notice**

Employees shall provide their Department Head with advance notice of the need for military leave, unless military necessity prevents such notice or it is otherwise impossible or unreasonable. Unless otherwise provided by law, such leave shall not exceed a cumulative period of five (5) years.

## **Health Benefits During Military Leave of Absence**

Unless otherwise provided by law, employees who are on military leave in excess of 31 days may elect to continue their employer-sponsored health insurance coverage for up to 24 months. Upon return from military leave, employees shall be entitled to reinstatement of health insurance benefits. Employees who take military leave shall not suffer loss of seniority or any other benefits previously accrued.

## **Military Leave for Training Purposes**

- Employees who are members of any reserve component of the United States Armed Services of the United States of America, any “military service” as defined in the State Guard Act (20 ILCS 1815/0.01), or the National Guard of any state, shall be granted leave for any period actively spent in military service, including:
  - Basic training;
  - Special or advanced training, whether or not with the state, and whether or not voluntary;
  - Annual training; and
  - Any other training or duty required by the United States Armed Forces.
- During leaves for annual training, full-time employees who are in the Reserves shall continue to receive their regular compensation.
- During leaves for basic training, for up to 60 days of special or advanced training, and for any other training or duty required by the United States Armed Forces, full-time employees who are in the Reserves shall receive their regular compensation minus the amount of their base pay for military activities if their daily rate of compensation for military activities is less than their daily rate of compensation as a full-time employee. Calculations under this section shall be made in accordance with applicable law.
- During leaves for basic training, full-time employees who are in the Reserves shall continue to accrue seniority and other applicable benefits.
- The City recognizes and fully complies with the provisions listed in the Illinois Service Member Employment and Reemployment Rights Act (330 ILCS 61/1-1 *et seq.*).

## **Employees in the Reserves Who Are Called to Active Duty**

Employees who are members of any reserve component of the U.S. armed services, any “military service” as defined in the State Guard Act (20 ILCS 1815/0.01 *et seq.*), or the National Guard of any state, and who are mobilized to active military duty as a result of an order of the President of the United States, shall continue to receive their compensation as an employee for the duration of their active military service, as well as any health insurance and other benefits they were receiving or accruing at the time they were mobilized to active military duty minus the amount of their base pay for military service.

## **Returning from Military Leave**

Employees wishing to return to their employment following military leave must report back to work or make a request for reemployment within the timeframe set by law. Employees who have been on leave for less than 31 days must report for work by the beginning of the first regularly scheduled workday that would fall eight (8) hours after the employee returns home from the place of military service. Employees who have been on leave for 31 – 180 days must make a request for reemployment no later than 14 days following the completion of their military service. Employees who have been on leave for more than 180 days must make a request for reemployment within 90 days following the completion of their military service. If, due to no fault of the employee, timely reporting back to work would be impossible or unreasonable, the employee must report back to work as soon as possible, unless otherwise provided for by law. An employee's failure to timely report for work or make a request for reemployment may be grounds for the denial of reinstatement and may result in discipline up to and including termination.

### **4.5 LEAVE FOR ELECTED OFFICIALS**

Any employee who is an elected official of a unit of local government or school district shall be granted leave from work to attend an official meeting of a public body to which the employee has been elected, plus any necessary travel time. Employees wishing to take leave under this policy must provide their Department Heads with at least 24 hours' advanced notice. Leave under this policy shall be unpaid unless otherwise approved by an employee's Department Head and/or Mayor.

### **4.6 JURY DUTY LEAVE**

If you are called to jury duty, you will be granted a paid leave of absence from the City. You must turn in your jury check except for expenses incurred for travel and meals.

Full-time employees who are requested to serve on jury duty or to answer a court order as a witness will be granted a paid leave of absence from the City. Employees who exercise this benefit shall be required to provide their Department Head/Mayor/City Office Manager with a copy of the court order as soon as possible after it has been served. Proof of court service and compensation will be required, so employees should retain all receipts which verify their court appearance. All compensation received, excluding mileage and meals, for court duty by full-time employees is to be turned over to the City. Part-time employees may be rescheduled in order to accommodate scheduled jury dates and will not be compensated by the City. Part-time employees however, are able to retain all compensation received for appearance at jury duty. Any time an employee's attendance is not required for purposes of jury duty or witness service during their regularly scheduled work hours, the employee is required to report to work as soon as circumstances will reasonably allow.

### **4.7 VOTING LEAVE**

In the event the employee's working hours begin less than two (2) hours after the opening of the polls and end less than two (2) hours before the closing of the polls, an employee shall be permitted to take a two (2) hour leave of absence from work to vote in a general or special

election or at any election at which propositions are submitted to a popular vote. An employee's Department Head may specify the hours in which an employee may take this leave. All requests for voting leave must be made to the employee's Department Head/Mayor/City Office Manager prior to the date the leave is taken. Leave under this policy shall be unpaid unless otherwise approved by an employee's Department Head/Mayor/City Office Manager.

#### **4.8 BREAKS FOR NURSING MOTHERS**

Reasonable break times shall be provided each day to an employee who needs to express breast milk for the employee's infant child. The break time must, if possible, run concurrently with any break time already provided to the employee. Reasonable efforts will also be made to provide a room or other location, in close proximity to the work area, other than a toilet stall, where an employee can express milk in privacy. Leave under this policy shall be unpaid unless otherwise approved by an employee's Department Head/Mayor/City Office Manager.

#### **4.9 LEAVE UNDER THE ILLINOIS SCHOOL VISITATION RIGHTS ACT**

Employees who have worked for the City for six (6) consecutive months shall be granted up to eight (8) hours of unpaid leave per school year, with no more than four (4) hours being taken in one (1) day, to attend school conferences or classroom activities related to the employee's child if the conference or classroom activities cannot be scheduled during nonworking hours. Employees are only entitled to leave under this policy if they have exhausted all accrued vacation leave. Employees must provide their Department Heads with a written request for leave at least seven (7) days in advance of when the leave is to be taken, except for emergency situations in which case at least 24 hours' notice shall be required. Reasonable efforts will be made to accommodate an employee who wishes to make up any time missed after taking leave under this policy. Leave under this policy shall be unpaid unless otherwise approved by an employee's Department Head/Mayor/City Office Manager.

#### **4.10 EMPLOYEE BLOOD DONATION LEAVE**

Regular full-time employees who have been employed by the City for at least six (6) months shall be entitled to up to one (1) hour of blood donation leave, with pay, every 56 days. The employee shall submit a written request for leave before donating or attempting to donate blood. Medical documentation of the appointment to donate blood shall be provided at the time of said written request. The employee may be required to provide a written statement from the blood bank confirming that the employee actually donated blood.

#### **4.11 EMPLOYEE VOLUNTEER EMERGENCY SERVICE PROVIDER LEAVE:**

The City encourages employees to volunteer to serve on local Emergency Medical Services (EMS) or the Volunteer Fire Department, however the following guidelines and rules shall apply:

- Any employee responding to an emergency call will be paid for regular hours, but extra hours incurred as the result of the employee's response to an emergency call will not be paid as overtime, unless authorized by the employee's Department Head and/or the Mayor. All required work shall be completed in the same day, without incurring overtime, unless the required work would have exceeded eight (8) hours and the total

time for the week would have exceeded 40 hours of regular time, regardless of the employee's response to the emergency call. In such case, the employee shall be paid at the overtime rate for those overtime hours that were not incurred as the result of his/her response to the emergency call, but no other overtime hours. Additional work beyond eight (8) hours in a day or 40 hours in a week shall be performed only if the work is necessary for the general good of the City, as determined and authorized by your Department Head and/or the Mayor.

- The employee shall not respond to any emergency call if such response would interrupt their work in such a way that it would be hazardous or detrimental to leave such work unattended. This would include open manholes, unprotected road hazards such as holes or excavations, sewer backups, or any such hazard or situation that could cause harm to any City Resident or the Public in general. The employee must always leave his/her City work site safe and secure before responding to the emergency call such that the City work is not detrimentally affected by the employee's response.
- Injuries: Any injuries as a result of any action or function related to the volunteer emergency service function shall be covered by the emergency services insurance policy and not the City's insurance. This includes workmen's compensation and any other related insurance claims. The City insurance coverage stops as soon as the employee responds to the emergency call, and City insurance coverage will not resume until the employee has returned and commenced City work. This includes traveling to or from the emergency call.
- It shall be stressed that the City employees' first responsibility is to his/her work for the City and they shall only respond to emergency, or non-emergency calls, when it is apparent that leaving his or her current City work will not be unduly detrimental to the City.

#### **4.12 RETURN TO WORK POLICY**

The City of Earlville is committed to providing a safe work environment for its employees. It is the intention of the City of Earlville to provide employees who have sustained work-related injuries with the opportunity to return to or remain on the municipality's payroll during periods of partial incapacity resulting from these injuries, when feasible. Every effort will be made to ensure that employees have the opportunity to access quality medical care and are returned to the work environment as soon as they are physically able, if feasible.

Employees who are temporarily not capable of performing the full scope of their regular job duties, but have the ability to perform other work for the City in a limited capacity, may receive a temporary job assignment, if any such temporary job is available with the City of Earlville.

Temporary job assignments will be based on specific medical restrictions provided by licensed physicians. If a temporary job assignment is made available to an employee and the physical requirements of such work do not violate any medical restrictions, the employee will be required to perform the temporary job assignment.

The Deputy Clerk of the City of Earlville's will coordinate temporary job assignments and an employee's return to work. The Deputy Clerk may be reached by phone at 815-246-9588 or by email at [deputyclerk@earlvilleil.org](mailto:deputyclerk@earlvilleil.org).

In the event of a workplace injury, employees must seek prompt medical care. If the injury requires immediate attention, emergency care should be sought at the **closest emergency medical facility or urgent care center**. Every effort will be made to ensure employees are referred to appropriate follow-up care and return to work as soon as medically possible, if feasible.

## Section 5 – Benefits

### 5.1 WORKER'S COMPENSATION

The City maintains its own Workers' Compensation insurance in accordance with Illinois law. The City will pay for all necessary first aid, medical, and surgical services reasonably required to cure or relieve the effect of any accidental injury or disablement suffered by an employee arising out of, or in the course of, employment with the City. Employees may seek treatment from their own medical provider for work-related injuries. However, The City through its agents or workers' compensation administrator, reserves the right to have another medical provider of its choice examine the employee.

**Employee Accident/Injury Reporting** – An employee who suffers an accident and/or injury arising out of, or in the course of, employment must take the following actions:

- Within 24 hours of the accident and/or injury the employee must report the accident and/or injury to the employee's Department Head and the City's Risk Management Coordinator, even if the accident and/or injury does not seem to warrant medical treatment.
- Make a full written report on the employee's condition and the circumstances surrounding the accident or injury, including all witnesses, as soon as possible after its occurrence. The City may provide reporting forms and the employee may obtain the forms (Illinois Form 45: First Report of Injury and/or any other required forms) from their Department Head or the City's Risk Management Coordinator.
- Submit *Illinois Form 45: First Report of Injury* and/or any other required forms to the employee's Department Head and the City's Risk Management Coordinator as soon as possible after the accident and/or injury, but in no event later than the completion of that business day.
- Adhere to any drug or alcohol testing requirements.

All employees must follow these procedures. Failure to report an on-the-job accident and/or injury within 24 hours or otherwise comply with this policy may lead to disciplinary action up to and including termination and could lead to the denial of Workers' Compensation benefits.

## 5.2 PAID LEAVE FOR ALL WORKERS

The City establishes the following rules pertaining to the Paid Leave for All Workers Act (820 ILCS 192/1 *et seq.*) (the "Act") 102-1143, as amended from time to time.

1. Paid Leave for All Workers time will begin January 1, 2024 or upon the start of employment, whichever is later.
2. The city's fiscal year, May 1 – April 30, will be the basis for the 12-month period for paid time regarding the Act.
3. Full-time employee's amount of Paid Leave for All Workers time is 40 hours per fiscal year, given to each full-time employee at the beginning of each fiscal year. Full-time employee unused Paid Leave for All Workers time shall not roll over into the following year.
4. Part-time employees will be given an amount of Paid Leave for All Workers time, prorated upon their projected work schedule within a 12-month period, but in no case less than eight (8) hours. Part-time employee's hours worked will be monitored and they will be given one (1) hour of paid leave for every 40 hours worked over the initial amount of time worked per their projected work schedule. Part-time employee unused Paid Leave for All Workers time shall not roll over into the following year.
5. All employee's Paid Leave for All Workers time may be taken for any reason. When requesting use of Paid Leave for All Workers time, employees must provide notice of seven (7) days for foreseeable leave and as soon as possible for unforeseeable leave.
6. The city can deny the use of Paid Leave for All Workers time in an event of operational necessity. At no time will a department be left without the necessary manpower to operate effectively and safely during normal working hours. In the case of multiple requests for the same time off, requests will be evaluated in the order received and considering the department's scheduled operations.
7. This leave must be used in a minimum of one (1) hour per day.
8. Unused Paid Leave for All Workers time will not be paid out upon separation from employment.

All current employees, on the roster prior to January 1, 2024, will be given a prorated amount of Paid Leave for All Workers time for the time period of January 1, 2024 to April 30, 2024 upon their projected work schedule within a 12-month period, rounded up to the next whole number. Paid Leave for All Workers time shall not roll over into the following year.

### **5.3 OTHER BENEFITS**

Other benefits for non-union employees may be found in the current City of Earlville Wage Ordinance. Other benefits for union employees may be found in the current the Collective Bargaining Agreement.

## **Section 6 – Standards of Conduct**

### **EMPLOYEE CONDUCT**

#### **6.1 ATTENDANCE**

Employees are expected to report to work promptly at their designated starting times. If you are unable to timely report to work, you must notify your Department Head or supervisor in advance of your designated start time in accordance with the policies in this Manual and any other applicable department policies. If you are unable to reach your Department Head or supervisor, you must notify the Mayor or another appropriate member of management. Notifying a fellow employee is not sufficient.

If you need to leave work prior to the end of your shift, you must first notify your Department Head and obtain permission to do so. If your Department Head is unavailable, you must notify and obtain permission from the Mayor or another appropriate member of management.

Failure to adhere to this policy shall subject an employee to disciplinary action up to and including termination of employment.

#### **6.2 DISCIPLINE**

Employees are expected to maintain reasonable standards of conduct, behavior, and performance and display a proper regard for the welfare and rights of other employees and the residents of the City. When employees fail to meet the standards of performance or violate the reasonable rules of conduct, they may be dismissed, demoted, suspended, reprimanded, or otherwise disciplined as the circumstances warrant. An employee may be subject to disciplinary action for improper or inappropriate conduct including, but not limited to, violations of work rules and general rules and regulations, unacceptable behavior, misconduct, poor performance, or unacceptable attendance.

The City may apply progressive discipline. However, an employee may still be immediately terminated instead of receiving progressive discipline for inappropriate conduct including but, not limited to, violation of work rules, unacceptable behavior, misconduct, or poor performance.

Employee Department Heads and their superiors, as applicable, are responsible for administering disciplinary measures, when in the sole discretion of the appropriate Department Head, based on the facts and circumstances of the situation, discipline is warranted. Prior to the administration of any disciplinary action, the applicable Department Head may give the employee the opportunity to respond to the allegations made against the employee. The disciplinary procedures set forth in this section apply to all employees. These policies and procedures should not be construed as preventing, limiting, or delaying the City from taking appropriate disciplinary action, including

immediate dismissal without prior warning or notice, as the facts and circumstances warrant. The Mayor and Director of Human Resources shall be advised in writing by the Department Head of all discipline issued.

**Guide for Determining Unacceptable Behavior** – In addition to other guidelines outlined in this manual, administrative procedures, and relevant rules of the various departments, the City has established certain minimum standards of conduct. Some of the prohibited conduct which employees should be familiar with are listed below. Participating or engaging in prohibited conduct will subject an employee to disciplinary action ranging from an oral reprimand to immediate termination of employment, as deemed appropriate by the Department Head or their superiors. The illustrations of offenses listed are by way of example and are not intended to be all-inclusive; rather, the illustrations provide a general guide for determining unacceptable behavior. These rules do not limit the right of the City to discipline or terminate an employee for any other reason. The City may revise or change these rules as it deems necessary without prior notice.

In addition to any other reason that discipline may be administered, discipline may be administered for the following (in) actions by employees:

- Activities in conflict with hours of work;
- Activities in conflict with job performance;
- Activities in conflict with City obligations and responsibilities;
- Excessive absenteeism;
- Reporting late/leaving early from work;
- Untimely and/or inaccurate records or reports;
- Unsatisfactory work performance;
- Inappropriate appearance;
- Slander, verbal abuse or threats to others;
- Misuse or misappropriation of City property or funds;
- Intentional falsification of records, claims for reimbursement;
- Disclosure of any proprietary or confidential information, or inappropriate disclosure of any information;
- Disorderly conduct during working hours;
- Interruption of another employee's work;
- Harassment of other employees, constituents, or other individuals;
- Use of alcohol while on duty;
- Violations of the Drug and Alcohol Policy;
- Insubordination;
- Failure to return to work in accordance with applicable leave policies;
- Substantial misrepresentation of fact;
- Engaging in any political activity; or
- Any other similar conduct that is detrimental to the City.

**Forms of Discipline** – The following forms of discipline are considered progressive and are listed in order of increasing severity. However, the City may skip any level of discipline. The “Employee Disciplinary Notice” is attached to this Manual as Exhibit B.

1. Oral Reprimands
  - a) Oral reprimands consist of a conference between the employee’s Department Head or superior issuing the reprimand and the employee for the purpose of expressing disapproval of misconduct or poor work performance, clarifying applicable rules or standards of performance, policies and procedures, and warning that repetition of the misconduct or failure to improve work performance may result in more severe discipline.
  - b) Records of oral reprimands will be maintained in the employee’s personnel file.
  - c) Oral reprimands may be used for minor misconduct or performance problems or for first offenses where the offense is not of a sufficiently serious nature to warrant more severe disciplinary action. Generally, oral reprimands may be given ONLY for the first instance of misconduct.
2. Written Reprimands
  - a) Written reprimands consist of a conference between the employee’s Department Head or superior issuing the reprimand and the employee and of a letter or notice expressing disapproval of the misconduct or poor work performance, clarifying applicable rules, policies or procedures, and warning that repetition of the misconduct or failure to improve work performance may result in more severe discipline.
  - b) The employee will be given an opportunity to review the written disciplinary letter or notice and to respond to it. The employee is required to sign the letter or notice, which means only that the employee has read the notice and understands what it means, not that the employee necessarily agrees with the discipline. An employee’s refusal or failure to sign a disciplinary notice will constitute separate grounds for disciplinary action, up to and including immediate termination of employment. An employee will receive a copy of said notice. Copies of written reprimands shall be maintained in the employee’s personnel file.
  - c) Written reprimands may be used for repeated misconduct of a minor nature or for more serious misconduct that does not warrant suspension, discharge or demotion.
3. Suspensions
  - a) Suspensions are a temporary removal from employment accompanied by a concurrent temporary loss of the privileges of employment including, but not limited to, wages or salary. Suspensions may be used to discipline employees for serious misconduct or performance problems or for repeated misconduct or performance problems of a less severe nature.
  - b) Suspensions may be imposed for not less than one (1) but not more than five (5) days. Written notice of the suspension shall be placed in the employee’s personnel file.

- c) In the event any order of suspension is reversed or reduced, the employee shall be paid any lost wages, salary, or benefits.
4. Demotion
- a) Demotion is the reduction in grade or class of employment or assignment to a position of less responsibility, with a corresponding reduction in wage or salary.
  - b) All demotions shall be in writing, and written notice of a demotion shall be placed in the employee's personnel file.
  - c) Demotions may be used to punish serious misconduct and may be used in addition to other forms of discipline.
  - d) Demotions must be approved by the Mayor. The action of the Mayor will be ratified at the next Council meeting.
5. Discharge (Termination)
- a) Discharge, or termination of employment, is the permanent removal from employment with the corresponding permanent loss of all privileges of employment.
  - b) Discharge must be approved by the Mayor. The action of the Mayor will be ratified at the next Council meeting.
  - c) An employee may be immediately discharged for any improper or inappropriate conduct including, but not limited to, violation of work rules and general rules and regulations, unacceptable behavior, misconduct, poor performance, or unacceptable attendance, without ever having received an oral reprimand, a written disciplinary notice, a suspension, or a demotion.
  - d) Written documentation of the discharge shall be placed in the employee's personnel file.

**Documentation** – All documentation in relation to discipline must be forwarded to the Director of Human Resources.

**Appeals** – An employee may appeal any disciplinary action imposed by his/her Department Head by submitting to the Mayor or his/her designee, within the 10 business days after receiving the discipline, a written request for review of the disciplinary action, clearly setting forth the basis for disputing the discipline imposed. The Mayor or his/her designee should, within seven (7) working days after receiving a written appeal and after conducting any investigation which in his/her sole discretion is deemed appropriate, respond in writing. The Mayor or his/her designee's response should include an explanation of why the appeal is being granted, modified, or denied. The Mayor's, or his/her designee's decision shall be final.

### **6.3 DRESS AND GROOMING**

All employees are expected to maintain appropriate dress and grooming standards based on their position and working situation. While each department and position may have different standards with respect to dress and grooming, all employees should adhere to the following guidelines:

- Attire should be clean and properly fitting;
- Clothing should not be tattered, ragged, or overly-revealing;
- Employees should maintain good personal hygiene; and
- Employees should refrain from the overuse of perfume, cologne, and other scented products. Strong odors may be offensive to others.

Some examples of inappropriate clothing may include:

- Attire containing obscene, profane, discriminatory, provocative or inflammatory words or pictures;
- Attire depicting alcoholic beverages, drugs, and/or drug paraphernalia;
- Pool/beach attire; and
- Any other item of clothing deemed inappropriate by your Department Head.

Your Department Head is responsible for evaluating the dress and appearance of employees under their supervision. Employees may be sent home to change into appropriate clothing (time spent in transit will not be considered working time). Failure to adhere to appropriate dress and grooming standards may result in disciplinary action up to and including termination.

### **6.4 OUTSIDE EMPLOYMENT**

Outside employment which creates a conflict of interest or which affects the quality or value of your work performance or availability at the City is prohibited. Conflicts of interest shall be assessed by the City in its sole discretion. The City recognizes that employees may seek additional employment during off hours, but expects, in these cases, that any outside employment will not affect job performance, work hours, or scheduling, or otherwise adversely affect the employment relationship. Any conflicts should be reported to your Department Head. Failure to adhere to this policy may result in disciplinary action up to and including termination.

### **6.5 SOLICITATIONS AND DISTRIBUTIONS**

Solicitations for contributions, sale of merchandise, circulation of petitions, solicitations for membership in clubs or organizations, and all other forms of solicitation, including the distribution of handbills, flyers, or other similar materials, by or from employees, during working time is prohibited. "Working time" for purposes of this policy means those times during the workday when employees are required to be engaged in work-related tasks and does not include time before or after the workday, authorized break times, or meal times. All solicitations and distributions will be limited to non-working areas.

Solicitations or distributions of any kind by non-employees is prohibited: (a) during the working time of any employee receiving the solicitations or distributions; (b) at any time in areas not open to the public or in public areas where such activity is inconsistent with the intended or normal use of the area; or (c) in a manner that disturbs working employees.

## **SAFETY AND WELLNESS**

### **6.6 ANTI-HARASSMENT AND COMPLAINT PROCEDURE**

The City is committed to maintaining a work environment free of harassment and discrimination of any kind, including sexual harassment. Accordingly, harassment of employees by anyone is strictly prohibited. Policies and procedures regarding complaints of harassment are included below.

#### **Prohibition on Harassment in the Workplace**

Harassment that interferes with an individual's work performance or that creates an intimidating, hostile, or offensive working environment is prohibited. Harassment consists of unwelcome conduct, whether verbal, physical, or visual that is based upon a person's age, race, color, creed, religion, sex, gender, ancestry, national origin, alienage, citizenship status, marital status, sexual orientation, medical condition, pregnancy, disability status, gender identity or expression, protected veteran status, or any other characteristic protected by federal, state, or local law. No employee shall either explicitly or implicitly ridicule, mock, deride, or belittle any other employee or conduct themselves in a manner that has the purpose or effect of interfering with another employee's work performance or creating an intimidating, hostile, or offensive working environment. Any employee who fails to abide by this policy shall be subject to disciplinary action up to and including termination of employment.

#### **Prohibition on Sexual Harassment.**

It is unlawful to harass a person because of that person's sex. The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991. All persons have a right to work in an environment free from sexual harassment. Sexual harassment is unacceptable misconduct which affects individuals of all genders and sexual orientations. It is the policy of the City to prohibit sexual harassment by any of its employees, volunteers, Department Heads, managers, directors, agents, officials, board members, representatives, or other persons subject to the City policies and procedures (for the purposes of this Section 6.6 of this Manual, all of the foregoing shall be known as "Employees") on the basis of sex or gender. All Employees are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof.

This policy adopts the definition of sexual harassment as stated in the Illinois Human Rights Act, which currently defines sexual harassment as any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment can occur between men and women or between members of the same sex.

Sexual harassment can take a variety of forms ranging from comments of a sexual nature to physical contact. An individual may or may not be aware that their conduct is offensive or harassing to others. While it is impossible to list all conduct that may constitute sexual harassment, some examples include, but are not limited to:

- **Verbal** – sexual innuendos, suggestive comments, insults, humor, and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other Employees, even outside of their presence, of a sexual nature;
- **Non-verbal** – suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, “catcalls”, “smacking” or “kissing” noises;
- **Visual** – posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites;
- **Physical** – touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault;
- **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 communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter);
- Persistent and unwelcome sexual flirtations, propositions, requests for sexual favors, offensive touching, or commenting on a person's physical characteristics;
- Vulgar language or gestures and lewd or derogatory comments or jokes;
- Verbal abuse of a sexual nature, repetitive use of offensive words of a sexual nature describing body parts or the sexual act, telling suggestive (“dirty”) stories;
- Conversations or discussion between employees or between Department Heads and employees about subjects that are sexual in nature and perceived (by a listener or participant) as offensive including, but not limited to, the following: invitations to spend the night, engaging in particular sexual acts, requests to start a sexual relationship between employees or a Department Head and employee and pressure on employees to have pre- or extra-marital affairs;

- Displaying in the workplace sexually suggestive objects, pictures, pornographic magazines, or representations of any actions or subject sexual in nature which can be perceived as offensive;
- Retaliation against employees for refusing a sexual advance or for complaining about an incident of possible sexual harassment;
- Requesting sexual favors as a condition to employment, favorable treatment, favorable evaluation, favorable assignment, or promotion;
- Comments regarding sexual behavior or the body of another employee;
- Sexual innuendo and other vocal activity such as catcalls or whistles;
- Obscene letters, notes, emails, texts, posts, invitations, photographs, cartoons, articles, or other written or pictorial materials of sexual nature;
- Repeated requests for dates after being informed that interest is unwelcome;
- Displaying in the workplace sexually suggestive objects, pictures, pornographic magazines, or representations of any actions or subject sexual in nature which can be perceived as offensive; or,
- Any unwanted physical touching or assault or blocking or impending movements.

### **Prohibition Against Hair Discrimination**

Employees will not be discriminated against because of hairstyle or hair texture that are actually or perceived to be associated with a particular race.

### **Procedure for Reporting an Allegation of Harassment**

An employee who observes harassment, sexual or otherwise (hereinafter collectively known as harassment) or believes themselves to be the object of harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating their position to the offending employee, and their Department Head. It is not necessary for harassment to be directed at the person making the report.

Any employee may report conduct which is believed to be harassment to the City through the following processes and procedures:

- **Direct Communication** – If there is harassing behavior in the workplace, the harassed employee should directly and clearly express their objection, indicate that the conduct is unwelcome, and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.
- **Contact with Department Head Personnel** – At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation,

the problem must be promptly reported to the immediate Department Head of the employee making the report or to the City Office Manager, or other appropriate officer. A report by an employee should be made to the employee's immediate supervisor, except in circumstances when the immediate supervisor is the offending individual or employee reasonably determines, based on the circumstances that the report should be made to another City supervisor or officer. Reports may be made either orally or in writing, but oral reports should be reduced to writing before an investigation is initiated. The report should include a description of the incident(s), the name of the person accused of the harassment, the date(s) on which the incident(s) occurred, and the signature of the individual making the report. Reports should be made promptly after a suspected violation has occurred. Documentation of any incident may be submitted with any report (what was said or done, the date, the time and the place), including but not limited to written records such as letters, notes, memos and telephone messages.

- After a report has been reduced to writing, a member of management (or a third party when appropriate) will, within a reasonable amount of time, investigate the allegations by the reporting employee. The investigation may include individual interviews with the parties involved, and where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.
- Upon completion of the investigation, the reporting employee shall be advised of the results of the investigation and the proposed resolution of the report. Appropriate disciplinary action will be taken against an offending employee.
- Individuals who submit a written report of harassment should maintain any relevant notes and documentation. The City shall maintain records of reports and investigation materials for at least two (2) years after the date of resolution of the report unless the circumstances are such that the records should be kept for a longer period of time.
- Reasonable efforts shall be made to keep reports of harassment confidential. In the event of a legal claim, records relating to reports of harassment and other legal violations may not be considered privileged from disclosure.
- The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every report and incident so that problems can be identified and remedied by the City. However, all employees have the right to contact the Illinois Department of Human Rights (IDHR) (312-814-6200) or the Equal Employment Opportunity Commission (EEOC) (800-669-4000) for information regarding filing a formal complaint with those entities. An IDHR complaint must be filed within 300 days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must also be filed within 300 days.

The employee experiencing perceived harassment must not assume that the City is aware of the conduct. If there are no witnesses and the victim fails to notify a Department Head or officer, then the City will not be presumed to have knowledge of the harassment.

All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to our attention. However, because of the serious implications of harassment charges, the difficulties associated with their investigation, and the questions of

credibility involved, a reporting employee's willing cooperation is a vital component to any investigation.

## **No Retaliation**

The City and its employees shall not take any retaliatory action against any employee due to an employee's:

- Disclosure or threatened to disclosure of an any violation of this policy;
- The provision of information related to or testimony before any public body conducting an investigation, hearing or inquiry into any violation of this policy; or
- Assistance or participation in a proceeding to enforce the provisions of this policy.

For the purposes of this policy, retaliatory action means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any employee that is taken in retaliation for an employee's involvement in protected activity established pursuant to this policy.

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

Similar to the prohibition against retaliation contained herein, the State Officials and Employees Ethics Act (5 ILCS 430/15-10) provides whistleblower protection from retaliatory action such as reprimand, discharge, suspension, demotion or denial of promotion or transfer that occurs in retaliation for an employee who does any of the following:

- Discloses or threatens to disclose to a Department Head or to a public body an activity, policy, or practice of any officer, member, state agency, or other state employee that the state employee reasonably believes is in violation of a law, rule or regulation;
- Provides information to or testifies before any public body conducting an investigation, hearing or inquiry into any violation of a law, rule or regulation by any officer, member, state agency or other state employee; or
- Assists or participates in a proceeding to enforce the provisions of the State Officials and Employees Ethics Act.

Pursuant to the Whistleblower Act (740 ILCS 174/15(a)), an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative 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, an employer 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. (740 ILCS 174/15(b)).

According to the Illinois Human Rights Act (775 ILCS 5/6-101), it is a civil rights violation for a person, or for two or more people to conspire, to retaliate against a person because he/she has opposed that which he/she reasonably and in good faith believes to be sexual harassment in employment, because he/she has made a charge, filed a complaint, testified, assisted or participated in an investigation, proceeding or hearing under the Illinois Human Rights Act.

An employee who is suddenly transferred to a lower paying job or passed over for a promotion after filing a complaint with IDHR or EEOC, may file a retaliation charge – each due within 300 days of the alleged retaliation.

### **Consequences of a Violation of the Prohibition on Sexual Harassment**

In addition to any and all other discipline that may be applicable pursuant to the City policies, this Manual, employment agreements, procedures, employee handbooks and/or collective bargaining agreements, any person who violates this policy or the Prohibition on Sexual Harassment contained in 5 ILCS 430/5-65 may be subject to a fine of up to \$5,000 per offense, applicable discipline or discharge by the City and any applicable fines and penalties established pursuant to local ordinance, state law or federal law. Each violation may constitute a separate offense. Any discipline imposed by the City 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.

### **Consequences of Knowingly Making False Reports**

A false report is a report of harassment made by an accuser using the harassment report to accomplish some end other than stopping Harassment or retaliation for reporting harassment. A false report is not a report made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false or frivolous report is a severe offense that can itself result in disciplinary action. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be subject to discipline or discharge pursuant to applicable the City policies, this Manual, employment agreements, procedures, employee handbooks and/or collective bargaining agreements, up to and including termination of employment.

In addition, any person who intentionally makes a false report alleging a violation of any provision of the State Officials and Employees Ethics Act to an ethics commission, an inspector general, the State Police, a State's Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor. An ethics commission may levy an administrative fine of up to \$5,000 against any person who intentionally makes a false, frivolous or bad faith allegation.

### **Mandatory sexual harassment training**

The IL Workplace Transparency Act requires that all employees receive sexual harassment training on an annual basis. The purpose of the sexual harassment training requirement is to improve the quality of employment for all employees. Per the IL Department of Labor the general mandatory annual training must include at a minimum:

- \*An explanation of sexual harassment;
- \*Examples of conduct that constitutes unlawful sexual harassment;

\*A summary of the relevant federal and state statutory provisions prohibiting sexual harassment, including remedies available to victims of sexual harassment; and

\*A summary of the employer’s responsibilities to prevent, investigate and correct sexual harassment in the workplace.

## 6.7 DRUGS AND ALCOHOL

### Drug Free Workplace

In order to ensure a safe work environment and compliance with the Drug-Free Workplace Act of 1988 (41 U.S.C. 8101 *et seq.*), the City of ~~Earlville~~ maintains a drug-free workplace. Accordingly, the City prohibits employees from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in accordance with the requirements of the (Public Law 100–690, 102 Stat. 4181), use of drugs, and use of alcohol in the workplace. The foregoing prohibition shall apply to City property, including in City vehicles and any private vehicles parked on City premises or worksites.

For purposes of this policy, the term “drugs” includes, but shall not be limited to: (i) any non-prescribed controlled substance that the employee is not authorized to possess or consume by law; (ii) any substance listed in the Controlled Substances Act (720 ILCS 570 *et seq.*); (iii) any substance listed in the Cannabis Control Act (720 ILCS 550 *et seq.*); and (iv) drugs or substances which may not be listed in the Controlled Substances Act or the Cannabis Control Act but which have adverse effects on perception, judgment, memory, or coordination. A non-exhaustive list of applicable drugs includes, but is not limited to, the following:

Opium	Psilocybin-psilocin
Morphine	MDA
Codeine	PCP
Heroin	Chloral Hydrate
Meperidine	Methylphenidate
Mescaline	Hash
Barbiturates	Hash Oil
Glutethimide	Steroids
Methaqualone	Tranquilizers
Cocaine	Amphetamines
Phenmetrazine	LSD

### Prohibited Conduct

The following conduct is prohibited:

- The unauthorized use, possession, manufacture, distribution, or sale of cannabis, drugs, drug paraphernalia, or alcohol while on or in City property, while conducting work-related business, or during working hours.
- Being under the influence of drugs or alcohol while on or in City property, while conducting work-related business, or during working hours.

- Being under the influence of legal or prescribed drugs or chemicals used in excess of, or in non-conformity with, prescribed limits while on or in City property, while conducting work-related business, or during working hours.
- The illegal use, possession, manufacture, distribution, or sale of cannabis, drugs or drug paraphernalia (while on or off duty).
- Storing any cannabis, illegal drug, drug paraphernalia, or alcohol in or on City property.
- Refusing to immediately submit to an alcohol and/or drug test when requested by a Department Head.
- Failing to provide, within one (1) workday following a request, documentation confirming a valid prescription for any drug or medication identified by a positive drug test.
- Failing to adhere to the requirements of any drug or alcohol treatment program in which the employee is enrolled as a condition of continued employment.
- Failing to notify the employee's Department Head of any arrest, conviction, or relevant plea (including pleas of guilty and *nolo contendere*) relating to drugs or alcohol no later than the earlier of the next date the employee is scheduled to work or two (2) calendar days following the arrest, conviction, or plea.
- Tampering with, adulterating, altering, substituting, or otherwise obstructing any testing process required pursuant to this policy.
- Performing any safety-sensitive duties while having a blood-alcohol concentration of .02 or greater.
- Possessing or using drugs or alcohol while on duty or while operating a commercial and/or city- owned or –leased vehicles.
- Operating a commercial and/or city-owned or –leased vehicle within four (4) hours after using alcohol (an on-call employee who consumes alcohol within four (4) hours of being called in must acknowledge the use of alcohol and may not report for duty).
- Consuming alcohol during the eight-hour period following an accident requiring a drug and alcohol test before a post-accident alcohol test is given.
- Reporting for duty or remaining on duty requiring the operation of a commercial and/or city-owned or –leased vehicles when the employee has used a drug or drugs, except when the use is pursuant to instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely operate a commercial vehicle.

## **Exempt Conduct**

Authorized undercover operations with reasonable alcohol consumption.

## **Required Conduct**

The following conduct is required of all City employees:

- Employees must notify their Department Head prior to starting work of any known side effects of medications, prescription drugs, or other chemical compounds or supplements of any kind that they are taking (or have taken) which might affect the performance of their duties or threaten the safety of the employee or any other person.
- Employees must notify their Department Head of any arrest, conviction, or relevant plea (including pleas of guilty and *nolo contendere*) relating to drugs or alcohol no later than the earlier of the next date the employee is scheduled to work or two calendar days following the arrest, conviction, or plea. In accordance with federal law, the City will notify any applicable federal contracting officer(s) of any relevant conviction(s) or plea(s) within ten days of receiving notice of the conviction or plea.
- Employees must submit to drug testing in accordance with this policy and applicable law.

## **Voluntary Treatment for Abuse of Drugs and/or Alcohol**

The City strongly encourages employees who believe or suspect that they may be abusing drugs and/or alcohol to voluntarily seek treatment before their job performance is affected. Any employee who notifies the City of alcohol or drug abuse problems will be treated in the same manner as any other employee with an illness. Information and communications regarding an employee's voluntary treatment or counseling due to actual or suspected drug and/or alcohol abuse shall remain confidential in accordance with state and federal law.

Employees who voluntarily seek treatment for drug and/or alcohol abuse shall not be subject to discipline, discharge, or discrimination based solely on such voluntary treatment if the treatment is sought prior to:

- The employee testing positive for illegal drugs and/or alcohol;
- The employee being notified of an upcoming drug and/or alcohol test;
- The occurrence of an event that gives rise to reasonable suspicion that the employee is under the influence of drugs and/or alcohol;
- Any return to duty or related follow-up testing for drugs and/or alcohol; and/or
- The occurrence of an accident which requires the employee to submit to drug and/or alcohol testing.

Employees who seek voluntarily treatment for drug and/or alcohol abuse shall continue to be subject to appropriate disciplinary action up to and including termination for substandard job

performance, unexcused absences, abuse of drugs and/or alcohol, or any other violations of this Manual, whether such violations are directly or indirectly related to the employee's use of drugs and/or alcohol.

Furthermore, employees who voluntarily seek treatment for drug and/or alcohol abuse shall not be excused from required drug and/or alcohol testing in accordance with this policy even when voluntary treatment was sought prior to the testing in question. No employee shall be permitted to use voluntary treatment for drug and/or alcohol abuse to avoid otherwise legitimate disciplinary action for failure to comply with this policy or other provisions of the Manual.

Employees may request a medical leave of absence to obtain treatment for drug and/or alcohol abuse in accordance with the Family and Medical Leave Act of 1993 and other applicable law. Such leave requests shall be treated in the same manner as any other request for leave pursuant to this policy. The City may also grant reasonable accommodations for employees being treated for drug and/or alcohol abuse so long as those employees are participating in a treatment program and are not currently abusing drugs and/or alcohol. The City will not retaliate or discriminate against any employee for requesting leave or a reasonable accommodation to obtain treatment for drug and/or alcohol abuse.

### **Acknowledgement**

In accordance with applicable law, employees are required to acknowledge and agree to this policy as a condition of employment. Any employee violating this policy is subject to discipline, up to and including termination of employment.

### **Drug and Alcohol Testing of all Employees**

- **Reasonable Suspicion** – All employees are required to submit to alcohol and/or drug testing if a Department Head determines that there is “reasonable suspicion” to believe that an employee has been using legal or illegal drugs, abusing prescribed drugs, is under the influence of alcohol, or is consuming alcohol while working.

For the purposes of this policy, “reasonable suspicion” means a belief based on objective facts sufficient to lead a reasonable prudent person to find that an employee is using, or has used, drugs or alcohol in violation of this policy. Such a suspicion shall be drawn from specific, objective facts and reasonable inferences drawn from those facts in light of experience.

Some factors that may be considered in determining whether a finding of reasonable suspicion is appropriate may include, but are not limited to, any of the following, alone or in combination:

- Observable phenomena, such as direct observation of drug or alcohol use, the presence of the odor of drugs or alcohol on or about the employee and/or the physical symptoms or manifestations of being under the influence of drugs or alcohol;
- Abnormal conduct or erratic behavior;

- Excessive unexcused absenteeism, tardiness, or deterioration in work performance;
- Slurred speech or unsteady walking or movement;
- Illegal possession of drugs or controlled substances or an arrest for violation of a drug statute;
- Information obtained from a reliable and credible source with personal knowledge that has been independently corroborated.

Once reasonable suspicion has been determined, the employee shall be required to take the applicable drug and/or alcohol test. An order to submit to testing shall be in writing and signed by a Department Head. If an employee declines the test, it will be treated as a positive test and the employee will be subject to discipline up to and including termination. When an employee is ordered to submit to a drug and/or alcohol test as a result of a Department Head's reasonable suspicion, the employee will not be allowed to return to work pending the results of the drug and/or alcohol test.

- **Post-Accident Testing** – All accidents, including those involving a vehicle, must immediately be reported to an employee's Department Head. The Department Head shall investigate the circumstances of the accident and determine if there is reasonable suspicion to require a drug and/or alcohol test. If it is determined that the employee caused or contributed to occurrence of the accident or the employee was otherwise "at fault," the employee may be required to submit to a drug and alcohol test regardless of the existence of reasonable suspicion.

If post-accident drug and/or alcohol testing is ordered, the employee involved must submit to a drug and/or alcohol test within two hours of the accident, absent exigent circumstances. An employee who fails to remain readily available for post-accident testing or leaves the scene of an accident without a valid reason or permission by his/her Department Head will be deemed to have refused to submit to testing. The employee to be tested shall not be permitted to drive himself or herself to the collection site.

- **Types of Testing**

Any of the following methods may be utilized to test an employee for the presence of drugs and/or alcohol:

- Urine testing;
- Evidentiary breath testing device (Breathalyzer);
- Blood testing;
- Hair follicle testing; or
- Saliva testing.

- **Licensed Clinical Laboratory Only**

The City shall use only licensed clinical laboratories for drug and/or alcohol testing. Such laboratories shall be responsible for maintaining a proper chain of custody of any samples. If an employee tests positive for drugs and/or alcohol, a confirming test shall be conducted. The laboratory will not submit a positive test result to the City unless the confirming test result is also positive for the same sample. The laboratory shall retain a portion of the tested sample so the employee can arrange for another confirming test to be conducted by a licensed clinical laboratory of the employee's choice and at the employee's expense. Once the portion of the tested sample is delivered to the clinical laboratory selected by the employee, the employee shall be responsible for maintaining the proper chain of custody for that portion of the sample.

Employees who test positive for drugs may request a second test of the remaining portion of the split sample within 72 hours of notification of a positive test result by a medical review officer. A medical review officer is a licensed physician responsible for receiving and interpreting laboratory results from applicable tests.

- **Records Relating to Drug and/or Alcohol Tests**

Records reflecting positive drug and/or alcohol tests will be kept in the employee's file and will be kept confidential in accordance with applicable law. Information regarding drug and/or alcohol tests and an employee's participation in a substance abuse rehabilitation program may be disclosed to Department Heads only if such information relates to the employee's ability to perform his or her work duties or the employee's need for a reasonable accommodation under the Americans with Disabilities Act of 1990 or other applicable law.

For employees in safety sensitive positions, the following records shall be maintained for a minimum of five years: (a) records of annual management information system reports; (b) records regarding employee evaluations and referrals to substance abuse professionals; (c) records relating to follow-up tests and follow-up schedules; (d) records relating to refusals to submit to drug and/or alcohol tests; (e) records of alcohol test results indicating an alcohol concentration of .02 or greater; (f) verified positive drug test results; and (g) breath testing device calibration documentation.

- **Required Records from Prior Employment as Driver of a Commercial Vehicle**

In accordance with applicable law, any individual who is given an offer of employment for a safety sensitive position requiring a commercial driver's license (CDL) and who has worked as a driver of a commercial vehicle during the two-year period immediately preceding the offer of employment, must authorize his or her prior employer(s) during the two-year period immediately preceding the offer of employment to release information to the City regarding any positive alcohol or drug tests and/or any refusal to submit to an alcohol or drug test.

This information must be obtained before the individual can be hired by the City. However, if the information has not arrived by the individual's anticipated start date and the individual has passed a pre-employment drug test, the individual may be hired, and

the requested information can be obtained from the individual's prior employer(s) within 14 calendar days of the individual's date of hire. If the information has not been received within 14 calendar days of the individual's date of hire, the individual will not be permitted to drive a commercial and/or city-owned or –leased vehicle until the information has arrived. If the information obtained from any prior employer indicates that the individual tested positive for drugs or alcohol or refused to be tested during the past two (2) years, that individual will not be permitted to drive a commercial and/or city-owned or –leased vehicle unless subsequent information indicates that the individual was evaluated by a substance abuse professional and successfully completed return to duty testing.

- **Compensation**

If an employee is ordered to submit to an involuntary post-employment drug and/or alcohol test, the time spent by the employee traveling to and from the test and waiting for and undergoing the test will be considered compensable working time unless otherwise provided by law or contract. Pre-employment drug and/or alcohol tests will not be compensated.

- **Cutoff Levels for Drugs and Drug Metabolites; Blood Alcohol Exceedances**

Cutoff levels for all drug and drug metabolite testing shall be consistent with the guidelines established by the U.S. Department of Health and Human Services (HHS). An employee shall be deemed to be under the influence of alcohol if the applicable blood alcohol test demonstrates a level of .02 or greater.

- **Policy Violations**

Any employee testing positive for drug usage, blood alcohol levels greater than .02, or engaging in any other prohibited conduct concerning drug or alcohol shall be subject to disciplinary action up to and including immediate termination. Regardless of disciplinary action taken, all such employees will be advised of resources available to evaluate and treat problems associated with drug and/or alcohol abuse.

Employees in safety-sensitive positions, including those that require a CDL, who are not terminated for violation of this policy shall be subject to the following conditions of continued employment:

- If an employee has a breath alcohol concentration of at least .02 but less than .04, he/she shall not drive a commercial and/or city-owned or –leased vehicle or engage in any other safety sensitive activities for at least 24 hours.
- If an employee tests positive for drugs, tests positive for a blood alcohol level of .04 or greater, and/or engages in any other conduct prohibited by this policy relating to drugs and/or alcohol, the employee will be immediately removed from duties requiring the driving of a commercial and/or city-owned or – leased vehicle and will not be permitted to return to work unless the employee: (a) has been evaluated by a substance abuse professional; (b) has complied with any rehabilitation prescribed by a substance abuse professional;

and (c) has successfully completed a return to duty test for drugs and/or alcohol.

- Upon completion of a recommended rehabilitation program and successful return to work, the employee will be subject to follow-up random testing for up to 60 months as recommended by the substance abuse professional and the City with a minimum of six (6) such unscheduled tests within the first 12 months of returning to duty.

## **Cannabis**

Cannabis (Marijuana) is currently regulated pursuant to Illinois law in two general categories:

- **Recreational Use:** The City recognizes the recreational cannabis law in Illinois permits an adult (21 years of age or older) to use cannabis and avoid civil and criminal penalties under state law.
- **Medical Use:** The City recognizes that Illinois' medical cannabis law permits an individual with a qualifying debilitating medical condition to register as a medical cannabis patient and avoid civil and criminal penalties under state law for certain medical uses of cannabis.

The City will not discriminate against an employee based on the employee being a registered medical cannabis cardholder. However, in accordance with Illinois and federal law and in order to maintain a safe, efficient and productive workforce, employees may not use or possess cannabis in or at the workplace. The City also prohibits employees from reporting to work under the influence of, or in any way impaired by, cannabis; as determined in the City's sole discretion to the fullest extent permitted by applicable law. The "workplace" includes, but is not limited to, any City building, property, or parking area under the City's control (regardless of whether it is leased or owned), or any location or area where an employee is performing his or her job duties or where an employee is physically located during his or her work schedule, including any vehicles.

## **Drug and Alcohol Testing of Employees**

In accordance with the Omnibus Transportation Employee Testing Act of 1994 and other applicable law, the City requires employees in safety-sensitive positions and applicants for safety sensitive positions to submit to mandatory drug and alcohol testing pursuant to this policy. Applicants for non-safety-sensitive positions may be required to submit to pre-employment testing. All employees are subject to random drug and alcohol testing.

Safety-sensitive positions are those positions where there exists a high risk of injury to others with disastrous consequences if the employee has even a momentary lapse of attention. Some examples of safety-sensitive positions include armed law enforcement personnel, firefighters, health care professionals responsible for direct patient care, employees who transport passengers, and employees who operate large or heavy equipment.

Under this policy, employees in safety-sensitive positions specifically include all employees whose positions may involve driving a commercial vehicle and that require the possession of a CDL. For purposes of this policy, a “commercial vehicle” means a vehicle that either: (a) has a gross weight of over 26,000 pounds (including combined weight if towed unit weighs over 10,000 pounds); (b) is designed to transport 16 or more persons, including the driver; or (c) is used to transport hazardous materials.

An employee is considered to be “driving a commercial vehicle” under this policy if he/she is performing any safety sensitive function defined in 49 CFR 382.107, or working in a position requiring a CDL.

With respect to employees who work in a position requiring a CDL, alcohol testing for reasonable suspicion may be conducted just before, during, or after an employee operates a commercial vehicle.

- **Drug and Alcohol Testing for Safety-Sensitive Positions** - Employees in safety-sensitive positions are subject to drug and alcohol testing under different and additional circumstances than employees who are not in safety-sensitive positions.
  - **Reasonable Suspicion** – Any employee in a safety-sensitive position shall submit to a drug and/or alcohol test when any Department Head has reasonable suspicion to believe that an employee has been using legal or illegal drugs, abusing prescribed drugs, is under the influence of alcohol, or is consuming alcohol while working.

If an employee is removed from duty based on reasonable suspicion of alcohol use and an alcohol test is not administered within eight (8) hours, the employee will not be allowed to perform or continue to perform safety-sensitive functions until: (a) an alcohol test determines that the employee’s breath alcohol concentration measures less than .02; and (b) 24 hours have elapsed following the determination that there is reasonable suspicion to believe that the employee has been using alcohol.
  - **Post-Accident Testing Involving a Commercial Vehicle and/or City-owned or-Leased Vehicle** – An employee is required by law and this policy to submit to an alcohol test whenever he or she is involved in an accident while driving a commercial and/or city-owned or –leased vehicle on a public road which results in: (a) a fatality; (b) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; and/or (c) one or more motor vehicles incurring disabling damage requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.
  - **Return to Duty Testing** – Any employee who has violated this policy and/or has tested positive on a drug or alcohol test and is subsequently permitted to return to work, must pass a drug and/or alcohol test in accordance with this policy prior to returning to duty.
  - **Follow-Up Testing** – An employee in a safety-sensitive position who is referred for assistance related to alcohol and/or drug abuse is subject to

unannounced follow-up testing for a period not to exceed 60 months as directed by a Substance Abuse Professional and the City. The number and frequency of follow-up tests will be determined by the substance abuse professional and the City but will not be less than six (6) tests in the first 12 months following the employee's return to duty.

For purposes of this policy, a substance abuse professional is a licensed physician, or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug-related disorders.

- **Pre-Employment Drug Testing** – Employees may be required to take and pass a drug test as a post-offer condition of employment. Failure to successfully pass a post-offer pre-employment drug test may result in the offer of employment being revoked. An applicant who is denied employment because of a positive drug test may not reapply for employment with the City for a period of six (6) months.
- **Random Drug and/or Alcohol Testing** – Employees may be randomly selected to submit to drug and/or alcohol testing. The process will be unannounced, and employees shall be selected in a non-discriminatory manner. After an employee is notified that he or she has been selected for random testing, the employee shall be required to report immediately to the testing location no later than one (1) hour after notification, absent exigent circumstances. Upon arrival at the testing location, the employee must identify him or herself by use of the photo identification card and present any applicable documentation. Upon completion of the drug and/or alcohol testing, the employee will, if his or her shift is not completed, immediately return to duty status.

## 6.8 SAFETY

All employees are required to familiarize themselves with and adhere to any applicable safety rules and standards. Additionally, all employees are required to exercise caution and good judgment while performing their duties and during break and meal periods.

You have a responsibility to immediately report to your Department Head and City's Risk Management Coordinator (for insurance purposes) any accidents, injuries, or unsafe working conditions. This includes reporting unsafe equipment and/or procedures. If you become injured on the job, no matter how insignificant the injury may seem, you must report the injury to your Department Head and the City's Risk Management Coordinator.

Failure to comply with anything in this policy may subject an employee to disciplinary action up to and including termination.

## 6.9 SMOKING

In accordance with the Smoke Free Illinois Act (410 ILCS 82/1 *et seq.*), the City maintains a smoke-free environment in all its facilities. Smoking is prohibited in all City buildings and vehicles. Smoking areas may be designated outside of facilities, provided the location is at least 15 feet away from any City building and will not reasonably affect non-smokers. For purposes of this policy, smoking includes the use of all tobacco products including, but not limited to, electronic cigarettes and chewing tobacco, as well as non-tobacco vaping products.

## **6.10 WORKPLACE VIOLENCE**

Workplace violence is strictly prohibited. Workplace violence includes, but is not limited to, any act of physical violence, threats of physical violence, harassment, intimidation, or other threatening or disruptive behavior. Workplace violence can affect or involve employees, visitors, or other parties.

If an employee witnesses or experiences any form of workplace violence, the employee should immediately report the violence to their Department Head and/or the appropriate member of management. If an employee is found to have engaged in workplace violence, the employee will be subject to discipline up to and including termination.

## **WORKPLACE PROCEDURES**

### **6.11 CAMERAS AND VIDEO/AUDIO RECORDERS**

Employees are prohibited from using camera phones, cameras, or video or audio recorders in the workplace for non-work-related purposes. All employees are prohibited from recording any meeting or conversation without the express written consent of all parties to the conversation.

### **6.12 COPYRIGHT AND INTELLECTUAL PROPERTY POLICY**

Employees must comply with all software licenses, copyrights, and all other laws governing intellectual property, online activity, and telecommunications. Employees are prohibited from copying any copyrighted material without the prior approval of the copyrighted individual or entity. Any violation of this policy is grounds for discipline up to and including termination.

### **6.13 EMAIL AND INTERNET SYSTEM**

Employees may be granted access to the City internet and email system (the system). The system and all data transmitted or received through the system are the exclusive property of the City. No individual should have any expectation of privacy in any communication over the system.

The City reserves the right to monitor, intercept, and/or review all data transmitted, received, or downloaded over the system in accordance with all local, state and federal laws. Any individual who is given access to the system is hereby given notice that this right will be exercised periodically, without prior notice and without the prior consent of the employee.

The interest of the City in monitoring and intercepting data include but are not limited to: protection of proprietary and classified data; managing the use of the computer system;

preventing the transmission or receipt of inappropriate materials by employees; and/or assisting the employee in the management of electronic data during periods of absence. No individual should interpret the use of password protection as creating a right or expectation of privacy. In order to protect everyone involved, no one can have a right or expectation of privacy with regards to the receipt, transmission, or storage of data on the system.

Any employee who abuses the privilege of access to the system will be subject to disciplinary action up to and including termination of employment. If necessary, law enforcement officials will be advised of any illegal conduct.

## **6.14 PROHIBITION OF FIREARMS AND WEAPONS IN THE WORKPLACE**

The City has adopted a No-Weapons Policy per Ordinance 06-11-2014(A), adopted June 22, 2014. The Policy is as follows:

1. **PURPOSE** – The City strives to maintain a safe workplace environment for its employees and visitors. Workplace safety is enhanced by adopting this strict “No-Weapons” Policy.
2. **APPLICABILITY** – This Policy applies to (a) all persons on or in City Property at any time and for any reason, and (b) all officials, officers, employees, consultants, agents, contractors and vendors (and their personnel), and others who work for or with the City at all times while on or in City Property, or anywhere while performing any duties for or on behalf of the City. See the definitions of “Workplace Staff,” “City Property,” and “Visitor” under DEFINITIONS in Paragraph 3 below.
3. **DEFINITIONS**
  - “City Property” means every building and property, or portion of a building or property, owned or leased by, or otherwise under the control of, the City. “City Property” also means every City-owned or City-leased vehicle.
  - “Tool” means hammers, saws, loppers, axes, hatchets, staple guns, chains, rakes, and other devices commonly recognized as tools useful for City purposes, when being used for City purposes or kept in their usual storage location.
  - “Visitor” means every person other than a Workplace Staff member
  - “Weapon” means
    - Knives, except that the following knives are not prohibited: (a) common kitchen knives such as dinner knives, steak knives, and carving knives, but only in kitchen and break room areas, and (b) common folding pocket knives with no blade longer than three inches. “Switchblade” knives of any and all sizes are prohibited.
    - Devices from which a projectile can be fired, but not including Tools as defined in this Policy.
    - Electronic devices such as stun guns and taser guns.
    - Firearms of all types and sizes, whether loaded or unloaded.
    - Clubs and any other instruments or objects that can be used in a club-like manner and the presence of which poses a reasonable risk to others, but not

- including Tools as defined in this Policy.
- Bows and arrows, sling shots, and similar devices.
- Any device designed primarily for a destructive purpose, but not including Tools as defined in this Policy.
- Metal knuckles or other similar body accessories.
- Chemicals such as pepper spray and mace.
- “Workplace Staff” means everyone described in Phrase (b) of APPLICABILITY in Paragraph 2 above.

#### 4. WEAPONS PROHIBITED

- Workplace Staff. Except as provided under EXCEPTIONS in Paragraph 5 below, no Workplace Staff may wear, carry, store, transport, or otherwise possess a Weapon at any time in or on City Property or while performing any duties for or on behalf of the City.

Examples of prohibited times and places include, but are not limited to, the following:

- performing work for the City at any location, including private residences and commercial establishments and other customer or client locations
- driving or riding as a passenger in a City-owned or –leased vehicle
- attending trade shows, conferences, or training on behalf of the City
- attending City-directed or –sponsored activities or events (intended for City employees only and not the general public), independent of venue
- riding any type of mass transit while on City business
- working off-site on behalf of the City (excluding the employee’s residence)
- performing emergency or on-call work for the City after normal business hours and weekends
- Visitors. Except as provided under EXCEPTIONS in Paragraph 5 below, no Visitor may wear, carry, store, transport, or otherwise possess a Weapon in or on City Property at any time.
- Use of Private Vehicle. No City employee may use a privately-owned vehicle for City business if that vehicle contains a firearm of any type or size, whether loaded or unloaded.

#### 5. EXCEPTIONS

- Police Officers and Other Designated Personnel. City police officers and other City employees who have been specifically designated or deputized may possess their work-issued weapons. Police officers or similar law enforcement officers from other departments or agencies may possess their work-issued Weapons while engaged in official duties.
- Governmental. A state or federal governmental employee engaged in official duties and required by law or regulation to possess a Weapon may possess such

Weapon.

- Parking Lots. A Workplace Staff member or Visitor may keep a Weapon in his/her personal vehicle properly parked and locked in a City parking lot or area, so long as the Weapon is kept: (1) in compliance with all applicable state and federal laws and regulations; (2) entirely out of sight; and (3) if a firearm, so long as the Workplace Staff member or Visitor is properly licensed and the firearm is locked in a glove box, trunk, or other secured container.

6. INSPECTIONS – City representatives may inspect or search any workplace area and any City Property, at any time, for the presence of Weapons.
7. VIOLATIONS – Any violation of this Policy by a Workplace Staff member may subject the member to severe discipline, including termination.

Any violation of this Policy by a Visitor may subject the Visitor to removal from City Property, prohibition from returning to any City Property, and/or arrest.

8. CONCEALED CARRYING PROHIBITED – All City Property is a “prohibited area” under Section 65 of the Illinois Firearms Concealed Carry Act and, therefore, concealed carrying in or on any City Property is not authorized by Illinois law. Accordingly, and in all events, concealed carrying is not an exception to this Policy.
9. RESPONSIBILITY – All City employees shall have the responsibility of familiarizing themselves with this Policy and adhering to it.

Any City employees who sees or perceives a violation of this Policy must report that violation to her or his Department Head or, in the Department Head’s absence, to the Mayor or, in an emergency, to the Police Department.

No person should take any action that will risk his/her safety or the safety of others. No person should attempt to restrain or forcibly evict an individual with a Weapon from City premises. Instead, a person may inform that individual of this Policy and ask for compliance. If that individual does not comply, then the person should contact the Police Department immediately.

## **6.15 LOSS PREVENTION**

Employees shall exercise reasonable care to prevent loss or damage to City property. Employees are expected to use caution when using City property, vehicles, tools, and equipment.

## **6.16 PRIVACY**

The City reserves the right to conduct searches of work areas for legitimate, work-related reasons when it has a reasonable suspicion that an employee has engaged in work-related misconduct or violated policies, laws, and/or procedures.

Property of the City including but not limited to, lockers, phones, computers, desks, work spaces,

vehicles, or machinery is subject to inspection at any time, without notice to the employee and without the employee's presence. Employees should have no expectation of privacy in any of these areas. The City assumes no responsibility for the loss of, or damage to, any employee property maintained on the premises including property kept in lockers and desks.

The City may utilize video surveillance in public areas for security reasons. The video surveillance will not be hidden. The City may rely upon the surveillance in assessing employee misconduct and/or criminal activity.

## **6.17 POLITICAL ACTIVITY**

In accordance with state and federal laws, employees are not prohibited from exercising their political rights to engage in political activities, including the right to petition, make speeches, campaign door-to-door, and to run for public office. However, employees are strictly prohibited from engaging in political activities on behalf of any political candidate or cause while they are being compensated by the City, other than during paid time off. Employees are further prohibited from using any City property or resources for the benefit of any political organization, candidate, or cause.

Employees may not use their positions to attempt to coerce or influence others in relation to any political activity. Employees are strictly prohibited from requiring other employees to engage in political activities as part of their duties, and no employee shall be required to participate in any political activity in consideration for additional compensation or benefits.

## **6.18 SOCIAL MEDIA POLICY**

At the City, we understand that social media can be a fun and rewarding way to share your life and opinions with family, friends, and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established the following guidelines.

### **Guidelines**

In the rapidly expanding world of electronic communications, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board, or a chat room, as well as any other form of electronic communication.

Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees, or otherwise adversely affects members, customers, suppliers, people who work on behalf of the City and its legitimate business interests may result in disciplinary action up to and including termination.

- **Know and Follow the Rules** – Carefully read these guidelines, as well as all other applicable written employment policies, procedures, notices, memoranda, and manuals and ensure your postings are consistent with these policies. Inappropriate postings that

may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

- **Be Respectful** – Always be fair and courteous to fellow employees, customers, members, suppliers, or people who work on behalf of the City. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video, or audio that reasonably could be viewed as malicious, obscene, threatening, or intimidating, that disparage customers, members, or employees or suppliers, or that might constitute harassment by bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone’s reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion, or any other status protected by law or policy.
- **Be Honest and Accurate** – Make sure you are always honest and accurate when posting information and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about the City, fellow employees, members, customers, suppliers, or people working on behalf of the City.
- **Post Only Appropriate and Respectful Content:**
  - Maintain the confidentiality of private or confidential information.
  - Do not create a link from your blog, website, or other social networking site to a City website without identifying yourself as an employee of the City.
  - Express only your personal opinions. Never represent yourself as a spokesperson for the City. If the City is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of the City, fellow employees, members, customers, suppliers, or people working on behalf of the City. If you do publish a blog or post online related to the work you do or subjects employed with the City, make it clear that you are not speaking on behalf of the City. It is best to include a disclaimer such as, “The postings on this site are my own and do not necessarily reflect the view of the City.”
- **Using Social Media at Work** – Refrain from using social media while on work time or on equipment, unless it is work-related as authorized by your supervisor or consistent with other applicable policies. Do not use any email addresses issued by the City to register on social networks, blogs, or other online tools utilized for personal use.
- **Retaliation is Prohibited** – Employees who in good faith report a possible deviation from this policy or cooperate in an investigation related to this policy shall not be retaliated against for doing so. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation

related to this policy will be subject to disciplinary action up to and including termination.

- **Media Contacts** – Employees should not speak to the media on behalf of the City without approval of their supervisor or the appropriate member of management.

## **6.19 STATE GIFT BAN ACT**

All employees shall adhere to and understand their obligations under the State Officials and Employees Ethics Act (5 ILCS 430/1-1, *et seq.*) and any gift ban or ethics requirement implemented by the City. Employees are not to provide any special services in exchange for gifts or other forms of compensation. Employees, their spouses, and any immediate family members living with an employee are prohibited from intentionally soliciting or accepting any gift from any source prohibited by law, ordinance, or policy. If an employee, employee's spouse, or immediate family member living with an employee receives any compensation, or offer of compensation, as a result of the employee's status as an employee of the City, the employee must report this immediately to their Department Head and/or the Mayor.

## **6.20 TELEPHONES**

All full-time employees shall be required to maintain a working cellular telephone at all times through a company and telephone service plan chosen and paid for by each employee. The wage an employee is hired at is considered complete and no additional pay increase is given due to required cell phone.

Employees should not make personal calls during working time and should ensure their family members and friends are aware of this policy. Exceptions may be made in urgent circumstances demanding immediate attention, subject to the discretion of an employee's supervisor.

## **6.21 VEHICLES**

Employees in certain job classifications may be provided vehicles owned or leased by the City.

Employees are prohibited from using vehicles provided by the City to transport non-employees unless the individual being transported is participating in official City business or has otherwise been approved by the employee's supervisor.

City vehicles will be provided to designated employees by the City for work. They are not to be used for personal reasons or errands. It is the employee's responsibility to keep the vehicles in good working order and to report any problems immediately. The vehicles are to be neat and orderly, inside and out, at all times. It is the employee's responsibility to wash and clean the truck they are responsible for, as time allows. Each employee will be responsible for keeping the vehicle (they use the most) organized, stocked and fueled. Gas tanks are required to be more than one-quarter full and supplies are to be stocked.

The City enforces a “clean vehicle” policy. Random inspections may take place. You should make regular visual checks of your vehicle for scratches, scrapes and dents. Any problems should be reported to your Department Head/Mayor and the Risk Management Coordinator immediately. It is the employee’s responsibility to make sure the trucks are completely locked up. The keys are to be returned to the office when the truck is not in use.

Employees are prohibited from using vehicles provided by the City of Earlville to transport non-employees unless the individual being transported is participating in official City of Earlville business or has otherwise been approved by the employee’s Department Head.

Employees using vehicles (including personal vehicles) for work-related purposes are responsible for driving such vehicles in a safe and prudent manner and complying with all state and local laws. Employees must promptly report all accidents involving vehicles (including personal vehicles) being used for work-related purposes to both the appropriate law enforcement agency and to the employee’s Department Head and the Risk Management Coordinator. A police report must be filled out at the scene of an accident if there is substantial damage requiring repair. If damage is due to employee’s negligence, employee shall be responsible for payment of insurance deductible for repairs. Additionally, employees must immediately report to their Department Head any citations for traffic law violations, parking violations, and any other legal violations occurring while using vehicles (including personal vehicles) for work-related purposes. Payment of traffic and parking citations shall be the responsibility of the employee operating the vehicle at the time the violation occurred. Employees shall immediately notify their Department Head(s) of any and all violations related to driving under the influence of drugs or alcohol.

Every employee must have (and be able to produce) a valid driver’s license before operating a vehicle (including a personal vehicle) for work-related purposes. Employees must promptly inform their Department Heads of any reason that would prohibit the employee from operating a motor vehicle. Employees must notify their Department Heads within 24 hours of being arrested for a DUI or having their driver’s license suspended or revoked.

Employees who use their personal vehicles for work-related purposes approved by their Department Head must maintain adequate insurance coverage and must present evidence of insurance coverage to the City upon request. Employees must also document mileage and reason for travel to receive a reimbursement at the federal mileage rate.

## **Section 7 – Separation of Employment**

Since employment with the Employer is based on mutual consent, both the employees and the Employer have the right to terminate employment at will, with or without cause, at any time.

Your employment and seniority will end on the date of your termination.

An exit interview with the Department Head/Mayor/City Office Manager may be scheduled to process your file for closure, authorize the release of your final paycheck and review any final benefit payout and/or health plan continuation you choose to purchase.

## **7.1 DISCHARGE**

A City initiated decision to terminate an employee. An employee being discharged will receive a letter confirming the details of their discharge.

## **7.2 RESIGNATIONS**

Employees who voluntarily resign from their employment with the City, are expected to submit a written resignation letter to their Department Head and City Office Manager at least 14 days in advance of their last date of employment in order to leave in good standing. This period may be shortened by your Department Head and/or the Mayor under appropriate circumstances. Once employees have provided notice of their resignation, they shall not be entitled to utilize any paid time off within 10 workdays preceding their last date of employment unless otherwise approved by their Department Head or the Mayor. Your resignation letter will become part of your permanent personnel file, and failure to provide proper notice under this policy may make you ineligible for re-employment.

## **7.3 RETIREMENT**

Retirement benefits are governed by the Illinois Municipal Retirement Fund (IMRF) policies. Contact the IMRF Authorized Agent to receive information on retirement benefits.

Upon retirement the employee will be eligible for payment of all unused vacation, personal, paid leave, and compensatory time. In no event shall an employee be paid for unused sick days. Upon retirement, unused, unpaid sick days will be credited toward time worked according to the regulations of the IMRF.

## **7.4 LAYOFF**

Layoffs may occur because of a decrease in services, change in work methods, or other conditions. To assure continued quality services, merit and length of service may be given consideration in determining the order in which employees are laid off.

## **7.5 LOSS OF ACCEPTABLE POSITON REQUIREMENT**

You may be laid off if you lose a license or other requirement necessary for you to perform the duties of your position.

## **7.6 RETURN OF PROPERTY UPON SEPARATION**

Upon separation of employment, employees must return all City property in their possession or control to their Department Head or the Director of Human Resources on or before their last day of work. Such property includes, but is not limited to, City apparel, keys, usernames, passwords, access codes, key cards, documents, electronic files, badges, computers and/or other electronic devices

**EXHIBIT A**

**REQUEST FOR EXPENSE REIMBURSEMENT**

Name: \_\_\_\_\_

Office or Position: \_\_\_\_\_

Purpose of Trip: \_\_\_\_\_

Departure Date: \_\_\_\_\_ Return Date: \_\_\_\_\_

DATE Month-Day	Estimated cost or cost incurred	Lodging	MEALS			Trans- portation	OTHER EXPENSES		TOTAL each line
			Break- fast	Lunch	Dinner		Description	Amount	
TOTAL each column:							TOTAL each column:		

Total: \_\_\_\_\_

Minus Cash Advance: \_\_\_\_\_

Total Due from City: \_\_\_\_\_

Approved: \_\_\_\_\_  
Department Head/Mayor

Date: \_\_\_\_\_

I certify that the above-stated expenses were  
Incurred by me while traveling on city business.

Traveler's Signature: \_\_\_\_\_

Title: \_\_\_\_\_

**PLEASE STAPLE RECEIPTS TO THIS FORM**

**EXHIBIT B**

**Employee Disciplinary Notice**

Employee Name: \_\_\_\_\_

Department: \_\_\_\_\_

Location: \_\_\_\_\_

**Verbal Warning:**

**Written Warning:**

**Suspension:** From \_\_\_\_\_ To \_\_\_\_\_

**You have received the discipline listed above, because:**  
*(Please describe the infraction requiring discipline)*

**Corrective Action:**  
*(Please describe the corrective action that the employee is expected to take in response to the discipline)*

**This notice will become a permanent part of your personnel file. This is a serious matter. You should take corrective action immediately. Future discipline for the same or unrelated reasons may lead to further action including termination from employment.**

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Management Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## ACKNOWLEDGEMENT

By signing below, I acknowledge that I have received a copy of the City of Earlville Personnel Policy Manual (Manual) and understand that it is my responsibility to read and become familiar with its contents. I further understand that it is my responsibility to ask questions of my immediate Department Head and/or another appropriate member of management if I do not understand any of the information contained in the Manual and that I am required to abide by and observe all of the information and rules, policies, and procedures explained therein.

I acknowledge that nothing in the Manual constitutes a contract or promise of employment and that unless otherwise provided in a collective bargaining agreement or individual employment contract, my employment is “at-will,” which means that the employment relationship may be terminated at any time for any lawful reason with or without cause or notice.

I agree to abide by and observe all of the information and rules, policies, and procedures set forth in the Manual and understand that the City of Earlville’s rules, policies, and procedures may be changed from time to time, with or without notice, and that this Manual supersedes and replaces any and all prior Manuals.

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Printed Name

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Signature

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Date Signed