

**VILLAGE OF ROSELLE  
PERSONNEL POLICY MANUAL**



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## **DISCLAIMER**

The contents of this Manual do not constitute terms of any express or implied contract of employment between any employee and the Village of Roselle. The employment practices and procedures outlined herein are not contractual terms, but merely offer guidelines for the implementation of current practices and procedures. Notwithstanding any of the provisions of this Manual, employment with the Village of Roselle is at will, and may be terminated at any time, with or without notice or reason, by either the employee or the Village of Roselle, and nothing contained in this Manual shall be construed as a promise of continued employment. The Village of Roselle explicitly reserves the right to modify or amend any of the provisions of this Manual at any time in its sole discretion, and any amendments may supersede or eliminate one or more provisions of this Manual.

## **INTRODUCTION**

The success of the Village of Roselle's municipal operation is contingent upon the productive efforts and capabilities of all Village employees. In order to achieve the objective of providing quality service to the public, it is important for all employees to have a clear understanding of Village personnel policies and procedures. The personnel policies and procedures set forth in this manual will serve as guidelines for actions concerning various personnel administration activities. Although these policies and procedures represent current policies and practices, nothing in this manual is intended to, or shall create, a contractual obligation of any kind between the Village and any of its employees.

All employees are encouraged to familiarize themselves with the contents of the manual and refer to it whenever specific questions arise. If you need an explanation of any Village policy or procedure, consult with your supervisor or Department Head. Employees are encouraged to make suggestions or comments concerning the contents of this manual to their Department Head.

The Village reserves the rights to modify, revoke, suspend, terminate, or change any policy or procedure in whole, or in part, at any time, with or without notice. Many personnel functions related to sworn employees in the fire and police departments fall within the jurisdiction of the Board of Fire and Police Commissioners. In the case of a conflict between any of the policies contained in the manual and the provisions of any applicable law or collective bargaining agreement to which the Village is a party, the applicable law or collective bargaining agreement shall control.

**ARTICLE 1**  
**PURPOSE AND RESPONSIBILITY**

**1-1. Purpose of Manual**

This Personnel Policy Manual contains statements of personnel policies and procedures. It is designed to be a working guide for supervisory and staff personnel in the day-to-day administration of the Village of Roselle's personnel program. It is intended that these policies and procedures provide the guidelines for fair and equitable personnel administration and thereby achieve the most effective operation of Village service.

**1-2. Construction of Personnel Policy Manual**

In the construction of this Personnel Policy Manual, the following conventions will be observed and applied, except when the context clearly indicates otherwise.

- A. Words used in the present tense shall include the future; words used in the singular number shall include the plural number; and the plural, the singular.
- B. The word "shall" is mandatory and not discriminatory.
- C. The word "may" is permissive.
- D. The words "he", "she", "his", "her", and "him", shall connote both masculine and feminine genders.

**1-3. Statement of Organizational Philosophy**

The Village of Roselle has adopted a "Statement of Organizational Philosophy" which is located at the front of this Manual. All employees shall commit themselves to the ideals contained therein.

**1-4. Code of Ethics**

All Village employees shall assume the obligation to maintain the highest standards of professionalism as public sector employees. As a condition of employment, each Village employee agrees to:

- A. Effectively administer and implement the policies established by the Mayor and Board of Trustees, or their representative, and enforce laws and Village ordinances.

- B. Maintain the highest level of honesty and integrity in all dealings with the public, other governmental agencies, outside parties, and other employees.
- C. Other than compensation and benefits as provided by ordinance, no employee of the Village government shall gain personal advantage either monetarily or otherwise for work as a Village employee.
- D. Each employee shall embrace the mission of the Character Counts Coalition by providing leadership and coordination to promote and encourage trustworthiness, respect, responsibility, fairness, caring and citizenship throughout the community.
- E. Employees shall not grant special consideration, treatment, or advantage to any person or business entity and shall not receive anything in return through their work for the Village of Roselle, which is beyond the availability of every other citizen. Special consideration that would create an atmosphere or perception of impropriety or favoritism shall not be granted or received.
- F. Employees shall not accept gifts from residents, contractors or other individuals, with whom the Village does business, except as provided in Section 6.8 of the Personnel Policy Manual. Any employee having any knowledge about another employee's possible violation of this code of ethics, the established code of ordinances for the Village of Roselle, local, state or federal law, or this Personnel Policy Manual, shall bring it to the attention of their Department Head or the Assistant Village Administrator immediately.

#### **1-5. Application of Personnel Policy Manual**

These personnel policies and procedures shall be applicable to all employees of the Village of Roselle.

#### **1-6. Management Rights**

Except as specifically limited by the express written provisions of this manual, the Village retains all traditional rights to manage and direct the affairs of the Village in all of its various aspects and to manage and direct its employees, including, but not limited to, the following:

- to plan, direct, control and determine the budget and all the operations, services and missions of the Village
- to supervise and direct the working forces

- to establish the qualifications for employment and to employ employees both internally and externally to other Village related assignments or functions
- to maintain capable and efficient employees
- to establish specialty positions and select personnel to fill them
- to establish work and productivity standards and from time to time change those standards
- to assign overtime, to contract out for goods and services, to determine the methods, means, organization and number of personnel by which such operations and services shall be made or purchased
- to make, alter and enforce reasonable rules, regulations, orders, policies and procedures
- to evaluate employees, to require reasonable physical and mental fitness standards of employees, to establish performance standards for employees
- to discipline, suspend, and discharge employees for just cause in accordance with applicable law
- to change or eliminate existing methods, equipment or facilities or introduce new ones; to determine training needs and assign employees to training
- to determine work hours (shift hours)
- to determine internal investigation procedures
- to take any and all actions as may be necessary to carry out the mission of the Village in the event of civil emergency, riots, civil disorders, tornado conditions, floods, etc., as may be declared by the Mayor, Village Administrator or their authorized designees
- to generally carry out the mission of the Village

**1-7. Conflict with Collective Bargaining Agreements**

Requirements of this Personnel Policy Manual shall not supersede the provisions of written contracts concluded between the Village and employee bargaining units or individual employees, and as approved by the Mayor and Board of

Trustees. In the event of a conflict, the collective bargaining agreement or individual employment agreement shall govern.

The Personnel Policy Manual shall not preclude the establishment of written departmental work rules setting forth policies and procedures for an individual department work force. In the event of a conflict, the Personnel Policy Manual shall govern.

#### **1-8. Distribution of this Personnel Policy Manual**

A copy of this Personnel Policy Manual will be distributed to all employees of the Village. Each employee receiving a new manual will be required to sign and date a statement acknowledging receipt of a copy of the manual. Distribution and dissemination of these policies and procedures will be a responsibility of management. New employees will receive a copy of the Personnel Policy Manual during their first week of employment with the Village.

**ARTICLE 2**  
**EMPLOYMENT PRACTICES**

**2-1. Equal Employment Opportunity**

It is the responsibility of the Village Administrator to ensure that employment, training, compensation, promotion and other conditions of employment are provided without regard to race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental handicap, or military status, except where there is determined to be a bona fide occupational qualification, and any other classification protected from time to time under applicable Federal and State laws.

**2-2. Administration**

The Village Administrator shall be responsible for the recruitment, selection, and appointment of Village employees, except:

- A. The Police Chief and Fire Chief, who are appointed by the Mayor, with the concurrence of the Board of Trustees
- B. Those sworn positions governed by the Board of Fire and Police Commissioners

**2-3. Selection of Personnel**

Personnel selected for Village employment or promotional opportunities shall be chosen solely on the basis of merit. However, to avoid problems including, but not limited to, charges of favoritism, potential conflicts of interest, and other possible outcomes that adversely impact Village operations or public trust the Village will not hire or promote an employee who has a personal relationship (as defined in Section 2-8) with a current employee if the employee would be in a supervisory (as defined in Section 2-4) or subordinate position with a current employee. Furthermore, the Village will not hire any person with a personal relationship with the Village Administrator, Department Head, or a Village elected official. All applications submitted shall be given equal consideration to determine those candidates meeting the qualifications listed in the job description. Among equally qualified candidates, residents of the Village of Roselle shall be given preference. Where applicable, selection and promotions for sworn public safety positions in the Village shall be made in accordance with the Rules and Regulations of the Roselle Board of Fire and Police Commissioners.

**2-4. Employment Status**

“Full-time Employee” is defined as an employee who works year-round on a regular basis averaging a minimum of 37.5 hours per week.

“Part-time Employee” is defined as an employee who works an average of less than 37.5 hours per week. Part-time employees, including part-time firefighters, are not eligible for benefits except where specifically stated.

“Department Heads” shall refer to the following positions:

- Village Administrator
- Assistant Village Administrator
- Director of Finance
- Director of Community Development
- Director of Public Works
- Chief of Police
- Fire Chief

“Management” shall refer to the following positions:

- Deputy Police Chief
- Deputy Fire Chief
- Assistant Director of Public Works

“Supervisory” shall refer to the following positions:

Management Employees:

- Community Development Manager
- Public Works Manager
- Police Services Manager
- Police Sergeant
- Fire Battalion Chief

## **2-5. Citizenship**

Except as required by Federal or State statutes, United States citizenship is not a prerequisite for employment.

## **2-6. Residency**

Although residency is not a requirement for employment, employees are encouraged to live within the Village.

## **2-7. Americans with Disabilities Act of 1990**

Title 1 of the Americans with Disabilities Act (ADA) covers the employment relationship and prohibits discrimination in job application procedures, hiring practices, advancement, discharge, compensation, training, and all other terms and conditions of employment.

Title 1 also requires that employers take action to support “reasonable

accommodations” for qualified persons with a disability. An employee requiring a “reasonable accommodation” in order to perform the essential functions of his position must make a request to his respective Department Head or the Village Administrator. After the request is received, the Village will consult with the individual to discuss possible accommodations, provided the accommodation will not present an undue hardship to the Village.

## **2-8. Workplace Relationships**

Qualifications and standards for employment (or promotion) are based on knowledge and ability, training and experience in relation to the actual job requirements needed for satisfactory performance of job duties. Standards of employment (and promotion) will be updated from time to time to assure the selection of the most qualified candidates to perform the work in an effort to constantly improve the professionalism and effectiveness of Village services. Specific job requirements appear in individual position descriptions prepared for and maintained by the Village Administrator. Adherence to the normal selection procedures will assure the hiring of the most qualified applicants to fill the available openings. Appointments shall be made on an impartial basis without regard to favoritism, political, or personal influence within the Village.

- A. Generally: From time to time, the Village recognizes that employees may be hired who are related to other employees, or who have or subsequently develop a dating relationship with another employee that may or not result in marriage (“personal relationships”). It is the Village’s intention to hire and retain the most qualified employees for all positions in the Village, and that no hiring, promotion, disciplinary, or dismissal decisions are made solely on the basis of the existence of a personal relationship between employees. “Personal relationships” shall include, but are not limited to, relatives by blood or marriage, and employees who are dating or in a romantic and/or sexual relationship. For the purposes of this section, relatives by blood or marriage, or other legally recognized union shall include spouse, children, parents, current in-laws, aunts, uncles, grandparents, nephews or nieces, first cousins, and siblings or any other individual of the same household.
- B. Personal relationships between employees in inherently unequal positions, where one party has real or perceived authority over the other in their workplace roles, may be inappropriate in the workplace and are strongly discouraged. If such a relationship exists or develops, it must be immediately disclosed to their Department Head. Disclosure of such relationships creates a transparent environment that ensures mutual professional respect and accountability while also maintaining public trust and avoiding conflict of interest and will allow for the Department Head to review and discuss with the Village Administrator’s Office how to manage the relationship.

- C. Adverse Effect in the Workplace: If problems develop in the workplace as the result of any current or prior personal relationship between employees, the Department Heads (with the prior approval of the Village Administrator) of the employees involved will take appropriate action to correct the situation and/or prevent future problems that may have an adverse effect on the Village workplace environment and/or the delivery of Village services. This action may include, but is not limited to, transferring one or both of the employees to another department or to a different work location, discipline, and/or dismissal.

## **2-9. Hiring Procedure (General Employees)**

The following hiring procedure shall assure the hiring of qualified personnel. This procedure shall include, but not be limited to, the following steps:

- A. Applications: All candidates for employment must complete the standard form and furnish complete information relative to residence, training, experience, references, and other pertinent information, as required, or submit a detailed resume as appropriate. The application shall be the initial test of applicant qualifications and may serve as sufficient basis for rejection.
- B. Evaluation: All applications will be evaluated to determine completeness and accuracy. The Village Administrator or designee may reject any application that is incomplete, inaccurate, or falsely misrepresents the qualifications of the applicant.
- C. Testing: Applicants determined to be initially acceptable for further consideration may be scheduled for appropriate testing. (Applicants may be required to take a psychological exam to qualify for Village employment.)
- D. Interviews: Applicants satisfactorily completing the testing procedure will be interviewed by the Department Head or designee. The purpose of the interview is to review the general qualifications of the job candidate in person to determine the fitness of the applicant to perform the needed work in the classification. Emphasis at this step of the selection procedure is placed on personal qualities such as disposition, attitude, oral communication skills, and other pertinent characteristics and skills not revealed or evidenced in preceding steps.
- E. Physical Standards: Applicants for employment may be given a physical test or medical examination to determine that they meet the physical standards established for the position. Satisfactory completion of such test and examinations shall be a condition of employment. Pre-employment drug testing may also be required.

- F. Verification of Employment Information: The Village will conduct a thorough investigation of the information supplied on a job candidate's application at the time of initial employment. This may include background and reference checks.
- G. Employment: Prior to appointment, the Village Administrator may initiate a review to determine final approval for hiring. The Village Administrator must approve all appointments.

The Village Administrator may waive any of the above hiring procedures, except Section 2-9(A), which are not applicable to a specific job classification.

### **2-10. First Year Employees**

Upon hiring, or upon promotion or transfer, during the first 12 months in a new position, an employee will be evaluated after six months and after one year. The immediate supervisor will be required to observe and evaluate the skill, ability, knowledge, attitude, work habits and any other pertinent characteristics of the employee.

If an employee fails to perform the duties of the position in a satisfactory manner, the employee may be subject to an extended evaluation period or termination. If the employee had been promoted or transferred, the individual may be reassigned to the former classification, if available. When this provision conflicts with State statutes, the statutes shall govern.

Employees with less than one year of service shall have no right to implement the grievance procedures recited in Section 7-3 and 7-4.

### **2-11. Hiring Procedure for Sworn Fire and Police Applicants**

In accordance with State statutes regarding procedures for hiring sworn fire and police personnel, the Board of Fire and Police Commissioners shall call for applications to fill vacancies in the Fire and Police Departments. The selection process for sworn fire and police personnel shall conform to guidelines set forth by the Board of Fire and Police Commissioners.

### **2-12. Personnel Records**

All Village employee personnel records are maintained in the Village Administrator's office. The Village Administrator will create and maintain the procedures by which personnel records will be kept and viewed.

### **2-13. Right to Discoveries**

All discoveries, inventions, improvements, formulas, ideas, devices, writings, or other intellectual property shall be the sole and exclusive property of the Village of Roselle. This shall be without further compensation, unless provided otherwise by law when the invention relates to the business of the Village, or to the Village's actual or demonstrably anticipated research or development, or the invention results from any work performed by the employee for the Village solely or jointly with others.

#### **2-14. Notification of Injury or Death of an Employee**

The purpose of this section is to outline a procedure for notification in the event of injury or death of an employee. Because of extenuating circumstances surrounding an event of this type, this policy shall be considered a guideline for personnel to follow in order to complete this task. Procedures for sworn police and fire personnel may change as directed by Department rules and regulations.

When notification cannot be made by the employee himself, or when the event of injury or death may become public before the employee or a Village representative can contact family members or significant others, notification shall be made by the Department Head or his designee.

##### Types of Notification

A. Minor Injury or Accident

In the event of minor injury or accident, the employee may make notification.

B. Critical Injury or Death

When the event or injury is critical in nature, notification shall be made in person by a Village representative, whenever possible. The Department Head or designee shall be sent to meet with the family member or significant other.

#### **2-15. Notification of Change of Name, Address, Marital or Family Status**

Employees shall report all changes in name, address, other contact information and marital or family status within 30 days of the date of change to the Village Administrator's Office. Documentation shall be provided to show proof of the status change(s). Changes can impact eligibility for insurance, payroll and tax reporting, employment verification, and other important employment related notifications.

**ARTICLE 3**  
**EMPLOYMENT CLASSIFICATION AND SALARY ADMINISTRATION**

**3.1. Administration**

The Village Administrator is charged with the responsibility for overall personnel administration of the Village of Roselle.

**3-2. Classification Plan**

The Village of Roselle has established a compensation plan for employees in order to provide a fair and consistent method for evaluation and pay. Each job position is assigned a pay range based upon the knowledge, market considerations, skills, and abilities required for the job. Employees shall be eligible to advance through the pay range, subject to the budget and receiving a satisfactory performance evaluation, until the maximum of the pay range is reached. These increases may be effective on the employee's anniversary date, date of promotion, or beginning of the Village's fiscal year.

New employees will normally begin their employment at the minimum of the pay range. However, the Village Administrator may assign a higher beginning pay rate step based on exceptional qualifications or existing market conditions.

**3-3. Performance Evaluations**

Performance evaluations shall be conducted at least annually for all employees (semi-annually during an employee's first year of employment with the Village). Any and all pay increases are contingent upon the budget and receiving a satisfactory performance evaluation.

**3-4. General Philosophy of Salary Administration**

It shall be the policy of the Village of Roselle to recruit and retain competent employees for all positions. The administration of salary shall comply with all applicable provisions of the Federal Fair Labor Standards Act.

**3-5. Salary Policy**

It shall be the responsibility of the Village Administrator to recommend for approval by the Village Board salary and pay policies for Village employees. The Village will maintain salary schedules as approved by the Village Board. Compensation ranges for all Village positions shall be based on, but not limited to, the following considerations.

- A. Relative difficulty and responsibility existing between the various classes of work
- B. Prevailing rates of pay for similar types of work in private and public employment
- C. Availability of candidates for recruitment for the various classes of work
- D. Economic or market conditions in the area
- E. Financial policies of the Village Board

### **3-6. Payroll Period**

The Village maintains a bi-weekly payroll period with paychecks distributed every other Wednesday. When a holiday occurs on a designated payday, checks will normally be distributed on the prior business day.

### **3-7. Payroll Deductions**

Several mandatory and voluntary deductions are made each pay period. Mandatory deductions include State and Federal Income Taxes, Social Security, and retirement system contributions (Illinois Municipal Retirement Fund, Police Pension or Fire Pension, as appropriate).

Voluntary deductions currently include health insurance, deferred compensation, credit union, and charitable organizations.

### **3-8. Automatic Direct Deposit Program**

The Village currently has a payroll deposit program available to all employees. Employee payroll checks may be deposited to their checking or savings account located at the bank of their choice. Funds are available immediately each payday.

### **3-9. Section 125 Flexible Spending Accounts**

All full-time employees shall participate in a program in which pre-tax dollars (through payroll withholdings) are utilized to pay for the employee share of health insurance premiums and/or out-of-pocket eligible health care and dependent care expenses incurred during the year. These withholdings are exempt from Federal, State and Social Security taxes, thereby reducing the employee's taxable income. This benefit is established and governed by provisions under Section 125 (also known as a flexible spending account) of the tax code.

Pre-Tax Premium: All full-time employees shall use the Section 125 Flexible Spending Account Program to participate in the pre-tax premium plan. Pre-tax dollars, through payroll withholdings, are utilized to pay for the employee's share of the health insurance premium.

Health Care and Dependent Care Reimbursement Accounts: All full-time employees may use the Section 125 Flexible Spending Account Program to participate in the Health Care and Dependent Care Reimbursement Program to pay for the employee's out-of-pocket eligible health care and dependent care expenses during the year. Pre-tax dollars, through pre-determined payroll withholdings, are utilized to pay for these expenses. Any amount not used during the year, will not be returned or carried over to the following year.

## **ARTICLE 4** **HOURS OF WORK**

### **4-1. Reporting for Work**

Employees are required to report and be prepared for work at the time and location designated by the Department Head.

### **4-2. Tardiness**

Employees must notify the Department Head or immediate supervisor as soon as possible if the employee expects to be late for work. Tardiness may result in disciplinary action up to and including dismissal.

### **4-3. Work Schedule**

Department Heads will determine the work schedule, hours, and shifts for employees as necessary for department operations with approval from the Village Administrator. Therefore, work schedules may vary among departments including differing full time, part-time, required overtime, weekend, holiday, flexible and seasonal schedules to accommodate the operational needs of the department.

Supervisory notification and approval is required for an employee to arrive early or leave prior to the end of the work day or scheduled shift. Department Heads may allow for additional notification options for emergency situations.

The Village may adjust staff working hours to best meet the service demands of the community. Personnel may be required to attend Village Board, Committee of the Whole, and other meetings and functions held during evenings and weekends.

### **4-4. Work Periods**

Below is a list of the work periods for the different personnel categories. These are general guidelines and may vary in some special circumstances based on operational needs and may be changed with subsequent notice.

1. The work period for personnel unless otherwise provided is normally 40 hours per 7 day work cycle. The day on which this cycle commences may vary by department or position.

2. The work period for sergeants is 84 hours within a 14 day work cycle which begins on a Wednesday and ends Tuesday under the provisions provided in Section 207(K) of the Fair Labor Standards Act.

a. For sergeants assigned to a regular patrol shift the normal workday shall consist of 12 consecutive hours of work.

b. For sergeants not assigned to a regular patrol shifts the normal work day may consist of 8.4 or 10.5 consecutive hours of work as designated by the Chief of Police.

3. The regular duty assignment schedule for a Fire Battalion Chief is a 24 hour shift followed by 48 hours of off duty for a total of 2920 hours annually.

4. The work period for any personnel who are members of a collective bargaining unit and are assigned to shifts shall be governed by the applicable collective bargaining agreement and the overtime regulations established by state and federal law.

#### **4-5. Break Schedule**

Department Heads shall establish reasonable lunch and break periods for employees each workday in accordance with the 820 ILCS 140/1 et seq. Breaks shall be arranged in the most appropriate manner for maintaining department operations. Break periods not taken shall be forfeited.

A. Unpaid Meal Break:

Employees who are scheduled to work between 6 to 8 hours per day shall receive a thirty (30) minute unpaid meal period. The meal period is not considered as time worked. No employee is expected to perform Village work during their unpaid meal period. However, it may occasionally be necessary for an employee to attend to duties or be readily available to attend to duties while eating a meal, if approved by a supervisor. If an employee is not given an uninterrupted break of at least 30 minutes, the meal period is paid.

Employees who are scheduled to work less than 6 hours per day shall not be entitled to a break period unless approved by the Department Head.

B. Paid Breaks:

Employees who are scheduled to work more than 8 hours per day shall also receive the equivalent of two (2) fifteen (15) minute paid breaks daily as approved by their supervisor for a total of one-half (1/2) hour paid break time per work day. These paid break periods may be combined with the unpaid meal period to be taken as a 1-hour meal break with approval of the Department Head.

Under the Patient Protection and Affordable Care Act, nursing mothers may take "reasonable" breaks to express milk for their infants for up to one

(1) year after the child's birth. The employee will be provided access to a place, other than a bathroom, that is shielded from view and free from intrusion from co-workers and the public for this purpose.

#### **4-6. Exempt Employee Pay**

Exempt management and administrative personnel shall not be eligible for overtime pay.

In accordance with the Fair Labor Standards Act (FLSA) and State regulations, exempt employees must receive their full salary for any week in which they performed any work, without regard to the number of days or hours worked, allowing for the following exceptions:

1. Exempt employees need not be paid for any workweek in which they perform no work at all for the Village.
2. Exempt employees need not be paid for absences of one (1) or more full days for personal reasons including but not limited to vacation, sickness or disability (such as when the employee is not yet eligible for sick pay or has exhausted their paid leave benefits).
3. Exempt employees may have paid fees received for jury or witness duty or military leave applied to offset the pay otherwise due to the employee for the week. However, no deductions can be made for failure to work for these reasons.
4. Exempt employees need not be paid for unpaid disciplinary suspension (daily unpaid suspensions for major safety violations and full-week unpaid disciplinary suspensions due to conduct).
5. Exempt employees may have deductions for the first and last week of employment, when only part of the week is worked by the employee.
6. Exempt employees may have deductions for unpaid leave taken in accordance with legitimate absences under the Family and Medical Leave Act (when paid leave is exhausted).

#### **4-7. Overtime Policy**

Non-exempt employees, as defined by the U. S. Fair Labor Standards Act (generally meaning all non-executive, non-administrative and non-professional employees) shall receive overtime compensation at the rate of one and one-half (1½) times their normal rate of pay for hours worked in excess of 40 hours per 7 day work cycle or 84 hours per 14 day work cycle for sergeants. In addition to annual holiday compensation pursuant to Section 5-3, sergeants who work overtime on Thanksgiving Day, day after Thanksgiving, Christmas Eve or Christmas Day shall receive compensation for all hours worked at their overtime rate of pay plus an additional half time for each hour worked. Overtime pay shall be earned in fifteen (15) minute increments as provided by the Fair Labor Standards Act. All overtime shall be paid on the basis of the regular straight time hourly rate.

#### **4-8. Additional Compensation**

Exempt personnel not subject to U.S. Fair Labor Standards Act shall not be eligible for overtime pay or compensatory time. Nonetheless, the fire battalion chiefs may receive additional compensation at a rate determined by the Village for time worked beyond their regular 24/48 hours shift work schedule and on Village holidays if mandated (i.e. no voluntary) by the Fire Chief or designee and if not as part of their regular 24/48 shift work schedule.

#### **4-9. Compensatory Time**

Compensatory time in lieu of overtime pay may be granted at the rate of one and one-half (1½) hours for each one (1) hour of overtime worked. Compensatory time earned in lieu of salary shall not exceed 40 hours for non-sworn employees. Compensatory time can only be used if the employee in question has agreed, prior to the assignment of overtime, to accept compensatory time in lieu of premium pay consideration. Compensatory time within the Village service will generally be restricted to clerical and office workers, including non-exempt staff that may be periodically required to work overtime hours.

From time to time, and under emergency or extraordinary conditions, Department Heads may deem it necessary to offer compensatory time as remuneration for overtime worked. Department Heads may also deem it necessary to periodically allow accruals of compensatory time to exceed the forty (40) hour maximum stated above. Any request to extend the use of compensatory time to employees other than clerical and office workers or to increase the accrual time limit from the forty (40) hours specified above shall be governed by applicable collective bargaining agreements or pre-approved by the Village Administrator. Each department using compensatory time for non-exempt employees is required to maintain a detailed written log documenting the time worked and showing the actual number of compensatory hours accrued at the rate of one and one-half

(1½) hours for each one (1) hour of overtime worked.

It is the policy of the Village to minimize the accrual of compensatory time, and all efforts should be made to accommodate work needs in the existing work period. The Fair Labor Standards Act permits the rescheduling of employees to accommodate employer time requirements within the work period that has been defined by the Village. Work “scheduling changes” made within the defined work period do not necessitate the need for the use of compensatory time compensation as provided for in the Act.

#### **4-10. Police Sergeant Compensatory Time**

The Village agrees to grant compensatory time off in lieu of overtime payment at the employee’s discretion and at the same overtime rate. Sergeants may accumulate up to a maximum of 480 hours of compensatory time throughout the year prior to being subject to the provisions below.

Compensatory time off shall be granted at the sergeant’s request at such time and in such blocks as are mutually agreed between the employee and his immediate supervisor. Permission to use compensatory time shall not be unreasonably denied if operational needs will not be adversely affected. The hours of 2:00 p.m. to 10:00 p.m. are designated as “peak hours” of operational needs for the purpose of the general denial of compensatory time off requests. Sergeants requesting use of compensatory time during “peak hours” may be denied, unless the use of compensatory time off will not result in the reduction of the shift below Village-established and posted minimums. In order to utilize compensatory time during “peak hours”, a sergeant must call in one (1) hours prior to the start of shift to confirm that shift minimums will be met in his/her absence. When compensatory time off has been requested thirty (30) days prior to use, the employee shall not be required to remain on standby status.

Accumulated compensatory time in excess of 120 hours that is not taken by December 1, unless pre-scheduled and approved to be taken between December 1 and December 31, shall be paid to the affected employee at their regular rate of pay. Compensatory time payments shall be dispersed on a regularly schedule payroll no later than December 15. In the case that an employee is unable to take the pre-scheduled and approved time in December due to unforeseen circumstances and their compensatory time is in excess of 120 hours as of December 31, the employee shall be paid at their regular rate of pay for all hours in excess of 120 on the next regularly scheduled payroll in January.

#### **4-11. Court Time**

If required to appear in court for work-related reasons during non-duty hours, employees shall be compensated at their regular rate of pay or at their overtime

rate if in excess of their work cycle. Employees shall receive not less than two (2) hours of pay. If an employee receives witness fees or other payments for any such court appearance, the amount received shall be relinquished to the Village. Employees testifying against the Village's interest or who have filed a complaint against the Village in a court or before an administrative agency are not eligible for court time pay. For information on the Village's Jury Duty policy, see Section 5-14.

#### **4-12. Time Records**

All employees must record their hours worked, then reviewed by the immediate supervisor, and approved by the Department Head. All vacation, sick and other leave and/or exceptions must be recorded for all employees on the biweekly hours and attendance report submitted to the Finance Department for payroll.

#### **4-13. Reimbursement for Personal Vehicle Use**

Employees of the Village who use their personal vehicle for Village business shall be eligible for reimbursement at the rate per mile in effect at the time the travel takes place as established from time to time by the Internal Revenue Service, provided such use is authorized in advance by the Village Administrator or the employee's Department Head. Toll charges and parking are reimbursable in addition to mileage reimbursement. Employees who use a Village owned vehicle for Village business are not eligible for reimbursement.

#### **4-14. Professional Development/Travel Policy**

It is the intent of the Village to encourage the professional development of its employees through attendance at schools, seminars, conferences and other professional meetings. Expenditures which may occur in the pursuit of these activities shall be paid for by the Village in accordance with these policies, Village ordinances, and Illinois Public Act 099-0640 and within the budgetary constraints established by the Village Board.

- A. Hours Worked and Off-site Training, Lectures, Seminars: Attendance at lectures, meetings, training programs and similar activities will be compensated as hours worked if attendance is not voluntary and at the request of the Village. Employees shall receive prior approval of their immediate Supervisor and Department Head, and Village Administrator, if applicable, to attend. Attendance at lectures, meetings, training programs and similar activities is subject to the availability of funds.
- B. Travel Time
  - 1. One Day Trips: Travel time spent by non-exempt employees in traveling to and returning from the location of the training, lecture,

seminar, etc. is work time, except that the time the employee would normally spend commuting to and from work is deducted/not counted as time worked.

2. Travel Away from Home: Travel that keeps a non-exempt employee away from home overnight is travel away from home. Travel away from home is work time when it cuts across the employee's workday on both regular working days during normal working hours but also during corresponding hours on nonworking days. Thus, if an employee regularly works from 8:30 a.m. to 5:00

p.m. Monday through Friday, travel time during those hours on Saturday is considered hours worked.

## **ARTICLE 5**

### **EMPLOYEE BENEFITS**

#### **5-1. Coverage of Benefit Provisions**

Unless otherwise indicated, the benefits described in the Personnel Policy Manual are solely provided to those individuals with full-time employment status i.e. working a minimum of 37.5 hours per week.

#### **5-2. Holidays**

Subject to the provisions of any otherwise applicable collective bargaining agreements, the Village designates certain days as holidays when full-time employees receive the day off with pay. The holidays are listed as follows:

- New Year's Day
- Memorial Day (as designated by the State and Federal government)
- Independence Day
- Labor Day
- Thanksgiving Day
- Friday after Thanksgiving
- Christmas Eve
- Christmas Day
- New Year's Eve

When an authorized holiday falls on a Saturday, the preceding Friday will be observed as the paid holiday. When an authorized holiday falls on a Sunday, the following Monday will be observed as the paid holiday.

Floating Holidays – Non-Shift Personnel. For those years in which Christmas Day and New Year's Day fall on a Saturday, Sunday or Monday, Christmas Eve and New Year's Eve shall not be designated as holidays. (For example, if Christmas Day falls on a Saturday, the holiday is observed on Friday, December 24.) In such years, employees shall instead receive 8 hours of floating holiday paid leave per holiday. Floating holidays must be used within the calendar year, may not be carried over to the following year, and may not be redeemed for additional compensation. Floating holidays shall be taken in no less than 1 hour increments at the discretion of the employee, provided that the Department Head approves the scheduled time off.

Some non-shift employees may be required to work on a designated holiday. On such occasion, the employee will be paid the holiday hours in addition to regular pay for the actual hours worked at the straight time rate. The regular pay may be granted in compensatory time. Part-time employees hired after December 1, 2009 shall not receive holiday hours in addition to regular pay; however, part-time patrol officers shall be paid at the rate of one and one-half (1½) times their regular rate of pay for hours worked on holidays.

Holidays – Shift Personnel. Shift employees, both sworn and non-sworn, will be required to work holidays in accordance with their regular work schedule. Holiday pay shall be considered earned as of the date of each holiday. As of January 1, 2018, Fire Battalion Chiefs shall receive additional compensation equal to 72 hours of pay added to their annual salary regardless of whether the employee must work on the holiday and in lieu of time off.

### **5-3. Police Sergeant Holiday Compensation**

It is acknowledged that the nature of police work necessarily requires many employees to work on holidays. Therefore, in lieu of receiving the holidays off, sergeants shall receive annually holiday compensation equal to eight (8) hours straight time pay for each of the nine (9) recognized holidays. The nine (9) Village holidays shall be paid out as eight (8) hours each at the employee's regular rate of pay on the payroll check covering when the holiday occurs.

In addition, sergeants who work as part of their regular duty assignment on the following holidays: Thanksgiving, day after Thanksgiving, Christmas Eve and Christmas Day shall be compensated at a rate of time and one-half for all hours worked on their shift which occur on the holiday. This additional compensation shall not be taken as compensatory time. A holiday is considered a 24- hour period commencing at midnight of the day.

### **5-4. Personal Days**

Village employees *receive three (3)* workdays of personal time during each calendar year. Personal time is a benefit that provides employees with flexibility to use them for various reasons including holidays or other celebrations when the Village remains open, extending existing paid holidays, employee birthdays, or other needs that requires time off and therefore shall be taken at the discretion of the employee, provided that the scheduled date is approved by the Department Head. Police Sergeants shall use personal days in no less than one-half day increments.

~~One~~ Two workdays of personal time shall be considered earned as of January 1, and one workday of personal time as of and July 1 of each year. New employees hired between January 1 and June 30 will earn three personal days their first calendar year. New employees hired between July 1 and December 31 will earn one personal day their first calendar year. In addition to the three workdays of personal time received, Fire Battalion Chiefs shall receive an additional six (6) days of personal time each year. Three additional workdays shall be considered earned as of January 1 and July 1 each year. Personal time must be earned prior to being used unless otherwise authorized by the Village Administrator. Personal time must be utilized during the calendar year and cannot be carried over to the following year. Any personal time not utilized prior to termination shall be considered "lost". Employees will not be permitted to take accrued personal time off during their last two weeks of employment with the Village. Part-time employees hired after December 1, 2009 shall not receive personal days.

**5-5. Vacations**

Employee vacation requests are subject to the approval of the Department Head. Department Head vacation requests are subject to the approval of the Village Administrator.

As of the last payroll in December of each year, an employee shall be allowed to have accumulated vacation time not exceeding 80 hours. ( 120 hours for Fire Battalion Chief). Any unused vacation hours exceeding the 80 hour limit (120 hour limit for Fire Battalion Chief) shall be lost. Employees are to work with their immediate supervisor or Department Head to ensure accrued vacation time is scheduled and used appropriately.

If employment is terminated for any reason prior to using all accrued vacation time, the amount of unused vacation time will be paid to the employee on their final paycheck. However, employees retiring into IMRF may contact the Village Administrator's Office to discuss the timing of the payment of some or all vacation time so that the vacation payment is not subject to IMRF member contributions.

Paid vacations are provided to employees in accordance with length of continuous service. Full-time employees shall earn vacation time according to the following accrual schedule, with the exception that non-management employees with 20 or more years of service or management employees with 15 or more years of service prior to June 1, 2012 shall have annual vacation earnings of 200 hours per year or 7.69 hours per pay period.

**Non-Management:**

Length of Service	Vacation Hours
Less than 3 years	80 (3.08 hours per pay period)
3 years but less than 5 years	96 (3.69 hours per pay period)
5 years but less than 10 years	120 (4.62 hours per pay period)
10 years but less than 15	136 (5.23 hours per pay period)
15 years or more	160 (6.15 hours per pay period)

**Management and Department Heads**

Length of Service	Vacation Hours
Less than 3 years	120 (4.62 hours per pay period)
3 years but less than 5 years	136 (5.23 hours per pay period)
5 years or more	160 (6.15 hours per pay period)

**Police Sergeant Hired Prior to January 1, 2013**

Length of Service	Vacation
1 year but less than 5 years	80 hours (3.08 hours per pay period)
5 years but less than 12 years	120 hours (4.62 hours per pay period)
12 years but less than 15 years	136 hours (5.23 hours per pay period)

15 years but less than 20 years	160 hours (6.15 hours per pay period)
20 years or more	200 hours (7.69 hours per pay period)

Police Sergeant Hired on or after January 1, 2013

Length of Service	Vacation
Less than 5 years	80 hours (3.08 hours per pay period)
5 years but less than 12 years	120 hours (4.62 hours per pay period)
12 years but less than 15 years	136 hours (5.23 hours per pay period)
15 years but less than 25 years	160 hours (6.15 hours per pay period)
25 years or more	200 hours (7.69 hours per pay period)

Fire Battalion Chief

Length of Service	Vacation
Less than 5 years	120 hours (4.62 hours per pay period)
5 years but less than 10 years	168 hours (6.46 hours per pay period)
10 years but less than 12 years	192 hours (7.38 hours per pay period)
12 years but less than 20 years	240 hours (9.23 hours per pay period)
20 years or more	288 hours (11.08 hours per pay period)

**5-6. Sick Leave**

Sick leave may be used for the employee's own illness, disability, or medical appointments that cannot be made during off-duty hours. Sick leave may also be used for an illness, injury, or medical appointments of the employee's child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, and stepparent. Employees are permitted to use up to half of the sick leave benefits that the employee accrues in a year for family illness, injury, or medical appointments. Sick leave used for illness, injury or medical appointments of family members will not extend the amount of sick leave benefits granted, nor will it extend the maximum leave allowable under FMLA. New employees shall not be eligible to use paid sick leave until thirty (30) days after the date of hire. Sick leave will be paid in increments of one-half (1/2) hour.

An employee unable to report to work shall contact his immediate supervisor at the earliest opportunity. Shift personnel shall report any illness no later than ninety (90) minutes prior to their scheduled starting time. If the absence is longer than one (1) day, the employee shall keep the supervisor informed of the condition and anticipated return to work date. Under normal circumstances and at the discretion of the Department Head, employees absent for more than three (3) consecutive days or for more than four (4) occurrences in a calendar year may be required to submit a statement from a health care professional verifying the illness and fitness to return to duty. However, nothing shall prevent the Department Head from verifying the health of an employee at any time. If the condition of an employee is in question, the Village Administrator may require a physical exam at the expense of the Village.

The use of sick leave is intended only for legitimate reasons as outlined in this section. Any abuse of the sick leave policy shall result in non-payment of sick leave benefits and shall be grounds for disciplinary action. Abuse of sick leave shall include, but is not limited to the following: failure to notify supervisor of absence; failure to provide documentation for absence as required; continued pattern of absences prior to or following regularly scheduled off-days, holidays or vacations. Sick leave cannot be utilized for any illness or injury resulting from outside employment. In addition, paid sick leave will not be granted to any employee during the last two (2) weeks of employment unless verification is received from a physician that the employee was physically unable to work.

An employee with more than one (1) year of service may be advanced sick leave if all paid time off options have been exhausted. Such an advance shall be determined and approved by the Village Administrator.

- A. Sick Leave Accrual – All Employees. Employees shall accumulate sick leave at the rate of eight (8) hours for each month of service; except for Fire Battalion Chief which shall accumulate sick leave at the rate of ten (10) hours for each month of service.. In accordance with the buy-back schedules provided in paragraph B and Section 5-7, employees shall not exceed a maximum accrual balance of 960 hours after the buy back is completed each year, with the exception that employees with an accrued balance of sick leave in excess of 960 hours prior to January 1, 2013 shall retain those balances and may use the hours at their current rate of pay. Employees will be compensated annually for a portion of unused sick leave. Sick leave compensation will be based upon the amount of accrued sick leave during the calendar year. Such compensation will be paid at the employee’s effective hourly rate in February according to the following buy back schedule.
  
- B. Department Heads and Management: In addition to the sick leave benefits provided to employees in paragraph 1, upon hiring, but not promotion, to a Management or Department Head position, employees shall receive 96 hours of sick leave.

Sick Leave Accrued as of the Final Payroll Paid in December	Unused Sick Leave Compensation
Less than 480 hours	No Compensation
480 hours to 959 hours	25% of sick hours earned and not used during prior year (remaining unused hours are carried over and retained.)
960 or more hours	50% of sick hours earned and not used during prior year (remaining unused hours are not carried over and therefore lost).

If any employee terminates employment with the Village prior to receiving unused sick leave compensation such compensation will be paid on the last paycheck, pro-rated according to the buy-back schedule highlighted above, provided that proper two weeks' notice is given. Employees terminated for cause are not eligible for the sick leave compensation.

IMRF Employees. The Illinois Municipal Retirement Fund provides a maximum of one (1) year pension service credit for unpaid sick leave at the rate of one month service credit for each twenty (20) days of unpaid sick leave accumulated. An employee may request that the sick leave compensation benefit be waived in order to accumulate more unused sick leave to apply to the IMRF pension service credit. To enact this benefit, the employee must sign an affidavit stating the waiver of sick leave compensation at retirement unless formally revoked in writing from the employee.

Sick Leave Compensation at Retirement. Upon retirement, those employees with at least twenty (20) years of service and with at least 240 hours of accumulated sick leave may elect to receive compensation of up to one-half (1/2) of their accumulated sick leave as monetary compensation in an amount not to exceed 480 hours. (For example, an employee with a sick leave balance of 900 hours may elect to receive 450 hours as monetary compensation.) This benefit however, shall not be available to individuals retiring on a disability pension.

Employees retiring into IMRF and not using their accrued sick leave for service credit shall receive the sick leave as monetary compensation two months following retirement so that the sick leave payment will not be included in the final rate of earnings for pension purposes.

**5-7. Police Sergeant and Fire Battalion Chief Sick Leave Buy Back**

A. Police Sergeants. Sergeants shall be compensated annually for a portion of unused sick leave accrued during the year and subsequently paid in February of the following year. Sick leave compensation will be based upon the amount of accrued sick leave during the calendar year. Such compensation will be paid in February prior to the fifteenth (15th) day of the month according to the following schedule:

Sick Leave Accrued as of the Final Payroll Period Paid in December	Unused Sick Leave Compensation
Less than 480 hours	No compensation
480 hours up to 959 hours	50% of salary of sick days earned and not used during prior year
960 hour cap	100% of salary of sick days earned and not used during prior year

If an employee terminates employment with the Village prior to receiving unused sick leave compensation, such compensation will be paid on the last paycheck, prorated according to the schedule herein, provided the proper two (2) weeks written notice is given.

Upon retirement, those sergeants with at least twenty (20) years of service may elect to receive compensation of up to one-half (1/2) of their accumulated sick leave up to a maximum of nine hundred and sixty (960) hours. For example, an employee retiring with the maximum of nine hundred and sixty (960) hours of accumulated sick leave may receive compensation for no more than four hundred and eighty (480) hours. This benefit, however, shall not be available to individuals retiring on a disability pension.

Sergeants with more than nine hundred and sixty (960) hours of accumulated sick leave as of January 1, 2009 will have their personal cap locked as of that date to the amount of sick leave accrued. They shall continue to be compensated pursuant to the buyback schedule above and retain all accrued sick leave over the nine hundred and sixty (960) hours until used in accordance with the provisions of this agreement. Upon retirement they shall be compensated in the manner proscribed above to a maximum of up to one-half (1/2) of their accumulated sick leave up to the maximum cap of nine hundred and sixty (960) hours.

B. Fire Battalion Chiefs. Battalion Chiefs shall be compensated annually for a portion of unused sick leave accrued during the year and subsequently paid in February of the following year. Sick leave compensation will be based upon the amount of accrued sick leave during the calendar year. Such compensation will be paid in February prior to the fifteenth (15th) day of the month according to the following schedule:

Sick Leave Accrued as of the Final Payroll Period Paid in December	Unused Sick Leave Compensation
Less than 240 hours	No compensation
240 hours up to 479 hours	12.5% of salary of sick days earned and not used during prior year
480 hours up to 599 hours	25% of salary of sick days earned and not used during prior year
600 hours or more hours	50% of salary of sick days earned and not used during prior year

If an employee terminates employment with the Village prior to receiving unused sick leave compensation, such compensation will be paid on the last paycheck, prorated according to the schedule herein, provided the proper two (2) weeks written notice is given.

Upon retirement, those employees with at least twenty (20) years of service shall have the value of 25% of their sick leave hours between the compensation cap and the accumulated sick leave cap placed into the employees Retirement Health Savings (RHS) Account. (Example: employee retires with 1320 hours of accumulated sick leave. Employee elects to receive compensation for the first 660 hours (50%) and additional eligible time place in the RHS account. There are 660 hours remaining, of which 25% (165 hours) are eligible, which would be multiplied by the employees' hourly rate and transferred to the RHS account. The remaining 495 hours are not compensable.

Sick leave benefit payouts, however, shall not be available to employees retiring on a disability pension.

#### **5-8. Family and Medical Leave**

- A. Generally: Eligible employees who have been employed by the Village for at least one (1) year, and for at least 1250 hours during the preceding twelve (12) month period, may be granted family and medical leave pursuant to and in accordance with the Family and Medical Leave Act of 1993 (29 U.S.C. §2601 et seq.), the Pregnancy Discrimination Act of 1978 (42 U.S.C. §2000e(k)), and the administrative regulations on sex discrimination that address pregnancy, childbirth and child rearing (56 Ill. Admin. Code §5210.110) pursuant to the Illinois Human Rights Act (775 ILCS 5/1-101 et seq.). For employees not eligible for family and medical leave, the Village shall review the individual circumstances and business considerations involved on a case-by-case basis and in accordance with the law and Village policy.

Family or medical leave pursuant to this policy shall be unpaid leave. If the leave is requested for an employee's health condition, the employee must first use all of his paid vacation leave, sick leave, personal leave, or other applicable accrued leave. The remainder of the leave period will then consist of unpaid leave.

- B. Terms of Leave: Employees who meet the applicable time-of-service requirements may be granted a total of twelve (12) weeks unpaid family and medical leave (or a total of up to twenty-six (26) weeks for Military Caregiver Leave), paid sick leave, unpaid child bereavement leave, vacation leave and personal leave, combined, during any 12-month period, for the following reasons:
1. Birth of the employee's child and care for the newborn child
  2. Placement of a child with the employee for adoption or foster care
  3. Care for a spouse, child or parent who has a serious health condition; or

4. Serious health condition that renders the employee incapable of performing the functions of his or her job.

For purposes of this policy, the Village will use a rolling 12-month period measured backward from the date an employee uses any family and medical leave. Any leave taken for the birth or care of a child or the placement of a child for adoption or foster care must be completed within one year after the date of birth or placement.

- C. Notice to the Village: An employee intending to take family or medical leave because of an expected birth or placement, or because of a planned medical treatment, must submit an application for leave at least thirty (30) days before the leave is to begin. If the leave is to begin within thirty (30) days, an employee must give notice to his or her supervisor as soon as possible.
- D. Benefits During Leave: During a period of family or medical leave, an employee will be retained on the Village's group health plan under the same conditions that applied before leave commenced. To continue health coverage, the employee must continue to make any contributions that he made to the health plan before taking leave. Failure of the employee to pay his share of the health insurance premium may result in loss of coverage.

If the employee fails to return to work after the expiration of the leave, the employee will be required to reimburse the Village for payment of health insurance premiums during the family leave, unless the reason the employee fails to return is the presence of a serious health condition which prevents the employee from performing his or her job or is due to circumstances beyond the employee's control.

Consistent with Village policy regarding all types of leave, an employee is not entitled to the accrual of any seniority or employment benefits that would have accrued if not for the taking of leave. An employee who takes family or medical leave will not lose any seniority or employment benefits that accrued before the date leave began.

- E. Return From Leave: An employee eligible for family and medical leave, with the exception of those employees designated as "highly compensated employees," will be restored to his old position or to a position with equivalent pay, benefits, and other terms and conditions of employment. The Village cannot guarantee that an employee will be returned to his original position. The Village will make a determination as to whether a position is an equivalent position.

The failure of an employee to return to work upon the expiration of a family

or medical leave of absence will subject the employee to termination unless an extension is granted. An employee who requests an extension of family leave or medical leave due to the continuation, recurrence or onset of his own serious health condition, or of the serious health condition of the employee's spouse, child or parent, must submit a request for an extension in writing to the Village Administrator's office. This written request should be made as soon as the employee realizes that he will not be able to return at the expiration of the leave period.

F. Administrative Regulations: The Village Administrator shall develop administrative regulations to implement this policy. (42 U.S.C. §2000 e(k); 29 U.S.C. §2601 et seq.; 775 ILCS 5/1-101 et seq.; 56 Ill. Admin. Code §5210.110; 105 ILCS 5/10-22.4, 24-6 and 24-13).

G. Military Family Leave Provisions under FMLA:

1. Qualifying Exigency Leave: Eligible employees may take up to 12 weeks of unpaid leave during a 12-month period for qualifying exigencies that arise when the employee's spouse, son, daughter, or parent is on covered active duty or has been notified of an impending call or order to covered active duty (covered active duty means deployment to a foreign country, deployment to international waters or call to active duty (member of National Guard and Reserves) in support of a contingency operation.

Qualifying exigencies for which an employee may take FMLA leave include making child care arrangements for a child of a deployed military member, attending military ceremonies or briefings, and making financial or legal arrangements to address the military member's absence.

2. Military Caregiver Leave: Eligible employees may take up to 26 weeks of unpaid leave during a 12-month period to care for a covered servicemember with serious injury or illness. The employee must be the spouse, son, daughter, parent, or next of kin of the covered servicemember.

A covered servicemember is a current member of the Armed Forces undergoing treatment, therapy or is on the temporary disability retired list for a serious injury or illness; or a veteran of the Armed Forces discharged within the five-year period before the family member first takes military caregiver leave and who is undergoing treatment or therapy for a qualifying injury or illness. A veteran who was dishonorably discharged is not considered a covered servicemember.

Serious injury or illness is one that may cause the current servicemember to be unable to perform his or her military duties. For a

veteran, serious injury or illness is one that caused the veteran to be unable to perform his or her military duties or qualifies the veteran for VA benefits or substantially impairs the veteran's ability to work. For veterans, serious injury or illness includes those that were incurred or aggravated during military service but did not appear until after the veteran left active duty.

#### **5-9. Victims' Economic Security and Safety Act (VESSA)**

The Illinois Victims' Economic Security and Safety Act (VESSA) provides an eligible employee who is a victim of domestic or sexual violence, or who has a family or household member who is a victim of domestic or sexual violence, with up to 12 weeks of unpaid leave per any 12-month period if the employee or employee's family or household member is experiencing an incident of domestic or sexual violence or to address issues arising from domestic or sexual violence. Additional details including notice and certification requirements are found in the Appendix at the back of this Personnel Policy Manual.

#### **5-10. Voting Leave**

Illinois Election Code (10 ILCS 5) provides eligible employees with the ability to be absent from work to vote and/or serve as an election judge. Whether the absence is with or without pay depends on the type of election, employee's work schedule, and other factors. Employees must request the use of Voting Leave no less than 20 days in advance of serving as an election judge or no later than the day prior to the day of the election to vote by submitting their request in writing to their supervisor.

#### **5-11. Leave of Absence**

Subject to the provisions of any otherwise applicable collective bargaining agreement, an unpaid leave of absence of up to six (6) months may be requested by employees with more than one (1) year of continuous services. Requests for leave must be made in writing to the Department Head along with an explanation of the reason for the request. Unpaid leaves may be granted with the approval of the Village Administrator. Employees may be required to exhaust all paid leaves prior to being granted an unpaid leave of absence, at the discretion of the Village Administrator. Employees are required to return all Village equipment before a leave of absence becomes effective.

Sick leave, vacation, holiday benefits and seniority will not accrue during the leave of absence, and the employee's anniversary date shall be adjusted according to the length of absence. Health and life insurance benefits will be maintained during the leave of absence, according to the provisions of the policy in effect and provided that the employee pays the full premium amount. Upon

return to duty, employees will receive credit for all unused sick or vacation leave earned prior to the leave of absence.

If a leave of absence is granted for a period of one (1) calendar month or less, the employee's position will remain vacant until expiration of the leave. Reinstatement shall only occur if the position has not been eliminated due to reorganization or budgetary constraints. Unpaid leaves in excess of one (1) month provide no guarantee of reinstatement to the former position, unless approved by the Village Administrator.

Upon expiration of a leave of absence, the Village Administrator shall attempt to reinstate the employee to his former position or one that is similar, depending upon qualifications. If no position is available upon expiration of the leave of absence, the employee may be considered for future openings depending upon qualifications.

The Village will provide written notice of termination to an employee who has not returned to work within five (5) days after the leave of absence has ended. At that time the Village will remove the individual from the payroll and terminate any group health and life insurance privileges.

#### **5-12. Termination of Leave**

An employee who is unable to return to work due to an illness or injury after all paid leave and FMLA leave is exhausted shall be placed in inactive unpaid leave status. Such employees shall not be entitled to any Village paid benefits including health, dental, and life insurance or accrue any benefits from the Village. Employees in inactive unpaid leave status who wish to return to active service must notify the Village in writing and provide any medical information required by the Village to assess their ability to return to work. The Village will explore other reasonable accommodations for a qualified individual with a disability upon request.

#### **5-13. Military Leave**

##### **A. Generally**

Village employees who are members of the uniformed services shall be subject to the Uniformed Services Employment and Reemployment Act (USERRA) (38 U.S.C. §§ 4301-4333), the Illinois Service Member Employment and Re-employment Rights Act (ISERRA) and Sections 10-2.1-23 and 10-2.1-24 of the Illinois Municipal Code (65 ILCS 5.10-2.1-23 and 10-2.1-24), if applicable.

##### **B. Rights and Benefits in General**

Any Village employee who is a member of the Armed Forces (active duty or reserve), Illinois National Guard, Military Auxiliary Radio System, United States Coast Guard Reserve, Civil Air Patrol, the Merchant

Marines when performing official duties in support of an emergency, or members who are released from military duty with follow-on care by the Department of Defense, shall have their rights and benefits protected and preserved during a leave of employment to serve our Nation or State.

- C. What rights and benefits are preserved by USERRA and ISERRA?  
In general, USERRA and ISERRA provide for reemployment rights, health insurance protection, and the 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.

#### **5-14. Jury Duty**

If noticed to serve on a jury, full time employees will be granted a paid leave of absence. The employee must notify his Department Head immediately so that time off can be scheduled. Jury duty does not constitute a break in employment, and therefore, benefits accrue as usual. If the employee receives compensation from the Court for jury duty, the employee is not required to return any compensation to the Village. No overtime payments, if eligible, will be paid to employees while on Jury Duty Leave. If the employee reports for jury duty and is dismissed, the employee will be required to report for work for the remainder of each day on which this occurs. If the employee is informed that they do not need to report to Court on any day of the jury duty notice, they are required to inform their Department Head or supervisor immediately and report to work.

#### **5-15. Bereavement Leave**

- A. Bereavement leave shall be granted in the event of a death of a member of a full-time employee's immediate family. The covered family members include: spouse, domestic partner, children (including step), mother, father (including step), brother, sister, current mother-in-law, current father-in-law, current daughter-in-law, current son-in-law, current brother-in-law, current sister-in-law, grandparents, grandchildren, and guardians.

For purposes of this section, "domestic partners" shall include adults in a committed relationship, and they are not limited to legally recognized partnership.

An employee shall be granted no more than three (3) days off with pay for the purpose of attending the funeral or alternative to a funeral, make arrangements necessitated by the death, or to grieve the death of the immediate family member. The leave must be completed within 60 days after the date the employee receives notice of the death of the family member. Employees must provide a minimum of 48 hours of notice before the leave to their Department Head, unless it is not practical, to be

eligible for the leave.

When special circumstances warrant, an employee may request up to two (2) additional workdays of accrued leave, other than sick leave, subject to the approval of the Village Administrator. Paid bereavement leave for deaths other than those of the employee's "immediate family" may be granted with the approval of the Department Head and the Village Administrator, and will be considered on a case-by-case basis.

An employee who utilizes bereavement leave will be compensated for any time lost at the straight time hourly rate. If the leave occurs during a holiday, leave of absence, or on an otherwise scheduled day off, there will be no additional pay to the employee. Village Administrator may, at his or her discretion, require evidence to substantiate the eligibility for paid bereavement leave.

- B. Illinois Family Bereavement Leave Act: Eligible employees (employees who have at least 1,250 hours of service during the prior 12-month period) are entitled to a maximum of 2 weeks (10 work days) of unpaid bereavement time following the death of a child or fertility related losses, or up to 6 weeks of unpaid bereavement time in the event of the death of more than one child or fertility related losses during a twelve-month period. The unpaid family bereavement leave entitlement may not be taken in addition to paid bereavement leave, however eligible employees may use 7 days of unpaid leave combined with 3 days of paid bereavement leave.

For the purposes of this section, "child" shall include biological, adopted, step, or foster children, as well as legal wards or children of persons standing in loco parentis (in place of the parent).

For purposes of this section, "fertility related losses" shall include miscarriage, unsuccessful round of intrauterine insemination or assisted reproductive technology procedure, failed adoption match or contested adoption, failed surrogacy agreement, diagnosis that negatively impacts pregnancy/fertility, and stillbirth.

Bereavement leave time may be used to attend the funeral or alternative to a funeral, make arrangements necessitated by the death, or to grieve the death of the child/ fertility related losses. The leave must be completed within 60 days after the date the employee receives notice of the death of the child. Employees must provide 48 hours of notice before the leave unless it is not practical. The Village Administrator may, at his or her discretion, require evidence to substantiate the eligibility for the leave.

*Family* bereavement leave may not be taken in addition to unpaid leave

permitted under the Family and Medical Leave Act, 29 U.S.C. 2601 et seq. (FMLA), and may not exceed unpaid leave time allowed under that law (FMLA).

## **5-16. Health and Dental Insurance**

The Village provides a group health and dental insurance program for employees and dependents subject to the terms and conditions of the policy in effect, which may change from time to time. Health and dental insurance is provided to full-time employees subject to employee contributions for premiums.

Upon termination, the provision of paid health and dental insurance shall cease except as may be provided by the Plan document and State or Federal law. At that time information will be provided to the former employee for obtaining individual insurance coverage.

In 1986, Congress passed the Consolidated Omnibus Budget Reconciliation Act (COBRA) health benefit provision to make available the option to continue group health coverage that otherwise might be separated. COBRA contains provisions giving certain qualified beneficiaries the right to temporary continuation of health coverage at group rates for certain qualifying events that result in a loss of health coverage.

Employees shall notify the Village Administrator's office if the employee experiences a change in marital (marriage, death of spouse, divorce, legal separation, etc.) or family status (addition or reduction in the number of dependents) and shall provide proof of the status change. Change in status can trigger a qualifying event for a spouse or dependent covered under the Village's group health, dental, and life insurance plans to receive COBRA enrollment information. Employees with specific questions regarding this Act should contact the Village Administrator's office for assistance.

Alternate Insurance Incentive Program: In lieu of enrolling in the Village of Roselle's health/dental insurance plan, all full-time employees may participate in the Village's optional insurance incentive program. Full-time employees who provide proof of alternate insurance during the Village's open enrollment, a spouse's open enrollment period, or when first hired, are eligible to receive an annual monetary incentive in lieu of participating in the Village's health and/or dental insurance plan. If an employee's alternate health/dental insurance coverage is lost due to a qualifying event at any time during the year, employees may re-enroll in the Village's health/dental plan immediately. Any monetary incentive the employee receives for enrolling in this program will be prorated based on the month the employee enrolls.

## **5-17. Life and Disability Insurance**

The Village provides a life insurance program for employees subject to the terms and conditions of the policy in effect, which may change from time to time. Life and Accidental Death Insurance is provided to full time employees after thirty (30) days of employment in an amount equal to their annual salary, rounded to the next highest one thousand (\$1,000) dollars subject to the terms and conditions of the policy in effect. Department Heads shall receive coverage in an amount of one and one-half (1½) times their annual salary.

## **5-18. Retirement Programs**

The Village offers the following retirement programs, which may change from time to time.

- A. Illinois Municipal Retirement Fund  
IMRF is a State retirement and disability program for public employees. All eligible non-sworn employees working 1000 or more hours annually must participate. Both the Village and employee contribute a percentage of earnings to this program. All employee earnings contributed are tax deferred in accordance with applicable state and federal regulations. Employees covered under IMRF are also entitled to a death benefit up to one year's gross salary plus employee contributions. This benefit is subject to the successful completion of one (1) year of credited service.
- B. Police or Fire Pension Fund  
The Roselle Police and Fire Pension Funds are retirement and disability programs for all eligible full-time police and fire personnel. Both the Village and employees contribute to these programs. All employee earnings contributed are tax deferred in accordance with applicable State and Federal regulations.
- C. Social Security  
Social Security is a federally mandated retirement and disability program. All sworn and non-sworn personnel, regardless of employment status, are required to participate. Both the Village and employee contribute a percentage of earnings to this program.
- D. Voluntary Deferred Compensation  
All employees are eligible to participate in a voluntary deferred compensation program.
- E. Retirement Health Savings (RHS) Plan  
The Village may require eligible employees to participate in a RHS Plan that is designed to accrue assets that can be used for reimbursement of qualified health care expenses.

### **5-19. Worker's Compensation**

All full and part time employees are provided with worker's compensation coverage as required by the Illinois State Worker's Compensation Act. Worker's compensation will provide payment for hospital bills, doctor bills, etc. for duty-related, on-the-job injuries and illnesses.

The Village will provide full pay for non-sworn personnel for a period not to exceed the number of hours normally worked by the employee for thirty (30) calendar days from the date of injury, provided that the employee endorses all workers' compensation checks over to the Village.

The Village will provide full pay to sworn personnel for a period not to exceed one (1) calendar year from date of injury as required by the Illinois Public Employee Disability Act (5 ILCS 345/0.01 et. seq.), provided that the employee endorses all worker's compensation checks over to the Village.

If a non-sworn employee has not returned to work after thirty (30) calendar days, or if a sworn employee has not returned to work after one (1) calendar year, such employee shall be eligible for disability benefits, in accordance with State law.

Employees are required to fully cooperate with the Village and the Village's self-insurance pool during the period of the worker's compensation/injury leave, including submitting to a physical examination(s) and complying with reasonable medical procedures designated to rehabilitate the injury and/or provide related care for the injured employee. The Village, may at any time during a worker's compensation/injury leave, require the employee to submit to a physical examination by an independent medical physician appointed by, and at the expense of the Village, in order to determine the extent of the injury and the probable date to return to work. Failure of an employee to submit to a physical examination and/or recommended medical treatment are subject to termination of worker's compensation/injury leave and may be subject to disciplinary action including possible termination of employment.

### **5-20. Village Rights of Subrogation**

When an employee suffers injury or death under circumstances creating a legal liability for damages on the part of a third party other than the Village, it is recognized that the injured employee or his personal representative may bring legal proceedings against the third party for damages. In such case, if the action against the third party is brought by the injured employee or his personal representative and judgment is obtained and paid, or settlement is made with the personal representative, there shall be paid to the Village the amount of compensation paid or to be paid by the Village on behalf of the Village by a self-insurance pool in which the Village is a member, to the employee or personal

representative during the period of injury (or upon death), including but not limited to amounts paid or to be paid from Village funds such as salary, worker's compensation benefits, insurance deductibles, self-insurance payments including group health plan payments, or fringe benefits.

The above mentioned right of subrogation in favor of the Village, as employer, shall be in addition to any other rights the Village may otherwise have under applicable law.

Out of any reimbursement received by the Village hereunder, the Village shall pay a pro rata share of all costs and reasonable necessary expenses in connection with the third-party claim, action or suit and where the services of an attorney-at-law of the employee or dependents have resulted in or substantially contributed to the procurement by suit, settlement or otherwise of the proceeds out of which the Village is reimbursed, then in the absence of other agreement, the Village shall pay the attorney an agreed upon percent of the gross amount of the reimbursement.

In actions brought by the employee or his personal representative, he shall forthwith notify the Village by personal service or registered mail, of such fact and of the name of the court in which the suit is brought filing proof thereof in the action. The Village may, at any time thereafter, join in the action upon motions so that all orders of court after hearing and judgment shall be made for its protection.

No release or settlement of claim for damages by reason for such injury or death, and no satisfaction of judgment in such proceedings shall be valid without the written consent of both Village and employee or his personal representative, except the consent is not required where the Village has been fully indemnified or protected by court order.

### **5-21. Tuition Reimbursement**

The Village of Roselle encourages its employees to continue their education and, therefore, offers tuition reimbursement to its full-time employees. Employees who enroll in a course at an accredited university, college or community college, and receive a minimum grade of "C" (or its numerical equivalent) for undergraduate level courses or a minimum grade of "B" (or its numerical equivalent) for graduate level courses shall be eligible for tuition reimbursement.

Tuition reimbursements are granted on a first come, first serve basis and dependent on the availability of funds as determined by the Village Board during the budget review process.

#### **Undergraduate and Graduate Level Course Guidelines**

- Courses of direct benefit to the Village shall be reimbursed at 100%.

- Courses of indirect benefit to the Village shall be reimbursed on a first come, first serve basis at 50%.
- Courses of no benefit to the Village shall not be reimbursed.
- Reimbursement for undergraduate courses shall not exceed \$3,000 per employee per budget fiscal year.
- Reimbursement for graduate courses shall not exceed \$4,000 per employee per budget fiscal year.
- Reimbursement for a combination of graduate and undergraduate courses shall not exceed \$4,000 per employee per budget fiscal year.

The Village of Roselle's budget fiscal year begins on January 1 and ends on December 31.

If tuition is paid in part or fully by any other agency or organization, the percentage of Village reimbursement will be modified in direct proportion to such payment.

In order to receive reimbursement, a completed "Tuition Reimbursement Application" must be submitted to the Department Head. Approval must be obtained from both the Department Head and Village Administrator prior to the start of the course.

All Village tuition reimbursement applications and records are maintained in the Village Administrator's office.

For each \$1,000 reimbursement, participating employees are required to remain employed by the Village for a period of six (6) months. The calculation of time owed to the Village shall begin from the date the course was completed. The calculations of time owed to the Village for subsequent courses shall be made from the expiration date of the previous time obligation, or the completion date of the most recent course, whichever is later.

#### **5-22. Employee Assistance Program (EAP)**

The Village offers an EAP to assist employees and their families in addressing personal problems that may arise from time to time. The EAP provides confidential counseling services on a wide variety of issues, including substance abuse, legal, financial, emotional or marital difficulties. Additional information on the EAP is available from the Village Administrator's office.

## **ARTICLE 6 WORK RULES**

### **6-1. Work Habits**

Employees are required to maintain the highest standards of conduct, efficiency, and cooperation in the performance of their duties. Employees shall be punctual in reporting to work and shall be dressed in a manner appropriate to their job responsibilities.

### **6-2. Violence in the Workplace**

The Village of Roselle believes violence in the workplace to be contrary to the basic respect and consideration of others. The safety and security of all sworn and non-sworn employees, as well as Village guests, are very important. The Village will not tolerate any threat, threatening behavior, act of violence, or other form of physical aggression.

#### **A. Definitions:**

1. **“Threat”**

A communicated intent to inflict physical or other harm on any person or property.

2. **“Threatening Behavior”**

Any behavior that disrupts others, is unsafe, or which by its very nature could cause physical or other harm to any person or property. It may or may not include an actual physical attack.

3. **“Violence”**

Unjustified or unwarranted use of physical force so as to injure, damage, or abuse a person or property

**B. Village Response to Violence:** Any person who makes threats, exhibits threatening behavior, or engages in violent acts in the workplace is subject to removal from the workplace pending the outcome of an internal investigation. The immediate supervisor of the offending employee will ensure that the offending employee is moved from the location of the alleged act. If deemed necessary, the Village will consider placing the offending employee on administrative leave or transferring the employee to a different assignment. Individuals who commit such acts may be subject to disciplinary action, criminal penalties, or both.

**C. Employee Notification:** All employees are responsible for notifying their supervisor of any threats they have witnessed or received. Employees must also report any behavior they have witnessed which they regard as

threatening or violent or which might be carried out against persons or property in connection with Village employment. If the situation is deemed an emergency, the employee should immediately contact the Roselle Police Department or any other applicable local law enforcement agency for assistance. No reprisals will be taken against employees who report incidents of violence in the workplace.

### **6-3. Employee Safety**

To establish and maintain a safe and injury-free work environment, employees are required to adhere to established safety rules and procedures, including, but not limited to, those found in the Employee Safety Manual. Safety is the shared responsibility of employees at every level of the organization. Each and every employee shall be aware of the risks associated with his job and strive to minimize the potential for work related safety hazards. The safety record of all employees shall be a major consideration in performance evaluations.

It shall be the individual responsibility of all employees to report any unsafe practice, policy, procedure, condition or equipment immediately to their supervisor or Department Head. Employees are also strongly encouraged to make recommendations and suggestions for alleviating unsafe conditions and improving safety in the workplace.

The Village's Safety and Loss Prevention Program shall include a Safety Committee comprised of employees from each department appointed by the Department Head. The Safety Committee shall provide employees the opportunity to participate in the safety planning process and provide input from individual departments. The Village encourages employees to make suggestions for making the workplace safer.

### **6-4. Vehicle Operation**

Employees using Village vehicles or their own vehicle during the course of Village business shall operate the vehicle in a safe, courteous and lawful manner. When using vehicles, employees must keep in mind that they are representatives of the Village and that their conduct in adhering to the rules of the road and courtesy on the road is a reflection on the Village. Employees are required to wear seat belts during the operation of any vehicle, and insure that unattended vehicles are locked and secured. Any parking fines or traffic violations incurred while operating a Village vehicle shall be the sole responsibility of the driver and all fines or monies shall be paid by the employee. A moving violation must be reported to the respective Department Head within 48 hours of the offense.

For employees that are required to operate a Village or their own personal vehicle for their job position, the employees are required to maintain a current,

valid driver's license and when necessary, a valid CDL license. Employees must inform their immediate supervisor or Department Head if their license has expired or is otherwise invalid, which will prevent them from being able to drive Village owned equipment or their own personal vehicle for Village business. If any employee required to operate a vehicle as part of his job duties is found to have a suspended or revoked license, that employee may be subject to termination. Failure to inform an immediate supervisor or Department Head may result in disciplinary action, up to and including discharge. Village owned vehicles shall be used for Village business only. Village vehicles may not be taken home overnight unless authorized by the Department Head, Assistant Village Administrator or Village Administrator.

The Department Head or his designee shall report all vehicle accidents to the Assistant Village Administrator or his designee. The review of all vehicle accidents shall be an assigned responsibility of the Employee Safety Committee, with the exception of vehicle accidents involving sworn fire and police officers. The Police Chief and Fire Chief will be responsible for any disciplinary measures taken against any sworn public safety employee involved in an accident.

For all non-sworn personnel involved in vehicle accidents that are deemed to be preventable, the Safety Committee shall make a recommendation to the Village Administrator on a corrective course of action. However, the Safety Committee will review trends in accident rates involving all employees of the organization and make any necessary recommendations to the Village Administrator.

The Chief of Police, Fire Chief, and Director of Public Works are assigned a Village vehicle for work purposes and limited personal use.

#### **6-5. Reporting of Accidents and Injuries**

A. Job-Related: All job-related accidents, illnesses, and injuries involving Village employees or Village property shall be reported to the direct Supervisor immediately subsequent to occurrence. If any accident or damage involves private property, the Police Department shall also be notified immediately. Any employee involved in an accident as described in Section 6-10 is subject to an immediate drug and/or alcohol screening as set forth in that Section.

A Supervisor shall inform the Assistant Village Administrator or his designee of all accidents, illnesses, or injuries no later than the end of the Supervisor's work shift after the occurrence of said accident, illness, or injury. In addition, the Supervisor must complete and submit all applicable reports to the Assistant Village Administrator or his designee within five (5) calendar days of any accident, illness, or injury. If an injury or illness occurs to a Village employee, the Supervisor shall be responsible for the completion and submission of a Form 45 no later than the end of the Supervisor's work shift after the occurrence of the illness or injury.

- B. Off-Duty: All employees shall report in writing to their Supervisor the facts and circumstances of any personal injury or illness sustained while off duty which may interfere with the performance of their job duties, compromise the manner in which they perform their job duties or potentially places persons, including the employee, or property at increased risk of harm. Such report shall be made within 24 hours of the injury or illness, or as soon as the employee is physically capable of doing so, whichever occurs first; but in no case shall an employee subject to any of the conditions described above, report to work prior to notifying their Supervisor. When an employee has taken time off as a result of any of the conditions described above, that employee, prior to returning to work, shall submit a "Return to Work" form, as provided by the Village, indicating the employee's work status and signed by a medical doctor.

#### **6-6. Light Duty**

If an employee is injured during the course of duty or off the job and is unable to perform the required duties of the position, but can perform work of a less strenuous nature, the individual may be considered for a light duty assignment. Light duty will be assigned only if any injured employee is determined to be physically able to perform the required light duty job tasks. Such a light duty assignment shall be requested by the Department Head, approved by the attending physician, and authorized by the Village Administrator.

When the employee's department cannot find suitable work, light duty assignments may be made in another Village department or other suitable public purposes. It is not the object of the Village to "make work" for employees. Light duty assignments will be made only for work that is important to the mission of a department or the Village. Employees shall serve in light duty assignments only as long as they can perform valuable, productive departmental work. Employees may be removed from limited duty assignments if appropriate work is not available, or if the employee cannot satisfactorily perform the work assigned. Notwithstanding the above, the employee may be required to attend training sessions, staff meetings, seminars, or continuing education programs as deemed necessary by the Department Head and the Village Administrator as part of a light duty assignment.

Light duty assignments shall be made only if it is in the best interest of the Village. The Village shall require a medical exam when the physical abilities of any injured employee are in question. The Village's designated medical facility shall be the primary source of medical information upon which decisions are based on when evaluating an individual's capability to return to work with physical restrictions or limitations. Injured employees have the legal right to obtain medical treatment from whomever they choose. However, no employee shall be granted compensation for lost work time or approval for return to work

until he submits to an examination/evaluation by the Village's designated medical facility.

The Village may also arrange for a physician's evaluation of an employee at any time during a light duty assignment. The Village may at any time, based upon its physician's recommendation, modify the employee's light duty assignment or remove the employee from light duty. The decision of the Village Administrator shall be final with respect to the determination of whether a light duty assignment is available within the limits of any physician's restrictions.

Permanent light duty assignments are not available. The light duty assignment may not exceed ninety (90) calendar days. Extensions of light duty assignments may be granted if, in the determination of the Village Administrator, such an extension would be in the best interest of the employee and the Village.

### **6-7. Employee Use of Village Owned Equipment and Property**

All equipment, supplies, tools, uniforms and property (such as vehicles, offices, desks, lockers, cabinets, etc.) owned by the Village are to be utilized for Village business only. The aforementioned equipment and property remains the sole property of the Village and employees to whom it may be assigned or used by shall have no expectation of privacy of items stored within. Unless authorized by the Village Administrator, the use of Village facilities and equipment by employees for their own benefit is strictly prohibited. Use of Village owned computer equipment shall be granted as referenced in the Information Systems Policies and Guidelines (see Attachment B).

The Village reserves the right to enter and search all property and persons on Village owned or leased property including offices, desks, lockers, file/storage cabinets, and vehicles at any time for any work related purpose, an employee related incident (e.g., missing money, missing equipment, sexually offensive items, etc.) or for prohibited items (e.g., dangerous weapons, alcohol, cannabis, controlled substances, etc.). If personal belongings (purse, work bag, etc.) are to be searched, the Village will make every effort to have the employee present. Any employee who fails or refuses to promptly permit a search will be subject to discipline up to and including termination.

### **6-8. Acceptance of Gifts**

The Village of Roselle does not permit employees to receive gifts from people with whom the Village does business, including contractors, vendors, business contacts, and members of the general public, except as provided below. All gifts that do not qualify should be politely refused or returned.

- A. Employees may accept token items of nominal value, such as pens, calendars, key chains and the like, provided such gifts are not received on

a regular and continuous basis and are intended as an advertisement of a vendor's product or service.

- B. Departments may accept small gifts of food products, such as candy, cookies, or fruit baskets, provided they are made available to the department as a whole and can generally be consumed in one day.
- C. Employees may not accept gifts of money, gift certificates, alcohol or tobacco products.
- D. Management employees who receive invitations for dinner, golf outings, sporting events, and similar occasions are expected to offer to pay their own way. Employees will be reimbursed provided participation is beneficial to the interests of the Village. When it is not practical or possible for an employee to pay his own way, acceptance of such invitation shall be reported to the Village Administrator.

#### **6-9. Harassment**

The Village of Roselle is committed to providing and maintaining a professional work environment that is free of all forms of unlawful harassment. In keeping with this commitment, the Village will not tolerate any form of status based and/or sexual harassment of Village employees by anyone, including other employees, supervisors, coworkers, vendors, clients, customers of the Village, or any other third party. Employees are expected to read, understand, sign, and abide by all the terms and conditions of this policy, a copy of which is included as Attachment A in the back of this Personnel Policy Manual. Employees are required to use this policy and are instructed to report all incidents or harassment, or potential harassment for further investigation.

#### **6-10. Drugs, Cannabis, and Alcohol**

The Village of Roselle, in compliance with its obligations under the Federal Drug Free Workplace Act and the Illinois Drug Free Workplace Act, has a policy of maintaining a drug, cannabis, and alcohol free workplace. No employee shall report to work while under the influence of any legal drug which may impair the performance of their duties. In addition, the unlawful manufacture, dispensing, possession, use, or distribution of illegal drugs, cannabis, or alcohol is prohibited at all times on Village premises as part of any Village activities. Therefore, any location at which Village business is conducted is hereby declared to be a drug, cannabis, and alcohol free workplace. This policy will be construed in a manner consistent with the Village's rights and obligations under the Illinois Compassionate Use of Medical Cannabis Program Act and the Cannabis Regulation and Tax Act, including any applicable interpretative rules that may be adopted pursuant to these Acts. While the Village respects the rights of employees who are registered patients with debilitating medical conditions who are engaging in the medical use of cannabis in compliance with the law; as with

alcohol, cannabis and prescription drugs, employees may be disciplined up to and including discharge for reporting to work under the influence of cannabis or alcohol. In all cases, an employee who is a registered patient engaged in the medical use of cannabis shall be subject to all of the Village's drug testing requirements, personnel policies and disciplinary penalties for policy violations.

Any employee who pleads guilty, or is found guilty after trial, or stipulates to facts and is found guilty, of violating a criminal drug statute or ordinance, and/or is found guilty of driving under the influence of alcohol, cannabis, or drugs, shall inform his Department Head or Village Administrator within twenty-four (24) hours of its occurrence.

Use of legal prescription drugs, prescribed to the employee by an individual with the appropriate prescription authority, which do not prevent the employee from performing their duties in a safe and efficient manner, shall not be prohibited by this policy. Employees must notify their supervisor if they are taking any legal prescription drug(s) that may affect their ability to perform their job duties. The Village may require the employee to produce written evidence that any prescription medication has been lawfully prescribed, as well as information concerning any potential side effects of the medication and the effect of the medication on the employee's ability to perform their duties.

#### Drug, Cannabis, and Alcohol Testing

- A. Pre-employment: After a conditional offer of employment for applicable positions in the Village's employment selection procedure, individuals will be required to take a physical examination which may include a drug, cannabis and alcohol screening test.
- B. Random: Employees in designated departments or job classifications may be subject to random periodic testing on a regularly scheduled basis for compliance with the Village's drug, cannabis and alcohol free workplace policy.
- C. Reasonable Suspicion: In the event that there exists reasonable suspicion that an employee is under the influence of alcohol, cannabis, or illegal drugs, the employee will be required to submit to an alcohol and/or drug test. The Village shall provide written documentation to the employee setting forth the evidence upon which the Village based its conclusion of reasonable suspicion. Such documentation shall be provided within a reasonable time frame after completion of the drug and/or alcohol test. Reasonable suspicion means some specific and articulable evidence exists that an employee is intoxicated or impaired by drugs, cannabis, or alcohol. Generally, the following elements must be present to have "reasonable suspicion" to require drug or alcohol testing.

1. Direct observation of the suspected employee and/or any physical evidence by at least two persons, at least one of which is in a supervisory position or, due to their training, a police officer, who may be utilized in the same capacity as the supervisory position witness. This means the supervisor or sworn police officer and at least one other person must personally see the evidence which forms the basis of a reasonable suspicion. Nothing in this policy shall be interpreted to in any way limit a sworn police officer's ability or duty to independently formulate a conclusion of probable cause or enforce laws related to illegal alcohol, cannabis and drug offenses regardless whether a person is or is not a Village employee.
2. There must be some physical, behavioral, or performance indication of use or intoxication. Indicators include, but are not limited to, an individual's speech, behavior or appearance. Drugs and drug paraphernalia, cannabis, or alcohol in clothing and personal property, or concealed in Village property or elsewhere may also provide reasonable suspicion as well. Smoke, breath and body odors may provide evidence. Slurred and incoherent speech, lack of coordination and balance, nodding and dozing off while on duty, inability to report for duty, frequent or extended unexplained absences from assigned duties, sudden and wide changes of mood or attitude and many other observable variables are examples of some conditions, which could constitute reasonable suspicion.

The decision to test for reasonable suspicion should be made with common sense and life experience.

- D. Post-Accident: In the event an employee is in an accident that involves any one or more of the following, the employee will be required and shall submit to an alcohol and drug test:
1. One or more deaths.
  2. An injury to any person (including passengers) requiring medical treatment beyond first aid.
  3. The employee was issued a citation for a moving traffic violation.
  4. Actual or anticipated total loss of any motor vehicle.
  5. Disabling damage to any motor vehicle or equipment requiring tow away.
  6. Actual or anticipated property damage in excess of \$10,000.
  7. Where a police officer or paramedic at the scene of an accident concludes the employee is impaired by alcohol, cannabis or drugs.

E. Post-Accident Alcohol Testing Procedures:

1. The employee shall be readily available for the test or they will be deemed to have refused the test.
2. Whenever possible, post-accident testing shall be conducted within two (2) hours of the accident.
3. If testing is not administered within two (2) hours of the accident, the Supervisor shall prepare and maintain a record stating all reasons the test was not promptly administered. If testing is not administered within eight (8) hours of the accident, the Supervisor shall cease attempts to administer an alcohol test.
4. An employee required to be tested under this section is prohibited from consuming any alcohol for at least eight (8) hours following the accident or until after the breath alcohol test.

F. Post-Accident Cannabis and Drug Testing Procedure:

1. In the instance of a police officer concluding that an employee is impaired by drugs, cannabis, or alcohol and the accident involves the operation of a vehicle by the employee, the employee shall submit to testing as supervised by the police in accordance with the police officer's law enforcement duties.
2. The employee shall be readily available for the test or they will be deemed to have refused the test.
3. Post-accident drug or cannabis testing shall be conducted within thirty-two (32) hours after the accident. If testing is not administered within thirty-two (32) hours of the accident, the Supervisor shall cease attempts to administer a drug test. If testing is not administered within thirty-two (32) hours of the accident, the Supervisor shall prepare and maintain a record stating all reasons the test was not administered as required.

In the event an employee is subject to cannabis, drug and/or alcohol testing as a result of reasonable suspicion or post-accident, the employee shall be driven by their supervisor to the Village's approved medical facility where the testing will occur. The supervisor shall stay with the employee until the test is completed. Once the test is completed, the supervisor shall arrange transportation to get the employee home.

Refusal to comply with the order to test may subject the employee to discipline up to and including termination, but the taking of the test shall not operate to waive any objections or rights the employee may have. Any reassignment or relief from duty shall be discontinued immediately in the event of negative test results. When testing is ordered, the employee will be removed from duty and placed on leave with pay pending results of the tests.

G. Laboratory Testing: The Village shall use only a laboratory meeting all National Institute on Drug Abuse (NIDA) standards. Proper chain of

custody procedures will be followed. All initial positive urine drug screens will be confirmed through GC/MS (gas chromatography, mass spectroscopy), or an equivalent scientifically accurate test.

A sufficient sample shall be collected to allow for initial screening; a confirmatory test; and finally, a sufficient amount to be set aside reserved for later testing if requested by the employee. Testing must include tamper proof containers. The employee shall receive a copy of positive test results.

- H. Other Testing Procedures: Upon approval of the Village Administrator, the Village may use other cannabis, drug and alcohol testing procedures that become available or new technology as it develops.
- I. Discipline: An employee who violates this policy will be subject to disciplinary action up to and including termination. In the first instance an employee tests positive on an alcohol, cannabis, or drug test, the Village Administrator may determine disciplinary action which may include mandatory referral to a substance abuse treatment program. Referral to a treatment program shall include the following conditions: 1) an appropriate treatment program must be determined by a physician designated by the Village; 2) the employee agrees to discontinue use of illegal drugs, cannabis, or the abuse of alcohol or prescription drugs; 3) the employee agrees to submit to random testing for a period of one year. Employees who do not comply with the aforementioned conditions, or who test positive for cannabis, drugs or alcohol a second time, shall be subject to termination. A first offense may result in discharge if the totality of the circumstances warrants termination.

Employees who are unfit to perform reasonable duties to which they may be assigned during the period of their treatment and after-care shall be permitted to take accumulated time off. Employees may then request an unpaid leave of absence for the period of counseling and after-care, subject to the approval of the Village Administrator.

- J. Voluntary Requests for Assistance: Employees who feel they may have a substance abuse problem are urged to contact their Department Head or the Village Administrator for a referral. Employees may also contact the Village's Employee Assistance Program (see Section 5-17) directly.

The Village shall take no adverse employment action against an employee who voluntarily seeks treatment, counseling, or other support for an alcohol, cannabis, or drug related problem, unless the request follows the questioning about misconduct or misconduct of an employee on the job, a requirement that the employee submit to alcohol, cannabis, or drug testing, or unless the employee is found under the influence of drugs, cannabis, or alcohol on the job. For purposes of such finding, the standard for being under the influence of alcohol, cannabis, or drugs shall be based

upon a preponderance of the evidence standard.

- K. Availability of Treatment: Both of the Village's health insurance plans provide inpatient and outpatient coverage for substance abuse treatment. The Village's Employee Assistance Program (see Section 5-17) is also available. Assistance in locating an appropriate treatment program or facility is available from the Village Administrator's office.
  
- L. CDL Random Drug and Alcohol Testing Policy: In accordance with the Omnibus Transportation Employee Testing Act of 1991, the Department of Transportation issued rules requiring municipal employers to establish programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or the use of controlled substances by drivers of commercial vehicles. Only those employees that are required to obtain a commercial driver's license (CDL) for the performance of their job duties shall be subject to this policy. (The Village Administrator shall develop administrative regulations to implement this policy (49 CFR Part 40, December 19, 2000) and "Technical Amendments" thereto (49 CFR Part 40, August 9, 2001). These regulations shall be maintained in the Village Administrator's office.)

It shall be understood that the drug and alcohol policy for employees who are required to obtain a CDL has distinct attributes that differ from any other provision in this section for other Village employees. For those employees covered by the requirements of the federally mandated CDL testing program, conflicting regulations shall supersede any other Village policy regulating drug, cannabis, and alcohol use. Therefore, nothing in the Compassionate use of Medical Cannabis Act or the Cannabis Regulation and Tax Act changes current CDL policies which remain in full force and effect. However, non-conflicting sections in the general Village drug, cannabis, and alcohol use policy shall apply to all employees, including those employees covered under the federally mandated CDL program.

Testing shall also be performed in accordance with the U.S. Department of Transportation's regulations, "Procedures for Transportation Workplace Drug and Alcohol Testing Programs," (49 CFR Part 40, December 19, 2000) and "Technical Amendments" thereto (49 CFR Part 40, August 9, 2001).

- M. Records: The Village will maintain medical records relating to alcohol or drug abuse, diagnosis and treatment, confidential and in a medical file separate from the regular personnel file. Access will be limited to those who need to know. The Village will not disclose these records to persons outside the Village without the employee's consent unless disclosure of the records is necessary for legal or insurance purposes.

### **6-11. Losses Involving Personal Property**

The Village is not responsible for losses or damages involving personal property.

### **6-12. Outside Employment**

Employees may engage in outside employment with the approval of the Village Administrator. For all full-time employees of the Village, their jobs with the Village shall be their primary employment. No employee of the Village shall work at another position outside of their Village employment which reflects unfavorably on the Village; use their position with the Village to gain such additional employment; nor in any way permit such additional employment to interfere with or influence their obligations and duties to the Village. When working with any other public or private organization, no employee shall wear a uniform or clothing of any kind purchased by the Village or identified with Village employment.

All full-time employees seeking to hold outside employment shall be required to submit a written request to their respective Department Head (if required by departmental regulations) for approval by the Village Administrator prior to accepting such position. This written request shall include the name of the company or public agency by whom the individual will be employed; a brief description of the job and duties to be performed; plus all pertinent information regarding insurance, pension plans, other fringe benefits, hours worked per day, and other work scheduling information. Employees may have opportunities for "occasional" employment such as speaking engagements, teaching, or consulting. The provisions of this policy shall not apply to "occasional" employment opportunities.

Sick leave cannot be utilized when the employee is eligible for worker's compensation benefits for illness or injury resulting from outside or secondary employment. Should the employee's eligibility for worker's compensation benefits be disputed by the secondary employer and the employee receives sick leave or other leave benefits, the employee will reimburse the Village for the paid leave taken upon receiving worker's compensation benefits.

Unless specifically authorized by the Village Administrator, an employee who is absent from Village employment due to illness or injury is strictly prohibited from engaging in any outside employment activity during the time the employee is absent and receiving compensation for Village employment.

### **6-13. Political Activities and Affiliations**

No Village employee may use his official position of employment to coerce, encourage, engage, or inhibit others in the free exercise of their political rights or engage in political activities while at work or on duty. Political activities shall include petitioning, making public speeches, campaigning for or against political

candidates, speaking out on questions of public policy, distributing political literature, making campaign contributions or seeking office.

No Village employee may be appointed, promoted, dismissed or retained on the basis of his political activities or views. No employee shall be pressured or coerced to participate in political campaigns, solicit votes or contribute funds for any political office.

Any Village employee who wishes to run for an elective municipal office of the Village of Roselle shall first take an unpaid leave of absence from employment with the Village. This leave is to commence with the first formal activities of the employee to obtain nomination or election to the office and will end upon the completion of all activities connected with the office. No employee is permitted to keep his position with the Village if elected to municipal office where a legal conflict of interest is created with the employee's position with the Village.

#### **6-14. Information Systems Policies and Guidelines**

The purpose of this policy is to ensure the responsible and acceptable standards for the use of the Village's electronic information systems, both internal and external, and to establish acceptable policies and procedures for the safety and security of electronic information systems and its users.

These information systems are defined as any and all electronic system technologies that process and/or store data, electronic messages, voice messages, and other such media. These systems include, but are not limited to, the Village's computer network and its components, notebook computers, workstations, PC's, the e-mail system, Internet provider service, and the telephone and voice mail systems.

Village employees are required to abide by all provisions contained in the policy entitled, "Information Systems Policies and Guidelines" (Attachment B) at the end of this Personnel Policy Manual. All employees are required to read and sign-off that they understand the provisions of this policy and that the Village's Information Systems are the exclusive property of the Village of Roselle and that any information or data generated or stored by the use of the Information Systems is the property of the Village of Roselle, even when created through the use of a personal password.

#### **6-15. Professional Organizations and Memberships**

The Village encourages employees to join and participate in professional organizations. Membership approval shall be based on the following considerations:

- A. The nature of the organization, its purpose, intent and scope of activities.

- B. The nature of the work performed by the employees in the Village service.
- C. The improvement and upgrade of job related skills and abilities as a direct result of participation by the employee, resulting in benefits to the Village service.

The Village shall pay for the membership fees in such organizations for its employees provided the following:

- A. A request is made in writing with a copy of the invoice or membership fees and dues payable.
- B. The request is approved by the Department Head and sufficient funds are available.
- C. The request is forwarded to and approved by the Village Administrator.

#### **6-16. Weapons Free Workplace**

In order to enhance the safety of employees, clients, contractors, and citizens of the Village of Roselle, as well as to comply with applicable State and Federal Laws, the Village of Roselle maintains a policy prohibiting weapons from Village property and while performing duties for the Village even if such duties do not occur on Village property. Weapons shall include firearms and other dangerous or hazardous devices or substances except for those provided by and necessary for Village operations. The Village shall comply with the Illinois Firearm Conceal Carry Act, which allows individuals with valid concealed carry permits to possess a firearm in limited circumstances in their personal vehicle in Village parking lots, but also requires individuals to properly secure a firearm within a locked vehicle or locked container out of plain view within the vehicle. Nothing in this policy shall be construed to provide greater authority to possess weapons on Village property than that permitted by law. Sworn police personnel or similar law enforcement officers from other departments or agencies may possess their work-issued weapon while engaged in official duties on Village property.

All Village property under the control of the Village is a "prohibited area" under the Illinois Firearms Concealed Carry Act and is defined as all Village-owned or leased buildings and all Village-owned or leased vehicles. Employees not classified as sworn police officers, shall not possess any weapon while performing duties on behalf of the Village even if such duties do not occur on Village property.

Any employee in violation of this policy will be subject to prompt disciplinary action, up to and including termination and possible arrest. Any visitor, contractor, volunteer, or other non-Village employee, will be subject to removal from Village property and possible arrest.

Any employee who believes a weapon which is prohibited by this policy was brought onto village property is to notify their supervisor immediately. Pursuant to Section 6.7, the supervisor has the right to search the employee and/or Village property for prohibited weapons.

Anyone who suspects an individual has violated this policy shall report it immediately to his or her supervisor who then shall report it to the Village Administrator.

### **6-17. Fitness for Duty**

The Village has a responsibility and right to ensure that all Village employees can perform the essential job-related functions of their position. Any employee of the Village may be required to be examined by Village designated licensed/certified health care professionals in order to determine their ability to perform job-related functions, duties and responsibilities. Such an evaluation may be required when the Village Administrator determines that the employee's job performance or personal conduct gives reasonable cause to believe that a physical or mental condition may exist and may be adversely affecting the employee's ability to perform their duties or poses a threat to the safety of the employee or others. The cost of Village designated examinations shall be borne by the Village. Results of an evaluation will be sent in confidence to the Village Administrator. The employee is required to cooperate at all times during the fitness for duty process. Any failure to cooperate could result in disciplinary action up to and including termination.

### **6-18. Tobacco Free Workplace**

The Village recognizes the hazards caused by exposure to environmental tobacco smoke, as well as the life-threatening diseases linked to the use of all forms of tobacco and the harmful and dangerous chemicals contained within certain nicotine and vaping products. Therefore, in compliance with the State of Illinois Indoor Clean Air Act, it shall be the policy of the Village to provide a tobacco-free workplace by prohibiting the smoking and use of any tobacco product including smokeless tobacco, electronic cigarettes including vaping, or any other alternative nicotine product by all Village employees while in performance of their job duties. The prohibition includes in/on any Village property and any vehicle, or equipment leased, rented, or owned by the Village. Furthermore, these prohibitions may apply to contractors while in the performance of services to the Village. This policy does not pertain to the use of nicotine containing products approved by the United States Food and Drug Administration for sale and use as a tobacco cessation product or for other medical purposes.

**ARTICLE 7**  
**DISCIPLINARY AND GRIEVANCE PROCEDURES**

**7-1. Discipline**

The continued employment of each Village employee shall be contingent upon adherence to acceptable norms of conduct, satisfactory job performance, and compliance with the rules and regulations of the Personnel Policy Manual or any other organizational rules and regulations.

The steps listed below will guide disciplinary actions in most cases. They are progressive in nature, applying an increasingly severe penalty each time the employee is disciplined. This procedure does not preclude the Village from bypassing steps when disciplining an employee. The nature, extent and seriousness of the offense will determine the appropriate disciplinary action. Discipline will be imposed on a "case-by-case basis." Nevertheless, all employees remain at-will employees.

Whenever a disciplinary action is to be taken against an employee, the employee shall be advised by the Supervisor or Department Head of the violations and the discipline that will be administered. An opportunity will be granted for the employee to discuss the discipline and respond to the circumstances. In the case of a suspension, demotion, or dismissal, the employee shall be advised in writing.

**Disciplinary Steps:**

- A. **Counseling:** Violations of this manual, other Village and departmental rules and regulations, and directives of supervisory employees, shall be brought to the attention of an employee, indicating the corrective steps to be taken to prevent recurring violations.
- B. **Oral Reprimand:** Unless the severity of the action requires a stronger or more direct response, the second course of disciplinary action is an oral reprimand given by the supervisor. A note of such reprimand may be made and placed in the employee's personnel file. If no further action is taken on this matter which resulted in an oral reprimand, all written records of such reprimand may be removed and destroyed after twelve (12) months have elapsed.
- C. **Written Letter of Warning:** Unless the severity of the action requires a stronger or more direct response, the third step in the disciplinary procedure is a written letter of warning issued to the employee by the supervisor. This letter will include a description of the incident for which the warning is issued, an outline of the circumstances surrounding the incident and a statement regarding the resolution of the incident, and ma

be placed in the employee's personnel file. This written letter of warning shall remain a part of the employee's personnel file.

- D. Suspension or Demotion: Unless the severity of the action requires a stronger or more direct response, a suspension, or temporary separation from the Village without pay, is the fourth course of disciplinary action. An employee may be suspended by the Village when the offense or infraction is not serious enough to merit dismissal. When a suspension is enacted, the Village Administrator will provide a letter of documentation, and a copy of this letter will be placed in the employee's file. Suspension may include loss of accrued benefits. An employee who is arrested and charged with a criminal offense may be suspended, with or without pay, and/or separated as determined by the Village Administrator as the case may be, pending final disposition of the case.

Demotions occur when an employee's position is changed from one classification in one pay grade to a classification in another pay grade having a lower maximum salary rate. At the discretion of the Village Administrator, an employee who is demoted to a lower pay grade may continue to receive the salary they received immediately prior to their demotion. However, employees may occasionally be assigned to perform duties normally associated with a lower classification in order to meet work requirements of the Village.

- E. Dismissal: Dismissal is the final course of disciplinary action. The Village Administrator may dismiss an employee whenever such action is deemed appropriate. Dismissal may be made for serious violations of Village policy and rules and regulations, work performance, inefficiency, insubordination, misconduct, or other causes (see Section 7-2 or Article 9).

Other disciplinary action may be taken as deemed appropriate.

State statutes and the rules and regulations of the Board of Fire and Police Commissioners shall govern suspension or termination of sworn personnel.

## **7-2. Suspension, Demotion or Dismissal**

Disciplinary measures shall be applied in cases involving unacceptable job performance or misconduct. The following list shall include, but not be limited to, those acts considered to be grounds for suspension, demotion, or dismissal.

- A. Violation of any provision of the Personnel Policy Manual or any other organizational rules and regulations.

- B. Intentional refusal or failure to perform any request, instruction or order of a supervisor or a police officer in a law enforcement matter
- C. Failure to treat residents or any other member of the public in a friendly, courteous and responsive manner.
- D. Exhibiting abusive attitude, language, conduct, and/or insubordination to fellow employees, supervisors, or any member of the public.
- E. Use, possession, or distribution of alcohol, cannabis, and/or controlled substances while on duty or in the workplace or reporting under the influence of alcohol, and/or a controlled substance.
- F. Refusal or failure to timely comply with any mandated alcohol, cannabis or drug policy.
- G. Falsification of any documentation, report or statement.
- H. Willful abuse, neglect or carelessness resulting in damage to public or private property or equipment.
- I. Unsafe, illegal or hazardous operation of equipment or vehicles.
- J. Refusal to submit to a medical exam if requested by the Village Administrator.
- K. Absence without authorization, or habitual absenteeism or tardiness.
- L. Failure to properly report any accident or personal injury.
- M. Conviction of a felony or other crime.
- N. Acting carelessly, negligently, or dishonestly with the monies or other property of the Village, or taking or using, without authorization, any property of the Village for personal use or for sale or as a gift to others.
- O. Failure or inability to adequately meet the minimum work requirements as listed in the employee job description and as established by the Department Head.
- P. Any other act, or failure to act, which may disrupt Village operations, endanger the health, safety, and welfare of the public or another employee, or bring discredit to the Village of Roselle.
- Q. Uses, threatens to use, or attempts to use personal or political influence in securing promotion, leave of absence, transfer, change of pay rate, or other conditions related to work.

- R. Accepting for personal use from any person any fee, gift, or other valuable thing in the course of his work or in connection with it, when such gift or other valuable thing is given in the hope or expectation of receiving a favor or better treatment than that accorded other persons; accepts any bribe, gift, token, monies, or other things of value intended as an inducement to perform or refrain from performing any official act; or engages in any action of extortion, or other means of obtaining money or other things of value through the position in the service of the Village.
- S. Discloses through conversations, interviews, or public speeches, confidential information or records not previously released to any person, unless directed to do so by the Village Administrator or designee. Discloses confidential information or provides prior warning to a person or corporate entity, which is in any way intended to warn or provide prior notice to that individual or entity, regarding an investigation either pending or in progress by any department of the Village or by any other government agency. This paragraph shall not be interpreted as infringing upon First Amendment rights to freely express opinion, or comment on policy, or other community issues.
- T. Falsely claiming injury or improperly reporting injury or falsely claiming or using fraudulent means to utilize any of the fringe benefits and leaves provided for in Article 5 of this manual or relevant collective bargaining agreements, including the use of documents (including medical statements) that were obtained through fraudulent or deceitful means in order to support a false claim for benefits.
- U. Excessive and/or unauthorized absences and failure to notify the appropriate supervisor of absences as required by Department rules and regulations.

### **7-3. Employee Grievances**

It is anticipated that most employee concerns can be resolved through informal discussions with the supervisor. Employees are encouraged to promptly discuss any work-related problems with their supervisor. However, in those cases where a resolution cannot be attained through such efforts, formal written procedures have been established to resolve them.

A grievance shall refer to any complaint by an employee that there has been a violation, misapplication, or misinterpretation of any of the specific provisions of this Personnel Policy Manual or any written departmental rules and regulations, including disciplinary or dismissal action. An employee shall be allowed reasonable time (if required during the work shift), with pay, for the grievance procedure as outlined in this section.

#### **7-4. Grievance Procedure**

The grievance procedure as established in this manual is applicable only to employees not covered by a grievance procedure set forth in a collective bargaining agreement.

A. **Step 1**

The employee shall submit the grievance in writing to the immediate supervisor. The grievance shall contain a statement of facts and circumstances, the provision(s) of the Personnel Policy Manual alleged to have been violated and the relief sought. All grievances shall be filed within ten (10) business days from the date of the occurrence of the event giving rise to the grievance or ten (10) business days from the date which the grievant could reasonably have been aware of circumstances which gave rise to the grievance. The immediate supervisor will review the grievance and provide a recommendation to the Department Head. The Department Head shall investigate the grievance and offer to discuss the matter with the employee. Thereafter, the Department Head shall render a written response within five (5) business days after receipt of the grievance. If the grievance is not timely filed at this step or any other step, it shall be deemed waived.

B. **Step 2**

If the grievance is not settled at Step 1 and the employee wishes to appeal the decision at Step 2, the grievance shall be submitted in writing to the Village Administrator within five (5) business days after receipt of the response at Step 1. The Village Administrator shall investigate the grievance and will hold a meeting with the parties involved.

The Village Administrator shall respond to the grievance within ten (10) business days after receipt of the grievance. The decision of the Village Administrator shall be final.

Nothing in this policy shall prohibit the Village Administrator from meeting with an employee and the Department Head in an effort to informally resolve an issue(s). The timeline stated in this section may be extended if mutually agreed upon by both parties. No employee shall be disciplined or discriminated against in any way because of his proper use of the grievance procedure.

Employees are allowed reasonable time during working hours for presenting their grievances, and no deductions shall be made from the pay of a grieving employee for time spent in this way as long as it does not disrupt normal business. Employees may call on fellow workers who have knowledge of and were directly involved in the incident being grieved.

Nothing in this policy shall prevent a Department Head from appealing a grievance decision against them by the Village Administrator to the Village Board for final decision.

Sworn fire and police personnel may be subjected to disciplinary measures by a superior officer, Fire or Police Chief, or the Board of Fire and Police Commissioners, as provided for by the Rules and Regulations of the Board of Fire and Police Commissioners.

## **ARTICLE 8**

### **INSERVICE PLACEMENT**

#### **8-1. Promotions**

Consideration for promotion shall be based upon prior job performance, personal qualifications, educational or technical training and potential of future development. Employees seeking promotional opportunities shall indicate their desires through the standard employment application procedures.

Employees promoted to a position of higher classification shall be required to meet performance expectations through the Village's annual performance evaluation process. If the employee fails to successfully meet these performance evaluation requirements in a satisfactory manner, and the employee's previous position is available, the Village has the option, among other things, to return the employee to his former classification and salary.

An employee who receives a promotion shall be placed at either the entry step of the new pay range, or at a step which is not less than five (5) percent higher than the previous pay step or five (5) percent higher than the highest paid subordinate, whichever is highest.

Sworn personnel shall be subject to the promotion procedures established by the Roselle Board of Fire and Police Commissioners.

#### **8-2. Appointment to "Acting" Status**

In the event that a prolonged vacancy occurs in a supervisory or administrative position, an existing employee may be appointed to assume the duties of the vacant position in an "acting" capacity. Such appointment shall be made by the Village Administrator, and shall be considered a temporary appointment.

If the individual assigned to "acting" status is anticipated to perform the duties of a higher pay range for more than 30 days, the "acting" employee shall receive a pay adjustment of not less than five (5) percent above his existing rate of pay. Upon the return of the regular occupant of the position, the "acting" employee shall return to the position and pay rate held prior to the temporary appointment.

Under no circumstances shall an employee remain in an "acting" capacity for longer than one (1) year.

#### **8-3. Lateral Request for Transfers**

Voluntary transfers may be requested by employees with the written recommendation of the affected Department Head(s). Transfer requests may be permitted, providing the following conditions are met:

- A. A formal request is made in writing, stating the reason for the request.
- B. The employee is in good standing.
- C. The employee can and does meet some or all normal hiring requirements as established in Section 2-9.
- D. An opening exists in the requested classification.
- E. The affected Department Head(s) and the Village Administrator approve the transfer.

#### **8-4. Transfer Conditions**

If the transfer request is approved in accordance with Section 8-3, an employee will be transferred subject to the following conditions:

- A. Potential transfers into sworn positions within the Fire and Police Departments must go through the established selection procedures required by the Board of Fire and Police Commissioners and be selected from among the eligibility lists established for those positions. The employee will enter the new department and be subject to a performance evaluation/review during his first six months in the new position.
- B. Employees will retain full seniority for purposes of determining sick leave, vacation time, and other benefit accruals; however, scheduling of leave shall be based upon length of service within the new Department except as determined by the Village Administrator.
- C. The employee must enter the receiving Department at a salary or wage rate that is appropriate for the job classification and pay grade, as determined by the relevant departmental salary plan. The nature of the job assignment and the employee's length of service with the Village will be used to help determine the appropriate wage rate.

#### **8-5. Demotions**

If a non-sworn employee is demoted to another position with a lower pay range, the Village shall have the right to reduce the employee's pay range in accordance with the pay plan of the Village.

#### **8-6. Reductions in Personnel**

If it is necessary to reduce the work force of the Village due to insufficient funds or a lack of available work, the Village Administrator shall formulate a list of

positions eligible for layoff. In accordance with the management rights outlined in Section 1.6, such a list shall be formulated to best provide, prioritize, and fulfill the service needs of the Village.

#### **8-7. Recall from Layoff**

The Village, in its discretion shall determine when and whether layoffs are necessary. Employees subject to layoff shall be eligible for recall.

An employee subjected to layoff, may be reinstated to his former position or a position having similar job content for a period up to two years following the date of layoff provided the employee is still qualified to perform the duties assigned to that classification. To be eligible for reinstatement, an employee subject to layoff must continue to provide the Village with a current address and telephone number and if contacted, indicate a desire to be reinstated.

An employee reinstated to employment within one year after leaving the Village service may have the time away from Village service counted as leave without pay. Reinstatement is contingent upon a position being available and requires the approval of both the Department Head and Village Administrator.

Employees subject to a layoff shall be given a written notice. Whenever practical, this notice shall be given at least five working days prior to the effective date, and shall include any other information deemed necessary by the Department Head and Village Administrator.

**ARTICLE 9**  
**SEPARATION OF EMPLOYMENT**

**9-1. Types of Separation**

There are several different ways an employee can be separated from Village service. The different types of separation, but not limited to, are as follows:

- A. Dismissal: An involuntary separation from employment for disciplinary reasons.
  - B. Resignation: A voluntary separation from employment.
  - C. Layoff: Involuntary separation from employment in good standing through no fault of the employee, necessitated by lack of work, lack of funds, changes in organization, completion of temporary or restricted employment, or similar circumstances, and without adverse effect on the employee's eligibility for further employment.
  - D. Retirement: Voluntary separation by an employee who has qualified under the terms and conditions of the respective pension program and who will be immediately receiving retirement benefits.
  - E. Death
  - F. Separation of First Year Employee: If the employee fails to perform the duties of the position they were hired for in a satisfactory manner, the employee may be subject to termination.
  - G. Separation for Medical Reasons: An employee shall be ruled to be incapable of further employment with the Village after an examination by an independent practicing physician selected by the Village Administrator. The selected physician shall determine if the employee is no longer capable of performing the duties assigned to employees of that classification. The Village Administrator may request additional information from the employee and/or Department Head as may be required to render a decision. Employees will not be permitted to remain on the Village payroll to use accrued time in lieu of a reimbursement on their final paycheck.
- 9-2. Dismissal of Fire and Police Sworn Personnel: Sworn fire and police employees may be subject to dismissal if they are found to be in violation of applicable rules and regulations by the Board of Fire and Police Commissioners.

# APPENDIX

## **APPENDIX A**

### **POLICY AGAINST HARASSMENT/DISCRIMINATION & RETALIATION**

#### **I. PURPOSE**

The Village of Roselle is committed to maintaining an environment free from unlawful discrimination and unlawful harassment and protection against retaliation as provided by applicable State and Federal laws including Section 6-101 of the Illinois Human Rights Act (775 ILCS 5/2-105 (B) (5)) and associated statutes. The Village also will provide reasonable accommodations to employees who are disabled in order to assist them in the performance of their essential job functions. In keeping with these commitments, the Village will not tolerate any unlawful forms of discrimination or harassment or retaliation that violates discrimination laws. Every employee, department head, supervisor, vendor, client, resident, visitor, or other person is expected to comply with this Policy.

#### **II. PROHIBITED CONDUCT**

The Village provides equal employment opportunities to all applicants and employees without regard to their legally protected status (as defined below). This policy extends to all aspects of the employment relationship including: hiring, compensation, job duties, work assignments, promotions, etc.

Although it is not possible to provide a definition that would cover every form of workplace harassment, unlawful harassment has been found to include the following (not all inclusive lists):

- A. Unwelcome conduct as defined by laws and the Courts, whether verbal, physical, or visual, that is based upon a person's actual or perceived protected status, including race, age, sex, gender related identity, color, religious affiliation, political preference, national origin, mental or physical disability, sexual preference, sexual orientation, ancestry, marital status, unfavorable discharge from the military (except dishonorable), or other protected status under applicable law. These factors are referred to herein as "legally protected status".
- B. Unlawful conduct that results in tangible employment action (a significant change in employment status), that interferes unreasonably with an individual's work performance, and/or that creates an intimidating, hostile, or offensive work environment.

Some examples of prohibited harassment include: epithets, slurs, negative stereotyping, or intimidating acts that are based on a person's gender or other legally protected status; or written or graphic material circulated, available on the Village computer system, or posted or distributed within the workplace that exhibits hostility toward a person or persons because of their legally protected

status.

Even if the conduct is not sufficiently severe or pervasive to constitute unlawful harassment, the Village discourages any conduct in the workplace if it is inappropriate or disrespectful against another. Violators may be subject to disciplinary action even if the incident does not rise to the level of unlawful harassment.

### **III. SEXUAL HARASSMENT**

Sexual harassment merits additional discussion. Harassing conduct based on gender often is sexual in nature; but sometimes is not. This Policy forbids harassment based on gender regardless of whether the offensive conduct is sexual in nature and regardless of whether it rises to the level of unlawful harassment. Any unwelcome conduct based on gender is also forbidden by this Policy regardless of whether the individual engaged in harassment and the individual being harassed are of the same or different genders.

More specifically, "sexual harassment" includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct based on sex constitute sexual harassment when (a) submission to the conduct is an explicit or implicit term of employment, (b) submission to or rejection of the conduct is used as a basis for an employment decision affecting an individual, or (c) conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

The foregoing behaviors, actions, or statements, which are inappropriate or disrespectful, may result in disciplinary action against the offender.

The Village considers the following conduct, to represent examples of the types of acts that violate this Policy:

- Physical assaults of a sexual nature include but not limited to rape, sexual battery, molestation, intentional physical conduct which is sexual in nature, such as patting, pinching, fondling, kissing, grabbing, or brushing up against another person's body, etc.
- Unwanted sexual advances, propositions or other sexual comments including, but not limited to sexually oriented gestures, noises, remarks, jokes, or comments or verbal abuse of a sexual nature. Also included are preferential treatment and promises of a preferential treatment to an employee for submitting to sexual conduct.
- Sexual or discriminatory displays or publications anywhere in the Village of Roselle work place by Village of Roselle employees including but not limited to pictures, posters, calendars, graffiti, objects, reading materials,

or other materials that are sexually suggestive, demeaning, stereotypical toward a particular gender and/or pornographic.

#### **IV. RESPONSIBILITY**

The Village takes allegations of harassment and/or discrimination and/or retaliation very seriously. Therefore, everyone at the Village is expected to help assure that the workplace is free from prohibited discrimination, harassment, and retaliation. Every employee, elected and appointed officials, are expected to avoid any behavior or conduct that could reasonably be interpreted as prohibited under this Policy, as applicable, or State and Federal law.

#### **V. FILING COMPLAINTS OF HARASSMENT, DISCRIMINATION AND RETALIATION**

If an employee has experienced or witnessed an incident of harassment, sexual or otherwise, discrimination, or retaliation the employee has the right to file a complaint. This may be done in writing or orally. Regardless if a written statement is submitted, the Village will initiate an investigation for any complaint.

- A. The reporting employee and/or affected employee(s) are encouraged to complete a written statement to include all relevant facts surrounding the incident such as date(s), time(s), location(s), statements or materials from witnesses, identify of the offending person, and a detailed description of incidents. The report may be completed during work hours without loss of pay or benefits.
- B. Any such complaint should be filed with the reporting employee's Department Head or the Village Administrator. Any complaint against a Department Head shall be reported to the Village Administrator, and cases of alleged harassment by the Village Administrator shall be reported to the Mayor for both investigation and discipline. This Policy does not require reporting harassment, discrimination or retaliation to any individual who is the subject of the complaint. An employee may bring a complaint to any of the designated individuals with whom they would feel most comfortable discussing the matter.
- C. Any complaint for sexual harassment against an elected or appointed official such as Mayor, Trustee, Clerk, and board and commission members of the Village should be filed with the Illinois Department of Human Rights, 100 West Randolph Street, 10<sup>th</sup> Floor, Chicago, IL 60601; phone: 312-814-6200; email: IDHR.webmail@illinois.gov.

#### **VI. VILLAGE OF ROSELLE RESPONSE**

- A. All reports describing conduct that is inconsistent with this Policy will be

thoroughly investigated and promptly remedied (as and if appropriate). The Village may put reasonable interim measures in place, to help ensure the working environment is comfortable during the investigation, such as a leave of absence or a transfer, while the investigation takes place.

- B. The initial investigation shall be completed within a reasonable time from the date the incident is reported. During this period of time, the Village will review all materials and statements and relevant issues pertaining to the incident. The Village may interview witnesses and have subsequent interviews with the employee submitting the complaint.
- C. The Village will present the findings of the investigation to the employee submitting the complaint. Based on the presentation of the findings and any subsequent issues raised by the employee, the Village will reinvestigate all new information until all issues have been thoroughly investigated. This may include the Village utilizing an outside third party to conduct an investigation.
- D. The Village will take further appropriate action once the report has been thoroughly investigated. That action may be a conclusion that a violation occurred, as explained immediately below. The Village might also conclude, depending on the circumstances, either that no violation of Policy occurred or that the Village cannot conclude whether or not a violation occurred.
- E. If an investigation reveals that a violation of this Policy or other inappropriate conduct has occurred, then the appropriate corrective action will be taken, including discipline up to and including dismissal, as is appropriate under the circumstances, regardless of the job positions of the parties involved.
- F. An employees may also be disciplined for any inappropriate conduct discovered in investigating reports made under this Policy, regardless of whether the conduct amounts to a violation of law or even a violation of Policy.
- G. If the person found to violate this Policy is not employed by the Village, then the Village will take whatever corrective action is reasonable and appropriate under the circumstances.
- H. Any complaint that is investigated to have no merit and to have originated with malicious intent may subject the accuser to disciplinary action.

## **VII. REASONABLE ACCOMMODATIONS**

The Village of Roselle also provides reasonable accommodations in conformance with the Americans with Disabilities Act and other applicable disability laws to legally qualified disabled applicants and employees who are otherwise qualified to perform the essential job functions of their position. Disabled employees in need of a reasonable accommodation are encouraged to notify their supervisor or Department Head to discuss accommodation ideas. The employee may be asked, as appropriate, to participate in an interactive

discussion with the Village Administrator's Office to review ideas about how to reasonably accommodate the disability. Be assured that no retaliation will be taken against a disabled employee who seeks or receives an accommodation under this Policy.

## **VIII. STATE AND FEDERAL REMEDIES**

Consistent with this Policy against workplace harassment, the Village maintains posters on bulletin boards that refer to legal definitions of harassment. These posters identify governmental agencies (Equal Employment Opportunity Commission, Illinois Department of Human Rights/Illinois Human Rights Commission, Federal Equal Employment Opportunity Commission) to contact on how and when to file administrative claims.

## **IX. POLICY AGAINST RETALIATION**

The Village of Roselle forbids all forms of retaliation against any employee, former employee or applicant adversely based on their decision to report a complaint of a possible violation of this Policy. Furthermore, the Village prohibits retaliation against an individual as provided in State and Federal law, including Section 6-101 of the Illinois Human Rights Act (775 ILCS 5/2-105 (B)(5)), the Illinois Whistleblower Act, 740 ILCS 174/1 et. seq and the State Officials and Employees' Ethics Act, 5 ILCS 430/70-5, including because he or she has reported what he or she reasonably and in good faith believes to be a Policy violation. Retaliation is also prohibited against an individual who has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing or because an individual has requested, attempted to request, used, or attempted to use a reasonable accommodation. Any employee who has firsthand knowledge about, and/or witnesses any conduct that could be construed as retaliation should immediately follow the reporting procedures stated in Section V above.

## **X. CONFIDENTIALITY**

In investigating and in imposing any discipline, the Village will attempt to preserve confidentiality to the extent that the needs of the situation reasonable permit and provided it is appropriate to do so. However, it must be understood that it is not always practical to preserve complete confidentiality in all cases.

## **XI. CONSEQUENCES OF A VIOLATION OF THIS POLICY OR MAKING A FALSE REPORT**

1. An employee who violates this policy shall be subject to penalties ranging from; counseling, suspension without pay, and up to and including discharge dependent on the severity of the violation, as well as any penalty provided by State or Federal Law.

2. An elected or appointed official who violates sexual harassment laws is subject to the remedies provided by State or Federal Law.
3. An employee making a false sexual harassment claim is subject to penalties ranging from: counseling, suspension without pay and up to and including termination depending on the severity of the violation, as well as any penalty provided by State or Federal Law.
4. Any employee who violates this sexual harassment policy or makes a false report of sexual harassment, if not discharged, may be subject to mandatory remedial training.

## **APPENDIX B**

### **INFORMATION SYSTEMS POLICIES AND GUIDELINES**

#### A. PURPOSE

The purpose of this policy is to ensure the responsible and acceptable standards for the use of the Village's electronic Information Systems, both internal and external, and to establish acceptable policies and procedures for the safety and security of electronic Information Systems and Information Systems Users.

#### B. DEFINITIONS

Department Network Administrator is defined as a representative from a Village Department designated by the Department Head to have the authority and responsibility to coordinate his Department's computer network related needs with the Network Administrator.

Information Systems (IS) is defined as any and all electronic system technologies that process and/or store data, electronic messages, voice messages, and other such media. These systems include, but are not limited to, the Village's computer network and its components, notebook computers, workstations, desktop computers, the internal and external e-mail system, Internet provider services, and telephones (including wireless telephones), pagers, voice mail systems, and any equipment or component that is used in connection with the IS.

Information Systems Users are defined as all Village employees, contractors, volunteers, and any other individuals who have access to the Village's Information Systems.

Network Administrator is defined as the person who is designated by the Village Administrator to manage and coordinate all aspects of the Village's computer network, information systems and related needs with all Departments and the Network Consultant(s).

Network Consultant is the person(s) or outside contractor retained by the Village to perform various tasks to ensure that the computer network hardware, software, and data is maintained in accordance with industry standards, manufacturer specifications, and any other Village requirements.

## C. PRIVACY

1. This policy applies to all Information Systems Users who have access to the Village's Information Systems.
2. The Village views the legitimate use of its Information Systems as the enhancement of the many functions and services currently being provided to the public. Village employees are encouraged to be creative in their use of the Information Systems technology and to share their discovery of new techniques with other employees.
3. The Village's Information Systems, including all the computers, technologies, and systems are the exclusive property of the Village. Any information and/or data generated or stored by the use of these systems whether in its original format or as may be changed, altered, or modified, is the property of the Village, even when created by the use of a personal password.

The Village reserves the right, at its discretion, to review and inspect any and all data, electronic messages, voice messages, information, and/or computer data files stored in or sent to the computer network or any other system owned, supplied, maintained or operated by the Village.

The Village further reserves the right to disclose the contents of any and all data files, voice messages, or electronic messages stored in or on any Information System, or components thereof, that are owned, supplied, maintained, or operated by the Village. Such disclosures may occur, but are not limited to, the Village's need to investigate a possible violation of any Village or departmental policy, a breach of the Information System security, or to comply with a legal or administrative necessity. Any contents obtained from such action may be disclosed without the consent of the employee.

Information Systems Users have no expectation of any privacy for any information or material generated on, received through or stored in the Village's information systems. All Information Systems Users shall understand that data and information that has been generated by, received through or stored in the Village's information system, even if deleted from a workstation or the computer network may be retrieved and viewed by others with authority to do so.

4. Each Village Department is authorized to develop its own supplemental policies as they may relate to the Village's Information Systems. Any such supplemental policies shall not conflict with any Village policies and shall be reviewed and approved by the Village Administrator or designee prior to implementation. If a conflict occurs, the Village's policy shall take precedent and therefore will be used in lieu of the department policy.

Failure to follow any of the provisions of this policy, any approved supplemental policy, or any future policy, procedure, or requirement may result in the termination of system access rights, other temporary or permanent use restrictions, and/or disciplinary actions as outlined in the Village of Roselle Personnel Policy Manual.

#### D. PROTECTION OF TECHNOLOGY AND INFORMATION

The Network Administrator is responsible for the establishment of procedures, practices, and systems to safeguard the computer network and its components from data loss, viruses, service interruptions, and system failures. However, it is the responsibility of the Information Systems Users to abide by the policies and procedures established in order to protect the Information Systems integrity, technology, and information.

**Data Backup:** The Network Administrator shall be responsible for coordinating activities with the Network Consultant(s) to establish and monitor data backup procedures in a manner consistent with standard operating industry practices.

The data stored on the Village's file servers shall be backed up at a minimum of once per day or as necessary as determined by the Department Network Administrator.

Computer software applications that are stored on the Village's file servers shall be backed up whenever the application is changed or, at the discretion of the Network Administrator/Department Network Administrator.

Information Systems Users who have access to the Village's Information Systems are strongly encouraged to store all data on the network file servers to ensure that a backup of all data is archived. If, for logistical or technical reasons, it is not feasible to back up files to the file server, the Department Head in consultation with his Department Network Administrator and Network Administrator, shall be responsible for maintaining a current back up of the data file(s).

If data files not stored on the Village's file server(s) are deemed to be critical to the day-to-day business of the Village of Roselle, backups of these data files shall be delivered, at least a minimum of once per week, to the Network Administrator.

Periodic checks of backup reliability shall be performed to ensure that files can be easily restored from the backup system. The Network Administrator shall be responsible for the proper storage and retrieval of the primary backup of each file server. Offsite storage of the file server backups may be required.

Software Licenses and Copyrights: The Village purchases or licenses the use of copies of computer software from various outside sources. The Village does not own the copyright to this software or its related documentation and, unless specifically authorized by the software developer, does not have the right to reproduce it for other uses.

Village employees shall abide by all copyright, contract, license agreements and other local, State and Federal laws, Village administrative directives and policies, as well as, individual Department policies and guidelines.

According to Federal Copyright Law, individuals illegally reproducing software can be subject to civil damages and criminal penalties, including fines and/or imprisonment upon conviction. Village employees who make, acquire, or use unauthorized copies of computer software may be disciplined, as appropriate, under applicable provisions of the Village of Roselle Personnel Policy Manual. The Village does not condone illegal duplication of software or any other violation of any software licensing agreements.

## E. SECURITY

1. All Information Systems Users who have access to the Information Systems are expected to maintain the integrity of the sensitive, confidential, and proprietary information that is stored on, or is passed through, the Village's Information Systems. These security procedures include, but are not limited to, the following:
  - a. Access to network directories, files, data, databases, and programs shall be restricted to those Information Systems Users authorized by their Department Heads.
  - b. All Information Systems Users are required to "log off" of the network any time they will be away from the workstation they

are using for a period longer than 30 minutes. If an Information Systems Users fails to observe this log off procedure, other non-authorized users may gain access to the system through their workstation.

- c. All Information Systems Users may be restricted to the use of the network during specified days and/or time periods as authorized by their Department Head.
  - d. No Information Systems Users shall make copies of information stored on the Information Systems for distribution outside of the Village of Roselle offices without prior written authorization from their Department Head.
  - e. Personnel information, including salaries, performance reviews, complaints, disciplinary records, and medical records are confidential and may not be disclosed except in the performance of specified job duties by those authorized to do so.
  - f. Criminal history information including mug shots images, police investigative records, intelligence files, and tactical information are confidential and may not be disclosed except in the performance of specified job duties by those authorized to do so.
  - g. Names, addresses, or other personal information about Village employees, residents, and/or vendors may not be disclosed, except in the performance of specified job duties by those authorized to do so.
  - h. Any Information System User with any question of whether system information is sensitive, proprietary or confidential shall direct an inquiry regarding the status of the information to the System User's Department Head.
2. Passwords: Information Systems User's passwords are confidential. It is the Information Systems User's obligation and responsibility to maintain the confidentiality of their passwords for the Village's Information Systems. Disclosing passwords can create serious threats to the security and integrity of the Village's computer network and its resources. The following guidelines shall be used for creating and maintaining user passwords:
- a. Passwords must be a minimum of six (6) alphanumeric characters in length. Occasionally, the Network

Administrator may change the minimum number of alpha or numeric characters of the password.

- b. Passwords will be changed on an as needed basis.
- c. Passwords should be difficult to figure out. Names of pets or children should not be used.
- d. Passwords should contain both alpha and numeric characters.
- e. If you believe that someone knows your password, contact your supervisor immediately to have it changed.
- f. If you believe that someone has been using your password, contact your supervisor immediately.

Employees are prohibited from encrypting or password-protecting computer files without the express written authorization from the Network Administrator. Should it be necessary to encrypt or password protect a computer file, knowledge of the files password or encryption method shall be documented by the Network Administrator.

Software Installation: No Information Systems Users shall install, or attempt to install, any software on the network or local computer without the prior written authorization of the Network Administrator or Department Network Administrator. Only software that has been approved by the Network Administrator shall be installed or executed on any network workstation or computer. This includes screen savers, Internet browsers, backgrounds, and personal organizers, including calendars and/or personal devices. The Network Administrator will approve only software that is licensed and installed from original media.

Hardware Installation: Only hardware that has been approved by the Network Administrator or Department Network Administrator shall be installed on the Village computer network system. This includes all microcomputers, notebook computers, peripherals, and accessories. The Network Administrator and or Department Network Administrator will coordinate all hardware installations or removal of equipment from the computer network.

Virus Protection: Viruses are a continuing threat to the integrity of any computer network. The Village has installed, and maintains sophisticated anti-virus software and has taken all necessary precautions for virus protection. However, it is the responsibility of Information Systems Users to take all necessary and prudent steps to minimize the risks of introducing a virus into the network.

The Network Administrator or Department Network Administrator must approve data to be entered in any computer workstation via any method other than keyboard or mouse. All removal or erasure of data from any network storage device requires prior written approval from the Network Administrator. Transfer of software applications between any computer workstation and the network servers, whether on-site or off-site, requires the prior written approval from the Network Administrator or Department Network Administrator.

Due to the threat of viruses, network security, and software licensing requirements, Information Systems Users shall not install or copy any software to or from any external sources in the form of diskettes, CD-ROM's, zip drives or disks, backup tapes, and/or any other method of data storage. This includes downloading and uploading software, programs, or applications from the Internet.

#### F. COMPUTER NETWORK, INTERNET, AND EMAIL USAGE

1. Department Heads may request that Information Systems Users be provided access rights to the Internet and/or e-mail systems. Such written requests by the Department Heads shall be submitted to the Village Administrator, or designee for approval and for processing by the Network Administrator. Access to the Internet should be based on an "as needed basis" and is a revocable privilege as determined by the Village Administrator or designee.
2. The intent of the Internet resource is to provide additional sources of reference for Village business. Because activity on the Internet through the Village's Information Systems is a matter of public record, it is the responsibility of Information Systems Users to abide by all policies and procedures to maintain the integrity of the system. Authorized personnel without notice may perform periodic reviews of the Internet activity at a system, departmental, or individual level at any time.

Internet activity, e-mail, both internal and external, and voicemail messages are considered to be the property of the Village and are therefore subject to all of the provisions of this policy as it relates to review, inspection, and disclosure. This includes any and all information and historical records stored with the Village's Internet Service Provider (ISP), whether transmitted to the Information Systems Users or not.

Information Systems Users of the Internet are cautioned that use of this system holds certain inherent risks. The Internet is a vast worldwide collection of networks that is unregulated and open to abuses. Although the Internet provides excellent communications and research capabilities, there is always the possibility that

information transmitted on the Internet can be retrieved and redistributed for non-Village use.

3. All Information Systems Users of any of the Village's Information Systems are cautioned to remember that records created by these systems are the property of the Village. Such records may be subject to a court subpoena.
4. Access to the Internet by Information Systems Users shall be done in a professional manner and in compliance with all applicable laws and Village policies. Any and all Village Information Systems shall not be used for any unprofessional, improper, illegal, or illicit purposes.
5. A wide variety of information and data is available on the Internet. The Village reserves the right to limit Information Systems Users access to any and/or all Internet sites that may have unprofessional, improper, illegal, and/or illicit subject matter or information. The Village recognizes that it has no control over the information on the Internet and therefore is not responsible for any content or information available and accessible on the Internet.
6. Authorized Information Systems Users will be provided with a "login" name (first initial, last name) or badge number that will permit access to the Village's computer network. The user will then provide a personalized password to the Network Administrator or Department Network Administrator that will complete the access to his/her authorized programs and files. The confidentiality of this password is the sole responsibility of each user. All network use will be logged and historical files will be maintained for each user as it may pertain to files and systems used under that user's name and password. It is therefore important that each user maintains the confidentiality of his/her password and remembers to "log off" the system when they are not present at their workstation a period longer than 30 minutes, and at the end of each workday. Failure to log-off the network allows authorized Information Systems Users accounts to remain open and active, thereby exposing the system and files to anyone who may use the unattended workstation in the absence of an authorized user.

No Village employee shall use the Village Information Systems, including the Internet and e-mail, until they have read the Information Systems Policies and Guidelines and signed the Village of Roselle Information Systems Memorandum of Understanding. A copy of this signed document shall be maintained in the employee's personnel file.

7. All Information Systems equipment including, but not limited to, network servers, hubs, network cabling, switches, bridges, wireless access points, phone lines, terminals, workstations, notebooks, peripherals, accessories, and contracted services are the property of the Village of Roselle and are intended for business purposes only.

The Internet is a valuable resource tool. Authorized Village employees are encouraged to use the Internet in the performance of their job duties and to enhance their work productivity. However, employees shall not use the Internet during normal work business hours for personal reasons. Employees may access the Internet for personal development and research outside their normal work hours with prior authorization from their Department Head.

Sending or receiving incidental or occasional personal e-mail messages is permitted by Village employees. However, these messages are subject to the same review as any other messages transmitted via the electronic mail system. Use of all other Village Information Systems, including the Internet/e-mail for personal reasons is also dependent on Department Head approval and availability of access without infringing on the performance of duties by other Village employees.

E-mail messages and the transfer of information via the Internet are not secure. Any employee preparing to transmit confidential information must do so in writing, using the traditional paper mail system.

8. All communications transmitted to and from the Internet shall be made through the Village's computer network with the authorized Internet Service Provider (ISP) using only the Internet protocol provided for by that Information System. Internal communications to and from the Internet through dial-up or stand-alone modem(s) is prohibited unless authorized by the Village Administrator.
9. Village employees are restricted from installing and/or using third party Internet service provider (ISP) e.g. AOL, Prodigy, and Earthlink or any unauthorized ISP account. Authorized employees must use the Village's Internet connectivity provided for by the Village's ISP on their laptop or desktop as approved by the Network Administrator or Department Network Administrator

10. Information Systems Users are not permitted to use any streaming audio and/or video or download any other streaming files from the Internet at any time.
11. Unauthorized Use: In addition to the prohibited activities listed elsewhere in this policy, the following activities are also prohibited:
  - a. At no time shall the Village's Information Systems be used for any personal gain, personal opinion(s), advertisements, and/or personal requests. All outgoing messages which do not reflect the official position of the Village or a particular Department must include the following message: "The comments are not necessarily representative of those of the Village of Roselle, its elected officials, appointed officials, or employees."
  - b. Employees are strictly prohibited from using the Internet connectivity, e-mail system, voicemail system, or any of the Village's Information Systems for any non-protected political, illegal, unethical, unprofessional, illicit, immoral, or improper activity, or for any activity that may reasonably be construed to be detrimental to the Village.
  - c. Unauthorized attempts to access another authorized user's e-mail are prohibited.
  - d. Knowledge of or use of another authorized user's password is prohibited.
  - e. Transmission of obscene or harassing messages is prohibited.
  - f. Use for access to and/or distribution of indecent or obscene material, pornography, inappropriate text or graphic files, or files that may be harmful to the integrity of the network is prohibited.
  - g. Messages that could reasonably be construed as sexually explicit or discriminatory based on race, national origin, gender, sexual orientation, age, disability, or religious or political beliefs is prohibited.

## APPENDIX C

### VICTIMS' ECONOMIC SECURITY AND SAFETY ACT ("VESSA")

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

VESSA provides that an employee working for an employer with at least 15, but not more than 49 employees, shall be entitled to a total of **8** workweeks of leave during any 12-month period. Employees working for an employer with at least 50 employees are entitled to a total of **12** workweeks of leave during any 12-month period. The total number of workweeks to which an employee is entitled shall not decrease during the relevant 12-month period.

An employee may take VESSA leave to:

1. Seek **medical attention** for, or recovery from, physical or psychological injuries caused by domestic or sexual violence to the employee or employee's family or household member;
2. Obtain **victim services** for the employee or 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**, including temporary or permanent relocation or other actions to increase the safety of the victim from future domestic or sexual violence; or
5. Seek **legal assistance** to ensure the health and safety of the victim, including participating in court proceedings related to the violence.

VESSA leave may be taken intermittently or on a reduced work schedule.

#### Notice and Certification Requirements

The employee shall provide the employer with at least 48 hours' advance notice of the employee's intention to take leave, except in such cases where it is not practical to provide such notice. If an unscheduled absence occurs, the employer may not take action against the employee if the employee, upon request of the employer and within a reasonable period after the absence provides certification.

Employers may require certification that VESSA leave is to be taken for one of the purposes enumerated above and that the employee or employee's family or household member is a victim of domestic or sexual violence. An employee

may satisfy such a certification requirement by providing a sworn statement of the employee, and upon obtaining such documents the employee shall provide:

- Documentation from a victim services organization, attorney, member of the clergy, or medical or other professional from whom the employee or the employee's family or household member has sought assistance;
- A police or court record; or
- Other corroborating evidence.

Employers must maintain the confidentiality of all information pertaining to the use of VESSA leave, notice of an employee's intention to take VESSA leave, and certification provided by the employee.

#### Required Posting

Employers must post a notice in their workplace summarizing the requirements under the Act. Copies of this notice may be acquired by contacting the Illinois Department of Labor or by downloading the notice from the agency's home page (<http://www.state.il.us/agency/idol>).

#### Jurisdiction

VESSA applies to employers with 15 or more employees, the State of Illinois, and any unit of local government or school district.

#### Prohibitions

Employers are prohibited from interfering with, restraining, or denying an employee's attempt to exercise any rights under the Act. Specifically, employers are prohibited from discharging, constructively discharging, harassing or otherwise discriminating against any employee with respect to compensation, terms, conditions, or privileges of employment, or retaliating against an employee in any form or manner.

#### Enforcement

The Illinois Department of Labor administers and enforces the provisions of this Act. The Department has the power to conduct investigations in connection with the administration and enforcement of this Act. Any employee who believes his or her rights under this Act have been violated may, within three (3) years after the alleged violation occurs, file a complaint with the Department.

#### Penalties

If an employer is found to have violated the Act, the Department may require the employer to:

- Pay damages equal to the amount of wages, salary, employment benefits, public assistance, or other compensation denied or lost with interest;
- Provide equitable relief, including but not limited to, reinstatement, promotion and reasonable accommodations; and

- Pay reasonable attorney's fees, expert witness fees, and other costs of the action.

Any employer who has been ordered by the Director of Labor or the court to pay damages and who fails to do so within 30 days after the order is entered is liable to pay a penalty of 1% per calendar day to the employee for each day of delay in paying the damages to the employee.

For more information, contact:

**Illinois Department of Labor  
160 North LaSalle Street, Suite C-1300  
Chicago, Illinois 60601  
(312) 793-6797**

**<http://www.state.il.us/agency/idol>**