

# **VILLAGE OF MORTON**

## **PERSONNEL POLICY MANUAL**



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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 upon 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, notwithstanding 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. All Village employees are to take appropriate, lawful measures to insure equality of opportunity for all of the Village's residents and individuals doing business within the community without regard to race, color, religion, sex, gender, national origin, ancestry, age, marital or familial status, sexual orientation, military status, unfavorable discharge from military service, arrest record, order of protection status, or physical or mental disability or handicap, or registered qualifying patient status under the Compassionate Use of Medical Cannabis Pilot Program Act.

### **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 in the State of Illinois, including both opposite-sex and same-sex marriages, 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 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 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 are employed in a regular, established position within the Village's operations which is normally scheduled for, and customarily expected to occupy, forty (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 reason 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 the recruitment, selection and placement of individuals in, and the retention, transfer, and promotion of individuals within the Village's operations are to be made on a basis of ability and qualification without consideration of race, color, religion, sex, gender, marital status, national origin, ancestry, age, military status, unfavorable military discharge, sexual orientation, being a victim of domestic or sexual violence, arrest record, order of protection status, genetic information, physical or mental disability or handicap, or registered qualifying patient status under the Compassionate Use of Medical Cannabis Pilot Program Act, 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 upon notice, the Village may terminate the employment of any employee at any time upon notice, except where terminations may be controlled by statute 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.

Except when a termination occurs for unacceptable conduct or performance, the Village administration will attempt to provide, but does not guarantee that it will provide, notice of any termination in advance of the date the employee's employment and credited continuous service will terminate. 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 deduction 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. Employee’s with less than 10 years of service are not eligible for exemplary performance pay. An employee has to “re-earn” this incentive every year.

### **Stipend Pay**

A stipend payment plan shall be implemented to accommodate those employees who have attained the advance 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 (Salary Range 4) – The maximum stipend shall be \$3,500/year.

- Gas License Class A = None
- Gas License Class B = \$1,500/year
- Gas License Class C = \$1,500/year
- Gas License Class D = None
- IEPA Water License Class A = None
- IEPA Water License Class B = None
- IEPA Water License Class C = \$500/year
- IEPA Water License Class D = None

Water Treatment Technician (Salary Range 4) – The maximum stipend shall be \$1,000/year.

- IEPA Water License Class A = None
- IEPA Water License Class B = \$500/year
- IEPA Water License Class C = \$500/year
- IEPA Water License Class D = None

Wastewater Treatment Technician (Salary Range 4) – The maximum stipend shall be \$1,000/year.

- IEPA Wastewater License Group 1 = \$250/year
- IEPA Wastewater License Group 2 = \$250/year
- IEPA Wastewater License Group 3 = \$250/year
- IEPA Wastewater License Group 4 = \$250/year

An employee of the Gas Distribution Department who becomes a certified gas pipeline welder may receive \$2,500/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 supervisory 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 and shall be made in January of each year. 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 on January 15 and July 15 of 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**

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, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent,

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.

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.

#### **Section 3.6 Bereavement Leave**

Regular, full-time employees will be allowed up to five (5) working days off with pay in a calendar year to make arrangements for and/or to attend the funeral 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. The Department Head shall determine the number of days, if any, that will be allowed based on uniform standards.

#### **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, full-time employees with vacation benefits.

#### **Time Earned**

Vacation time is earned based upon the following schedule:

<u>Years of Employment</u>	<u>Vacation Time Earned</u>
Less than 1 year	5 days pro-rated
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 in that year. No other carryover of vacation days is allowed. 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 deducted from his or her final pay or otherwise paid back by the employee.

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 thereof 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.

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.

### **RIGHTS UNDER ILLINOIS LAW**

The Local Government Employees Benefits Continuation Act (50 ILCS 140/1) generally provides that an employee of a unit of local government who is a member of any reserve component of the U.S. Armed Services or Illinois National Guard who is mobilized to active duty as a result of an order of the President shall for each pay period continue to receive his or her regular compensation that he or she received from the unit of local government plus health insurance minus the amount of base pay for military service for the duration of active military service.

The Military Leave of Absence Act (5 ILCS 325/0.01) generally provides that full time employees that are members of a reserve component of the U.S. Armed Forces or any reserve component of the Illinois State Militia shall be granted leave from his or her public employment for any period actively spent in military service, including basic training, special or advanced training, annual training and any other training required by the U.S. Armed Forces. During these leaves, the employee's seniority and other benefits shall continue to accrue. During annual training, employees are to receive their regular



compensation. During basic training, special or advanced training (for up to 60 days), and for any other training or duty required by the United States Armed Forces, if the employee's daily rate of compensation for the military activities is less than his daily rate of compensation as a public employee, he shall receive the difference from the employer.

The Public Employee Armed Services Rights Act (5 ILCS 330/1) generally provides for the protection of any member of the Illinois National Guard or any member of any branch of the Armed Forces Reserve who is placed on active duty status to insurance coverage and its immediate continuation upon return to public employment, the right to any promotional, employment, contractual or salary benefit, pension rights, or any other right conferred by operation of law or collective bargaining agreement on similarly situated public employees during the period of the employee's active duty.

The Service Member's Employment Tenure Act (330 ILCS 60/1) generally provides for position restoration and seniority preservation under certain conditions for those who leave employment to enter military service.

The Family Military Leave Act (820 ILCS 151/1) generally provides to eligible employees limited periods of family military leave, job restoration benefits and benefit continuation rights.

The Municipal Employee Military Active Duty Act (50 ILCS 120/0.01) generally provides for position restoration without loss of seniority to civil service employees who enlist or have been ordered to military service.

The National Guard Employment Rights Act (20 ILCS 1805/30.1) generally provides that any member of the National Guard whose absence is necessitated by reason of being called to state active duty shall be entitled to certain reemployment rights and benefits under certain conditions.

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

### **Section 3.12 Leaves of Absence (Family and Medical Leave Act)**

To provide employees with some flexibility to deal with family crisis situations, the Village allows for family and medical leave. In addition to providing family or medical leave pursuant to the Family and Medical Leave Act ("FMLA"), a leave of absence may be extended for up to a twelve (12) month period for an employee who incurs an extended injury or illness. Furthermore, in specific circumstances, an employee may be eligible to take a leave of absence pursuant to the Victims' Economic Security and Safety Act ("VESSA"), see Section 3.14 Leave Under Victims' Economic Security and Safety Act; or the Illinois Family Military Leave Act ("Military FMLA"), see Section 3.13 Leave Under Family Military Leave Act. However, as explained in Section 3.14 Leave Under Victims' Economic Security and Safety Act, a leave of absence taken under VESSA may run concurrent with an employee's right to take leave pursuant to FMLA, and may thereby exhaust the amount of leave available under FMLA. Nonetheless, regular full and part-time employees are hired with the expectation that they will be available to perform their scheduled duties on a regular basis and will utilize their vacation and authorized leave to cover periods they must be away from work for personal reasons. Leaves of absence for personal reasons, except as permitted pursuant to FMLA as set forth below and pursuant to VESSA as set forth in that Section, or Military FMLA as set forth in that Section, will not be permitted or authorized, except where the employee is unable to perform as a result of injury or illness for an extended period.

- (a) **General Provisions** A family or medical leave of absence shall be defined as an "approved absence available to eligible employees for up to twelve (12) weeks of unpaid leave per twelve (12) month period under particular circumstances as enumerated [herein]." The period of leave is extended to twenty-six (26) weeks per twelve (12) month period to care for a covered service member as provided in (6) listed below. For establishing the twelve (12) month period in which family or medical leave may be taken, the Village uses a "rolling" twelve (12) month period measured backward from the date when an employee uses any family or medical leave. Leave may be taken:

- (1) Upon the birth of the employee's child and to care for the newborn child;
- (2) Upon the placement of a child with the employee for adoption or foster care;
- (3) When the employee is needed to care for a child, spouse, or parent (but not parent-in-law) who has a serious health condition; or
- (4) When the employee is unable to perform the functions of his or her position because of a serious health condition or because of incapacity due to pregnancy, prenatal medical care, or child birth.

"Serious health condition" shall be defined as (i) an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or (ii) 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 any period of incapacity of more than three (3) calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment by a health care provider. The continuing treatment requirement may also be met by incapacity due to pregnancy or incapacity due to a chronic condition. Furthermore, other conditions may meet the definition of continuing treatment.

- (5) When a qualifying exigency arises from the fact that an employee's spouse, son, daughter, or parent is a covered military member on active duty or has been notified of an impending call or order to active duty in support of a contingency operation. Qualifying exigency includes dealing with issues related to a short-notice deployment, attendance at official military ceremonies, arranging for childcare and schooling, arranging financial and legal affairs, counseling related to the call to active duty, spending time with service member while on short-term R&R, and attendance at post-deployment activities.
- (6) When the employee is needed for the care of a covered service member with a serious injury or illness who is the employee's spouse, son, daughter, parent, or next of kin.

- (b) **Scope** The provisions of this policy shall apply to all family and medical leaves of absence except to the extent that the employee is entitled to paid leave for any part of the twelve (12) weeks of leave (or 26 weeks of leave when applicable) to which an employee may be entitled under this policy. If an employee is entitled to paid leave under another section of this manual, the employee must take that paid leave first. If the paid leave available to the employee is for a period of less than twelve (12) weeks (or 26 weeks of leave when applicable), the employee shall be entitled to the additional days required to achieve a total of twelve (12) weeks of leave (or 26 weeks of leave when applicable), but such additional days shall be provided without compensation.
- (c) **Eligible Employees** An eligible employee is an employee who has been employed by the Village for a total of at least twelve (12) months and for at least 1,250 hours of service during the immediately preceding twelve-month period. Spouses or civil partners who are both employed by the Village are entitled to a combined total of twelve (12) weeks of leave for the birth or adoption of a child or for the care of a sick parent.
- (d) **Employee's Notification and Reporting Requirements** When the leave requested is foreseeable, such as the expected birth or placement of a child for adoption, planned medical treatment, or order or call to military duty, the employee shall provide reasonable notice to the Village of the employee's intention to take leave by use of the FMLA Leave Application form. The employee shall make a reasonable effort to schedule medical treatment so as not to unduly disrupt the Village business. In case of illness, the employee shall report periodically on his or her leave status and intention to return to work.

**(e) Status of Employee Benefits During Leave of Absence**

- (1)** The Village will continue to pay its established portion of the premiums required to maintain health insurance coverage during any authorized family or medical leave for the employee and, if applicable, the employee's dependents.
- (2)** Employees on authorized family or medical leave of absence shall not continue to accrue or be eligible for any benefits other than health insurance coverage during the continuance of the family or medical leave of absence. When the employee returns to work after an authorized family or medical leave, the employee shall be restored to the same position or an equivalent position with equivalent benefits, pay and conditions of employment as when the employee commenced the authorized leave. The Village may deny such restoration if the employee is a salaried eligible employee who is among the highest paid 10% of Village employees.
- (3)** The Village may recover the premium paid for maintaining coverage for the employee and the employee's dependents under its group health insurance program during any period of unpaid leave if the employee fails to return from the authorized leave after the period of leave to which the employee was entitled has expired, unless the failure to return to work was for reasons beyond the employee's control.

**(f) Procedures**

The employee must complete a FMLA Leave Application form as provided by the Village. This form must be completed in detail, signed by the employee, and submitted to the employee's immediate supervisor for proper approvals. The Village may require medical certification to support a claim for leave for an employee's own serious health condition or to care for a seriously ill child, spouse, or parent. If possible, the employee should submit the form thirty (30) days in advance of the effective date of the leave. The Village may also require certification of a family member's order or call to active duty or regarding the serious injury or illness of family member who is a service member. The Village will provide a response to the employee's FMLA request by use of the FMLA Leave Response form.

If medically necessary for a serious health condition of the employee or of the employee's spouse, child, or parent, leave may be taken on an intermittent or reduced leave schedule. If leave is requested on this basis, the Village may require the employee to transfer temporarily to an available alternative position offered by the employer which (i) has equivalent pay and benefits and (ii) better accommodates recurring periods of leave or a part time schedule.

**(g) Certification**

- (1)** All requests for family and medical leaves of absence due to illness must include sufficient medical certifications stating that:
  - (i)** The date on which the serious health condition began;
  - (ii)** The probable duration of the condition; and
  - (iii)** The appropriate medical facts within the knowledge of the health care provider regarding the condition.
- (2)** If the family and medical leave is requested for one of the following reasons, the employee must provide additional information:
  - (i)** If the leave is to care for a child, spouse, or parents, the certificate should state that the employee is needed to provide such care and estimate the amount of time the employee is needed to provide such care.
  - (ii)** If the leave is requested because of a serious health condition of the employee, the certificate must state that the employee is unable to perform the functions of the position of the employee.
  - (iii)** If the request is one for intermittent leave or a leave on a reduced level scheduled for planned medical treatment, the certificate must also state the dates

on which such treatment is expected to be given and the duration of the treatment.

- (3) In its discretion, the Village may require a second medical opinion and periodic recertification at its own expense. If the first and second opinions differ, the Village, at its own expense, may require the opinion of a third health care provider, approved jointly by the Village and the employee. This third opinion shall be considered final and binding on the Village and the employee.

(h) **Extension of Medical Leave for Employee Injury or Illness**

- (1) Whenever any employee anticipates an absence or is actually absent from work for a period of more than twelve (12) weeks because of any injury or illness to the employee, the employee shall be required to submit a written report seeking an extension of the above-described family or medical leave of absence from his Department Head. The report seeking a leave of absence shall be submitted as soon as the employee has reason to believe his or her absence may extend beyond twelve (12) weeks, and must be accompanied by a written report by a physician explaining the reason(s) for the absence, a prognosis for the employee's recovery, and an anticipated date when the employee may be expected to return to duty. The Department Head may grant the employee a leave of absence for the period required for the employee's recuperation, up to six (6) months. Any employee off on medical leave of absence who requires the leave period be extended beyond the period established shall submit a written extension request, which shall be accompanied by medical documentation explaining the need for the additional extended leave period, and fixing the date anticipated for the employee's return to duty. Extension requests may be authorized by the Department Head; provided, however, that no leave of absence may extend or be extended beyond twelve (12) months from the date of the employee's initial absence.
- (2) Any employee who fails to return to duty upon the expiration of any extended medical leave of absence granted pursuant to this policy shall be deemed to have terminated the employment relationship and will be removed from the roster of current Village employees. Employees off work on an authorized leave of absence, including a family or medical leave of absence, shall not engage in any other employment or for-profit activity, or any other activity inconsistent with their efforts to recuperate from illness or injury, and shall comply with any and all medical recommendations or prescribed courses of treatment or rehabilitation to hasten their recovery to the maximum extent possible. An employee's failure to comply with this prohibition may result in an employee being disciplined or terminated by the Village. Further, any employee who is off work due to any illness or injury of any nature for a period exceeding twelve (12) months shall be terminated, without prejudice to the right to reapply for employment once the individual has recovered from such illness or injury and is capable of resuming his or her duties.
- (3) The Village will continue to pay its established portion of the premiums required to maintain employee, or employee and dependent, health insurance coverage during any authorized medical leave of absence for illness or injury for up to twelve (12) months, or the employee's credited continuous service, whichever is less. Employees off on authorized medical leave of absence shall not continue to accrue, nor be eligible for any benefits other than health insurance coverage during the continuance of the medical leave of absence, except for benefits provided under these policies for which the employee was eligible immediately prior to the commencement of such leave of absence. Before any employee off work on a leave of absence is allowed to return to duty, the employee shall furnish a medical release, authorizing the employee's return to the employee's job. Upon release for full duty, the Village will attempt to restore the employee to his or her former position or a similar position, subject to the Village's needs and current operating requirements, and the availability of an open position for which the employee is qualified.

(i) **Maternity Leave** An employee's rights to maternity leave are governed by FMLA and this

Section as a family or medical leave of absence. If an employee is requesting leave to care for a newborn child or adopted child, such childcare leave must be taken within the first twelve (12) months after the birth or adoption of the child.

### **Section 3.13 Leave Under Family Military Leave Act**

As a means to assist families of military personnel, the Illinois Family Military Leave Act ("Military FMLA") provides employees who have family members in the military with some additional flexibility to deal with matters related to their family member being in the military. In addition to the leave provisions provided by Military FMLA, an employee may be eligible for leave as provided under Section 4.1.

- (a) **General Provisions** An eligible employee, who has a spouse, civil union partner, son, daughter, parent, or grandchild called to military service lasting longer than 30 days with the State of Illinois or the United States pursuant to the orders of the Governor or the President of the United States, shall be granted leave consistent with the provisions of this Section. Within the guidelines set forth in this Section, an eligible employee may take up to 30 days of unpaid leave as Military FMLA leave during the time when State or Federal deployment are in effect for the employee's spouse, civil union partner, son, daughter, parent, or grandchild.
- (b) **Scope** All Military FMLA leave is an unpaid leave of absence. An employee must exhaust all accrued vacation and personal leave and any compensatory leave before the employee shall be entitled to Military FMLA leave under this Section.
- (c) **Eligible Employees** An employee eligible to take Military FMLA leave is any Village employee who has been employed by the Village for a total of at least twelve (12) months and for at least 1,250 hours of service during the twelve-month period immediately preceding the beginning of the Military FMLA leave.
- (d) **Employee's Notification and Reporting Requirements** An employee intending to take five (5) or more consecutive days of Military FMLA leave shall provide notice to the Village at least 14 days in advance of the effective date of the leave, unless providing such notice is not practicable. If the employee is taking less than five (5) consecutive days of Military FMLA leave, the employee shall provide notice to the Village at least 48 hours in advance of the effective date of leave whenever possible. If providing advance notice is not practicable, the employee shall provide notice within a reasonable period after the absence for which Military FMLA leave is being requested, which shall typically be within 24 hours after the absence is taken. While due to unforeseen circumstances the initial notice may be made by phone call to the employee's supervisor or the Village's Human Resources Coordinator, the employee shall provide written notice to the Village of the employee's intention to take Military FMLA leave by use of the Military FMLA Leave Application form.
- (e) **Status of Employee Benefits During Leave of Absence**
  - (1) The Village will continue to pay its established portion of the premiums required to maintain health insurance coverage during any authorized Military FMLA leave period for the employee and, if applicable, the employee's dependents.
  - (2) Employees on authorized Military FMLA leave shall not continue to accrue or be eligible for any benefits other than health insurance coverage during the continuance of the Military FMLA leave of absence. However, employees on authorized Military FMLA leave shall not lose any benefits accrued prior the commencement of authorized Military FMLA leave. When the employee returns to work after authorized Military FMLA leave, the employee shall be restored to the same position or an equivalent position with equivalent benefits, pay, and conditions of employment as when the employee commenced the authorized leave.
  - (3) The Village may recover the premium paid for maintaining coverage for the employee

and the employee's dependents under its group health insurance program during any period of Military FMLA leave if the employee fails to return from the authorized leave after the period of leave to which the employee was entitled has expired.

- (f) **Procedures** The employee shall complete a Military FMLA Leave Application form as provided by the Village. This form must be completed, signed by the employee, and submitted to the employee's immediate supervisor for proper approvals. The Village may require certification as set forth below to support a claim for Military FMLA leave. If the employee is seeking five (5) or more consecutive days of Military FMLA leave, the employee should submit the form at least 14 days in advance of the effective date of the leave. If the employee is taking less than five (5) consecutive days of Military FMLA leave, the employee should submit the form at least 48 hours in advance of the effective date of leave whenever possible. The Village will provide a response to the employee's Military FMLA leave request by use of the Military FMLA Leave Response form.
- (g) **Certification** All requests for Military FMLA leaves of absence shall include a certification from the employee stating that the employee's spouse, civil union partner, son, daughter, parent, or grandchild is a person called to military service lasting longer than 30 days with the State of Illinois or the United States pursuant to the orders of the Governor or the President of the United States. This certification shall include a sworn statement from the employee and other supporting documentation from the proper military authority verifying the employee's request for Military FMLA leave.
- (h) **Interaction with Other Unpaid Leave Provisions** When both Military FMLA and another unpaid leave provision of this Manual or any other Village policy apply to an employee's circumstances, the employee's right to take unpaid leave established under Military FMLA shall run concurrent with such other unpaid leave provision of this Manual or any other Village policy.

### **Section 3.14 Leave Under Victims' Economic Security and Safety Act**

As a means to assist victims of domestic or sexual violence, the Victims' Economic Security and Safety Act ("VESSA") provides employees with some flexibility to deal with crisis situations related to domestic or sexual violence. In addition to the leave provisions provided by VESSA, an employee may be eligible for leave as provided under Section 4.1. However, as described below, when both VESSA and FMLA (Section 3.12 Leaves of Absence (Family and Medical Leave Act)) apply, any leave granted by the Village pursuant to VESSA may run concurrently with, and not in addition to, an employee's right to take leave pursuant to FMLA.

- (a) **General Provisions** An eligible employee who is a victim of domestic or sexual violence, or an eligible employee who has a family or household member who is a victim of domestic or sexual violence whose interests are not adverse to the employee in relation to the domestic or sexual violence, shall be granted leave to address personal matters or issues related to domestic or sexual violence. The eligible employee may take up to twelve (12) weeks of unpaid leave per twelve (12) month period to address personal matters or issues related to domestic or sexual violence as described herein. For establishing the twelve (12) month period in which VESSA leave may be taken, the Village will use a "rolling" twelve (12) month period measured backward from the date when an employee uses any VESSA leave. An eligible employee may take VESSA leave to:
  - (1) Seek medical attention for, or recover from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member;

- (2) Obtain services from a victim services organization for the employee or the employee's family or household member;
- (3) Obtain psychological or other counseling for the employee or the employee's family or household member
- (4) Participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or the employee's family or household member from future domestic or sexual violence or ensure economic security; or
- (5) Seek 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 or sexual violence.

Solely within the context of VESSA leave as governed by this Section, the following terms shall have the following specific meanings. The term "family or household member" shall mean a spouse, civil union partner, parent, son, and daughter, other person related by blood or by present or prior marriage, other person who shares a relationship through a son or daughter, and persons jointly residing in the same household whose interests are not adverse to the employee as it relates to the domestic or sexual violence. The term "parent" means the biological parent of an employee or an individual who stood *in loco parentis* to an employee when the employee was a son or daughter. "Son or daughter" means a 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 is 18 years of age or older and incapable of self-care because of a mental or physical disability.

- (b) **Scope** The provisions of this policy shall apply to all VESSA leaves of absence except to the extent that the employee elects to use paid leave for any part of the twelve (12) weeks of VESSA leave to which an employee may be entitled under this policy. If an employee is entitled to paid leave under another section of this manual, including vacation, sick, or personal leave, the employee may substitute that paid leave for VESSA leave. If the paid leave taken by the employee or available to the employee is for a period of less than twelve (12) weeks, the employee shall be entitled to the additional days required to achieve a total of twelve (12) weeks of leave, but such additional days shall be provided without compensation.
- (c) **Eligible Employees** An employee eligible to take VESSA leave is any Village employee who is employed by the Village on a full-time or part-time basis, or an individual who performs work for the Village as a participant in a work assignment program for receiving federal or state income-based public assistance.
- (d) **Employee's Notification and Reporting Requirements** An employee shall provide at least 48-hours advance notice to the Village of the employee's intention to take VESSA leave, unless providing such notice is not practicable. If providing advance notice is not practicable, the employee shall provide notice within a reasonable period after the absence for which VESSA leave is being requested, which shall typically be within 24 hours after the absence is taken. While due to unforeseen circumstances the initial notice may be made by phone call to the employee's supervisor or the Village's Human Resources Coordinator, the employee shall provide written notice to the Village of the employee's intention to take VESSA leave by use of the VESSA Leave Application form.
- (e) **Status of Employee Benefits During Leave of Absence**
  - (1) The Village will continue to pay its established portion of the premiums required to maintain health insurance coverage during any authorized VESSA leave period for the employee and, if applicable, the employee's dependents.
  - (2) Employees on authorized VESSA leave shall not continue to accrue or be eligible for any benefits other than health insurance coverage during the continuance of the VESSA leave of absence. However, employees on authorized VESSA leave shall not lose any benefits accrued prior the commencement of authorized VESSA leave. When the employee returns

to work after authorized VESSA leave, the employee shall be restored to the same position or an equivalent position with equivalent benefits, pay, and conditions of employment as when the employee commenced the authorized leave.

- (3) The Village may recover the premium paid for maintaining coverage for the employee and the employee's dependents under its group health insurance program during any period of VESSA leave if the employee fails to return from the authorized leave after the period of leave to which the employee was entitled has expired, unless the failure to return to work is for reasons related to the continuation, recurrence, or onset of domestic or sexual violence that would otherwise entitle the employee to VESSA leave or for other circumstances or reasons beyond the employee's control.

(f) **Procedures**

- (1) The employee shall complete VESSA Leave Application form as provided by the Village. This form must be completed, signed by the employee, and submitted to the employee's immediate supervisor for proper approvals. The Village may require certification as set forth below to support a claim for VESSA leave. If possible, the employee should submit the form at least 48 hours in advance of the effective date of the leave. The Village will provide a response to the employee's VESSA leave request by use of the VESSA Leave Response form.
- (2) VESSA leave may be taken on an intermittent or reduced leave schedule. If leave is requested on this basis, the Village may request that the employee transfer temporarily to an available alternative position offered by the employer which (i) has equivalent pay and benefits and (ii) better accommodates recurring periods of leave or a part-time schedule.

- (g) **Certification** All requests for VESSA leaves of absence shall include a certification from the employee stating that (i) the employee or the employee's family or household member is a victim of domestic or sexual violence; and (iii) the requested leave is for one of the stated purposes set forth in part (a). This certification shall include a sworn statement from the employee and other supporting documentation, such as a police report, other corroborating evidence, or documents from the agency or professional providing assistance to the employee or the employee's family or household member in relation to the domestic or sexual violence.

- (h) **Confidentiality** The Village shall maintain any information provided by an employee pursuant to this Section in strict confidence, including the fact that an employee has requested or obtained VESSA leave pursuant to this Section. The Village may release such information only if requested or consented to in writing by the employee or as otherwise required by applicable federal or state law.

- (i) **Interaction with FMLA Leave** When both VESSA and FMLA apply to an employee's circumstances, the right to take unpaid leave established under VESSA does not otherwise exceed or supplement FMLA leave (see Section 3.12 Leaves of Absence (Family and Medical Leave Act)). For example, a medical condition resulting from domestic or sexual violence may be addressed by both VESSA and FMLA.

Thus, when both VESSA and FMLA apply, VESSA does not create a right to leave in addition to FMLA leave. In such circumstances, when both VESSA and FMLA apply, any period of leave granted under VESSA shall also constitute equivalent leave granted under FMLA, and such VESSA leave shall run concurrently with the employee's FMLA leave. However, when an employee's circumstances or request involve matters not otherwise covered by FMLA, authorized VESSA leave will be granted in addition to leave available under FMLA.



- (j) **Extension of Leave for Domestic or Sexual Violence** Whenever any employee anticipates, or is actually absent from work for a period of more than twelve (12) weeks because the employee or the employee's family or household member is a victim of domestic or sexual violence, the employee may be eligible for an extension of the leave of absence under the provisions of Section 3.12 Leaves of Absence (Family and Medical Leave Act). The request seeking the extended leave of absence shall be submitted and reviewed under the guidelines and procedures set forth in Section 3.12 Leaves of Absence (Family and Medical Leave Act), as modified in order to address the specific provisions of VESSA leave.
- (k) **Reasonable Accommodation** An employee eligible to take VESSA leave may also be entitled to reasonable accommodations in regards to the employee's working conditions as a means to address known limitations that have resulted from circumstances related to the employee or the employee's family or household member being a victim of domestic or sexual violence. A reasonable accommodation may include an adjustment to the employee's job structure, workplace facility, or work requirement, such as a transfer, reassignment, or modified work schedule, leave, a changed phone number or seating assignment, installation of a lock, or implementation of a safety procedure in response to actual or threatened domestic or sexual violence. An employee seeking such accommodation should contact the employee's immediate supervisor or department head.

### **Section 3.15 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 or classroom activities related to the employee's child, provided that the conference or classroom activity 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 3.16 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 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 giving them favorable consideration 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 (Family and Medical Leave Act)), the Victim's Economic Security and Safety Act (as provided in Section 3.14 Leave Under Victims' Economic Security and Safety Act), or the Family Military Leave Act (as provided in Section 3.13 Leave Under Family Military Leave Act), 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's 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 Sexual Harassment**

#### **A. Prohibition of Sexual Harassment**

It is unlawful to harass a person because of that person's sex. The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991. All persons have a right to work in an environment free from sexual harassment. Sexual harassment is unacceptable misconduct which affects individuals of all genders and sexual orientations. It is a policy of the Village of Morton to prohibit harassment of any person by any municipal official, municipal agent, municipal employee or municipal agency or office on the basis of sex or gender. All municipal officials, municipal agents, municipal employees and municipal agencies or offices are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof.

#### **B. Definition of Sexual Harassment**

This policy adopts the definition of sexual harassment as stated in the Illinois Human Rights Act, which currently defines sexual harassment as:

Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

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

Conduct which may constitute sexual harassment includes:

- Verbal: sexual innuendos, suggestive comments, insults, humor, and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside of their presence, of a sexual nature.
- Non-verbal: suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking" or "kissing" noises.
- Visual: posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.
- Physical: touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.
- Textual/Electronic: "sexting" (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).

The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends, to some extent, on individual perception and interpretation. The courts will assess sexual harassment by a standard of what would offend a "reasonable person."

#### **C. Procedure for Reporting an Allegation of Sexual Harassment**

An employee who either observes sexual harassment or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating her/his position to the offending employee, and her/his immediate supervisor. It is not necessary for sexual harassment to be directed at the person making the report.

Any employee may report conduct which is believed to be sexual harassment, including the following:

- *Electronic/Direct Communication.* If there is sexual harassing behavior in the workplace, the harassed employee should directly and clearly express her/his objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.
- *Contact with Supervisory Personnel.* At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate supervisor of the person making the report, a department head, a director of human resources, an ethics officer, the city manager or administrator, or the chief executive officer of the municipality.

The employee experiencing what he or she believes to be sexual harassment must not assume that the employer is aware of the conduct. If there are no witnesses and the victim fails to notify a supervisor or other responsible officer, the municipality will not be presumed to have knowledge of the harassment.

- *Resolution Outside Municipality.* The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every report and incident so that problems can be identified and remedied by the municipality. However, all municipal employees have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities. An IDHR complaint must be filed within 180 days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within 300 days.

Documentation of any incident may be submitted with any report (what was said or done, the date, the time and the place), including, but not limited to, written records such as letters, notes, memos and telephone messages.

All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the municipality. However, because of the serious implications of sexual harassment charges and the difficulties associated with their investigation and the questions of credibility involved, the claimant's willing cooperation is a vital component of an effective inquiry and an appropriate outcome.

#### D. Prohibition on Retaliation for Reporting Sexual Harassment Allegations

No municipal official, municipal agency, municipal employee or municipal agency or office shall take any retaliatory action against any municipal employee due to a municipal employee's:

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

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

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

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

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

Pursuant to the Whistleblower Act (740 ILCS 174/15(a)), an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. In addition, an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. (740 ILCS 174/15(b)).

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

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

#### E. Consequences of a Violation of the Prohibition on Sexual Harassment

In addition to any and all other discipline that may be applicable pursuant to municipal 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 municipality 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 municipality 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.

#### F. Consequences for Knowingly Making a False Report

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

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

### **Section 4.2 Policy Against Discrimination and Sexual Misconduct**

It is the Village of Morton's policy that it will not tolerate or condone discrimination on the basis of 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, ancestry, marital status, military status, arrest record, unfavorable discharge from military service, order of protection status, citizenship status or any other classification prohibited under federal or state law. Sexual misconduct is also prohibited. The Village of Morton will neither tolerate nor condone discrimination or sexual misconduct by employees, managers, supervisors, elected officials, co-workers, or non-employees with whom Village of Morton has a business, service, or professional relationship. "Employee" for purposes of this policy includes any individual performing services for Village of Morton, an apprentice, an applicant for apprenticeship, or an unpaid intern. Retaliation against an employee who complains about or reports any act of discrimination or misconduct in violation of this policy is prohibited. Retaliation against any employee 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, sexual misconduct and retaliation. Village of Morton will take disciplinary action, up to and including termination, against an employee who violates this policy.

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).

#### A. Responsibilities

##### **Supervisors**

Each supervisor shall be responsible for ensuring compliance with this policy, including the following:

1. Monitoring the workplace environment for signs of discrimination or sexual misconduct;
2. Immediately notifying law enforcement where there is 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 or sexual misconduct and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision;
5. Immediately reporting any complaint of harassment or sexual misconduct to the Village Attorney; and
6. Taking immediate action to limit the work contact between the individuals when there has been a complaint of discrimination or sexual misconduct, pending investigation.

##### **Employees**

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

1. Refrain from participation in, or encouragement of, actions that could be perceived as discrimination or sexual misconduct;
2. Immediately reporting any violations of this policy to a supervisor 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 identity of the alleged offender (e.g. man, woman, supervisor, elected official, co-worker, volunteer, vendor, member of public).

3. Encouraging any employee who confides that he/she is the victim of conduct in violation of this policy to report these acts to a supervisor.

Failure to take action to stop known discrimination 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 employee 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 employee 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 such conduct on the part of any employee, including supervisory and management employees.

#### A. Applicable Procedures

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

It is helpful for the employee to directly inform the offending individual that the conduct is unwelcome and must stop. The employee should use the Village of Morton's complaint procedure to advise the Village of any perceived violation of this policy as soon as it occurs.

#### Bringing a Complaint

Any employee of the Village who believes that there has been a violation of this policy may bring the matter to the attention of the Village in one of the following ways:

1. Advising his or her supervisor; or
2. Advising the offending employee's supervisor, the Village Attorney or the Village Administrator in the event that the alleged harasser is the Village Attorney.
3. Completing the Workplace Harassment Complaint Form found in Appendix A.

If the complaint involves someone in the employee's direct line of command, then the employee should go directly to the Village Administrator or the Village Attorney.

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

### 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. In general, the procedure for resolving any complaint can (but will not necessarily) include any of the following items:

1. A meeting between the employee making the complaint and an individual designated by the Village to investigate such complaints. Important data to be provided by the complaining employee 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 employee's allegations;
  - h. What impact the conduct had on the complaining employee.
2. While not required, the Village 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 by the employee, the alleged offending individual should be contacted by a designated representative of the Village. The alleged offending individual should be advised of the charges brought against him or her and may be provided with a copy of the written statement of complaint made by the complaining employee (if applicable). The alleged offending individual should have an opportunity to fully explain his or her side of the circumstances, and may also submit a written statement, if desired.
4. After the alleged offending individual is interviewed, any witnesses identified by either the complaining employee 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 finds merit in the charges made by the complaining 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 will advise the complaining employee of the results of the investigation, including action taken, if any, against the offending individual.

When investigating alleged violations of this policy, the Village 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.

### C. Non-Retaliation

Under no circumstances will there be any retaliation against any employee making a complaint of

discrimination or sexual misconduct. Any act of retaliation by any party directed against a complaining employee, an accused employee, 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 Village Attorney or the Village Administrator.

If you have any questions concerning the Village's policies on this matter, please see your supervisor or the Village Administrator. Further information may also be obtained from the Illinois Department of Human Rights, 312-814-6200, or the Equal Employment Opportunity Commission (EEOC), 800-669-4000 or for matters involving the abuse of minors the Illinois Department of Children and Family Services (DCFS), 800-25-ABUSE.

In addition to the Village's internal procedures set forth above, the Illinois Human Rights Act provides formal procedures for the filing, investigation and adjudication of sexual harassment complaints. In the event the Village's internal procedures prove unsatisfactory, any employee with a complaint of sexual harassment may initiate charges under the Illinois Human Rights Act by contacting the Illinois Department of Human Rights and/or the Illinois Human Rights Commission at the offices of such agencies, located in Chicago and Springfield. The Springfield addresses are:

Illinois Department of Human Rights  
222 S. College, Room 101A  
Springfield, IL 62704  
(217) 785-5100

Illinois Human Rights Commission Room 404A, Stratton Building  
Springfield, IL 62706  
(217) 785-4350

Under the Act, a charge must be filed within 180 days of the alleged unlawful conduct, which, after department investigation, may result in adjudication before the Commission. Further details on this process may be obtained from the Department and/or Commission.

#### **Section 4.3 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 4.24 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 4.4 Drug and Alcohol Use/Abuse Policy**

The Village is committed to a policy designed to promote safety in its operations and to insure a safe and efficient work environment free from the abuse of illegal drugs, intoxicants, and other controlled substances or alcohol. Being under the influence of drugs, intoxicants, or other controlled substances

or alcohol on the job presents serious health and safety risks, not only for the employee/abuser, but for co-workers and other individuals who may be working with or in proximity to the employee. In addition to the possible criminal nature of the conduct, employee involvement in drugs and/or alcohol can also adversely affect job performance and morale and undermine public confidence in the efficiency of the Village's administration and operations. Department Heads are responsible for executing the Village's Substance Abuse Policy.

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 Pilot Program Act, unless failing to do so would put the 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 medical 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. The 'Village of Morton time' shall include all times during which an employee is on Village of Morton premises, meal and break times on or off Village of Morton premises, or performing work off the premises for the benefit of the Village of Morton, as a representative of the Village of Morton.
- C. '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 and over-the-counter drugs.
- D. 'Illegal drug' means any controlled substance the possession or sale of which is prohibited by law.
- E. '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 substances. 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 who are subject to the Federal Motor Carrier Safety Administration (FMCSA) regulations, U.S. Department of Transportation regulations, or performing safety-sensitive functions under the influence is defined in accordance with FMCSA regulations as having an alcohol concentration of 0.04 or greater.
- F. '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).
- G. 'Traceable in the employee's system' means that the results of a laboratory's analysis of the employee's urine or blood specimen are positive for the tested substance.



- H. 'Reasonable suspicion' of impairment means that the Village of Morton's representatives have observed and can describe specific 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 Pilot Program Act must first be given a reasonable opportunity to contest the basis of the suspected impairment before being subject to discipline based on a reasonable suspicion of impairment.
- I. 'Safety sensitive function' includes any job function fraught with the risk of injury to others such that even a momentary lapse of attention can have disastrous consequences as well as any function described as safety sensitive by applicable FMCSA or other applicable regulations.
- J. '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 the Village of Morton premises or during the Village of Morton time; caused damage to any the 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 or Illegal Drugs or Substances: The possession, sale, purchase, use, distribution, delivery or transfer of alcohol or an illegal drug or substance while on the Village of Morton's premises or while on the Village of Morton's time is prohibited. In addition, employees may not report to work or be on the Village of Morton premises or the Village of Morton time under the influence of alcohol or with any traceable illegal drug or substance in their system. Employees who drive commercial motor vehicles, operate heavy or large mobile equipment or perform other safety-sensitive functions 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 in accordance with the Compassionate Use of Medical Cannabis Pilot Program Act 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 of 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 Pilot Program Act may not report to work under the influence of cannabis. 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 and/or over-the-counter drugs are responsible for being aware of any potential effect such drugs may have on their judgment or ability to perform their duties.
- C. Pre-Employment Substance Testing:  
Upon receipt of a contingent offer of employment individuals may be subject to pre-employment drug testing. Individuals to whom a contingent offer is made whose pre-employment drug test

returns positive (except with respect to legally prescribed drugs and over-the-counter medications) will be ineligible for employment. Candidates who test positive may have their contingent offer of employment revoked.

D. Random Selection Testing:

The Village of Morton is a drug-free workplace and reserves the right to conduct random testing on employees. 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.

E. 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, DOT or other applicable regulation.

F. 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 a fitness for duty substance test before being permitted to return to work.

G. A driver subject to FMCSA 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.

H. Disciplinary Action:

- a. Any employee who possesses, sells, purchases, uses, distributes, delivers or transfers alcohol or an illegal substance on the Village of Morton premises will be removed from the work area, and may be subject to immediate discharge.
- b. Any employee who reports to work under the influence of alcohol 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 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 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, the 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 the 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. The 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 the 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. 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:**

- A. Searches: Upon reasonable suspicion, authorized the Village of Morton representatives or agents may conduct searches of personal effects, vehicles, lockers, desks and rooms for drugs/alcohol and related paraphernalia, dangerous weapons, the 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 the Payroll Clerk.
- 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 problem, and available methods of intervening when an alcohol and or controlled substance problem is suspected should contact the Village Administrator.

#### **Assistance Programs:**

The Village encourages employees to recognize that they have or may have a problem with the abuse of alcohol, drugs, intoxicants, or other controlled substances, marriage and family issues, stress and related disorders, depression, grief and loss, abuse recovery, divorce mediation, career counseling, child and adolescent behavior concerns, gambling and financial concerns, or other related concerns, and the Village further encourages employees to obtain professional assistance before a problem affects an employee's work performance.

Some types of counseling or professional assistance may be covered under the Village's group health care plan. An employee should review the group health insurance plan document or consult the Village Administrator in order to determine whether, and to what extent, coverage is provided by the

Village's group health insurance plan for the services and which organization may be a preferred provider ("PPO") under the Village's group health insurance plan.

Employees may apply to the Village Administrator to enroll in a qualified drug or alcohol rehabilitation program, subject to the following guidelines:

- (1) The Village Administrator shall determine if the program is qualified.
- (2) The employee has completed a minimum of one (1) year of full-time employment.
- (3) The employee has not attended a rehabilitation program within the prior 10 years while under Village employment, and
- (4) The employee has not consumed alcohol or taken any prohibited drugs while on duty.

If an employee does enroll in a program, he or she shall use all of their sick time, vacation time, and compensatory time, in that order. Any additional time required by the program shall be taken in a non-pay status. The total amount of time an employee is absent from work for such program shall not exceed thirty (30) days.

Employees who desire assistance may also contact the following outside organizations or agencies for assistance as noted:

<b>Illinois Institute for Addiction Recovery:</b>	phone: 691-1055, or
	toll-free: 1-800-522-3784

The employee should call to schedule appointment; but walk-ins are accepted 7 days a week, 24 hours a day. (If employee arrives after hours, they need to ring bell at side door to be let in.)

Voluntary requests for assistance will be treated confidentially and will not result in the imposition of any discipline. However, violations of the Village's policy prohibiting alcohol, drugs, and other controlled substances on the job will not be excused or condoned because the employee has previously sought assistance voluntarily.

- Refusing to cooperate in the assessment of the need for a drug or alcohol rehabilitation program, or refusing to enroll in such program, or failing to successfully complete any required rehabilitation program.
- Consumption of alcohol or illegal substance on duty.

#### **Section 4.5 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 4.6 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).

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 4.7 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 4.8 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 4.9 Protection of Information under the Health Insurance Portability and 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 4.10 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 4.11 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 4.12 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 4.13 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 4.14 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 4.15 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 4.16 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 4.17 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 4.18 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 4.18 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 4.19 Reimbursement of Travel Expenses**

Within 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.

(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 4.20 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 4.21 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 Sexual Harassment, Section 4.2 Policy Against Discrimination and Sexual Misconduct, and 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 Sexual Harassment) 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 4.22 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. Thus, no guarantee of privacy is afforded for an employee's use of Village issued electronic communication devices, including any associated text messages and voice mail. 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 4.23 Social Media Policy and Guidelines of this Manual.

#### **Section 4.23 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 4.9 Protection of Information under the Health Insurance Portability and 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 4.21 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 4.24 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 4.25 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 4.26 Nursing Mother Policy**

The Village of Morton will provide reasonable unpaid break time each work day to an employee who needs to express breast milk for her infant child. Break time must, if possible, 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 4.27 Whistleblower Policy**

##### **Code of Conduct:**

The Village of Morton requires employees to observe the highest standards of business and personal ethics in conducting their duties on behalf of the Village of Morton. Compliance with all applicable federal, state and local laws, rules and regulations is required. All employees are expected to fulfill their duties honestly and with integrity.

##### **Reporting Responsibility:**

Employees are encouraged and expected to report suspected violations of federal, state or local law, rules or regulations or suspected ethical violations.

##### **Retaliation Prohibited:**

The Village of Morton prohibits retaliation against any employee who, in good faith, reports a suspected ethics violation or suspected unlawful conduct. Anyone who violates this policy against retaliation is subject to disciplinary action, including but not limited to, termination of employment.

##### **Reporting Procedure:**

The Village of Morton has an open-door policy and expects and encourages employees to address questions, concerns and complaints with their supervisor. Supervisors are required to report complaints regarding suspected unethical or illegal conduct in writing to the Village Administrator. If an employee is not comfortable speaking with his/her supervisor or is not satisfied with the supervisor's response, he/she may discuss the matter with the Village Administrator. If a complaint involves suspected conduct of the Village Administrator a complaint may be brought directly to the Village Board of Trustees. The Village Administrator is responsible for informing the Village Board of all complaints of unethical or unlawful conduct pursuant to this policy.

**Investigation:**

All complaints pursuant to this policy will be investigated and resolved in a timely manner. The Village Board will designate the Village Administrator to investigate any complaint received. To the extent that the complaint involves suspected conduct on the part of the Village Administrator the Village Board will appoint an appropriate investigator.

**Accounting and Auditing Matters:**

All reported questions, concerns or complaints involving accounting or auditing practices shall be made to the Village Administrator who will immediately inform the Village Board. The Village Board shall investigate all complaints involving accounting and auditing matters.

**Acting in Good Faith:**

Anyone reporting a complaint of suspected unethical or unlawful conduct must be acting in good faith and have reasonable grounds for believing that a violation has occurred. Any allegations which are not substantiated, and which have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

**Confidentiality:**

Violations or suspected violations may be reported on a confidential basis by the complainant to the extent permitted by law. The Village of Morton will attempt to keep reports of violations or suspected violations confidential to the extent permitted by law, and consistent with the need to perform an appropriate and adequate investigation.

**Handling of Reported Violations:**

The Village of Morton will notify the person who submitted a complaint and 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.

## **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**

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 upon 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 produced and retained as part of each employee's personnel record. Employees receiving multiple corrective action notices within a short period time, such as twelve (12) months, 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.



## **APPENDIX A**

### **Form List:**

Educational Expense Reimbursement Agreement  
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