

**CHAPTER 11**

**EMPLOYEE PERSONNEL CODE**

**ARTICLE I - PURPOSE**

**11-1-1**     **PURPOSE.** The purpose of the Employee Code is to implement and maintain a uniform system of employment within all departments of the Village and shall hereinafter be referred to as the "**Code**". The Code is designed to provide employees and management with information pertaining to the employment policies and procedures applicable to all Village employees.

All policies and procedures contained in this Code shall go into effect **February 1, 2003**, and revisions to the Employee Code will go into effect immediately upon passage by the Village Board and approved by the Mayor.

All employees will be required to adhere to the policies and procedures as they are outlined in this Code.

Upon adoption by the Village Board, this Code shall be the nonexclusive policy of all departments of the Village concerning terms and/or conditions of employment.

In order to implement and carry out the express provisions and the intent of this Code, all Superintendents may pronounce policies consistent with this Code. A copy of any such policy shall be distributed to the Mayor and the Village Board.

Nothing in this Code shall in any way affect the Village's and Superintendent's right to develop and disseminate information concerning the operations of any department and employee's job functions, duties and job position description.

**ARTICLE II - GENERALLY**

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

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

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

(C)           **Employee - Full-Time.**   The term shall mean and include any employee that is working full-time for the Village or **thirty-seven and one-half (37 1/2) hours** per week.

(D)           **Employee - Permanent Part-Time.**   The term shall mean any person working over **six hundred (600) hours** per year.

(E)           **Employee - Part-Time.**   The term shall mean a person working **six hundred (600) hours** or less per year.

(F)           **Department.**   The term department, as used in this Personnel Code, shall mean the governmental unit for whom the employee is directly working for and rendering services.

(G)           **Superintendent.**   The term Superintendent, as mentioned in this Code, means the one individual ultimately responsible for all operations of the department.

(H)           **Immediate Supervisor.**   The term immediate supervisor, as used in this Code, shall mean the individual to whom the employee shall immediately report and be responsible for his work. An immediate supervisor may be the Mayor or the Superintendent.

(I)           **Immediate Family.**   The term "immediate family" includes spouse, child, parent, brother, sister, mother, father, grandparent, grandchild, and mother-in-law or father-in-law.

**11-2-2**     **SUPERINTENDENT OF PUBLIC WORKS.**   The Superintendent shall have the following duties:

(A)           To oversee all operations and employees of the Village except police officers.

(1)          To supervise the operation of the Village water and sanitary sewer systems.

(2)          To be responsible for the safe and proper operation of the water and sanitary sewer systems, according to the laws and/or guidelines set forth by the state and federal governments.

- (3) To supervise the general upkeep and maintenance of the streets, alleys, sidewalks, parks, structures, and property of the Village.
- (B) To maintain an open line of communication between the Village Board and all employees.
- (C) To be responsible for keeping employees productively occupied during work hours.
- (D) To keep a record of employee hours worked, including overtime, time off, vacations, etc.
- (E) To keep the Village Board informed of the general work ethic of the employees and to inform the Board of any problems, such as attitude, health problems, tardiness, insubordination, etc.
- (F) To confer with the Mayor on a daily basis concerning the general operation of the Village. Also, with any trustee who may direct you to do so.
- (G) To inform the Village Board, in a timely fashion, of any major improvements or repairs that need addressed by the Board.
- (H) To be responsible for all Village equipment and to maintain a record system pertaining to equipment condition and maintenance.
- (I) To approve all purchases by Village employees.
- (J) To attend all Village Board meetings.

**[See Chapter 33 and 38.]**

**11-2-3 JOB DESCRIPTIONS.** Public work operation and maintenance employees shall have the following duties and responsibilities:

- (A) To perform any and all jobs as directed by the Superintendent of Public Works (supervisor), to the best of your ability.
- (B) To work in any department as directed by the Superintendent.
- (C) To keep productively occupied at times when your Superintendent has not outlined specific jobs to do. Keep busy.
- (D) To immediately inform Superintendent when you have completed a job.
- (E) To keep Superintendent informed of things that need attention.
- (F) To do routine daily, weekly, monthly jobs without being told to do so.
- (G) To openly communicate with the Village Board, your Superintendent, and other employees.
- (H) To look for and do fill-in jobs when you have spare time.
- (I) Employees will be expected to be available for call for winter snow duties. Your Superintendent may adjust your work hours accordingly.
- (J) Employees are expected to be courteous and helpful to Village residents and visitors.

**11-2-4 MEETINGS.** The policies pertaining to meetings, seminars and classes shall be as follows:

(A) Employees are not required to attend Village Board meetings; therefore, employees will not be paid to attend meetings.

(B) All meetings, seminars, training sessions, etc. attended by employees will be funded by the Village, provided approval by the Village Board is received prior to attendance.

(C) When an employee attends a meeting, he/she shall only be paid for **eight (8) hours** of regular pay for each day, regardless of the actual length of the meeting. Employee must return to work for the remainder of the regular work day on completion of the meeting.

(D) Employees shall not be paid for any meetings held after regular work hours or on weekends.

(E) The Village shall not fund or pay employees to attend any meetings, which is political in nature or not otherwise beneficial to the Village.

(F) Employees may use Village vehicles for transportation to approved meetings.

(G) Employees must present paid receipts for any expenses in order to receive reimbursement.

(H) The Village shall not be responsible for the expense of a spouse or other persons attending meetings with the employee.

(I) A maximum allowance of **Ten Dollars (\$10.00)** will be allowed for each meal for the employee, unless the meal is a part of the fees for the meeting.

(J) If an employee uses his own vehicle for transportation to meetings, he/she will be paid mileage at the current rate allowed by The Internal Revenue Service.

**ARTICLE III - HIRING POLICY**

**11-3-1 REQUIREMENTS.** Employment is based on each applicant's qualifications as compared with the requirements of the available position. Consideration is given to ability, experience, education, training and character.

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

**11-3-2 RESIDENCY REQUIREMENTS.** All employees of the Village shall reside within the Village limits or within the School District. All applicants for employment with the Village at the time of their initial interview with Village officials, shall be notified of this Village policy. All applicants shall become a resident as set forth therein within **one hundred eighty (180) days** of accepting employment with the Village and shall remain on probationary status with the Village until they have satisfied this requirement or condition of employment. Failure to satisfy this condition of employment shall be grounds for automatic mandatory and immediate dismissal from employment with the Village.

**11-3-3 APPLICATION FORMS.** Applications for positions with the department shall be filed on forms furnished by the Village Clerk. All successful applicants shall produce an original social security card. The Superintendent may require certificates of competency, licenses, medical examinations, post-offer medical examination, drug and alcohol tests, background investigations, references, police checks, motor vehicle reports/driving history, oral interviews, or other evidence of special qualifications. The Superintendent may reject applications of persons who are found to lack any of the requirements established for the position. The Mayor with the advice and consent of the Village Board shall appoint all employees. In considering applications of various individuals, length of service shall be used as a factor in the selection of applicants, but will not be considered the sole or even the predominant factor. No employee shall be hired and placed on the payroll and receive fringe benefits until all employment related forms, including but not limited to the employment application form, are filled out and forwarded to the Village Clerk.

**11-3-4 PROMOTIONS.** Employees are encouraged to apply for job openings in higher classifications and will be considered for promotion for job openings upon written application. All full-time employees may be considered for promotions. Probationary employees may apply, but do not have to be considered, depending upon the discretion of the Superintendent.

When an employee is promoted, the employee will be placed on probation. At the end of the probationary period, the employee's performance will be formally evaluated and one of the following actions shall be taken by the Village or Superintendent based upon employee's performance and conduct:

- (A) The employee may assume the new position having successfully completed the probationary period.
- (B) The probationary period may be extended.
- (C) The employee may be demoted to a position commensurate with the employee's ability if the lower position is available.

**11-3-5 PROBATIONARY PERIOD.** All full-time employees of the Village shall be probationary employees for **six (6) months** commencing their first working day as full-time employees. The probationary period may be extended by the Village Board. During said probation period, such employees shall not be entitled to any sick or personal leave with pay. After the successful completion of the probationary period, said employees will be entitled to **five (5) personal days**, which must be taken in at least **four (4) hour** increments per calendar year, which cannot be accumulated from year to year.

If an employee of the Village changes job classifications then he or she shall be required to commence a subsequent **six (6) month** probationary period to commence the **first (1<sup>st</sup>) day** after all required off-site training has been completed. If off-site training is required, then the employee shall successfully complete the off-site training before the **six (6) month** probationary period shall commence. **(Ord. No. 625; 01-10-11)**

## ARTICLE IV - WAGES AND CLASSIFICATIONS

**11-4-1**      **EMPLOYMENT CLASSIFICATIONS.**      Employees are classified according to the following guidelines:

(A)            **Full-Time.**      Those employees scheduled to work a minimum of **forty (40) hours** per work week on a continuous basis. Full-time employees are eligible for overtime pay or compensatory time at their choice.

(B)            **Part-Time.**      Those employees scheduled to work less than **forty (40) hours** per work week on a continuous basis. Part-time employees are eligible for overtime pay.

(C)            **Seasonal.**      Those employees appointed to any position in the Village which is determined to be temporary or seasonal by the Village Board of Trustees. No position may be filled by seasonal appointment for more than **six (6) months** out of any **twelve (12) month** period.

(D)            **Special Assignment, Professionals.**      Professionals and those employees hired for a specific project for a limited period and may include those hired to fill in summer vacations, illness and the like. Such employees are hired with the understanding that their employment is to terminate upon completion of the project or at the end of the period. Special Assignment may be either full-time or part-time as determined by the requirements of the job. Professional employees are not entitled to overtime and compensatory time.

(E)            **Special Assignment, Nonprofessional.**      Nonprofessional employees are like the special assignment, professional employees except that nonprofessional are entitled to overtime and compensatory time, but not to benefits.

(F)            **Volunteers.**      Those individuals who accept on an unpaid basis various work assignments for any department. These individuals receive no wages or benefits.

**11-4-2**      **PAYCHECKS.**      Employees shall receive their paycheck on a biweekly basis. Employees shall work at least **two (2) weeks** before being paid, creating a **two (2) week** lag, which will be paid upon termination of employment. The paycheck actually issued shall be for the preceding pay period.

**11-4-3**      **COMPENSATION.**      The basic rate of pay shall be set forth by the Village Board.

**11-4-4**      **OVERTIME.**      Overtime at **one and one-half (1 1/2) times** the regular rate of pay is available to employees working in excess of a **forty (40) hour** work period.

**11-4-5**      **SALARY INCREASES.**      Employees are eligible for a salary increase after the completion of the probationary period.

**ARTICLE V - HOURS OF WORK**

**11-5-1** **WORK WEEK.** The following shall be the parameters for the work week:

(A)

**Regular Work Hours.**

- (1) **7:00 A.M. to 3:30 P.M.** Monday through Friday.
- (2) **One-half (1/2) hour** lunch break.
- (3) **One (1) fifteen (15) minute** break in the A.M. and **one (1) fifteen (15) minute** break in the P.M.
- (4) If breaks are not taken, employees may NOT leave work early. This does not pertain to Village police officers.
- (5) Superintendent may set lunch break schedule. Lunch breaks will not start before **11:00 A.M.** and must be completed by **1:00 P.M.** Once schedule is set, it will become a permanent schedule.
- (6) During extreme weather conditions, the Superintendent may adjust the regular work hours according to conditions.
- (7) Employees are expected to be punctual at all times. Tardiness or early departure shall not be tolerated.
- (8) If an employee must take time off work early during regular work hours, (i.e. doctor appointment), they must have prior approval from their Superintendent allowing them to make up lost time.

(B)

**Overtime Work Hours.**

- (1) Department Heads must approve any and all overtime before worked, except in extreme emergency. In emergency conditions, department heads must be notified as soon as possible.
- (2) Superintendent shall determine when and who will work overtime.
- (3) During extreme weather conditions an employee will not be asked to work more than **twelve (12) straight hours** without taking **twelve (12) hours** off. Example: If you are called in at **3:00 A.M.**, you will work a regular **eight (8) hour** shift, but not more than **twelve (12) hours**. Then you must take at least **twelve (12) hours** off.
- (4) Village may use part time employees.
- (5) Superintendent shall designate someone to check water plant on weekends and holidays.

**11-5-2 TIME AND ATTENDANCE.** Each Superintendent shall maintain accurate daily attendance records. An employee shall be at their places of work in accordance with the attendance rules. Tardiness or other abuse of regular attendance will not be tolerated. The attendance records will indicate information in order to properly pay employees for actual work performed. An employee shall have the right to review his attendance record on file in the department.

No one will be permitted to sign in or out for another employee.

An employee shall provide advance notice of absence from work, except in case of an emergency.

When Village offices and buildings are open, but inclement weather prevents employees from reaching the buildings, employees may account for such absences by using accrued time, such as vacation and compensatory time earned, or the employee may elect to be docked for time off.

**11-5-3 HOLIDAY PAY.** All full-time and salaried exempt employees shall have time off with full salary payment on the day designated as a holiday by the Village Board.

If a Holiday falls on an employee's regularly scheduled day off, he shall be paid for said day.

All full-time employees covered by this Code, who are required to work on an official Holiday, shall receive a rate of **one and one-half (1 1/2) times** the regular rate of pay for the hours work on such holiday. The Superintendent shall approve the use of time with pay.

The term "last schedule work day" means the employee's full day of work.

To be eligible for holiday pay, the employee must work both the day before and the day after the holiday. The exception allows for absences for good cause that are approved by the Superintendent or Mayor. Samples of this exception include the holiday, the Superintendent or Mayor approving for good cause hospitalization the day before or the day after the holiday, and a Superintendent/Mayor approving for good cause an employee calling in sick the day before or the day after a holiday, and placing the call at the last minute. In each of these examples, the Superintendent or Mayor shall exercise judgment as to whether the sickness or hospitalization is for "good cause".

**ARTICLE VI - LEAVES**

**11-6-1**     **VACATION PERIODS.**     The following shall be the vacation benefits for full-time employees:

After **twelve (12) full calendar months** of employment, a full-time employee is eligible for **one (1) work week (forty (40) hours)** of vacation.

After **two (2) full years** of employment, a full-time employee is eligible for **two (2) work weeks (eighty (80) hours)** of vacation.

After **ten (10) full years** of employment, a full-time employee is eligible for **three (3) work weeks (one hundred twenty (120) hours)** of vacation.

After **fifteen (15) full years** of employment, a full-time employee is eligible for **four (4) work weeks (one hundred sixty (160) hours)** of vacation.

**Five (5) days** of vacation may be taken **one (1) day** at a time. Thereafter, vacation days may be taken in blocks of **five (5) days** in succession.

An employee must give his/her Superintendent at least **two (2) weeks** notice prior to taking vacation, and it must be approved by Mayor. Upon approval, it will be noted on a calendar for such purposes.

**(Ord. No. 625; 01-10-11)**

**11-6-2**     **VACATION REGULATIONS.**

(A)     Employee with the most seniority will receive first preference for vacation time. Only **one (1)** employee shall be allowed to take vacation at one time.

(B)     Vacation time cannot be accumulated from year to year. Vacation time earned during any calendar year shall be used by **December 31<sup>st</sup>** of said year or the employee will lose it. The Village shall not pay employees for unused vacation time.

(C)     Employees may elect to receive pay in lieu of time off for vacation. Employees must have earned vacation available and employee must submit written request to the Village Board. The payment shall be received with next pay period.

(D)     Vacation shall be taken in a minimum of **eight (8) hour** increments.

**11-6-3**     **PAID HOLIDAYS.**     The paid holidays are as follows:

- (A)     January 1<sup>st</sup> New Year's Day
- (B)     Good Friday
- (C)     Memorial Day
- (D)     July 4<sup>th</sup> Independence Day
- (E)     Labor Day
- (F)     Veteran's Day
- (G)     Thanksgiving Day
- (H)     Friday after Thanksgiving Day
- (I)     December 24<sup>th</sup> Day before Christmas
- (J)     December 25<sup>th</sup> Christmas Day

If the holiday falls on a Saturday or Sunday, the employee will take the next following work day off.

Employees must work the regular workday before and after the holiday in order to receive holiday pay. An exception would be if the employee is on vacation.

(K) If a paid holiday falls on a full-time employee's day off, that employee will be paid **eight (8) hours** straight time in the paid holiday category.

(L) If a full-time employee works on a paid holiday those hours worked, which are scheduled, or unscheduled, will be paid at **time and one-half (1 1/2)**. The holiday will be paid at **eight (8) hours** straight time.

(M) If a full-time employee must be called back to work, for an emergency situation, while on vacation or while taking a personal day, the vacation or personal day must cease. That employee will be paid for the number of hours worked at their normal rate of pay. The employee's remaining vacation or personal time will be rescheduled.

**11-6-4 BEREAVEMENT PAY.** Each employee will be allowed **three (3) days** off with pay when a death occurs to a member of their immediate family. These members include mother, father, sister, brother, wife, children, or stepchildren, stepfather, stepmother, stepbrother, or stepsister, mother-in-law or father-in-law. These days must be workdays and they end at the day of the funeral, unless other arrangements are approved in advance.

**11-6-5 ILLNESS OR INJURY AT WORK.** Any employee who is ill or injured on the job shall immediately notify the Superintendent who may require the employee to be transported to a hospital for examination by a physician or surgeon.

**11-6-6 MATERNITY.** Pregnancy shall be considered the same as any short-term disability, and request for pregnancy leave shall be made through the disability leave clause. Request for parental leave following child birth shall be made through the Leave of Absence clause, **Section 11-6-7(G), Family and Medical Leave Act.**

**11-6-7 LEAVE OF ABSENCE.** No employee on leave of absence may earn vacation, or sick leave, except when the leave was for the purpose of accepting a temporary work assignment in another office.

All types of leave of absence do not earn vacations or sick leave while the employee is on leave of absence.

While the employee is on leave of absence, the length of service still continues to accumulate except for special leave situations under this Section (1) Special Leave, and for (7) Family and Medical Leave Act situations. Length of service is specifically

prohibited from accumulating on Special Leave cases and on Family and Medical Leave Act situations. The prohibition on length of service accumulation is not contained in any other type of leave of absence situation. Therefore, the Code should be construed to allow accumulation of length of services while on leave of absence other than "special leave" and the "Family and Medical Leave Act".

Employee shall be granted an excused leave of absence for the following:

(A) **Special Leave.** All full-time and salary exempt employees who have completed **one (1) full year** of continuous service may request a special leave. Special leave will only be granted for personal reasons, and must be approved by employee's Superintendent. Special leave shall be granted without pay. The period for special leave shall not exceed **six (6) months**. An extension may be granted up to a maximum of **six (6) months** for a total of **one (1) year**. In order to continue to receive medical and insurance benefits during a special leave, the employee shall contribute both the employee and the employer's share of IMRF and insurance costs. Length of service or benefits shall not accrue or accumulate during a special leave. A person either hired or promoted to fill the position vacated by the person on leave shall be considered in that position temporarily and shall relinquish it upon the employee's return.

If a special leave is approved by the Village Board, coverage under Illinois Municipal Retirement Fund may be maintained pursuant to IMRF rules and regulations.

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

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

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

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

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

(C) **Jury Duty.** An employee shall be excused from work for days in which the employee serves on Jury Duty. The employee shall receive his regular pay for

jury service. The employee shall present proof of jury service and the amount of pay received shall be turned over to the Village Treasurer. The employee shall also turn over to the Village any expense allowances paid by the court, if the jury duty is located at the County Courthouse. If an employee is given an early release from jury duty, the employee shall then report to his or her regular work assignment.

(D) **Witness.** An employee shall be excused from work when lawfully subpoenaed to serve as a witness. The employee must present written proof of the summons to testify to qualify for an excused absence. Notice to employee's supervisor should be made in advance of appearing in court. An employee's excused absence from work shall be on an unpaid basis, unless the employee's witness activity is work related and the witness activity is requested by the Village. The employee shall turn over to the Village any witness fee when the employee's witness activity is work related. The employee may choose to use a vacation day, if the witness activity is not work-related.

(E) **Village Disability Leave.** To be eligible for Village Disability Leave, the employee must submit to the Village Board a medical opinion that the employee cannot work in his normal job position, and a medical opinion that the employee may possibly be able to return to work within the next **six (6) months**. Employees are not eligible for disability benefits until they have been employed at least **one (1) year**. Employees may be required to use their accrued sick or vacation time to continue regular wages.

Employees shall submit a letter requesting disability leave to their Superintendent within a reasonable amount of time before disability leave is taken. Upon return to work, employees shall submit a release statement from their physician to the Superintendent. If the Superintendent has reason to believe that the employee is unable to perform the normal duties or the employee is able to perform duties and is still absent, they may seek and rely upon the decision of an impartial physician. The Village Board shall select a physician who is not a Village employee to act as an impartial physician.

(F) **Educational Leave.** The Village Board may grant an employee an educational leave of absence for the purpose of engaging in a training course. No educational leave may be granted unless in the judgment of the Village Board the training course would benefit the Village by improving the employee's qualifications to perform the duties of the employee's position or by qualifying the employee for advancement in rank or grade to another position in the Village service. Employee shall receive his regular pay during an education leave of absence for training courses when so authorized by the Village Board.

Employees may request an educational leave without pay to seek further professional training in specialty fields. Such leave may be up to **ten (10) months** in duration and requires the approval of the Village Board. An employee on education leave without pay does not accrue vacation or sick leave credit for the period of leave. When ready to return to work, the employee will be offered the first available full-time position at the same job level the employee held prior to departing on educational leave without pay.

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

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

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

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

(H) **Expiration of Leave.** When an employee returns from a leave of **six (6) months** or less, the Superintendent shall return the employee to the same or similar position in the same class in which the employee was incumbent prior to commencement of such leave.

An employee's same or similar position will not be protected for reductions in force or where the position has been eliminated. Employees are subject to termination if they are absent from work for more than **six (6) months**. No employee may be absent without permission of the supervisor to which assigned. In the absence of extenuating circumstances, an employee who is absent from work for any reason and fails to notify his or her supervisor within **two (2) working days** will be considered to have resigned.

No employee on leave of absence may earn vacation, or sick leave, except when the leave was for the purpose of accepting a temporary working assignment in another office.

**ARTICLE VII - MISCELLANEOUS BENEFITS**

**11-7-1**     **ILLINOIS MUNICIPAL RETIREMENT FUND.** The Village will participate in contributions for all eligible employees to the Illinois Municipal Retirement Fund. The Village shall follow all guidelines of IMRF in order to protect the benefits of the employees.

**11-7-2**     **INSURANCE.** Insurance will be provided on the following basis:

(A)     **Life, Medical and Dental Care Insurance.** All full-time employees are covered by a medical and dental plan funded by the Village.

All full-time employees are covered by life insurance and accidental death and dismemberment policy. A manual is provided to employees at the time of hiring which further explains the policy. The manual is obtained from the Village Clerk's Office.

The Village Clerk's Office must be notified of a divorce or legal separation of the covered employee, and further must be notified when a child is no longer eligible as a covered dependent of the employee.

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

(C)     **Other Insurance Types.** All Village employees are additionally covered by the following:

- (1) Social Security legislation and salary deductions shall be made for Social Security purposes in accordance with the law.
- (2) Workers' Compensation Act, **(820 ILCS Sec. 305/1 et seq.)** Any work-related injury or illness must be reported to the employee's supervisor within **twenty-four (24) hours** of the injury or onset of illness.
- (3) Unemployment Insurance, the costs of which shall be paid by the Village.

**11-7-3**     **TRAINING.** For meetings and seminars, employees may be granted leave with pay to attend meetings, seminars and conventions of professional and technical organizations, when such attendance would benefit the employee's ability to perform the job, and is approved in advance by the Village Board.

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

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

**12-7-4 DEATH BENEFITS.** Each employee shall fill out a designation of beneficiary form. Upon the death of an employee, the designated beneficiary shall be entitled to receive from the appropriation for personal services theretofore available for payment of the employee's compensation, such sums for any accrued vacation period to which the employee was entitled to at the time of death. Such payment shall be computed by multiplying the employee's daily rate of pay by the number of days of accrued vacation at the time of death.

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

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

**11-7-5 TRAVEL.** Staff vehicles are to be used only for activities directly related to the conduct of business. Under no circumstances are the vehicles to be used for personal activities. Reimbursement is provided for the use of employee's private vehicles for official business at the rate designated by the State of Illinois for actual mileage traveled. Private vehicles will only be used when Department vehicles are not available and prior approval is given by the Mayor. Use of staff vehicles are restricted to employees who have a valid drivers' license with current liability insurance. Employees are not permitted to use Village vehicles without the knowledge of their supervisor or Superintendent. All employees using staff or private vehicles must record mileage on the expense log along with the destination and purpose of the trip. The log is to be returned with the vehicle's keys. Expense claims for private vehicle usage will be honored only if the listed trip is initialed by the immediate supervisor. Any malfunctions or damages must be reported to the immediate supervisor. Travel in any vehicle will always be by the most direct route unless otherwise approved by the Mayor or Superintendent.

If the most economical means of travel available is by some type of transportation other than an automobile, the mode selected shall be approved by the employee's supervisor and Elected Official before departure. Travel by either airplane or train shall be by coach class.

Reimbursements for first class accommodations may be permitted only when coach class is not available.

Employees who take staff vehicles home are not considered on official business during the commute unless they must regularly perform duties during that commute.

**11-7-6**      **PAY RATES.** The pay rates for the Village employees shall be as follows:

(A)            Each Village employee may be paid at a different pay rate because of being hired at different times and at negotiated pay rates.

(B)            All employees shall work an **eight (8) hour** day, a **forty (40) hour** week. They shall be paid on a bi-weekly schedule, with payday being every other Friday. If payday falls on a holiday, they shall be paid on the day before.

(C)            If an employee works less than **forty (40) hours**, it shall be reflected in his/her paycheck.

(D)            If an employee takes time off during regular work hours, he/she shall not be allowed to make up lost time without prior approval by Superintendent.

**11-7-7**      **OVERTIME PAY.** The overtime pay for employees shall be as follows:

(A)            Employees shall be paid overtime for actual time worked if it is an extended workday over **eight (8) hours**.

(B)            Employee will be paid overtime for a minimum of **one (1) hour** if called in after leaving work for the day in which he/she has already worked a full **eight (8) hours**. If he/she works more than **one (1) hour**, they will be paid for actual time worked at overtime rate, providing a regular **eight (8) hour** day has already been worked.

(C)            Employee who is responsible for checking water plant on weekends and holidays shall receive **one (1) hour** overtime for each plant for each day (total of **two (2) hours**) providing he/she has worked a **forty (40) hour** week.

(D)            In order for an employee to receive overtime pay for weekend work, he/she shall have worked at least **forty (40) hours** during previous week.

(E)            Overtime pay is based on **one and one-half (1 ½) times** regular pay.

(F)            Holiday pay shall be straight time. If holiday is worked, pay is **one and one-half (1 ½) times** in addition.

(G)            Employees, at their option, may elect to receive, in lieu of overtime pay, compensatory time equal to **one and one-half (1 ½) times** all overtime hours worked, until the employee has accumulated **forty (40) hours** of compensatory time. If an employee accumulates **forty (40) hours** of compensatory time, any additional overtime hours worked shall be paid. Should an employee utilize compensatory time, he or she shall then have the option to accumulate back up to the **forty (40) hour** cap. There shall be no expiration date on any accumulated compensation time thus allowing the time to be carried over into a new calendar year. Compensatory time may be scheduled in **four (4) hour** increments and only with prior approval of the Trustee/Mayor. Provided, however, the Trustee/Mayor or designee may approve the use of compensatory time in lesser increments. **(Ord. No. 23-01; 02-13-23)**

**ARTICLE VIII - REGULATIONS AND RESTRICTIONS**

**DIVISION I - GENERAL**

**11-8-1 ACCIDENTS/INJURIES.** Anytime an employee is involved in an automobile accident with a Village automobile or in a personal automobile while on Village business, the employee shall notify his or her Superintendent immediately with all pertinent information including whether personal injury is involved and whether any traffic citations were issued. All Superintendents shall within **twenty-four (24) hours** notify the Village Attorney if any traffic citations were issued to a Village employee and shall provide the Village Attorney with a copy of the citations. An employee is obligated to cooperate with the Village and any of the Village's legal representatives regarding the accident and any citations that may have been issued.

**11-8-2 APPEARANCE.** Neatness and good taste in dress, as well as care toward personal hygiene, are expected of all employees. For safety and hygienic purposes, employees may be required to comply with any appropriate dress code that is set forth by the Superintendent or Village Board during the performance of their duties.

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

**11-8-3 USE OF DEPARTMENT PROPERTY.** All department property and equipment entrusted to any employee shall be used in accordance with the property's prescribed function. All damage through recklessness, gross negligence, intentional act, deliberate misuse, or theft shall be replaced and paid for by the employee committing the violation. Such replacement of property by the employee shall not be considered the exclusive remedy against the employee, and the employee may still be subject to discipline. All department property, personal lockers, and personal offices are subject to search and seizure. All department property shall be inspected by the employee's immediate supervisor prior to issuance of the property.

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

**11-8-4 TELEPHONE USAGE.** Good telephone habits are an indication that the department is interested in serving the public. At all times, answer promptly and courteously. Identify yourself by name and section, be friendly and helpful. Write time and date of any message from the caller, transfer calls tactfully, give accurate information, do not keep the caller waiting and hang up carefully.

All personal telephone usage, including cellular telephones, whether incoming or outgoing, shall be kept to a minimum. Employees shall be charged and accountable for such usage. Employees shall also be responsible for the care of the cellular units to avoid misplacement and theft. All pagers assigned to the employees shall remain "on" during working hours. **(See Division II for computer policy.)**

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

**11-8-5      CORRESPONDENCE AND COMMUNICATIONS.** No employee shall use their official position, engage in official transactions or business to harass any individual or to secure a benefit for himself or other individuals. Courtesy should be given in all communications and correspondence, and all employees should refrain from unnecessarily criticizing any individuals or agencies concerning official transactions or business.

**11-8-6      SMOKING.** Smoking by Village employees shall be prohibited as the state law is applicable.

**11-8-7      SPEECH AND DISSEMINATION OF INFORMATION.** Employees are encouraged to appear before civic organizations, fraternal organizations or any other group in an official capacity. Employees shall notify the Superintendent prior to accepting such speaking engagements.

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

The Superintendent shall make all news releases concerning the department.

The Village shall comply with the **Illinois Freedom of Information Act**, and employees are allowed to disseminate information pursuant to the Act. However, employees are not allowed to disclose any information that is exempted by **Illinois Freedom of Information Act** or prevented from disclosure by any other state statutes. Employees who receive Freedom of Information Act requests shall notify the Mayor, who may consult with the Village Attorney to ensure timely compliance.

**11-8-8      RELATIONS WITH CREDITORS.** The Village shall charge employees any authorized costs when making wage deduction pursuant to court order or State or Federal statutes.

**11-8-9 POSSESSION OF FIRE ARMS.** Unless authorized by the Chief of Police, and unless authorized by the appropriate Superintendent, no employee of any department has legal authority to carry weapons while in the performance of their official duties.

**11-8-10 ETHICS.** Employees shall not recommend or promote the sale of any specific brand name product or equipment.

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

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

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

**11-8-11 OTHER EMPLOYMENT.** An employee may not be paid by another employer for the same **forty (40) hour** period employee is being paid by the department. If a full-time employee performs outside services or employment, such services or employment shall be reported to the Superintendent for prior approval, and advance notification shall be given by the employee to the Village Clerk.

Employees who are injured while engaging in other employment shall notify the Superintendent and the Village Clerk.

**11-8-12 PHYSICAL EXAMINATIONS.** Each applicant for employment may be required to successfully complete a post-offer physical examination by a doctor of the employer's choice, including a drug screen upon the request of the Village. At any time, employees may be required to submit to a physical examination. As a condition of their employment, the employees of the department shall authorize the release of medical testing information including drug screens to the Village for departmental use only.

Each employee authorized to carry and use a gun while at work for the Village, and all employees engaging in heavy manual labor as their principal form of job activity for the Village may be required to submit to an annual physical exam and/or drug screens by a doctor of the employer's choice.

Drug screens can be conducted on a random basis for any security personnel employed by the Village, except those under police personnel contract, for any employee authorized to carry and use a gun while performing work related activities for the Village and for any employee that is required to hold other than a Class A driver's

license for work related purposes. For all other employees, drug screens shall be conducted upon probable cause.

The term "drug screens", as used throughout and disclose to the Superintendent, any drug or alcohol problem that the employee may currently have.

**11-8-13     REIMBURSEMENT OF COST OF TRAINING.** If an employee leaves the department's employment before the completion of **three (3) years** from the initial date of employment, that employee will be liable for all costs incurred in the employee's selection, background investigation, equipment issue and training, prorated over a **three (3) year** period. Incurred training costs will be deducted from any remaining paychecks.

**11-8-14     PRESCRIPTION DRUG USE.** Any employee who is taking prescription or over-the-counter drugs or medication which may impact on abilities to perform work shall report the use of the drugs or medications to the immediate supervisor, along with the name and address of any medical doctors prescribing the medication.

**11-8-15     DRUG FREE WORKPLACE.** All employees, as a condition of employment, will comply with the Village's Drug Free Workplace Policy, attached to this Code as **Appendix A.**

**11-8-16 - 11-8-19     RESERVED.**

**DIVISION II – COMPUTER USAGE POLICY**

**11-8-20**     **COMPUTER USAGE PROCEDURE.** Routinely all personnel will have access to a computer. The following procedures must be adhered to:

(A)           All employees will only use the “Log-in ID”, “User ID” and “Passwords” assigned to them, i.e. use of a supervisor “User ID” and “Passwords” by a line officer is prohibited unless authorized by the Administration. Use is a privilege, not a right, which may be suspended or terminated by Mayor when, in his/her judgment, this policy has been violated by the user.

No employee is authorized to share their “password” with anyone except the Supervisor assigned to overlook all passwords in the department.

(B)           It is not permissible to use village computers and equipment in any inappropriate manner, such as to disgrace the department or a fellow employee. It is forbidden to use profanity or vulgar language on any department computer equipment.

(C)           Only floppy disks which are requisitioned from the storerooms and the data processing department are authorized to be used in department computers. No outside floppy disks will be authorized to be used except with permission from Administration.

(D)           No employee shall be allowed to do personal work at his or her village computer. This is with or without the use of any floppy disk.

(E)           No employee shall be allowed to copy any village or department document to a floppy disk and use it outside the office without permission from Administration.

(F)           No employee shall be allowed to have any unauthorized programs, utilities, games or files on their village PC.

(G)           Any variance from the above procedures shall have prior Administration permission.

Information and data maintained in the electronic media on village computer system are protected by the same laws and policies, and are subject to the same limitations, as information and communications in other media. Said information and data are the property of the Village.

Before storing or sending confidential or personal information, users should understand that most materials on Village system are, by definition, public records. As such, they are subject to laws and policies that may compel the Village to disclose them. The privacy of the materials kept in electronic data storage and electronic mail is neither a right nor is it guaranteed.

**11-8-21 - 11-8-24**     **RESERVED.**

### DIVISION III – ELECTRONIC COMMUNICATIONS

**11-8-25 POLICY; INTRODUCTION/PURPOSE.** This policy is intended to serve as a guide on the proper use of the municipal electronic communication systems. This policy covers the use of all forms of electronic communications, including but not limited to e-mail, voice mail, fax machines, external bulletin boards, Intranet and the Internet, and applies to all Users. Users are expected to read, understand and follow the provisions of this policy and will be held responsible for knowing its contents. Use of the electronic communication system constitutes acceptance of this policy and its requirements.

The Village provides electronic mail (e-mail) and/or Internet access to Elected Officials and Staff who need it to perform the functions of their position. The purpose of this document is to communicate to all Personnel their responsibility for acceptable use of the Internet and e-mail (whether sent over the Internet or over the Village's own network). Policies and procedures are also outlined for the disclosure and monitoring of the contents of e-mail messages stored in the system when required.

The Village's objectives for Employees to use e-mail and/or the Internet include:

- (A) exchanging information more efficiently than by telephone or written memorandum;
  - (B) gathering information and performing research for departments;
- and
- (C) reducing the handling of paper copy.

**11-8-26 POLICY DEFINITIONS.** As used in this Policy, the terms listed below shall be defined as follows:

(A) **Electronic Mail (E-Mail).** Electronic mail may include non-interactive communication of text, data, image, or voice messages between a sender and designated recipient(s) by systems utilizing telecommunications links. It may also include correspondence transmitted and stored electronically using software facilities called "mail", "facsimile", "messaging" systems or voice messages transmitted and stored for later retrieval from a computer system.

(B) **Encryption Software.** Proprietary software that changes information from its native state to an unrecognizable coded state that can only be returned to its native state with special software.

(C) **Internet.** A worldwide network of networks, connecting informational networks communicating through a common communications language or "Protocol".

(D) **Intranet.** An in-house web site that serves the users of the Village. Although Intranet pages may link to the Internet, an Intranet is not a site accessed by the general public.

(E) **World Wide Web.** An Internet client-server distributed information and retrieval system based upon hypertext transfer protocol (http) that transfers hypertext documents that can contain text, graphics, audio, video, and other multimedia file types across a varied array of computer systems.

(F) **Users.** Elected Officials, Department Heads, Employees, Volunteers, Contractors and Consultants.

(G) **Firewall.** An electronic device used to protect private networks from unauthorized access from users on the Internet.

**11-8-27 OWNERSHIP.** The electronic communication system is the property of the Village. All computer equipment, computer hardware and computer software provided by the Village are the property of the Village. All communications and information transmitted by, received from, or stored in these systems are the property of the Village.

**11-8-28 USE OF ELECTRONIC COMMUNICATIONS.** The Village's electronic communications systems, including e-mail and the Internet, are intended for Village business use only. Personal uses of the Internet and e-mail systems are prohibited. The Village reserves the right to use filtering software to block access to Internet sites that are considered inappropriate or non-productive. The filtered sites shall be reviewed and approved by the Mayor.

Before using these systems, all users shall understand that any information that is created, sent, received, accessed or stored in these systems shall be the property of the Village and shall not be private. If a User is permitted to use electronic communication systems, such use shall not violate any section of this policy or interfere with User's work performance.

Users shall use the same care and discretion when writing e-mail and other electronic communications as they would with any formal written communication. Any messages or information sent by Users to other individuals via electronic communication systems, such as the Internet or e-mail, are statements identifiable and attributable to the Village. Consequently, all electronic communications sent by Users shall be professional and comply with this policy.

**11-8-29 PROHIBITED COMMUNICATIONS.** Under no circumstances may any User operate the Village's electronic communications systems for creating, possessing, uploading, downloading, accessing, transmitting or distributing material that is illegal, sexually explicit, discriminatory, defamatory or interferes with the productivity of coworkers. Specifically prohibited communications include, but are not limited to, communications that promote or transact the following: illegal activities; outside business interests; malicious use; personal activities (including chat rooms); jokes; political causes; football pools or other sorts of gambling; recreational games;

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creation or distribution of chain letters; list servers for non-work purposes; "spams" (mailing to a large number of people that contain unwanted solicitations or information); sexual or any other form of harassment; discrimination on the basis of race, creed, color, gender, religion or disability; or for solicitations or advertisements for non-work purposes. Users may not engage in any use that violates copyright or trademark laws.

Also prohibited is any activity that could negatively impact public trust and confidence in the Village or create the appearance of impropriety.

Users are also prohibited from posting information, opinions or comments to Internet discussion groups (for example: news groups, chat, list servers or electronic bulletin boards). Under no circumstances may any User represent their own views as those of the Village.

Users may not disclose confidential or sensitive information. Personal information such as the home addresses, phone numbers, and social security numbers of Elected Officials or Employees should never be disclosed on the Internet.

**11-8-30 NO PRESUMPTION OF POLICY.** Although Users may use passwords to access some electronic communication systems, these communications should not be considered private. Users should *always assume* that any communications, whether business-related or personal, created, sent, received or stored on the Village's electronic communication systems may be read or heard by someone other than the intended recipient.

Users should also recognize that e-mail messages deleted from the system may still be retrieved from the computer's back-up system when requested by authorized personnel. Consequently, messages that were previously deleted may be recreated, printed out, or forwarded to someone else without the User's knowledge.

**11-8-31 VILLAGE'S RIGHT TO MONITOR USE.** Under authorization of the Mayor, the Village may monitor, intercept, access, and disclose all information created, sent, received, or stored on its electronic communication systems at any time, with or without notice to the User. The contents of computers, voice mail, e-mail and other electronic communications will be inspected when there are allegations that there have been breaches of confidentiality, security, or violations of this Electronic Communications Policy. These inspections will also be conducted when it is necessary to locate substantive information that is not readily available by less intrusive means. Before providing access to store electronic communications such as e-mail messages, written authorization will be required from the Mayor.

The contents of the computers, voice mail, e-mail and other electronic communications may be turned over to the appropriate authority when there are allegations that there have been violations of law.

In addition, the Village will regularly monitor and maintain a log of the User's Internet access, including the type of sites accessed, the name of the server, and the

time of day that access occurs. The Mayor will have access to this log upon request. They may use this information that was obtained through monitoring as a basis for employee discipline.

The Mayor may authorize individuals for investigative purposes to engage in activities otherwise prohibited by this policy.

**11-8-32 PROHIBITED ACTIVITIES.** Users shall not download software programs of any kind. No software is to be installed on Village computers without the approval of the Director of Data Processing. Users may not upload, download, or otherwise transmit copyrighted, trademarked, or patented material; trade secrets; or confidential, private or proprietary information or materials. Users may not use the Village's electronic communication systems to gain unauthorized access to remote computers or other systems or to damage, alter, or disrupt such computers or systems in any way, nor may Users use someone else's code or password or disclose anyone's code or password including their own. It is a violation of this policy for Users to intentionally intercept, eavesdrop, record or alter another person's Internet and e-mail messages. Users may not allow unauthorized individuals to have access to or use the Village's electronic communication systems, or otherwise permit any use that would jeopardize the security of the Village's electronic communication systems. Also, Users may not post an unauthorized home page or similar web site.

Users may not make unauthorized commitments or promises that might be perceived as binding the Village. Users must use their real names when sending e-mail messages or other electronic communications and may not misrepresent, obscure or in any way attempt to subvert the information necessary to identify the actual person responsible for the electronic communication. Sending an e-mail message under a fictitious or false name is a violation of this policy. Likewise, using another User's account or login ID constitutes a violation of this policy.

**11-8-33 PASSWORDS.** Each User will maintain a unique password. Users must keep their passwords confidential and must never leave their computers unattended when logged into the system. Passwords shall be changed whenever a password may have been compromised or revealed or when the computer security system requests a new password.

Directories of User e-mail addresses may not be made available for public access. No visitors, contractors or temporary employees may use the Village's e-mail without prior written authorization from the Mayor.

**11-8-34 INTERNET USAGE.** Access to the Internet from any PC connected to the Village's network is only allowed in accordance with this policy. Alternate methods of Internet access, such as using a modem to access a personal dial-

up Internet account is prohibited as it may compromise the Village's network security exposing it to potential harm from computer hackers.

Sessions on the Internet are logged automatically in exactly the same way that phone numbers are logged in the phone system. Do not use the Internet for tasks that you would not want to be logged.

Web browsers leave "footprints" providing a trail of all site visits. Do not visit any site where you would be reluctant to leave your name and work locations.

Use appropriate judgment before filling out a form included in a Web page. The form shall pass through many interconnecting computers and networks before reaching its destination. Other individuals will be able to eavesdrop on it. Personal or valuable information on the form may not remain confidential. Under no circumstances should you ever put a Social Security number on the Internet.

An Internet message sent from the Village's address constitutes a Village communication; therefore, it should be composed and structured correctly. Whenever possible, spell check messages prior to transmission, especially when sending to a non-Village address.

Sending e-mail from the Village's address can be likened to sending a letter on Village letterhead. Messages may be forwarded by the recipient to others, printed in a location where others may view the message, and/or directed to the wrong recipient. Also, computer forensic experts can often retrieve e-mail previously deleted. An ill-considered remark can return to haunt the sender later.

Be courteous and follow generally accepted standards of etiquette. Protect others' privacy and confidentiality. Consider the Village's needs before sending, filing, or destroying e-mail messages. Remove personal messages, temporary records and duplicate copies in a timely manner.

**11-8-35 RECORDS RETAINED.** Certain significant types of e-mail messages or their attached files may be considered records and should be retained if required by the Village's record-retention policies. Examples of messages sent by e-mail that may constitute records include:

- (A) policies and directives;
- (B) correspondence or memoranda related to official business;
- (C) work schedules and assignments;
- (D) agendas and minutes of meetings;
- (E) drafts of documents that are circulated for comment or approval;
- (F) any document that initiates, authorizes, or completes a business transaction; and
- (G) final reports or recommendations.

**11-8-36 RECORDS DISPOSAL.** The content and maintenance of a User's electronic mailbox are the User's responsibility. The content and maintenance of a User's disk storage area are the User's responsibility. Each User should review his/her electronic records for deletion every **thirty (30) days**.

Messages of transitory or little value that are not normally retained in record-keeping systems should be regularly deleted. Informational messages, such as meeting notices, reminders, informal notes, and telephone messages should be deleted once the administrative purpose is served. If it is necessary to retain any e-mail message for an extended period, transfer it from the e-mail system to an appropriate electronic or other filing system. With the approval of the Mayor, the Director of Data Processing or one of his/her staff members designated by him/her is permitted to remove any information retained in an e-mail system for more than **thirty (30) days**.

**11-8-37 ACCESSING USER E-MAIL DURING ABSENCE.** During a User's absence, the Mayor may authorize the Data Processing Director to access the User's e-mail messages and electronic Internet records without the consent of the User when necessary to carry out normal business functions.

**11-8-38 FIREWALLS AND NETWORK PROTECTION.** Firewalls and other devices to ensure the safety of the Village private network will be installed to protect all Village Electronic Communication Systems. Local governments are often targets of hackers and unauthorized intrusions because of the unique types of information stored on their systems. For this reason, the Village takes a *very cautious* approach to security regarding the Internet and e-mail. Policies to ensure the security of the system include, but are not limited to: blocking access to certain Internet sites; filtering out potentially threatening e-mail attachments; filtering out dangerous types of web pages including Java Script, and ActiveX programs. Other methods of security may be deployed as new threats are discovered.

Any attempts to bypass or disable the security features installed by the Village will be in violation of this policy and may result in disciplinary action.

**11-8-39 PASSWORD PROTECTION.** Users should use caution when using encryption software or password protecting their files. Password protected files cannot be retrieved without the necessary password. The Village is not responsible for any lost, damaged or inaccessible files that result from password protection.

**11-8-40 VIRUSES AND TAMPERING.** Any files downloaded from the Internet must be scanned with virus detection software before installation and execution. All computers designated as having access to the Internet and e-mail must have virus detection software installed on them. Users may not deliberately disable the

virus protection capabilities of these systems. The intentional introduction of viruses, attempts to breach system security, or other malicious tampering with any of the Village's electronic communication systems is expressly prohibited. Users must immediately report any viruses, tampering or other system breaches to the Data Processing Director.

Many viruses are transmitted through the e-mail system as attachments. Caution should be practiced prior to the accessing of any attachments to e-mail messages. Never access any unexpected attachments without verifying the source and reason for it, even if you recognize the sender of the e-mail. It is common practice for hackers to alter the source of an e-mail in an attempt to spread a virus.

**11-8-41 DISCLAIMER OF LIABILITY FOR USE OF THE INTERNET.**

The Village is not responsible for material viewed or downloaded by Users from the Internet. The Internet provides access to a significant amount of information, some of which contains offensive, sexually explicit and inappropriate material. It is difficult to avoid contact with this material; therefore, users of the Internet do so at their own risk.

**11-8-42 DUTY NOT TO WASTE ELECTRONIC COMMUNICATIONS RESOURCES.**

Users must not deliberately perform actions that waste electronic communication resources or unfairly monopolize resources to the exclusion of other Users. This includes, but is not limited to, subscribing to list servers, mailing lists or web sites not directly related to the User's job responsibilities; spending nonproductive time on the Internet; and doing large non-work related file downloads or mass mailings. Electronic communication resources are limited and Users have a duty to conserve these resources.

**11-8-43 E-MAIL ADDRESSES.** The Village reserves the right to keep a User's e-mail address active for a reasonable period of time following the User's departure to ensure that important business communications reach their respective department.

**11-8-44 FREEDOM OF INFORMATION ACT REQUESTS.** The Village will not accept Freedom of Information Act (F.O.I.A.) requests from the public via the Internet. If a citizen e-mails a F.O.I.A. request to a User, the employee should notify the citizen that these requests must be made in writing and addressed to the attention of the Mayor.

**11-8-45**     **USE OF CREDIT CARDS ON THE INTERNET.** Before making purchases on the Internet, Users who are authorized to use Village credit cards must ensure that they are using a secured site. The Village recommends that Users do not use their credit cards over the Internet and expressly disclaims responsibility for any loss or damages that results from credit card usage over the Internet.

**11-8-46**     **VIOLATIONS.** Violations of this policy may subject employees to disciplinary action ranging from the removal of electronic communication privileges to dismissal from employment. Village employees who observe violations of this policy are obligated to report the violations to their Elected Official.

**11-8-47**     **POLICY CHANGES.** The Village reserves the right to change this policy at any time without notice. Nothing in this policy is intended or should be construed as an agreement and/or a contract expressed or implied. Policy changes will be disseminated electronically or in written form within **forty-eight (48) hours** of taking effect.

**ARTICLE IX - RIGHTS OF EMPLOYEES**

**11-9-1**     **PERSONNEL FILE.** Employees are allowed to look at their own personnel files during normal business hours. Persons wishing to view their own file shall file a written request with the Superintendent or Village Clerk. A copy of the request shall be placed in the employee's personnel file. Nothing should be placed in an employee's personnel file nor shall anything be removed from the file without the consent of the Mayor and Superintendent. Records of prior grievances and discipline action shall be maintained in the employee's personnel file. The final decision to remove items lies within the discretion of the Mayor and the Superintendent.

**11-9-2**     **REFERENCES.** Employees or former employees have the right to obtain references or recommendations. Such references shall provide the applicable date of hire and the last date employed, and a general description of the applicable job duties. Additional comments concerning the employee or former employee's job performance dependabilities lies within the sound discretion of the Superintendent.

**11-9-3**     **SAFETY.** The Superintendent shall implement any safety procedures adopted by the Village, and employees shall comply with any of the safety procedures.

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

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

**ARTICLE X - RIGHTS OF EMPLOYER**

**11-10-1 VILLAGE'S RIGHTS.** The employee recognizes that the Village possesses the exclusive right to operate and direct the employees of the Village in all aspects, including, but not limited to, all rights and authority granted by law.

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

**11-10-2 NEW REGULATIONS.** The Village has the right to unilaterally create new employment policies and regulations not mentioned in this Code, and to change provisions of this Code without prior notice, approval or consent of the employees of the Village.

**11-10-3 MANAGEMENT RESPONSIBILITIES.** The employer has the ultimate responsibility for proper management including but not limited to responsibilities and the right for the following:

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

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

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

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

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

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

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

**11-10-4 LENGTH OF SERVICE.** Length of service is defined as the length of continuous service of an employee since the employee's last date of hire with the Village within the employee's department. In the event an employee is transferred from or to another department of the Village, the employee's total continuous employment with the Village will be used as the basis for vacation and sick leave only.

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

**11-10-5 EXEMPTIONS.** All sections and subsections of this Code shall not apply to the employees governed by a collective bargaining agreement provided the subject matter in the Collective Bargaining Agreement sections are the same.

**ARTICLE XI - SEXUAL HARASSMENT POLICY**

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

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

**11-11-3 DEFINITIONS 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 where:

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

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

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

Other conduct commonly considered to be sexual harassment includes:

- Verbal: Sexual innuendoes, suggestive comments, insults, humor and jokes about 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 a "reasonable man", depending on the gender of the alleged victim.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The process for making a 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 with Supervisory Personnel.** At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate

supervisor or the EEO Officer. If the harasser is the immediate supervisor, the problem should be reported to the next level of supervisor or 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 EEO Officer will fully investigate the complaint and advise the complainant and the alleged harasser of the results of the investigation.

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

An employee who is suddenly transferred to a lower paying job or passed over for promotion, after filing a complaint with IDHR or EEOC, may file a retaliation charge, also due within **one hundred eighty (180) days** (IDHR) or **three hundred (300) days** (EEOC) of the alleged retaliation.

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

**11-11-7 TRAINING.** The EEO Officer is responsible for ensuring that supervisors and staff are trained and made aware of the full range of practices that might constitute sexual harassment.

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

**ARTICLE XII - SEXUAL MISCONDUCT POLICY**

**11-12-1 PURPOSE OF POLICY.** The Village 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".

**11-12-2 REPORTING PROCEDURES AND DESIGNATED SEXUAL MISCONDUCT COORDINATOR.** It is the express policy of the Village to encourage victims of sexual misconduct, and their parents or guardians in the case of minors, to come forward with such claims. The Village shall designate someone 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 Village. 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.

**11-12-3 EMPLOYEES.** Employees are required to report any known or suspected incidents of sexual misconduct. They shall report to their Superintendent or the Village Board. 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.

**11-12-4 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.

**11-12-5 DISCIPLINE.** Any Village 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.

**11-12-6 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.

**11-12-7 RETALIATION AGAINST ACCUSER.** The Village 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.

**11-12-8 CHILD ABUSE INCIDENT REPORTING AND FOLLOW-UP.**

(A) Sexual child abuse as used in this Article 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 Village Board, the Village Attorney, and Police Department.

(C) In the event that the Village Board is first notified of an incident of known or suspected child abuse, the Village Board 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 Village Board 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 Village Board shall consult and communicate with the Village 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 Village.

**11-12-9 MAINTENANCE OF RECORDS AND DOCUMENTS.** The Village Board shall maintain all records and documentation required by law or otherwise required by this and other such related policies of the Village 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.

**11-12-10 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.

## ARTICLE XIII - DISCIPLINE

**11-13-1 PROCEDURE.** The formal disciplinary process is a five step procedure, but dismissal may occur at any step in the process. The Village Board may use the Discipline Form attached as **Appendix C** for documentation purposes. Under normal circumstances, these steps are outlined in the following sections.

**11-13-2 VERBAL REPRIMAND.** A verbal reprimand informs an employee of unsatisfactory conduct, attitude or performance, and acknowledges that continued such actions will result in more severe disciplinary actions. The reprimand should be done in private, and should be documented with the date and nature of the problem and placed in the employee's personnel file.

**11-13-3 WRITTEN REPRIMAND.** A written reprimand informs an employee of unsatisfactory conduct, attitude or performance. Written reprimand is more severe than a verbal reprimand, but serves the same purpose to acknowledge further unsatisfactory conduct, attitude, or performance will result in more severe disciplinary action. A copy of the written reprimand will be sent to the employee, the Village Board, Mayor and employee's personnel file.

**11-13-4 PROBATION.** Employee may be placed on probation by the Village Board and/or the Mayor if the employee's performance is substandard and/or the employee's conduct and behavior are inappropriate and not condoned by management. Employee may be placed on probation not to exceed **six (6) months**. At the end of **three (3) months**, an informal evaluation of the employee's performance will be conducted. At the end of the probationary period, the employee's performance will be formally evaluated. Evaluations will determine if the employee should be retained. If the employee violates the conditions of the probation, the employee may be subject to termination. Removal from probationary status is based upon satisfactory completion of the probationary period, recommendation from the Village Board, and approval of the Mayor.

**11-13-5 ADMINISTRATIVE LEAVE.** An employee may be placed on administrative leave by the Mayor with or without pay and benefits pending an investigation based on alleged violation of the municipal policies and procedures. The administrative leave may be extended for the period of time the investigation continues but no longer than **thirty (30) days**.

**11-13-6 SUSPENSION.** Suspension of an employee would be at the discretion of the Village Board. The suspension will result in a loss of salary for the period of the suspension. Upon return to work the suspended employee will be placed on probationary status for a period not to exceed **six (6) months**. If the employee violates the conditions of the probation, the employee may be subject to termination. Removal from probationary status is based upon satisfactory completion of a probationary period, a recommendation from the employee's immediate superintendent, and the approval the Mayor and Village Board. The period of suspension may be up to but not exceeding **thirty (30) days** off without pay in one calendar year. The suspension may include demotion, and is within the discretion of the Village Board.

**11-13-7 DISMISSAL.** Dismissal shall be used as a disciplinary action of last resort at the discretion of the Mayor and the Village Board. All employees are subject to discharge by the Mayor with the advice and consent of the Village Board during any of the disciplinary steps. Upon dismissal, all benefits are terminated immediately and any prepaid benefits shall be refunded.

**11-13-8 CODE OF CONDUCT.** Disciplinary action may be brought against an employee for the following, including but not limited to:

- (A) Violating any provisions of this Personnel Code.
- (B) Knowingly falsifying a report.
- (C) Being insubordinate to or showing disrespect towards superiors.
- (D) Neglecting to perform the job or performing the job inefficiently.
- (E) Engaging in any conduct unbecoming of a Village employee or that discredits the Village.
- (F) Leaving the assigned job without permission.
- (G) Absence from work without leave or permission.
- (H) Willfully destroying or damaging any property of the Village.
- (I) Taking or giving bribes.
- (J) Being under the influence of intoxicating beverages while at work.
- (K) Using, manufacturing, distributing, dispensing, or possessing any statutorily defined illegal drugs, narcotics, or controlled substances, or failing to report to the Village Board any arrest or conviction for using, manufacturing, distributing, dispensing, or possessing any statutorily defined illegal drugs, narcotics, or controlled substance.
- (L) Failure of any employee to notify the Village Board within **five (5) days** after an arrest or conviction of a violation of any local, state, or federal criminal drug statute.
- (M) Using a Village vehicle without the knowledge of the immediate supervisor.
- (N) Improperly operating a Village vehicle or permitting an unauthorized person to operate a Village vehicle.

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- (O) Excessive unexcused absence from work or tardiness.
- (P) Possession of explosives, firearms or other dangerous weapons on Village premises, unless otherwise permitted.
- (Q) Use of overtime for other than work purposes.
- (R) Failure to follow any safety rules, regulations, or manuals.
- (S) Gambling during working hours around Village premises.
- (T) Sleeping on the job.
- (U) Being discourteous to the public.
- (V) Engaging in or instigating or causing an interruption or impeding work.
- (W) Substantial misrepresentation of facts in obtaining employment with the Village.
- (X) The use or consumption of Village property for personal or private purposes, or the use of Village employees during working hours for such purposes.
- (Y) Disorderly conduct during working time or on Village premises, including fighting, interfering with work of another, or threatening or abusing any person by word or act.
- (Z) Unauthorized use of Village property such as Village owned vehicles, equipment and materials.
- (AA) Abuse of sick leave by misrepresentation of the leave request
- (BB) Violation of a written order of the Village Board.
- (CC) Failure to pay legitimate debts, thus exposing the Village to harassment by creditors.
- (DD) Using profanity on the job.
- (EE) Releasing confidential information.
- (FF) Using or attempting to use an official position to secure special privileges, exemptions, or personal gain except as may be otherwise provided by law.
- (GG) Engaging in disreputable acts and not conducting themselves with "good moral character".
- (HH) Abuse of telephone usage.
- (II) Theft of any Village or employee property.
- (JJ) Discriminating against any person, individual, entity, co-employee, on the basis of race, color, religion, sex, national origin, age, handicap or disability, ancestry, marital status, sex harassment or any other prohibited form of discrimination under federal or state law or government contract or grantee regulations.
- (KK) Failure to perform essential functions of his/her position.
- (LL) Abusing Village computer equipment.
- (MM) Charged with misdemeanor or felony.
- (NN) Allowing drug and/or alcohol in or on machinery and/or vehicles.

**11-13-9 POLITICAL ACTIVITIES.** No form of discipline can occur because of any employee's political activity or political beliefs. This prohibition on discipline does not apply to individuals in policy making or confidential positions or where an overriding interest or vital importance exists which requires that an employee's political beliefs and activities conform to those of the Village or the Corporate Authorities.

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

**ARTICLE XIV - MISCELLANEOUS**

**11-14-1 GRIEVANCE PROCEDURE.** The purpose of a grievance procedure is to establish and maintain harmonious and cooperative working relationships between the Village and its employees, to assure equitable treatment of employees, and to provide expeditious means of resolving employee dissatisfaction over circumstances or conditions of employment.

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

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

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

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

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

Steps:

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

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

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

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

**11-14-2 LAYOFFS.** In the event it becomes necessary to layoff employees for any reason, employees will be laid off based on the following criteria: Employee's knowledge, skills, and abilities in relation to positions available, lack of work, lack of funds, the employee's length of service, the employee's work record including

commendations as well as disciplinary action, the employee's attitude and relations with other employee's as well as other agencies and change in duties of the department. The employee shall receive **two (2) weeks'** notice.

**11-14-3 RESIGNATION.** Sick leave, vacation, and retirement fund benefits cease at midnight on the date of termination. Life and health insurance will cease at the end of the month of the termination. Employees may elect to continue participation in the plan on a self-pay basis as provided by federal statutes. The employee will be paid for each day of accrued and unused vacation time. Monies accumulated in the employee's retirement account may be refundable, according to IMRF Rules. Forms required to request this refund are available from the Village Clerk's office.

**11-14-4 TERMINATION.**

(A) **Voluntary Resignations.** Employees with at least **twelve (12) months** of continuous service, who give **two (2) weeks** notice of resignation, shall be compensated for any vacation time to which they are entitled.

(B) **Dismissals.** Employees will be given **two (2) weeks (fourteen (14) days)** notice of dismissal under normal circumstances. If for reasons of safety and well being of other Village employees and Village property and equipment, the Village Board may terminate an employee immediately.

(C) **Downsizing.** If termination is due to Village down sizing for benefit of the Village, a full time employee would be given **two (2) weeks** pay at full termination.

(D) **Use of Village Assets.** Any employee who uses Village property or Village assets for personal use will be liable for immediate discipline or dismissal.

(E) **Purchase Approvals.** Prior approval shall be received for every purchase exceeding **Twenty-Five Dollars (\$25.00)** with the exception of fuel, oil, vehicle maintenance, petty cash, and extreme emergency.