

CHAPTER 11

EMPLOYEE PERSONNEL CODE

11-1-1 INTRODUCTION AND NEED FOR WRITTEN POLICIES. Until recently, many employers have preferred the flexibility and informality of unwritten policies. This approach was satisfactory, provided the unwritten policies were communicated effectively and administered consistently. Experience has proven, however, that in most cases unwritten policies result in misunderstanding and discontent. Supervisors have no where to turn when the organization's policy on a particular subject is unknown or uncertain. New employees have difficulty learning the ground rules, and older employees experience unequal treatment as a result of the inconsistent administration of policy.

More recently, changing employee attitudes, union activities, and government regulation of the employer-employee relationship have made the job of personnel administration must more complex. As a result, employers of all sizes have found that written personnel policy statements are virtually mandatory. Depending upon an organization's needs, such written policies can range in format from elementary handbooks to comprehensive systems of supervisory manuals, benefit summaries, and employee handbooks.

Some of the benefits of developing our own personnel policy manual include:

- (A) Providing your employees with a clear explanation of your personnel policies and practices;
- (B) Providing an effective tool for the training of your supervisors and the orientation of your new employees;
- (C) Providing written documentation of your organization's good faith attempt to comply with the various laws requiring equal employment opportunity for minority groups and women;
- (D) Providing guidelines for uniform and consistent policy implementation; and
- (E) Providing clear-cut procedures for handling employee complaints and grievances, though it is understood that union contracts have their own procedures and this policy is not intended to change those procedures.

11-1-2 FUNCTION OF THE MANUAL.

(A) **Policy.** It is the policy of the City that this Manual be used as an outline of the basic personnel policies, practices, and procedures for the City.

(B) **Comment.**

- (1) This Manual contains general statements of City Policy and should not be read as including the fine details of each policy, or as forming an express or implied contract or promise that the policies discussed in it will be applied in all

cases. The City may add to the policies in the Manual or revoke or modify them from time to time. It will try to keep the Manual current, but there may be times when policy will change before this material can be revised.

- (2) As used in the Manual:
- (a) The words "shall" or "will" should be interpreted as mandatory and the word "may" is permissive;
 - (b) The masculine gender should be interpreted to include the feminine gender;
 - (c) "Supervisor" means an individual with the authority to assign, direct, and review the work of **two (2)** or more subordinates; and
 - (d) "Immediate family" means the employee's spouse, brother, sister, parent, child, stepchild, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law and grandchildren.

11-1-3 EMPLOYEE SUPERVISION.

(A) **Policy.** It is the policy of the City that the work of all employees is to be assigned, directed, and reviewed by supervisory personnel. Employees ordinarily will have only one supervisor to whom they report.

(B) **Comment.**

- (1) A primary role of each supervisor is to provide an effective link between management and nonmanagement employees. As such, supervisors are expected to communicate the goals and policies of management to the employees under them. At the same time, they are expected to communicate back to management the attitudes, suggestions, and complaints of their employees.
- (2) Supervisors must, in addition to mastering the technical skills needed for their work unit, be able to lead and motivate their employees to do their jobs effectively and efficiently. To this end, supervisors should be prepared to:
 - (a) Treat employees as individuals;
 - (b) Give recognition for good performance, and provide guidance when improvement is needed;
 - (c) Explain in advance when and why changes are necessary;
 - (d) Recommend employees with growth potential for promotion, even if it means losing them to other work units;
 - (e) Show integrity by admitting mistakes instead of shifting the blame to others;

- (f) Be impartial and let employees know the reasons for any decisions that might be interpreted as unfair;
 - (g) Demonstrate a desire for good performance by setting work goals and standards for employees;
 - (h) Create a feeling of teamwork and belonging among employees; and
 - (i) Set good examples by holding themselves to the standards of conduct and performance that they demand of their employees.
- (3) Supervisors are responsible for ensuring that the goals regarding employee conduct and performance established by management are achieved and that the personnel policies established by the Manual are implemented. Therefore, they are expected to be involved, at a minimum, in:
- (a) Keeping employees informed on factors relating to their work assignments and work progress;
 - (b) Evaluating, as deemed necessary by the City, the performance of introductory employees, regular employees, and employees who are considered for termination;
 - (c) Recommending promotions, transfers, and termination of employees, unless otherwise provided by ordinance or contract;
 - (d) Scheduling vacations and lunch periods, except as provided by ordinance or contract;
 - (e) Approving meal allowances and reimbursement of employee expenses;
 - (f) Controlling absenteeism and tardiness, and approving requests for time off;
 - (g) Verifying employee time cards and scheduling overtime when necessary;
 - (h) Recommending job elimination when appropriate;
 - (i) Complying with applicable federal and state laws and regulations concerning employee safety;
 - (j) Maintaining neat and orderly work areas;
 - (k) Implementing suggestion, disciplinary, and problem review procedures; and
 - (l) Ensuring that all rules and regulations are observed by employees.
- (4) Supervisors are expected to split into separate work groups.
- (5) Nothing in this policy should be considered as a contract or promise, express or implied, to employees that supervisors will in each case perform any or all of the activities described above, or that such activities will be performed uniformly in each case.

11-1-4 PERSONNEL MANAGER.

(A) **Policy.** It is the policy of the City that the City Clerk functions as the Personnel Department and is responsible to the Mayor and Council.

(B) **Comment.**

- (1) The Personnel Manager, as operating head of the Personnel Department, supervises the work of the department's staff, if a staff is appointed by the Council.
- (2) The Personnel Manager is responsible for handling the Company's human resources function and, in such capacity, serves as a senior consultant to top management on all matters concerning human resource management. In addition, the Personnel Manager provides staff assistance to supervisors and department heads in developing, communicating, and carrying out the City's personnel policies.
- (3) The Personnel Manager's responsibilities include the following:
 - (a) Planning and formulating general personnel policies, including work force planning;
 - (b) Overseeing compliance with all federal, state, and local employment laws and regulations;
 - (c) Overseeing recruiting, interviewing, testing, selection, placement, and orientation of new employees, with the help of the Council;
 - (d) Implementing special education, counseling, training, and development programs;
 - (e) Coordinating the appraisal, transfer, promotion, layoff, recall, demotion, and termination of employees, with Council approval;
 - (f) Administering employee benefit plans and programs and the disclosure of information concerning benefits to employees;
 - (g) Implementing appropriate disciplinary and grievance procedures and ensuring that such policies form a contract or promise that such policies or procedures will be followed in each and every case; and
 - (h) Maintaining personnel records and evaluating personnel programs and policies, along with Council members.

11-1-5 CODE OF EMPLOYER-EMPLOYEE RELATIONS.

(A) **Policy.** It is the policy of the City to implement fair and effective personnel policies and to require all employees to support the City's best interests.

(B)

Comment.

- (1) The City's goals for employees include the following:
 - (a) To provide equal employment opportunity and treatment regardless of race, religion, color, sex, age, national origin, disability, or military status;
 - (b) To provide compensation and benefits commensurate with the work performed;
 - (c) To establish reasonable hours of work based on the City's production and service needs;
 - (d) To monitor and comply with applicable federal, state, and local laws and regulations concerning employee safety;
 - (e) To offer training opportunities for those whose needs and capabilities warrant such training;
 - (f) To be receptive to constructive suggestions which relate to the job, working conditions, or personnel policies; and
 - (g) To establish appropriate means for employees to discuss matters of interest or concern with their immediate supervisor or department head.
- (2) The City expects all employees:
 - (a) To deal with the public and suppliers in a professional manner;
 - (b) To perform assigned tasks in an efficient manner;
 - (c) To be punctual;
 - (d) To demonstrate a considerate, friendly, and constructive attitude toward fellow employees; and to the public;
 - (e) To adhere to the policies adopted by the City.
- (3) The City retains the sole discretion to exercise all managerial functions, including the rights:
 - (a) To dismiss, assign, supervise, and discipline employees;
 - (b) To determine and change starting times, quitting times, and shifts;
 - (c) To transfer employees within departments or into other departments and other classifications;
 - (d) To determine and change the size and qualifications of the work force;
 - (e) To determine and change methods by which its operations are to be carried out;
 - (f) To determine and change the nature, location, goods produced, services rendered, quantity, and continued operation of the City; and

- (g) To assign duties to employees in accordance with the City's needs and requirements and to carry out all ordinary administrative and management functions.
- (4) Nothing in this manual should be considered as creating the policies or practices that the City has implemented or will implement in the future. Accordingly, the City retains the right to establish, change, and abolish its policies, practices, rules, and regulations at will and as it sees fit.

11-1-6 EQUAL EMPLOYMENT OPPORTUNITY.

(A) **Policy.** It is the policy of the City to provide equal opportunity in employment to all employees and applicants for employment. No person is to be discriminated against in employment because of race, religion, color, sex, age, national origin, disability, or military status.

(B) **Comment.**

- (1) This policy applies to all terms, conditions, and privileges of employment, including hiring, introductory period, training, orientation, placement and employee development, promotion, transfer, compensation, benefits, educational assistance, layoff and recall, social and recreational programs, employee facilities, termination, and retirement.
- (2) The Personnel Manager, who reports directly to the Mayor and Council on matters relating to this policy, is responsible for formulating, implementing, coordinating, and monitoring all efforts in the area of equal employment opportunity. The Personnel Manager's duties include, among others:
 - (a) Assisting management in collecting and analyzing employment data;
 - (b) Developing policy statements, and recruitment techniques designed to comply with the equal employment policies of the City;
 - (c) Complying with various statutory record keeping and notice requirements of employment-related statutes and regulations; and
 - (d) Assisting supervisory personnel in arriving at solutions to specific personnel problems.
- (3) Any communication from an applicant for employment, an employee, a government agency, or an attorney concerning any equal opportunity matter should be referred to the Personnel Manager.
- (4) While overall authority for implementing this policy is assigned to the Personnel Manager, an effective equal employment opportunity program cannot be achieved

without the support of supervisory personnel and employees at all levels. Any employees who feel they are the victim of discrimination have a responsibility to report this fact to their supervisor and/or the Personnel Department.

11-1-7 PRODUCTIVE WORK ENVIRONMENT.

(A) **Policy.** It is the policy of the City to promote a productive work environment and not to tolerate verbal or physical conduct by any employee which creates an intimidating, offensive, or hostile environment.

(B) **Comment.**

(1) Employees are expected to act in a positive manner and contribute to a productive work environment that is free from harassing or disruptive activity. No form of harassment will be tolerated, and special attention is called to the prohibition of sexual harassment.

(2) Each supervisor has a responsibility to maintain the work place free of any form of sexual harassment. No supervisor is to threaten or insinuate, either explicitly or implicitly, that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment.

(3) **Policy Regarding Sexual Harassment in Employment for the City.**

(a) **Statement of City Policy.** The City is committed to providing a workplace that is free from all forms of discrimination, including sexual harassment. Any employee's behavior that fits the definition of sexual harassment is a form of misconduct, which may result in disciplinary action up to and including dismissal. Sexual harassment could also subject this City and, in some cases, an individual to substantial civil penalties. The City's policy on sexual harassment is part of its overall affirmative action efforts pursuant to state and federal laws prohibiting discrimination based on age, race, color, religion, national origin, citizenship status, unfavorable discharge from the military, marital status, disability, and gender.

Specifically, sexual harassment is prohibited by the Civil Rights Act of 1964, as amended in 1991, and the Illinois Human Rights Act.

Each employee of this City bears the responsibility to refrain from sexual harassment in the workplace. No employee - male or female - should be subjected to

unsolicited or unwelcome sexual overtures or conduct in the workplace. Furthermore, it is the responsibility of all supervisors to make sure that the work environment is free from sexual harassment. All forms of discrimination and conduct which can be considered harassing, coercive, or disruptive, or which create a hostile or offensive environment must be eliminated. Instances of sexual harassment must be investigated in a prompt and effective manner. All employees of this City, particularly those in a supervisory or management capacity, are expected to become familiar with the contents of this Policy and to abide by the requirements it establishes.

(b) **Definition of Sexual Harassment.** According to the Illinois Human Rights Act, sexual harassment is defined as: Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

- (i) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- (iii) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
The courts have determined that sexual harassment is a form of discrimination under Title VII of the Civil Rights Act of 1964, as amended in 1991.
- (d) Sexually degrading words to describe an individual; and
- (e) The display in the work place of sexually suggestive objects or pictures, including nude photographs.

One example of sexual harassment is where a qualified individual is denied employment opportunities and benefits that are, instead, awarded to an individual who submits (voluntarily or under coercion) to sexual advances or sexual favors.

Another example is where an individual must submit to unwelcome sexual conduct in order to receive an employment opportunity.

Other conduct commonly considered to be sexual harassment includes:

- Verbal: sexual 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 their presence, of a sexual nature.
- Non-verbal: suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking", or "kissing" noises.
- Visual: posters, signs, pin-ups, or slogans of a sexual nature.
- Physical: touching, unwelcome hugging or kissing, pinching, brushing the body, coerced sexual intercourse, or actual assault.

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

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

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

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

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

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

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

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

- (c) **Responsibility of Individual Employees.** Each individual employee has the responsibility to refrain from sexual harassment in the workplace. An individual employee who sexually harasses a fellow worker is, of course, liable for his or her individual conduct.

The harassing employee will be subject to disciplinary action up to and including discharge in accord with the company's disciplinary policy and the terms of any applicable collective bargaining agreement.

The City has designated the Commissioner of Water and Sewer and the Commissioner of Streets and Alleys to coordinate the company's sexual harassment policy compliance. The Commissioners can be reached at the City Clerk's Office, 302 E. Poplar Street between the hours of 7:30 A.M. and 4:30 P.M., phone (618) 542-3841. He/She is available to consult with employees regarding their obligations under this policy.

- (d) **Responsibility of Supervisory Employees.** Each supervisor is responsible for maintaining the workplace free from sexual harassment. This is accomplished by promoting a professional environment and by dealing with sexual harassment as with all other forms of employee misconduct.

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

Liability is either based on an organization's responsibility to maintain a certain level of order and discipline, or on the supervisor acting as an agent of

the organization. As such, supervisors must act quickly and responsibly not only to minimize their own liability but also that of the company.

Specifically, a supervisor must address an observed incident of sexual harassment or a complaint, with seriousness, take prompt action to investigate it, report it, and end it, implement appropriate disciplinary action, and observe strict confidentiality. This also applies to cases where an employee tells the supervisor about behavior that constitutes sexual harassment but does not want to make a formal complaint.

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

Supervisors in need of information regarding their obligations under this policy or procedures to follow upon receipt of a complaint of sexual harassment should contact:

Commissioner of Water and Sewer and/or the Commissioner of Streets and Alleys at the City Clerk's Office, 302 E. Poplar Street between the hours of 7:30 A.M. and 4:30 P.M., phone (618) 542-3841.

(e) **Procedures for Filing a Complaint of Sexual Harassment.**

(i) **Internal.** An employee who either observes or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating his/her position to the supervisor, EEO Officer*, and to the offending employee.

It is not necessary for the sexual harassment to be directed at the person making the complaint.

Each incident of sexual harassment should be documented or recorded. A note should be made of the date, time, place, what was said or done, and by whom. The documentation may be augmented by written records such as letters, notes, memos, and telephone messages.

No one making a complaint of sexual harassment will be retaliated against even if a complaint made in good faith is not

substantiated. Any witness to an incident of sexual harassment is also protected from retaliation.

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

- a. **Direct Communication.** If there is sexually harassing behavior in the workplace, the harassed employee should directly and clearly express her/his objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.
 - b. **Contact 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 or the EEO Officer. If the harasser is the immediate supervisor, the problem should be reported to the next level of supervision of the EEO Officer.
 - c. **Formal Written Complaint.** An employee may also report incidents of sexual harassment directly to the EEO Officer. The EEO Officer will counsel the reporting employee and be available to assist with filing a formal complaint. The City will fully investigate the complaint, and will advise the complainant and the alleged harasser of the results of the investigation.
- (ii) **External.** The City hopes that any incident of sexual harassment can be resolved through the internal process outlined above. All employees, however, have the right to file formal charges with the Illinois Department of Human Rights (IDHR) and/or the United States Equal Employment Opportunity Commission (EEOC). A charge with IDHR must be filed within **one hundred eighty (180) days** of

the incident of sexual harassment. A charge with EEOC must be filed within **three hundred (300) days** of the incident.

The Illinois Department of Human Rights may be contacted as follows:

CHICAGO (312) 814-6200
CHICAGO TDD (312) 263-1579
SPRINGFIELD (217) 785-5100.
SPRINGFIELD TDD (217) 785-5125

The United States Equal Employment Opportunity Commission can be contacted as follows:

CHICAGO (312) 353-2713
(800) 669-3362
TDD (800) 800-3302

An employee who is suddenly transferred to a lower paying job or passed over for promotion after filing a complaint with IDHR or EEOC may file a retaliation charge with either of these agencies. The charges must be filed within **one hundred eighty (180) days** (IDHR) or **three hundred (300) days** (EEOC) of the retaliation.

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

- (f) **False and Frivolous Complaints.** False and frivolous complaint charges refer to cases where the accuser is using a sexual harassment complaint to accomplish some end other than stopping sexual harassment. It does not refer to charges made in good faith, which cannot be proven. Given the seriousness of the consequences for the accused, a false and frivolous charge is a severe offense that can itself result in disciplinary action.
- (4) Any employee who believes that a supervisor's, another employee's, or a non-employee's actions or words constitute unwelcome harassment has a responsibility to report or complain about the situation as soon as possible. Such report or complaint should be made to the employee's supervisor, Commissioner, or Personnel Manager if the complaint involves the supervisor.
- (5) Complaints of harassment are to be handled and investigated under the City's grievance policy, unless special

procedures are deemed appropriate. Regardless, all complaints of harassment are to be investigated promptly and in as impartial and confidential a manner as possible. Employees are required to cooperate in any investigation. A timely resolution of each complaint is to be reached and communicated to the parties involved. Retaliation against any employee for filing a complaint or participating in an investigation is strictly prohibited.

- (6) Any employee, supervisor, or manager who is found to have engaged in harassment of another employee will be subject to appropriate disciplinary action, depending on the circumstances, up to and including termination.

11-1-8 HIRING.

(A) **Policy.** It is the policy of the City to be an equal opportunity employer and to hire individuals solely upon the basis of their qualifications and ability to do the job to be filled.

(B) **Comment.**

- (1) Supervisors and department heads who need to fill a job opening or want to add a new job position should submit an employment requisition to the Personnel Department for approval by the proper authorities. All requisitions will be reviewed, but those for new or seasonal job positions will be evaluated in greater detail before being approved.
- (2) The City will normally try to fill job openings above entry level by promoting from within, if qualified internal applicants are known to be available. In addition, the City will normally give consideration to any known qualified individuals who are on layoff status before recruiting applicants from outside the organization.
- (3) If candidates from within the City are to be considered for job openings, the Personnel Department will post the openings in accordance with procedures contained in PROMOTION. Current employee candidates for the openings will be considered and processed as outlined in TRANSFER.
- (4) If candidates from outside the City are to be considered for job openings, the Personnel Department, with direction from the City Council, will be responsible for recruiting the candidates and should use the recruitment methods and sources it considers appropriate to fill the openings.
- (5) During the recruitment, hiring, and orientation process, no statement should be made promising permanent or guaranteed employment.

- (6) When candidates from outside the City are to be considered for job openings, the following procedures should be followed:
- (a) Any candidate for employment must fill out and sign an employment application form in order to be considered for hiring;
 - (b) The Personnel Department will consider requests for accommodation of disabilities and religious beliefs and will determine what, if any, accommodation will be made;
 - (c) Applicants determined to be qualified for consideration for available job openings will be interviewed by the Personnel Department along with others designated by the City Council;
 - (d) Following a decision to hire the applicant, the Personnel Department or other designated official will make an offer of employment which should include any necessary contingencies or disclaimers. The Personnel Department will then make a determination as to whether the applicant has the legal right to work in the United States and, where appropriate, undertake credit, personal reference, and criminal conviction checks. A prior conviction, taken by itself, will not necessarily disqualify an applicant. If the applicant accepts the offer and a medical examination is required, the Personnel Department should arrange it.
 - (e) If the background, medical, or any other subsequent investigation discloses any misrepresentation on the application form or information indicating that the individual is not suited for employment with the City, the applicant will be refused employment or, if already employed, may be terminated.
 - (f) The Personnel Department is responsible for orientation of new employees and the processing of their employment forms, and the supervisor is responsible for any necessary job training.

- (7) A member of an employee's immediate family will not be considered for employment by the City, in so far as possible; and only with the consent of the majority vote of the Council.

These criteria will also be considered when assigning, transferring, or promoting an employee. For purposes of this policy, "immediate family" includes: the employee's spouse, brother, sister, parents, children, step-children, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, grandchildren, and any other member of the employee's household.

- (8) Employees who marry or become members of the same household may continue employment as long as there is not:
- (a) A direct or indirect supervisor/subordinate relationship between the employees; or
 - (b) An actual conflict of interest or the appearance of a conflict of interest.

Should one of the above situations occur, the City will attempt to find a suitable position within the City to which one of the affected employees may transfer. If accommodations of this nature are not feasible, the employees will be permitted to determine which of them will resign.

- (9) The City is taking affirmative action as required by law to employ and advance in employment qualified disabled veterans and veterans of the Vietnam era and qualified disabled individuals. The City is also taking affirmative action as required by law to employ and advance in employment qualified individuals without regard to race, sex, religion, or national origin.

- (10) Former employees who left the City in good standing may be considered for reemployment. Former employees who resigned without written notice or who were dismissed for disciplinary reasons may not be considered for reemployment. A former employee who is reemployed will be considered a new employee from the date of reemployment unless the break in service is less than **thirty (30) days**, in which case the employee will retain accumulated seniority. Length of service for the purposes of benefits is governed by the terms of each benefit plan. Employees who retire may be eligible, in certain circumstances, to be considered for rehire.

11-1-9 MEDICAL PROCEDURES.

(A) **Policy.** It is the policy of the City that applicants to whom a conditional offer of employment has been extended and present employees may be required to submit to medical tests or examinations whenever management feels such actions are necessary for the safe or efficient operation of the organization.

(B) **Comment.**

- (1) Successful applicants for employment will be required as a condition of employment to pass a medical examination to establish both their fitness to perform the jobs for which they have applied and their fitness to do so without endangering the health and safety of themselves or others. If management determines that an examination is appropriate to a particular position, all applicants for the job to whom a conditional offer of employment has been made are to be examined.
- (2) Employees may be required to have a medical examination on other occasions when the examination is job-related and consistent with business necessity. Such occasions may arise when there is the potential for exposure to toxic or unhealthful situations, when the employee is being considered for transfer or promotion, or when there is a question concerning the employee's ability to perform his duties or the job for which he is being considered.
- (3) Employees are encouraged, but not required, to have physical examinations periodically during their employment. The City may, however, require a physical every **five (5) years** during employment.
- (4) Medical examinations required by the City will be paid for by it and must be performed by a physician or licensed medical facility designated or approved by it. Such examinations paid for by the City are the property of the City and are to be treated as confidential and held in separate medical files. However, records of specific examinations, if required by law or regulation or warranted by appropriate business practice, will be made available to the employee, persons designated and authorized by the employee, public agencies, relevant insurance companies, or the employee's doctor.
- (5) Employees who need to use prescribed drugs or narcotics while at work, and where such use may impair their ability to perform their job safely and effectively, must report this requirement to the Personnel Department. Depending on the circumstances, employees may be reassigned, forbidden to perform certain tasks, or even not allowed to work if they are judged not able to perform their jobs safely and properly while taking prescribed drugs or narcotics.

- (6) The City reserves the right to require acceptable confirmation of the nature and extent of any illness or injury that requires an employee to be absent from scheduled work.
- (7) The City reserves the right to require a second medical opinion regarding an employee's absence because of illness or injury or regarding a doctor's certification of an employee's ability to return to work. Any such second opinion will be paid for by the City.
- (8) Employees who become ill on the job or suffer any work-connected injury, no matter how minor, are to report the incident to the Job Supervisor or the City Clerk's Office for proper recording. Time spent by an employee in waiting for and receiving such medical attention will be considered hours worked for pay purposes. Employee's who must leave their work station for medical attention should, whenever possible, notify their supervisor.

11-1-10 SERIOUS DISEASES.

(A) **Policy.** It is the policy of the City that employees with infectious, long-term, life-threatening, or other serious diseases may work as long as they are physically and mentally able to perform the duties of their job without undue risk to their own health or that of other employees or customers.

(B) **Comment.**

- (1) Serious diseases for the purposes of this policy include, but are not limited to, cancer, heart disease, multiple sclerosis, hepatitis, tuberculosis, human immunodeficiency virus ("HIV"), and acquired immune deficiency syndrome ("AIDS").
- (2) The City will support, where feasible and practical, educational programs to enhance employee awareness and understanding of serious diseases.
- (3) Employees afflicted with a serious disease are to be treated no differently than any other employee. However, if the serious disease affects their ability to perform assigned duties, such employees are to be treated like other employees who have disabilities that limit their job performance.
- (4) Employees who are diagnosed as having a serious disease and who want an accommodation should inform their supervisor or the Personnel Department of the condition as soon as possible. Supervisors and the Personnel Department should respond with compassion and understanding. In addition, they should review with the

employee City policy on such issues as employee assistance, leaves and disability, infection control, requesting and granting accommodations, the City's continuing expectation regarding the employee's performance and attendance, and available benefits.

- (5) Employees who have a serious disease and who want an accommodation should provide the Personnel Department with any pertinent medical records needed to make decisions regarding job assignments, ability to continue working, or ability to return to work. The City may also require a doctor's certification of an employee's ability to perform job duties. Additionally, the City may request that an employee undergo a medical examination.
- (6) The City will attempt to maintain the confidentiality of the diagnosis and medical records of employees with serious diseases, unless otherwise required by law. Information relating to an employee's serious disease will not be disclosed to other employees unless the information is, in the opinion of the City, necessary to protect the health or safety of the employee, co-workers, or others.
- (7) The City will comply with applicable occupational safety regulations concerning employees exposed to blood or other potentially infectious materials. Universal precautions, engineering and work practice controls, and personal protective equipment will be utilized to limit the spread of diseases in the work place.
- (8) Employees concerned about being infected with a serious disease by a co-worker, customer, or other person should convey this concern to their supervisor or the Personnel Department. Employees who refuse to work with or perform services for a person known or suspected to have a serious disease, without first discussing their concern with a supervisor, will be subject to discipline, up to and including termination. In addition, where there is little or no evidence of risk of infection to the concerned employee, that employee may be assigned to work or perform services for any other employee or customer as required by the City.
- (9) The City does not have available job duties requiring light duty.

11-1-11 INTRODUCTORY PERIOD.

(A) **Policy.** It is the policy of the City that all new employees and all present employees transferred or promoted to a new job are to be carefully monitored and evaluated for an initial introductory period. After satisfactory completion of the introductory period, those employees will be evaluated as provided for in the Performance Appraisals policy.

(B) **Comment.**

- (1) Normally, the introductory period should last at least six months. Supervisors should observe carefully the performance of each employee in a new job position. Where appropriate, weaknesses in performance, behavior, or department are to be brought to the employee's attention for correction.
- (2) Supervisors should prepare a written evaluation of the employee's job performance by the end of the first **six (6) months** on the new job. The evaluation should include a recommendation as to whether the employee should continue in the position. Copies of the evaluation are to be forwarded to the Commissioner and the Personnel Department for inclusion in the employee's personnel file.
- (3) (a) Employees will be allowed to continue their new positions if they are given both a satisfactory evaluation by the end of their initial **six (6) month** employment period and their supervisor's endorsement to continue in the job. Employees who do not receive a satisfactory evaluation and endorsement may be given additional time in **thirty (30) day** increments to demonstrate their ability to do the job if the supervisor feels additional time is warranted in order to achieve acceptable job performance.
- (b) Newly hired firemen shall have an initial introductory period of **twelve (12) months** to develop satisfactory and specific fire fighting skills as well as demonstrate the ability to perform the job in an acceptable manner. **(Ord. No. 2011-01-02; 02-14-11)**
- (4) Supervisors may recommend the termination of a newly hired employee at any time during the initial introductory period. A recommendation for termination should be submitted in writing to the Personnel Department and Commissioner for review and should include an evaluation and a listing of actions taken to assist the employee. Action to terminate must have the prior approval of the Personnel Department. **(Ord. No. 2010-06-03; 06-28-10)**
- (5) Transferred or promoted employees who are unable to perform satisfactorily in their new jobs may, at the discretion of management, be returned to their original jobs, if a vacancy exists, or may be terminated. However, the low person in seniority is normally the person transferred or terminated.

11-1-12 TRANSFER.

(A) **Policy.** It is the policy of the City that it may at its discretion initiate or approve employee job transfers from one job to another or from one location to another.

(B) **Comment.**

- (1) The City may require employees to make either a temporary or long-term job transfer in order to accommodate the City's business needs.
- (2) Employees may request a voluntary job transfer or bid if an opening exists. However, to be eligible for a voluntary transfer, employees must meet the requirements of the new position, must have held their current position for at least **six (6) months**, must have a satisfactory performance record, and must have no adverse disciplinary actions during the same time period.
- (3) Job openings for which management seeks candidates from within the City will be posted regularly on the employee bulletin board.
- (4) Eligible employees who request a transfer will be considered in the following order:
 - (a) Employees in the same department as the job opening, if the Commissioner agrees;
 - (b) Employees at the same location but in departments other than the one where the opening occurs;
 - (c) Employees who are being considered for layoff because of a reduction in force in accordance with any union contract or because of the elimination of their job;
 - (d) All other employees.
- (5) Employee requests for transfer should normally be handled as follows:
 - (a) The employee should submit a written request for a transfer to his current department head. The request should include the reason for the transfer and the department and specific job wanted.
 - (b) The department head should forward the request to the Personnel Department with a recommendation of approval or disapproval.
 - (c) The Personnel Department should determine whether the requested job or a suitable job opening exists in accordance with any union contract and whether the employee is eligible. If a job opening exists and the employee is eligible, the Personnel Department should arrange an interview between the candidate,

- the Commissioner, the Personnel Department and the department head who has the job opening.
- (6) Transferred employees will be subject in their new positions to the provisions of the Introductory Period policy. Transferred employees may be required to have a medical examination.
 - (7) Seniority is figured irregardless of department, so is not an issue where transfers are concerned.
 - (8) Pay for transferred employees will be handled as follows:
 - (a) Employees transferred to a job within the same range will continue to receive their existing rate of pay;
 - (b) Employees transferred to a job in a higher range will be paid at the higher rate;
 - (c) Employees transferred, for management's convenience, to a job in a lower range will usually be paid at their former rate. At management's discretion, however, employees may be paid at the rate of the new job;
 - (d) Employees who are transferred for disciplinary reasons, lack of work, budgetary reasons, city reorganization, or at their own request to a job in a lower range will be paid at the lower rate commencing with the start of the new job.
 - (9) Transfers involving employees moving into, out of, or within any unit covered by a labor contract must conform to the provisions of the contract.

11-1-13 PROMOTION.

(A) **Policy.** It is the policy of the City to hire employees for entry level positions, to provide training and development for employees when necessary, and to offer employees promotions to higher level positions when appropriate. Management prefers to promote from within and may first consider current employees with the necessary qualifications and skills to fill vacancies above the entry level, unless outside recruitment is considered to be in the City's best interest.

(B) **Comment.**

- (1) All employees are encouraged to seek advancement opportunities and to obtain promotion and career guidance from their supervisor, Commissioner, and/or Personnel Department.
- (2) An employee's basic eligibility for promotion will be determined by the requirements of the new job. In addition, the employee must have held his current position for at least **six (6) months** and have both a satisfactory performance

- record and no adverse disciplinary actions during the same period.
- (3) Job openings and promotions for which management seeks candidates from within the City will normally be posted on the employee bulletin board. From time to time, however, management may, as it considers appropriate, fill job openings or make promotions without posting notices. When job openings or promotion opportunities are posted:
 - (a) Interested employees must initiate a written transfer request to the Personnel Department with **five (5) business days** of the posting;
 - (b) Supervisors and department heads may initiate the procedure within the same time period and propose employees for the position; and
 - (c) The Personnel Department may, at its discretion, solicit outside candidates during or after the posting period.
 - (4) Current employee candidates for job opening and promotions will be considered for the position as outlined in the Transfer policy. Applicants recruited from outside the City will be considered for employment as outlined in the Hiring Policy.
 - (5) Current employee candidates for promotion will normally be screened and selected on the basis of attendance and work records, performance appraisals and job-related qualifications including in some instances, aptitude or achievement tests. Seniority will be considered if required by a labor contract or if two or more candidates are judged to be equally qualified based on merit, work record, and other qualifications. In addition, employees seeking promotion may be required to have a medical examination.
 - (6) Promoted employees will be subject in their new positions to the provisions of the Introductory Period policy. Promoted employees may be required to have a medical examination.

11-1-14 HOURS OF WORK.

(A) **Policy.** It is the policy of the City to establish the time and duration of working hours as required by work load, customer service needs, the efficient management of human resources, and any applicable law.

(B) **Comment.**

- (1) The schedule of hours for employees will be determined by each Commissioner. Department heads may schedule overtime or extra shifts when necessary. For the purposes

- of overtime compensation, only hours worked in excess of **forty (40)** during a workweek will be counted.
- (2) Employee attendance at lectures, meetings, and training programs will be considered hours of work if attendance is requested by management.
 - (3) All employees are required to complete an individual time card showing the daily hours worked. The following points should be considered in filling out time records:
 - (a) Employees should record their starting time, time out for lunch, time in from lunch, time in and out for other purposes, quitting time, and total hours worked for each workday, overtime will be recorded on a separate time card;
 - (b) Employees are required to take scheduled lunch breaks unless approved by their supervisor;
 - (c) Employee time records should be checked and signed by the supervisor involved.
 - (d) Filling out another employee's time record or falsifying any time record is prohibited and may be grounds for disciplinary action, up to and including termination.

11-1-15 OUTSIDE EMPLOYMENT.

(A) **Policy.** It is the policy of the City to allow its employees to engage in outside work or hold other jobs, subject to certain restrictions as outlined below.

(B) **Comment.**

- (1) The City requires that employees' activities and conduct away from the job must not compete or conflict with or compromise its interests, or adversely affect job performance and the ability to fulfill all responsibilities to the City. This prohibition also extends to the unauthorized use of any City tools or equipment and the unauthorized use or application of any confidential information.
- (2) Full-time employees are not encouraged to engage in outside employment or other work activity, but may be permitted to do so.
- (3) Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If outside work activity does cause or contribute to job-related problems, it must be discontinued; and, if necessary, normal disciplinary procedures will be followed to deal with the specific problems.

- (4) Employees who have accepted outside employment are not eligible for paid sick time when the absence is used to work on the outside job or is the result of an injury sustained on that job. Fraudulent use of sick time will result in disciplinary action.

11-1-16 TEMPORARY AND PART-TIME EMPLOYEES.

(A) **Policy.** It is the policy of the City to supplement the regular work force as needed with temporary or part-time employees, or other forms of flexible staffing.

(B) **Comment.**

- (1) A temporary employee is an individual who is hired either part-time or full-time for a specified, limited period. A part-time employee is an individual who is hired for an indefinite period, but who works less than a normal workweek. Other flexible staffing classifications or arrangements may be added as needed.
- (2) Temporary and part-time positions generally will be filled as follows:
 - (a) The head of the department with the need will attempt to fill the position by transfers from within the department.
 - (b) The department head will submit a request to the Personnel Department, which will try to satisfy the request by the transfer of employees from other departments.
 - (c) If it is necessary to hire temporary or part-time personnel from outside the City, the procedures contained in Hiring should be used.
- (3) Regular full-time employees who are given temporary transfers are not considered temporary employees unless, in fact, their job has been eliminated and only temporary employment is available.
- (4) The City may use students and other similar applicants, if not prohibited by law. When considered necessary, those applicants will be required to provide a certificate of age.
- (5) The rate of pay for temporary employees will be the same as a laborer in that department. The rate of pay for part-time employees will be determined by the departments' Commissioner.
- (6) Temporary and part-time employees do not qualify for holiday pay. It is considered a day off without pay. The following days are observed by the City: New Year's Day, Martin Luther King Day, Good Friday, Memorial Day, 4th of

July, Labor Day, Veteran's Day, Thanksgiving Day, Day after Thanksgiving, Christmas Eve, Christmas Day, New Year's Eve and the employee's birthday. The Personnel Department will provide an annual holiday list that designates which days of the week are observed for holidays.

- (7) A temporary or part-time employee is allowed to work up to **one thousand (1,000) hours** per calendar year. Any overtime worked is included in the **one thousand (1,000) hours**.
- (8) Temporary or part-time employees do not qualify for health benefits, participation in a retirement fund or sick and vacation time. Any day taken off by the employee will be taken without pay.

11-1-17 LAYOFF AND RECALL.

(A) **Policy.** It is the policy of the City that, if it must reduce employment because of adverse economic or other conditions, layoffs and recall from layoffs will be conducted consistent with City requirements and in accordance with the procedures set forth below.

(B) **Comment.**

- (1) The City will attempt to avoid layoffs and, whenever possible, will consider alternatives to layoff before any final decisions are made. In the event that a layoff is expected, the City will attempt to communicate information about an impending layoff as soon as possible.
- (2) Layoffs that are expected to be temporary will be handled according to the provision of this policy. Selections for layoffs that are known to be permanent will be made according to this policy and then handled according to policies outlined in Termination of Employment.
- (3) Employees within each affected department are to be selected for layoff in the following order:
 - (a) Temporary and part-time employees are to be laid off first;
 - (b) New employees covered under the Introductory Period policy are to be laid off next;
 - (c) Full-time employees are to be laid off based on their length of service, provided that the employees who are retained have the demonstrated ability and fitness to perform the available work. If after a reasonable time, an employee cannot perform the duties of a new job, that employee is to be laid off if the employee is ineligible to transfer to any other job.

- (4) Employees who are laid off will be maintained on a recall list for **one (1) year**. Removal from the recall list terminates all job rights the employee may have. While on the recall list, employees should report to the Personnel Department if they become unavailable for recall. Employees who fail to keep a current home address on record with the Personnel Department will lose their recall rights.
- (5) Employees will be recalled according to need and their classification and ability to do the job. Notice of recall will be sent by registered mail, return receipt requested, to the current home address furnished by the employee to the Personnel Department. Unless an employee responds to the recall notice within **seven (7) days** following receipt of the notice, or its attempted delivery, the employee's name will be removed from the recall list and the employee will cease to have any job rights with the Company.
- (6) No vacation or sick days will be accrued during layoff. When an employee returns to work following recall, however, the employee may use any vacation or days of paid absence accumulated but not used at the time of layoff.
 - (a) Vacation pay equal to the number of days accrued during the vacation year, minus the number of days taken, will be paid at the next payroll period after layoff, if the layoff is expected to exceed **thirty (30) days**.
 - (b) Sick time equal to **fifty percent (50%)** of the amount accrued, shall be paid at the next payroll period after layoff, if the layoff is expected to exceed **thirty (30) days**.

11-1-18 TERMINATION OF EMPLOYMENT.

(A) **Policy.** It is the policy of the City to terminate employment because of an employee's resignation, discharge, retirement, or a permanent reduction in the work force.

(B) **Comment.** Employees are requested to give written notice of their intent to resign. Failure to give written notice may result in forfeiture of nonvested City benefits and ineligibility for reemployment. Employees who are absent from work for **two (2) consecutive days** without being excused or giving proper notice will be considered as having voluntarily quit.

11-1-19 RETIREMENT.

(A) **Policy.** It is the policy of the City that employees are eligible for normal retirement on the **first (1st) day** of the month following the month in which they reach age **sixty-five (65)**. Certain retirement plans allow for retirement at an age below the age of **sixty-five (65)**. The City will abide by those plans.

- (1) Employees who choose to retire are requested to give the Personnel Department as such advance notice of their intent as possible. Employees who have given notice of either normal or early retirement may be called upon to assist in the training of their replacements.
- (2) Retiring employees are eligible to receive pay for accrued but unused vacation.
- (3) Retiring employees are eligible to receive **fifty percent (50%)** of their accrued sick pay with the exception of Fire Department personnel. Fire Department personnel shall be eligible to receive **thirty-three percent (33%)** of their accrued sick pay. **(Ord. No. 2009-08-02; 08-24-09)**
- (4) Retiring employees who were hired before **July 25, 1995** are eligible for retiree health benefits at the rate to be periodically determined by the Council. Employees who were hired on or after **July 25, 1995** are not eligible for retiree health benefits unless otherwise specified by Illinois State Statute and at a rate specified by the City Council.

11-1-20 SALARY ADMINISTRATION.

(A) **Policy.** It is the policy of the City to pay compensation that is nondiscriminatory and competitive. However, all compensation policy decisions must take into consideration the City's overall financial condition and competitive position.

(B) **Comment.** Employees should be given information about their overall compensation which includes numerous noncash benefits such as, social security, medicare, pension, worker's compensation, and unemployment insurance.

11-1-21 PERFORMANCE APPRAISALS.

(A) **Policy.** It is the policy of the City that the job performance of each employee should be evaluated periodically.

(B) **Comment.**

- (1) The Personnel Manager should notify each Commissioner **thirty (30) days** (or the practical time) in advance of the evaluation due date. The Personnel Manager may, at that time, make comments about the work progress of the employee which will become part of the employee file. The Commissioners, with the help of the Personnel Department, should complete performance appraisals upon the following occasions:
 - (a) By the end of the first **six (6) months** of employment;
 - (b) The anniversary date of employment;

- (c) When the employee is transferred or promoted to a new job;
- (d) When the employee is assigned to a new supervisor;
- (e) When a reduction of staff is necessary.

If a performance appraisal has been completed within **one (1) month** of the above occasions, a new appraisal does not have to be completed. Between scheduled appraisals, supervisors should discuss with employees on an informal basis any performance issues that require attention and should keep records of any significant incidents.

- (2) The evaluation of employees should consider factors such as the experience and training of the employee, the job description, and the employee's attainment of previously set objectives and goals. Other factors that normally should be considered include knowledge of the job, quantity and quality of work, promptness in completing assignments, cooperation, initiative, reliability, attendance, judgment, conduct, and acceptance of responsibility.
- (3) The personnel records will be kept by the Personnel Manager and locked for safekeeping.
- (4) The evaluation must be signed by the employee. However, if the employee disagrees with the content, a separate letter by the employee will be attached to the evaluation form (copy attached).

11-1-22 JOB EVALUATION.

(A) **Policy.** It is the policy of the City to evaluate all jobs in order to establish a consistent basis for measuring and ranking the relative worth of each job.

(B) **Comment.**

- (1) The Personnel Department, with the help of each Commissioner, is responsible for developing and administering the job evaluation program.
- (2) Written job descriptions will be prepared for each position in the City.

11-1-23 PAY PROCEDURES.

(A) **Policy.** It is the policy of the City to pay employees by check on a regular basis and in a manner so that the amount, method, and timing of wage payments comply with any applicable laws or regulations.

(B) **Comment.**

- (1) Employees normally will be paid on Friday of each week. If a regular payday occurs on a holiday, employees will be paid on the last working day before the regular payday. The time

in which payroll checks are available will be determined by the payroll department.

- (2) Employees on each payday will receive, in addition to their check, a statement showing gross pay, deductions, and net pay. Local, state, federal and social security deductions will be made automatically. No other deduction will be made unless required or allowed by law, contract, or City Council approval.
- (3) Employees who discover a mistake in their paycheck, lose their paycheck, or have it stolen should notify the Payroll Department immediately. In the case of a mistake, the error will be remedied the next payroll period. In the case of loss or theft, the Payroll Department will attempt to stop payment on the check and reissue a new one to the employee. However, the employee is solely responsible for the monetary loss, and the city cannot be responsible for the loss or theft of a check if it cannot stop payment on the check.

11-1-24 TRAVEL.

(A) **Policy.** It is the policy of the City that business travel must be approved in advance and should be engaged in and reimbursed according to the guidelines below.

(B) **Comment.**

- (1) Employees holding jobs that require extensive travel are expected to travel as a condition of employment. For all other jobs, travel is considered only an incidental function of the position, but may be required.
- (2) Supervisors must approve any employee travel in advance. Under normal circumstances, employees should make all travel arrangements for transportation and lodging using the travel agency specified by the City.
- (3) The City may issue guidelines specifying or restricting travel booking requirements. Under normal circumstances, employees should use the most expedient mode of transportation available, book the least expensive fares, and stay in and eat at moderately priced establishments.
- (4) Employees should provide their supervisor with a copy of their itinerary before leaving on business travel.
- (5) Employee expenses for approved travel will be paid or reimbursed when properly documented by the employee.

- (6) Time spent by employees in traveling away from home on City business during normal working hours is considered hours worked for pay purposes.
- (7) Employees traveling on City business are representatives of the City and are expected to maintain a high level of professionalism and follow all of the City's policies and rules.

11-1-25 AUTOMOBILE USAGE.

(A) **Policy.** It is the policy of the City to provide vehicles for business use, to allow employees to drive on City business, and to reimburse employees for business use of personal vehicles according to the guidelines below.

(B) **Comment.**

- (1) Employees may not drive vehicles for City business without the prior approval of their supervisor. Before approving a driver, the supervisor must check the employee's driving record, verify the existence of a valid driver's license, and make sure the employee is eligible for coverage under any applicable City insurance.
- (2) Employees holding jobs designated as requiring regular driving for business as a condition of employment must be able to meet the driver approval standards of this policy at all times. In addition, such employees must inform their supervisors of any changes that may affect their ability to meet the standards of this policy. For all other jobs, driving is considered only an incidental function of the position.
- (3) All employees needing transportation for City business may use vehicles assigned to their department. When no City vehicles are available, employees may use their own vehicles for City purposes, but only with the prior approval of their supervisor.
- (4) Employees who drive a vehicle on City business must, in addition to meeting the approval requirements above, exercise due diligence to drive safely and to maintain the security of the vehicle and its contents. Drivers also must make sure that the vehicle meets with City or legal standards for insurance, maintenance, and safety. Employees are also responsible for any driving infractions or fines as a result of their driving.
- (5) Employees are not permitted, under any circumstances, to operate a City vehicle, or a personal vehicle for City business, when any physical or mental impairment causes the employee to be unable to drive safely. This prohibition includes, but is not limited to, circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of illness, medication, or intoxication.

- (6) Employees driving on City business may claim reimbursement for parking fees and tolls actually incurred. In addition, employees driving City vehicles may claim reimbursement for gasoline and other expenses directly incurred for business purposes. Employees using a City-supplied car or portable cellular phone must keep a log to substantiate its City usage.
- (7) Employees who use their personal vehicle for approved business purposes will receive a mileage allowance as determined by the City Council. This allowance is to compensate for the cost of gasoline, oil, depreciation, and insurance.
- (8) Employees must report any accident, theft, or damage involving a City vehicle or a personal vehicle use on City business to their supervisor and the Personnel Department, regardless of the extent of damage or lack of injuries. Such reports must be made as soon as possible but no later than **forty-eight (48) hours** after the incident. Employees are expected to cooperate fully with authorities in the event of an accident. However, they should not make any statements other than in reply to questions of investigating officers.
- (9) Time spent by employees in driving a City or personal vehicle on City business during normal working hours is considered hours worked for pay purposes. However, driving time will be considered part of the employee lunch period or break.

11-1-26 MEAL REIMBURSEMENT.

(A) **Policy.** It is the policy of the City to partially reimburse employees for City-related meals.

(B) **Comment.** Employees required to travel on City business may be partially reimbursed for meals at a rate established by the Council.

11-1-27 DISCLOSURE OF BENEFITS.

(A) **Policy.** It is the policy of the City to provide its employees with various welfare and pension benefits. Information and summary communications intended to explain these benefit plans will be furnished to all plan participants and beneficiaries on a timely and continuing basis. The City reserves the right to modify, amend, or terminate its welfare and pension benefits as they apply to all current, former, and retired employees. The Administrator of each benefit plan has the

discretionary authority to determine eligibility for benefits and to interpret the plan's terms.

(B)

Comment.

- (1) The City offers certain benefits to eligible employees, including health and life insurance and pension and retirement plans. Eligibility will depend upon the specific requirements of each benefit plan. The City also provides a number of other benefits such as leaves of absences and paid vacation, holidays, and sick days.
- (2) All benefits provided by the City are described in official documents which are kept on file in the Personnel Department. These documents are available for examination by any plan participant or beneficiary. In addition, these documents are the only official and binding materials concerning the City's welfare and pension benefits. All summaries and communications, both written and verbal, must refer to them as binding in cases of questions or disputes.
- (3) The Personnel Manager serves as Administrator of the City's welfare and pension plans. The Administrator is responsible for all communications and disclosures concerning City benefits and for compliance with all applicable laws and regulations. In addition, the Administrator is available to answer questions concerning the benefit plans.
- (4) Under certain of the City's insurance and retirement plans, each employee must designate a beneficiary for the employee's death benefits. The designation must be made in writing and in a form acceptable to the Administrator. It is the employee's responsibility to maintain the proper beneficiary designations and to alert the Administrator to any changes in status affecting eligibility and/or designations.
- (5) If the plan participants or beneficiaries make a written request for information concerning the City's benefit plans, the Administrator will provide the following information:
 - (a) Complete copies of the latest summary plan description; the latest annual report; any terminal report; and any bargaining agreement, contract, or other instrument under which the plan is established or operated. The Administrator may make a reasonable charge to cover the cost of providing such copies.
- (6) The Administrator will provide each participant in a pension plan a statement describing the nature, amount, and form of the deferred vested benefit to which the participant is entitled if, during the plan year, the participant:
 - (a) Separates from the service covered by the plan;
 - (b) Is entitled to a deferred vested benefit under the plan as of the end of the plan year; or
 - (c) Was not paid retirement benefits under the plan.
- (7) Participant contributions to benefit plans normally will be deducted from the employee's paycheck if the employee has

authorized the deduction in writing. Contributions to benefit plans are not included in the employee's gross wages for income tax purposes.

- (8) Employees, spouses, and dependents covered by the City's health benefit plan will be notified, when appropriate, that they have the opportunity to continue their health care coverage, at their own expense, in certain situations including layoff, termination, reduction in hours or employment, and separation or divorce.

11-1-28

(A) compensatory time established below.

VACATIONS AND COMPENSATORY TIME.

Policy. It is the policy of the City to grant annual vacations and with pay to full-time employees in accordance with the guidelines

(B)

Vacations.

- (1) The established vacation year is defined by the employee's hiring anniversary date unless otherwise specified. Vacations are accrued or earned based on the employee's length of service and on the time worked during the preceding vacation year. In addition, vacations are not cumulative and normally must be taken in the vacation year immediately following the year in which they are accrued.
- (2) Full-time employees will accrue paid vacation according to the following schedule:

<u>Period</u>	<u>Paid Vacation</u>
After one year	One week
After two years	Two weeks
After ten years	Three weeks
After eleven years	Three weeks and one day
After twelve years	Three weeks and two days
After thirteen years	Three weeks and three days
After fourteen years	Three weeks and four days
After fifteen years	Four weeks (maximum)

- (3) Employees must submit vacation plans to their supervisor **thirty (30) days** prior except for the case of an emergency. Management reserves the right to designate when some or all vacations must be taken. Supervisors are responsible for ensuring adequate staffing levels and should attempt, when feasible, to resolve vacation scheduling conflicts based on length of service. However, employees who want to change their plans after the vacation schedule has been set lose their seniority consideration.
- (4) Employees may not receive vacation pay in lieu of time off nor will employees be paid for any unused vacation remaining at the end of the vacation year unless contractually specified.
- (5) When employment is terminated, employees will receive vacation pay for any unused vacation accrued at the time of termination.

- (6) If a paid holiday falls within an employee's vacation period, an additional day of vacation will be granted. This additional day may be taken at the beginning or end of the employee's vacation period or at another time during the vacation year, subject to the supervisor's approval. No allowance will be made for sickness or other compensable type of absence occurring during a scheduled vacation.
- (7) Any vacation time that is not used before the anniversary date will be forfeited. The employee may, with the supervisor's written permission, be granted an additional **sixty (60) days** to use any remaining vacation. After this time period, the vacation will be lost.
- (8) A copy of each departmental vacation schedule shall be kept in the City Clerk's office.

(C)

Compensatory Time.

- (1) That from and after the effective date of this Section, only the following non-bargaining unit employees of the City shall be entitled or eligible to receive comp time at the corresponding accrual rates unless contractually specified:

City Clerk/Administrator	1 for 1 hour
Chief of Police	
Chief of Fire Department	
Asst. Chief of Police	1.5 for 1 hour
Police Sergeants	
Asst. Fire Chief	
All Firemen	
Public Works Director (comp time only)	
Public Health Officer (optional in lieu of overtime pay)	

- (2) That the above employees shall not be permitted to accrue or use more than **eighty (80) comp time hours** in any given year. No comp time will be carried over in to the following year.
- (3) Any employee who separates from the City shall be entitled to be paid his/her comp time at the value of his salary as of the time the comp time is liquidated, not as of the time it is accrued.

(Ord. No. 2010-12-02; 12-28-10)

11-1-29 HOLIDAYS.

(A) **Policy.** It is the policy of the City to designate and observe certain days each year as holidays. Eligible employees will be given a day off for each holiday observed.

(B) **Comment.**

- (1) The schedule of holidays the City will observe is as follows:

New Year's Day
Martin Luther King Day
Good Friday
Memorial Day
Fourth of July
Labor Day

Veteran's Day
Thanksgiving Day
Friday following Thanksgiving Day
Christmas Eve Day
Christmas Day
New Year's Eve Day
Employee Birthday

- (2) To receive holiday pay, an eligible employee must be at work or taking an approved absence on the work days immediately preceding and immediately following the day on which the holiday is observed. An approved absence is a day of paid vacation or paid short-term absence. If an employee is absent on one or both of these days because of an illness or injury, the City reserves the right to verify the reason for the absence before approving holiday pay.
- (3) If a holiday occurs during an employee's vacation period, the employee will be given additional paid day off. The additional day may be taken at the beginning or end of the vacation, or as another day to be taken off later in the year.

11-1-30 MAINTENANCE OF WORK AREAS.

(A) **Policy.** It is the policy of the City that work areas must be kept clean and orderly at all times.

(B) **Comment.**

- (1) Employees are responsible for maintaining their work areas in a clean and orderly fashion. To fulfill this responsibility, each employee should, at a minimum, do the following:
 - (a) Place coats, boots, umbrellas, and other items of clothing in designated areas so the work stations are not unnecessarily cluttered;
 - (b) Prior to the end of the workday, clean and store all tools and equipment and properly secure any items, papers, or information of value.
- (2) Supervisors are responsible for having their employees maintain their work areas according to the requirements of this policy. Each supervisor should:
 - (a) Make sure that aisles, floors, and walls are free of debris and other unnecessary items and that all end-of-shift tasks have been performed;
 - (b) Monitor the facilities and equipment and issue maintenance requests where appropriate;

- (c) Arrange for the removal of any items from the work place that are not needed for the flow of business or the enhancement of employee comfort;
 - (d) Report to the Supervisor any existing or potential workplace hazards and safety violations; and
 - (e) Ensure the proper disposal of all trash, waste, and scrap.
- (3) The City will attempt to maintain the temperature, lighting, and noise level of its facilities at a level that is comfortable for employees yet appropriate for the nature of its operations. Employees should inform their supervisor of any concerns about working conditions.

11-1-31 ABSENCE FROM WORK.

(A) **Policy.** It is the policy of the City to require employees to report for work punctually and to work all scheduled hours and any required overtime. Excessive tardiness and poor attendance disrupt work flow and customer service and will not be tolerated.

(B) **Comment.**

- (1) Supervisors should notify employees of their starting, ending, and, where applicable, break times. Employees are expected to be engaged in carrying out their duties during all scheduled work time and should be ready to begin working at their scheduled starting time.
- (2) Employees should notify their supervisor as far in advance as possible whenever they are unable to report for work, know they will be late, or must leave early. Such notification should include a reason for the absence and an indication of when the employee can be expected to report for work. If the supervisor is unavailable, notification should be made to the Personnel Department.

11-1-32 SMOKING.

(A) **Policy.** It is the policy of the City to comply with all applicable federal, state, and local regulations regarding smoking in the workplace and to provide a work environment that promotes productivity and the well-being of its employees.

(B) **Comment.**

- (1) The City recognizes that smoking in the workplace can adversely affect employees. Accordingly, smoking is prohibited at all of its facilities.

- (2) Smoking is prohibited inside all City facilities. The smoking policy applies to employees during working time and to customers and visitors on the City's premises.
- (3) Employees are expected to exercise common courtesy and to respect the needs and sensitivities of co-workers with regard to the smoking policy. Complaints about smoking issues should be resolved at the lowest level possible, but may be processed through the City's grievance procedure. Employees who violate the policy will be subject to disciplinary action.
- (4) The City does not discriminate against individuals on the basis of their use of legal products, such as tobacco, if the use occurs during nonworking time and off of the City's premises.

11-1-33 CONDUCT; DRUGS, NARCOTICS, AND ALCOHOL.

(A) **Policy.** It is the policy of the City to maintain a work place that is free from the effective of drug and alcohol abuse.

(B) **Comment.**

- (1) Employees are prohibited from the use, sale, dispensing, distribution, possession, or manufacture of illegal drugs and narcotics or alcoholic beverages on City premises or work sites. In addition, employees are prohibited from the off-premises use of alcohol and possession, use, or sale of illegal drugs when such activities adversely affect job performance, job safety, or the City's reputation in the community.
- (2) The City will not hire, unless state or local law provides otherwise, alcoholics or drug abusers whose current use of such substances prevents them from performing their jobs or who would constitute a direct threat to the property or safety of others. Whatever applicants for employment are to be tested for the presence of such substances, they are to be informed of the test in advance and in writing.
- (3) Employees will be subject to disciplinary action, up to and including termination, for violations of this policy. Such violations include, but are not limited to, possessing illegal or nonprescribed drugs and narcotics or alcoholic beverages at work; or dispensing, distributing, or illegally manufacturing or selling them on City premises and work sites. Employees, their possessions, and City-issued equipment and containers

under their control are subject to search and surveillance at all times while on City premises or while conducting City business.

- (4) Employees may be required to take a test at any time to determine the presence of drugs, narcotics, or alcohol, unless such tests are prohibited by law. Testing positive for illegal drugs or alcohol is a violation of this policy. Employees subject to the Drug-Free Workplace Act who are convicted of any criminal drug violation occurring in the workplace must report such conviction to the Personnel Department within **five (5) days**, and the Personnel Department is then to take appropriate action as required by law.
- (5) Supervisors should report immediately to the Personnel Department any action by an employee who demonstrates an unusual behavior pattern. The Personnel Department will determine whether the employee should be examined by a physician or clinic and/or tested for drugs and alcohol. Employees believed to be under the influence of drugs, narcotics, or alcohol will be required to leave the premises. The Security Officer should be notified to arrange safe transit.
- (6) Any employees who use legal drugs or narcotics during work, and have any reason to expect such use may affect their ability to perform their work, must report this fact to the Personnel Department. A determination will then be made as to whether the employee should be able to perform the essential functions of the job safely and properly.
- (7) Employees who are experiencing work-related or personal problems resulting from the drug, narcotic, or alcohol abuse or dependency may request, or be required to seek, counseling help. City-sponsored or required counseling should be kept confidential and should not have any influence on performance appraisals.
- (8) Any employee who is abusing drugs or alcohol may be granted a leave absence to undertake rehabilitation treatment. The employee will not be permitted to return to work until certification is presented to the Personnel Department that the employee is capable of performing his job. Failure to cooperate with an agreed-upon treatment plan may result in discipline, up to and including termination. Participation in a treatment program does not insulate an employee from the imposition of discipline for violations of this or other City policies.

- (9) The City will, to the extent feasible, provide continuing awareness programs for the work force about the harmful effects of drug and alcohol abuse.

11-1-34 ATTENDANCE AND PUNCTUALITY.

(A) **Policy.** It is the policy of the City to require employees to report for work punctually and to work all scheduled hours and any required overtime. Excessive tardiness and poor attendance disrupt work flow and customer service and will not be tolerated.

(B) **Comment.**

- (1) Supervisors should notify employees of their starting and ending times. Employees are expected to be engaged in carrying out their duties during all scheduled work time and should be ready to begin working at their scheduled starting time.
- (2) Employees should notify their Supervisor first, then the Personnel Department if the Supervisor is not available, as far in advance as possible whenever they are unable to report for work, know they will be late, or must leave early. Such notification should include a reason for the absence and an indication of when the employee can be expected to report for work.
- (3) Employees are to be compensated during authorized absences in accordance with the policies contained in Short-Term Absences and Leaves of Absence. Nonexempt employees (those employees subject to the minimum wage and overtime requirements of the Fair Labor Standards Act) will not receive compensation for time missed because of tardiness or early departure if the time missed exceeds **ten (10) minutes** after starting time or before quitting time. Failure to notify the City property of any absence may result in loss of compensation during the absence and may be grounds for disciplinary action.
- (4) Employees who are delayed in reporting for work more than **thirty (30) minutes** and who have not notified their Supervisor or the Personnel Department of their expected tardiness may lose their right to work the balance of the work day. In addition, employees who report for work without proper equipment or improper attire may not be permitted to work. Employees who report for work in a condition considered not fit for work whether for illness or any other reason will not be allowed to work.

- (5) Employees generally are expected to report for work during inclement weather conditions if the City does not declare an emergency closing. Nonexempt employees who are unable to report because of weather conditions will be granted an authorized unpaid absence. Nonexempt employees who are late because of weather conditions will be given a chance to make up their missed time if work schedules and conditions permit.
- (6) Employees must report to the Supervisor or the Personnel Department after being late or absent, give an explanation of the circumstances surrounding their tardiness or absence, and, when applicable, certify that they are fit to return to work. The information should be recorded in the employee file. When appropriate, the supervisor should counsel the employee on the importance of good attendance and warn that excessive tardiness or absences will lead to discipline, up to and including termination.
- (7) Unauthorized or excessive absences or tardiness will result in disciplinary action, up to and including termination. An absence is considered to be unauthorized if the employee has not followed proper notification procedures or the absence has not been properly approved. Absences in excess of those allowed in Short-Term Absences and Leaves of Absence and tardiness or early departure more than **three (3)** times in a **three (3) month** period generally are grounds for discipline.
- (8) Employees who are absent from work for **two (2) consecutive days** without giving proper notice to the City will be considered as having voluntarily quit. At that time, the City will formally note the termination and advise the employee of the action by certified mail to the employee's last known address.

11-1-35 SHORT-TERM ABSENCES.

(A) **Policy.** It is the policy of the City to permit employees to be absent from work on an authorized short-term basis for a variety of reasons, including sickness or injury. To help employees maintain their income during certain authorized absences, the City will provide compensation according to the guidelines below.

(B) **Comment.**

- (1) A short-term absence generally is any absence of **two (2) workweeks** or less. Absences that are longer than **two (2) workweeks** or that are designated as Family and

Medical Leave Act absences must be converted to a leave of absence if employment rights are to be maintained.

- (2) An authorized short-term absence may include any of the following:
 - (a) Sickness or injury resulting in the temporary disability of the employee or a member of his immediate family;
 - (b) An authorized short-term absence may include any of the following: Bereavement: A death, funeral, or estate settlement in the employee's immediate family shall warrant a short term absence for the employee in the amount of **twenty-four (24) hours** to be taken within **five (5) consecutive days** of the death of an immediate family member. In the event of extraordinary circumstances and at the discretion of the immediate supervisor, the employee may request the use of accumulated sick time for additional time off. **(Ord. No. 2009-08-02; 08-24-09)**
 - (c) Marriage of the employee or a member of his immediate family;
 - (d) Urgent personal business that cannot be conducted outside of normal working hours;
 - (e) Jury duty or testifying as a subpoenaed witness in a judicial proceeding;
 - (f) Religious observance required by the employee's religion;
 - (g) Emergency closing of the City's operations;
 - (h) Approved voluntary participation in community activities.
- (3) In order for short-term absences to be considered authorized and potentially eligible for compensation, employees must obtain approval for the absence from the Supervisor, then notify the City Clerk Department. Employees should give the City Clerk **thirty (30) days** advance notice of an anticipated absence or as much advance notice as is practical under the circumstances. Unauthorized absences and absences in excess of what is allowed under this policy, except for an approved leave of absence, will be considered abuses of this policy and are grounds for disciplinary action.
- (4) Full-time employees are eligible to be compensated for regular base wages lost during certain periods of authorized absence to the extent that they have accumulated days of paid absence as provided under this policy. However, not all absences authorized under the Policy will be compensated. Sick days may be accumulated as follows:
 - (a) New employees during the introductory period – non paid, but **two (2) hours** per week worked may be accumulated;
 - (b) All other full-time employees (except Fire Department full time employees) - **two (2) hours** per week worked (**forty (40) hours**) may be accumulated;
 - (c) Fire Department full time employees **six (6) hours** per week worked (**fifty-three (53) hours** average) may be accumulated. A firemen's normal working shift is defined as

twenty-four (24) consecutive hours on the job. **(Ord. No. 2009-08-02; 08-24-09)**

- (5) Regular part-time employees do not accrue sick days.
- (6) Full time employees, with the exception of Fire Department personnel, may accumulate sick hours up to a maximum of **four hundred eighty (480) hours** for use in future years. Fire Department personnel may accumulate sick hours up to a maximum of **nine hundred sixty (960) hours** for use in future years. **(Ord. No. 2009-08-02; 08-24-09)**
- (7) Sick leave shall be taken for legitimate illness or injury not covered by worker's compensation. The absence may also be used to care for a parent, spouse, or child with a serious health condition. The City requires a doctor's certificate as proof of illness for absences more than **one (1) day**.
- (8) If the absence is due to illness or injury of the employee or a family member, written certification from the health-care provider of the ill or injured employee or family member verifying the need for leave is required if the absence exceeds **three (3) consecutive days**, and also may be required for certain shorter absences. Employees are prohibited from falsifying the reason for an absence. Employees who violate this policy will be subject to disciplinary action, up to and including termination, and compensation for the absence will be stopped immediately.
- (9) **Six (6) personal days** will be given to employees to use during the calendar year. If all of the days are not used during the year, the employee will not receive compensation in lieu of the time off.

11-1-36 LEAVES OF ABSENCE.

(A) **Policy.** It is the policy of the City to grant employees extended leaves of absence under certain circumstances. Except as stated below, employees will not receive compensation during a leave of absence.

(B) **Comment.**

- (1) The City will comply with the provisions of the federal Family and Medical Leave Act ("FMLA"). The Appendix to this policy outlines the FMLA's requirements, including the rights and obligations of employees, notification requirements, and the City's obligations.
- (2) Employees generally are eligible for leaves of absence if they have completed at least **one (1) year** of service, or as specified by law. The granting and duration of each leave of absence and the compensation received by the employee, if any, during the leave of absence will be determined by the City in conjunction with applicable federal and state law. The following types of leaves will be considered:
 - (a) **Sick Leave of Absence.** Employees who are unable to work because of serious health condition or disability may be granted a sick leave of absence. This type of leave covers disabilities caused by

pregnancy, childbirth, or other related medical conditions. The City requires certification of an employee's need for sick leave, both before the leave begins and on a periodic basis thereafter, by the employee's health care provider.

- (b) **Parental Leave of Absence.** Female employees, when not disabled by pregnancy or childbirth, and male employees may be granted a parental leave of absence to care for a child upon birth or upon placement for adoption or foster care.
- (c) **Family Care Leave of Absence.** Employees may be granted a family care leave of absence for the purpose of caring for a child, spouse, or parent who has a serious health condition. The City requires certification of the family member's serious health condition, both before the leave begins and on a periodic basis, by the family member's health care provider.
- (d) **Personal Leave of Absence.** Employees may be granted a leave of absence to attend to personal matters in cases in which the City determines that an extended period of time away from the job will be in the best interests of the employee and the City.
- (e) **Military Leave of Absence.** A military leave of absence will be granted if an employee is absent in order to serve in the uniformed services of the United States for a period of up to **five (5) years** (not including certain involuntary extensions of service). Employees who perform and return from service in the Armed Forces, the Military Reserves, the National Guard, or certain Public Health Service position will retain certain rights with respect to reinstatement, seniority, layoffs, compensation, length of service promotions, and length of service pay increases as required by applicable federal or state law. Employees with **one (1) year** or more of service will be protected against a loss of income as a result of participation in annual encampment or training duty in the U.S. Military Reserves or the National Guard. In these circumstances, the City will pay the difference between what an employee earns from the government for military service and what the

employee would have earned from normal straight-time pay on the job. This difference will be paid for up to **two (2) weeks** in a calendar year.

- (f) **Educational Leave of Absence.** Employees who want to continue their education in preparation for added responsibilities with the City may be granted an educational leave of absence.
 - (g) **Public Service Leave of Absence.** Employees who want to accept temporary employment in federal or state government or with an organization devoted to community service may be granted a public service leave of absence.
- (3) Requests for a leave of absence or any extension of a leave should be submitted in writing to the Personnel Manager **thirty (30) days** prior to commencement of the leave period, or as soon as is practicable. The final decision concerning the request will be made by the Personnel Manager. All employees on approved leave are expected to report any change of status in their need for a leave or their intention to return to work to the Personnel Manager.
 - (4) Employees who are on an approved leave of absence may not perform work for any other employer during that leave, except when the leave is for military or public service.
 - (5) Every employee on a sick leave or family care leave of absence will be required to use all accrued personal, vacation, and sick days while on leave. However, employees who are covered by the City's disability or workers' compensation insurance, and are therefore already receiving compensation, may not use paid sick leave. Every employee on a parental, personal, educational, or public service leave of absence will be required to use all accrued personal and vacation days while on leave. The City will provide health insurance and other benefits to employees on leave as required by law. Benefits that accrue according to length of service, such as paid vacation, holiday, personal, and sick days do not accrue during periods of leave.
 - (6) Employees returning from a leave of absence will be reinstated to their same job or to an equivalent job with equivalent status and pay, as required by law. Employees returning from a sick leave must provide certification of their ability to perform the functions of their job. Employees returning from a military leave must also comply with all of the reinstatement requirements specified by federal law. If the same job or one of equivalent status and pay is not

available as a result of a reduction in force, the employee will be treated in the same manner as though he were not on leave at the time of reduction in force.

- (7) Employees who are unable to report for work because of arrest and incarceration will be placed on a special personal leave of absence. If the employee is unable to secure bail, the leave of absence will continue until final disposition of the charges. If the employee is freed on bail, a decision whether to allow the resumption of active employment pending disposition of the charges will be made by the employee's department head and the Personnel Manager. They will determine whether reinstatement would be consistent with the City's needs and requirements.
- (8) If an employee fails to return to work at the conclusion of an approved leave of absence, including any extension of the leave, the employee will be considered to have voluntarily terminated employment.

11-1-37 NOTICE TO EMPLOYEES REGARDING THE FAMILY AND MEDICAL LEAVE ACT OF 1993. The City will comply with all applicable requirements of the Family and Medical Leave Act of 1993 ("FMLA").

The FMLA requires private employers with **fifty (50)** or more employees and all public agencies, including state, local, and federal employers, and local education agencies (schools), to provide eligible employees up to **twelve (12) weeks** of unpaid, job-protected leave in any **twelve (12) month** period for certain family and medical reasons.

(A) **Employee Eligibility.** The FMLA defines eligible employees as employees who:

- (1) have worked for the City for at least **twelve (12) months**;
- (2) have worked for the City at least **one thousand two hundred fifty (1,250) hours** in the previous **twelve (12) months**; and
- (3) work at or report to a worksite which has **fifty (50)** or more employees or is within **seventy-five (75) miles** of worksites that taken together have a total of **fifty (50)** or more employees.

(B) **Leave Entitlement.** Eligible employees make take leave for the following reasons:

- (1) to care for a child upon birth or upon placement for adoption or foster care;
- (2) to care for a parent, spouse, or child with a serious health condition; or

- (3) when an employee is unable to work because of the employee's own serious health condition.

According to the FMLA, a 'serious health condition' means an illness, injury, impairment, or physical or mental condition that involves: (1) inpatient care (i.e., an overnight stay), including any period of incapacity or any subsequent treatment in connection with the inpatient care; or (2) 'continuing treatment' by a health care provider.

FMLA leave for birth or placement for adoption or foster care must conclude within **twelve (12) months** of the birth or placement. In addition, spouses employed by the same employer are jointly entitled to a combined leave of **twelve (12) workweeks** of family leave for the birth or placement of a child for adoption or foster care, and to care for a parent who has a serious health condition.

Eligible employees may take FMLA leave intermittently (for example, in blocks of time) or by reducing a work schedule in certain circumstances. If FMLA leave is to care for a child after the birth or placement for adoption or foster care, employees may take their FMLA leave intermittently or on a reduced work schedule only with the City's permission. If the FMLA leave is because of the employee's serious illness or to care for a seriously ill family member, the employee may take the leave intermittently or on a reduced work schedule if it is medically necessary.

(C) **Notice and Certification.** Employees who want to take FMLA leave ordinarily must provide the City at least **thirty (30) days** notice of the time of the need for leave, if the need for leave is foreseeable. If the employee's need is not foreseeable, the employee should give as much notice as is practicable. When leave is needed to care for an immediate family member or for the employee's own illness and is for planned medical treatment, the employee must try to schedule treatment in order to prevent disruptions of the City's operations.

In addition, employees who need leave for their own or a family member's serious health condition must provide medical certification from a health care provider of the serious health condition. The City also may require a second or third opinion (at the City's expense), periodic recertification of the serious health condition, and, when the leave is a result of the employee's own serious health condition, a fitness for duty report to return to work. The City may deny leave to employees who do not provide proper advance notice or medical certification.

(D) **Benefits During FMLA Leave.** Employees taking leave under the FMLA are entitled to receive health benefits during the leave at the same level and terms of coverage as if they had been working throughout the leave. If applicable, arrangements will be made for employees to pay their share of health insurance premiums while on leave. In some instances, the City may recover premiums if paid to maintain health coverage for an employee who fails to return to work from FMLA leave.

The employee's use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave. However, the employee must first use any accrued paid vacation, personal, and sick days during an unpaid

FMLA leave for the employee's own serious health condition or for a seriously ill family member. In addition, the employee must use any accrued paid vacation or personal days (but not sick days) during FMLA leave to care for a newborn or newly placed child.

(E) **Job Restoration After FMLA Leave.** The City will reinstate an employee returning from FMLA leave to the same or equivalent position with equivalent pay, benefits, and other employment terms and conditions. However, an employee on an FMLA leave does not have any greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.

(F) **Other Provisions.** The FMLA does not affect any federal or state law prohibiting discrimination or supersede and state or local law or collective bargaining agreement which provides greater family or medical leave rights.

11-1-38 BEHAVIOR OF EMPLOYEES.

(A) **Policy.** It is the policy of the City that certain rules and regulations regarding employee behavior are necessary for the efficient operation of the City and for the benefit and safety of all employees. Conduct that interferes with operations, that discredits the City, or that is offensive to the public or coworkers will not be tolerated.

(B) **Comment.**

- (1) Employees are expected at all times to conduct themselves in a positive manner so as to promote the best interests of the City. Such conduct includes:
 - (a) Reporting to work punctually as scheduled and being at the proper work station, ready for work, at the assigned starting time (see Attendance and Punctuality);
 - (b) Giving proper advance notice whenever unable to work or report on time;
 - (c) Complying with all City safety and security regulations;
 - (d) Wearing clothing appropriate for the work being performed;
 - (e) Maintaining work place and work area cleanliness and orderliness;
 - (f) Treating all customers, visitors and coworkers in a courteous manner;
 - (g) Refraining from behavior or conduct deemed offensive or undesirable, or which is contrary to the City's best interests;
 - (h) Performing assigned tasks efficiently and in accord with established quality standards;

- (i) Reporting to management suspicious, unethical, or illegal conduct by coworkers, customers, or suppliers; and
 - (j) Cooperating with City investigations.
- (2) The following conduct is prohibited and will subject the individual involved to disciplinary action, up to and including termination:
- (a) The reporting to work under the influence of alcoholic beverages and/or illegal drugs and narcotics or the use, sale, dispensing, or possession of alcoholic beverages and/or illegal drugs and narcotics on City premises;
 - (b) The use of profanity or abusive language;
 - (c) The possession of firearms or other weapons on City property (unless authorized officer);
 - (d) Insubordination or the refusal by an employee to follow management's instructions concerning a job-related matter;
 - (e) Fighting or assault on a coworker or customer;
 - (f) Theft, destruction, defacement, or misuse of City property or of another employee's or customer's property;
 - (g) Gambling on City property;
 - (h) Falsifying or altering any City record or report, such as an application for employment, a medical report, a time record, or an expense account;
 - (i) Threatening or intimidating coworkers or customers;
 - (j) Horseplay, pranks, or practical jokes;
 - (k) Unauthorized sleeping on the job;
 - (l) Failure to wear assigned safety equipment or failure to abide by safety rules and policies;
 - (m) Improper attire or inappropriate personal appearance;
 - (n) Engaging in any form of sexual or other harassment.
- (3) The examples in paragraph (2) above, are illustrative of the type of behavior that will not be permitted, but are not intended to be an all-inclusive listing. Any violation of the City's policies or any conduct considered inappropriate or unsatisfactory may, at management's discretion, subject the employee to disciplinary action.

11-1-39 USE OF COMMUNICATION SYSTEMS.

(A) **Policy.** It is the policy of the City to provide or contract for the communications services and equipment necessary to promote the efficient conduct of its business.

(B) **Comment.**

- (1) Supervisors are responsible for instructing employees on the proper use of the communications services and equipment use by the City for both internal and external business communications.
- (2) Most communications services and equipment have toll charges or other usage-related expenses. Employees should be aware of these charges and should consider cost and efficiency needs when choosing the proper vehicle for each business communication. Employees should consult their supervisor if there is a question about the proper mode of communication.
- (3) All City communications services and equipment, including the messages transmitted or stored by them, are the sole property of the City. The City may access and monitor employee communications and files as it considers appropriate. Communications equipment and services include mail, electronic mail, courier services, facsimiles, telephone system, computer networks, on-line services, computer files, telex systems, video equipment and tapes, tape recorders and recordings, pagers, cellular phones, and bulletin boards. Any employee whose communications may be monitored will be asked to sign a consent form authorizing the monitoring.
- (4) Employees should not use City communications services and equipment for personal purposes except in emergencies or when extenuating circumstances warrant it. When personal use is unavoidable, employees must properly log any user charges and reimburse the City for them. However, whenever possible, personal communications that incur user charges should be placed on a collect basis or charged directly to the employee's personal credit card or account. City communications property or equipment may not be removed from the premises without written authorization from the employee's supervisor.
- (5) Employees who do not have direct access to a City telephone should make provision to have emergency or other necessary incoming calls routed to their supervisor or to the Personnel Department, if the supervisor is not accessible. Although the City will attempt to deliver personal

messages to employees, it cannot and does not accept responsibility for the prompt or accurate relay of these messages.

- (6) Employees should exercise care so that no personal correspondence appears to be an official communication of the City. Personalized City stationery and business cards may only be issued by the City. Employees may not use the City's address for receiving personal mail or use the City stationery or postage for personal letters.
- (7) Improper use of City communications services and equipment will result in discipline, up to and including termination. Improper use includes any misuse as described in this policy as well as any harassing, offensive, demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages.

11-1-40 DISCIPLINARY PROCEDURE.

(A) **Policy.** It is the policy of the City that all employees are expected to comply with the City's standards of behavior and performance and that any noncompliance with these standards must be remedied.

(B) **Comment.**

- (1) Under normal circumstances, the City endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. It does, however, retain the right to administer discipline in any manner it sees fit. This policy does not modify the status of employees or in any way restrict the City's right to bypass the disciplinary procedures suggested.
- (2) The normal application of progressive discipline should be:
 - (a) If an employee is not meeting City standards of behavior or performance, the employee's supervisor should take the following action:
 - (i) Meet with the employee and then discuss the matter;
 - (ii) Inform the employee of the nature of the problem and the action necessary to correct it; and
 - (iii) Prepare a memorandum for the Commissioner and the employee file held by the Personnel Department indicating that the meeting has taken place. A copy of the memo should be given to the employee.

- (b) If there is a second occurrence, the supervisor should hold another meeting with the employee and take the following action:
 - (i) Issue a written reprimand to the employee;
 - (ii) Warn the employee that a third incident will result in more severe disciplinary action. The employee is referred to the Commissioner of his department; and
 - (iii) Prepare and forward to the Personnel Department a written report describing the first and second incidents and summarizing the action taken during the meeting with the employee. This information will be included in the employee's personnel file.
- (c) If there are additional occurrences, the supervisor should take the following action, depending on the severity of the conduct:
 - (i) Issue a written reprimand or warning;
 - (ii) Suspend the employee without pay for up to **five (5) working days**; or
 - (iii) Suspend the employee indefinitely and recommend termination.

After taking action under paragraph (2)(c) above, the Commissioner should prepare and forward to the Personnel Department another written report describing the occurrences, indicating the timing between the occurrences, and summarizing the action taken or recommended and its justification.

- (3) The progressive disciplinary procedures described in paragraph (2) above, may also be applied to an employee who is experiencing a series of unrelated problems involving job performance and/or behavior.
- (4) In cases involving serious misconduct, or any time the supervisor determines it is necessary, such as a major breach of policy or violation of law, the procedures contained in paragraph (2) above, may be disregarded. The supervisor should suspend the employee immediately and, if appropriate, recommend termination of the employee. An investigation of the incidents leading up to the suspension should be conducted to determine what further action, if any, should be taken. Employees suspended from work will not receive or accrue any employee benefits during the suspension, unless management grants an exception.

- (5) The Commissioner and the Personnel Department under normal circumstances should review and approve all recommendations for termination before any final action is taken by the City Council.
- (6) At any investigatory interview conducted for the purpose of determining the facts involved in any suspected violation of City rules and regulation, the following procedures normally should apply:
 - (a) Prior to the interview, the employee who is suspected of violating City rules and regulations should be told in general terms what the interview is about.
 - (b) If the employee is represented by a union, the employee has the right to have a union representative present at the interview, provided the employee requests such representation.
 - (c) If the employee is not represented by a union, the employee may have a coworker present at the interview, provided he so requests and such interview covers issues affecting other employees.
- (7) Employees who believe that they have been disciplined too severely or who question the reason for discipline are encouraged to utilize the grievance procedure.
- (8) If the disciplined employee works a full year without further action being instituted under this policy, the next failure to meet behavior or performance standards may be treated as a first occurrence under this policy. However, the City may still consider all past disciplinary actions in evaluating the employee.

11-1-41 PERSONNEL RECORDS.

(A) **Policy.** It is the policy of the City to maintain personnel records for applicants, employees and past employees in order to document employment-related decisions, evaluate and assess policies, and comply with government recordkeeping and reporting requirements.

(B) **Comment.**

- (1) The City tries to balance its need to obtain, use and retain employment information with a concern for each individual's privacy. To this end, it attempts to maintain only the personnel information that is necessary for the conduct of its business or required by federal, state or local law.
- (2) The Personnel Department is responsible for overseeing recordkeeping for all personnel information.

- (3) Employees have a responsibility to keep their personnel records up to date and should notify the Personnel Department in writing of any changes in at least the following:
- (a) Name;
 - (b) Address;
 - (c) Telephone Number;
 - (d) Marital status (for benefits and tax withholding purposes only);
 - (e) Number of dependents;
 - (f) Address and telephone numbers of dependents and spouse or former spouse (for insurance purposes only);
 - (g) Beneficiary designations for any of the City's insurance, disability, pension, and profit sharing plans; and
 - (h) Persons to be notified in case of emergency.
- In addition, employees who have a change in the number of dependents or marital status must complete a new Form W-4 for income tax withholding purposes within **ten (10) days** of the change, if it results in a decrease in the number of dependents.
- (4) Employees may inspect their own personnel records and may copy, but not remove, documents in the file. Inspections by employees must be requested in writing to the Personnel Department and will be scheduled at a mutually convenient time. Records that are considered to contain sensitive or confidential city information may be excluded from the inspection, and all inspections must be conducted in the presence of a designated member of the Personnel Department. A reasonable charge, not to exceed the actual cost to the City, will be made for and copies of records made by the employee.
- (5) Employees who believe that any file material is incomplete, inaccurate, or irrelevant may submit a written request for file revisions to the Personnel Department. If the request is not granted, the employee may place a written statement of disagreement in the file and make a complaint using the regular grievance procedure.
- (6) Only management employees who have an employment-related need-to-know for information about another employee may inspect the files of that employee. The inspection must be approved by the Personnel Department.

- (7) Employees are to refer all requests from outside the City for personnel information concerning applicants, employees and past employees to the Personnel Department. The Personnel Department normally will release personnel information only in writing and only after obtaining the written consent of the individual involved. Exceptions may be made to cooperate with legal, safety and medical officials who need specific employee information. In addition, exceptions may be made to release limited general information, such as the following:
- (a) Employment dates;
 - (b) Position held; and
 - (c) Location of job site.

11-1-42 GRIEVANCE PROCEDURE.

(A) **Policy.** It is the policy of the City that employees should have an opportunity to present their work-related complaints and to appeal management decisions through a dispute resolution or grievance procedure. The City will attempt to resolve promptly all grievances that are appropriate for handling under this policy.

(B) **Comment.**

- (1) An appropriate grievance is defined as an employee's expressed dissatisfaction concerning any interpretation or application of a work-related policy by management, supervisors or other employees. Examples of matters which may be considered appropriate grievances under this policy include:
- (a) A belief that City policies, practices, rules, regulation or procedures have been applied in a manner detrimental to an employee;
 - (b) Treatment considered unfair by an employee, such as coercion, reprisal, harassment, or intimidation;
 - (c) Alleged discrimination because of race, color, sex, age, religion, national origin, marital status or disability;
 - (d) Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacations, fringe benefits, promotions, retirement, holidays, performance review, salary or seniority.
- (2) Employees should notify the City, in a timely fashion, of any grievance considered appropriate for handling under this policy. The grievance procedure is the exclusive remedy for

employees with appropriate grievances. As used in this policy, the terms 'timely fashion', 'reasonable time', and 'promptly' generally will mean **five (5) working days**.

- (3) The grievance procedure has a maximum of **three (3) steps**, but grievances may be resolved at any step in the process. Grievances are to be fully processed until the employee is satisfied, does not file a timely appeal, or exhausts the right of appeal. A decision becomes binding on all parties whenever an employee does not file a timely appeal or when a decision is made in the final step and the right of appeal no longer exists.
- (4) Employees who feel they have an appropriate grievance should proceed as follows:
 - (a) **Step One.** Promptly bring the grievance to the attention of the immediate supervisor. If the grievance involves the supervisor, then it is permissible to proceed directly to Step Two. The supervisor is to investigate the grievance, attempt to resolve it, and give a decision to the employee within a reasonable time. The supervisor should prepare a written and dated summary of the grievance and proposed resolution for file purposes.
 - (b) **Step Two.** Appeal the decision to the department head, if dissatisfied with the supervisor's decision, or initiate the procedure with the department head if Step One has been bypassed. Such an appeal or initial complaint must be made in a timely fashion using a written form provided for this purpose. The supervisor's version of the grievance and decision will then be submitted using a similar written form. The department head will, in a timely fashion, confer with the employee, the supervisor, and any other members of management considered appropriate; investigate the issues; and communicate a decision in writing to all the parties involved.
 - (c) **Step Three.** Appeal an unsatisfactory department head decision to the Commissioner. The timeliness requirement and procedures to be followed are similar to those in Step Two. The Commissioner will take the necessary steps to review and investigate the grievance and will then issue a written, final, and binding decision.
- (5) The Personnel Department will provide training and support to supervisors and department heads in dealing with

employee grievances. In addition, employees should be encouraged to consult with the Personnel Department, their supervisors, or other members of management, on a less formal basis regarding employee complaints or disputes when appropriate.

- (6) Final decisions on grievances will not be precedent-setting or binding on future grievances unless they are officially stated as City policy. When appropriate, the decisions will be retroactive to the date of the employee's original grievance.
- (7) Information concerning an employee grievance is to be held in confidence. Supervisors, department heads, and other members of management who investigate a grievance are to discuss it only with those individuals who have a need to know about it or who are needed to supply necessary background information or advice.
- (8) Time spent by employees in grievance discussions with management during their normal working hours will be considered hours worked for pay purposes.
- (9) Employees are not to be penalized for proper use of the grievance procedure. However, it is not considered proper use if an employee raises grievances in bad faith, or solely for the purposes of delay or harassment, or repeatedly raises meritless grievances. Implementation of the grievance procedure by an employee does not limit the right of the City to proceed with any disciplinary action which is not in retaliation for the use of the grievance procedure.
- (10) The City may, at its discretion, refuse to proceed with any complaint it determines is improper under this policy.

11-1-43 HEALTH BENEFITS FOR FULL-TIME NON-BARGAINING UNIT EMPLOYEES.

(A) **Policy.** It is the policy of the City to provide health benefits to full-time non-bargaining unit employees, specifically health, dental, vision, and life insurance which are consistent with any/all current collective bargaining unit agreement(s). **(Ord. No. 2010-12-02; 12-28-10)**

ARTICLE II

SEXUAL MISCONDUCT POLICY

11-2-1 PURPOSE OF POLICY. The City will not tolerate and will seek to eradicate any behavior by its employees which constitutes sexual misconduct toward another employee, volunteer, intern, or member of the public. "Sexual misconduct" means any actual, attempted or alleged sexual molestation, assault, abuse, sexual exploitation or sexual injury. "Sexual misconduct" does not include "sexual harassment".

11-2-2 REPORTING PROCEDURES AND DESIGNATED SEXUAL MISCONDUCT COORDINATOR. It is the express policy of the City to encourage victims of sexual misconduct, and their parents or guardians in the case of minors, to come forward with such claims. The City shall designate a Sexual Misconduct Coordinator who shall remain accountable for the implementation and monitoring of this policy. The identity of the Sexual Misconduct Coordinator shall remain on file with the City. In order to conduct an immediate investigation, any incident of sexual misconduct shall be reported as quickly as possible in confidence pursuant to this Article.

11-2-3 EMPLOYEES. Employees are required to report any known or suspected incidents of sexual misconduct. They shall report to their supervisor or the Sexual Misconduct Coordinator. If the person to whom an employee is directed to report is the offending person, the report should be made to the next higher level of administration or supervision.

11-2-4 INVESTIGATION AND CONFIDENTIALITY. All formal complaints shall be given a full, impartial and timely investigation. During such investigation, every effort shall be made to protect the privacy rights of all parties although confidentiality cannot be guaranteed.

11-2-5 DISCIPLINE. Any City employee who is determined, after an investigation, to have engaged in sexual misconduct in violation of this policy shall be subject to disciplinary action up to and including discharge.

11-2-6 FALSE ACCUSATIONS. False accusations regarding sexual misconduct shall not be tolerated, and any person knowingly making a false accusation shall likewise be subject to disciplinary action up to and including discharge.

11-2-7 RETALIATION AGAINST ACCUSER. The City shall discipline any individual who retaliates against any person who reports alleged sexual misconduct or who retaliates against any person who testifies, assists or participated in an investigation, a proceeding or a hearing relating to a sexual misconduct complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

11-2-8 CHILD ABUSE INCIDENT REPORTING AND FOLLOW-UP.

(A) Sexual child abuse as used in this Chapter is defined as: Child for the purposes of child abuse is defined as a person under **eighteen (18) years** of age, who prior to juvenile proceedings, has not been judicially emancipated or emancipated by marriage. Abuse means any one of the following acts which seriously endanger the physical, mental or emotional health of a child.

- (1) The infliction, attempted infliction, or as a result of inadequate supervision the allowance of the infliction of physical or mental injury upon a child by a parent of any other person.
- (2) The exploitation or overwork of a child by a parent or any other person.
- (3) The involvement of the child in any sexual act with a parent or any other person, or the aiding or toleration by the parent or caretaker of the child's sexual involvement with any other person or the child's involvement in pornographic displays, or any other involvement of a child in sexual activity constituting a crime under the laws of this State.

Sexual abuse of a minor is a crime.

(B) Any case of known or suspected child abuse of a minor shall be reported immediately in compliance with Illinois mandatory reporting guidelines and to the Sexual Misconduct Coordinator, the City Attorney's Office, and Police Department.

(C) In the event that the Sexual Misconduct Coordinator is first notified of an incident of known or suspected child abuse, the Sexual Misconduct Coordinator shall immediately notify the child's parent or legal guardian as the case may be and the appropriate legal authorities as required by the state or local law. The Sexual Misconduct Coordinator shall prepare a Suspected Child Abuse Standard Report and immediately follow-up to investigate the incident and to ascertain the condition of the child. The Sexual Misconduct Coordinator shall consult and communicate with the City Attorney as necessary.

(D) Any employee involved in a reported incident of sexual misconduct and/or child abuse shall be immediately relieved of responsibilities that involve interaction with minors or shall be suspended as determined by the employee's supervisor. Reinstatement of employees involved in a reported incident of child abuse shall occur only after all allegations of child abuse have been fully investigated and resolved by the City.

11-2-9 MAINTENANCE OF RECORDS AND DOCUMENTS. The Sexual Misconduct Coordinator shall maintain all records and documentation required by law or otherwise required by this and other such related policies of the City including all documents related to procedures for hiring-screening, employee/volunteer code of conduct, training, sign-in/sign-out, pick-up and release procedures, incident reporting follow-up and disciplinary action.

11-2-10 EMPLOYEE ACKNOWLEDGEMENT OF POLICY. This policy is to be reviewed and signed by all employees and volunteers.

The undersigned hereby acknowledges that he/she has read this Sexual Misconduct Policy, understands the contents thereof and agrees to abide by the terms set forth in the Policy.