

**VILLAGE OF MORTON
PERSONNEL POLICY MANUAL**



Effective: January 1, 2024

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ARTICLE I – INTRODUCTION

Section 1.1 Purpose

This Manual contains the personnel policies and procedures of the Village of Morton. The Manual is intended to serve as a working guide for department heads and supervisors regarding the Village's personnel program. This Manual has also been prepared so that each employee may be better informed about policies, procedures, benefits, and other issues concerning important personnel matters, which will increase understanding and eliminate sources of discord, thereby increasing cooperation, unity, and efficiency in administration of the Village's affairs and operations.

All employees are expected to be familiar with and abide by the policies in this Manual, and those employees and officials in supervisory positions should endeavor to enforce these policies when necessary in a fair and consistent manner. All Village employees will have to complete an Acknowledgement and Disclaimer Form which indicates that the employee has received a copy of this Manual and understands his or her employment status. If questions arise about anything presented in this Manual, please consult your department head or supervisor for clarification or explanation.

Section 1.2 Effect

The Personnel Policies of the Village of Morton are adopted by the President and Village Board, which retain the authority to alter, modify, or vary any of its adopted policies, and to add or delete particular policies whenever, in their judgment, such actions are appropriate for the administration of Village affairs, without advance notice or negotiation with anyone. Nothing within these personnel policies is intended to, or may be interpreted to, create any substantive rights, privileges, or entitlements, whether contractual or otherwise, between the Village of Morton and any current or prospective employee or with any other person. Nothing within this Manual or any of the Village's personnel policies or practices shall impair the right of each employee or the Village of Morton to terminate the employment relationship at any time for any reason without cause or notice to the extent such relationship is not otherwise controlled by statute.

Section 1.3 Scope

Although these personnel policies are intended to be comprehensive in addressing the personnel program contemplated by the President and the Village Board, it is recognized that no written document intended to have general applicability can cover every situation, particularly where the efficient conduct of different departments within the Village's operations dictate variations in hours of operation and the working practices and conditions applicable to employees within that department's operation. For that reason, Department Heads are expressly authorized to issue, and to add to, modify, delete from, or cancel, departmental directives, procedures, and standard practices, and/or general or special orders to establish personnel practices which add to or interpret, and where necessary, modify, the personnel policies within this Manual. In establishing such personnel practices, Department Heads should look to these personnel policies for guidance in an effort to maintain uniformity and consistency, except to the extent that the operations of that department are best served by variations or differentiation.

Section 1.4 Collectively-Bargained Agreements

It is recognized that the President and Village Board have in the past and may in the future, enter into collectively bargained agreements with recognized collective-bargaining representatives on behalf of particular groups of employees within the Village's operation. It is expressly acknowledged that the provisions of such collectively bargained agreements control and shall be applied to employees covered by such agreements, not with-standing any contrary provisions

within this Manual. Accordingly, any matters specifically covered by the collectively bargained agreements shall not be modified, nullified, supplemented, or superseded by any provisions within this Manual. Where such agreements leave matters to the decision or discretion of the Village and its administration, the personnel policies and practices in this Manual shall serve as guidelines for management action.

Section 1.5 Application

Except as noted above and as set out below, the personnel policies stated in this Manual are intended to be applied to all Village employees, whether exempt or non-exempt under the Fair Labor Standards Act, whether sworn and commissioned pursuant to State law or not, and irrespective of the status of employment of such employee.

Section 1.6 Equal Opportunity Policy

It is the policy of the Village of Morton to provide equality of opportunity to every individual, not only in employment, but in access to Village services, public accommodations, housing, and financial credit within the corporate limits of the Village of Morton. The Village provides equal employment opportunity with respect to all terms and conditions of employment and prohibits discrimination and harassment on the basis of race, color, religion, creed, sex, gender identity, gender expression, genetic information, national origin, ancestry, age, marital or familial status, sexual orientation, medical or common conditions relating to pregnancy and childbirth, military status, unfavorable discharge from military service, arrest record, conviction record, order of protection status, physical or mental disability or handicap, registered qualifying patient status under the Compassionate Use of Medical Cannabis Pilot Program Act, traits associated with race, such as hair texture or protective styles such as braids, twists, or locks, and on any other classification protected by law.

Section 1.7 Gender

Where utilized in this document, the terms he or she are intended to include both male and female and shall be so applied.

Section 1.8 Authority

Nothing within these personnel policies shall be interpreted to restrict or limit in any manner the authority of the Village Board and management, and direction of the Village's operations, including, without limitation, the authority to create and to eliminate operations, jobs or job functions whenever such actions are deemed appropriate for the efficient administration of Village affairs.

Section 1.9 New Employee Orientation

During the first few days of employment, the new employee will receive important information regarding the performance requirements of the new employee's position, basic Village policies, compensation, and benefits programs, plus other information necessary to acquaint the employee with the employee's job and the Village of Morton. The new employee will be asked to complete all necessary paperwork at this time, such as medical benefit plan enrollment forms, beneficiary designation forms, and appropriate federal, state, and local tax forms. The new employee will also be required to present information establishing the employee's identity and eligibility to work in the United States in accordance with applicable federal law. Further, the new employee will have to complete an Acknowledgement and Disclaimer Form which indicates that the employee has received a copy of this Manual and understands his or her employment status.

The Village also encourages every new employee to ask any questions so that the employee will understand all the guidelines that affect and govern the employee's employment relationship with the Village of Morton.

Section 1.10 Job Descriptions

The Village maintains job descriptions which are intended to indicate the types of tasks and the levels of responsibility and work difficulty required in positions given a particular pay classification and shall not be construed to specify or limit the specific duties and responsibilities of any particular position. The use of a particular expression or illustration in a job description shall not be interpreted to exclude matters which are not mentioned but which are responsibilities of the position described. The job descriptions remain subject to change whenever change is deemed appropriate by the Village and shall not limit the Village's authority to determine what duties individual employees shall perform. The Village Administrator, the Director of Public Works, or the Department Head responsible for the employee's department should be contacted in order to obtain a particular job description or set of job descriptions.

Section 1.11 Marriage / Spouse

Where utilized in this Manual, the term marriage shall include any legal or legally recognized marriage or civil union in the State of Illinois, including both opposite-sex and same-sex marriages or civil unions, and shall be so applied. Where utilized in this Manual, the term spouse shall include parties to either an opposite-sex or a same-sex marriage or civil union and shall be so applied.

ARTICLE II – EMPLOYMENT STATUS, EVALUATIONS, & TERMINATIONS

Section 2.1 At-Will Employment

Employment with the Village of Morton is at-will unless your employment is pursuant to a collective bargaining agreement, a law providing due process rights, or a separate, duly-executed written contract stating otherwise. This means that the employment relationship is for no definite or determinable period of time, and regardless of salary, position or rate of pay, may be terminated by either the Village of Morton or the employee at any time with or without cause or notice. This handbook and the policies contained herein are not intended to and do not create any contractual rights.

Section 2.2 Definitions of Employee Status

As used within these policies, these terms shall have the following meaning:

- (a) **Full-time Employee** shall include both sworn and general employees who are employed in a regular, established position within the Village's operations which is normally scheduled for, and for which the employee is expected to work (40) or more hours each work week.

The Chief of Police, Deputy Chief of Police, Director of Fire and Emergency Medical Services, Director of Public Works, Zoning Enforcement Officer and Village Administrator are expected to work a reasonable amount of time so that they can accomplish their job functions in a manner acceptable to the President and Board of Trustees. It is the policy of the President and Board of Trustees that provided these employees are performing their job in a satisfactory manner; they can, on an occasional basis, take time off without using vacation time.

- (b) **Part-time Employee** shall include all Village employees employed to occupy positions within the Village's operations in which the individual is only expected or required to work a limited amount of time, either on a temporary or on a regular basis, and does not require the employee to be available to work forty (40) or more hours each week on an ongoing, indeterminate basis. This will include employees who are employed temporarily to perform work expected to continue only for a period of limited duration, and employees who are employed to occupy regular or relief positions within the Village's operations which may be scheduled for less than forty (40) hours per week on an ongoing, indeterminate basis. The fact a part-time employee may be scheduled to, or actually works forty (40) or more hours per workweek to fill in for absent regular full-time employees, to fill vacant full-time positions temporarily or to accommodate the needs of the Village, shall not alter the employee's status as a part-time employee.

- (c) **Sworn Employees** shall refer to those employees who are sworn and commissioned pursuant to state statute including police officers hired pursuant to the Fire and Police Commission Act, and under the jurisdiction of the Board of Fire and Police Commissioners. Employees not within the definition of sworn employees may be referred to within these policies as general personnel.

- (d) **Exempt Employees** shall refer to those employees who occupy positions which are exempt from the minimum wage and/or overtime provisions of the Fair Labor Standards Act, as amended. Employees performing positions not subject to such exemptions shall be referred to as non-exempt employees.

Determinations whether particular positions are exempt turn upon the provisions of the Fair Labor Standards Act (FLSA) as amended, the regulations interpreting that Act, and the duties of the position, and may involve consideration whether the position falls within the professional, executive, or administrative exemptions of the FLSA. Exempt executive, administrative, and professional employees of the Village are employed on a salaried basis

and are not subject to reductions in their salary because of variations in the quality or quantity of their work in particular work weeks, except as permitted by the FLSA. Thus, unlike non-exempt employees, exempt employees are not docked in salary because they work less than a full work day or work week, and generally are not paid additional money because they work more than their regular work day or work week in particular weeks. Questions concerning payroll practices for exempt employees should be addressed to the Village Administrator to insure the Village maintains its compliance with the FLSA and its regulations. Nothing in these policies shall be interpreted or applied in a manner which would be contrary to the exemptions, where they apply.

- (e) **Department Head** shall refer to those employees assigned to positions established to administer a particular department of the Village's operations.
- (f) **Supervisor/Foreman** shall refer to those employees assigned the duty to supervise particular operations within a Village department, and delegated authority, on behalf of the Village, to exercise supervisory authority over and to direct the performance of other employees. Supervisory employees shall report to the Department Head responsible for their department.

Section 2.3 Initial Evaluation Period

Every Village employee, including any former employee and any part-time employee promoted to a full-time position shall be employed subject to an initial evaluation period. During this period, the Village administration will evaluate the employee's job skills, competence, efficiency, attitude, behavior, and capacity for growth to determine whether to continue employment beyond the initial evaluation period.

For general personnel, employed full time, the initial evaluation period will be six (6) calendar months (a minimum of one-hundred eighty (180) calendar days), but may be extended whenever the Department Head determines an extension is appropriate to provide the employee additional time to demonstrate the qualification and ability to justify retention. General part-time employees' initial evaluation period shall be equivalent to the six (6) month period for full-time employees but may take into account the part-time nature of the employee's duties by extending the period to compensate for the nature of employment.

Except in extraordinary circumstances as determined by Village Officials, an employee who has not completed the initial evaluation period shall not be eligible for a promotion or voluntary transfer until the initial evaluation period has been completed. If an employee is terminated, either by the Village or voluntarily, before completing the initial evaluation period, any right or claim for use of or payment for any unused personal days recognized pursuant to Section 3.9 Personal (Emergency) Leave will terminate as well.

During the initial evaluation period, the Department Head responsible for each new or promoted employee, or a designee, shall evaluate the employee at least monthly to assess the employee's progress and suitability for retention. Where possible, the results of these evaluations should be shared with the employee, and a plan identified to provide an opportunity to correct deficiencies to the extent they are subject to correction. Completed evaluations should be documented in writing on forms adopted for that purpose, and the documented evaluations placed in the employee's personnel records. Extensions of the initial evaluation period should also be documented and placed in the personnel record.

Section 2.4 Credited Continuous Service

Following satisfactory completion of an initial evaluation period, the date of the employee's credited continuous service shall be established as the date of the current employment with the Village. Each employee shall continue to accrue credited continuous service from that date until

terminated pursuant to these policies. Credited continuous service shall be distinguished from "seniority" which may be recognized within particular departments, job groups, or jobs of the Village's operations.

Where a part-time employee is promoted to a full-time position within the Village operations, the employee will receive a new credited continuous service date upon completion of the initial evaluation period. Such date may be adjusted to credit the employee for pre-existing credited continuous service from part-time employment in a similar job to be determined at the time when the part-time employee is promoted to a full-time position.

Where an employee is laid off or absent from employment for a period of more than thirty (30) days without separation of the employment relationship pursuant to these policies, the employee shall retain his credited continuous service, subject to adjustment for the period of lay-off or absence. An employee voluntarily terminating employment shall lose all accrued credited continuous service.

Section 2.5 Performance Evaluations

To foster efficiency and growth within each position in the Village's operations, the Village maintains a policy to evaluate its employees on a regular basis. Employees will typically be evaluated annually to identify progress in handling the job, areas for future growth and development, and deficiencies in the employee's performance requiring correction. In the evaluation process, the Department Head or his designee should meet with the employee under evaluation to discuss the evaluations and measures which may assist the employee in improving his or her performance. Completed evaluations should be documented in writing on forms adopted for that purpose, and the documented evaluations placed in a locked file within the municipal building with access limited. The evaluation shall be completed by December 15 of each year.

Where significant deficiencies in an employee's performance are noted which require corrective actions by the employee, the deficiencies and the measures necessary to correct those deficiencies should be noted, and a date established for re-evaluation to determine the employee's progress in correcting the deficiencies identified. Continued failure to correct identified deficiencies will result in the employee's termination. Nothing in this policy, however, shall create any restriction or limitation upon the Village's authority to terminate the employment relationship at any time upon notice.

Where the employee's supervisor recommends a change in position on the salary schedule or an increase beyond that set forth in the salary schedule, the supervisor shall inform the Trustee assigned to that department at the time the evaluation is completed.

Section 2.6 Post-Offer Physical Examinations

To insure each individual is capable of performing the essential functions of their position, with or without reasonable accommodation, a post-offer physical examination, performed by a physician selected by the Village at Village expense, may be required after the applicant has received a contingent offer of employment or promotion. The physical examination procedure shall, as its initial step, incorporate a drug screening test under standards and testing procedures designed to insure accuracy of the test result, which shall be utilized to determine whether the person is presently using any illegal, non-prescriptive drugs or other controlled substances, or abusing or misusing prescriptive drugs. Persons testing positive will not be considered further for employment by the Village. The person will be given notice of this condition at the time the person applies for a position with the Village and will complete any consent forms necessary to authorize such testing as part of the application process. If an applicant has been previously employed by the Village within the year prior to the applicant submitting a new application for employment with

the Village, the drug screening test may be waived at the discretion of the Department Head overseeing the applicant's prospective re-employment with the Village.

During employment by the Village, every employee may be required to have a physical examination, performed by a physician selected by the Village at Village expense, whenever the Department Head has a reasonable belief based on objective evidence to question the employee's ability to perform the essential functions of the position. In addition, physical examinations performed by a physician selected by the Village at Village expense may be required when any employee reports any injury or illness relating to work and resulting in any lost work time, and when any employee has been off work for any reason for a period of thirty (30) days or more, before the employee will be allowed to return to active duty. Further, employees off duty by reason of illness or injury shall, as a condition for continuance of their employee status, be required to comply with physician instructions and programs to restore them to proper condition and make every effort to rehabilitate themselves in order to return to duty at the earliest practical date.

Physical examinations whether post-offer or during employment, shall not include testing for genetic information. An individual's genetic information shall not be used by the Village during the application review process to determine an individual's qualification for Village employment and shall not be used in any manner or circumstance when evaluating or reviewing a Village employee.

Section 2.7 Residency Requirement

The following employees shall be required to reside within the corporate limits of the Village of Morton: Director of Fire and Emergency Services, Director of Public Works; Superintendent of Streets, Superintendent of Gas Distribution Department, Superintendent of the Wastewater Treatment Department, Superintendent of the Water Distribution Department, Superintendent of the Water Treatment Department, and the Zoning Enforcement Officer.

All regular, full-time employees of the Public Works Department (excluding the Gas and Water Distribution Departments) who are regularly scheduled to be "on-call" as a part of their job shall reside within 10 miles of the main Village office, located at 120 North Main Street, but within Tazewell County. For the purpose of this policy, the 10 mile limit shall include the corporate limits of the City of Pekin and the Village of Deer Creek. While "on-call" these employees shall remain within the 10 mile radius stated.

Employees of the Gas and Water Distribution Departments shall reside within seven (7) miles of Village Hall, located at 120 North Main Street, but within Tazewell County, except for employees who are transferred in the best interest of the Village between departments at the request of the Director of Public Works. While "on-call" these employees shall remain within the 7 mile radius stated, except for those who are transferred as stated above.

Individuals subject to these provisions who do not reside within the Village, or within the mileage requirements stated above, at the time of employment shall move to the Village and establish residence as soon as practicable following employment, and shall become, and thereafter remain, Village residents during the continuance of their employment, within twelve (12) months after the commencement of employment. The Village President is authorized to extend this time period due to personal hardship at his or her sole discretion.

Residency requirements for employees covered under collective bargaining agreements shall be as provided for in those agreements.

Section 2.8 Immigration Reform Act Compliance

In accordance with the federal Immigration Reform Act, each individual employed by the Village

must be legally eligible for employment within the United States at the time of employment. Upon employment, newly hired employees shall be required to complete an I-9 form to be filed and produce satisfactory documentation to establish their eligibility for employment within the United States under the Immigration Reform Act.

Section 2.9 Village Employment - Equal Opportunity

Consistent with its policy of equality of opportunity, the Village is committed to a policy of equal employment opportunity for all positions within the Village's operations consistent with federal and state laws. If there are any substantive changes to any state or federal statute, regulation, or administrative rule to any state or federal law, including all regulations or administrative rules cited in this policy, those changes are deemed to be automatically incorporated into this policy as of the effective date of such change.

Decisions concerning all terms and conditions of employment, including, but not limited to, the recruitment, selection and placement of individuals in, and the retention, transfer, discipline, training, promotion, and termination of individuals within the Village's operations are to be made on a basis of ability and qualification. The Village prohibits unlawful discrimination and harassment on the basis of race, color, religion, creed, sex, gender identity, gender expression, marital status, national origin, ancestry, age, military status, unfavorable military discharge, sexual orientation, being a victim of domestic or sexual violence, medical or common conditions relating to pregnancy and childbirth, arrest record, conviction record, order of protection status, genetic information, physical or mental disability or handicap, registered qualifying patient status under the Compassionate Use of Medical Cannabis Pilot Program Act, traits associated with race such as hair texture, or protective hairstyles such as braids, twists, or locks, or any other protected status, except where a bona fide occupational qualification exists to require the consideration of one of these factors.

- (a) **Americans with Disabilities Act** Consistent with its policy of equal opportunity, the Village is committed to a policy of equal employment opportunity for employees with a physical or mental disability, provided an employee can perform the essential functions of their position with or without reasonable accommodation. An employee who may require accommodation in order to perform essential functions of the employee's position or who may need emergency evacuation assistance or emergency treatment should make such needs known to the employee's immediate supervisor. If an employee finds that this policy is not being adequately met, the employee should contact the employee's immediate supervisor or the Department Head if the complaint relates to the supervisor. Medical information provided under this section shall be maintained by the Village in separate confidential file, and any information provided to the Village pursuant to a request or complaint made under this section shall remain confidential to the maximum allowed extent while permitting the Village to address the request or complaint.
- (b) **Consent for Additional Information Release** Applicants may, at the request of the Village, be required to execute a release authorizing the Village to obtain the applicant's military, medical, employment, credit, school, or other records that would be pertinent to employment. Said release shall be in a form satisfactory to the Village and shall release the Village from all liability with respect to obtaining such information.
- (c) **Hiring of Relatives** An individual who is a relative of a supervisor within a department may not be appointed to a position in that department. This provision applies to all part-time and full-time employees, except those hired by the Board of Fire and Police Commissioners. For the purpose of this exclusion, a "relative" shall mean and include the following:

- Spouse,

- Child or stepchild
- Grandchild
- Parent
- Grandparent
- Brother or sister
- Half-brother or half-sister
- Uncle or aunt
- Niece or nephew
- Any of the above related to the employee's spouse
- Persons living together without the benefit of matrimony

Relative of supervisors may be appointed to other departments.

If an employee becomes related subsequent to employment, these limitations shall apply to the continued employment of the person who became a relative subsequent to employment. An employee shall transfer to another department if a position is available; or if not, employment shall be terminated within 60 days of the time that the prohibited relationship was established.

Section 2.10 Employee Appearance and Demeanor

Appearance and Demeanor

Every Village employee is, in the eyes of the public, a representative of the Village whose appearance, demeanor, and conduct can enhance, or detract from, public good will and community morale. Due to the diversity of the functions performed by employees and the conditions under which different groups work, it is impractical to establish any single uniform requirement or standard of attire for all Village employees. For particular jobs or departments, prescribed uniforms or standards of dress may be adopted to foster and improve safety, efficiency, and morale. Employees subject to uniform requirements or standards of dress are expected to comply with them while on duty. In general, every Village employee is expected and required to report for work with, and to maintain while on duty, a neat and appropriate professional appearance, and a courteous, businesslike yet helpful demeanor.

On Fridays designated by the Village Administrator, "Casual Friday" attire will be permitted for employees in particular departments where prescribed uniforms or standards of dress have not otherwise been adopted. Casual Friday attire shall include business casual shirts or blouses and presentable jeans. However, a Department Head or the Village Administrator may indicate that on such Friday, an employee or group of employees will need to attend at a meeting, appear in public on behalf of the Village, or at any other event related to Village business, and that regular business attire will be required.

While on duty, employees must control their tempers and their language. Under no circumstances shall any employee use any obscene, vulgar, or inappropriate language in addressing a resident or visitor to the Village, or other employees, or while in public performing their duties. Employees shall maintain a positive work atmosphere by acting and communicating in a positive manner that allows the employee to get along and interact in a positive manner with other Village employees, Village officials, and members of the public. While addressing a resident, visitor, or any member of the public or media when acting in the capacity as a Village employee, inappropriate language shall include talking about, or otherwise discussing in any manner, the Village, Village employees or officials, or Village policies in a negative or derogatory manner. Fighting, assault, disorderly conduct, verbal harangues, and/or horseplay by employees while on duty or on Village property is strictly prohibited and cannot be tolerated.

Clothing Allowance

Where particular uniforms are prescribed which do not lend themselves to normal everyday use away from work, uniform allowances may be established to reimburse employees for reasonable expenses incurred in maintaining proper attire for their job. Employees will be notified of any allowance authorized for their position.

Where uniforms are provided by the Village, the uniforms remain Village property, and employees are to take proper care of them, and are to return them upon termination of the employment relationship in proper condition. Employees may be required to sign forms authorizing deductions from their pay for any uniforms not returned on termination.

Identification Badges

To identify certain personnel as Village employees, a photo-identification badge will normally be issued to new employees by their supervisor at the time they are employed. Employees are required to keep their identification badge on their person while on duty or at work in order to provide identification in situations where it will foster confidence or alleviate concern or may otherwise be appropriate. On termination, each employee must return his or her identification badge to his or her Department Head.

Section 2.11 Outside or Secondary Employment

Because of the nature of the Village's operations and the public trust upon which they depend, outside or secondary employment of all employees of the Village must be strictly controlled and regulated. No Village employee shall accept any other employment or engage in any for-profit enterprise or activity without the prior approval of their Department Head. This shall apply to any manner of employee activity, whether occasional, part time, temporary, or permanent, for which the employee will receive money, goods, services, or any other form of compensation. Regular, full-time employees are expected to be available to the Village to handle emergencies and other problems which may arise, even when they are not scheduled to be on duty and cannot be allowed to accept outside commitments which might interfere with their primary employment by the Village.

Employees wishing to assume outside employment shall submit a request for authorization in writing in advance to their Department Head. In deciding whether to authorize such requests or not, Department Heads shall consider, among other items, (a) whether the position or activity may interfere with the employee's effectiveness in his/her position, and should give particular attention to the number of hours involved, the duties to be performed, and the location of work; and (b) whether the employment or activity might create a conflict or the appearance of a conflict, with the employee's Village position. Where authorization is granted, which shall be in writing, such authorization shall be revoked if the outside employment appears to have any detrimental impact upon the employee's performance of his or her duties with the Village.

Under no circumstances will Village employees be allowed to engage in any commercial endeavors while on duty or on Village property, or by utilizing any uniform prescribed for their job to foster any sales or any commercial endeavor.

Section 2.12 Employment Separations

Just as any employee may terminate his/her employment at any time, the Village may terminate the employment of any employee without cause or notice, except where terminations may be controlled by statute, collective bargaining agreement, or other legal obligation. Terminations may be voluntary or involuntary, as explained below, and will result in the termination of an employee's credited continuous service and any recognized seniority, in addition to any privileges accorded by the Village's personnel policies, except where stated in the policy.

- (a) **Voluntary Termination** includes both employee resignations from Village employment, and retirement (see definition of “retirement” in Section 3.21 Group Health Insurance of this Manual). To resign from Village employment in good standing, an employee must provide written notice of resignation a reasonable period in advance of the date anticipated for an actual separation of employment.

Notice of resignation shall be submitted in writing to the employee's Department Head and shall take effect upon receipt. Where it is in the interests of the Village, the Department Head receiving notice of resignation may waive the period of notice and allow the resignation and separation to take effect immediately.

Any employee who is absent from work without notice for three (3) consecutive scheduled work days or longer will be deemed to have voluntarily terminated employment without notice, unless the absence is determined to have occurred due to extenuating circumstances which are deemed to be reasonable by the Village President. Employees who voluntarily terminate or resign from employment without proper notice as specified above shall not be eligible for any re-employment with the Village.

Where an employee has submitted notice of intended resignation, but wishes to rescind the resignation, the employee shall request to rescind the resignation by submitting a proper notice to the Department Head, but such request may only be approved if the Department Head authorizes it.

- (b) **Retirement** Except to the extent authorized by law, the Village has no mandatory age for retirement. The term “retirement” shall have the definition as set forth in Section 3.21 Group Health Insurance of this Manual.

In order to provide for a smooth transition, employees anticipating retirement, whether under the Illinois Municipal Retirement Fund or pension funds maintained for sworn personnel, should provide notice of their intentions as soon as possible and in advance of the anticipated date for retirement.

- (c) **Involuntary Termination** Involuntary Termination of the employment relationship includes both terminations for unacceptable conduct or performance, and situations in which, without any specific fault or failure attributable to the employee, the Village decides to terminate the employment relationship. Among other instances, involuntary termination may occur where:

- (1) Any employee is laid off for a period equal to one (1) year, or is unable to resume employment at the end of the layoff period;
- (2) An employee off work by reason of approved leave of absence fails to return to work by the date his leave is to conclude;
- (3) An employee laid off fails to notify the Village of his intent to return within five (5) days of notice of recall, and/or actually returns within two (2) weeks of such notice; or
- (4) An employee is notified that his or her position with the Village is being terminated.

Employees terminated from employment involuntarily may be given consideration for re-employment by the Village in the event of vacancies or should new positions be created for which the individual is or may be qualified, except where the termination results from unacceptable conduct or performance.

ARTICLE III – COMPENSATION AND BENEFITS

Section 3.1 Wage & Salary Policy

Non-Exempt Employees

The Fair Labor Standards Act (FLSA) is a federal law which requires that most employees in the United States receive at least the federal minimum wage for all hours worked and receive overtime pay, or alternatively for public employees, compensatory time off, at the rate of one and one-half hours for each hour worked over forty (40) in a workweek. Note that law enforcement and fire protection employees may be entitled to overtime on the basis of a different workweek. Employees who are subject to minimum wage and overtime laws are called “non-exempt.” If you are eligible for overtime pay or compensatory time off (including pay due under our personnel policies or pursuant to a collective bargaining agreement), you must maintain a record of the total hours you work each day. These hours must be accurately recorded using our time-keeping system. You should not work any hours outside of your scheduled work day unless your supervisor has authorized the unscheduled work in advance. Do not start early, finish late, work during a meal break, or perform any extra work unless you are authorized to do so in advance, and the time is reported on your time-keeping record. You are required to verify that the reported hours worked are complete and accurate and that you have not worked any “off-the-clock” or unrecorded time. Your recorded hours worked must accurately reflect all regular and overtime hours worked, any absences, early or late arrivals, early or late departures and meal breaks. At the end of each pay period, you should submit your completed time record for verification and approval. When you receive each paycheck, please verify immediately that you were paid correctly for all regular and overtime hours worked.

Exempt Employees

Section 13(a)(1) of the FLSA, however, provides an exemption from both minimum wage and overtime pay for employees employed as bona fide executive, administrative, professional and outside sales employees. Section 13(a)(1) and Section 13(a)(17) of this act also exempt certain computer employees. Job titles do not determine exempt status. In order for an employee to qualify as “exempt” from minimum wage and overtime, an employee’s specific job duties and salary must meet all the requirements of the Department of Labor’s regulations. If you are classified as an exempt, salaried employee, you will receive a salary which is intended to compensate you for all hours that you may work for the Village. This salary will be set at the time of hire or whenever you become classified as an exempt employee. Your salary may be subject to review and modification from time to time, such as during salary review time.

Being paid on a “salary basis” means an employee regularly receives a predetermined amount of compensation. The predetermined amount cannot be reduced because of variations in the quality or quantity of work. Subject to exceptions listed below, an exempt employee must receive the full salary for any pay period in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees do not need to be paid for any pay period in which they perform no work. If the employer makes deductions from an employee’s predetermined salary, i.e., because of the operating requirements, that employee is not paid on a “salary basis.” If the employee is ready, willing and able to work, deductions may not be made for time when work is not available.

Deductions from an exempt employee’s pay are permissible under the following circumstances:

- When an exempt employee is absent from work for one or more full days for personal reasons other than sickness or disability;

- For absences of one or more full days due to sickness or disability if the deductions is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness;
- To offset amounts employees may receive as jury or witness fees or for military pay;
- Or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions;
- In the initial or terminal week of employment in the event you work less than a full week;
- For penalties imposed in good faith for infractions of safety rules of major significance;
- For weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act.

An exempt employee's salary may also be reduced for certain types of deductions such as his or her portion of health, dental or life insurance premiums, state, federal or local taxes, social security, IMRF, or contributions to a deferred compensation plan.

Please note that you will be required to use accrued vacation, personal or other forms of paid time off for full or partial day absences for personal reasons, sickness or disability.

Prohibition of Improper Salary Deductions

It is our policy to comply with the salary basis requirements of the FLSA. Therefore, we prohibit any member of management, elected or appointed official from making any improper deductions from the salaries of exempt employees. We want employees to be aware of this policy and that the Village does not allow deductions that violate the FLSA.

Reporting Errors or Improper Deductions

We make every effort to ensure that all of our employees are paid correctly. Occasionally, however, an inadvertent error can occur. Please review your paystub every pay period. If you find an error, please call it to our attention immediately by reporting it to your immediate supervisor or to the Village Administrator.

If you believe that an improper deduction has been made from your salary, you should immediately report this to your direct supervisor or to the Village Administrator.

Reports of errors or improper deductions will be promptly investigated. If it is determined that an error or improper deductions has occurred, it will be promptly corrected, and you will be promptly reimbursed for any improper deduction made.

No employee will be retaliated against for reporting violations of this policy or for cooperating in an investigation of a reported violation.

Section 3.2 Established Pay Levels

The Village Board shall adopt a base salary schedule. The salaries of elected municipal officers are set by ordinance and shall not be part of the base salary schedule. It is the Village's policy to examine its compensation structure annually to ensure that it remains internally equitable in light of the duties required in performance of different positions and externally competitive with the compensation prevailing in similar jobs in other communities and private employment. This review will extend not only to wages and salaries, but also to fringe benefits provided to employees and the cost of those benefits.

The Village may, at its discretion, hire new employees with a starting salary above Step A, but below Step C, of the base salary schedule if it is in the opinion of the Department Head that such factors as the employment market conditions at the time of hire and the experience and/or qualifications of the employee warrant the salary level.

The Board of Trustees shall have the right to vary any employee policies and benefits for a new hire with a salary grade over Grade 18. A new hire shall be any person hired after July 1, 2011. Any such variance(s) shall be approved by the Board when the new person is hired, or at a subsequent date.

The proposed salary schedule consists of 18 pay grades and is broken down into three (3) components:

- Grades 1 – 7; Defined Merit Increment Plan has salary ranges with a minimum and a maximum with defined percentage increments in between. If an employee has a satisfactory performance evaluation, he/she systematically advances through their pay range. This performance evaluation, and resulting salary increment increase, occurs annually.
- Grades 8 – 13; Combined Defined Merit Increment/Open Range Plan is a hybrid plan where the first half of each pay range is a defined merit increment plan consisting of increments and the second half is an open range plan.
- Grades 14 – 18; Open Range Plan has salary ranges with minimums and maximums, but without defined percentage increments in between. Employees are advanced through the pay range based on satisfactory performance evaluation, with the “percentage” of their increase determined by their supervisor and the Village Administrator.

Exemplary Performance Pay

All pay grades shall have exemplary performance zones to allow those employees at the top of their pay range to earn an annual “one-time payment” based on performance. An employee is eligible for an exemplary performance award depending on the employee’s length of service. Employees with less than 10 years of service are not eligible for exemplary performance pay. This benefit is determined annually based upon performance.

Stipend Pay

A stipend payment plan shall be implemented to accommodate those employees who have attained the advanced certifications and licenses for the following classifications and salary grade levels within their Department. This shall be paid bi-monthly beginning May 1 the following year of receiving the certification. All payments shall be at the approval of the Director of Public Works.

Gas Distribution Technician, Water Distribution Technician, Gas and Water Utility Technician & Foreman (Salary Range 4,5, &7) – The maximum stipend shall be \$5,000/year.

- Gas License Class B = \$3,500/year (only Gas Distribution employees)
- Gas License Class C = \$1,500/year (Gas & Water Distribution employees)
- IEPA Water License Class D = \$3,500/year (only Water Distribution employees)

Water Treatment Technician (Salary Range 4 & 5) – The maximum stipend shall be \$5,000/year.

- IEPA Water License Class B = \$5,000/year

Wastewater Treatment Technician (Salary Range 4 & 5) – The maximum stipend shall be \$5,000/year.

- IEPA Wastewater License Class 1, 2, 3, & 4 = \$5,000/year

An employee of the Gas Distribution Department who becomes a certified gas pipeline welder may receive \$5,000/year. Said increase is at the discretion of the Director of Public Works and the Superintendent of the Gas Department.

On-Call Pay

While “on-call”, employees of the Public Works Department shall receive on-call pay as follows:

- Employees of the Street, Wastewater Treatment and the Water Treatment Departments shall receive twenty-five dollars (\$25) per day.
- Employees of the Gas Distribution and Water Distribution Departments shall receive fifty dollars (\$50) per day.

Overtime Pay

Employees shall work forty (40) hours per week, except the Chief of Police, Deputy Chief of Police, Director of Fire and Emergency Medical Services, Director of Public Works, Zoning Enforcing Officer and Administrator. If an employee other than exempt personnel shall be required to work more than forty hours per week, the employee shall receive one and one-half (1 ½) times their hourly salary (base plus longevity plus incentive pay) for each hour worked in excess of forty (40) hours per week.

Section 3.3 Longevity

Full-time employees hired before January 1, 2008, shall receive longevity pay in the following amounts according to the following schedule:

Required Years of Employment	Longevity Increase Added to Base Salary
3	2% of Base Salary
6	4% of Base Salary
9	6% of Base Salary
12	7% of Base Salary
15	8% of Base Salary
18	9% of Base Salary
21	10% of Base Salary (maximum)

Full-time employees hired on or after January 1, 2008, shall receive longevity pay in the following amounts according to the following schedule:

Required Years of Employment	Longevity Increase Added to Base Salary
5	2% of Base Salary
10	4% of Base Salary
15	6% of Base Salary
17	7% of Base Salary
19	8% of Base Salary
21	9% of Base Salary
23	10% of Base Salary (maximum)

Longevity pay shall be in addition to an employee’s base salary. Longevity pay, and any increases thereto, shall begin on the first pay period following the date that the required years of employment are completed.

Section 3.4 Discretionary Bonuses

The President and Board of Trustees may annually determine whether a cash bonus, in lieu of a pay increase, will be granted. Such determination shall be at the sole discretion of the President and Board of Trustees. In the event the President and Board of Trustees determine that it is in the best interest of the Village to grant a cash bonus in lieu of a pay increase, then said bonus

will be subject to the following conditions:

- (1) It shall be a percentage of the base pay in effect for each employee the preceding December.
- (2) Said bonus shall be payable in up to two(2) payments during that year, in such proportions as the President and Board of Trustees determine.
- (3) The awarding of a bonus to a particular employee shall be further subject to approval by the employee's supervisor. Said supervisor may disallow the granting of part or all of said bonus.
- (4) In the event the employee terminates his or her employment for any reason during the year in which the bonus would have been paid, then the amount of said bonus shall be reduced by prorating it to the percentage of the year worked.
- (5) Only full-time employees who have completed one full year of employment prior to January 1 of year for which any discretionary bonuses might be given shall be eligible for a discretionary bonus.

Section 3.5 Sick Leave

Certain employees are eligible for sick leave to provide continuity of income to the employee in the event of health-related issues that prevent the employee from working his or her regularly paid hours.

Sick leave is granted for absences due to an illness, injury, or medical appointment of:

- the employee, or
- the employee's child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent,

or for personal care of a covered family member for reasonable periods of time as the employee's attendance may be necessary on the same terms upon which the employee is able to use sick leave benefits for the employee's own illness or injury. For purposes of this policy, "personal care" means activities to ensure that a covered family member's basic medical, hygiene, nutritional, or safety needs are met, or to provide transportation to medical appointments, for a covered family member who is unable to meet those needs himself or herself. Personal care also means being physically present to provide emotional support to a covered family member with a serious health condition who is receiving inpatient or home care.

Use of sick leave for anyone other than the employee is limited to a total number of days per year equal to one-half the number of days earned by the employee during the current calendar year.

Employees who are absent more than two consecutive days for any medical reason of their own or of a family member as defined above may be required by their supervisor to submit a physician's statement. A physician's statement may also be required for absences of less than two consecutive days if the supervisor requests confirmation of the employee's need to be absent.

Sick leave is limited to full-time employees and does not apply to seasonal or temporary employees.

Reporting process

Anticipated absences should be reported to the employee's supervisor (or designated representative) by the start of the work period, if not earlier. Employees with unreported absences may be denied pay for work hours missed and be subject to disciplinary action. Employees who take Sick Leave should also notify their supervisor of their ability to work their next scheduled workday. Whenever possible, employees should schedule medical or dental appointments outside of regular work hours. If this is impractical, employees should request permission from their supervisor in advance, and prior to making their appointment, to allow the supervisor time to

adjust their work schedule. If treatment allows for advanced scheduling, the employee must make reasonable efforts to provide as much notice as possible.

Abuse

Suspected abuse of Sick Leave may lead to disciplinary action. Also, employees who engage in any employment or inconsistent activity while claiming sick leave may be subject to disciplinary action. The Village of Morton also reserves the right to require documentation from the employee to support the use of Sick Leave. Such supporting documentation, however, will not negate the Village of Morton's right to discipline any suspected abuses of Sick Leave.

Sick Leave Benefits

Each full-time employee shall be eligible for paid sick leave of twelve (12) duty days per year, earned at the rate of 8.0 hours per month. No sick leave shall be earned during any month in which the employee is absent more than fifty percent (50%) of the work days scheduled, excluding any vacation or personal days used. Employees may use sick leave in increments of ½ hour.

Unused sick leave shall accumulate from calendar year to calendar year up to a maximum of one hundred twenty (120) days.

An employee may be eligible to receive service credit toward retirement under IMRF for any unused sick leave for which the employee does not receive any compensation or payment from the Village. The employee should contact IMRF to determine whether the employee may be eligible to receive service credit for unused sick leave for which the employee will not receive any compensation or payment from the Village.

The term "retirement" as used in this section shall have the definition as set forth in Section 3.21 Group Health Insurance of this Manual. Upon an employee's voluntary or involuntary termination of employment with the Village, other than retirement as set forth above in this paragraph, the employee shall not receive any additional compensation for unused days of sick leave.

Employees shall be subject to any other administrative policy concerning sick leave which may be adopted by the Village Board or promulgated by Department Heads.

Although an employee receives paid sick leave benefits under this policy, the employee is nonetheless absent from work when scheduled. The receipt of paid sick leave benefits shall not excuse the absence or preclude its consideration in assessing whether the employee is maintaining an acceptable level of attendance.

Donation of Available Sick Time Plan

The Village of Morton desires to provide a mechanism by which employees of the Village of Morton may donate accumulated sick time to another employee who has a medical emergency and who has exhausted his or her available paid leave.

Definition of a Medical Emergency – A medical emergency is defined as "a medical condition of the employee or a covered family member (meaning the employee's child, stepchild spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent) that will require the prolonged absence of the employee from duty and will result in a substantial loss of income to the employee because the employee will have exhausted all paid leave available apart from the leave-sharing plan."

The decision to donate sick leave to another employee of the Village of Morton is a choice to be made freely by each employee. No person shall attempt to unduly influence another employee to donate sick time off.

The following requirements must be met for a donation of sick time to be approved:

1. The affected employee must be suffering from a medical emergency, as defined in this policy.
2. The affected employee must exhaust all accrued paid leave prior to receiving a donation of sick leave.
3. The medical emergency must require an absence from work for a minimum of 30 calendar days.
4. The employee receiving the donated time may not accumulate more than 960 hours of sick time at any point.
5. The donating employee must complete the Sick Leave Donation Form.
6. The donating employee must have a minimum of 160 hours (20 days) of available sick time in order to donate.
7. The donating employee may not donate more than ½ of the sick time they would accrue in one calendar year (6 days) to one employee. An employee is only allowed to donate a maximum of 12 days in one calendar year.
8. Donation to the sick leave for another employee is voluntary and irrevocable.

Section 3.6 Bereavement Leave

Full-time employees may take up to 5 days of paid bereavement leave per calendar year for the death of a relative (as defined in Section 2.9 Village Employment - Equal Opportunity), provided the employee gives as much advance notice as possible to his or her Department Head. .

Eligible employees (as that term is defined in Section 101(2) of the federal Family and Medical Leave Act, 29 U.S.C. 2601 et seq.) are also entitled to take a maximum of 2 weeks (10 working days) of unpaid bereavement leave for the reasons described below.

Employees may take leave for the following reasons relating to the death of a covered family member:

- a) To attend the funeral or alternative to a funeral of a covered family member;
- b) To make arrangements necessitated by the death of a covered family member; or
- c) To grieve the death of a covered family member.

In the event of the death of more than one covered family member in a 12-month period, an employee is entitled to up to a total of 6 weeks of bereavement leave during the 12-month period.

When an employee takes leave for reasons listed under Paragraph I, above, [Employer] may require reasonable documentation, including a death certificate, a published obituary, or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution or government agency.

Employees may take leave for the following reasons relating to pregnancy, fertility, adoption, and surrogacy:

- a) Due to a miscarriage;
- b) Due to an unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure;
- c) Due to a failed adoption match or an adoption that is not finalized because it is contested by another party;
- d) Due to a failed surrogacy agreement;
- e) Due to a diagnosis that negatively impacts pregnancy or fertility; or
- f) Due to a stillbirth.

When an employee takes leave for reasons listed under Paragraph II, above, the Village may require reasonable documentation including a Department of Labor form filled out by a health care practitioner who has treated the employee or the employee's spouse or domestic partner, or surrogate, for an event listed under Paragraph II, above, or documentation from the adoption or surrogacy organization that the employee worked with related to an event listed under Paragraph II, certifying that the employee or his or her spouse or domestic partner has experienced an event listed under Paragraph II. [Employer] does not require that the employee identify which category of event under Paragraph II the leave pertains to as a condition of exercising the rights under this policy.

Bereavement leave under this policy must be completed within 60 days after the date on which the employee receives notice of the death of the covered family member or the date on which an event listed under Paragraph II occurs. An employee is required to provide [employer] with at least 48 hours' advance notice of the employee's intention to take bereavement leave unless providing such notice is not reasonable and practicable.

For purposes of this policy, covered family members include an employee's child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent.

For purposes of this policy, domestic partner includes the person recognized as the domestic partner of the employee under any domestic partnership or civil union law of a state or political subdivision of a state. Domestic partner also includes an unmarried adult person who is in a committed, personal relationship with the employee, who is not a domestic partner and not in a such a relationship with any other person, or who the employee has designated as his or her domestic partner to his employer.

An employee who is entitled to take paid or unpaid leave, may elect to substitute any period of paid leave for an equivalent period of unpaid bereavement leave.

The Village of Morton prohibits retaliation against any employee who exercises his or her rights under this policy, opposes any practice that the employee believes to be in violation of this policy, or supports the exercise of rights of another under this policy.

This policy does not create a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under, or in addition to the unpaid leave time permitted by the federal Family and Medical Leave Act of 1993.

Section 3.7 Holidays

The Village regularly observes the holidays listed below. Where any holiday falls on a Saturday it will normally be observed on the previous Friday. If the holiday falls on Sunday, it will normally be observed the following Monday.

Regular, full-time employees shall receive the following holidays off duty with pay:

- New Year's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day and the following Friday
- Christmas Day and the day before or the day after

If an employee other than supervisory personnel work on a paid holiday, the employee shall receive twice his hourly salary (base plus longevity plus incentive pay) for each hour worked on said holiday.

For purposes of determining the hourly rate to be used in calculating the holiday pay due employees, the following formula shall be used:

$$\text{Hourly Rate} = \frac{\text{Official monthly rate} \times 12}{2080}$$

The Village President may designate an alternate day for the above-listed holidays if the Village President determines that it is in the Village’s best interest for an employee to work on one of the holidays. An employee must work or be on approved leave with the Village on the previous and following regular work day for the employee to receive holiday pay. Employees scheduled to work on a holiday who fail to report for work shall not receive any pay for the holiday.

The Village understands and recognizes that other important holidays exist and that an employee may request additional leave to celebrate or observe these other holidays. Accordingly, employees are afforded vacation days (see **Section 3.8 Vacations**), comp time, and personal leave days (see **Section 3.9 Personal (Emergency) Leave**) which may be used for taking leave for these other holidays upon proper notice and scheduling with an employee’s supervisor.

Section 3.8 Vacations

To provide employees with the opportunity to get away from work for periods of rest and relaxation, the Village provides its regular employees with vacation benefits.

Time Earned

Vacation time is earned based upon the following schedule and can be taken for any purpose:

<u>Years of Employment/Employee Status</u>	<u>Vacation Time Earned</u>
Less than 1 year full-time and all part-time employees	5 days maximum, earned as 1 hour earned for 40 hours worked
1 year and less than 2 years	5 days
2 years and less than 5 years	10 days
5 years and less than 11 years	15 days
11 years and less than 12 years	16 days
12 years and less than 13 years	17 days
13 years and less than 14 years	18 days
14 years and less than 15 years	19 days
15 years or more	20 days (maximum)

The number of years of employment is determined based on a calendar year. Days earned in the first year of hire (which starts on the date the employee is hired) may be carried over to the next calendar year and shall be used by the end of that year. No other carryover of vacation days is allowed. Instead, except in the first year, vacation time shall be used in the same calendar year in which the hours are earned. New employees must complete a minimum of six (6) months of service before taking any vacation time. Employees may utilize vacation time in increments of one (1) hour.

While employees may be able to take vacation any time during the calendar year that it is earned, it is understood that an employee does not actually earn the vacation time until completion of the calendar year. Employees who retire, resign, or are terminated, shall receive pay for any vacation time earned but not taken. If an employee has taken vacation time which has not yet been earned,

and then terminates employment, the amount taken in excess of the amount earned shall be due and owing the Village from the employee, but may not be deducted from the employee's final check without the express written consent of employee freely given at the time the deduction is made. .

If an employee other than supervisory personnel has earned more than five (5) days of vacation, he may, at the discretion of the Department Superintendent and the Director of Public Works, or the Village Administrator, or the Director of Fire and Emergency Medical Services, "sell back" to the Village any vacation time up to a maximum of five (5) days. The employee will be paid for such time at the straight hourly rate. Any request to sell back days shall be made prior to December 15 each year and to the extent granted shall be paid by January 31 of the following year. Any vacation days earned which are not used or sold back are considered lost and cannot be regained or deferred for compensation in any future years.

In the event the Chief of Police, Deputy Chief of Police, Director of Fire and Emergency Medical Services, Zoning Enforcement Officer, Director of Public Works, Village Administrator, Superintendent of Gas Distribution, Superintendent of Streets, Superintendent of Wastewater Treatment, Superintendent of Water Distribution, or Superintendent of Water Treatment has not used all of his vacation prior to December 31 of any year, then such individual shall sell back to the Village of Morton any unused vacation time up to a maximum of five (5) days. The rate of pay shall be determined as follows:

The employee's annual base salary as of December 31 of that year, plus longevity, shall be divided by 2080 to determine an hourly rate. The hourly rate shall be multiplied by 8 hours to determine a daily rate, or a fraction there of for fractional days.

Scheduling

The Village has the authority to designate the number of employees within a department who can be granted a vacation request at any given time. In addition, the Village may designate certain days as unavailable for vacation time. Any such dates will be posted in a designated area. Use of vacation benefits under this policy must be scheduled with the Department Head in advance and is subject to the operational requirements of the Department. Vacation benefits may not be utilized for periods of less than one-half (1/2) day, or more than ten (10) consecutive duty days (or two (2) calendar weeks) unless authorized by the Department Head.

Employees shall submit a request on the standard form (see Appendix A) for vacation time during the period of November 1 through November 15 of the current year for consideration for time off in the following calendar year. These requests will be granted, in accordance with the operating needs of the employee's department, on the basis of seniority (established by the employee's date of hire or date of full-time employment, whichever is latest). All requests submitted during this time will be responded to on or before November 30. Where an employee has been granted vacation time during a desirable time of the calendar year, such as in relation to holidays, for consecutive years the Department Head can grant the request of a less-senior employee on an alternating year basis.

Where an employee desires to change the dates scheduled for vacation, he or she must provide at least one week's advance notice and will not be allowed to bump any employee who has already scheduled vacation for that period.

Once a request for vacation time has been approved, it will not be cancelled except for emergencies or disasters unforeseen at the time of approval.

Section 3.9 Personal (Emergency) Leave

To insure full-time employees do not suffer a loss of income when personal business requires their absence from work, employees are eligible for personal leave. Personal leave can be taken in increments as small as one (1) hour. The purpose of personal leave is to provide for a continuation of compensation when the employee is legitimately absent to handle personal business, or to assist with family medical needs which cannot otherwise be conducted outside of the employee's normal working hours. Prior approval is required from the employee's department head in advance of the employee's absence. This leave shall not be used to extend a vacation or holiday period and the time must be taken in 1 hour increments.

As of the first day of January of each year, each employee will be credited with personal leave days based upon the following schedule:

<u>Years of Employment</u>	<u>Personal (Emergency) Leave Days</u>
Less than 1 year	0
1 year and less than 2	1
More than 2 years	2

When personal leave is not used during the calendar year, the unused days shall not accrue or accumulate to the next year. Employees shall not receive any additional compensation for unused days of personal leave and may not use more than the respective number of days as shown in the table above in any calendar year. Upon an employee's voluntary or involuntary termination of employment with the Village, including retirement, the employee shall not receive any additional compensation for unused days of personal leave.

Section 3.10 Jury Duty and Witness Leave

Any employee who must be off work to serve jury duty shall be paid his or her regular wages or salary during the period of jury service. To be eligible, the employee must surrender to the Village Clerk any compensation received for jury duty, except for mileage fees. Any employee off work for jury duty shall report to work when released from jury duty during any period the employee would be scheduled for work. The Village will provide the employee adequate rest of at least 8 hours prior to or following the jury duty required hours.

An employee who is subpoenaed to serve as a witness in a matter related to Village business or the employee's position as a Village employee, in which the employee is not financially interested or is not adverse to the Village, shall be paid his or her regular wages or salary during the time which the employee serves as a witness which conflicts with the employee's working hours. When an employee must attend court as a party or a witness for a personal matter or a matter unrelated to Village business or the employee's position as a Village employee, the employee will be allowed paid time off as either vacation time or personal leave. If the employee does not have any unused vacation time or personal leave, the employee may still be provided paid time off which will reduce the amount of available vacation time or personal leave when it is next accrued.

Section 3.11 Military Duty Leave

The Village of Morton will comply with all applicable federal, state and local laws providing military leave and benefit protections to eligible employees. Please direct any questions or requests for leave to the Village Administrator.

YOUR RIGHTS UNDER USERRA

A. The Uniformed Services Employment and Reemployment Rights Act

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System.

USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

B. Reemployment Rights

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

- you ensure that your employer receives advance written or verbal notice of your service;
- you have five years or less of cumulative service in the uniformed services while with that particular employer;
- you return to work or apply for reemployment in a timely manner after conclusion of service; and
- you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

C. Right to be Free from Discrimination and Retaliation

If you:

- are a past or present member of the uniformed service;
- have applied for membership in the uniformed service; or
- are obligated to serve in the uniformed service;

then an employer may not deny you initial employment; reemployment; retention in employment; promotion; or any benefit of employment because of this status.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

D. Health Insurance Protection

- If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.
- Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., preexisting condition exclusions) except for service-connected illnesses or injuries.

E. Enforcement

- The U.S. Department of Labor, Veterans' Employment and Training Service (VETS), is authorized to investigate and resolve complaints of USERRA violations. For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USADOL or visit its Web site at <http://www.dol.gov/vets>. An interactive online USERRA Advisor can be viewed at <http://www.dol.gov/elaws/userra.htm>.

- If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice for representation.
- You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

YOUR RIGHTS UNDER ILLINOIS LAW

The Village complies with the Illinois Service Member Employment and Reemployment Rights Act, 330 ILCS 61. Employees may be eligible under the Act for differential compensation, military leave, concurrent compensation, employer-based health plan benefits, and other protections as enumerated in the Act. The Village prohibits discrimination against persons who serve in the uniformed services.

Employee eligibility under each of the referenced statutes is governed by all relevant statutory provisions.

Section 3.12 Leaves of Absence - Family Medical Leave and Military Leave Policy

This policy document supersedes any other existing policy or policy document governing the handling of leave taken pursuant to the Family and Medical Leave Act of 1993 ("FMLA"). It is intended to conform to the Village of Morton's obligations under 29 C.F.R. §825.300.

Eligibility

To be eligible for FMLA benefits, an employee **must**:

1. have worked for the Village of Morton for a total of 12 months; and
2. have worked at least 1,250 hours over the previous 12 months;
3. work at a site with 50 or more employees within a 75 mile radius.

Leave Entitlement

A covered employee is entitled to up to a total of 12 workweeks of unpaid leave in a 12 month period for one or more of the following reasons:

- For the birth of a son or daughter, and to care for the newborn child;
 - for the placement with the employee of a son or daughter for adoption or foster care;
- to care for the employee's spouse, son or daughter or parent (but not parent-in-law) who has a serious health condition;
- when the employee is unable to perform the functions of the employee's job because of a serious health condition, or because of incapacity due to pregnancy, prenatal medical care or child birth.

Leave to care for a newborn child or for a newly placed child must conclude within 12 months after the birth or placement.

Spouses employed by the same employer may be limited to a **combined** total of 12 workweeks of family leave for the following reasons:

- birth and care of a child;
- for the placement of a child for adoption or foster care, and to care for the newly placed child; and,
- to care for an employee's parent who has a serious health condition.

Eligible employees with a spouse, son, daughter, or parent on covered active duty or call to covered active-duty status as defined by applicable federal regulations may use their 12-week

leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include the following as defined and limited by federal regulation: short notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, parental care, and additional activities arising out of the military member's covered active duty or call to covered active-duty status as agreed by employer and employee.

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember (as defined by federal regulation) who is recovering from a serious illness or injury sustained in the line of duty on active duty, is entitled to up to 26 weeks of unpaid leave in a single 12-month period to care for the servicemember. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status; or is otherwise on the temporary disability retired list, for a serious injury or illness. Covered servicemember also includes a covered veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. An eligible employee is entitled to a combined total of 26 workweeks of leave for any FMLA -qualifying reason during the single 12-month period, but is entitled to no more than 12 weeks of leave for:

- the birth of a son or daughter of the employee and in order to care for such son or daughter;
- because of the placement of a son or daughter with the employee for adoption or foster care;
- in order to care for the spouse, son, daughter or parent with a serious health condition;
- because of the employee's own serious health condition,
- or because of a qualifying exigency.

Spouses who are eligible for FMLA leave and are both employed by the Village are limited to a combined total of 26 workweeks of leave during the single 12-month period if the leave is taken to care for a covered servicemember with a serious injury or illness AND for the birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care, to care for the child after placement, or to care for the employee's parent with a serious health condition.

Under some circumstances, employees may take FMLA leave intermittently – which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule.

- If FMLA leave is for birth and care or placement for adoption or foster care of a son or daughter, use of intermittent leave is subject to the employer's approval.
- FMLA leave may be taken intermittently whenever **medically necessary** to care for a seriously ill family member or seriously ill or injured service member, or because the employee is seriously ill and unable to work.

The terms "son or daughter" are defined as biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability. An employee stands in loco parentis to a child when the employee intends to assume the responsibilities of a parent with regard to the child through either day-to-day care or financial support.

Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of

the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Leave Availability Calculation

The Village of Morton has adopted the "rolling 12 month period" method of calculating available FMLA leave for all types of leave with the exception of leave to care for a seriously ill or injured servicemember. Under the rolling 12-month period, in order to determine the amount of available FMLA leave, the calculation is made each time an employee commences an FMLA leave. From that date, the preceding 12 month period is examined. Any FMLA leave used during that preceding 12 months is deducted from the 12 weeks annual leave granted by the FMLA. The employee is entitled to take no more than the remaining balance of FMLA leave.

For FMLA leave requests made to care for a covered servicemember with a serious injury or illness, the single 12-month period begins on the first day the eligible employee takes FMLA leave.

Substitution of Paid Leave

Any employee taking FMLA leave is required to substitute and use any remaining paid "leave" benefits which are available or become available during the FMLA leave. This includes vacation, personal, and sick days. Such paid leave is substituted for the unpaid FMLA leave and is not in addition to such FMLA leave.

All other FMLA leave is unpaid.

Medical Insurance while on FMLA leave

During FMLA leave, the Village will maintain the employee's health coverage under any group health plan, under the same terms as if the employee had continued to work. If the employee was required to pay a portion of the premiums for coverage, that obligation continues while on leave. Payment is expected to be made in the same amounts, and at the same time (i.e. each payroll date) as was made while working. If any payment is more than 30 days late, medical coverage may be canceled pursuant to the FMLA Rules and Regulations.

An employee can elect not to continue medical coverage while on leave. If this election is made, the Village will immediately place the coverage into COBRA.

If the coverage is continued while on FMLA leave, and the employee does not return to work at the end of the FMLA leave period, the Village will bill the employee for the amount of premiums paid by the Village during the leave period unless the employee does not return to work due to a reason exempted from this provision by FMLA Rules and Regulations.

No other employment benefits provided by the Village to employees are continued during FMLA leave. All such benefits are instead held in abeyance until the employee returns to work. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Procedure for Requesting FMLA leave

An employee must provide the Village of Morton with at least 30 days' advance notice before FMLA leave is to begin if the need for the leave is foreseeable. If 30 days' notice is not possible, such as because of a lack of knowledge of approximately when leave will be required to begin, a

change in circumstances, or a medical emergency, notice must be given as soon as practicable.

Employees must provide sufficient information for the Village of Morton to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees must also inform the Village if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees will also be required to provide certification as specified below, and may be required to provide periodic recertification supporting the need for leave.

Any employee taking leave to care for the employee's covered family member with a serious health condition, or due to the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's position must be supported by a certification issued by the health care provider of the employee or the employee's family member. An employee taking leave because of a qualifying exigency or to care for a covered servicemember with a serious injury or illness must also be supported by a certification except that an employee taking leave to care for a covered servicemember may provide an invitational travel order (ITO) or an invitational travel authorization (ITA) in lieu of certification for the leave taken through the expiration of the ITO or ITA. Copies of the certification forms can be obtained from your supervisor. Employees are required to furnish the completed certification within 15 calendar days of the [employer's] request for certification. In the case of unforeseen leave, certification must be provided as soon as practicable. FMLA leave may be denied in accordance with the FMLA Rules and Regulations if appropriate certification is not provided.

Consequences of Taking FMLA leave

Any FMLA leave taken will be counted against the available leave allowed by statute. Any employee seeking to return to work after leave taken because of the employee's own "serious health condition" must submit a medical certification of fitness to return to duty, signed by the attending health care provider, before the employee will be allowed to return to work. Failure to comply with this requirement does not extend the leave.

On return from FMLA leave, the employee will be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. The Village reserves the right to deny restoration to "key employees" as defined by the FMLA regulations where restoration will cause "substantial and grievous economic injury" to the operations of the Village.

If the employee is unable to perform an essential function of the position because of a physical or mental condition, including the continuation of a serious health condition or an injury or illness also covered by workers' compensation, the employee has no right to restoration to another position under the FMLA. The employee may, however, fall under the Americans with Disabilities Act (ADA).

Employer Responsibilities

The Village of Morton must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the Village will provide a reason for the ineligibility.

The Village must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the Village determines that the leave is not FMLA-protected, the employer must notify the employee.

Working Prohibited while on FMLA leave

An employee out on FMLA leave may not use that time to engage in work elsewhere, whether as an employee, independent contractor, volunteer or otherwise, unless prior written approval from the Village has been obtained. If an employee is taking FMLA leave, it must be because an FMLA-qualifying reason is preventing the employee from appearing at work for the Village. Performing work elsewhere is contradictory to that premise and will create a presumption that the employee fraudulently obtained or continued FMLA leave.

Unlawful Acts by Employer

The FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

Reference to FMLA Poster

The Village of Morton has posted in each department, a notice setting forth the relevant provisions of the FMLA. The terms of the notice are incorporated in this policy document as if they were specifically set forth. Each employee is charged with familiarizing him/herself with the contents of the notice concerning all applicable employee rights and obligations under the FMLA.

Section 3.13 Leave Under Victims' Economic Security and Safety Act (VESSA)

The Village of Morton will provide up to twelve (12) weeks of unpaid leave from work to an employee who is a victim of domestic violence, sexual violence, gender violence, or any other crime of violence (or who has a family or household member who is a victim of domestic violence, sexual violence, gender violence, or any other crime of violence) to address domestic violence, sexual violence, gender violence, or other crime of violence if the employee is:

- a) seeking medical attention for, or recovering from, physical or psychological injuries to the employee or the employee's family or household member caused by domestic violence, sexual violence, gender violence, or other crime of violence;
- b) obtaining services from a victim services organization for the employee or the employee's family or household member;
- c) obtaining psychological or other counseling for the employee or the employee's family or household member;
- d) participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic violence, sexual violence, gender violence, or other crime of violence or to ensure economic security; or
- e) seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic violence, sexual violence, gender violence, or other crime of violence.

“Family or household member” means a spouse, party to a civil union, parent, grandparent, child, grandchild, sibling, or any other person related by blood or by present or prior marriage or civil union, other person who shares a relationship through a child or any other individual whose close association with the employee is the equivalent of a family relationship as determined by the employee, and persons jointly residing in the same household whose interests are not adverse to the employee as it relates to the domestic violence, sexual violence, gender violence, or other crime of violence.

Period of Leave: Employee shall be entitled to a total of twelve (12) workweeks of unpaid leave during any 12-month period. Any leave that qualifies for both FMLA and VESSA will run concurrently as both FMLA and VESSA leave. A VESSA leave, or part thereof, shall only be in addition to FMLA leave if an employee’s VESSA leave does not qualify for FMLA leave. Leave may be taken intermittently or on a reduced work schedule.

Existing Leave: The employee may use any available paid or unpaid leave (including family, medical, sick, annual, personal, etc.) from employment, pursuant to federal, State or local law, a collective bargaining agreement, or an employment benefits program or plan, in substitution for any period of such leave for an equivalent period of leave.

Employee Notice Requirements: The employee shall provide the Village with at least 48 hours’ advance notice of the employee’s intention to take the leave, unless providing such notice is not practicable.

When an unscheduled absence occurs, the Village will not take any action against the employee if the employee, within a reasonable period after the absence (generally defined herein as 15 days) provides certification as described under the next section.

Employee Certification The Village of Morton may require the employee to provide certification that:

- a) the employee or the employee's family or household member is a victim of domestic violence, sexual violence, gender violence, or other crime of violence; and
- b) the leave is for one of the purposes enumerated in this policy.

The employee shall provide such certification to the Village within a reasonable period after a request for certification is made.

An employee may satisfy the above certification requirement by providing to the Village a signed and dated statement of the employee, and if the employee has possession of such document, the employee shall provide one of the following documents:

- a) documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee or the employee's family or household member has sought assistance in addressing domestic violence, sexual violence, gender violence, or other crime of violence and the effects of the violence;
- b) a police or court record; or
- c) other corroborating evidence.

The employee shall choose which document to submit, and the Village shall not request or require more than one document to be submitted during the same 12-month period leave is requested or taken if the reason for leave is related to the same incident or incidents of violence or the same perpetrator or perpetrators of the violence.

Confidentiality All information provided to the Village of Morton, including a statement of the employee or any other documentation, record, or corroborating evidence, and the fact that the employee has requested or obtained leave or a reasonable accommodation pursuant to this

policy, shall be retained in the strictest confidence, except to the extent that disclosure is: (1) requested or consented to in writing by the employee; or (2) otherwise required by applicable Federal or State law.

Restoration to Position: In general, an employee who takes leave under this policy shall be entitled, on return from such leave:

- a) to be restored by the Village of Morton to the position of employment held by the employee when the leave commenced; or
- b) to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

Loss of Benefits: The taking of leave under this policy shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced. An employee may elect to substitute available paid leave for any period of leave under this policy. An employee will not be required to substitute available paid leave for the leave provided under this policy.

An employee who takes leave under this policy for the intended purpose of the leave shall be entitled upon return from such leave to be restored to the same position or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

However, the employee is not entitled to:

- the accrual of any seniority or employment benefits during any period of leave; or
- any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

Reporting to Employer: The Village of Morton may require an employee on leave under this policy to report periodically on the status and intention of the employee to return to work.

Maintenance of Health Benefits: Except as provided under "Failure to Return from Leave," during any period that an employee takes leave under this policy, the Village of Morton shall maintain coverage for the employee and any family or household member under any group health plan for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave.

Failure to Return from Leave: The Village of Morton may recover the premium that was paid for maintaining coverage for the employee and the employee's family or household member under such group health plan during any period of leave under this policy if:

- a) the employee fails to return from leave under this policy after the period of leave to which the employee is entitled has expired; and
- b) the employee fails to return to work for a reason other than:
 - i. the continuation, recurrence, or onset of domestic violence, sexual violence, gender violence, or other crime of violence that entitles the employee to leave; or
 - ii. other circumstances beyond the control of the employee.

The Village of Morton may require an employee who claims that the employee is unable to return to work because of a reason described in Section (b)(i) or (b)(ii) above to provide, within a reasonable period after making the claim, certification to [employer] that the employee is unable to return to work because of that reason.

An employee may satisfy the certification requirement above by providing to the Village:

- a sworn statement of the employee;

- documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee has sought assistance in addressing domestic violence, sexual violence, gender violence, or other crime of violence and the effects of that violence;
- a police or court record; or
- other corroborating evidence.

The employee shall choose which document to submit and the Village shall not require more than one document to be submitted.

The Village of Morton will not fail to hire, refuse to hire, discharge, constructively discharge, or harass any individual exercising their rights under this policy or otherwise discriminate against any individual exercising their rights under this policy with respect to the compensation, terms, conditions, or privileges of employment of the individual, or retaliate against an individual in any form or manner for exercising their rights under this policy.

Leave Availability Calculation The Village of Morton has adopted a “rolling 12-month period” method of calculating available leave. In order to determine the amount of available leave, the calculation is made each time an employee commences leave. From that date, the preceding 12-month period is examined. Any leave used during that preceding 12 months is deducted from the total amount of leave available under this policy. An employee is entitled to take no more than the remaining balance of leave.

Reasonable Accommodation: The Village of Morton shall provide reasonable accommodations to the known limitations of an otherwise qualified employee resulting from circumstances relating to the employee being a victim of domestic violence, sexual violence, gender violence, or any crime of violence or having a family or household member who is a victim of domestic violence, sexual violence, gender violence, or other crime of violence, unless doing so would impose undue hardship on the Village. Reasonable accommodation may include adjustment to a job structure, workplace facility, or work requirement, including a transfer, reassignment or modified schedule, leave, a changed telephone number or seating assignment, installation of a lock, implementation of a safety procedure, or assistance in documenting domestic violence, sexual violence, gender violence, or other crime of violence that occurs at the workplace or in work-related settings, or any other reasonable accommodation in response to actual or threatened domestic violence, sexual violence, gender violence, or other crime of violence.

Undue hardship means an action requiring significant difficulty or expense, when considered in light of: (1) the nature and cost of the reasonable accommodation needed; (2) the overall financial resources of the facility, the number of persons employed by the facility, the effect on expenses and resources, or the impact otherwise of such accommodation on the operation of the facility; (3) the overall financial resources of the employer, the overall size of the business of the employer with respect to the number of employees of the employer, and the number, type and location of the facilities of an employer; (4) the type of operation of the employer, including the composition, structure, and functions of the workforce of the employer, the geographic separateness of the facility from the employer, and the administrative or fiscal relationship of the facility to the employer.

Employees who are seeking leave or another reasonable accommodation under this policy should contact [insert contact person’s name and contact information].

Required Posting: The Village of Morton has posted in each department, a poster setting forth the relevant provisions of the Victims’ Economic Security and Safety Act. The terms of that poster are incorporated in this policy document as if they were specifically set forth. Each employee is charged with familiarizing him/herself with the contents of that poster concerning all applicable

employee rights and obligations under the Act.

Section 3.14 School Visitation Leave

In accordance with the School Visitation Rights Act, an employee who has worked for the Village for at least six (6) consecutive months and works at least a half-time schedule may take up to eight (8) hours off during any school year, and no more than four (4) hours in one day to attend school conferences behavioral meetings, or academic meetings related to the employee's child, provided that the conference or meeting cannot be scheduled during non-working hours. Before taking leave pursuant to this policy, an employee must have exhausted all accrued vacation leave, personal (emergency) leave, compensatory leave and any other leave that may be granted to the employee except for sick leave and disability. Employees who intend to take leave pursuant to this policy are required to provide a written request at least seven (7) days in advance to their supervisor. In emergency circumstances, only twenty-four (24) hours' notice will be required. The employee is required to consult with his or her supervisor to schedule the leave so as not to unduly disrupt operations. Employees who take leave pursuant to this policy will be given a reasonable opportunity to make up the time off taken on a different day or shift as directed by the employer, but in no circumstances shall such make-up hours be scheduled so that they result in overtime pay to the employee. Employees are not required to make up the time, and if they choose not to do so, shall not be compensated for the time off. Employees are required to provide verification of the school visit to their supervisor within two (2) working days. Failure to provide verification may result in disciplinary action.

Section 3.15 Compensatory Time Off

Employees, other than Department Heads and Superintendents, shall be entitled to compensatory time, with the following requirements:

- (1) Compensatory time is earned at a rate of 1.5 hours for every hour worked over 40 hours per week.
- (2) The Department Head to whom the employee reports must approve the taking of compensatory time. The time off will be allowed unless it is unduly disruptive to the Department's operation.
- (3) Employees are not required to take compensatory time off.
- (4) Employees may accumulate a maximum of 24 hours of compensatory time (equivalent to 16 actual hours worked) per fiscal year (May 1 – April 30).
- (5) An employee is required to use all compensatory time he or she has accrued by April 30 of the fiscal year it is earned. Any time remaining at April 30 shall be paid out to the employee.

The following provisions shall apply to the following overtime-exempt positions: Superintendent of Gas Distribution, Superintendent of Streets, Superintendent of Wastewater Treatment, Superintendent of Water Distribution, and Superintendent of Water Treatment:

- (1) If the Superintendent is requested by the Director of Public Works to work a shift over 4 hours outside the normal work schedule for the Superintendent, then said Superintendent shall be entitled to be compensated for this time at his or her straight hourly rate, or at the option of the Superintendent, he or she may elect compensatory time.
- (2) The election shall be made within the pay period for which the shift was worked, and it cannot be changed once it is made.
- (3) The compensatory time earned must be used by the Superintendent within the calendar year it was earned.
- (4) No payment will be made if the compensatory time earned is not taken within the

calendar year it was earned.

Section 3.17 Layoff - Recall Procedures

Where it becomes appropriate to lay off employees for budgetary or financial reasons, a temporary absence of available work, or other reasons including the permanent elimination of positions within administrative operations of the Village, layoffs will normally be affected within the various departments by the Department Head unless controlled by state statute, and will take into consideration, among other criteria, the available financial resources budgeted, the volume and nature of work to be performed, the relative skills, ability, and performance of employees within or among specific job categories or classification descriptions within the department, and the continuous credited service of the various employees likely to be affected by the lay-off within a particular job category or classification description. Except in circumstances where an individual was employed for a particular position because of special training, skill, or qualification, employees still subject to an initial evaluation period will be laid off before any employee possessing credited continuous service and occupying a regular, full-time position. Where all other criteria are relatively equal, and the employees are capable of immediately performing the job(s) required, credited continuous service will ordinarily control, and regular, full-time and/or part-time employees with less continuous credited service will be laid off in preference to, or ahead of, employees possessing greater credited continuous service within specific job categories or classification descriptions within the department. Employees who have been laid off from specific job categories or job classification descriptions will be recalled in inverse order from the order of layoff should conditions allow the Village to restore their former position within less than twelve (12) months from the date of layoff, provided the employee is qualified to fill the position. Where any other job vacancies arise within the department, employees on layoff status may apply for the position, and in such situation, the employee's established continuous credited service will be considered together with all other factors in determining the most qualified applicant for the vacancy.

Section 3.18 Promotions and Transfer Policy

Subject to the operational requirements of the Village, and the need to fill positions within its operations with individuals qualified for particular positions by reason of their education, training, special knowledge or expertise, or prior employment experience, the Village's policy is to promote the development and growth of its current employees by considering them for promotions and/or transfers to new job categories or classification descriptions within the Village's operations when vacancies occur or new positions are created. To aid in the effectuation of this policy, the Department Heads are directed to post notices of vacancy for job openings within the Village administration not subject to special statutory or administrative hiring procedures to provide notice to current employees and to the community of available positions. Those employees who desire to be considered shall submit their application for the opening or vacant position, which will be considered together with the applications of others. The credited continuous service of current employees will be taken into consideration along with all other factors in selecting an individual to fill the vacancy or position. Where two or more employees are being considered, and their relative qualifications are determined to be equal, the employee with greater credited continuous service will ordinarily be given preference based upon his or her credited continuous service, subject to any statutory or contractual requirements.

Except in extraordinary situations as determined by Village Officials, an employee who has not completed the initial evaluation period as set forth in Section 2.3 Initial Evaluation Period of this Manual shall not be eligible for a promotion or voluntary transfer to another position within the Village's operations. If an employee does transfer to a different job category or classification within the Village's operations, the employee will not be eligible for another transfer

for a period of 12 months.

Decisions regarding the promotion or transfer of employees, and the hiring of new employees shall be made by the President and Village Board unless delegated to individual Department Heads. If an employee receives a promotion or transfers to a different job category or classification and receives an increase in salary or wages as a result of the promotion or transfer, the employee will not be eligible for an increase in salary or wages until the employee has served six months in the new position. Furthermore, if an employee receives a promotion to a supervisory or managerial position, which would include, but not be limited to, a department head, the employee shall be placed at the minimum step ("Step A") for the particular grade for the employee's new job category or classification on the salary schedule (or "pay plan") in place at the time of the employee's promotion. However, in extraordinary situations as determined by Village Trustees and/or the President Village Board, an employee may be placed at a higher step on the salary schedule (or "pay plan") at the time of the employee's promotion to a supervisory or managerial position.

Section 3.19 Travel Time to Required Events

Employees of the Village of Morton who are required to attend conferences, meetings, and training sessions outside the Village will be entitled to compensation for their travel time in excess of their regularly scheduled day, less one-half hour which is considered reasonable time for travel. If the event is held over multiple consecutive days, the employee is reimbursed for the time for trip to the location on the first day and for the time for the return trip to Morton on the last day. This will be applicable even if the employee chooses to travel back and forth to the event, rather than staying overnight. If an employee lives in a location other than Morton, they are compensated for the travel time from Morton or their home to the event venue, whichever is less (less the first ½ hour each way). If the distance traveled to or from the main Village office is less than 30 miles, there shall be no compensation for travel time.

Section 3.20 Creditable Service for Military Service

Employees of the Village of Morton who are eligible for participation in the Illinois Municipal Retirement Fund may accumulate creditable service, for purposes of determining the amount of any annuity or benefit to which they or their beneficiaries are entitled, for all eligible military service as provided in Section 5/7-139(a) (5-5.1) of the Illinois Pension Code.

Section 3.21 Group Health Insurance

To assist its employees and certain specified retirees, the Village sponsors and maintains a medical-hospital group health insurance plan for the benefit of its employees and specified retirees.

Employee Coverage

For regular, full-time employees, the Village pays the cost of the monthly premium to maintain employee, or employee and dependent coverage (including coverage for the employee's spouse or civil union partner), up to the maximum dollar amount for each type of coverage as established from time to time by resolution of the Village Board. Eligibility to participate in the medical-hospital group health insurance plan and to receive benefits under the plan is controlled by the group insurance policy or plan document issued by or on behalf of the Village. The Village Board retains the authority to change the structure of the group health insurance plan, preferred provider network, third party administrator, group insurer, or the provisions of its group health insurance plan when it finds that action appropriate. In the event of proposed insurance premium increases which would raise the cost of coverage to employees, the Village will consider options to obtain maximum coverage within the monthly premium costs assumed by the Village, in order to reduce

the premium requirements being assumed by employees.

Retired Employees

Full-time employees retiring from Village service under an approved pension plan may be allowed to continue coverage under the Village's group health insurance plan, subject to the terms of the group health insurance plan. A "retiring employee" or "retired employee" refers to an employee who qualifies for retirement as defined herein. "Retirement" means that an employee has (1) met both the age requirement and the years of service requirement to begin receiving retirement benefits from the Illinois Municipal Retirement Fund or other IRS qualified retirement plan applicable to the particular employee's position with the Village as of the employee's retirement date, and (2) applied for, or is receiving, retirement benefits from the applicable retirement plan. This definition of "retirement" specifically excludes an employee who is a "deferred pensioner" as defined under State law.

The cost of group health insurance to the retiree shall be based upon the Village's cost under the Consolidated Omnibus Budget Reconciliation Act (COBRA).

When at such time the retiree or the retiree's dependent becomes eligible for Medicare, they will be terminated from coverage with the Village.

Leave of Absence/Off Work

Where the employee is off work by reason of injury or illness and the absence is covered by available benefit time, the Village will continue to pay the Village's portion of the premium as stated above to maintain health insurance coverage for up to one (1) year or the employee's credited continuous service, whichever is less. Where the employee is off work by reason of an approved leave under the Family and Medical Leave Act (as provided in Section 3.12 Leaves of Absence -, the Victim's Economic Security and Safety Act (as provided in Section 3.13 Leave Under Victims' Economic Security and Safety Act), or the Family Military Leave Act (as provided in Section 3.12 Leaves of Absence - Family Medical Leave and Military Leave Policy), the Village will continue to pay the Village's portion of the premium as stated above. An employee absent or off work for any other reason for a period longer than thirty (30) days and who is entitled to maintain coverage under the Village's health insurance plan shall be required to assume the full cost of any premium necessary to maintain employee, or employee and dependent coverage, under the Village's health insurance plan after that thirty (30) day period.

Notice of Termination of Coverage

When coverage for an employee or other covered person under the Village's group health insurance is being terminated for any reason, the Village shall provide notice of this termination to the employee or covered person (and any dependents if applicable) along with notice of any available continuation rights.

Payment of Premiums

When employees, retirees, or any other individuals covered by the Village's health insurance plan are spouses or civil union partners, both spouses or civil union partners must enroll or maintain enrollment under the Village' health insurance plan and both shall pay the full premium for individual coverage under the Village's health insurance plan based upon each particular individual's circumstances in order to receive coverage under the Village's health insurance plan. Thus, in the event both spouses or civil union partners are eligible for coverage under the Village's health insurance plan, one spouse or civil union partner cannot be covered as a dependent under family coverage for the Village's health insurance plan – both spouses or civil union partners must be enrolled for individual coverage under the Village's health insurance plan and must pay the appropriate premium to maintain coverage under the Village's health insurance plan. Further, in

the event either spouses, or civil union partners, are covered by the Village's health insurance plan, only one spouse or civil union partner can enroll for family coverage under the Village's health insurance plan for coverage for their dependents.

Retired employees, employees on an approved leave of absence, and any other person covered by the Village's health insurance plan who are required to make monthly premium payments to the Village must make a full monthly premium payment on or before the 10th day of the month for which the premium payment is being made. For example, in order to maintain coverage under the Village's health insurance plan for the month of January, the full premium payment must be received by the Village on or before January 10th. If the 10th day falls on a weekend or holiday observed by the Village, the premium payment for that month will be due on the first regular business day after the weekend or holiday. If a premium payment is paid late (after the appropriate payment date set forth herein), a \$20 late fee will be assessed to the premium payment and must be paid with that premium payment. Furthermore, if a full premium payment (including late fees) is over 45 days late or if two successive full monthly payments (including late fees) are late, coverage under the Village's group health insurance plan will be terminated at the end of that particular month when such event occurs. The Village shall send notice by regular mail of such termination of coverage to the covered person at the person's last address provided to the Village prior to the termination date. This Section shall also apply to COBRA payments made under the continuation provisions of the Village's health insurance plan. As a means to simplify this payment process, retirees should contact their respective pension plan sponsor regarding payment of these premiums to the Village directly from their pension checks, which may be made on a tax-deferred basis.

Coverage for Spouses or Civil Union Partners of Deceased Employees or Retirees

Except as otherwise provided by the policy or plan document for the Village's group health insurance plan, including any eligibility provisions of the policy or plan document for the health insurance plan, the spouse or civil union partner (and any "covered dependents") of a deceased retired employee may continue to receive coverage under the Village's health insurance plan upon the death of the retired employee under the same terms as the retired employee would have received coverage under the Village's health insurance plan for the period of COBRA eligibility. The spouse or civil union partner of a deceased retired employee or deceased employee shall make the necessary premium payments for continued coverage under the Village's health insurance plan as required under the provisions of (e) above.

HIPAA Privacy Notice

Pursuant to the federal Health Insurance Portability and Accountability Act and the related regulations, the Village, as the sponsor of a group health insurance plan, shall provide notice to each employee and retiree covered by the group health insurance plan regarding the privacy of their protected health information. The HIPAA privacy notice related to the Village's group health insurance plan is set forth in the policy or plan document for the Village's group health insurance plan and may also be provided in part by additional documentation issued in relation to the Village's group health insurance plan. Every employee and retiree covered by the Village's group health insurance plan should carefully review these notices in order to fully understand their privacy rights regarding the handling and storing of this type of information. Also, an additional copy of the HIPAA privacy notice or notices can be obtained from the Village Administrator who is located at the main Village office.

Section 3.22 Deferred Compensation Plan

To enhance benefits available to Village employees upon their retirement from Village services, the Village may offer a deferred compensation plan qualified under §457 of the Internal Revenue

Code for employee participation. The deferred compensation plan would be established for the exclusive benefit of the employee or the employee's beneficiaries and not subject to any claims by the Village. Participation in the deferred compensation plan is voluntary and at the employee's option. The deferred compensation plan allows an employee to defer future salary income and invest the deferred funds in a variety of investment types through the managing firm.

A deferred compensation plan, if established, would be governed by an ordinance of the Village Board. The Village Board would retain the authority to amend the deferred compensation plan, change the list of accepted life insurance or annuity companies, or terminate the deferred compensation plan when it finds such action appropriate. However, such action by the Village Board would not jeopardize an employee's right to receive funds invested by the employee in an annuity contract.

Section 3.23 Illinois Municipal Retirement Fund

- (a) **Retirement Benefits** The Village shall provide each Village employee, who qualifies for participation, the opportunity to participate in the retirement program established by the Illinois Municipal Retirement Fund (IMRF), unless the employee is covered by another retirement program created by the State of Illinois for specific job classifications. Payments made into IMRF are made by both the employee and the Village. The employee and the Village will be responsible for making payments into IMRF as set forth by the statutory provisions of IMRF (40 ILCS 5/7-101, et seq.).
- (b) **Unused Sick Leave / Service Credit** An employee may be eligible to receive service credit toward retirement under IMRF for any unused sick leave for which the employee does not receive any compensation or payment from the Village. The employee should contact the employee's IMRF representative to determine whether the employee may be eligible to receive service credit from IMRF for unused sick leave.
- (c) **Maternity Disability Benefits** An employee may be eligible to receive disability benefits from IMRF for a period of physical disability related to pregnancy or childbirth for a maximum period of six or eight weeks depending on the circumstances. The employee should contact the employee's IMRF representative to determine if she may be eligible for this benefit.
- (d) **Eligibility for Disability Benefits** An employee is not eligible to receive disability benefits from IMRF until the employee has exhausted all available paid leave with the Village, including vacation leave, sick leave, and personal leave.
- (e) **Voluntary Additional Contributions** An employee who participates in IMRF is entitled to voluntarily contribute additional funds to their account. The employee can contribute up to 10% of their annual salary. This amount is credited to the employee's individual account, and upon retirement the employee may choose to take a lump sum payment of that amount or increase their monthly pension benefit. The contributions are made on an after-tax basis. The amount contributed earns an annual interest payment, based upon the balance on January 1 of the previous year, and the interest is paid on December 31 of that year.

Section 3.24 Supplemental Insurance

The Village may provide a program of supplemental insurance packages provided by a designated insurer. The participation in a supplemental program is voluntary, with the employee choosing the benefits, if any. The cost of the insurance will be entirely paid by the employee, and the Village will not pay any of the cost. The employee may be able to pay for some of these supplemental insurance programs by payroll deduction with pre-tax income pursuant to the

Village's §125 Cafeteria Plan, see the section below.

The program offers supplemental insurance coverage which would provide benefits for accident expenses, cancer expenses, hospital confinement, and intensive care confinement, sickness expenses, short-term disability, dental expenses, and long-term care. The program also provides additional cash benefits to help offset medical expenses, lost earning power, and out-of-pocket expenses. Benefits are paid directly to the employee, unless the employee directs otherwise. Also, benefits are portable; thus, if an employee leaves employment with the Village for any reason, the employee may continue benefits at prior rates by dealing directly with the insurer. For further information, an employee should contact the Village Administrator.

Section 3.25 §125 Cafeteria Plan

The Village may establish a cafeteria plan pursuant to §125 of the Internal Revenue Code. The cafeteria plan is a way in which take-home pay may be increased for the participating employee by reducing the amount of tax paid to the federal and state governments. An employee can choose to have employer-sponsored medical insurance premiums, eligible medical expenses (those not reimbursed under a medical plan which would include the Village's Group Health Insurance plan), dependent care expenses, and supplemental insurance premiums see section above) deducted from the employee's paycheck before taxes are deducted from the employee's gross pay amount. This reduces the employee's actual taxable income by the amount of the total deduction. An employee's gross pay remains the same, but the amount withheld for taxes is reduced by the amount the employee elects to contribute (within established limits) to the cafeteria plan flexible spending account. The funds contributed to the cafeteria plan flexible spending account are then used by the employee to pay the employee's employer-sponsored medical insurance premiums, eligible medical expenses, dependent care expenses, and supplemental insurance premiums. For further information, an employee should contact the Village's Administrator.

Section 3.26 Education Assistance Policy

Regular, full-time employees who wish to pursue educational courses may receive financial assistance from the Village. The Village will reimburse the following:

- (1)** 100% of the cost of tuition and required textbooks for a maximum of two courses per school term (i.e. semester, trimester, quarter), with the following limits –
 - a. Tuition for freshman and sophomore (100 or 200 level) courses will be reimbursed at the semester hour rate which is in effect at Illinois Central College.
 - b. Tuition for junior and senior (300 or 400 level) courses will be reimbursed at the semester hourly rate which is in effect at Illinois State University.
- (2)** Laboratory fees and other fees and charges are not reimbursable.

Employees seeking reimbursement under the policy shall be required to apply for financial assistance, with any reimbursement by the Village based on the net tuition cost after financial assistance.

In order to be eligible for reimbursement the courses must be:

- (1)** Offered by an accredited college or university;
- (2)** Directly related to the employee's current position or other positions to which the employee might reasonably be promoted to transferred; and
- (3)** For the purpose of:
 - (a)** Directly improving the knowledge, skills, abilities, or job performance of the employee;
 - (b)** Preparing the employee for technological or other changes occurring in the

- employee's career field; or
- (c) Preparing the employee for a change in duties, functions, or responsibilities, or for the assumption of new and different duties, functions, or responsibilities.
- (4) Successfully completed with a grade report reflecting a grade of "C" or better, validated by receipts for the tuition and textbooks.
- (5) Claims must be submitted within 60 calendar days of course completion.

Master's level courses and degree programs may be reimbursed with the approval of the Board of Trustees. No doctoral or post-doctoral course or degree program will be approved as no position within the Village requires such a degree.

Employees who desire to receive reimbursement for education under this policy shall request approval from their Department Head or supervisor prior to enrollment. Employees shall take the courses on their own time. If a course is only offered during the employee's normal working hours, the Department Head may allow time during working hours for class attendance. This allowance is at the sole discretion of the Department Head and under no circumstances shall an employee be paid for time spent attending classes. Upon successful completion of an approved course or courses, the employee shall submit to the Department Head a grade report reflecting a grade of "C" or better and receipts for tuition and textbooks in order to receive reimbursement. All claims for reimbursement must be submitted within sixty (60) calendar days of course completion. Reimbursement shall be for a maximum of two (2) courses per school term (i.e., semester, trimester, quarter).

An agreement must be signed by the employee stating their intention to remain employed by the Village for two (2) years following the date of such reimbursement. In the event an employee ceases employment with the Village before the two-year period has lapsed, the employee will reimburse the Village 100% of the amount previously paid by the Village, and the agreement signed by the employee must state this understanding by the employee. This reimbursement will be made from the final paycheck of the employee. Employees who wish to receive financial assistance from the Village pursuant to this policy shall authorize the Village, in writing, to withhold from his/her final paycheck any or all amounts required to reimburse the Village as provided above.

The benefit does not include expenses for attending seminars, workshops, or short courses or for education courses required by an employee's Department Head or supervisor, which are covered under each department's training and travel budget.

By issuing this policy, the Village is not creating any employment contract right in favor of its employees, and its employees are, and continue to be, at-will employees.

Section 3.27 Civic and Professional Association Dues

The Village recognizes that the membership to civic and professional organizations which relate to the position responsibilities of its leadership staff is beneficial to the employee and the Village. Therefore, the following positions may submit, for approval by the Village President, a request for payment of the organization's dues. This payment will be available for the following positions: Village Administrator, Director of Public Works, Chief of Police, Director of Fire and Emergency Services and Village Clerk.

ARTICLE IV - EMPLOYMENT CONDITIONS & ADMINISTRATIVE POLICIES

Section 4.1 Policy Prohibiting Discrimination, Harassment and Sexual Misconduct

I. STATEMENT OF POLICY

It is the Village of Morton's policy that it will not tolerate or condone discrimination or harassment on the basis of actual or perceived race, color, religion, creed, sex, gender-identity, gender-expression, sexual orientation, pregnancy, childbirth, medical or common conditions relating to pregnancy and childbirth, genetic information, national origin, age, physical or mental disability, association with a disabled person, ancestry, marital status, military status, arrest record, conviction record, unfavorable discharge from military service, order of protection status, status as a victim of domestic violence, sexual violence, gender violence, or other crime of violence, citizenship status, traits associated with race, including, but not limited to, hair texture and protective hairstyles such as braids, locks, or twists, or any other classification protected under federal or state law. Sexual misconduct is also prohibited. The Village will neither tolerate nor condone discrimination, harassment or sexual misconduct directed against anyone by employees, managers, supervisors, elected officials, co-workers, or non-employees. "Employee," for purposes of this policy only, includes any individual performing work for the Village of Morton, an apprentice, an applicant for apprenticeship, or an unpaid intern.

The Village of Morton has appointed its attorney as its ethics officer to receive and oversee investigations of complaints made pursuant to this policy and is referred to in this policy as the Village of Morton's "Ethics Officer." The Ethics Officer can be contacted by email or phone at pmcgrath@mcgrathpc.com and 309-266-6211. The Village of Morton reserves the right to change the Ethics Officer from time to time.

Retaliation against an individual who complains about or reports any act of discrimination, harassment or misconduct in violation of this policy is prohibited. Retaliation against any individual who participates in an investigation pursuant to this policy is likewise prohibited. The Village of Morton is committed to ensuring and providing a work place free of discrimination, harassment, sexual misconduct and retaliation. The Village of Morton will take disciplinary action, up to and including termination, against an employee who violates this policy.

"Harassment" means any unwelcome conduct on the basis of an individual's actual or perceived race, color, religion, creed, sex, gender-identity, gender-expression, sexual orientation, pregnancy, childbirth, medical or common conditions relating to pregnancy and childbirth, genetic information, national origin, age, physical or mental disability, association with a disabled person, ancestry, marital status, military status, arrest record, conviction record, unfavorable discharge from military service, order of protection status, status as a victim of domestic violence, sexual violence, gender violence, or other crime of violence, citizenship status, traits associated with race, including, but not limited to, hair texture and protective hairstyles such as braids, locks, or twists, or any other classification protected under federal or state law that has the purpose or effect of substantially interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment. For purposes of this definition, the phrase "working environment" is not limited to a physical location an employee is assigned to perform his or her duties.

As set forth above, sexual harassment and sexual misconduct are prohibited. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or any other visual, verbal or physical conduct of a sexual nature when:

- 1) Submission to or rejection of this conduct explicitly or implicitly affects a term or condition of the individual's employment;

- 2) Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee or;
- 3) The harassment has the purpose or effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile or offensive work environment because of the persistent, severe or pervasive nature of the conduct.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The harasser may be any sex or gender. The harassed employee does not have to be of a different sex or gender.
- The harasser can be the employee's supervisor, an agent of the public body, a supervisor in another area, a co-worker, or a non-employee.
- The employee does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the employee.
- The harasser's conduct must be unwelcome.

Each employee must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment or harassment based on any status protected by law. The following are illustrations of actions that the Village of Morton deems inappropriate and in violation of our policy:

- 1) Unwanted sexual advances.
- 2) Offering employment benefits in exchange for sexual favors.
- 3) Retaliating or threatening retaliation after a negative response to a sexual advance or after an employee has made or threatened to make a harassment complaint.
- 4) Visual conduct such as leering, making sexual gestures, displaying sexually suggestive objects or pictures, cartoons, calendars or posters.
- 5) Verbal conduct such as making derogatory comments, using epithets or slurs, making sexually explicit jokes or suggestive comments about a person's body or dress.
- 6) Written or electronic communications of a sexual nature or containing statements or images which may be offensive to individuals in a particular protected group, such as racial or ethnic stereotypes or stereotypes about disabled individuals.
- 7) Physical conduct such as unwanted touching, assaulting, impeding or blocking movements.

Sexual misconduct is strictly prohibited by the Village of Morton and can include any inappropriate and/or illegal conduct of a sexual nature including, but not limited to, sexual abuse, sexual exploitation, sexual intimidation, rape, sexual assault, or ANY sexual contact or sexual communications with a minor (including, but not limited to, conduct or communications which are written, electronic, verbal, visual, virtual or physical).

II. RESPONSIBILITIES

A. Management

Each member of management shall be responsible for ensuring compliance with this policy,

including the following:

- 1) Monitoring the workplace environment for signs of discrimination, harassment or sexual misconduct;
- 2) Immediately notifying law enforcement where there is a reasonable belief that the observed or complained of conduct violates the criminal laws of the State of Illinois.
- 3) Immediately notifying the Department of Children and Family Services (DCFS) Hotline (1-800-25-ABUSE or 1-800-252-2873) if the observed or complained of conduct involves the abuse of a minor.
- 4) Immediately stopping any observed acts of discrimination, harassment or sexual misconduct and taking appropriate steps to intervene, whether or not the involved individuals are within his/her line of supervision;
- 5) Immediately reporting any complaint of harassment, discrimination or sexual misconduct to the Village Administrator or to the Ethics Officer, and:
- 6) Taking immediate action to limit the work contact between the individuals when there has been a complaint of discrimination, harassment or sexual misconduct, pending investigation.

B. Employees

Each employee is responsible for assisting in the prevention of discrimination, harassment and sexual misconduct through the following acts:

- 1) Refraining from participation in, or encouragement of, actions that could be perceived as discrimination, harassment or sexual misconduct;
- 2) Immediately reporting any violations of this policy to a supervisor, the Ethics Officer, [the state's attorney, village attorney, city attorney] or the [County Clerk, City Clerk, Village Clerk] and law enforcement (if appropriate under the circumstances) and/or DCFS (if appropriate under the circumstances); Employees are obligated to report violations of this policy as soon as they occur. An employee should not wait until the conduct becomes unbearable before reporting the prohibited conduct. All employees are obligated to report instances of prohibited conduct even if the conduct is merely observed and directed toward another individual and even if the other person does not appear to be bothered or offended by the conduct. All employees are obligated to report instances of prohibited conduct regardless of the sex, gender, or identity of the alleged offender (e.g. supervisor, elected official, co-worker, volunteer, vendor, member of public).
- 3) Encouraging any employee who is the victim of conduct in violation of this policy to report these acts to the Village of Morton.

Failure to take action to stop known discrimination, harassment or sexual misconduct may be grounds for discipline.

There is a clear line most cases between a mutual attraction and a consensual exchange and unwelcome behavior or pressure for an intimate relationship. A friendly interaction between two persons who are receptive to one another is not considered unwelcome or harassment. Employees are free to form social relationships of their own choosing. However, when one individual is pursuing or forcing a relationship upon another who does not like or want it, regardless of friendly intentions, the behavior is unwelcome sexual behavior. An individual confronted with these actions is encouraged to inform the harasser that such behavior is offensive

and must stop. You should assume that sexual comments are unwelcome unless you have clear unequivocal indications to the contrary. In other words, another person does not have to tell you to stop for your conduct to be harassment and unwelcome. Sexual communications and sexual contact with a minor are ALWAYS prohibited.

If you are advised by another person that your behavior is offensive, you must immediately stop the behavior, regardless of whether you agree with the person's perceptions of your intentions.

The Village of Morton does not consider conduct in violation of this policy to be within the course and scope of employment and does not sanction conduct in violation of this policy on the part of any employee, member of management, elected official, appointed official or non-employee.

III. APPLICABLE PROCEDURES

The Village of Morton takes allegations of discrimination, harassment and sexual misconduct very seriously. It will actively investigate all complaints.

Any person who is subject to conduct in violation of this policy is encouraged to directly inform the offending individual that the conduct is unwelcome and must stop. The individual should use the Village of Morton's complaint procedure to advise the Village of Morton of any perceived violation of this policy as soon as it occurs.

A. Bringing a Complaint

Any person, who believes that there has been a violation of this policy, may bring the matter to the attention of the Village of Morton using any of the following reporting methods:

- 1) Advising their own supervisor or the Ethics Officer for the Village of Morton; or
- 2) Advising the offending employee's supervisor, the [County State's Attorney, City Attorney, Village Attorney] or the [County Clerk, City Clerk, Village Clerk] in the event that the alleged harasser is the [State's Attorney, City Attorney, Village Attorney].
- 3) An elected official of a governmental unit can bring a complaint against an elected official of the Village of Morton by advising the Ethics Officer or the [County State's Attorney, City Attorney, Village Attorney] or the [County Clerk, City Clerk, Village Clerk]. The Village of Morton will assign an independent reviewer to investigate such complaints.

If the complaint involves someone in an employee's direct line of command, then the employee should go directly to the [State's Attorney, City Attorney, Village Attorney], the [County Clerk, City Clerk, Village Clerk], or the Ethics Officer.

The complaint should be presented as promptly as possible after the alleged violation of this policy occurs.

The Village of Morton will take steps to ensure that complaints made are kept confidential to the extent permissible under the law. Individuals who are involved in an investigation under this policy are required to keep the matter confidential to the fullest extent permitted under the law.

B. Resolution of a Complaint

Promptly after a complaint is submitted, the Village of Morton will undertake such investigation, corrective and preventive actions as are appropriate, including, but not limited to ensuring impartial investigation of the matter. In general, the procedure for reviewing and resolving any complaints can (but will not necessarily) include any of the following items:

- 1) A meeting between the individual making the complaint and an impartial individual designated by the Village of Morton to investigate such complaints. Important data to be provided by the complaining individual includes the following:

- a. A description of the specific offensive conduct;
 - b. Identification of all person(s) who engaged in the conduct;
 - c. The location where the conduct occurred;
 - d. The time when the conduct occurred;
 - e. Whether there were any witnesses to the conduct;
 - f. Whether conduct of a similar nature has occurred on prior occasions;
 - g. Whether there are any documents which would support the complaining individual's allegations;
 - h. What impact the conduct had on the complaining individual.
2. While not required, the Village of Morton encourages anyone who makes a complaint under this policy to provide a written statement setting forth the above details and attaching any pertinent records.
 3. After a complaint is submitted, the alleged offending individual should be contacted by a designated representative of the Village of Morton. The alleged offending individual should be advised of the charges, and may be provided with a copy of the written statement of complaint (if applicable). The alleged offending individual should have an opportunity to provide a full explanation, and may also submit a written statement, if desired.
 4. After the alleged offending individual is interviewed, any witnesses identified by either the complaining individual or the alleged offending individual may be interviewed separately.
 5. Once this investigation is completed, the Village of Morton will take such action as is appropriate based upon the information obtained in the investigation. In the event that the Village of Morton finds merit in the charges made against an employee, disciplinary action will be taken against the offending employee. This disciplinary action may, but need not necessarily, include:
 - a. Verbal or written reprimand;
 - b. Placing the offending employee on a corrective action plan for a period of time to be identified;
 - c. Delay in pay increases or promotions;
 - d. Suspending the offending employee from work without pay;
 - e. Demotion;
 - f. Immediate termination.
 6. Upon completion of the investigation, the Village of Morton will advise the complaining individual of the results of the investigation, including action taken, if any, against the offending individual.

When investigating alleged violations of this policy, the Village of Morton looks at the whole record including, but not limited to, the nature of the allegations, the context in which the alleged incidents occurred, and the statements of the parties and witnesses. A determination on the allegations is made from the facts on a case-by-case basis.

Discipline, Fines and Penalties

In addition to any and all other discipline that may be applicable pursuant to [public body's] policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreement, any person who violates this policy or the prohibition on sexual harassment contained in 5 ILCS 430/5-65, may be subject to a fine of up to \$5,000 per offense, applicable discipline or discharge by the Village of Morton and any applicable fines and penalties established pursuant to local ordinance, state law or federal law. Each violation may constitute a separate offense. Any discipline imposed by the Village of Morton shall be separate and distinct from any penalty imposed by an ethics commission and any fines or penalties imposed by a court of law or a state or federal agency.

Non-Retaliation

Under no circumstances will there be any retaliation against any individual making a complaint of discrimination, harassment or sexual misconduct. Any act of retaliation by any party directed against a complaining individual, an accused individual, witnesses, or participants in the process will be treated as a separate and distinct complaint and will be similarly investigated. Complaints of retaliation should be addressed to the Ethics Officer, [State's Attorney, City Attorney, Village Attorney] or [County Clerk, City Clerk, Village Clerk]. Illinois law provides protections to whistleblowers as set forth in the Whistleblower Act, 740 ILCS 174/15 and the Illinois Human Rights Act, 775 ILCS 5/6-101.

False Reports Prohibited

It is a violation of this policy to knowingly make a false report of discrimination, harassment, sexual misconduct, or retaliation. An employee who is found to have knowingly made a false report is subject to disciplinary action, as set forth in Section III.B.5, above.

Sexual Harassment Prevention Training

All employees are required to complete sexual harassment prevention training on an annual basis in accordance with the Workplace Transparency Act. Records of employee attendance will be maintained by [Village Clerk, City Clerk, County Clerk, Human Resources Representative].

Additional Resources

If you have any questions concerning the Village of Morton's policies on this matter, please see your supervisor, the Ethics Officer, or the [State's Attorney, City Attorney, Village Attorney].

Equal Employment Opportunity Commission

Federal law provides protection against unlawful discrimination and harassment. Further information may be obtained from the Equal Employment Opportunity Commission (EEOC), 800-669-4000.

Illinois Department of Human Rights

The Illinois Human Rights Act ("the Act") states that you have the right to be free from unlawful discrimination and sexual harassment. This means that an employer may not treat people differently based on race, age, gender, pregnancy, disability, sexual orientation or any other protected class named in the Act. This applies to all employment actions including hiring, promotion, discipline and discharge.

Employees also have the right to reasonable accommodations based on pregnancy and disability. This means you can ask for reasonable changes to your job if needed because you are pregnant or disabled.

It is unlawful for an employer to treat people differently because they have reported discrimination, participated in an investigation, or helped others exercise their right to complain about

discrimination.

Confidential reports of harassment or discrimination may be made to the Ethics Officer, the offending employee's supervisor, your own supervisor, the [County State's Attorney, City Attorney, Village Attorney] or the [County Clerk, City Clerk, Village Clerk] in the event that the alleged harasser is the [State's Attorney, City Attorney, Village Attorney].

You can also contact the Illinois Department of Human Rights (IDHR) to file a charge at the locations listed below. You can also call the Illinois Sexual Harassment and Discrimination Helpline at 1-877-236-7703 to talk to someone about your concerns.

IDHR Chicago Office
James R. Thompson Center
100 West Randolph St., Suite 10-100
Chicago, IL 60601
(312) 814-6200
(866) 740-3952 (TTY)
(312) 814-6251 (Fax)

IDHR Springfield Office
535 W. Jefferson Street
1st Floor
Springfield, IL 62702
(217) 785-5100
(866) 740-3953 (TTY)
(217) 785-5106 (Fax)

Department of Children and Family Services

For matters involving the abuse of minors the Illinois Department of Children and Family Services (DCFS) may be contacted by dialing 800-25-ABUSE.

Section 4.2 Policy on Violence (and Domestic Violence) in the Workplace

It is the policy of the Village of Morton to provide a safe and secure work environment for its employees. With the exception of employees whose job it is to maintain peace and order or enforce the law and who are engaged in the performance of these job-related duties, no form of violence, by words or acts, will be tolerated in the workplace. As in all Village policies, this provision can be superseded by State statute or case law. Workplace violence is considered any violence, by words or acts, committed by a Village employee or any other person, which occurs on or about Village premises or Village vehicles, or affects the functioning of a Village employee while the employee performs his or her job. The Village's policy on the possession of firearms is contained in Section 4.23 Firearm Concealed Carry Provisions.

Employees who experience, witness workplace violence, who believe that they may experience, or witness workplace violence because of a threat or other circumstance, (including a threat of domestic violence) should immediately report it to the employee's supervisor or the Village's Police Department as the situation warrants. If the situation involves a threat of violence from another Village employee, the employee should also use the Village's harassment complaint form to properly document the allegations. Retaliation against any employee for making a complaint or report or for providing information in an investigation under this section is prohibited and will be grounds for disciplinary action.

Section 4.3 Cannabis, Drug and Alcohol Use/Abuse Policy

Intent:

The Village of Morton is concerned about the ultimate effects of the use of cannabis, alcohol and illegal drugs upon the health and safety of its employees and the public. We recognize that studies show that alcohol and drug abuse leads to increased accidents and medical claims. Employees who abuse drugs and alcohol present a danger to themselves, their fellow employees, the Village of Morton and the public at large. In addition, the increased medical costs incurred by employees who use/abuse drugs and/or alcohol and the associated decreased productivity of these individuals, because of accidents, absenteeism and turnover, adversely affects achievement of the Village of Morton's mission and goals.

The Village of Morton recognizes that the state legislature has accepted that modern medical research confirms the beneficial uses of cannabis in treating or alleviating the pain, nausea and other symptoms associated with a variety of debilitating medical conditions. For these reasons, the State of Illinois has decriminalized the use of marijuana both for medical and recreational purposes. The Village of Morton also recognizes that under federal law, marijuana is still illegal. The United States Drug Enforcement Agency lists marijuana as a Schedule I drug under the Controlled Substances Act. Schedule I drugs are defined as having no approved medical use and a high potential for abuse.

The Village of Morton recognizes its obligations and responsibilities under these conflicting laws to implement a reasonable drug free workplace policy to ensure the safety of employees and the public at large while protecting the rights of all employees. The Village of Morton will not penalize an employee or applicant solely for his/her status as a registered qualifying patient or registered designated caregiver under the Compassionate Use of Medical Cannabis Program Act, unless failing to do so would put Village of Morton in violation of federal law or unless failing to do so would cause it to lose a monetary or licensing-related benefit under federal law or rules. The Village of Morton prohibits the use and storage of both medical and recreational cannabis on its property, at all workplaces and in any employer-owned vehicles.

No part of this policy, nor any of the procedures hereunder, guarantees employment, continued employment, or terms or conditions of employment or limits in any way the Village of Morton's rights to manage its workplace or discipline employees.

Definitions:

For purposes of this policy, the following terms shall have the following meanings:

- A. 'Premises' shall include all work sites, work areas, property owned or leased by the Village of Morton, or vehicles owned, operated, leased, or under the control of the Village of Morton. Privately-owned vehicles parked or operated on property owned, leased or managed by the Village of Morton is also included under the definition.
- B. 'Village of Morton time' shall include all times during which an employee is on the Village of Morton's premises, meal and break times on or off the Village of Morton's premises, or performing work off the premises for the benefit of the Village of Morton or as a representative of the Village of Morton.
- C. 'On-call' for purposes of the Cannabis Regulation and Tax Act means when an employee is scheduled with at least 24 hours' notice by his or her employer to be on standby or otherwise responsible for performing tasks related to his or her employment either at the employer's premises or other previously designated location by his or her employer or supervisor to perform a work-related task.
- D. 'Legal drug' means any substance the possession or sale of which is not prohibited by law, including prescription drugs that have been prescribed for the employee, over-the-

counter drugs and (after January 1, 2020) cannabis as outlined in the Cannabis Regulation and Tax Act.

- E. 'Illegal drug' means any controlled substance the possession or sale of which is prohibited by law.
- F. 'Cannabis' or 'Marijuana' is a mixture of dried, shredded leaves, stems, seeds and flowers of the hemp plant, *Cannabis sativa*. The main active chemical in cannabis is tetrahydrocannabinol (THC), a psychoactive ingredient that produces a "high" or feeling of being "stoned." The strength of the cannabis or marijuana is correlated to the amount and potency of the THC it contains.
- G. 'Cannabidiol' or 'CBD' is one of over 60 different cannabinoid compounds in marijuana. CBD a non-psychoactive ingredient of cannabis and does not make a person feel "high" or "stoned." CBD is used to provide relief from chronic pain, anxiety, inflammation and epilepsy and its benefits are still being researched. Currently, there are no uniform standards for production of CBD so it is very possible that a CBD product contains small amounts of THC that would show up on a drug test. Such a test result would violate the Village of Morton's drug-free workplace policy.
- H. 'Substance' means any alcohol, drugs, or other substances (whether ingested, inhaled, injected subcutaneously, or otherwise) that have known mind altering or function-altering effects upon the human body or that impair one's ability to safely perform his or her work, specifically including, but not limited to, prescription drugs and over-the-counter medications; alcohol, drugs, and other substances made illegal under federal or state law; "synthetic or designer" drugs; illegal inhalants; "look-alike" drugs; amphetamines; cannabinoids (marijuana and hashish); cocaine; phencyclidine (PCP), and opiates; and any drugs or other substances referenced in Schedule I through V of 21 C.F.R. Part 1308 (whether or not such drugs or other substances are narcotics).
- I. 'Traceable in the employee's system' means that the results of a laboratory's analysis of the employee's urine, saliva, breath or blood specimen is positive for the tested substance.
- J. 'Reasonable suspicion of impairment' means that the Village of Morton's representatives have observed and in good faith can describe specific, articulable symptoms of an employee while working that decrease or lessen his or her performance of the duties or tasks of the employee's job position, including symptoms of the employee's speech, breath, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, negligence or carelessness in operating equipment or machinery, disregard for the safety of the employee or others, or involvement in an accident that results in serious damage to equipment or property, disruption of a production or manufacturing process, or carelessness that results in any injury to the employee or others, or detection of a prohibited substance in the area where an employee has/had been working. A registered qualifying user of medical cannabis under the Compassionate Use of Medical Cannabis Program Act must first be given a reasonable opportunity to contest the basis of the suspected impairment before being subject to discipline based on the employer's good faith belief of impairment. A user of cannabis under the Cannabis Regulation and Tax Act must also first be given a reasonable opportunity to contest the basis of the suspected impairment before being subject to discipline based on the employer's good faith belief of impairment.
- K. 'Under the influence' means the condition wherein any of the body's sensory, cognitive, or motor functions or capabilities is altered, impaired, diminished, or affected due to drugs or alcohol. This also means the detectable presence of Substance(s) within the body,

regardless of when or where it (they) may have been consumed, having an alcohol concentration within the violation range specified by the laws of the State of Illinois, and/or having a positive test for any other Substance(s). With respect to employees subject to the Federal Motor Carrier Safety Administration (FMCSA) regulations, U.S. Department of Transportation (DOT) regulations, the Pipeline and Hazardous Materials Safety Administration (PHMSA) regulations, or performing safety-sensitive functions including those employees who drive commercial motor vehicles, operate, maintain, or provide emergency-response functions on the natural gas system, operate or repair heavy or large mobile equipment, police officers, correctional officers, firefighters, EMTs and health care providers with direct patient care, under the influence of alcohol is defined in accordance with FMCSA and PHMSA regulations as having an alcohol concentration of 0.04 or greater (compared to the BAC of 0.08 for non-safety sensitive positions). Under the influence of cannabis currently means testing positive for any amount of cannabis (until the legislature determines a specific level of THC in the blood that constitutes statutory impairment).

- L. 'Safety sensitive function' was defined by the United States Supreme Court as any job function fraught with such risks of injury to others that even a momentary lapse of attention can have disastrous consequences. The category of safety sensitive functions includes job duties described as safety sensitive by applicable FMCSA, PHMSA, or other applicable regulations, statutes, or case law. Courts have also held that an employer may prohibit the off-duty use of cannabis, alcohol and other drugs by an employee in a safety sensitive position because these employees can cause great human loss before any signs of impairment become noticeable to supervisors or others.
- M. 'Work related cause' means the employee has: incurred a work-related injury requiring medical attention at a medical facility; caused the injury of another person on Village of Morton premises or during Village of Morton time; caused damage to any Village of Morton owned or leased property; or commits repeated and/or flagrant violations of safety standards.

Applicability:

- A. This policy applies to all employees and volunteers of the Village of Morton as well as candidates for employment with the Village of Morton who have been given conditional offers of employment. Such persons are responsible to be familiar with and comply with this policy.
- B. The provisions of this policy are subject to any federal, state, or local laws that may prohibit or restrict their applicability and testing for substances shall be conducted and in accordance with and limited by such laws, notwithstanding any terms of this policy to the contrary.

Policy:

- A. Alcohol, Cannabis or Illegal Drugs or Substances:
The possession, sale, purchase, use, distribution, delivery or transfer of alcohol, cannabis or an illegal drug or substance while on the Village of Morton's premises, while on the Village of Morton's time or while driving a vehicle owned, operated, rented, leased or under the control of the Village of Morton is expressly prohibited. This includes cannabis used for medical purposes in accordance with the Compassionate Use of Medical Cannabis Program Act. In addition, employees may not report to work, be on the Village of Morton's premises or on Village of Morton time under the influence of alcohol or cannabis or with any traceable illegal drug or substance in their system.

Employees who drive commercial motor vehicles, operate or repair heavy or large mobile

equipment or perform other safety-sensitive functions those employees who drive commercial motor vehicles, operate, maintain, or provide emergency-response functions on the natural gas system, operate or repair heavy or large mobile equipment, police officers, correctional officers, firefighters, EMTs and health care providers with direct patient care in addition to the prohibitions above must not consume alcohol for four hours prior to duty time and up to eight hours following an accident or until the employee undergoes a post-accident test, whichever comes first.

Individuals who are registered users of medical cannabis will not be disqualified from employment based solely on the detected presence of cannabis on a drug test, unless failing to do so would put the Village of Morton in violation of a federal law or cause it to lose a federal contract or funding. Individuals who are registered users of medical cannabis in accordance with the Compassionate Use of Medical Cannabis Program Act and individuals who use cannabis in accordance with the Cannabis Regulation and Tax Act may not report to work under the influence of cannabis. This policy prohibits the undertaking of any task under the influence of cannabis, when doing so would constitute negligence, professional malpractice or professional misconduct. Any violation of this policy may result in immediate discharge and may subject an employee to legal action.

B. Legal Drugs:

The Village of Morton does not condone the abuse of legal drugs or working under the influence of legal drugs to the extent that job performance and/or safety is adversely affected. Employees using prescription, over-the-counter and/or other legal drugs are responsible for being aware of any potential effect such drugs may have on their judgment or ability to perform their duties.

C. Drug Panel:

DOT Regulations (49 CFR Section 40.85) provides the five drugs or classes of drugs that must be tested for in a DOT drug test. They are: (a) marijuana metabolites, (b) cocaine metabolites, (c) amphetamines, (d) opioids, and (e) phencyclidine (PCP). The Village of Morton cannot exclude cannabis from a drug test performed pursuant to DOT or PHMSA Regulations. The DOT and PHMSA Regulations also prohibit a Medical Review Officer from verifying a test as negative based on information that a physician prescribed the use of marijuana or other Schedule I drug. PHMSA Regulations (49 CFR Section 199.105) states that the regulations stated herein will apply.

D. Limited Pre-Employment Substance Testing:

Upon receipt of a contingent offer of employment, candidates for safety-sensitive or security-sensitive positions may be subject to pre-employment drug testing. Individuals to whom a contingent offer is made and whose pre-employment drug test returns positive for cannabis, alcohol or illegal drugs will be ineligible for employment. Candidates who test positive may have their contingent offer of employment revoked.

E. Random Selection Testing:

The Village of Morton is a drug-free workplace and reserves the right to conduct random testing on employees with safety-sensitive or security-sensitive job duties. The following positions include safety-sensitive or security-sensitive functions, and as such are subject to random testing: those employees who drive commercial motor vehicles, operate, maintain, or provide emergency-response functions on the natural gas system, operate or repair heavy or large mobile equipment, police officers, correctional officers, firefighters, EMTs and health care providers with direct patient care. Where random testing is prohibited or restricted by applicable federal, state or local statute or regulation, or other legally-binding agreement, the Village of Morton will conform to all applicable laws,

regulations, and/or agreements notwithstanding the provisions of this policy.

F. Reasonable Suspicion Testing:

If the Village of Morton's representative has a reasonable suspicion that an employee is impaired based on the representative's observations of the employee at work, and in good faith can describe specific, articulable symptoms of that employee while working that decrease or lessen his or her performance of the duties or tasks of the employee's job position, including symptoms of the employee's speech, breath, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, negligence or carelessness in operating equipment or machinery, disregard for the safety of the employee or others, or involvement in an accident that results in serious damage to equipment or property, disruption of a production or manufacturing process, or carelessness that results in any injury to the employee or others, then the Village of Morton may conduct reasonable suspicion testing.

G. Post-Accident Testing:

If the Village of Morton has reasonable cause to believe an employee has caused an on-the-job injury that is considered recordable under OSHA guidelines (i.e. requiring medical treatment) as a result of being under the influence, the supervisor may require the injured employee to undergo a post-accident Substance test. The employee will also be required to undergo post-accident testing if required by FMCSA, PHMSA, DOT or other applicable regulation.

H. Fitness for Duty:

Employees suspected of being unfit for duty as a result of the use or reasonably suspected use of Substances may be subject to Substance testing. Employees who have successfully completed a substance abuse or rehabilitation program will be required to submit to and successfully pass a fitness for duty substance test before being permitted to return to work.

I. Blood Alcohol Concentration:

A driver subject to FMCSA, PHMSA, or DOT regulations, or any other employee who is required to perform a safety-sensitive function and who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform, nor be permitted to perform, safety-sensitive functions for at least 24 hours.

J. THC Concentration:

As of this writing, the State of Illinois has no established limit of tetrahydrocannabinol (THC) in the bloodstream that constitutes impairment under the law. A person may be under the influence of marijuana as defined by a positive test for cannabis without being visibly impaired. The Village of Morton should train its managers and supervisors on the specific, articulable symptoms of impairment as defined above.

K. Reasonable Zero Tolerance or Drug-Free Workplace Policy:

Under the law, the Village of Morton has the right to implement a reasonable zero tolerance or drug-free workplace policy that is applied in a non-discriminatory manner. With the enactment of the Cannabis Regulation and Tax Act and the amendment to the Right to Privacy in the Workplace Act, the Village of Morton is limited in its ability to prohibit or limit the use of cannabis and other Substances considered legal under Illinois law by Village of Morton employees while off duty and not on-call unless those employees perform safety sensitive functions. For employees in safety sensitive positions, such as those employees who drive commercial motor vehicles, operate or repair heavy or large mobile equipment, police officers, correctional officers, firefighters, EMTs and health care providers with direct patient care, it is reasonable for the Village of Morton to implement and consistently apply a zero tolerance or drug-free workplace policy that includes a prohibition on off duty use and to terminate any safety sensitive employee who violates this policy. Such a restrictive policy is reasonable because if these employees used cannabis or other Substances while off duty, they could cause great human loss while at work before any signs of impairment become noticeable to supervisors or others. For those employees who work in non-safety sensitive positions, the Village of Morton can test the employee for cannabis or other Substances if first the Village of Morton's representative can articulate after observing the employee at work that a reasonable suspicion of impairment exists.

L. Disciplinary Action:

a. Any employee who possesses, sells, purchases, uses, distributes, delivers or transfers alcohol, cannabis or any illegal substance on the Village of Morton's premises will be

- removed from the work area, and may be subject to immediate disciplinary action up to and including discharge.
- b. Any employee who reports to work under the influence of alcohol, cannabis or with an illegal drug or Substance traceable in his/her system will be removed from the work area and may be subject to immediate disciplinary action up to and including discharge.
 - c. An employee who refuses to submit to testing when required under this policy will be removed from the work area and may be subject to immediate disciplinary action up to and including discharge. Refusal to submit to testing shall include, but may not be limited to: (1) failure to appear for any test within a reasonable amount of time, after being directed to do so by the Village of Morton, consistent with this policy and/or applicable regulations, including but not limited to FMCSA, PHMSA, or DOT regulation; (2) failure to remain at the testing site until testing is complete; (3) failure to provide a sufficient breath, saliva, blood or urine specimen for any drug or alcohol test required by this policy or applicable FMCSA, PHMSA, or DOT regulation; (4) in the case of directly observed or monitored collection in a drug test, failure to permit the observation or monitoring of the provision of a specimen; (5) failure to provide a sufficient amount of saliva, breath, blood or urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure; (6) failing or declining to take a second test that the Village of Morton or the collector has directed the employee to take; (7) failure to undergo a medical examination or evaluation, as directed by the Medical Review Officer as part of the verification process or as directed by the Designated Employer Representative; (8) failure to cooperate with any part of the testing process; (9) having a verified adulterated or substituted test result as reported by the Medical Review Officer.
 - d. Any employee who refuses to participate in rehabilitation/treatment, as recommended as a result of a positive test and evaluation by a substance abuse professional, will not be allowed to perform work for the Village of Morton and may be subject to disciplinary action up to and including discharge.

Testing Procedures:

- A. Testing: The Village of Morton may require an employee or candidate to provide a urine specimen, submit to a blood test, provide saliva samples, and/or undergo breath/alcohol testing for laboratory analysis at a medical clinic or other location as designated by the Village of Morton, immediately upon the request of authorized Village of Morton representatives or agents in accordance with this policy.
 1. Where the Village of Morton has reasonable suspicion that an employee is under the influence of a substance, he or she will be removed from the work area and provided with transportation to the place of testing. The Village of Morton should call the emergency contact indicated by the employee or, if unavailable, arrange for the employee to be transported home following the test.
 2. Prior to submitting to testing, an employee or candidate may confidentially disclose to the independent medical examiner any prescription drugs or over-the-counter medications that he/she has taken or known medical condition that might interfere with an accurate test result. Such information will only be revealed to the Village of Morton as permitted by law.
 3. At the discretion of the Village of Morton, employees suspected of violating this policy may be placed on administrative leave without pay pending test results. If the test

results are negative; the employee will be reimbursed for any salary lost during administrative leave.

4. Specimens reported by the testing laboratory as adulterated or substituted will be considered a refusal to test and may be grounds for immediate termination of employment or ineligibility for hire.
 5. Should a candidate or employee fail the initial drug test, he or she will be notified of the results and will not be allowed to perform work on behalf of the Village of Morton. The candidate or employee will have the option of requesting testing of the split specimen within 72 hours at the Village of Morton's expense unless the candidate or employee presents documentation that serious injury, illness, lack of actual knowledge of the verified test result or inability to contact the Medical Review Officer prevented a timely request. If the candidate fails to request testing of the split specimen within 72 hours and the candidate or employee has not presented sufficient documentation to excuse the delay, Village of Morton will take appropriate action including but not limited to discipline or discharge.
 6. If the test of the split specimen is also positive, the candidate or employee will have the opportunity to explain the results. The Village of Morton retains the discretion to determine the appropriate disciplinary action, including discharge, following two positive drug tests.
 7. An employee who has been removed from the work area or barred from working as a result of violating this policy, may be subject to disciplinary action up to and including immediate discharge. If an employee has not been terminated as a result of a violation, he or she may not commence or return to work unless he or she provides sufficient documentation that he or she has tested negative for the presence of a substance and is not under the influence of a substance; has been approved to commence or return to work under the terms of this policy; has received an evaluation from a Substance Abuse Professional, has successfully complied with the recommendations of the Substance Abuse Professional, and testing for the presence of a substance and the handling of test specimens was conducted in accordance with guidelines for laboratory testing procedures and chain-of-custody procedures established by applicable federal or state regulation.
 8. Village of Morton will take steps to ensure the integrity of the testing process and to ensure that all test results are attributed to the correct employee.
- B. Consent: The employee may be required to sign a consent form authorizing the medical clinic or other location as designated by the Village of Morton to perform the aforementioned tests and release the results of the testing to the Village of Morton.
- C. Chain of Custody Procedures: At the time specimens are taken, standard 'chain of custody' or 'chain of possession' procedures will be followed, and the employee shall be given a copy of these specimen collection procedures.
- D. Confidentiality and Privacy: The employee's right to privacy will be respected, and the results of any testing shall be kept strictly confidential by Village of Morton to the extent required and permitted by law. However, the Village of Morton may use the results to decide upon an action to be taken towards an employee, or to the extent necessary, to defend its actions in any subsequent grievance, arbitration, or legal or other proceeding.
- E. Treatment: An employee who voluntarily informs the Village of Morton that he/she has a drug or alcohol abuse problem and desires rehabilitation assistance may be granted a

leave of absence, in accordance with the Village of Morton's Family Medical Leave Act policy. The sole purpose of such leave is to obtain the necessary rehabilitation assistance. An employee with an alcohol abuse problem may also qualify for an accommodation under the Americans with Disabilities Act, if appropriate. The employee may be required to periodically provide proof that he/she is participating in an appropriate rehabilitation or after-care program. Any employee who returns to work after completion of a rehabilitation program and who subsequently violates the substance abuse policy may be immediately discharged without regard to a request for further rehabilitation.

Additional Policies:

- B. Searches: Upon reasonable suspicion, authorized representatives or agents of the Village of Morton may conduct searches of personal effects, vehicles, lockers, desks and rooms for drugs/alcohol and related paraphernalia, dangerous weapons, Village of Morton property or property of other employees. Items discovered through such searches may be turned over to law enforcement authorities.
- B. Employees must notify the Village of Morton within 5 days of any criminal drug statute conviction.
- C. The Village of Morton, with the development and implementation of this policy, is making a good faith effort to maintain a drug/alcohol-free workplace.
- D. The Designated Employer Representatives responsible for receipt of testing results and removal of employees from safety sensitive functions when they violate this policy are the Village Administrator and in the Village Payroll Clerk, both of whom can be contacted at 309-266-5361.
- E. Employees who have questions about this policy or who would like more information regarding the effects of alcohol misuse and controlled substances on an individual's health, work and personal life, signs and symptoms of an alcohol or drug problem, and available methods of intervening when an alcohol and or controlled substance problem is suspected should contact the Village Administrator and the Payroll Clerk, both of whom can be contacted at 309-266-5361.

Section 4.4 Bullying

The Village of Morton prohibits bullying in the workplace and will not tolerate it under any circumstances. This policy against bullying applies to all employees, including but not limited to full-time, part-time, contract, temporary, supervisory, and department heads. It also applies to elected and appointed officials, and non-employees with whom the Village has a business, service or professional relationship.

This policy applies during working hours, at work-related functions, at on-site and off-site work locations, and during work-related travel. The Village prohibits retaliation against anyone who makes a complaint of bullying or who participates in any way in an investigation of bullying. Retaliation in violation of this policy is considered a separate offense, and complaints of retaliation will be promptly investigated and dealt with under this policy.

The following are examples of conduct that violate this policy against bullying. This list is non-exhaustive meaning that conduct not listed here may also constitute bullying. This list is meant to provide some examples of prohibited conduct, including:

- Addressing an individual in an abusive manner
- Exclusion or social isolation
- Personal attacks
- Spreading rumor and innuendo

- Unreasonable criticism
- Setting unreasonable demands
- Sabotage of another's work product
- Public humiliation
- Unwelcome touching
- Any conduct that a reasonable person would find hostile, offensive and unrelated to the employer's legitimate business interests

The Village encourages all employees to promptly report any instance of bullying behavior to the Village Administrator. Reports of bullying will be treated seriously and will be investigated in a prompt and impartial manner.

Section 4.5 Confidentiality

Village employees are often tasked with holding, handling, reviewing, and storing confidential information. Employees who do work with confidential information or who otherwise acquire confidential information (directly or indirectly) by virtue of their employment with the Village – during the continuance of the employee's position with the Village and thereafter – must not divulge, disclose, share, or communicate such confidential information with any other person, except as required by law, legal process, or court order. This limitation on divulging, disclosing, sharing, or communicating confidential information includes divulging, disclosing, sharing, or communicating confidential information with other Village employees or Village Officials, except on a need to know basis.

Confidential information includes, but is not limited to, personnel information, information related to personnel matters, personal information from the Village's health plan or other employee benefit plans, certain private or personal information related to customer accounts or patient records, certain information related to Village business plans, Village business practices, and Village financial matters, certain operational and logistical policies of the Village's public safety departments, the Village's safety and security policies for Village property, computer systems, phone systems, and electronic devices, and any other information exempt from disclosure under Section 7 of the Illinois Freedom of Information Act (5 ILCS 140/7) or otherwise prohibited from disclosure by law.

Employees shall take the necessary steps to ensure the security of confidential information, including storing confidential information in locked file cabinets or storage areas and password protecting computer access to electronic files. Employees may be subject to discipline, including termination, for violations of this policy. No disciplinary action will be taken against an employee for not sharing confidential information with other Village employees, including the employee's supervisor or with Village Officials, if the employee reasonably believes such disclosure violates the employee's obligations to protect and otherwise limit access to the confidential information. However, the employee shall cooperate with and otherwise provide such confidential information to the Village Attorney or Assistant Village Attorney when so requested in relation to Village business.

Section 4.6 Maintenance/Access to Personnel Records

To promote efficiency within the administrative operations of the Village, the Village's Department Heads and supervisors maintain personnel records on each employee which include, among other items, the employee's application for employment, performance evaluations, disciplinary history, attendance records, and records of licenses or permits, educational attainment, commendations, and achievement. The personnel records of individual employees shall be treated confidentially and shall not be released to third parties except in accordance with Village policy or State or federal law.

Except for the fact of, and the dates of employment, the position(s) held, and the wages or salary paid to any employee or former employee while employed, Village Department Heads, supervisors, and other employees shall not release or disclose any information or records concerning any present or former employee of the Village to any person or entity not affiliated with the Village, including background information concerning a former employee requested by a current or prospective employer, unless the employee or former employee elects to authorize the release of such information, by executing an Authorization And Release on the appropriate form designated by the Village, and delivers the executed Authorization And Release to the Department Head or the Village's Human Resources Coordinator for inclusion within the individual's personnel file. This policy shall not apply to the disclosure or release of information pursuant to any valid order or subpoena in any legal proceedings, or pursuant to State or federal law, or use of information by the Village in any proceeding or dispute in which it is involved, or for its own purposes.

In accordance with state law, employees may request to review personnel documents not exempt from disclosure within their personnel records and may submit a written statement for attachment to any record which the employee disputes in order to state the employee's position on the matter covered. Employee requests for review of their personnel records should be submitted in writing to their Department Head, or to the Village's Human Resources Coordinator, on forms provided for that purpose. No personnel records may be removed or altered during any inspection. Except to the extent permitted by law, employees shall not have access to the personnel records of co-workers except where necessary to the performance of their duties as employees of the Village.

Section 4.7 Employee Identity Protection

It is the policy of the Village of Morton to protect social security numbers from unauthorized disclosure in accordance with the Illinois Identity Protection Act, 5 ILCS 179/1 *et. seq.* All employees of the Village of Morton are required to comply with this Identity Protection Policy ("Policy"). For purposes of this policy only, "employee" shall be defined as any person performing work on behalf of the Village of Morton including, but not limited to, full-time, part-time, seasonal, temporary or contractual employees, volunteers, interns, and elected or appointed officials.

Any employee of the Village of Morton who has access to social security numbers in the course of performing their duties will be trained to protect the confidentiality of social security numbers and will be trained on the requirements of this Policy. Training will include instructions on the proper handling of information and documents that contain social security numbers from the time of collection through the destruction of the information or documents.

The Village of Morton prohibits the following:

- A. Publicly posting or publicly displaying in any manner an individual's social security number;
- B. Printing an individual's social security number on any card required for the individual to access products or services provided by the Village of Morton;
- C. Requiring an individual to transmit his or her social security number over the Internet, unless the connection is secure, or the social security number is encrypted;
- D. Printing an individual's social security number on any materials that are mailed to the individual, through the U.S. Postal Service, any private mail service, electronic mail, or any similar method of delivery, unless State or federal law requires the social security number to be on the document to be mailed.

Notwithstanding any provision in this Policy to the contrary, social security numbers may be included in applications and forms sent by mail, including, but not limited to, any material mailed

in connection with the administration of the Unemployment Insurance Act, any material mailed in connection with any tax administered by the Department of Revenue, and documents sent as part of an application or enrollment process or to establish, amend, or terminate an account, contract, or policy or to confirm the accuracy of the social security number. A social security number that may be permissibly mailed under this Policy may not be printed, in whole or in part, on a postcard or other mailer that does not require an envelope or be visible on an envelope without the envelope having been opened.

The Village of Morton prohibits the following:

- A. The collection, use or disclosure of a social security number from an individual, unless (i) required under State or federal law, rules, or regulations, or the collection, use, or disclosure of the social security number is otherwise necessary for the performance of that agency's duties and responsibilities; (ii) the need and purpose for the social security number is documented before collection of the social security number; and (iii) the social security number collected is relevant to the documented need and purpose;
- B. Requiring an individual to use his or her social security number to access an Internet website;
- C. Using the social security number for any purpose other than the purpose for which it was collected.

Notwithstanding any provision in this Policy to the contrary, social security numbers may be collected, disclosed or used in the following circumstances:

- A. The disclosure of social security numbers to agents, employees, contractors, or subcontractors of a governmental entity or disclosure by a governmental entity to another governmental entity or its agents, employees, contractors, or subcontractors if disclosure is necessary in order for the entity to perform its duties and responsibilities, and if disclosing to a contractor or subcontractor, prior to such disclosure, the individual acting on behalf of the Village of Morton first receives from the contractor or subcontractor a copy of the contractor's or subcontractor's policy that sets forth how the requirements imposed under this Policy of protecting an individual's social security number will be achieved;
- B. The disclosure of social security numbers pursuant to a court order, warrant, or subpoena;
- C. The collection, use, or disclosure of social security numbers in order to ensure the safety of: State and local government employees; persons committed to correctional facilities; local jails, and other law enforcement facilities or retention centers; wards of the State; youth in care as defined in Section 4d of the Children and Family Services Act, and all persons working in or visiting a State or local government agency facility;
- D. The collection, use, or disclosure of social security numbers for internal verification or administrative purposes;
- E. The disclosure of social security numbers by a State agency to any entity for the collection of delinquent child support or of any State debt or to a government agency to assist with an investigation or the prevention of fraud;
- F. The collection or use of social security numbers to investigate or prevent fraud, to conduct background checks, to collect a debt, to obtain a credit report from a consumer reporting agency under the federal Fair Credit Reporting Act, to undertake any permissible purpose that is enumerated under the federal Gramm-Leach-Bliley Act, or to locate a missing person, a lost relative, or a person who is due a benefit, such as a pension benefit or unclaimed property benefit.

Only employees who are required to use or handle information or documents that contain social security numbers are permitted to have access to such information or documents.

When the Village of Morton must request an individual provide a social security number, it must be provided in a manner that makes the social security number easy to redact if the record is required to be released as part of a response to a public records request.

When collecting a social security number, or upon request by an individual, the Village of Morton will provide a statement of the purpose or purposes for which the Village of Morton is collecting and using the social security number provided.

Any individual responding to a Freedom of Information Act request or other request for records, must redact social security numbers from the information or documents before allowing the public inspection or copying of the information or documents.

This Policy does not apply to the collection, use or disclosure of a social security number as required by State or federal law, rule, or regulation.

This Policy does not apply to documents that are recorded with a county recorder or required to be open to the public under any State or federal law, rule or regulation, applicable case law, Supreme Court Rule, or the Constitution of the State of Illinois. Notwithstanding this section, county recorders must comply with 5 ILCS 179/35.

If a federal law takes effect requiring any federal agency to establish a national unique patient health identifier program, any employee of the Village of Morton that complies with that federal law shall be deemed to be in compliance with this Policy.

The Village of Morton prohibits the encoding or embedding of a social security number in or on a card or document, including, but not limited to, using a bar code, chip, magnetic strip, RFID technology, or other technology, in place of removing the social security number as required by this Policy.

This Policy must be provided to the Board of Trustees of the Village of Morton within thirty (30) days of approval and employees will be promptly advised of the existence of this Policy and will be provided a copy of this Policy promptly upon approval.

The Village of Morton will make a copy of this Policy available to any member of the public, upon request.

If this Policy is amended in the future, a copy will be provided to the Board of Trustees of the Village of Morton, and employees will be promptly advised of the amended Policy and provided with a copy of the Policy.

This Policy does not supersede any more restrictive law, rule, or regulation regarding the collection, use or disclosure of social security numbers.

Anyone violating this policy is subject to disciplinary action, up to and including termination of employment and/or criminal prosecution as provided in 5 ILCS 179/45 or any other applicable law.

Section 4.8 Protection of Information with the Health Insurance Portability & Accountability Act (HIPAA)

Employees working in Village positions which require access to an individual's Protected Health Information (PHI) shall not, under any circumstance, disclose PHI to any outside source or other employee within the Village who is not required to have knowledge of that PHI for the purpose of patient treatment, billing or other health care operations related to the Village.

Certain information can only be released by the Director of Fire and Emergency Services, or his

designee, as long as the information is “de-identified”, meaning that the person who receives the information would not likely be able to ascertain the identity of the patient from the information provided. The Village must balance providing the public with information about the services we provide against the individual rights of the patient to keep their medical information confidential. We fully respect the right of the public for transparency, but we shall provide information to the public only to the extent the law allows.

“De-Identified” information is information which prevents the disclosure of PHI. This requires the removal of the following:

- Names
- All geographic subdivisions smaller than a state; including street address, city, county and zip code
- All dates that relate directly to an individual, including birth date, admission date, discharge date, and date of death
- Telephone or fax numbers
- Vehicle and device identification numbers and serial numbers, including license plate numbers
- Email addresses
- Social Security numbers
- Medical record numbers
- Biometric identifiers, including finger and voice prints
- Health plan beneficiary numbers
- Full-face photographs and any comparable images
- Account numbers
- Any other unique identifying number, characteristic or code
- Certificate or license number

In the process of providing “de-identifying” information it is vital that the employee be cognizant of the ability of the public to ascertain identifying information by combining certain released information. Therefore, employees of the Village shall not, in any circumstance, disclose information without the prior permission of the Director of Fire and Emergency Services. All inquiries from the media shall be directed to the Director or his designee.

Prohibited disclosure of PHI include any form of communication, except as permitted in this policy, but not limited to:

- PHI contained in email or other forms of written communication
- Sharing of PHI on any website, blog or other form of social or public media
- Verbal discussions
- The use of any imaging device capable of capturing and storing still or moving images, such as digital or other cameras, video cameras, cellular telephones with picture-taking or video-recording capability or any other device with picture-taking or video-recording while engaged in patient care, while at the scene of a medical emergency or hospital, or at any time when such use could reasonably be expected to result in the inappropriate capture of PHI.

The Director of Fire and Emergency Services may release records containing PHI without authorization from the patient under any of the following circumstances:

- For the Village’s use to carry out treatment, payment or health care operations
- Where the PHI is requested pursuant to a valid subpoena or court order
- Where the PHI is part of a limited data set
- Where the PHI is used for public health activities authorized by law, including when the information is necessary to report child abuse or neglect

- Where the PHI is disclosed to a government authority because the person is believed to be a victim or abuse, neglect or domestic violence
- To law enforcement as provided by this policy
- Where the Village believes that the disclosure of information is necessary to avert a serious threat to the health or safety of a person or the public
- Where the PHI is required for worker's compensation purposes

The Village must disclose PHI when:

- The PHI is requested by and provided to the individual to whom the PHI belongs
- The information is required by the U.S. Secretary of Health and Human Services to investigate compliance with HIPAA

Subpoenas – Records containing PHI or PPI will be disclosed only if one of the following is present:

- A court order or subpoena signed (or stamped) by a judge that requires no additional assurances or notification to the individual whose records are requested
- A subpoena or discovery order signed by an attorney which requires additional proof of service that written notification has been given to the individual whose records are requested; a declaration by the requesting party showing that reasonable efforts have been made to ensure that notice has been provided to the individual whose records are being requested or there is a qualified protective order. No records relating to the person named in the notice will be produced until the time to respond to the notice has lapsed and no objections to the production of the materials requested have been made. If written notification to the individual is not provided, the declaration must establish all of the following:
 - The requesting party has made a good faith effort to provide written notice to the individual.
 - The notice includes sufficient information about the litigation or proceeding for which the PHI is requested to allow the individual to raise an objection.
 - The time for the individual to raise objections to the court or tribunal has elapsed.
 - No objections were filed, or all objections have been resolved.
 - In lieu of a declaration, records may be released if there is a court order or a stipulation by the parties to the litigation that both:
 - Prohibits the parties from using or disclosing the PHI for any purpose other than the litigation or proceeding for which such information was requested.
 - Requires the return to the Village or destruction of the PHI (including all copies made) at the end of the litigation or proceeding.

Release to law enforcement – The release of PHI to a law enforcement agency is permitted under the following circumstances:

- In response to a law enforcement officer who completes the Village's release of PHI to law enforcement form and requires the PHI:
 - To report certain types of wounds or other physical injuries.
 - In compliance with a court order or court-ordered warrant, subpoena or summons, a grand jury subpoena or an administrative request.
- In response to a law enforcement officer who completes the Village's release of PHI to law enforcement form for the purpose of identifying or locating a suspect, fugitive, material witness or missing person. In such a case, the Village may only disclose the following PHI:
 - Name and address
 - Date and place of birth
 - Social Security number

- ABO blood type and Rh factor
- The character and extent of injuries
- Date and time of treatment
- Date and time of death, if applicable
- A description of distinguishing physical characteristics

Section 4.9 Gifts, Gratuities, and Lost Property

Because employees of the Village are employed to serve the public, the employment relationship requires that employees avoid circumstances or situations which might create a conflict or the appearance of a conflict of interest or raise suggestions of impropriety. To this end, the Village expressly precludes any Village employee from soliciting any gift, gratuity, service, or item of value in exchange for performance of their duty as Village employees, and from accepting any gift, gratuity, or valuable service(s) in exchange for, or as a result of, the performance of their duty as Village employees. Furthermore, the Gift Ban provisions (5 ILCS 430/10-10, et seq.) of the State Officials and Employees Ethics Act (5 ILCS 430/1-1, et seq.) limit a Village employee's ability to accept any gift.

Pursuant to the Gift Ban provisions of the Ethics Act, Village employees are prohibited from receiving a gift from someone seeking action to be taken by an employee during the performance of their duties as Village employees, doing business or seeking to do business with the Village, conducting activities regulated by the Village or Village employees, or who has interests that can be substantially affected by the performance or non-performance of their duties as Village employees. A gift includes any tangible or intangible item having monetary value. The Gift Ban provisions of the Ethics Act also prohibit an employee's spouse, civil union partner, or immediate family members living with the employee from receiving such gifts.

Numerous specific exceptions exist under the Gift Ban provisions of the Ethics Act which may allow a Village employee to accept a gift, including (but not limited to) receiving a gift from a relative, a friend (if circumstances show that gift was not provided because of the employee's official position with the Village), or a co-worker. Other exceptions which allow a Village employee to accept a gift include receiving a bequest, inheritance, or other transfer at death, receiving food or beverages not exceeding \$75 per person in value consumed on the premises from which they were purchased, or receiving any other item or items during any calendar year totaling less than \$100 in value. If an employee has a question about whether the Gift Ban provisions of the Ethics Act apply to a specific situation not specified above, the employee should contact the employee's Department Head for further clarification.

This policy shall not, however, preclude the Village or Village employees from accepting gifts to the Village of equipment or property or other items of value for use by the Village in provision of services to the public. Employees should, however, notify the Superintendent of their department before accepting any such gifts to insure the Village wishes to accept such donation.

Where any employee while on duty, or engaged in performance of his duties for the Village, encounters or finds any abandoned, stolen, or lost property, including any cash, securities, or tangible personal property, which does not contain or exhibit any information to identify its owner, or provide any means for determining to whom the property should be returned, the employee shall take possession of the property and turn it over to the Police Department for safekeeping and efforts to locate the owner. In accordance with 765 ILCS 1030/2-4, the Chief of Police, or such subordinate as he may designate, shall make reasonable efforts to identify and notify the owner, and to return the property, provided the owner can demonstrate satisfactorily his ownership and right to possession of the property and reimburses the Village for any expenses incurred in ascertaining and/or notifying the owner. Where property is unclaimed for a period of six (6) months, it shall be disposed of by public sale or other means authorized by 765 ILCS

1030/1, 3, and the funds from the sale deposited with the Village Treasurer as required by law. This policy shall not apply to abandoned motor vehicles, which shall instead be dealt with as provided by 625 ILCS 5/4-201, et seq. Where authorized by law, the Chief of Police may adopt different rules for the custody and disposition of lost, abandoned, or stolen property.

Section 4.10 Political Activity

While Village employees have the right to become involved in the political process during their personal time, they are not permitted to engage in political activity on the job or while on duty or in circumstances in which a reasonable person would construe the employee to be acting as a Village employee while engaging in such activity. Employees shall not use Village stationery, vehicles, office equipment, or any other Village resources, or appear in any Village uniform for unauthorized personal purposes or for political purposes. Political literature shall not be distributed or displayed in or on Village owned property or equipment, and Village employees shall refrain from engaging in any political campaigning while on duty. This restriction shall not be applied to prevent employees from communicating with co-workers about political issues while off duty, or to prevent an employee from seeking political office.

Employees who are elected to public office of the Village shall resign from Village employment prior to taking office.

Section 4.11 Use of Village Credit Cards

In appropriate situations, the Village may provide an employee with a credit card issued in the Village's name for use to pay Village expenses. Credit cards issued in the Village's name shall only be used for legitimate, proper, and approved expenses associated with Village business. Credit cards issued in the Village's name shall **not** be used for personal reasons or purposes under any circumstances. This policy shall apply to all Village employees and all Village officials, including elected Village office holders and appointed Village office holders. Any Village employee using a credit card for personal use shall be subject to discipline, up to and including immediate termination (see Section 6.2 Discipline Policy).

Section 4.12 Safety Policy

It is the policy of the Village to provide the safest working environment practicable for its employees, and to plan safety, loss control, and operating efficiency in all aspects of the Village's operation. Accordingly, the Village seeks to promote high safety awareness and loss control in order to minimize hazards and safety risks that adversely affect the safety of Village personnel and the public and security of Village property. All Village employees are expected to maintain a positive attitude about safety and loss control. Furthermore, each Village employee is responsible for accident prevention and loss control within the scope of the employee's job function.

The Department Heads shall develop rules to govern safety on the job, which every employee shall be required to follow in performing his or her duties, and to establish procedures to train employees concerning safety on the job. The Department Heads, in conjunction with the Director of Fire and Emergency Medical Services or his delegate, shall also develop policies to identify, label, and communicate with employees concerning toxic substances and other hazardous substances which employees may encounter in performance of their duties or in the community, and procedures to handle disasters or threats to the public safety which may occur within the Village. These policies should also be designed to eliminate and reduce, as well as control, the various hazards and safety risks which would expose any person or property to a safety risk or loss.

Whenever any employee is injured on the job, or receives any injury directly related to

performance of employment duties for the Village, they shall immediately report the injury to their supervisor, regardless of how minor the injury may seem. Where the employee requires medical assistance, the supervisor shall assist in making arrangements to obtain prompt medical treatment for the employee. Supervisors shall promptly and properly record any reported injuries.

Section 4.13 Accident Reporting Policy

Any employee who is injured while on duty (regardless of severity of the injury) shall report the injury to the employee's supervisor immediately both verbally and in writing with a completed Accident Investigation Report. The Accident Investigation Report shall include the following: date, time, and place injury occurred, how the injury occurred, the type of injury, and whether medical assistance was obtained. The Report shall be submitted by the end of the workday, or as soon as possible on the next work day if the injury occurs at the end of the workday, or as soon as practicable if the injury otherwise prevents the immediate submission of the Report. Supervisors shall review the Accident Investigation Report and then immediately inform the supervisor's Department Head of all on-the-job injuries.

Any employee witnessing or receiving a report of an injury to a visitor shall verbally report the injury to the employee's supervisor immediately. The employee may also be required to complete a written Accident Investigation Report. Supervisors shall then submit this information to the Village Administrator.

Any incident involving damage to Village property, Village vehicles, or a privately-owned vehicle being operated for Village business or any damage to the property of another incurred when operating Village vehicles, Village equipment, or a privately-owned vehicle being operated for Village business shall be reported immediately to the employee's supervisor both verbally and in writing with a completed Accident Investigation Report. The Report shall include the following: date, time, and place incident occurred, how the incident occurred, and the extent and type of damage. The Report shall be submitted by the end of the workday, or as soon as possible on the next workday if the incident occurs at the end of the workday or when the employee is traveling outside the Village. Employees are also required to notify law enforcement when appropriate.

Section 4.14 Worker's Compensation Insurance and Related Inquiries

The Village of Morton provides Worker's Compensation Insurance to provide employees with three basic protections: (1) to pay work injury related medical bills, (2) to pay two-thirds of average weekly wages while the employee is off work due to the work injury (except when modified by State law for public safety employees), and (3) to cover a settlement based on the permanency of the injury. While not required, many employees obtain the services of an attorney to assist them. When an employee retains an attorney to represent him or her, State law requires the Village to interact directly only with the employee's chosen legal counsel. Accordingly, the Village will not discuss any worker's compensation insurance issues with an employee represented by an attorney. Thus, when an employee retains an attorney, the employee will need to contact the employee's attorney with any questions about the worker's compensation insurance or the related worker's compensation insurance process.

Section 4.15 Use of Village Facilities, Tools & Equipment

Full-time employees may use the department facilities only with the approval of the Chief Mechanic or the Street Department Superintendent in the absence of the Chief Mechanic. When using such facilities, the following rules apply:

- (a) The employee must sign the Waiver and Release of Liability form, found in Attachment A, prior to use of the facility.
- (b) No repairs of personal vehicles or equipment during working hours.

- (c) Non-employees are not allowed on Village premises unless accompanied by an employee. If the employee needs to leave, even for a brief time, the non-employee must vacate the premises during the employee's absence.
- (d) No use of Village mechanical supplies, such as oil or grease.
- (e) No major repairs may be done which would require overnight use of the facility.
- (f) No storage of partially-repaired or of any personally owned vehicles, campers, trailers, boats, motorcycles, ATV's, etc., on Village property.
- (g) No use of the Village facilities for repairs on a vehicle or equipment not owned by the employee.
- (h) The facility must be cleaned and returned to its original state when work is complete.
- (i) No disposing of personal waste in Village dumpsters.

Village tools and equipment will not be used for any purpose other than official Village business, with the exception that non-powered hand tools may be borrowed by full-time employees with the permission of that department's Superintendent. Any borrowed tool must be returned in its same condition, repaired or replaced if damaged or lost. No tool borrowed shall cause any hardship or inconvenience to the Village and shall be borrowed at the end of the work day returned at the start of the next work day. Approval of the use of the hand tool must be obtained from the Superintendent each time it is borrowed. The Superintendent can require the borrower to physically return the tool to the department at any time, day or night.

The reckless or intentional destruction, or abuse, or misuse of Village property, including equipment, tools, and supplies, is prohibited and will not be tolerated. Any equipment, tools, property, or supplies provided for use by an employee in the performance of his or her job are Village property and must be utilized properly and in a safe manner. Employees shall not be permitted to utilize Village property for their personal use other than what is specifically outlined in this section.

Section 4.16 Use of Village Vehicles

Because of potential liabilities and excessive costs, employee use of Village vehicles for personal purposes must be strictly controlled and limited. Where employees are assigned Village vehicles, the employee will not be permitted to take home the Village vehicle overnight, except that Department Heads and those employees who are required to be "on call" to respond to emergencies, will be permitted to do so. Except as provided in this Subsection (a) below, at all times, the use of Village vehicles must be confined to use for Village related business. Thus, except as expressly provided in this Subsection (a), Village employees are not permitted to transport their children in Village vehicles except in the cases of an emergency and an alternative vehicle is unavailable. Further, except as expressly provided in this Subsection (a), Department Heads and the designated employees who do take Village vehicles home overnight must confine their use of Village vehicles to travel to and from work.

- (a) Village vehicles are to be used for conducting Village business only. Exceptions are as follows:
 - (1) The Chief of Police and Director of Fire and Emergency Services are required, due to the nature of their position, to drive their assigned Village vehicle to and from work and for personal use in order to respond promptly to any emergency.
 - (2) Public Works Department Superintendents are allowed to drive a vehicle to and from work and are allowed limited personal use within the Village limits. Any personal usage is taxable to the employee based upon the IRS regulations.
 - (3) The Director of Public Works is allowed to drive a vehicle to and from work, and for personal use within a 25 mile radius of Morton. Any personal usage is taxable to the employee based upon the IRS regulations.

- (4) On-call employees are allowed to use a department vehicle for official business (such as service calls) and to drive to and from work and limited personal use during the time they are on call, provided usage is wholly within the Village limits. Gas and water distribution employees may take the “on-call” vehicle home or may be requested by the Superintendent of the Gas Department to take the “on-call” vehicle home in order to be prepared to promptly respond to an emergency situation.

See Section 4.17 Driver’s License Requirements regarding license requirements for any employee who drives a Village vehicle. All users of Village vehicles shall comply with the safety provisions and procedures set forth in Subsection (b). Furthermore, a driver of a Village vehicle shall not drive while impaired by alcohol, other drugs including cannabis (marijuana) prescribed for medical purposes, or intoxicating compounds and methamphetamine. The employee would be considered impaired if his blood alcohol content exceeds .02% or if he is impaired by cannabis, methamphetamine, or any other intoxicating compound, regardless of the level in his blood.

(b) Safety and Village Vehicles

- (1) Operators of Village-owned vehicles shall be responsible for checking all vehicle safety devices before driving the vehicle. Any defects found shall be reported and the vehicle shall not be operated until the defect has been corrected.
- (2) Only fully qualified and properly licensed operators shall be permitted to drive or operate Village vehicles.
- (3) All drivers of Village vehicles shall comply with all state, county and local rules and regulations governing the safe and legal operations of vehicles.
- (4) Seat belts shall be worn and secured at all times when the vehicle is moving.
- (5) The driver shall be responsible for assuring that all passengers are seated and properly secured before moving the vehicle. Under no circumstances shall passengers ride on fenders, running boards, the tops of vehicles, or any place not designed for passengers.
- (6) Trucks, when used for transportation of employees, shall be provided with facilities, which will afford safe seating and shall be protected on sides and ends to prevent falls from the vehicle.
- (7) Trucks transporting materials shall not be loaded to a height of greater than 13 feet 6 inches from the ground surface. All materials shall be tightly secured to prevent movement in transport. All cargo that extends 4 feet beyond the end of the bed shall be clearly marked with a red cloth not less than 16 inches square and shall be marked with a red light at night.
- (8) Speed limits on public roads and highways shall be strictly observed by all drivers of Village vehicles.
- (9) Speeds in parking lots, maintenance yards, or in close proximity to persons or equipment shall not be in excess of 10 m.p.h. Lower speed limits may be imposed for selected areas.
- (10) Drivers shall not initiate phone calls by dialing phone numbers or engage in electronic communications by texting or emailing while the vehicle is in motion.
- (11) Drivers shall not use cell phones or other electronic devices in any manner while in a school zone or in a construction zone, or in any other manner that violates a provision of the Illinois Motor Vehicle Code.
- (12) Drivers shall not be under the influence of alcohol, illegal drugs, or prescription drugs which impair the employee’s abilities while operating a Village vehicle.

- (13) All accidents involving a Village vehicle, regardless of severity, must be reported to the police and the Village Administrator.
- (14) Any operator of a Village vehicle must immediately report any suspension, revocation, or other action taken by the State with regard to the status of the operator's driver's license; this report shall be made to the operator's direct supervisor, department head, or Village Administrator as appropriate.
- (15) Any traffic violations (including parking tickets), citations, and fines incurred by a driver of a Village vehicle shall be the sole responsibility of that driver. Employees who receive traffic citations (except for parking violations) or any citation regarding the violation of any law, while driving a Village vehicle, must report such incident to the employee's supervisor within 24 hours.
- (16) Drivers are responsible for the security of the Village vehicle when under their control or in their custody, including the locking of vehicle doors and removal of keys when the vehicle is not in use and unattended.

Section 4.17 Driver's License Requirements, Motor Vehicle Record Check

While not all Village jobs or positions require the employee to possess a license or permit to allow the individual to perform specific duties, certain jobs within the Village do require that the employee hold a special license or permit. Those Village positions requiring any special license or permit in order to perform its recognized duties, list such special license or permit requirements in the position's description, and employees, to be qualified to occupy such position, must have the required license or permit for such position.

As a condition of employment, all Village employees shall obtain and maintain a State driver's license appropriate for any vehicles their job may require them to operate. Where appropriate, the Village may provide an employee with reasonable training to obtain the operator's license necessary to operate special equipment.

The purpose of this policy is to ensure the safety of those individuals who drive the Village of Morton vehicles or personal vehicles on the Village of Morton business and to ensure the safety their passengers and the public.

Policy Requirements:

- All drivers must be authorized to drive for work purposes.
- The Village of Morton vehicles are not to be used for personal or non-work related purposes.
- The Village of Morton reserves the right to review both the driver's license and Motor Vehicle Record (MVR) of all authorized drivers at any time.
- MVR review will typically be run for authorized drivers a minimum of every 6 months.
- For positions which require driving as an essential function, applicants will receive a conditional offer of employment, contingent upon the results of the MVR review.

Requirements to Become an Authorized Driver:

- Must be a current employee or contracted individual.
- Must complete the Employee Authorization for MVR Review (see Appendix A)
- Must present and maintain a favorable MVR (see guidelines below)
- Must provide a current copy of a valid driver's license for the type of vehicle to be driven.

Driver Responsibilities:

- It is the driver's responsibility to operate the vehicle in a safe manner to prevent injuries and property damage.

- Drivers must have a valid driver's license for the type of vehicle to be operated and must keep the license(s) with them at all times while driving. All CDL drivers must comply with all applicable D.O.T. regulations, including successful completion of medical, drug, and alcohol evaluations.
- All drivers and passengers must wear seat belts.
- Employees must report all accidents, regardless of severity, to the police and to the Village of Morton. Failing to stop after an accident and/or failure to report an accident may result in disciplinary action, including termination.
- Authorized drivers are prohibited from reading or typing text messages, emails or posts of any type while driving. Phone use is also prohibited, unless a hands-free device is used. All phone use is prohibited school zones and construction zones regardless of whether a hands-free device is used. Authorized drivers are prohibited from surfing the internet or reviewing websites or posting on social media or other websites while driving. Authorized drivers are prohibited from taking or posting photos while driving.
- Distracted driving of any type is prohibited.
- It is the responsibility of all authorized drivers to report the loss, bond issuance, suspension and/or revocation of his/her driver's license immediately to the Village of Morton.
- All traffic violations (including parking tickets), citations and fines incurred when driving for work purposes are the sole responsibility of the authorized driver.
- Driving for work purposes while under the influence of intoxicants or other illicit drugs is forbidden and is sufficient cause for discipline, including termination.
- Authorized drivers who perform safety sensitive functions must inform the Village of Morton if taking any medications that may affect their ability to safely operate an automobile.
- Drivers are responsible for the security of vehicles being used by them. The vehicle engine must be shut off, ignition keys removed, and vehicle doors locked whenever the vehicle is left unattended. If the vehicle is left with a parking attendant, only the ignition key is to be left.

Failure to maintain an appropriate driver's license may result in lay off or termination. The operation of any Village vehicle without a valid, appropriate, driver's license is not permitted and will result in termination of employment should it occur. Any Village employee whose license is suspended or revoked must immediately inform their supervisor and Department Head of the suspension or revocation.

The following is a non-exhaustive list of conduct resulting in traffic convictions that may result in rescinding an offer of employment, terminating driving privileges, or other disciplinary action, up to and including termination:

- Reckless or negligent driving
- Driving while impaired by or under the influence of alcohol or drugs
- Homicide, negligent homicide, or involuntary manslaughter by vehicle
- Fleeing or attempting to elude police officers
- Driving without a license or while license is suspended or revoked
- Hit and run or failure to stop after an accident
- Using a motor vehicle for the commission of a felony
- Operating a motor vehicle without the owner's authority (theft)
- Speeding
- "At fault" accident
- Any moving violation

Section 4.18 Reimbursement of Travel Expenses

In accordance with the provisions of the Internal Revenue Code, related regulations, and Village ordinances, employees will be reimbursed for travel expenses incurred while conducting Village business or attending Village approved meetings or seminars in accordance with the provisions of this policy. The reimbursement portions of this policy shall apply to all Village employees and all Village officials, including elected Village office holders and appointed Village office holders.

- (a) **Authorization** Prior to travel, each Department Head shall review all travel requests to determine whether a professional benefit will be derived and whether the travel is financially feasible, and thereafter shall approve or deny such travel request. Additionally, all travel requests for out-of-town, overnight travel shall be submitted to the Village Administrator for approval.
- (b) **Reimbursement for Travel Expenses** Within fifteen (15) working days after an employee's return from authorized travel, the employee shall submit all claims documentation along with the Travel Reimbursement Form included in Appendix A. Any reimbursement request submitted later than thirty (30) days after the return date from travel will be denied. Documentation for a travel expense must sufficiently support the amount of the claimed expense and must be completed or generated at or near the time when the travel expense is incurred. The reimbursement request form and related documentation shall be submitted to the Accounts Payable Clerk at the main Village office.
- (c) **Reimbursable Expenses**
 - (1) **Transportation**. When available, employees driving to the travel destination shall use Village vehicles. If the employee drives a privately-owned vehicle, the employee will be reimbursed at the IRS approved rate, plus tolls and parking. Mileage will be reimbursed based upon the trip originating and ending at Village Hall. Employees using privately owned vehicles while on Village business must have insurance coverage in an amount not less than that required by Section 10-101(b) of the Illinois Vehicle Code (625 ILCS 5/10-101(b)). Prior to authorization of any travel by use of private vehicle, the employee must certify or otherwise provide proof that they are duly licensed and carry the required insurance coverage. Travel by air transportation or other public conveyance must receive prior authorization and approval from the Village Administrator and shall be made in the most economical manner available at the time the travel reservations are made.
 - (2) **Lodging**. The Village will reimburse reasonable lodging expenses upon the submission of itemized receipts from the lodging establishment (not a credit card receipt or bill). When applicable, accommodations shall be made at the conference or seminar rate, and any lodging costs exceeding the conference or seminar rate shall be paid by the employee. Only the costs of single occupancy will be reimbursed unless a double occupancy is of equal or lesser value. If a more expensive double occupancy occurs, as the result of a spouse/guest, the employee is responsible for the additional cost. No lodging expenses shall be reimbursed at a rate greater than \$200 per night without advanced approval of the Village Administrator or her designee.
 - (3) **Meals**. The Village will reimburse meal expenses at a per diem rate using the following criteria:
 - (i) The Village will reimburse employees up to \$39.00 for standard daily meal

expenses. Meal expenses in “major travel cities” (or “key cities”) shall be reimbursed in accordance with the per diem rates set forth in the current edition of IRS Publication 1542 entitled “*Per Diem Rates (For Travel Within the Continental United States)*” if such per diem rate is higher than the standard per diem rate. The per diem rates used by the Village will be the “maximum federal per diem rate” in effect on the date of travel in the particular city for “M&IE” (meal and incidental expenses), as set forth in IRS Publication 1542. Also, the standard per diem rate for meals (currently set at \$39.00 in this provision) shall be adjusted in accordance with M&IE rate established in IRS Publication 1542 under the “maximum federal per diem rate”.

- (ii) Receipts are not required for per diem meal reimbursements.
- (iii) Partial day claims for meals will be based upon meal rates (and associated percentages) indicated in the following table:

Breakfast	\$ 7.80	(20%)
Lunch	\$10.50	(27%)
Dinner	<u>\$20.70</u>	<u>(53%)</u>
Total	\$39.00	(100%)

- (iv) The Village will separately reimburse the cost of meal and banquet tickets for conferences, seminars, or training events if such costs are separate from the event’s registration fees and are directly related to the conference, seminar, or training event. If such meal in relation to a conference, seminar, or training event is paid separately, then the per diem rate for that day shall be prorated accordingly.

(4) Other Fees and Fares The Village will reimburse the following fees and fares as follows:

- (i) **Registration Fees**. The Village will pay for all actual charges pertaining to an approved conference, meeting, or seminar, including registration fees, dues and other conference activities, which are verified by a program or bulletin setting forth such fees.
- (ii) **In-Town Transportation**. The Village will reimburse actual charges for taxis, airport buses or limousine fares, tolls and parking, and business telephone calls. Whenever possible, all such fares should have a receipt.
- (iii) **Tips**. Expenses for tips should be included with the particular transportation, lodging, and meal expense. Gratuities are not reimbursable as a separate or individual expense.

(5) Travel Advances. Advances for travel expenses may be provided to an employee upon authorization and approval by the Village Administrator. However, registration fees that are to be paid in advance will only require approval from a Department Head if the travel would otherwise be approved by the Department Head.

(d) Expenses Not Reimbursable

- (1) The employee shall not be reimbursed for meals eaten at friends or relative’s homes or lodging if staying with friends or relatives.
- (2) Expenses of a personal nature and incurred for the convenience of the traveler, such as expenses for travel by indirect routes or stopovers for personal reasons, are not reimbursable.

- (3) Travel insurance premiums are not reimbursable.
 - (4) Personal items such as movie or theater tickets, magazines, bar services, sightseeing fares, hotel/motel pay per view television, etc., are not reimbursable.
 - (5) Meal expenses for anyone but employees or business guests in the conduct of official Village business are not reimbursable.
 - (6) The cost of alcoholic beverages shall not be reimbursed.
- (e) **Responsibility** All employees who travel on Village business are responsible for compliance with the requirements of this policy, and for the exercise of sound judgment of their travel expenditures. Employees who abuse or violate this policy may have their travel privileges revoked and/or may be subject to discipline as provided in this Manual.
- (f) **Local Travel** This policy shall apply to reimbursement for local transportation, as well as conference and meal expenses, incurred in Morton and the general central Illinois area. Accordingly, all such claims, including mileage reimbursement for local travel, must be submitted within the timeframes established in the above section.

Section 4.19 Prohibition on Smoking

Pursuant to the Smoke Free Illinois Act, smoking is prohibited in any Village building, facility, or vehicle. This prohibition includes, but is not limited to, all offices, meeting rooms, indoor areas used by the public, enclosed indoor work areas, and public or Village conveyances. Also, as further provided under the Smoke Free Illinois Act, smoking is prohibited within 15 feet of an entrance to any Village building or facility. The use of e-cigarettes or any similar devices is similarly prohibited and thus is not permitted in any Village building, facility, or vehicle, or within 15 feet of an entrance to any Village building or facility.

Section 4.20 Computer System, Software, Electronic Mail & Voice Mail Policy

The Village of Morton has become increasingly more reliant upon the use of the Intranet and Internet for effective and timely communication. At the same time, the Village and the legal community have growing concerns over laws governing use of electronic and communication media in conducting business. These two factors mandate the implementation of a policy. This policy defines the ownership and appropriate use of these facilities by Village employees and other authorized users. Additionally, misuse of computer systems, software, email and voice mail in violation of this policy may result in disciplinary action, up to and including termination of employment (see Section 6.2 Disciplinary Policy).

- (a) **General Overview and Employee Responsibility** The Village's computer systems, software, electronic mail (e-mail), and voice mail are assets owned by the Village which are critical components of conducting day-to-day operations. The contents of each of these systems are the property of the Village and are to be used to conduct Village business. **Employees should be aware that no privacy rights attach to any computer documents in the workplace, except as specifically protected by federal or state law, and that documents can be read and reviewed as the Village deems necessary. Furthermore, employees should understand that no privacy rights attach to any information stored or communicated by computer systems, software, e-mail, or voice mail, except as specifically protected by federal or state law. The Village may monitor the computer systems, software, e-mail, and voice mail, and may retrieve the contents for legitimate business reasons, such as finding lost documents or recovering from system failures. Thus, no guarantee of privacy is afforded for an employee's use of Village computer systems, software, e-mail, and voice mail. Therefore, employees must conduct themselves accordingly. Furthermore, employees should be aware that computer systems, software, e-**

mail, and voice mail may be subject to discovery procedures in a legal proceeding and may be subject to disclosure in response to a Freedom of Information Act request.

Every employee should use computer systems, software, e-mail, and voice mail in a responsible manner. An employee should use computer resources efficiently and productively, and refrain from monopolizing systems, overloading networks with excessive data, playing computer games, or wasting computer time, connect time, disk space, printer paper or other resources. An employee should immediately report the following matters to the employee's supervisor or Department Head:

- The employee receives or obtains information to which the employee is not entitled or authorized.
- The employee becomes aware of a "virus" infection. In order to reduce the risk of spreading computer viruses, an employee should not import files from unknown or disreputable sources, software, or files obtained from remote sources must be checked for viruses before use. The systems administrator should be contacted regarding any questions about viruses or how to check for viruses.
- The employee knows of any inappropriate use of resources.

Further, an employee must adhere to copyright law regarding use of software, information, and attributions of authorship. All software used for office or off- site work must be returned when requested by the Village.

Use of Village computer systems, software, e-mail, and voice mail is limited to Village employees.

Village computers and software will be installed and maintained ONLY by authorized personnel. Only IT personnel, under the guidance of the Village Administrator, can authorize installation or maintenance of either hardware or software on Village computers. An employee may not bring the employee's computer equipment onto Village property and must only use the Village's computer equipment while at work, except when vendors or contractors providing services to the Village provide computer systems with their services.

- (b) Use of Employee Software** An employee may have software which the employee might like to install on a work computer to enhance productivity or to enhance the working environment. The Village has an obligation to ensure that software on its computers is being used legally according to that software's license and to ensure that the software installed, and the method of installation does not create difficulties on the individual computer or on the Village network. Employees who wish to be authorized to install particular software on their computers or who wish to have such software installed must certify that they are using the software according to license and must register the license information with the systems administrator.

The Village has the capacity to survey individual computers through the network, and will remove programs not authorized for installation, and will report the incident to the appropriate personnel. The following rules apply to use of an employee's software:

- Multiple installations of the same license will be assumed to violate copyright laws unless a multiple license provision can be demonstrated.
- Games and other software not related to the mission of the Village may not be installed on the Village equipment.
- "Migrating" to an upgrade computer does not carry with it the right to "migrate" software to that computer unless that software is completely removed from the

original computer.

Screen savers, sound events, wallpaper, and other system additions found on Village computer systems represent the Village as well as the individual. Accordingly, these additions must comply with the provisions of the Village's harassment policies which are set forth in Section 4.1 Policy Prohibiting, Error! Reference source not found., and REF_Ref452474717\h * MERGEFORMAT Section 2.9 Village Employment - Equal Opportunity. Thus, these additions should avoid material which is sexually suggestive or might reasonably be construed as being demeaning to any individual or group. If the law, a member of the public, another employee, or common sense would indicate that material should not be displayed in an office, it should not be displayed on computers owned by the Village.

(c) Prohibited Behaviors Any use of the computer or communication resources for inappropriate or unauthorized purposes, or in support of such activities, is prohibited. The following list of conduct, which is not all inclusive, is expressly prohibited:

- (1)** Obtaining or reviewing any obscene, sexually explicit, pornographic, profane, or offensive material, including downloading pornographic or erotic materials, or transmitting messages, jokes, or materials that violate the Village's harassment policy (see Section 4.1 Policy Prohibiting) or which create an intimidating or hostile work environment.
- (2)** Use of Village systems to set up or service personal business.
- (3)** Accessing or transmitting copyrighted or trademarked information in a way that violates the copyright or trademark of the owner, which would include duplicating, transmitting, or using software in a manner which is not in compliance with software license agreements, and unauthorized use of copyrighted materials or another person's original writings.
- (4)** Unauthorized use of a Village's or employee's computer or communication system.
- (5)** Broadcasting personal views on social, political, religious, or other nonbusiness-related matters.
- (6)** Soliciting for the buying and selling of any goods or services.
- (7)** Illegal use, meaning any use for illegal purposes, or in support of such activities. Illegal activities shall be defined as any violation of local, state, or federal laws.
- (8)** Commercial use, meaning any use for commercial purposes, product advertisements, or "for profit" personal activity.
- (9)** Use which would be considered a security violation, meaning:
 - (i)** Copying, disclosing, transferring, examining, renaming, or changing information or programs belonging to another user unless express permission to do so is given by the user responsible for the information or programs.
 - (ii)** Unauthorized use of a password or mailbox unless specifically authorized to maintain and support the system.
 - (iii)** Representing yourself as someone else, fictional or real.
 - (iv)** Physically connecting the Village's network or your computer to another network without proper authorization from the systems administrator. Indiscriminate connection to other networks could neutralize the system.
- (10)** Knowingly or inadvertently spreading computer viruses. "Computer viruses" are any programs that can destroy valuable programs and data.
- (11)** Distributing "junk" mail such as chain letters, advertisements, or unauthorized solicitations.

Section 4.21 Cell Phone & Electronic Device Usage Policy

The Village of Morton may issue cellular telephones or similar electronic communication devices to certain Village employees and Village Officials. The Village has become increasingly more reliant upon the use of electronic communications devices, including cellular phones, for effective and timely communication. At the same time, the Village and the legal community have continuing concerns over laws governing use of electronic and communication media in conducting business. These two factors mandate the implementation of a policy. This policy defines the ownership and appropriate use of these electronic communication devices by Village employees, Village Officials, and other authorized users. Additionally, misuse of electronic communication devices, including related software and texting capabilities and voice mail, in violation of this policy may result in disciplinary action, up to and including termination of employment (see Section 6.2 Discipline Policy).

- (a) **General Overview and Employee Responsibility** The Village's electronic communication devices and voice mail are assets owned by the Village which are critical components of conducting day-to-day operations. The contents of these systems are the property of the Village and are to be used to conduct Village business. **Employees should be aware that no privacy rights attach to any electronic communications, including text messages and voice mail, except as specifically protected by federal or state law, and that electronic communications can be read and reviewed as the Village deems necessary. Furthermore, employees should understand that no privacy rights attach to any information stored or communicated by such electronic communication devices or voice mail, except as specifically protected by federal or state law. The Village may monitor the electronic communication devices, including text messages and voice mail, and may retrieve the contents for legitimate business reasons. Therefore, employees must conduct themselves accordingly. Furthermore, employees should be aware that electronic communication devices, including any associated text messages and voice mail, would be subject to discovery procedures in a legal proceeding and may be subject to production in response to requests under the Freedom of Information Act.**

Every employee should use electronic communication devices, including text messaging and voice mail, in a responsible manner. With an understanding of the lack of privacy rights and employee responsibilities as expressed herein, reasonable personal use of electronic communication devices, including text messaging and voice mail, is permitted. Employees should exercise good judgment regarding the reasonableness of such personal use. Additionally, use of Village issued electronic communication devices is limited to Village employees and Village Officials.

- (b) **Issuance of Electronic Device** The Village shall be responsible for all costs associated with providing the initial cell phone or similar electronic device. If the employee or Village Official loses or damages the cell phone or similar electronic device under any circumstance or for any reason (including having the phone or device stolen from the employee or Village Official), that employee or Village Official shall be responsible for any cost associated with replacing or repairing such cell phone or similar electronic device, unless otherwise determined by the employee's Department Head or authorizing Village Official should the device be lost or damaged through no fault of the employee or Village Official while conducting Village business or acting on the Village's behalf.
- (c) **Prohibited Behaviors** Any use of the electronic communications device for

inappropriate or unauthorized purposes, or in support of such activities, is prohibited. The following list of conduct, which is not all inclusive, is expressly prohibited:

- (1) Obtaining or reviewing any obscene, sexually explicit, pornographic, profane, or offensive material, including downloading pornographic or erotic materials, or transmitting messages, jokes, or materials that violate the Village's harassment policy or which create an intimidating or hostile work environment.
 - (2) Accessing or transmitting copyrighted or trademarked information in a way that violates the copyright or trademark of the owner, which would include duplicating, transmitting, or using software in a manner which is not in compliance with software license agreements, and unauthorized use of copyrighted materials or another person's original writings.
 - (3) Unauthorized use of the electronic communications device.
 - (4) Illegal use, meaning any use for illegal purposes, or in support of such activities. Illegal activities shall be defined as any violation of local, state, or federal laws.
 - (5) Use which would be considered a security violation, meaning:
 - (i) Copying, disclosing, transferring, examining, renaming, or changing information or programs belonging to another user unless express permission to do so is given by the user responsible for the information or programs.
 - (ii) Unauthorized use of a password or mailbox unless specifically authorized to maintain and support the system.
 - (iii) Representing yourself as someone else, fictional or real.
 - (6) Knowingly or inadvertently spreading viruses by use of the electronic communications device. "Viruses" are any programs that can destroy valuable programs and data or disrupt the communications system.
 - (7) Use of a cell phone or other electronic device while driving in a school zone or a construction zone.
 - (8) Use of a cell phone or other electronic device while driving for texting or otherwise sending electronic messages.
- (d) **Personal Cellular and/or Electronic Devices** While at work and during paid work time, employees are expected to exercise discretion in using personal cellular/wireless devices. Personal calls during work hours, regardless of the type of personal cellular/wireless device used can interfere with employee productivity, safety and may be distracting to others. Employees are expected to make personal calls on non-work time (i.e. breaks, lunch) and to ensure that friends and family members are aware of the Village's policy. Flexibility will be provided in circumstances demanding immediate personal phone use, but this immediate need should be communicated to an employee's supervisor.

In order to ensure a productive work day, the following use of a personal cellular/wireless device is prohibited during working hours:

- Accessing the internet for nonwork-related purposes
- Playing games
- Watching movies, television, sports, etc.
- Any activity that violates Village policy, including accessing and/or distributing pornographic or harassing material

Abuse of this policy may lead to disciplinary action.

Any use of a Village issued electronic communications device that allows or provides access to the internet or any portion of Village computer systems shall also comply with the provisions of Section 4.22 Social Media Policy and Guidelines of this Manual.

Section 4.22 Social Media Policy and Guidelines

This is the Village's official policy for social media use and provides guidance for employees and elected officials on their professional and personal use of social media.

(a) Professional Use of Social Media Before engaging in social media as a representative of Village, an employee must be authorized to comment by an elected Village Official or Department Head. A Village employee may not comment as a representative of the Village unless authorized to do so. Once authorized to comment, the employee must:

- Disclose you are an employee or elected official of the Village and use only your own identity.
- Disclose and comment only on non-confidential information. See Section 4.8 Protection of Information with the Health Insurance Portability & Accountability Act (HIPAA)
- Ensure that all content published is accurate and not misleading and complies with all Village policies.
- Comment only on the employee's area of expertise and authority.
- Ensure comments are respectful and refrain from posting or responding to material that is offensive, obscene, profane, defamatory, threatening, harassing, bullying, violent, discriminatory, infringes copyright or trademark, breaches a Court order, or is otherwise unlawful.
- Refrain from making comments or posting material that might otherwise cause damage or injury to the reputation of any Village employee or Village Official or otherwise put the Village, a Village employee, or Village Official in a bad or negative light.

(b) Personal Use of Social Media The Village recognizes that an employee may wish to use social media in his or her own personal life. This policy does not intend to discourage or unduly limit an employee's personal expression or personal online activities. However, an employee should recognize the potential for damage caused (either directly or indirectly) to the Village, another Village employee, or a Village Official in certain circumstances through or in relation to an employee's personal use of social media when the employee can be identified as a Village employee. Accordingly, an employee should comply with this policy to ensure that risk of such damage or injury is minimized.

An employee is personally responsible for the content published in a personal capacity on any form of social media platform. Remember that all posts are public and often permanent. When in doubt, an employee should seek guidance from the employee's supervisor or department head on how to comply with this policy. When using social media on a personal basis, an employee or Village Official should use the following guidelines:

- Do not represent yourself as a Village representative. Unless the Village has designated the employee to speak officially for the Village, an employee should not state that the employee writes or speaks on behalf of the Village, and an employee should make this clear to those reading or listening to the employee's points of view. Also, an employee should not use the Village logo on any

- social media postings.
- Do not disclose private or confidential information about the Village, Village employees, Village Officials, or about citizens that the employee obtained through the employee's employment with the Village. Confidential information is information that is exempt from disclosure under Section 7 of the Illinois Freedom of Information Act (5 ILCS 140/7) or as otherwise defined as confidential information in Section 4.20 Computer System, Software, Electronic Mail & Voice Mail Policy of this Manual.
- Even when using social media on a personal basis, employees may be disciplined for posting material that is, or might be, construed as a violation of the Village's workplace policies against the release of Protected Health Information, discrimination, harassment on account of age, race, religion, sex, sexual orientation, gender, ethnicity, nationality, disability, or other protected class, status, or characteristic or that is otherwise offensive, malicious, demeaning, obscene, abusive, harassing, threatening, or intimidating regarding any Village employee, Village Official, or regarding a citizen that the employee obtained information about through the employee's employment with the Village.
- If an employee chooses to identify the employee's work affiliation on a social network, the employee should regard all communication on that network as the employee would in a professional network. Ensure the employee's profile, photographs, and related content are consistent with how the employee wishes to present himself or herself with colleagues and clients. Alternatively, the employee should post a clearly identifiable disclaimer that any postings or blogs are solely the opinion of the employee and not the Village.
- Employees who access social media during work hours or on Village owned equipment must still comply with the Village's computer usage policies. There is no right to privacy on Village owned equipment.
- The Village may discipline employees for making a comment or posting any material that violates Village policy as set forth in this social media policy, the Personnel Policy Manual, or other Village policy.
- Nothing in this social media policy shall be interpreted in a manner that violates an employee's First Amendment rights or interferes with an employee's right to engage in protected concerted activity or union activity.

Section 4.23 Firearm Concealed Carry Provisions

A Village employee, whether working or not, is prohibited from carrying a firearm into any public building or prohibited area, as defined in Section 65 of the Firearm Concealed Carry Act, as now in effect or as may be amended in the future. No employee may bring a firearm or other weapon onto Village premises or into a Village vehicle or the vehicle's storage compartments unless (1) the employee must carry a firearm or weapon as part of the employee's specified job requirements, or (2) if the employee has a properly issued concealed carry license for a firearm and the firearm and any firearm ammunition are properly stored in a case within the employee's locked vehicle in a Village parking lot or in a locked container out of plain view within the employee's vehicle in a Village parking lot (under this exception #2, the employee may carry an unloaded concealed firearm in the immediate area surrounding the employee's vehicle only for the limited purpose of storing or retrieving the firearm within the vehicle's trunk). Any employee who violates this policy will be subject to immediate disciplinary action, up to and including termination.

(a) Exceptions:

- (1) Police, both regular and auxiliary, may carry a firearm or possess a firearm in a

- Village vehicle while on duty.
- (2) Unloaded firearms may be in a public building for training purposes conducted by the Chief of Police or his designee or the Director of Fire and Emergency Services or his designee.
 - (3) If a volunteer firefighter, paramedic, police officer or auxiliary police officer, while in his or her personal vehicle, responds to an emergency situation and that person has a firearm in his or her vehicle that shall not be considered a violation of this ordinance.
 - (4) If a firearm is found on a person whom Village paramedics are treating, the paramedics may secure the firearm and store it in the ambulance.
 - (5) The carrying of a firearm by the Chief of Police or the Deputy Chief of Police in a Village vehicle while using it for personal use.
 - (6) Any state statute or federal law that applies and allows the carrying of a firearm that would otherwise be prohibited by this ordinance.

Section 4.24 Record Retention Policy

The Illinois Local Records Act prohibits a public entity from destroying public records without first receiving approval from the Local Records Commission. The Local Records Act defines a public record as “any book, paper, map, photograph, born digital electronic material, digitized electronic material, electronic material with a combination of digitized and born-digital material, or other official documentary material, regardless of physical form or characteristics, made, produced, executed or received by any agency or officer pursuant to law or in connection with the transaction of public business and preserved or appropriate for preservation by such agency or officer, or any successor thereof, as evidence of the organization, function, policies, decisions, procedures, or other activities thereof, or because of the informational data contained therein.” 50 ILCS 205/2. A public record may take the form of an electronic record, including but not limited to, emails (and/or attachments thereto), text messages or other electronic data. In order to ensure compliance with the Local Records Act, employees are prohibited from altering, destroying or deleting public records unless and until appropriate approval has been received from the Local Records Commission. Any questions with respect to this policy should be directed to the Village Administrator.

Section 4.25 Nursing Mother Policy

The Village of Morton will provide reasonable paid break time each work day to an employee who needs to express breast milk for her infant child for up to one year after the child’s birth unless doing so would result in an undue hardship. Break time may run concurrently with any break time already provided to the employee. A private room (other than a restroom) will be made available to the employee to use for this purpose.

Section 4.26 Whistleblower Policy

In accordance with Section 4.1 of the Public Officer Prohibited Activity Act, the Village of Morton prohibits retaliation against any employee or contractor who:

- a) Reports an improper governmental action;
- b) Cooperates with an investigation by an auditing official related to a report of improper governmental action; or
- c) Testifies in a proceeding or prosecution arising out of an improper governmental action.

For purposes of this policy, “Improper Governmental Action,” means any action by a unit of local government employee, an appointed member of a board, commission, or committee, or an elected official of the unit of local government that is undertaken in violation of a federal, state, or unit of local government law or rule; is an abuse of authority; violates the public’s trust or expectation of his or her conduct; is of substantial and specific danger to the public’s health or

safety; or is a gross waste of public funds. The action need not be within the scope of the official duties of an employee, elected official, board member, commission member, or committee member to be subject to a claim of “improper governmental action.” “Improper governmental action” does not include a personnel action of a unit of local government regarding, but not limited to, employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, reprimands, or violations of collective bargaining agreements, except to the extent that the action amounts to retaliation.

Reporting Responsibility:

Employees are encouraged and expected to report in writing to the Auditing Official any suspected improper governmental action as well any retaliatory action in violation of Section 4.1 of the Act and this policy. Complaints of retaliation must be submitted within 60 days of gaining knowledge of the alleged retaliatory action.

Auditing Official:

The Village of Morton has appointed the Village Administrator as its Auditing Official who can be reached at 309-266-5361 120 N. Main St., Morton, IL.

Confidentiality:

To the extent allowed by law, the identity of an employee reporting information about an improper governmental action shall be kept confidential unless the employee waives confidentiality in writing. The Auditing Official may take reasonable measures to protect employees who reasonably believe they may be subject to bodily harm for reporting improper government action.

Process and Procedure for Reporting and Investigating Complaints:

All complaints pursuant to this policy will be investigated and resolved in a timely manner by the Auditing Official, his or her designee, or State’s Attorney of Tazewell County (where appropriate). Where a complaint alleges improper governmental action or retaliatory action on the part of the Auditing Official, the complaining individual should submit the complaint to the State’s Attorney of Tazewell County. Employees may use the form attached to this policy when making a report.

The Auditing Official, designee, or State’s Attorney of [insert name of County] will acknowledge receipt of the reported violation or suspected violation. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.

The process and procedure for reviewing and resolving complaints will typically involve the following steps, although the Auditing Official, designee, or State’s Attorney may, in his or her discretion, modify the process and procedure as deemed necessary to conduct an appropriate investigation:

- 1) A meeting will typically be held between the individual making the complaint and Auditing Official, designee, or State’s Attorney to investigate the complaint. Important data to be provided by the complaining individual includes the following:
 - a. A description of the specific improper governmental action or retaliatory action;
 - b. Identification of all person(s) who engaged in the conduct;
 - c. The location where the conduct occurred;
 - d. The time when the conduct occurred;
 - e. Whether there were any witnesses to the conduct;
 - f. Whether conduct of a similar nature has occurred on prior occasions;

- g. Whether there are any records which would support the complaining individual's allegations;
 - h. What impact the conduct has had on the complaining individual.
- 2) The alleged offending individual will be contacted by the Auditing Official, designee, or the State's Attorney. The alleged offending individual will be advised of the charges brought against him or her. The alleged offending individual will have an opportunity to fully explain his or her position, and may also submit a written statement, and any supporting records, if desired.
 - 3) After the alleged offending individual is interviewed, any witnesses identified by either the complaining individual or the alleged offending individual may be interviewed separately.
 - 4) Any relevant records will be reviewed, and any other investigation deemed necessary will be conducted.
 - 5) Once this investigation is completed, the Auditing Official, designee, or the State's Attorney will take such action as is appropriate based upon the information obtained in the investigation.
 - 6) The following remedies are available to employees subjected to adverse actions for reporting improper government action:
 - a) The Auditing Official may reinstate, reimburse for lost wages or expenses incurred, promote, or provide some other form of restitution.
 - b) In instances where the Auditing Official determines that restitution will not suffice, the auditing official may make his or her investigation findings available for the purposes of aiding in that employee or the employee's attorney's effort to make the employee whole.
 - 7) A person who engages in prohibited retaliatory action under Section 4.1 of the Act is subject to the following penalties: A fine of no less than \$500 and no more than \$5,000; Suspension without pay; Demotion; Discharge; Civil or criminal prosecution; Or any combination of these penalties, as appropriate.

Additional Policies

Policy:

In addition to the policies set forth above, the Village of Morton requires employees to observe the highest standards of business and personal ethics when acting on behalf of the Village. Employees are required to comply with all applicable federal, state, and local laws, rules and regulations in performing their duties. In addition, employees are expected to avoid engaging in conduct that would constitute a conflict of interest.

The Village of Morton prohibits retaliation against any employee who reports a suspected ethics violation, conflict of interest, or unlawful conduct. The Village of Morton prohibits retaliation against any employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding. The Village of Morton also prohibits retaliation against an employee for disclosing information to a government or law enforcement agency regarding an ethics violation, conflict of interest, or violation of federal, state, or local law, rule or regulation. The Village of Morton prohibits retaliation against an employee for refusing to participate in an activity that would result in an ethics violation, conflict of interest, or violation of federal, state, or local law, rule or regulation. The Village of Morton prohibits both actual retaliation and threats of retaliation for any conduct protected by this policy. Any employee

who violates this policy is subject to disciplinary action, including, but not limited to, termination of employment.

Procedure:

Any employee who wishes to report a suspected ethics violation, conflict of interest, unlawful conduct, actual or threatened retaliation, or other conduct in violation of this policy should contact the Auditing Official or State's Attorney of [insert name of County] using the procedure set forth above. Employees may use the form attached to this policy when making a report.

All reports will be promptly investigated using the procedure set forth above.

Violations:

Violations may be prosecuted under the law of the State of Illinois. In addition, employees found to be in violation of this policy are subject to disciplinary action, including, but not limited to termination of employment.

Employees with questions regarding these policies should address them to the Auditing Official or the State's Attorney of Tazewell County.

ARTICLE V – HOURS OF WORK

Section 5.1 The Workweek

Except for sworn employees and any other employees governed by special rules, the work period shall normally consist of five consecutive days during a period of seven consecutive days. For full-time employees, the regular workweek shall consist of forty or more hours, while the workweek for part-time employees shall vary depending upon the operating requirements of the Village and the nature of the part-time employee's duties.

Section 5.2 The Workday

The various Department Heads will establish the working schedule for employees within their department, which schedule should be published not later than four days before the start of a new workweek and should include the times and days each employee is scheduled for duty during that workweek. Every employee scheduled to work seven or more hours of work consecutively in a workday shall be provided an unpaid period for lunch of not less than twenty (20) minutes in addition to any authorized break periods designated by the Department Head. To allow for maximum flexibility in scheduling to meet the operational needs of the department and the desires of employees, the Department Heads shall have authority to vary the working hours for employees consistent with the needs of the department so long as it does not create overtime or other unnecessary expense.

Section 5.3 Overtime Hours

To meet the operational requirements of the Village, all employees are expected to work hours in excess of their regular schedule whenever they are notified that conditions require that they perform additional work. Department Heads should endeavor to equalize the burden imposed upon employees within particular job groups or classifications and shall endeavor to provide as much advance notice that an employee will be required to work beyond his or her scheduled hours as possible in the circumstances.

For those employees not exempt from the requirements of the Fair Labor Standards Act, the Village shall pay overtime compensation at a rate of one and one-half times the employee's regular hourly rate of pay for all hours worked in a workweek in excess of the applicable standard established by the Fair Labor Standards Act, or the rules and regulations issued pursuant to that Act, so long as that Act is applicable to the Village.

Section 5.4 Recordkeeping Policy - Recording of Hours Worked

In order to comply with the Fair Labor Standards Act and to insure employees are properly paid, Department Heads and supervisors are directed to establish appropriate practices to maintain records of the days/hours worked by employees. Employees required to record the hours worked shall be required to sign their records, and shall by signing, certify to the accuracy of the records submitted. Submission of false or misleading records shall not be allowed and shall require termination of any employment relationship should it occur.

Section 5.5 Business Hours

Business hours for the Village of Morton, meaning those hours when the public may routinely contact a department of the Village to receive service, shall normally be from 7:30 A.M. to 5:00 P.M., Monday through Friday, but may be varied within a particular department by direction of the Department Head.

Section 5.6 Supplemental Authority

Due to the variations which necessarily exist within different departments, and within different job groups or categories within particular departments, the Department Heads shall have authority in establishing and changing workweeks, working hours, and work schedules of employees to meet operating requirements within that department in the most advantageous and cost-efficient manner

possible.

Section 5.7 Payroll Period

Full-time employees will be paid on a semi-monthly basis. Accordingly, employees shall be paid 1/24th of the annual salary as established by the annual salary resolution, applicable bargaining agreement, or other contractual arrangement. The pay dates shall be the fifteenth (15th) and last day of each month and shall represent all compensation earned during that payroll period as established by the Village.

Employees will be paid by either check or electronic direct deposit into the employee's account at a bank or financial institution of the employee's choosing. If payment is request by electronic direct deposit, then the employee shall provide the necessary information to the Village regarding the account where the employee shall have the direct deposit of the employee's paycheck directed. An employee shall contact the Village's payroll department or the Village Administrator to make changes to the employee's direct deposit information. When a payroll date falls on a weekend or holiday, direct deposit of an employee's paychecks will normally be completed no later than the day immediately preceding the weekend or holiday.

ARTICLE VI – ATTENDANCE / DISCIPLINE & OPEN-DOOR POLICY

Section 6.1 Attendance Policy

The first duty of every employee is to maintain an acceptable record of regular, on-time attendance when scheduled for duty, and to provide proper, advance notice to their employer when circumstances necessitate absence or tardiness. Each time an employee is late in reporting to work, or is absent from work, adjustments must be made which detract from the efficient conduct of Village operations and inconvenience other employees and/or the public, regardless of the employee's reasons for being late or absent. While the Village administration recognizes employees may occasionally need to be absent, either for illness or injury or personal business, and has therefore adopted policies which are designed to offset the financial loss an employee would otherwise experience in these situations, these policies are not intended, and cannot be permitted to have the effect of encouraging absence. Each employee must strive to maintain regular, on-time attendance when scheduled in order to justify their continuing employment with the Village.

To foster and encourage regular, on-time attendance, insure that absence and/or tardiness do not become a significant problem, and provide employees who develop an unacceptable record of absence or tardiness with notice and the opportunity to correct the problem before it requires their termination, Department Heads and/or supervisors within the Village administration shall maintain attendance calendars on every employee to record instances of tardiness and/or absence from work when scheduled, with or without advance notice and/or legitimate reason justifying the occurrence. Whenever an employee's attendance calendar shows the employee has developed a record of unnecessary or excessive tardiness, absence without proper advance notice or legitimate basis, pattern absenteeism or excessive absence from duty, the Department Heads should prepare a written notice to the employee documenting the problem and the need to initiate corrective measures, and, if possible, meet with the employee to discuss the attendance problem, including methods by which it may be corrected, and inform the employee that further problems will lead to corrective actions or termination. If, despite this notice, the employee fails to correct the problem, Department Heads shall initiate prompt, effective corrective actions to remedy the problem, including, where it is found to be necessary, terminating the employment relationship in order to employ someone who is capable of maintaining acceptable regular, on-time attendance.

Absence or tardiness without proper advance notice and/or legitimate basis, in particular, cannot be tolerated. Each department shall establish procedures by which employees may provide proper, advance notice of the fact, and the reason for, an incident of tardiness or absence. Once established, employees must follow proper procedures, and the failure to do so shall warrant imposition of prompt corrective action or termination, depending upon the circumstances.

Section 6.2 Discipline Policy

To provide services to the public with maximum efficiency, the Village administration must insure employees conform to the Village's policies, directives, and rules of employee conduct, while performing their delegated functions and duties in a safe and proficient manner. Certain standards of conduct to which employees must adhere are inherent in the nature of employment to the point that no statement or rule need be established or documented in order for employees to be expected to know the actions are impermissible and would require termination of employment if they occur. Other conduct may have less significant effect, such that notice the conduct is unacceptable may be given before a termination would occur. Due to the investment the Village makes in its employees, and the desire to remedy deficiencies in their performance in order to promote the employee's development, the Village's policy shall be to encourage the use of progressive corrective discipline and fair, uniform enforcement of standards of employee conduct. Because circumstances may differ, however, between or even within departments, the Village administration retains the discretion to determine, in each instance, what action should be taken in response to particular employee conduct.

Nothing herein shall restrict the right of the Village to terminate the employment relationship with any employee without notice whenever it deems that decision to be in the Village's best interest.

Authority to initiate progressive corrective actions, and to recommend employment terminations to the responsible authority, is delegated to the various Department Heads, and their supervisors, who shall work together to maintain proper discipline within their assigned department.

Where the Village administration determines particular employee's conduct does not warrant an immediate termination of employment, it may provide either verbal or written notice that the conduct has been found to be unacceptable to the employer, which notice may be accompanied by a suspension of the employee from duty, without pay, for a period of between one and five days. Any verbal notice or warning shall, however, be documented and made a part of the employee's personnel record. For conduct or violations found by the Village administration to be minor in nature, and for which the administration determines an opportunity to remedy the situation should be granted to the employee, the following progressive, corrective procedure may be utilized, subject to the right to initiate more severe corrective actions when they are deemed necessary:

First Occurrence:	Verbal Warning (documented)
Second Occurrence:	Written Warning with or without suspension without pay
Third Occurrence:	Suspension without pay and warning of termination
Fourth Occurrence:	Termination

Employees shall be requested to sign acknowledging receipt of any written warning or suspension notice. As a part of any corrective action imposed upon an employee, the employee may be required to participate in the Village's Employee Assistance Plan (or other similar program) when the employee's misconduct or deficient performance is related to issues addressed by the Employee Assistance Plan.

A record of each corrective action implemented should be made and retained as part of each employee's personnel record. Employees receiving multiple corrective action notices may be terminated even though the various corrective warnings are for unrelated conduct where the Village concludes the employee's overall record is unsatisfactory.

Section 6.3 Open Door - Dispute Resolution Procedure

The Village administration recognizes the value of open and honest discussion in the effort to identify and correct sources of discord and finds it to be in the Village's interest to foster and encourage an open-door policy in which employees may voice differences, disagreement, or disputes without fear of retaliatory actions. At the same time, to maintain productive and efficient use of the Village's resources, it is beneficial to channel employee complaints, disagreements, or disputes concerning their employment relationship into the existing supervisory structure of the Village's administration. To promote these goals, and to further the Village's desire to remove sources of discord in order to foster efficiency and morale, the Village policy shall be to encourage employees to channel their complaints, disagreements, or disputes into the following procedure.

Any employee having any complaint, disagreement, or a dispute concerning a matter relating to his or her employment or another employee should, in the first instance, attempt to discuss the problem with his or her immediate supervisor at the earliest opportunity following the incident or situation giving rise to the problem. Should these efforts fail to resolve the problem for the employee, the employee may request a Grievance Form from the Village Administrator or utilize the form found in Appendix A. This form must be filed within 14 calendar days of the event that lead to the grievance. The grievance process will follow the following steps:

- The employee shall file the form with the employee's Department Head, unless the grievance

pertains to actions taken by the Department Head; in which case the form should be filed with the either the Director of Public Works or the Village Administrator. If the grievance pertains to actions taken by the Director of Public Works or the Village Administrator, then the form should be filed with the Village President.

- The person to whom the complaint is initially directed shall review all of the facts and circumstances of the complaint. A written decision shall be made by the Reviewer within five (5) business days of the date of the complaint.
- If the employee is not satisfied with the decision of the reviewer, then he or she has the right to appeal. The appeal must be filed with the person responding to the grievance within 7 business days of the notice of decision. The appeal will be reviewed by the next higher step of authority noted in the first paragraph above. If the grievance was responded to by the Village President, then the decision is considered final.
- All appeals must be responded to within 7 business days.
- All findings must be in writing.
- In the case where the individual who has the responsibility for a response to the grievance or any appeal is off work for a period of two weeks or less, the time limit shall be extended and shall commence once the person or reviewer returns to work.
- This procedure does not apply to any employees covered under a collective bargaining agreement. Those agreements shall govern.
- If an employee violates the provisions of this procedure, they may be subject to disciplinary action.

Nothing within this procedure is intended to authorize or condone any employee refusal to perform his or her duties or functions because the employee disagrees with or disputes an assignment or direction received from his or her supervisor or Department Head. Employees are expected and required to comply with directions from their supervisors whether they agree with them or not, and the failure to do so will be deemed to constitute and treated as insubordination.

No at-will employee of the Village of Morton shall have the right to appeal a termination decision.

APPENDIX A

Form List:

Educational Expense Reimbursement Agreement
Employee Request to Donate Paid Sick Leave
Employee Grievance Form
Motor Vehicle Record Check Acknowledgement Form
Release to Use Facilities Form
Travel Reimbursement Form
Vacation Time Buy-Back Request Form
Vacation Time-Off Request Form
Workplace Harassment Form