

**THE CITY OF BLUE ISLAND  
COOK COUNTY, ILLINOIS**

**RESOLUTION  
NUMBER 2022-005**

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**A RESOLUTION OF THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS,  
APPROVING THE IMPLEMENTATION OF THE UPDATED CITY POLICY AND  
PROCEDURE HANDBOOK**

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**FRED BILOTTO, Mayor  
RAEANN CANTELO-ZYLMAN, City Clerk  
JAIRO FRAUSTO, City Treasurer**

**DEXTER JOHNSON  
LUIZ MONTOYA  
NANCY RITA  
BILL FAHRENWALD  
GABRIEL McGEE  
CANDACE CARR  
JOSH ROLL**

**Alderman**

**RESOLUTION NUMBER 2022-005**

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**WHEREAS**, the City of Blue Island, Cook County, Illinois (the “*City*”) is a duly organized and existing City created under the provisions of the laws of the State of Illinois and operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto, with full powers to enact ordinances and adopt resolutions for the benefits of the residents of the City; and

**WHEREAS**, the Mayor and City Alderman reviewed and approved of the content of the proposed updates to the City of Blue Island’s Policy and Procedure Handbook (the “*Handbook*”), applicable to employees, a true and correct copy of which is attached hereto and made a part hereof as **Exhibit A**; and

**WHEREAS**, the Mayor and Aldermen of the City of Blue Island deem it advisable and in the best interests of the health, safety and welfare of the residents of the City to approve this Handbook to improve the efficacy of governmental operations.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and the Aldermen of the City of Blue Island, Cook County, Illinois as follows:

**Section 1.** That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

**Section 2.** The Handbook attached hereto as **Exhibit A**, is hereby approved in substantially the same form presented by the Mayor, the implementation of which constitutes the approval by the City of any and all changes or revisions contained therein.

**Section 3.** The officials and officers of the City are hereby authorized to undertake actions on the part of the City as contained in the Handbook to complete satisfaction of the provisions, terms or conditions stated therein.

**Section 4.** If any section, paragraph, clause or provision of this Resolution shall be held invalid, the invalidity thereof shall not affect any other provision of this Resolution.

**Section 5.** All ordinances, resolutions, motions or orders in conflict with this Resolution are hereby repealed to the extent of such conflict.

**Section 6.** This Resolution shall be in full force and effect immediately upon its passage, approval, and publication as required by law.

*(Left intentionally blank)*

**ADOPTED** this **22nd** day of **February, 2022**, pursuant to roll call as follows:

	YES	NO	ABSENT	PRESENT	ABSTAIN
Alderman JOHNSON	X				
Alderman FAHRENWALD					X
Alderman RITA			X		
Alderman MONTOYA	X				
Alderman MCGEE	X				
Alderman CARR	X				
Alderman ROLL	X				
Mayor BILOTTO					
	5		1		

**APPROVED** by the Mayor on **February 22, 2022**.

**FRED BILOTTO**  
**MAYOR OF THE CITY OF BLUE ISLAND,**  
**COUNTY OF COOK AND STATE OF ILLINOIS**

**ATTESTED** and Filed in my office this  
**22nd** day of **February, 2022**.

**RAEANN CANTELO-ZYLMAN, CITY CLERK**

STATE OF ILLINOIS        )  
  )  
COUNTY OF COOK        )

  ss.

**CERTIFICATION**

**I, RAEANN CANTELO-ZYLMAN, DO HEREBY CERTIFY THAT** I am the duly elected City Clerk of the City of Blue Island, Illinois, as such City Clerk, I am the keeper of the minutes and records of the Proceedings of the City Council of the said City and have in my custody the RESOLUTIONS and BOOKS of the records of said City.

**I DO FURTHER CERTIFY** that the attached and foregoing is a true and correct copy of the certain **RESOLUTIONS: A RESOLUTION OF THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS, APPROVING THE IMPLEMENTATION OF THE UPDATED CITY POLICY AND PROCEDURE HANDBOOK.**

**RESOLUTION NO. 2021-005** which was adopted at a regular meeting of the City Council of the City of Blue Island, Illinois held on the **22nd day of February, 2022**; that at said meeting **6** Alderman were present; that at said meeting, on motion duly made and seconded that the Resolution did pass and on the roll being called the vote of each Aldermen present on the question of the passage of said Resolution was duly and separately taken by Ayes and Nays and their names and votes recorded in the minutes of **5** Alderman voted Aye and **0** Alderman voted Nay and **1** Alderman voted Abstain and **1** Alderman Absent.

**I DO FURTHER CERTIFY** that the original Resolution which the foregoing is a true copy, is entrusted to my care for safe keeping, and that I am the lawful keeper of the same.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Corporate Seal of the City of Blue Island aforesaid, at the said City in the County and State aforesaid, this **22nd day of February, 2022**.

CORPORATE SEAL

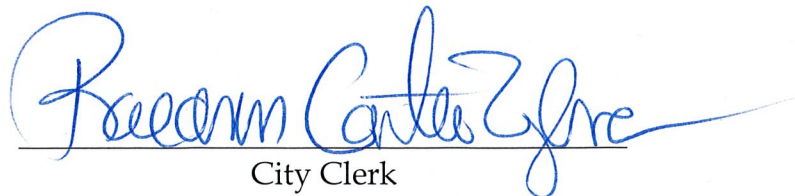
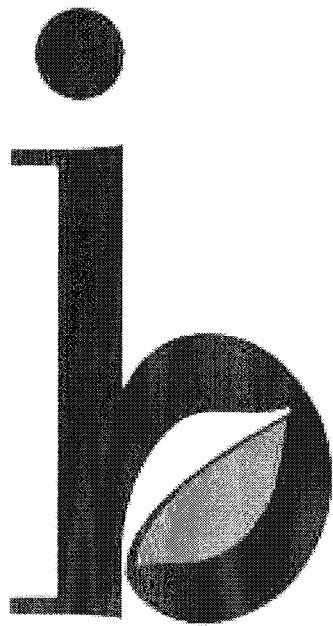
  
\_\_\_\_\_  
City Clerk

Exhibit A

*Handbook*



BLUE  
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est. 1835

# **City Policy and Procedure Handbook**

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## **SECTION 1: GENERAL OPERATIONS AND ADMINISTRATION**

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## **General Operations and Administration Purpose and Scope**

### Purpose of Handbook

The rules promulgated herein are intended to establish policies and procedures which will provide for consistency in the application of standards among all employees and officials. Said policies and procedures will ensure the efficient operation of the City and establish minimum standards for City officials and employees.

**THIS HANDBOOK AND THE POLICIES CONTAINED HEREIN DO NOT ALTER THE AT-WILL EMPLOYMENT STATUS OF ANY EMPLOYEE. NOTHING IN THIS HANDBOOK SHOULD BE CONSTRUED TO CONSTITUTE AN OFFER OR ANY OTHER CONTRACTUAL OBLIGATION REGARDING THE CONDITIONS OF EMPLOYMENT.**

**THIS HANDBOOK AND POLICIES CONTAINED HEREIN DO NOT CREATE ANY CONTRACTUAL RIGHT TO EMPLOYMENT OR PROPERTY INTEREST IN THE SAME. THIS HANDBOOK IS TO BE USED AS A GENERAL GUIDELINE AND THE PROCEDURES IDENTIFIED HEREIN ARE NOT MANDATORY AND THE CITY MAY DEVIATE FROM THESE PROCEDURES AT THE DISCRETION OF THE CITY.**

### Scope and Exemptions

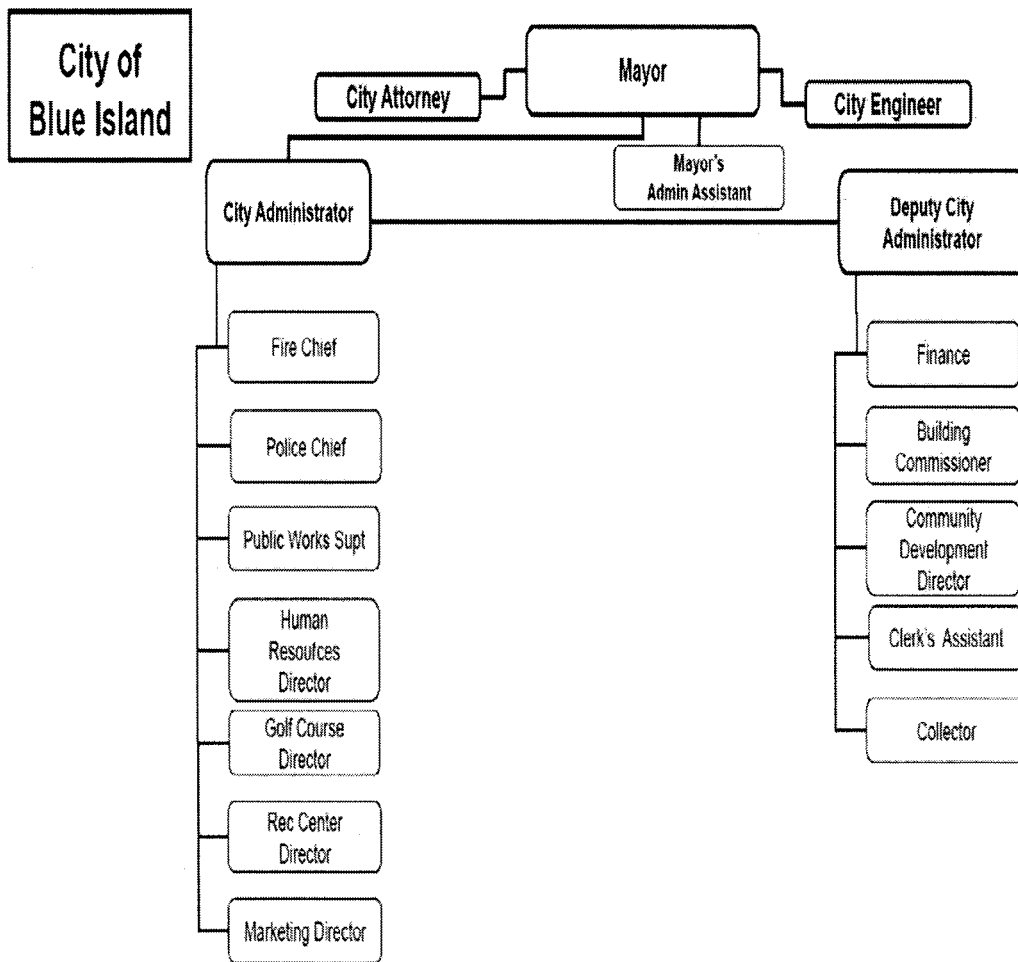
This handbook shall apply to all City officials and employees excluding those who are exempted by ordinance or law and excluding union members, only to the extent that these policies conflict with provisions of applicable collective bargaining agreements.

The policies herein shall be construed to be in compliance with local, state and federal law and regulations. In the event of conflict, the latter shall control.

### General Operations and Administration

#### Organizational Structure

The City departments are organized as set forth in City of Blue Island Code of Ordinances and herein. The reporting order and chain of command for Department Heads within the City of Blue Island are established as set forth in the chart below:





Job Descriptions, Duties and Authorities

Departments and administrative and supervisory positions shall be established by the Mayor and/or City Council in accordance with state law. The general duties and authority of each department, administrative or supervisory position shall be approved by the Mayor and are contained in the respective position's job description. In the event of a conflict, State law and/or the employment agreement shall control.

LEGAL REFERENCES:

65 ILCS 5/3.1-30-5

65 ILCS 5/6-4-7

65 ILCS 5/3.1-30-5

ADOPTED: May 19, 2014

REVISED: September 10, 2014

## **General Operations and Administration Political Activities and Gift Ban**

### Prohibited Political Activity

The following precepts govern political activities being conducted by City employees and officials:

1. No employee shall intentionally perform any “political activity” during any “compensated time,” as those terms are defined herein.
2. No City official or employee shall intentionally use any City property or resources in connection with any political activity.
3. At no time shall any City official or employee intentionally require any other official or employee to perform any political activity: (a) as part of that City official’s or employee’s duties, (b) as a condition of employment, or (c) during any compensated time off, such as, holidays, vacation, or personal time off.
4. No City official or employee shall be required at any time to participate in any political activity in consideration for that City official or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise; nor shall any City official or employee be awarded additional compensation or any benefit in consideration for his or her participation in any political activity.

A City official or employee may engage in activities that: (1) are otherwise appropriate as part of his or her official duties or (2) are undertaken by the individual on a voluntary basis that is not prohibited by this policy.

No person either in a position that is subject to recognized merit principles of public employment or in a position the salary for which is paid in whole or in part by federal funds and that is subject to the federal standards for a merit system of personnel administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

### Limitations on Receiving Gifts

Except as permitted by this policy or by law, no City official or employee, and no spouse of or immediate family member living with any City official or employee shall intentionally solicit or accept any “gift” from any “prohibited source,” as those terms are defined herein, or that is otherwise prohibited by law or policy. No prohibited source shall intentionally offer or make a gift that violates this policy. The following are exceptions to the ban on accepting gifts from a prohibited source:

1. Opportunities, benefits, and services that are available on the same conditions as for the general public.



2. Anything for which the City official or employee, or his or her spouse or immediate family member, pays the fair market value.
3. Any: (a) contribution that is lawfully made under the Election Code or (b) activities associated with a fund-raising event in support of a political organization or candidate.
4. Educational materials and missions.
5. Travel expenses for a meeting to discuss business.
6. A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.
7. Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (a) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (b) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (c) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other City officials or employees, or their spouses or immediate family members.
8. Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are: (a) consumed on the premises from which they were purchased or prepared; or (b) catered. "Catered" means food or refreshments that are purchased ready to consume which are delivered by any means.
9. Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of a City official or employee), if the benefits have not been offered or enhanced because of the official position or employment of the City official or employee and are customarily provided to others in similar circumstances.

10. Intra-governmental and inter-governmental gifts. "Intra-governmental gift" means any gift given to a City official or employee from another City official or employee, and "intergovernmental gift" means any gift given to a City official or employee by an officer or employee of another governmental entity.
11. Bequests, inheritances, and other transfers at death.
12. Any item or items from any one prohibited source during any calendar year having an accumulative total value of less than \$100.

Each of the listed exceptions is mutually exclusive and independent of every other.

A City official or employee, his or her spouse or an immediate family member living with the City official or employee, does not violate this policy if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c) (3) of the Internal Revenue Code.

#### Enforcement

Written complaints alleging a violation of this policy shall be filed with the Mayor, Mayor's designee, or City attorney.

#### Definitions

Unless otherwise stated, all terms used in this policy have the definitions given in the State Officials and Employees Ethics Act, 5 ILCS 430/1-5.

"Political activity" means:

1. Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
2. Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
3. Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
4. Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
5. Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

6. Assisting at the polls on Election Day on behalf of any political organization or candidate for elective office or for or against any referendum question.
7. Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
8. Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
9. Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
10. Preparing or reviewing responses to candidate questionnaires.
11. Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
12. Campaigning for any elective office or for or against any referendum question.
13. Managing or working on a campaign for elective office or for or against any referendum question.
14. Serving as a delegate, alternate, or proxy to a political party convention.
15. Participating in any recount or challenge to the outcome of any election.

With respect to an employee whose hours are not fixed, “compensated time” includes any period of time when the employee is on premises under the control of the City and any other time when the employee is executing his or her official duties, regardless of location.

“Prohibited source” means any person or entity who:

1. Is seeking official action by: (a) a City official, or (b) an employee;
2. Does business or seeks to do business with: (a) a City official, or (b) an employee, or with the City official or another employee directing that employee;
3. Conducts activities regulated by: (a) a City official, or (b) an employee or by the official or another employee directing that employee; or
4. Has an interest that may be substantially affected by the performance or non-performance of the official duties of the City official or employee.

“Gift” means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including but not limited to, cash, food and drink, and

honoraria for speaking engagements related to or attributable to government employment or the official position of a City official or employee.

LEGAL REF.: 5 ILCS 430/1-1 et seq.  
10 ILCS 5/9-25.1.

ADOPTED: May 19, 2014

## **General Operations and Administration**

### **Use of City Property**

The intent of this policy is to ensure that all property maintained by the City is kept in the best possible working condition and to ensure proper utilization. Property shall be defined as any piece of equipment, furnishing, vehicle, building and surrounding areas such as sidewalks, walkways, driveways and parking lots under the City's ownership or control, or supply purchased, leased, owned, donated or otherwise in the custodial care of the City or any person acting as its agent.

Employees are only authorized to use city owned property for the performance of their respective job duties. Employees which are on medical or other leave shall not be permitted to use city owned property until such time as the employee returns to work. Employees are not permitted to use city property while off the clock, unless such employee is on-call and responding to a work-related matter.

#### General Conditions:

1. It is the responsibility of each employee to maintain his/her work environment in an orderly fashion and follow all guidelines to ensure proper use and maintenance of City property.
2. Should any employee have knowledge of any misuse, he/she must notify a supervisor immediately.
3. All employees must exercise due care and caution while using City property, including but not limited to preventing damage to or injury to other persons.
4. Any employee found to neglect or misuse City property will be disciplined, including and up to termination. If the neglect is determined to be gross, the City may take appropriate steps to obtain reimbursement for part or all of the replacement cost.
5. No employee shall use City property for personal use. Misappropriation of property is grounds for immediate termination and possible criminal action.

#### City Owned or Leased Vehicles

1. Any employee for whom driving is an essential job duty must be authorized and approved to drive each type of vehicle, including possessing the appropriate licenses.
2. It is the direct responsibility of the driver to ensure the vehicle is in full operational condition before each use and in compliance with the Illinois Motor Vehicle Code, including but not limited to provisions governing headlights, tail lights, seat belts, registration and license plate display. The driver must immediately report any damage to the vehicle, non-compliant condition or any safety concerns to a supervisor and refrain from use of such vehicle.
3. Any vehicle found to be unsafe will be removed from the operational fleet until corrective actions are taken.

### Electronic and Telecommunication Devices

1. Electronic devices include, but are not limited to, computers, laptops, pagers, cellular phones, telephones, printers, fax machines, Internet connections, e-mails, televisions, video players, etc.
2. No employee shall use these devices for personal use.
3. No employee should expect any privacy except that which is given by law with and the City reserves the right to monitor any communications that utilize City networks in any way, including data, voice mail, telephone logs, Internet use, network traffic, etc., to determine proper utilization.
4. All employees shall sign a release of information authorization for any City owned devices upon request by City officials.

### Information

1. For the purpose of this policy, property or information shall include any City sponsored information, such as, but not limited to, any lists, such as employee, citizen, volunteer; any database information such as names, addresses, telephone numbers; any personnel file information, such as addresses, telephone numbers, employment status, wage history and any photographs, video tapes; and/or sound clips of any employee or volunteer.
2. Only those employees with authorization from the Mayor or City Council or as part of their job description may speak on behalf of the City. Additional permission is required to disseminate confidential information.
3. No employee shall knowingly dispense confidential information to any outside party unless authorization has been granted. This could include other employees who do not have the right to know such information. Any breach shall be considered a violation of the City's policy concerning confidentiality and discipline may result.

### LEGAL REFERENCES: 625 ILCS 5/1-100 et seq.

ADOPTED: May 19, 2014

REVISED: September 10, 2014

## **General Operations and Administration**

### **Nepotism**

The City shall practice strict scrutiny in reviewing the hiring of any City employee who holds any familial or business-professional relationship with any member of the City Council or member of the Administration. This policy applies to all new hires made after the date of adoption of this handbook.

For purposes of this policy, the following definitions of these relationships apply:

**Familial:** Grandfather, grandmother, father, mother, son, daughter, brother, sister, spouse or domestic partner, niece, nephew, and cousin including all associated in-law, step relationships, and domestic partner relatives for these categories.

**Business-Professional:** Any such person with whom City Council members or the Administration member has currently or has had within the previous 24 months a relationship where value (monetary or other consideration) has exchanged hands between the member and the job candidate including the exchange of value with any organization in which the candidate plays a role of influence.

Qualified candidates who have applied for a job within the City, and who holds any of the above relationships with a member of the City Council or City Administration, may be offered a job so long as the individual hired is deemed to be the most qualified applicant for the job and he/she has complied with all requirements of the application process.

Any and all City Council or Administration member(s) with whom the job candidate holds the relationship shall publicly state such relationship prior to participating in the hiring decision with respect to such candidate, and the member(s) shall recuse him/herself from the decision-making process.

Failure of a member to (1) recuse himself/herself from the discussion of such a candidate with whom the member holds any one or more of the relationships referenced above, (2) publicly state such a relationship referenced above or (3) recuse/abstain himself/herself may result in the public censure and/or discipline of the member.

Under no circumstances shall such candidate or any employee of the City be assigned to work for a supervisor with whom that candidate shares any such relationship as described above. This applies also to the supervisor of the employee's supervisor.

In cases where a City Council or Administration member has a familiar relationship with an individual already employed by the City, the member shall publicly disclose the nature and extent of the relationship prior to any deliberations regarding the relative. The member shall recuse himself or herself from any deliberations on any matter related to the employee's wages, benefits, hours, or related to any disciplinary actions pertaining to the employee.

**General Operations and Administration**  
**Ethics and Conduct of City Officials and Employees**

Employee Conduct

All City employees are expected to maintain high standards in their work relationships, to demonstrate integrity and honesty, to be considerate and cooperative, and to maintain professional and appropriate relationships with staff members, citizens and others. Any employee who violates an employee conduct standard will be subject to discipline up to and including dismissal.

Outside Employment and Conflict of Interest

No City employee shall be directly or indirectly interested in any contract, work, or business of the City, or be financially interested directly or indirectly in the sale to or by the City, of land, materials, supplies, or services, except on behalf of the City as an employee. For the purpose of acquiring profit or personal gain, no employee shall act as an agent of the City nor shall an employee act as an agent of any business in any transaction with the City. Employees shall not engage in any other employment or in any private business during regular working hours or at such other times as are necessary to fulfill appropriate assigned duties, except as approved by the Mayor or Mayor's designee. It also shall be the responsibility of any employee to fully comply with all applicable federal, State and local laws relating to conflicts of interest, financial disclosure, and ethics, including all revisions thereto.

LEGAL REF.:

5 ILCS 420/4A-101 and 430

50 ILCS 135

ADOPTED: May 19, 2014



### **General Operations and Administration Uniform Complaint Procedure**

As provided in its EEO Policy (Section 3.1 of this Handbook), the City will not tolerate or condone discrimination or harassment on the basis of race, color, religion, creed, sex, gender-identity, gender-expression, sexual orientation, pregnancy, childbirth, medical or common conditions relating to pregnancy and childbirth, genetic information, national origin, age, physical or mental disability, ancestry, marital status, military status, arrest record, unfavorable discharge from military service, order of protection status, citizenship status or any other classification prohibited under federal or state law.

Employees or community members should notify any City Complaint Manager if they believe that the City's employees or agents have violated their rights guaranteed by the State or federal Constitution, State or federal statute, or City policy, or have a complaint regarding any one of the following:

1. Title II of the Americans with Disabilities Act;
2. Title IX of the Education Amendments of 1972;
3. Section 504 of the Rehabilitation Act of 1973;
4. Title VI of the Civil Rights Act, 42 U.S.C. § 2000d et seq.;
5. Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. § 2000e et seq.;
6. Sexual harassment (Illinois Human Rights Act, Title VII of the Civil Rights Act of 1964, Victims' Economic Security and Safety Act, 820 ILCS 180;)
7. Illinois Equal Pay Act of 2003, 820 ILCS 112;
8. Illinois Whistleblower Act, 740 ILCS 174.
9. Misuse of genetic information (Illinois Genetic Information Privacy Act (GIPA), 410 ILCS 513/ and Titles I and II of the Genetic Information Nondiscrimination Act (GINA), 42 U.S.C. §2000ff et seq.)
10. Employee Credit Privacy Act, 820 ILCS 70

A "City Complaint Manager" includes any of the following:

1. A Department Supervisor; or
2. The Offending Employee's Department Supervisor, the Deputy City Administrator, or the City Attorney (in the event that the alleged harasser is the Deputy City Administrator).

If the complaint involves someone in the employee's direct line of command, then the employee should go directly to the Human Resources Director.

When a complaint is made, whether oral or written, the Complaint Manager shall address the complaint promptly and equitably. The right of a person to prompt and equitable resolution of a complaint filed hereunder shall not be impaired by the person's pursuit of other remedies. All

deadlines under this procedure may be extended by the Complaint Manager as he or she deems appropriate. As used in this policy, “business days” means days on which City Hall is open.

#### Filing a Complaint

A person (hereinafter Complainant) who wishes to avail him or herself of this procedure may do so by filing a complaint with any Complaint Manager. The Complainant shall not be required to file a complaint with a particular Complaint Manager and may request a Complaint Manager of the same sex. The Complaint Manager will request the Complainant provide a written statement regarding the nature of the complaint. The Complaint Manager shall assist the Complainant as needed. If the Complainant fails to provide a written complaint, the Complaint Manager may proceed with the investigation if feasible.

#### Resolution of a Complaint

Promptly after a complaint is submitted, the City will undertake such investigation, corrective and preventive actions as are appropriate. In general, resolution of complaints can (but will not necessarily) include any of the following:

1. A meeting between the employee making the complaint and an individual designated by the City to investigate such complaints. Important data to be provided by the complaining employee includes the following:
  - a. A description of the specific offensive conduct;
  - b. Identification of all person(s) who engaged in the conduct;
  - c. The location where the conduct occurred;
  - d. The time when the conduct occurred;
  - e. Whether there were any witnesses to the conduct;
  - f. Whether conduct of a similar nature has occurred on prior occasions;
  - g. Whether there are any documents which would support the complaining employee’s allegations; and
  - h. What impact the conduct had on the complaining employee.
2. While not required, the City encourages anyone who makes a complaint under this Policy to provide a written statement setting forth the above details and attaching any pertinent records. Any employee reporting an incident of sexual harassment shall be given the option of making a confidential report or providing information confidentially to the Supervisor or person to whom a complaint is given.
3. After a complaint is submitted by the employee, the alleged offending individual should be contacted by a designated representative of the City. The alleged

offending individual should be advised of the charges brought against him or her, and may be provided with a copy of the written statement of complaint made by the complaining employee (if applicable). The alleged offending individual should have an opportunity to fully explain his or her side of the circumstances, and may also submit a written statement, if desired.

4. After the alleged offending individual is interviewed, any witnesses identified by either the complaining employee or the alleged offending individual may be interviewed separately.
5. Once this investigation is completed, the City will take such action as is appropriate based upon the information obtained in the investigation. In the event that the City finds merit in the charges made by the complaining employee, disciplinary action will be taken against the offending employee. This disciplinary action may, but need not necessarily, include:
  - a. Verbal or written reprimand;
  - b. Placement of the offending employee on a corrective action plan for a period of time to be identified;
  - c. Delay in pay increases or promotions;
  - d. Suspension of the offending employee from work without pay;
  - e. Demotion; or
  - f. Immediate termination.
6. Upon completion of the investigation, the City will advise the complaining employee of the results of the investigation, including any action taken against the offending individual.

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

**CROSS REFERENCE:**

- 1.6 (Ethics and Conduct of City Officials and Employees)
- 2.3 (Workplace Harassment Prohibited)
- 3.2 (Employee Discipline)

ADOPTED: May 19, 2014

## **SECTION 2: GENERAL PERSONNEL**

- 2.1 At-will Employment
- 2.2 Disability and Pregnancy Accommodations
- 2.3 Workplace Discrimination and Harassment Prohibited
- 2.4 Compliance with the Fair Labor Standards Act
- 2.5 Drug and Alcohol-Free Workplace
- 2.6 Vacation, Sick, Court, and Holidays
- 2.6A Sick Time Accrual and Retirement Benefit Addendum
- 2.7 Family and Medical Leave Act (FMLA) Leave of Absence
- 2.8 Non-FMLA Leaves of Absence
- 2.9 Personal Technology and Social Media; Usage and Conduct
- 2.10 Responsibilities Concerning Internal Information
- 2.11 Records
- 2.12 Fitness for Duty
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- 2.14 Accidents and Injuries
- 2.15 Communicable Diseases

### **General Personnel At-Will Employment**

Unless your employment is governed by a separate collective bargaining agreement or duly executed contract stating otherwise, **you are an at-will employee of the City of Blue Island**. This means that regardless of salary, position or rate of pay, your employment relationship with the City may be terminated by either you or the City at any time with or without cause or notice. Nothing in this Handbook is meant to alter the at-will employment relationship in any manner. The personnel policies in this Handbook apply to all City employees. Thus, it is important that you be thoroughly familiar with this Handbook, as well as any additional policies or practices that may be communicated to you either verbally or in writing. This policy of employment-at-will may not be modified by any officer or employee and shall not be modified in any publication or document. The only exception to this policy is a written employment agreement containing the terms, conditions and length of employment or an appointment by the Mayor pursuant to the Illinois Municipal Code, whichever is applicable.

This employment-at-will relationship exists regardless of any other written statements or policies contained in this Handbook or any other City documents or any verbal statement to the contrary. Policies and procedures set forth in this handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the City and you. The provisions of the handbook have been developed at the discretion of management and, except for its policy of employment-at-will, may be amended or cancelled at any time, at the City's sole discretion.

While the City may elect to follow its progressive discipline procedure, the City is in no way obligated to do so. Using progressive discipline is at the sole discretion of the City in an employment-at-will workplace.

To the extent that they do not conflict with express language contained in applicable collective bargaining agreements, these provisions supersede all existing policies and past practices and may not be amended or added to without the express written approval of the Mayor.

Every employee shall be required to sign a form in substantially the same format as below:

Your employment with the City of Blue Island is a voluntary one and is subject to termination by you or the City at will, with or without cause, and with or without notice, at any time. Nothing in these policies shall be interpreted to be in conflict with or to eliminate or modify in any way the employment-at-will status of City employees.

This policy of employment-at-will may not be modified by any officer or employee and shall not be modified in any publication or document. The only exception to this policy is a written employment agreement approved at the discretion of the Mayor or the City Council, whichever is applicable. These personnel policies are not intended to be a contract of employment or a legal document.

I acknowledge receipt of the at-will employment policy and City of Blue Island Policy and Procedure Handbook.

ADOPTED: May 19, 2014

## **General Personnel Disability and Pregnancy Accommodations**

The City prohibits discrimination on the basis of disability, pregnancy or medical conditions related to pregnancy or childbirth. Therefore, the City shall not, on the basis of pregnancy or disability, refuse to hire, segregate or take any other employment action with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or the terms, privileges or conditions of employment.

The City also makes reasonable accommodations when necessary for all employees with disabilities, applicants with disabilities, and/or employees who are affected by pregnancy, childbirth or medical conditions related to pregnancy or childbirth, provided the employee or applicant is otherwise qualified to perform the essential functions of the job.

Consistent with these commitments, the City will not require an employee affected by pregnancy or other disability to take a leave of absence (against the employee's wishes) if another reasonable accommodation can be provided to the known medical conditions related to the disability or pregnancy of that employee. Further, the City will not fail or refuse to reinstate employees affected by pregnancy or other disability to their original jobs or to equivalent positions with equivalent pay, seniority, and benefits upon the employees signifying their intent to return to work or when the need for reasonable accommodations cease, unless the City can demonstrate that the accommodations would impose an undue hardship on the City's operations.

The City may request documentation from an employee's health care provider concerning the need for the requested reasonable accommodation(s) and/or the medical justification for the requested accommodation(s); a description of the reasonable accommodation(s) that are medically advisable; the date on which the reasonable accommodation(s) became (or will become) medically advisable; and the probable duration of the reasonable accommodation(s). The City may deny an accommodation if it imposes an undue hardship. Employees and applicants are encouraged to discuss their need for a reasonable accommodation with the Human Resources Manager. These issues will be addressed on a case-by-case basis.

All requests for accommodations should be directed to the Human Resource Manager using the forms provided in Appendix B to this handbook.

In the event of a request for accommodation related to a disability or medical condition, the Human Resource Manager, department head or immediate supervisor shall furnish a copy of the following documents to employees:

1. Request for Sick Leave, Medical/Disability Leave or Family Medical Leave
2. ADA Medical Certification Form (to be completed by a licensed physician)

Failure to provide the requested or other necessary information related to the employee's disability

or medical condition may result in denial of the request for accommodation. While reasonable requests for accommodations will be given due consideration, the City retains the right to choose between any effective accommodations.

**LEGAL REF.:**

Americans with Disabilities Act, 42 U.S.C. 12101 et seq. and 12131 et seq.; 28 C.R.F. Part 35;  
Rehabilitation Act of 1973 104, 29 U.S.C. 794 (2006);  
U.S. Airways, Inc., v. Barnett, 122 S. Ct. 1516 (2002).

**CROSS REFERENCE:**

- 2.3 (Workplace Harassment Prohibited)
- 2.7 (Family Medical Leave Act (FMLA) Leave of Absence)
- 2.8 (Non-FMLA Leaves of Absence)

**ADOPTED:** May 19, 2014



## **General Personnel**

### **Workplace Discrimination and Harassment Prohibited**

The City expects the workplace environment to be productive, respectful, and free of discrimination and harassment. City employees shall not engage in discrimination or harassment or abusive conduct on the basis of an individual's race, religion, national origin, sex or gender, gender identity, sexual orientation, age, citizenship status, disability, or other protected status. Protected status includes ancestry, physical characteristics, race-linked illness, cultural characteristics related to race, or ethnicity, association. The Mayor shall also use reasonable measures to inform staff members and applicants of this policy.

The City shall also provide a workplace environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, or communications constituting harassment on the basis of sex as defined and otherwise prohibited by State and federal law.

City employees shall not make unwelcome sexual advances or request sexual favors or engage in any unwelcome conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

1. The employee as well as the harasser may be a woman or a man. The employee does not have to be of the opposite sex.
2. The harasser can be the employee's Supervisor, an agent of the employer, a supervisor in another area, a co-worker or a non-employee.
3. The employee does not have to be the person harassed, but could be anyone affected by the offensive conduct.
4. Unlawful sexual harassment may occur without economic injury to or discharge of the employee.
5. The harasser's conduct must be unwelcome.
6. Each employee must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment or harassment based on any status protected by law. The following are illustrations of actions that the City deems inappropriate and in violation of this Policy:
  - a. Unwanted sexual advances;

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

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

#### Responsibilities of Supervisors

Each Supervisor shall be responsible for ensuring compliance with this Policy, including the following:

1. Monitoring the workplace environment for signs of discrimination, harassment or sexual misconduct;
2. Immediately notifying law enforcement where there is reasonable belief that the observed or complained of conduct violates the criminal laws of the State;
3. Immediately notifying the Department of Children and Family Services (DCFS) via its Hotline (1-800-25-ABUSE or 1-800-252-2873) if the observed or complained-of conduct involves the abuse of a minor;
4. Immediately stopping any observed acts of discrimination, harassment or sexual misconduct, and taking appropriate steps to intervene, whether or not the involved employees are within the Supervisor's line of supervision;

5. Immediately reporting any complaint of harassment, discrimination or sexual misconduct to the Human Resources Director; and
6. Pending investigation, taking immediate action to limit the work contact between the individuals when there has been a complaint of discrimination, harassment or sexual misconduct.

#### Responsibilities of Employees

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

1. Refraining from participation in or encouragement of actions that could be perceived as discrimination, harassment or sexual misconduct;
2. Immediately reporting any violations of this Policy to a Supervisor and law enforcement (if appropriate under the circumstances) or DCFS (if appropriate under the circumstances). Employees are obligated to report violations of this Policy as soon as they occur. An employee should not wait until the conduct becomes unbearable before reporting the prohibited conduct. All employees are obligated to report instances of prohibited conduct even if the conduct is merely observed and directed toward another individual and even if the other person does not appear to be bothered or offended by the conduct. All employees are obligated to report instances of prohibited conduct regardless of the identity of the alleged offender (i.e., man, woman, Supervisor, elected official, co-worker, volunteer, vendor or member of the public); and
3. Encouraging any employee who confides that he or she is the victim of conduct in violation of this Policy to report these acts to a Supervisor.

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

In most cases, there is a clear line between a mutual attraction and a consensual exchange, and unwelcome behavior or pressure for an intimate relationship. A friendly interaction between two persons who are receptive to one another is not considered unwelcome or harassment. Employees are free to form social relationships of their own choosing. However, when one employee is pursuing or forcing a relationship upon another who does not like or want it, regardless of friendly intentions, the behavior is unwelcome sexual behavior. An employee confronted with these actions is encouraged to inform the harasser that such behavior is offensive and must stop. You should assume that sexual comments are unwelcome unless you have clear, unequivocal indications to the contrary. In other words, another person does not have to tell you to stop for your conduct to be harassment and unwelcome. Sexual communications and sexual contact with a minor are ALWAYS prohibited.

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

The City does not consider conduct in violation of this Policy to be within the course and scope of employment, and does not sanction such conduct on the part of any employee, including Supervisors and City management.

#### Discipline

A violation of this policy will result in discipline, up to and including discharge. The progressive discipline policy does not apply to conduct which violates this policy.

#### Non-Retaliation

Under no circumstances will there be any retaliatory action against any employee making a complaint of discrimination, harassment or sexual misconduct. Any retaliatory action by any party directed against a complaining employee, an accused employee, witnesses, or participants in the process will be treated as a separate and distinct complaint and will be similarly investigated. Complaints of retaliatory action should be addressed to the Human Resources Director.

For the purposes of this Policy, “retaliatory action” means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of an employee that is taken in retaliation for an employee’s involvement in protected activity pursuant to this Policy.

No individual making a report will be subject to retaliatory action even if a report made in good faith is not substantiated. In addition, any witness will be protected from retaliatory action.

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

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

#### Consequences for Knowingly Making a False Report

A false report is a report of discrimination, harassment or sexual misconduct made by an accuser using the discrimination, harassment or sexual misconduct process to accomplish some end other than stopping discrimination, harassment or sexual misconduct or retaliation for reporting discrimination, harassment or sexual misconduct. A false report is not a report made in good faith that ultimately cannot be proven. Given the seriousness of the consequences for the accused, a false or frivolous report is a severe offense that can itself result in disciplinary action. Any person who intentionally makes a false report alleging a violation of any provision of this Policy shall be

subject to discipline or termination pursuant to the personnel policies in this Handbook or any other applicable City policies or procedures, employment agreements or collective bargaining agreements.

Making a Complaint:

Complaints should be made pursuant to the process set forth in Section 1.7 of this Manual.

The rights to confidentiality, both of the complainant and of the accused, will be respected consistent with the City's legal obligations and with the necessity to investigate allegations of misconduct and to take corrective action when this conduct has occurred.

Violation of this policy is grounds for immediate discharge and progressive discipline does not apply to violations of this policy.

LEGAL REF.:

Title VII of the Civil Rights Act, 42 U.S.C. §2000e et seq., 29 C.F.R. §1604.11.

Illinois Human Rights Act, 775 ILCS 5/2-101(E), 5/2-102(D), 5/5-102, and 5/5-102.2.

Faragher v. City of Boca Raton, 118 S.Ct. 2275 (1998).

Harris v. Forklift Systems, 114 S.Ct. 367 (1993).

Meritor Savings Bank v. Vinson, 106 S.Ct. 2399 (1986).

Oncale v. Sundown Offshore Services, 118 S.Ct. 998 (1998).

Porter v. Erie Foods International, Inc., 576 F.3d 629 (7th Cir. 2009).

Sangamon County Sheriff's Dept. v. Ill. Human Rights Com'n, 908 N.E.2d 39 (Ill., 2009).

CROSS REFERENCE:

1.6 (Ethics and Conduct of City Officials and Employees)

1.7 (Uniform Complaint Procedure)

3.2 (Employee Discipline)

ADOPTED: May 19, 2014

## **General Personnel Compliance with the Fair Labor Standards Act**

### Job Classifications

The Mayor or Mayor's designee will ensure that all job positions are identified as either "exempt" or "non-exempt" according to State law and the Fair Labor Standards Act (FLSA) and that employees are informed whether they are "exempt" or "non-exempt." Exempt employees are defined by the FLSA and include any employee employed in a bona fide executive, administrative, or professional capacity pursuant to Section 13(a).

The following positions shall be considered exempt positions:

- Chief of Police
- Police Chief's Administrative Assistant
- Deputy Chief of Police
- Police Commanders
- Fire Chief
- Deputy Fire Chief
- City Administrator
- Deputy City Administrator
- Mayor's Administrative Assistant
- Marketing Director
- Human Resources Director
- Community Development Director
- Golf Course Director
- Recreation Center Director
- Superintendent of Public Works
- Deputy Superintendent of Public Works
- Building Commissioner
- Director of Finance
- Collector
- City Clerk's Administrative Assistant

### Workweek and Compensation

Non-exempt employees will be compensated for all hours worked in a workweek including overtime.

Employees are expected to work their respective assigned schedules or as assigned by a supervisor. Employees shall take all breaks and lunches as assigned within their respective departments or otherwise required by law based on the amount of hours worked. Employees will not receive compensatory time-off for hours worked outside of their respective work schedule, or for hours worked in lieu of breaks or lunches, unless previously approved by the appropriate Director. Compensatory time given in lieu of overtime shall be given at the same rate of overtime pay and shall be paid out upon termination of employment pursuant to FLSA Section 207(o) (1-4).

### Overtime

For most non-exempt employees, overtime is any time worked over 40 hours in a seven (7) day workweek (Sunday through Saturday) exclusive of any paid time off used during the applicable pay period or work week, including but not limited to vacation days, sick days, holidays, court, bereavement, and personal days. For all overtime worked, eligible employees will be paid one and one-half (1.5) times their regular pay rate or may be credited with compensatory time off at the rate of one and one-half (1.5) hours of time off for each hour of overtime worked.

Employees will not be paid overtime unless said employee *actually worked* at least 40 hours during the workweek.

### Compensatory Time

Eligible employees may elect to accumulate compensatory time off in lieu of overtime compensation with approval of their Supervisor. The amount of compensatory time earned shall be computed on the same basis as overtime pay; i.e., one and one-half (1.5) hours of compensatory time shall be granted for each additional hour worked in excess of forty (40) during the employee's regular seven (7) day work week (Sunday through Saturday). The City reserves the right to require employees to use accrued compensatory time or to substitute cash, in whole or in part, for compensatory time accumulated in excess of forty (40) hours

The City discourages overtime work by non-exempt employees. A non-exempt employee shall not work overtime without his or her supervisor's express approval. All supervisors of non-exempt employees shall: (1) monitor overtime use on a weekly basis and report such use to the finance department, (2) seek a director's written pre-approval for any long term or repeated use of overtime that can be reasonably anticipated, (3) ensure that overtime provisions of this policy and the FLSA are followed, and (4) ensure that employees are compensated for any overtime worked.

Accurate and complete time sheets of actual hours worked during the workweek shall be signed by each employee and submitted to the finance department. The finance department will review work records of employees on a regular basis, make an assessment of overtime use, and provide the assessment to the Mayor and/or department directors.

### Implementation

The Mayor or Mayor's designee shall implement the policy in accordance with the FLSA, including its required notices to employees. In the event of a conflict between the policy and State or federal law, the latter shall control.

### LEGAL REF.:

820 ILCS 105/4a.

Fair Labor Standards Act, 29 U.S.C. §201 et seq., 29 C.F.R. Parts 516, 541, 548, 553, 778, and 785.

### CROSS REFERENCE:

2.6 (Vacation, Sick, Court, Holidays)

ADOPTED: May 19, 2014, revised February 2021



**General Personnel  
Drug and Alcohol-Free Workplace**

**A. Drug-Free Workplace**

In order to ensure a safe work environment and compliance with the Drug-Free Workplace Act of 1988 (41 U.S.C. 8101 *et seq.*), the City maintains an alcohol and drug-free workplace. Accordingly, the City prohibits the illegal or inappropriate sale, distribution or transfer of mind or behavior-altering drugs, alcohol or illegal substances (including lawful drugs taken contrary to prescription) by City employees while on City property or while engaged in City business-related activities. The City also prohibits the sale, distribution, transfer, possession and use of alcohol or legal or illegal drugs while on City premises, while conducting City business, or in any situation that may impair an employee's ability to safely perform assigned job duties.

For purposes of this policy, the term "drugs" includes, but shall not be limited to: (i) any non-prescribed controlled substance that the employee is not authorized to possess or consume by law; (ii) any substance listed in the Controlled Substances Act (720 ILCS 570 *et seq.*); (iii) any substance listed in the Cannabis Control Act (720 ILCS 550 *et seq.*); and (iv) drugs or substances which may not be listed in the Controlled Substances Act or the Cannabis Control Act but which have adverse effects on perception, judgment, memory, or coordination. A non-exhaustive list of applicable drugs includes, but is not limited to, the following:

Opium	Psilocybin-psilocin
Morphine	MDA
Codeine	PCP
Heroin	Chloral Hydrate
Meperidine	Methylphenidate
Cannabis	Hash
Barbiturates	Hash Oil
Glutethimide	Steroids
Methaqualone	Tranquilizers
Cocaine	Amphetamines
Phenmetrazine	LSD
Mescaline	

This Policy will be applied consistently to City employees who are qualified patients possessing a registry identification card from the Illinois Department of Public Health authorizing the use, possession, or consumption of medical cannabis in accordance with the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 *et seq.*

**B. Prohibited Conduct**

The following conduct is prohibited:

1. The unauthorized use, possession, manufacture, distribution, or sale of drugs, drug paraphernalia, or alcohol while on or in City property, while conducting work-

related business, or during working hours.

2. Being under the influence of drugs or alcohol while on or in City property, while conducting work-related business, or during working hours.
3. Being under the influence of legal or prescribed drugs or chemicals used in excess of, or in non-conformity with, prescribed limits while on or in City property, while conducting work-related business, or during working hours.
4. The illegal use, possession, manufacture, distribution, or sale of drugs or drug paraphernalia (while on or off duty).
5. The City prohibits its law enforcement officers, corrections officers, probation officers, firefighters, and paramedics from the use, possession, manufacture, distribution or sale of cannabis while on or off duty.
6. Storing any illegal drug, drug paraphernalia, cannabis or alcohol in or on City property.
7. Failing to notify an employee's supervisor prior to starting work of any known side effects of medications, prescription drugs, or other chemical compounds or supplements of any kind, including cannabis, that the employee is taking (or has taken) which might affect the performance of the employee's duties.
8. Refusing to immediately submit to an alcohol and/or drug test when requested by a supervisor.
9. Failing to provide, within one workday following a request, documentation confirming a valid prescription for any drug or medication identified by a positive drug test.
10. Failing to adhere to the requirements of any drug or alcohol treatment program in which the employee is enrolled as a condition of continued employment.
11. Failing to notify the employee's supervisor of any arrest, conviction, or relevant plea (including pleas of guilty and *nolo contendere*) relating to drugs or alcohol no later than the earlier of the next date the employee is scheduled to work or two calendar days following the arrest, conviction, or plea.
12. Tampering with, adulterating, altering, substituting, or otherwise obstructing any testing process required pursuant to this policy.
13. Performing any safety-sensitive duties while having a blood alcohol concentration of 0.02 or greater.
14. Possessing or using drugs or alcohol while on duty or while operating a commercial

vehicle.

15. Operating a commercial vehicle within four hours after using alcohol (an on-call employee who consumes alcohol within four hours of being called in must acknowledge the use of alcohol and may not report for duty).
16. Consuming alcohol or cannabis during the eight-hour period following an accident requiring a drug and alcohol test before a post-accident alcohol or drug test is given.
17. Reporting for duty or remaining on duty requiring the operation of a commercial vehicle when the employee has used a drug or drugs, except when the use is pursuant to instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely operate a commercial vehicle.

C. Required Conduct

The following conduct is required of all City employees:

1. Employees must notify the Human Resources Manager prior to starting work of any known side effects of medications, prescription drugs, or other chemical compounds or supplements of any kind, including cannabis, that they are taking (or have taken) which might affect the performance of their duties or threaten the safety of the employee or any other person.
2. Employees must notify their supervisor of any arrest, conviction, or relevant plea (including pleas of guilty and *nolo contendere*) relating to drugs or alcohol no later than the earlier of the next date the employee is scheduled to work or two calendar days following the arrest, conviction, or plea. In accordance with federal law, the City will notify any applicable federal contracting officer(s) of any relevant conviction(s) or plea(s) within 10 days of receiving notice of the conviction or plea.
3. Employees must submit to drug testing in accordance with this policy and applicable law.

D. Voluntary Treatment for the Abuse of Drugs and/or Alcohol

The City strongly encourages employees who believe or suspect that they may be abusing drugs and/or alcohol to voluntarily seek treatment before their job performance is affected. Any employee who notifies the City of alcohol or drug abuse problems will be treated in the same manner as any other employee with an illness. Information and communications regarding an employee's voluntary treatment or counseling due to actual or suspected drug and/or alcohol abuse shall remain confidential in accordance with state and federal law.

Employees who voluntarily seek treatment for drug and/or alcohol abuse shall not be subject to discipline, discharge, or discrimination based solely on such voluntary treatment if the treatment is sought prior to:

1. The employee testing positive for illegal drugs and/or alcohol;
2. The employee being notified of an upcoming drug and/or alcohol test;
3. The occurrence of an event that gives rise to reasonable suspicion that the employee is under the influence of drugs and/or alcohol;
4. Any return to duty or related follow-up testing for drugs and/or alcohol; and/or
5. The occurrence of an accident which requires the employee to submit to drug and/or alcohol testing.

Employees who voluntarily seek treatment for drug and/or alcohol abuse shall continue to be subject to appropriate disciplinary action up to and including termination for substandard job performance, unexcused absences, abuse of drugs and/or alcohol, or any other violations of this manual, whether such violations are directly or indirectly related to the employee's use of drugs and/or alcohol.

Furthermore, employees who voluntarily seek treatment for drug and/or alcohol abuse shall not be excused from required drug and/or alcohol testing in accordance with this policy even when voluntary treatment was sought prior to the testing in question. No employee shall be permitted to use voluntary treatment for drug and/or alcohol abuse to avoid otherwise legitimate disciplinary action for failure to comply with this policy or other provisions of the manual.

Employees may request a medical leave of absence to obtain treatment for drug and/or alcohol abuse in accordance with the Family and Medical Leave Act of 1993 and other applicable law. Such leave requests shall be treated in the same manner as any other request for leave pursuant to this policy. The City may also grant reasonable accommodations for employees being treated for drug and/or alcohol abuse so long as those employees are participating in a treatment program and are not currently abusing drugs and/or alcohol. The City will not retaliate or discriminate against any employee for requesting leave or a reasonable accommodation to obtain treatment for drug and/or alcohol abuse.

E. Acknowledgement

In accordance with applicable law, employees are required to acknowledge and agree to this policy as a condition of employment. Any employee violating this policy is subject to discipline, up to and including discharge of employment.

F. Drug and Alcohol Testing of All Employees

1. Reasonable Suspicion

All employees are required to submit to alcohol and/or drug testing if a supervisor determines that there is reasonable suspicion to believe that an employee has been using illegal drugs, abusing prescribed drugs, is under the influence of alcohol or cannabis, or is consuming alcohol or cannabis while working.

For the purposes of this policy, reasonable suspicion means a belief based on objective facts sufficient to lead a reasonable prudent person to find that an employee is using, or has used, drugs or alcohol in violation of this policy. Such a suspicion shall be drawn from specific, objective facts and reasonable inferences drawn from those facts in light of experience.

Some factors that may be considered in determining whether a finding of reasonable suspicion is appropriate may include, but are not limited to, any of the following, alone or in combination:

- a. Observable phenomena, such as direct observation of drug or alcohol use, the presence of the odor of drugs or alcohol on or about the employee and/or the physical symptoms or manifestations of being under the influence of drugs or alcohol;
- b. Abnormal conduct or erratic behavior;
- c. Excessive unexcused absenteeism, tardiness, or deterioration in work performance;
- d. Slurred speech or unsteady walking or movement;
- e. Illegal possession of drugs or controlled substances or an arrest for violation of a drug statute;
- f. Information obtained from a reliable and credible source with personal knowledge that has been independently corroborated;
- g. Testing for cannabis based on reasonable suspicion shall be supported by the good faith belief that there is some impairment of the employee while at the workplace, while engaged in work for the employer or while on call subject to the definition of those terms in the Cannabis Regulation and Tax Act, 410 ILCS 705/10-50.

Once reasonable suspicion has been determined, the employee shall be required to take the applicable drug and/or alcohol test. An order to submit to testing shall be in writing and signed by a supervisor. If an employee declines the test, it will be treated as a positive test and the employee will be subject to discipline up to and including termination. When an employee is ordered to submit to a drug and/or alcohol test as a result of a supervisor's reasonable suspicion, the employee will not be allowed to return to work pending the results of the drug and/or alcohol test.

Any employee who tampers with a test sample or who refuses to submit to a test immediately upon request (i.e., generally within 1 hour of the request, unless there is a documented medical reason for the delay) will be deemed in violation of this Policy. Any violation of the Policy, including a positive test, will be grounds for

appropriate discipline up to and including termination for the first offense.

2. Post-Accident Testing

All accidents, including those involving a vehicle, must immediately be reported to an employee's supervisor. The supervisor shall investigate the circumstances of the accident and determine if there is reasonable suspicion to require a drug and/or alcohol test. If it is determined that the employee caused or contributed to occurrence of the accident or the employee was otherwise at fault, the employee may be required to submit to a drug and alcohol test regardless of the existence of reasonable suspicion.

Post-accident testing for cannabis shall be supported by the good faith belief that there is some impairment of the employee while at the workplace, while engaged in work for the employer or while on call subject to the definition of those terms in the Cannabis Regulation and Tax Act, 410 ILCS 705/10-50.

If post-accident drug and/or alcohol testing is ordered, the employee involved must submit to a drug and/or alcohol test within two hours of the accident. An employee who fails to remain readily available for post-accident testing or leaves the scene of an accident without a valid reason or permission by his or her supervisor will be deemed to have refused to submit to testing. The employee to be tested shall not be permitted to drive himself or herself to the collection site.

3. Types of Testing

Any of the following methods may be utilized to test an employee for the presence of drugs and/or alcohol:

- a. Urine testing;
- b. Evidentiary breath testing device (Breathalyzer);
- c. Blood testing;
- d. Hair follicle testing; or
- e. Saliva testing.

4. Licensed Clinical Laboratory Only

The City shall use only licensed clinical laboratories for drug and/or alcohol testing. Such laboratories shall be responsible for maintaining a proper chain of custody of any samples. If an employee tests positive for drugs and/or alcohol, a confirming test shall be conducted. The laboratory will not submit a positive test result to the City unless the confirming test result is also positive for the same sample. The laboratory shall retain a portion of the tested sample so the employee can arrange for another confirming test to be conducted by a licensed clinical laboratory of the employee's choice and at the employee's expense. Once the portion of the tested

sample is delivered to the clinical laboratory selected by the employee, the employee shall be responsible for maintaining the proper chain of custody for that portion of the sample.

Employees who test positive for drugs may request a second test of the remaining portion of the split sample within 72 hours of notification of a positive test result by a medical review officer. A medical review officer is a licensed physician responsible for receiving and interpreting laboratory results from applicable tests.

5. Records Relating to Drug and/or Alcohol Tests

Records reflecting positive drug and/or alcohol tests will be kept in the employee's file and will be kept confidential in accordance with applicable law. Information regarding drug and/or alcohol tests and an employee's participation in a substance abuse rehabilitation program may be disclosed to supervisors only if such information relates to the employee's ability to perform his or her work duties or the employee's need for a reasonable accommodation under the Americans with Disabilities Act of 1990 or other applicable law.

For employees in safety-sensitive positions, the following records shall be maintained for a minimum of five years: (i) records of annual management information system reports; (ii) records regarding employee evaluations and referrals to substance abuse professionals; (iii) records relating to follow-up tests and follow-up schedules; (iv) records relating to refusals to submit to drug and/or alcohol tests; (v) records of alcohol test results indicating an alcohol concentration of 0.02 or greater; (vi) verified positive drug test results; and (vii) breath testing device calibration documentation.

6. Required Records from Prior Employment as Driver of a Commercial Vehicle

In accordance with applicable law, any individual who is given an offer of employment for a safety-sensitive position requiring a commercial driver's license (CDL) and who has worked as a driver of a commercial vehicle during the two-year period immediately preceding the offer of employment, must authorize his or her prior employer(s) during the two-year period immediately preceding the offer of employment to release information to the City regarding any positive alcohol or drug tests and/or any refusal to submit to an alcohol or drug test.

This information must be obtained before the individual can be hired by the City. However, if the information has not arrived by the individual's anticipated start date and the individual has passed a pre-employment drug test, the individual may be hired, and the requested information can be obtained from the individual's prior employer(s) within 14 calendar days of the individual's date of hire. If the information has not been received within 14 calendar days of the individual's date of hire, the individual will not be permitted to drive a commercial vehicle until the information has arrived. If the information obtained from any prior employer indicates that the individual tested positive for drugs or alcohol or refused to be tested during the past two years, that individual will not be permitted to drive a

commercial vehicle unless subsequent information indicates that the individual was evaluated by a substance abuse professional and successfully completed return to duty testing.

7. Compensation

If an employee is ordered to submit to an involuntary post-employment drug and/or alcohol test, the time spent by the employee traveling to and from the test and waiting for and undergoing the test will be considered compensable working time unless otherwise provided by law or contract. Pre-employment drug and/or alcohol tests will not be compensated.

8. Cutoff Levels for Drugs and Drug Metabolites; Blood Alcohol Exceedances

Cutoff levels for all drug and drug metabolite testing shall be consistent with the guidelines established by the U.S. Department of Health and Human Services (HHS). An employee shall be deemed to be under the influence of alcohol if the applicable blood alcohol test demonstrates a level of 0.02 or greater.

9. Policy Violations

Any employee testing positive for drug usage, blood alcohol levels greater than 0.02, or engaging in any other prohibited conduct concerning drug or alcohol shall be subject to disciplinary action up to and including immediate termination. Regardless of disciplinary action taken, all such employees will be advised of resources available to evaluate and treat problems associated with drug and/or alcohol abuse.

Employees in safety-sensitive positions, including those that require a CDL, who are not terminated for violation of this policy shall be subject to the following conditions of continued employment:

- a. If an employee has a breath-alcohol concentration of at least 0.02 but less than 0.04, he or she shall not drive a commercial vehicle or engage in any other safety-sensitive activities for at least 24 hours.
- b. If an employee tests positive for drugs, tests positive for a blood-alcohol level of 0.04 or greater, and/or engages in any other conduct prohibited by this policy relating to drugs and/or alcohol, the employee will be immediately removed from duties requiring the driving of a commercial vehicle and will not be permitted to return to work unless the employee: (i) has been evaluated by a substance abuse professional; (ii) has complied with any rehabilitation prescribed by a substance abuse professional; and (iii) has successfully completed a return to duty test for drugs and/or alcohol.
- c. Upon completion of a recommended rehabilitation program and successful return to work, the employee will be subject to follow-up random testing for up to 60 months as recommended by the substance abuse professional and the City with a minimum of six such unscheduled tests within the first



12 months of returning to duty.

G. Drug and Alcohol Testing of Safety-Sensitive Employees

In accordance with the Omnibus Transportation Employee Testing Act of 1994 and other applicable law, the City requires employees in safety-sensitive positions and applicants for safety-sensitive positions to submit to mandatory drug and alcohol testing pursuant to this policy. Applicants for non-safety-sensitive positions may be required to submit to pre-employment testing. All employees are subject to random drug and alcohol testing.

Safety-sensitive positions are those positions where there exists a high risk of injury to others with disastrous consequences if the employee has even a momentary lapse of attention. Some examples of safety-sensitive positions include law enforcement personnel, firefighters, paramedics, health care professionals responsible for direct patient care, employees who transport passengers, and employees who operate large or heavy equipment.

Under this policy, employees in safety-sensitive positions specifically include all employees whose positions may involve driving a commercial vehicle and that require the possession of a CDL. For purposes of this policy, a commercial vehicle means a vehicle that either: (i) has a gross weight of over 26,000 pounds (including combined weight if towed unit weighs over 10,000 pounds); (ii) is designed to transport 16 or more persons, including the driver; or (iii) is used to transport hazardous materials.

An employee is considered to be “driving a commercial vehicle” under this policy if he or she is performing any safety-sensitive function defined in 49 CFR 382.107, which includes all time working in a position requiring a CDL.

With respect to employees who work in a position requiring a CDL, alcohol testing for reasonable suspicion may be conducted just before, during, or after an employee operates a commercial vehicle.

H. Reasonable Suspicion for Drug and Alcohol Testing for Safety-Sensitive Positions

Employees in safety-sensitive positions are subject to drug and alcohol testing under different and additional circumstances than employees who are not in safety-sensitive positions.

1. Reasonable Suspicion – Any employee in a safety-sensitive position shall submit to a drug and/or alcohol test when any supervisor has reasonable suspicion to believe that an employee has been using illegal drugs, abusing prescribed drugs, is under the influence of alcohol or cannabis, or is consuming alcohol or cannabis while working or while on call.
2. Testing for cannabis based on reasonable suspicion shall be supported by the good faith belief that there is some impairment of the employee while at the workplace, while engaged in work for the employer or while on call subject to the definition of those terms in the Cannabis Regulation and Tax Act, 410 ILCS 705/10-50.
3. If an employee is removed from duty based on reasonable suspicion of alcohol use

and an alcohol test is not administered within eight hours, the employee will not be allowed to perform or continue to perform safety-sensitive functions until: (i) an alcohol test determines that the employee's breath alcohol concentration measures less than 0.02; and (ii) 24 hours have elapsed following the determination that there is reasonable suspicion to believe that the employee has been using alcohol.

4. Post-Accident Testing Involving a Commercial Vehicle – An employee is required by law and this policy to submit to an alcohol test whenever he or she is involved in an accident while driving a commercial vehicle on a public road which results in: (i) a fatality; (ii) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; and/or (iii) one or more motor vehicles incurring disabling damage requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.
5. Post-accident testing for cannabis shall be supported by the good-faith belief that there is some impairment of the employee while at the workplace, while engaged in work for the employer or while on call subject to the definition of those terms in the Cannabis Regulation and Tax Act, 410 ILCS 705/10-50.
6. Return to Duty Testing – Any employee who has violated this policy and/or has tested positive on a drug or alcohol test and is subsequently permitted to return to work, must pass a drug and/or alcohol test in accordance with this policy prior to returning to duty.
7. Follow-Up Testing – An employee in a safety-sensitive position who is referred for assistance related to alcohol and/or drug abuse is subject to unannounced follow-up testing for a period not to exceed 60 months as directed by a substance abuse professional and the City. The number and frequency of follow-up tests will be determined by the substance abuse professional and the City but will not be less than 6 tests in the first 12 months following the employee's return to duty.
8. For purposes of this policy, a substance-abuse professional is a licensed physician, or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug-related disorders.

#### I. Pre-Employment Drug Testing

Employees in safety-sensitive positions must pass a drug test as a post-offer condition of employment. Employees in non-safety-sensitive positions may be required to take and pass a drug test as a post-offer condition of employment. Failure to successfully pass a post-offer pre-employment drug test may result in the offer of employment being revoked. An applicant who is denied employment because of a positive drug test may not reapply for employment with the City for a period of six months.

J. Random Drug and/or Alcohol Testing

Employees may be randomly selected to submit to drug and/or alcohol testing. The process will be unannounced, and employees shall be selected in a non-discriminatory manner. After an employee is notified that he or she has been selected for random testing, the employee shall be required to report immediately to the testing location no later than one hour after notification. Upon arrival at the testing location, the employee must identify himself or herself by use of a photo identification card and present any applicable documentation. Upon completion of the drug and/or alcohol testing, the employee will, if his or her shift is not completed, immediately return to duty status.

Please be aware of your obligation to comply with this Policy and that you may face termination for refusing to submit to a test upon request pursuant to this Policy. This provision is necessary for the safety of City employees and residents, and to ensure compliance with laws prohibiting unlawful drug use or consumption. You should not expect privacy with respect to these issues at work.

K. Drug and Alcohol Testing of Public-Safety Employees

For purposes of this policy, public-safety employees include law enforcement officers, corrections officers, probation officers, paramedics, and firefighters.

L. Prohibition of Public-Safety Employees

The City prohibits law enforcement officers, corrections officers, probation officers, paramedics, and firefighters from the consumption, possession, sale, purchase, or delivery of cannabis or cannabis-infused substances while on or off duty.

M. Collective Bargaining Agreements

Any drug and alcohol-testing procedures in the collective bargaining agreement shall remain in full force and effect.

N. Discipline

Employee supervisors and their superiors, as applicable, are responsible for administering disciplinary measures, when in the sole discretion of the appropriate supervisor, based on the facts and circumstances of the situation, discipline is warranted. Prior to the administration of any disciplinary action, the applicable supervisor may give the employee the opportunity to respond to the allegations made against the employee. Employees subject to discipline for being under the influence of, in possession of or consuming cannabis shall be provided a reasonable opportunity to contest the basis for the imposition of discipline. The disciplinary procedures set forth in this section apply to all employees, unless otherwise subject to a collective bargaining agreement. These policies and procedures should not be construed as preventing, limiting, or delaying the City from taking appropriate disciplinary action, including immediate dismissal without prior warning or notice, as the facts and circumstances warrant.

All discipline issued will be based on the applicable facts and circumstances, and at the level applicable in the sole and exclusive judgment of the applicable supervisor.

LEGAL REF.:

Americans With Disabilities Act, 42 U.S.C. §12114.  
Controlled Substances Act, 21 U.S.C. §812; 21 C.F.R. §1308.11-1308.15.  
Drug-Free Workplace Act of 1988, 41 U.S.C. §701 et seq.  
Drug-Free Workplace Act, 30 ILCS 580  
720 ILCS 5/17-57  
IWCC Rules §9140 et seq.

**CROSS REFERENCE:**

2.14 (Accidents and Injuries)  
3.2 (Employee Discipline)  
4.1 (Hiring Process and Criteria)

**ADOPTED:** May 19, 2014

**REVISED:** October 6, 2014

## **General Personnel Vacation, Sick, Court, and Holidays**

For employees not covered by collective bargaining agreements, the following shall apply:

### General Provisions

For the purpose of this policy, immediate family members include spouse by marriage or civil union, biological and adopted parents, biological and adopted children, and biological and adopted grandparents. Immediate family also includes those relationships by marriage for the familial relationships identified herein, i.e., "in-laws."

Vacation, personal days, and compensatory time shall be used in half day increments only. A half day means one half of the total hours of the employee's workday based on the employee's normal work shift.

Sick time shall be used in half day increments with the exception of pre-approved sick days. Sick days which are pre-approved by a supervisor may be used in hourly increments.

### Sick Days

Full time personnel will receive 11 paid sick leave days per year or 88 hours. Sick leave days will accrue at approximately 3.39 hours per pay period. Unused sick leave shall accumulate to a maximum of 140 hours, including the leave of the current year. Unused sick leave is not payable upon resignation or other termination of employment. Unused sick leave is also not payable upon retirement except as provided in policy 2.6(A). For employees hired prior to June 1, 2014, Illinois Municipal Retirement Fund (IMRF) eligible employees may credit unused sick leave toward service time for retirement in accordance with IMRF rules and regulations.

Sick leave is defined by State law as personal illness, quarantine at home, serious illness or death in the immediate family or household, or birth, adoption, or placement for adoption. When using sick leave to care for a new child, the use of sick leave will be limited to six weeks immediately following birth or adoption and must be used within 12 months of the arrival of the child. Absences due to appointments with health care professionals or hospitalization are eligible under sick leave provisions. In addition, other requests for sick leave related to the health and wellness of employees may be approved by supervisors. Sick leave is intended for these purposes only; employees have no vested ownership or entitlement to their accrued sick leave unless needed for the purposes specified above.

The Mayor and/or Mayor's designee shall monitor the use of sick leave. Abuses of sick leave shall result in disciplinary action up to and including termination. After 3 days absence for personal illness, or as it may be deemed necessary in other cases, the employee may be required to furnish a physician's note or certificate of illness as a basis for pay.

### Bereavement Leave

Up to three (3) days of excused leave with pay will be granted to an employee for the death of an

immediate family member or member of the employee's household. However, the death of an immediate family member by marriage (i.e., in-laws) is included for the purposes of bereavement leave.

#### Vacation

Vacation must be pre-approved by a direct supervisor. No more than 48 hours of vacation, or the equivalent of one work week based on respective work schedules, can be carried over into the next fiscal year. All full-time employees, after 90 days of employment with the City, shall receive the following:

Years of Service	Days of Vacation
<i>3 months-1</i>	<i>5 working days</i>
<i>1-4</i>	<i>10 working days</i>
<i>5-9</i>	<i>15 working days</i>
<i>10-14</i>	<i>20 working days</i>
<i>15 years or more</i>	<i>25 working days</i>

Full-time salaried administrators are entitled to 15 working days of vacation after 90 days of employment.

#### Holidays

A holiday will not cause a deduction from an employee's time or compensation. The City may require certain personnel to work on a holiday during an emergency or for the continued operation or maintenance of facilities.

The following days are designated holidays, except in emergency and for necessary City operations for employees not covered by collective bargaining agreements:

- New Year's Day
- Martin Luther King's Birthday
- President's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veteran's Day
- Thanksgiving Day
- Christmas Eve
- Christmas Day

Should a holiday fall on a Saturday, the preceding Friday shall be the designated holiday. Should a holiday fall on a Sunday, the following Monday shall be the designated holiday.

#### Personal/Paid time off

All employees shall be permitted four (4) paid personal days or thirty-two hours per fiscal year.

Severance of employment terminates all rights of the employee to receive compensation for personal days. Personal days do not accrue. An employee must obtain prior approval from a supervisor to use a personal day. Personal days cannot be used in lieu of or substituted for sick days, unless an employee has exhausted all sick leave and obtains prior approval of a supervisor.

#### Leaves for Service in the Military

An employee who provides notice of active military service will be granted a military leave of absence to participate in said service. Employees will be required to provide a copy of military orders and any additional requested documentation to the Human Resources Department to facilitate the proper administration of pay and benefits. Subject to certain exceptions under the applicable laws, these benefits are generally limited to five (5) years of leave of absence.

#### Definitions

1. Deferential Compensation: Differential compensation is any payment made by the City to an employee on military leave which is intended to make up some or all of the difference between the employee's higher City salary or wages and his or her military pay. Differential compensation is only paid for those workdays where the employee would otherwise have been scheduled to work as a City employee. Work hours extending over two calendar days count as two (2) workdays when calculating differential compensation. An employee may elect the use of accrued vacation, annual or similar leave with pay in lieu of differential compensation during any period of military leave or during any period of paid or unpaid military leave.
2. Regular Compensation: Regular compensation refers to when the City pays an employee on military leave their regular salary or wages, regardless of any military pay that employee might also be receiving.
3. Active Duty: Refers to periods when an employee is in the military full time. They work for the military full time, may live on a military base, and can be deployed at any time.

#### Notification of Military Duty

An employee shall provide prior notification to his or her department supervisor and the Human Resources Department of assigned military duty. Pursuant to the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), notice may be either written or oral. Unless military necessity prevents it, or is otherwise impossible or unreasonable, an employee should provide his or her supervisor and the Human Resources Department with notice of the need for leave at least two weeks or 14 days in advance, or as far in advance as is reasonable under the circumstances. It is understood that in emergency situations, procedures will be handled when the initial emergency is stabilized. The employee should submit a completed Military Service Leave Notification Form to the Human Resources Department to provide notice of the applicable Military Service Leave. A copy of the Military Service Leave Notification Form is attached.

#### Payment for Military Duty

1. Annual Training: An employee shall continue to receive regular compensation for up to thirty (30) days.
2. Basic Training: An employee reporting for basic training will receive differential compensation during the entirety of his or her basic training obligation.
3. Special or Advanced Training: An employee reporting for special or advanced training will be paid differential compensation for up to sixty (60) workdays in a calendar year.
4. Active Duty and members of a reserve component ordered to perform an involuntary act of service: An employee will receive continued regular compensation regardless of length of service but limited to 5 years.
5. Voluntary Acts of Service by a Member of a Reserve Component: An employee who is a member of a reserve component and performs qualifying voluntary acts of service is eligible for up to sixty (60) workdays of differential compensation in a calendar year.

#### Health Benefits

1. Leave for 1 to 31 days: Except as otherwise provided by law, health care coverage for an employee on military leave will continue for thirty-one (31) days so long as the employee continues to pay his or her normal premium co-payments.
2. Leave for longer than 31 days: An employee will be eligible to continue health benefits under USERRA and will be required to pay 102% of the total cost of his or her health benefits.

An employee may opt to discontinue participation in the group health insurance program but is entitled to resume coverage upon return from military leave without any exclusion or waiting period.

#### Paid Time Off

An employee will accrue vacation, sick, and personal time in accordance with his or her respective collective bargaining agreement and/or City Policy while on military leave.

#### IMRF

While the City continues to pay all or a part of an employee's salary, those wages and member contributions will be reported to IMRF. Therefore, an employee on military leave will continue to earn IMRF service credit and IMRF disability and death benefit coverage. The employee will be responsible for paying the required contribution on the difference (applicable military pay) between the City issued compensation and their normal City compensation.

#### Return to Work After Military Duty



An employee must adhere to the following procedures in reporting back to work after his or her military assignment is complete:

1. Service of 1-30 days: An employee must report to work at the beginning of the first regularly scheduled work period after the end of the calendar day of annual training, plus time required to return home safely and an eight (8) hour rest period.
2. Service of 31-180 days: An employee must submit a request to return to work with the Human Resources Department no later than 14 days following the completion of service.
3. Service of 181 or more days: An employee must submit a request to return to work with the Human Resources Department no later than 90 days following the completion of service.

An employee is eligible for reinstatement if the employee was not separated from uniformed service with a disqualifying discharge and is able to still perform the essential job functions of his or her former position. Barring changed circumstances, an employee will be reinstated to the same or similar position without loss of seniority, benefits, or the rate of pay in effect prior to induction. If necessary, during a military leave of absence, an employee will receive a performance evaluation or rating which shall be no less than the average rating or evaluation over the three years immediately preceding his or her military leave.

#### General Assembly

Leaves for service in the General Assembly, as well as re-employment rights, will be granted in accordance with State and federal law.

#### Court or Jury Duty

The City will pay full salary during the time an employee is on jury duty or serves as a witness in any City-related matter pending in court. Any compensation received by the employee for jury duty shall be turned over to the City. An employee should give at least 5 days' prior notice of pending court duty to his or her supervisor.

#### Religious Holidays

Supervisors shall grant an employee's request for time off to observe a religious holiday if the employee gives at least 5 days prior notice and the absence does not cause an undue hardship. Employees may use earned vacation time, or personal leave to make up the absence, provided such time is consistent with the City's operational needs. A per diem deduction may also be requested by the employee.

#### LEGAL REF.:

20 ILCS 1805/30.1 et seq.

820 ILCS 147 and 180/1 et seq.

Americans with Disabilities Act, 42 U.S.C. § 12102.

Religious Freedom Restoration Act, 775 ILCS 35/5.

775 ILCS 5/2-101 and 5/2-102.

820 ILCS 147/1 et seq. and 180/1 et seq.

**CROSS REFERENCE:**

2.13 (Attendance and Absenteeism)

3.2 (Employee Discipline)

ADOPTED: May 19, 2014

REVISED: October 6, 2014  
September 16, 2015

**General Personnel**  
**Sick Time Accrual and Retirement Benefit Addendum**

For those employees who have 20 years of service with the city and who were hired on or before May 30, 2014, 90 days of accrued sick leave will be payable upon retirement at age 55 or older. Appointed department heads may, at the Mayor's discretion, be eligible for this retirement benefit and sick time accrual payment upon retirement at or after age 50.

Employees hired on or after June 1, 2014 shall not receive compensation for unused accrued sick leave upon retirement or termination of employment except to the extent allowed as per IMRF.

ADOPTED: January 2022

**General Personnel**  
**Family and Medical Leave Act (FMLA) Leave of Absence**

A. Leave Description

An eligible employee may use unpaid family and medical leave (FMLA leave), guaranteed by the federal Family and Medical Leave Act, for up to a combined total of 12 weeks in a 12-month period. During a single 12-month period, an eligible employee's FMLA leave entitlement may be extended to a total of 26 weeks of unpaid leave to care for a covered service member (defined herein) with a serious injury or illness. The "single 12-month period" is measured forward from the date the employee's first FMLA leave to care for the covered service member begins.

While FMLA leave is normally unpaid, the City will substitute an employee's accrued sick time for unpaid FMLA leave. All policies and rules regarding the use of paid leave apply when paid leave is substituted for unpaid FMLA leave. Any substitution of sick leave for unpaid FMLA leave will count against the employee's FMLA leave entitlement.

Use of FMLA leave shall not preclude the use of other applicable unpaid leave that will extend the employee's leave beyond 12 weeks. Employees will not be required to exhaust vacation days and personal days while on FMLA and may elect to use such days in lieu of FMLA. Any full workweek period during which the employee would not have been required to work is not counted against the employee's FMLA leave entitlement.

FMLA leave is available in one or more of the following instances:

1. The birth and first-year care of a son or daughter.
2. The adoption or foster placement of a son or daughter, including absences from work that are necessary for the adoption or foster care to proceed and expiring at the end of the 12-month period beginning on the placement date.
3. The serious health condition of an employee's spouse, child, or parent.
4. The employee's own serious health condition that makes the employee unable to perform the functions of his or her job.
5. The existence of a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation. A "covered military member" must be either a member of a Reserve component or a retired member of the regular Armed Forces or Reserve. "Qualifying exigencies" exist in the following categories: short-notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, rest and recuperation, post-deployment activities, and additional activities as provided in the FMLA regulations.

6. To care for the employee's spouse, child, parent, or next of kin who is a covered service member with a serious injury or illness. A "covered service member" is a member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty for which he or she is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list.

If spouses are employed by the City, they may together take only 12-weeks for FMLA leaves when the reason for the leave is 1 or 2, above, or to care for a parent with a serious health condition, or a combined total of 26 weeks for item 6 above.

An employee may be permitted to work on an intermittent or reduced-leave schedule in accordance with FMLA regulations.

**B. Eligibility**

To be eligible for FMLA leave, both of the following provisions must describe the employee:

1. The employee is employed at a worksite where at least 50 employees are employed within 75 miles; and
2. The employee has been employed by the City for at least 12 months and has been employed for at least 1,250 hours of service during the 12-month period immediately before the beginning of the leave. The 12 months an employee must have been employed by the City need not be consecutive. However, the City will not consider any period of previous employment that occurred more than 7 years before the date of the most recent hiring, except when the service break is due to National Guard or Reserve military service or when a written agreement exists concerning the City's intention to rehire the employee.

**C. Serious Health Condition**

For purposes of this Policy, "serious health condition" means an illness, injury, impairment or physical or mental condition that involves one of the following:

1. Hospital Care. Inpatient care in a hospital, hospice or residential medical care facility, including any period of incapacity relating to the same condition;
2. Absence Plus Treatment. A period of incapacity of more than three (3) full consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves either:
  - a. Treatment two (2) or more times (within 30 days and provided the first visit takes place within seven (7) days of the first day of incapacity) by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services under orders of, or on referral by, a health care provider; or

- b. Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider (first visit to health care provider must take place within seven (7) days of the first day of incapacity);
3. Pregnancy. Any period of incapacity due to pregnancy, or for prenatal care;
4. Chronic Conditions Requiring Treatment. A chronic condition which: requires at least two (2) periodic visits for treatment per year by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider; which condition continues over an extended period of time; and may cause episodic rather than a continuing period of incapacity;
5. Permanent/Long-term Conditions Requiring Supervision. A period of incapacity that is permanent or long-term due to a condition for which treatment may be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider; or
6. Multiple Treatments (non-chronic conditions). Any period of incapacity to receive multiple treatment (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) full consecutive calendar days in the absence of medical intervention or treatment.

D. Qualifying Exigency Leave

Eligible employees (as defined above) are entitled to take up to twelve (12) weeks of unpaid FMLA leave for any qualifying exigency arising out of the fact that a covered military member is on active duty or called to active-duty status in a foreign country. The leave described in this paragraph is available during a 12-month rolling period, and may be taken on an intermittent or reduced leave schedule basis. Employees will be required to provide a copy of the covered military member's active-duty orders or other documentation issued by the military that indicates that the military member is on active duty or is called to active-duty status in a foreign country and the dates of the covered military member's active-duty service. Eligible employees may take all twelve (12) weeks of their FMLA leave entitlement as qualifying exigency leave, or employees may take a combination of twelve (12) weeks of leave for both qualifying exigency leave or any other qualifying reason listed above.

With respect to a Qualifying Exigency Leave:

1. A "covered military member" means an employee's spouse, son, daughter, or parent who is on active duty or called to active-duty status in any foreign country in any of the Armed Forces, including a member of the National Guard or Reserves.

2. A “qualifying exigency” includes the following broad categories:
  - a. Short-notice deployment;
  - b. Military events and related activities;
  - c. Childcare and school activities;
  - d. Financial and legal arrangements;
  - e. Counseling;
  - f. Rest and recuperation;
  - g. Post-deployment activities, including reintegration activities, for a period of 90 days following the termination of active-duty status; and
  - h. Additional categories that are agreed to by the employer and employee within this phrase.
3. The phrase “son or daughter” is defined as an employee’s biological, adopted or foster child, stepchild, legal ward or child for whom the employee stood *in loco parentis*, of any age for qualifying exigency leave, who is on active duty or called to active-duty status who is of any age. (Note: This definition is different from other sections of this FMLA policy).
4. A “parent” means a biological, adoptive, step or foster father or mother, or any other individual who stood *in loco parentis* to the employee when the employee was a son or daughter, but it does not include “parents-in-law”.

E. Military Caregiver Leave

If an employee has been employed by the City for at least twelve (12) months and has worked at least 1,250 hours during the 12-month period preceding the start of the leave, and the employee is a spouse, child (of any age for military caregiver leave), parent or next of kin of a Covered Service member, as defined below, the employee is entitled to a total of twenty-six (26) workweeks of unpaid leave during a single 12-month period to care for the Covered Service member (including twelve (12) workweeks for any other FMLA qualifying reason). The leave described in this paragraph shall be available only during a single 12-month period beginning as of the date the leave commences and ending 12 months after that date (and any unused amounts are forfeited).

Military Caregiver Leave may be permitted more than once if necessary to care for a different Covered Service member (or the same Service member with multiple or subsequent injuries or illnesses) up to a combined total of twenty-six (26) workweeks in a twelve (12) month period. However, the employee’s total available leave time in any single 12-month period generally may not exceed a combined total of twenty-six (26) workweeks (including FMLA time off taken for any other reason); except as provided under the FMLA regulations. The employee will be required

to timely submit a medical certification available from the Human Resources Department or an invitational travel order or authorization from the Department of Defense as a condition of receiving approved Military Caregiver Leave. NOTE: The 12-month computation period for this type of leave differs from the other types of FMLA leave.

With respect to Military Caregiver FMLA Leave:

1. A “Covered Service member” means (1) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or (2) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.
2. “Outpatient status” means the status of a Covered Service Member assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.
3. “Next of kin” means the nearest blood relative of that individual (regardless of age) other than an employee’s spouse, son or daughter. You are required to provide confirmation of the relationship upon request. The Service member may designate the blood relative who is considered his/her next of kin; otherwise, the following order generally will apply: blood relatives granted custody by law, brother/sister, grandparents, aunts/uncles, and then first cousins.
4. “Serious injury or illness” means an injury or illness incurred by the Service member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the Service member’s active duty and was aggravated by service in the line of duty) that (i) may render the Service member medically unfit to perform the duties of the member’s office, grade, rank or rating, or (ii) in the case of a veteran Service member, that manifests itself before or after the member became a veteran.

F. Spouses Employed by the City

If an employee’s spouse also works for the City, and the employees both become eligible for a leave under paragraphs (A)(1) or (A)(2) above, or for the care of a sick parent under paragraph (A)(3) above, the two employees together will be limited to a combined total of twelve (12) workweeks of leave in any rolling 12-month period. In addition, if the employees both become eligible for a leave under the Military Caregiver Family Leave provision above or under a combination of the Military Caregiver Family Leave provision, paragraphs (A)(1) and (A)(2) above, or to care for the employee’s parent with a serious health condition under paragraph (A)(3)



above, the employees together generally will be limited to a combined total of twenty-six (26) workweeks of leave in any single 12-month period.

G. Medical Certification

Any request for a leave under paragraphs (A)(3) or (A)(4), or under the Service member Family Leave provision above, must be supported by certification issued by the applicable health care provider or the Department of Defense. The employee is required to submit this information on the forms provided to the employee and available from the Human Resources Department or on the Invitational Travel Orders or Authorizations provided to the employee by the Department of Defense.

The employee will be required to submit a new medical certification form for each leave year for a medical condition(s) that last longer than one year. Additionally, the employee is required to submit a recertification of an ongoing condition every six (6) months in connection with an absence where the duration of the condition is described as “lifetime” or “unknown”.

At its discretion, the City may require a second medical opinion and periodic recertification to support the continuation of a leave or under paragraphs (A)(3) and (A)(4) (except as otherwise provided by the Department of Labor). If the first and second medical opinions differ, a third medical opinion can be obtained from a health care provider jointly approved by both the employee and the City (unless the employee accepts the second opinion as determinative). A second medical opinion will not be requested for Military Caregiver Leave.

The Genetic Information Nondiscrimination Act of 2008 (“GINA”) prohibits employers from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, the City asks that employees not provide any genetic information when responding to a request for medical certification regarding their own serious health conditions under this FMLA Policy.

“Genetic information” as defined by GINA, includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual’s family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

There is an exemption to GINA’s limitation on the disclosure of family medical history when an employee requests a leave of absence under the FMLA due to a family member’s serious health condition. In such situations, all information necessary to make the medical certification form complete and sufficient under the FMLA should be provided.

H. Intermittent Leave

If certified as medically necessary for the serious health condition of either the employee or the employee’s spouse, child or parent (Paragraphs (A)(3) and (A)(4) above), or to care for a Covered Service member if the employee is a spouse, child, parent or next of kin to the Covered Service member (Paragraph (D)(3), above), leave may be taken on an intermittent or reduced leave schedule. Intermittent leave also may be taken if the employee qualifies for leave because of a

qualifying exigency as described in Paragraph (A)(5) above, subject to the submission of a certification prescribed by the Secretary of Labor. If leave is requested on an intermittent basis, however, the City may require that the employee transfer temporarily to an alternative position which better accommodates recurring periods of absence or to a part-time schedule, provided that the position offers equivalent pay and benefits.

I. Light Duty Work Assignments

While voluntarily performing in a light duty capacity while on FMLA leave, that time does not count against the employee's 12-week FMLA allotment. In effect, the employee's right to restoration is held in abeyance during the period of time that the employee is performing in a light-duty capacity (or until the end of the applicable 12-month FMLA leave year if longer).

J. Requesting Leave

If the need for the FMLA leave is foreseeable, an employee must provide the Human Resource Manager with at least 30 days' advance notice using the forms in Appendix C before the leave is to begin. If 30 days' advance notice is not practicable, the notice must be given as soon as practicable, but in all cases prior to the commencement of leave. The employee shall make a reasonable effort to schedule a planned medical treatment so as not to disrupt the City's operations, subject to the approval of the health care provider administering the treatment.

Failure to give the required notice for a foreseeable leave may result in a delay in granting the requested leave until at least 30 days after the date the employee provides notice.

K. Certification

Within 15 calendar days after the Human Resource Manager makes a request for certification for a FMLA leave, an employee must provide one of the following when the leave is to care for the employee's covered family member with a serious health condition, the employee must provide a certificate completed by the family member's health care provider. If the leave was due to an employee's own serious health condition, the employee will be required to submit a fitness-for-duty certification from his or her health care provider in accordance with the City normal policies and practices applicable to other leaves of absence, certifying that the employee is able to resume work and perform the essential functions of the job (either with or without a reasonable accommodation). A list of the essential job functions will be made available to the employee for compliance with this requirement prior to the City designating the employee's leave as FMLA leave. If a reasonable job safety concern exists, the employee also may be required to provide a fitness-for-duty certification up to once every 30 days before returning from an intermittent or reduced schedule FMLA leave related to the employee's own serious health condition. Generally, a returning employee will be permitted to return to work within two (2) business days of the City receipt of a valid fitness-for-duty release.

If an employee fails to return to work at the expiration of the employee's approved Family and Medical Leave, it will be considered to be a resignation of the employee's employment with the City. Likewise, an employee on FMLA leave who provides notice of his or her intent not to return to work upon expiration of a leave will lose his or her entitlement to FMLA leave and related benefits. When the leave is to care for a covered service member with a serious illness or injury,

the employee must provide a certificate completed by an authorized health care provider for the covered service member.

When the leave is because of a qualified exigency, the employee must provide a copy of the covered military member's active-duty orders or other documentation issued by the military indicating that the military member is on active duty or call to active-duty status in support of a contingency operation, and the dates of the covered military member's active-duty service.

The City may require an employee to obtain a second and third opinion at its expense when it has reason to doubt the validity of a medical certification. The City may require recertification at reasonable intervals, but not more often than once every 30 days. Regardless of the length of time since the last request, the City may request recertification when the, (1) employee requests a leave extension, (2) circumstances described by the original certification change significantly, or (3) City receives information that casts doubt upon the continuing validity of the original certification. Recertification is at the employee's expense and must be provided to the City within 15 calendar days after the request. The City may request recertification every 6 months in connection with any absence by an employee needing an intermittent or reduced schedule leave for conditions with a duration in excess of 6 months. Failure to furnish a complete and sufficient certification on forms provided by the City may result in a denial of the leave request.

L. Conditions While on FMLA

During FMLA leave of absence, engaging in other employment may result in cancellation of the approved leave of absence or termination of employment in accordance with state and federal law.

During FMLA leave, employees are entitled to continuation of health benefits that would have been provided if they were working. Any share of health plan premiums being paid by the employee before taking the leave, must continue to be paid by the employee during the FMLA leave. The City's obligation to maintain health insurance coverage ceases if an employee's premium payment is more than 30 days late and the City notifies the employee that coverage will cease.

M. Changed Circumstances and Intent to Return

An employee must provide the Human Resource Manager reasonable notice of changed circumstances (i.e., within 2 business days if the changed circumstances are foreseeable) that will alter the duration of the FMLA leave. The Human Resource Manager, taking into consideration all of the relevant facts and circumstances related to an individual's leave situation, may ask an employee who has been on FMLA leave for 8 consecutive weeks whether he or she intends to return to work.

N. Return to Work

If returning from FMLA leave occasioned by the employee's own serious health condition, the employee is required to obtain and present certification from the employee's health care provider that he or she is able to resume work. No employee shall return to work until all necessary documents have been submitted to the Human Resource Manager. Any employee who returns to work without proper authorization may be disciplined.

An employee returning from FMLA leave will be given an equivalent position to his or her position before the leave, subject to: (1) permissible limitations the City may impose as provided in the FMLA or implementing regulations, and (2) the City's reassignment policies and practices.

O. Implementation

The Human Resource Manager shall ensure that: (1) all required notices and responses to leave requests are provided to employees in accordance with the FMLA; and (2) this policy is implemented in accordance with the FMLA. In the event of a conflict between the policy and the FMLA or its regulations, the latter shall control. The terms used in this policy shall be defined as in the FMLA regulations.

LEGAL REF.:

Family and Medical Leave Act, 29 U.S.C. §2601 et seq., 29 C.F.R. Part 825.

ADOPTED: May 19, 2014

## **General Personnel Non-FMLA Leaves of Absence**

### Short Term Leave of Absence

In the event of an illness, injury, medical condition, or other health-related work restriction, the City may authorize short-term leave of absence (STL) to full-time employees who have been employed for a minimum of 90 calendar days.

Short term leave of absence will be considered only after exhaustion of all paid and unpaid leave, including but not limited to vacation days, sick days, personal days, compensatory time, and leave pursuant to FMLA. Time away from work will generally not exceed three (3) months in a "rolling" 12-month period. Intermittent leave under this policy is not permitted.

All requests pursuant to this policy may require appropriate medical documentation at the discretion of the Human Resources Manager. The employee is expected to provide at least 30 days' notice when requesting leave. When an employee becomes aware of a need for leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day, the next business day, or as soon as reasonably practicable. Leave requests that are not submitted according to policy and as soon as practicable will be denied.

Certification for the employee's serious health condition may be required and the same process shall be followed as set forth in the City's FMLA Policy.

### *Conditions While on Short Term Leave of Absence:*

Absences covered under Non-FMLA Medical Leave will not be counted as occurrences of absenteeism. However, employees may be subject to cancellation of the leave of absence and discipline up to and including employment termination if, during their leave, they engage in activities inconsistent with the stated purpose for the leave. For example, employees are prohibited from engaging in other similar employment during leave under this policy.

Misrepresentations or any act of dishonesty related to these leaves will also be grounds for discipline, up to and including employment termination.

Upon approval of the leave request, the employee shall be placed on unpaid leave status. Accrued time off ceases when the employee moves to unpaid status. Accrued time off will restart upon the employee's return to paid status.

While an employee is on leave, the City will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work as long as the employee pays his or her portion of the health care premium.

While on unpaid leave, the employee must continue to make this payment to the City by means to be arranged and approved by the Human Resources Manager. The payment must be received by

the first day of every month. A 30-day grace period applies. If full payment is not received within the 30-day grace period, the employee's benefits may be terminated.

*Job Restoration:*

Prior to an employee returning to work following a leave of absence under this policy, the employee must provide written certification of the ability to return to work from a treating physician; such certification should note any limitations on the proper City forms obtained from the Human Resource Manager.

Positions may not be held open indefinitely when an employee is unable to fulfill job responsibilities. Reinstatement to the same or equivalent job following a leave of absence will be available for absences of twelve (12) weeks or less, under the Family and Medical Leave Act (FMLA) to qualified employees. After 12 weeks, the same or equivalent job is not guaranteed.

Requests for short term leave of absence will be considered on a case-by-case basis and decisions will be based on the City's departmental needs, college policy and procedure, budgetary resources, and the employee's education and training for the job. In the event the City is declined to restore the employee, the employee will receive written notice from Human Resources.

*Unable to Return from Non-FMLA Medical Leave:*

If the employee is not medically released to return to work at the end of his or her leave and the employee has not been granted any additional leave, employment ends as "unable to return from leave" effective the last day of the approved leave, unless a continuation of leave has been granted as an accommodation under the ADA or for other reasons.

*Failure to Return from Non-FMLA Medical Leave:*

Any employee who fails to return to work as scheduled after leave will be subject to dismissal from employment. Employees who exceed their leave, without extension(s) of their leave approved under appropriate leave provisions, will be subject to termination of employment. If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the City may require the employee to reimburse the City the amount it paid for the employee's health insurance premium during the leave period.

Leaves for Victims of Domestic or Sexual Violence

An unpaid leave from work is available to any employee who: (1) is a victim of domestic or sexual violence, or (2) has a family, or household member who is a victim of domestic or sexual violence whose interests are not adverse to the employee as it relates to the domestic or sexual violence. The unpaid leave allows the employee to seek medical help, legal assistance, counseling, safety planning, and other assistance without suffering adverse employment action.

The Victims' Economic Security and Safety Act governs the purpose, requirements, scheduling, and continuity of benefits, and all other terms of the leave. Accordingly, an employee is entitled to a total of 12 work weeks of unpaid leave during any 12-month period. Neither the law nor this policy creates a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under, or is in addition to the unpaid leave time permitted by, the FMLA.

ADOPTED: May 19, 2014

## **General Personnel Personal Technology and Social Media; Usage and Conduct**

### Definitions

Includes – Means “includes without limitation” or “includes, but is not limited to.”

Social media – Media for social interaction, using highly accessible communication techniques through the use of web-based and mobile technologies to turn communication into interactive dialogue. This includes but is not limited to *Facebook, LinkedIn, TicTok, Snapchat, Twitter, Instagram* and *YouTube*.

Personal technology – Any device that is not owned or leased by the City or otherwise authorized for City use and: (1) transmits sounds, images, text, messages, videos, or electronic information, electronically records, plays, or stores information, or (3) accesses the Internet, or private communication or information networks. This includes smartphones.

### Usage and Conduct

#### A. Professional Use of Social Media

Before engaging in social media as a City representative, you must be authorized to comment in writing by the Mayor or the Mayor’s designee. Once authorized to engage you must:

1. Disclose that you are an employee or elected official of the City, and use only your own identity;
2. Disclose and comment only on information that is not considered confidential;
3. Ensure that all content published is accurate and complies with all City procedures and policies, including those listed in this Handbook;
4. Comment only on your area of expertise and authority;
5. Ensure that comments are respectful;
6. Refrain from posting or responding to material that is offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, infringes copyright, breaches a Court order, or is otherwise unlawful; and
7. Refrain from making comments or posting material that might otherwise damage the City’s reputation.

#### B. Personal Use of Social Media

As a City employee, you are personally responsible for the content you publish in a personal capacity on any form of social media platform. Remember that all posts are public and often permanent. When in doubt, seek guidance from your Department Head on how to comply with



this Policy. The City reserves the right to review your postings to determine if they comply with this Policy.

Represent yourself accurately. Unless the City has designated you to speak officially on its behalf, you should not state that you write or speak on behalf of the City, or that your viewpoints are the same as the City's, and you should make this clear to those reading or listening to your points of view.

Do not disclose confidential information about the City, its employees or its citizens that you may obtain through your employment with the City.

Even when using social media on a personal basis, employees may be disciplined for posting material that is, or may be construed as, vulgar, obscene, threatening, intimidating, harassing, or a violation of the City's workplace policies against discrimination, harassment on account of age, race, religion, sex, sexual orientation, ethnicity, nationality, disability, or other protected class, status or characteristic.

If you choose to identify your work affiliation on a social network, you should regard all communication on that network as you would in a professional network. Ensure that your profile, photographs and related content is consistent with how you wish to present yourself with colleagues and clients.

Employees who access social media during work hours or on City-owned equipment are subject to the City's computer usage policy. You should not expect privacy on City-owned equipment.

#### C. Discipline

The City may discipline employees for making a comment or posting any material that may damage the City's reputation. When the employee's comment is made as a citizen and not as an employee and is made on a matter of public concern, the City may discipline the employee in situations in which the interests of the City in promoting efficient operations outweighs the interests of the employee in commenting on such matters of public concern.

Nothing in this Policy shall be interpreted in a manner that unlawfully prohibits the right of employees to engage in protected concerted activity under the Illinois Public Labor Relations Act. Likewise, nothing in this policy shall be interpreted in a manner that unlawfully restricts an employee's rights under the federal or State Constitution.

Violations of this Policy may subject an employee to discipline up to and including termination.

#### LEGAL REF.:

Ill. Human Rights Act, 775 ILCS 5/5A-102. Garcetti v. Ceballos, 547 U.S. 410 (2006).

#### CROSS REFERENCE:

1.6 (Ethics and Conduct)

2.3 (Workplace Harassment Prohibited)

2.10 (Responsibilities Concerning Internal Information)

2.11 (Personnel Records)

4.1 (Hiring Process and Criteria)

ADOPTED: May 19, 2014

**General Personnel  
Responsibilities Concerning Internal Information**

City employees are responsible for maintaining: (1) the integrity and security of all internal information, and (2) the privacy of confidential records, including but not limited to: personnel records, and the minutes of, and material disclosed in, a closed City council meeting. Internal information is any information, oral or recorded in electronic or paper format, maintained by the City or used by the City or its employees. The Mayor or Mayor's designee shall manage procedures for safeguarding the integrity, security, and, as appropriate, confidentiality of internal information.

**LEGAL REF.:**

20 U.S.C. §1232g.

45 C.F.R. §164.502.

5 ILCS 140/1 et seq.

50 ILCS 205/1 et seq.

820 ILCS 40/1 et seq.

**CROSS REF.:**

2.11 (Personnel Records)

**ADOPTED:** May 19, 2014

### **General Personnel Records**

The Mayor or Mayor's designee shall manage a process for responding to inquiries by a prospective employer concerning a current or former employee's job performance. When requested for information about an employee by an entity other than a prospective employer, the City will only confirm position and employment dates unless the employee has submitted a written request to the Mayor or Mayor's designee.

The Mayor or Mayor's designee shall manage the maintenance of personnel records in accordance with State and federal law. Records, as determined by the Mayor, shall be retained in accordance with the Illinois Records Retention Act and may be retained for all employment applicants, employees, and former employees given the need for the City to document employment-related decisions, evaluate staff effectiveness, and comply with government recordkeeping and reporting requirements. Official personnel records shall be maintained under the Mayor's or Mayor's designee's direct supervision and custody. There shall be one official personnel file for every employee. Individual departments shall not maintain or keep originals or copies of any personnel documents.

Access to personnel records is available as follows:

1. An employee will be given access to his or her personnel records according to State law and guidelines developed by the Mayor.
2. An employee's supervisor or other management employee who has an employment or business-related reason to inspect the record is authorized to have access.
3. Anyone having the respective employee's written consent may have access.
4. Access will be granted to anyone authorized by State or federal law to have access.

LEGAL REF.:  
745 ILCS 46/10.  
820 ILCS 40.  
5 ILCS 140, et seq.  
820 ILCS 130/5.

ADOPTED: May 19, 2014

## **General Personnel Fitness for Duty**

### Definitions

Fitness for Duty – Whether an employee is physically and mentally capable of safely performing the essential functions of his/her job with or without reasonable accommodation.

Fitness for Duty Evaluation – Evaluation by an impartial, independent health care professional with appropriate expertise in one or more of the following: medical conditions, psychological conditions, and/or conditions related to the use or abuse of alcohol or other substances.

### Policy statement

The City of Blue Island is committed to providing a safe environment for all employees and officials. In order to provide a safe work environment, employees must be able to perform their job duties in a safe, secure, productive and effective manner and remain able to do so through the entire time they are working. Employees who are not fit for duty may present a safety hazard to themselves, to other employees, to the City, or to the public.

The City Administrator or a department head (for the employee's respective department) may require an employee to undergo a physical or psychological examination or medical test at any time when, in the judgment of the City Administrator or department head, such an examination or test may be necessary to determine the employee's fitness to perform the duties of his or her position. All such examinations and tests shall be performed by a physician or physicians designated by the City and at the City's expense. Circumstances which may warrant a special physical or psychological examination or medical test shall include, but shall not be limited to the following:

1. Job applicants who have been offered a position with the City.
2. Inability to perform job-related duties because of a physical or mental problem or condition.
3. The transfer of an employee to a position that requires greater physical capabilities.
4. An employee's frequent and/or excessive use of sick time or disability benefits.
5. An employee who is observed to be working in an impaired state. Such an employee may be required to report immediately to a physician selected by the City for an examination and testing to determine the presence of alcohol and/or controlled substances. (See Section 2.5 of the Manual.)
6. An employee who has been involved in an abnormal number of on-the-job injuries or repeated recurrences of a disability or disabilities from a previous on-the-job injury.

7. An employee who is involved in a vehicular accident while on duty, whether on or off City premises.

Employees are responsible for:

1. Managing their health in such a way that they can safely perform their essential job functions, with or without reasonable accommodation.
2. Notifying their supervisors when they are not fit for duty.
3. Notifying the supervisor when they observe a coworker acting in a manner that indicates the coworker may be unfit for duty. If the supervisor's behavior is the focus of concern, an employee may inform the upper-level manager or Human Resource Manager for further guidance.

Directors and supervisors are responsible for:

1. Observing the attendance, performance, and behavior of the employees they supervise.
2. Following this policy's procedures when presented with circumstances or knowledge that indicate that an employee may be unfit for duty.

#### Confidentiality of medical records

Any document containing medical information about an employee is considered a medical record and is regarded as confidential. The Human Resource Manager will maintain medical records in a file separate from all other employee or personnel records.

#### Procedures

The supervisor who receives information that an employee may be unfit for duty, or through personal observation believes an employee to be unfit for duty, will validate and document the information or observations immediately or as soon as practicable. The supervisor will determine whether the employee should leave the workplace immediately for safety reasons.

If reasonable under the circumstances, the supervisor will present the information or observations to the employee at the earliest possible time in order to validate them and will allow the employee to explain his or her actions.

The determination by a supervisor to refer an employee for a fitness for duty evaluation must involve consultation with the Human Resources Manager. Supervisors requesting a fitness-for-duty evaluation shall complete a Fitness for Duty Observation Report in Appendix F and include any supporting documentation and provide the same to the Human Resources Manager.

In situations where there is a basis to think that a crime may have been committed and/or the employee is making threats to harm himself or herself or others, or is acting in a manner that is

immediately dangerous to himself or herself or others, the supervisor shall contact Blue Island Police Department.

Employees being referred for a fitness for duty evaluation will be relieved of duties and placed on administrative leave pending completion of the evaluation and receipt of the results by the City. If an employee is found to be unfit for duty, his/her employment and pay status will be determined on a case-by-case basis. Applicable employee leave accruals will be used to cover continued approved leaves of absence from work. In all cases an employee who has been referred for a fitness-for-duty evaluation must provide documentation from the independent evaluator indicating his/her fitness for duty in order to return to work.

Non-compliance with a request for a fitness-for-duty evaluation shall constitute misconduct leading to disciplinary action, up to and including dismissal.

**CROSS REFERENCE:**

2.10 (Responsibilities Concerning Internal Information)

2.11 (Personnel Records)

ADOPTED: May 19, 2014

## **General Personnel Attendance and Absenteeism**

### Purpose:

Absenteeism and tardiness negatively impact the City's ability to effectively govern and provide services to the citizens. The purpose of this policy is to establish the requirements for reporting absences, to provide guidelines for the handling of tardiness, early departures, and unscheduled absences, and to outline employees' need to adhere to established work schedules.

### Policy:

Employees must arrive and be prepared to commence work at their scheduled start time. All exempt employees shall be required to punch in.

All non-exempt employees are required to punch in and punch out upon arrival and departure from work using the appropriate mechanism and manner as instructed. Employees are responsible for immediately notifying a direct supervisor of absences, late arrivals, or early departures each day of the absence, tardiness, or early departure, in accordance with established call-in procedures. Failure to punch in/out or failure to report a missing punch within 24 hours may result in being docked for pay, charged with paid day and/or disciplinary action.

Unscheduled absences, tardiness, and unscheduled early departures (whether excused or unexcused), failure to provide appropriate notification, or abuse of sick leave or other paid time off may result in disciplinary action up to and including termination of employment. Non-exempt employees may be docked for unscheduled absences, tardiness and unscheduled early departures and will only be paid for hours, if any, worked on the day in question. The use of accrued paid time off for unscheduled absences, unscheduled early departures and tardiness will only be allowed in exceptional circumstances.

Absences, tardiness, and early departures due to pre-approved FMLA leave, Non-FMLA leave of absence, ADA leave, workers' compensation, other pre-approved leave, or reasonable accommodation as required by law will not be counted as occurrences.

### Definitions:

*No call/no show:* An unscheduled absence without proper notification to the employee's supervisor.

*Pattern Absences:* Unscheduled absences the day before or after a scheduled holiday, vacation, or personal day; on a desirable day off, a specific day of the week, or a weekend; a specific or unique work day; or as sick leave or other paid time off is accrued.

*Scheduled Absence:* A scheduled absence occurs when an employee requests and is approved to take time off in accordance with department and City policies and applicable union contract. Some examples of scheduled absences include approved vacation, personal holidays, jury duty, military related, bereavement leave, FMLA leave, and Non-FMLA leave.



*Tardy:* Failure to report to an employee's assigned work area and be prepared to start work at his or her scheduled start time, including returning from breaks and meal periods, or a pattern of missed punches.

*Unscheduled Absence:* Failure to report to work on a scheduled workday or working less than half of a scheduled workday due to tardiness or leaving early without a written and approved time off request. Unscheduled absences also include call-offs when no accrued time is available for use to the employee or when the employee's payroll status is "no-pay" status. Some examples of unscheduled absences include absences due to car trouble, caring for a family member who has the flu, and home emergency.

*Unscheduled Early Departure:* Failure to work a complete workday due to an early departure without a written and approved time off request. Please refer to Unscheduled Absence above when an early departure results in working less than half of a scheduled workday.

Guidelines:

1. An employee who will be unable to report to work as scheduled, tardy, or leaving early must contact his or her supervisor or the City's designated call-in number as far in advance as possible, and at the latest, prior to the start of the shift or the departure. Notification and acknowledgment of tardiness, unscheduled early departure, or unscheduled absence will not excuse it.
2. Immediate supervisors are responsible for reviewing and verifying attendance records and recording occurrences, if applicable, to ensure the accuracy of the records and consistent application of City attendance guidelines and policy.
3. An unscheduled absence will be recorded as one (1) occurrence. Each tardy or unscheduled early departure will be recorded as one-half (1/2) an occurrence. No occurrences will be recorded for scheduled absences or use of accrued sick leave if in accordance with City policy. However, pattern usage, failure to provide timely notification, or failure to comply with the sick leave policy may result in absences being counted as unscheduled absences.
4. Upon four occurrences, each two occurrences thereafter will advance the corrective action process, up to and including termination of employment. However, depending on the situation, corrective action may be accelerated, repeated, or taken out of sequence, and the City reserves the right to effect immediate termination should it be warranted. Occurrences will be tracked by each department based on a rolling twelve (12) month period and discipline will be issued as follows:
  - Verbal warning upon four (4) occurrences.
  - Written warning upon six (6) occurrences.
  - Final warning or suspension upon eight (8) occurrences.
  - Termination of employment upon ten (10) occurrences.

5. Employees will be subject to immediate corrective action for no call/no show. Three (3) or more consecutive workdays of no call/no show will be considered job abandonment and result in termination of employment.
6. Supervisors should be observant and identify pattern absences. Employees will be subject to immediate corrective action for pattern unscheduled absences. An employee should receive written notice of a pattern unscheduled absence including a description of the pattern from the employee's supervisor or the Human Resource Administrator for the department.
7. Employees who work for six (6) months without an occurrence since the last occurrence resulting in corrective action will not have the corrective action process progress to the next level. For example, if an employee receives a written warning due to the sixth occurrence on October 1st and receives two additional occurrences in the following June, the employee should receive another written warning.
8. An employee who is late six minutes or less is considered tardy but will be paid for the time. Tardiness of more than six (6) minutes will be unpaid. Meal periods and breaks may not be used to cover for absences or tardiness. An employee may not extend the normal workday or work beyond his/her scheduled shift to make up for being tardy without the prior approval of the employee's supervisor.
9. An unscheduled absence is unpaid unless an employee's supervisor approves the use of accrued vacation, sick leave or personal time in accordance with City policy and appropriate union contract, if applicable. Acceptable means of verifying the reason for the unscheduled absence may be required. An employee will not be compensated for unscheduled absences that extend beyond his/her accrual balances.
10. Requests for scheduled absences must be requested as far in advance as possible consistent with City policy. It is the employee's responsibility to request leave or excused time off and to submit appropriate documentation. Employees, who will be unable to report to work as scheduled (except for a preapproved block of leave time) or using intermittent FMLA leave or other leave are required to contact their supervisor each day unless otherwise instructed by their supervisor. Denied leave or other requested time off, failure to return to work after an approved leave, or failure to comply with these guidelines or other applicable City policy may result in the treatment of time away from work as an unscheduled absence, tardiness, or unscheduled early departure under this policy.
11. Employees absent three (3) or more consecutive days due to illness or who are suspected of abuse of sick leave may be required to submit a proof of illness certificate issued by a health care provider and identifying when the employee was seen and treated. Failure to submit such proof upon request shall automatically disqualify the employee for sick leave pay and will result in the absences being counted as unscheduled absences.

12. If illness, incapacity, or any other condition causes an employee to be absent in a twelve-month period, after exhaustion of all available leave, for more than 90 consecutive work days, such absence may be considered a permanent disability and the City may consider termination subject to State and federal law, including the Americans with Disabilities Act. The Mayor may recommend this paragraph's use when circumstances strongly suggest that the employee returned to work intermittently in order to avoid this paragraph's application.

ADOPTED: May 19, 2014

## **General Personnel Accidents and Injuries**

### Policy and General Requirements

It is the policy of the City of Blue Island to insure a safe working environment. As such, all employees are required to report any and all accidents or injuries, regardless of the absence of or the extent of injury or damage to property. Failure to comply with this policy may result in disciplinary action, including and up to termination.

Any and all accidents and injuries involving City employees or City property must, with no exception, be reported immediately to a direct supervisor. All supervisors and managerial personnel shall immediately notify the Director of Finance or Human Resources Manager. Supervisors and managerial personnel shall complete the accident/injury report form contained in Appendix G and forward the accident/injury report to the Director of Finance or Human Resources Manager within 24 hours of the incident.

### Employee Work-related Injuries

An employee injured at work must immediately notify his or her supervisor, with no exception, unless the injury is of a serious nature requiring immediate hospitalization or emergency treatment. In the event of such, the employee should seek medical attention immediately and inform the supervisor as soon as practical. If the attending physician determines that the employee is unable to return to work that day, the employee will receive regular pay for the remainder of the day of the injury.

The employee report shall provide specific details of the injury sustained; date of injury; time of incident; mechanism of injury; witnesses; and medical providers' information. Employees shall complete the following forms:

1. Workers Compensation Employee Notice of Injury form
2. Authorization to release medical records

The following forms shall be completed by the supervisor:

1. Supervisor's Report of Accident/Injury
2. Witness Reports

### Consideration of Workers' Compensation Claims

Employees sustaining injury or disability arising out of and in the course of employment will receive leave or compensation if applicable and in accordance with the provisions of the Illinois Workers Compensation and Occupational Diseases Acts and Illinois Public Employees Disability Act.

A delay in submitting the required forms or necessary medical information will delay receipt of benefits and payment. Workers' compensation benefits will not be paid if the City does not receive all necessary medical information to determine an employee's medical status and fitness to work.

The City reserves the right to require an independent medical examination by a provider of choice at the City's expense. All workers compensation claims will be subject to the City's established utilization review program in accordance with the Illinois Workers' Compensation Act. An outside agency may be used to determine eligibility for workers compensation benefits, based upon the medical information provided by the treating physician and workers compensation forms the employee and supervisor must complete.

An employee injured or causing property damage to city property or other's property will be subject to drug and alcohol testing in accordance with Policy 2.5 and applicable laws. Samples and tests will be collected and conducted in accordance with the Illinois Workers' Compensation Commission Rules Section 9140, et seq. Compensation may be denied if intoxication was a cause of the accident or injury. Refusal to submit to drug or alcohol testing gives rise to a presumption of intoxication and constitute grounds for denial of benefits.

#### Medical Treatment and Medical Costs for Employees

The City will pay for all medical care that is reasonably necessary to cure or relieve the employee from the effects of a compensable undisputed injury. This includes, but is not limited to first aid, emergency care, doctor visits, hospital care, surgery, physical therapy, chiropractic treatment, pharmaceuticals, prosthetic devices, and prescribed medical appliances.

Employees shall have the choice of physician in accordance with the applicable law.

#### Salary and Other Benefits for Work-Related Injuries

If an employee is unable to work for more than 3 days due to a compensable injury, the employee will receive the appropriate income replacement benefits as per Illinois law, totaling 2/3 of his or her average weekly earnings for the previous 52 weeks. The first 3 days of absence shall be recorded on the employee's time card and accrued sick or vacation time will be used, unless the time lost was 14 days or more from the date of the accident.

Employees will remain responsible for any payroll deductions which would normally be taken and the employee may be billed for insurance deductions which are normally payroll deducted. Failure to make the necessary payments may result in discontinuation of the benefit.

Before returning to work from a work-related injury, the employee must present to the Human Resources Manager a fully completed return to work form contained in Appendix H signed by the licensed physician releasing the employee from his or her care.

#### LEGAL REF.:

820 ILCS 305/1 et seq.

820 ILCS 320/1 et seq.

5 ILCS 345/1 et seq.

820 ILCS 235/1 et seq.

#### CROSS REFERENCE:

2.5 (Drug and Alcohol-Free Workplace)

ADOPTED: May 19, 2014

REVISED: August 6, 2014

### **Communicable Disease**

It is the policy of the City of Blue Island to insure a safe working environment. As such, the City reserves the right to implement policies consistent with guidance issued by the Centers for Disease Control as well as Federal, State, and Local directives and guidance. Failure to comply with any policy enacted under this section may result in disciplinary action, including and up to termination.

**LEGAL REF.:**

Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d et seq.;  
See *Jacobson v. Massachusetts*, 197 U.S. 11, 39 (1905)

ADOPTED: December 28, 2021

## **SECTION 3: EMPLOYEE PERFORMANCE STANDARDS**

- 3.1 Equal Employment Opportunity and Minority Recruitment
- 3.2 Employee Discipline
- 3.3 Evaluations



### **Employee Performance Standards Equal Employment Opportunity and Minority Recruitment**

The City shall provide equal employment opportunities to all persons regardless of their race, color, religion, creed, national origin, sex, sexual orientation, age, ancestry, marital status, arrest record, military status, order of protection status, unfavorable military discharge, citizenship status provided the individual is authorized to work in the United States, use of lawful products while not at work, being a victim of domestic or sexual violence, genetic information, physical or mental handicap or disability, if otherwise able to perform the essential functions of the job with reasonable accommodation, pregnancy, childbirth, or related medical conditions; credit history, unless a satisfactory credit history is an established bona fide occupational requirement of a particular position, or other legally protected categories.

The City will attempt to recruit and hire minority employees. The implementation of this policy may include advertising openings in minority publications, participating in minority job fairs, and recruiting at colleges and universities with significant minority enrollments. This policy, however, does not require or permit the City to give preferential treatment or special rights based on a protected status without evidence of past discrimination.

Persons who believe they have not received equal employment opportunities should report their claims to the Nondiscrimination Coordinator and/or a Complaint Manager pursuant to the Uniform Complaint Procedure policy. These individuals are listed below. No employee or applicant will be discriminated or retaliated against because he or she initiated a complaint, as a witness, supplied information, or otherwise participated in an investigation or proceeding involving an alleged violation of this policy or State or federal laws, rules or regulations, provided the employee or applicant did not make a knowingly false accusation nor provide knowingly false information.

#### LEGAL REF.:

Age Discrimination in Employment Act, 29 U.S.C. §621 et seq.;  
Americans With Disabilities Act, Title I, 42 U.S.C. §12111 et seq.;  
Civil Rights Act of 1991, 29 U.S.C. §§621 et seq., 42 U.S.C. §1981 et seq.;  
Equal Employment Opportunities Act (Title VII of the Civil Rights Act of 1964), 42 U.S.C. §2000e et seq., 29 C.F.R. Part 1601;  
Equal Pay Act, 29 U.S.C. §206(d);  
Immigration Reform and Control Act, 8 U.S.C. §1324a et seq.;  
Rehabilitation Act of 1973, 29 U.S.C. §791 et seq.;  
Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d et seq.;  
Pregnancy Discrimination Act, 42 U.S.C. §2000e(k);  
Uniformed Services Employment and Reemployment Rights Act (1994), 38 U.S.C. §§4301 et seq.;  
Illinois Whistleblower Act, 740 ILCS 174;  
Illinois Human Rights Act, 775 ILCS 5/1-103 and 5/2-102;  
Religious Freedom Restoration Act, 775 ILCS 35/5;  
Employee Credit Privacy Act, 820 ILCS 70;  
Illinois Equal Pay Act of 2003, 820 ILCS 112;  
Victims' Economic Security and Safety Act, 820 ILCS 180/30

**CROSS REFERENCE:**

- 1.7 (Uniform Complaint Procedure)
- 2.3 (Workplace Harassment Prohibited)
- 2.6 (Vacation, Sick, Court, Holidays)
- 4.1 (Hiring Process and Criteria)

**ADOPTED:** May 19, 2014

## **Employee Performance Standards Employee Discipline**

**DISCLAIMER: NEITHER THIS POLICY NOR ANY OTHER EMPLOYMENT HANDBOOK IS INTENDED TO ALTER THE AT-WILL EMPLOYMENT STATUS OF ANY EMPLOYEES OR CREATE ANY CONTRACTUAL RIGHT TO EMPLOYMENT OR PROPERTY INTEREST IN THE SAME. THIS POLICY IS TO BE USED AS A GENERAL GUIDELINE AND THE PROCEDURES IDENTIFIED HEREIN ARE NOT MANDATORY AND THE CITY MAY DEVIATE FROM THESE PROCEDURES AT THE DISCRETION OF THE CITY.**

### Disciplinary Measures

This disciplinary policy and procedure *guidelines* are designed to provide a structured corrective action process to improve and prevent recurrence of undesirable behavior and/or performance issues or misconduct of all City employees.

Examples of disciplinary measures which may be employed by the City include, but are not limited to: oral warnings, written warnings, final warnings with paid or unpaid suspension, and termination.

The City reserves the right to combine or skip measures depending upon facts of each situation and the nature of the offense. The level of disciplinary intervention may also vary. Some of the factors which may be considered include: whether the offense is repeated despite coaching, counseling and/or training; the employee's work or disciplinary record; and the impact the conduct and performance issues have on the City, staff and community.

Depending upon the seriousness of the infraction, the employee may be suspended without pay in full-day increments consistent with Federal, State and local wage-and-hour employment laws. Nonexempt/hourly employees may not substitute or use an accrued paid vacation or sick day in lieu of the unpaid suspension. Due to Fair Labor Standards Act (FLSA) compliance issues, unpaid suspension of salaried/exempt employees is reserved for serious workplace safety or conduct issues.

### Employee Rebuttal

Employees may submit written rebuttals to any disciplinary measures taken. Such rebuttals will be placed in the personnel file with the disciplinary documentation.

### Performance and Conduct Issues Not Subject to Progressive Discipline

While the City will try to exercise the progressive nature of this policy and employ progressive discipline, there may be performance, misconduct or safety incidents that are egregious, serious, problematic or harmful and warrants suspension or acceleration of progressive discipline. The type of disciplinary action may depend on the severity of the offense as well as the employee's disciplinary and work performance history.

Misconduct that involves dishonesty, violations of the law, significant legal risks to the City or to the safety or well-being of staff or others is grounds for immediate termination of employment.

Examples of such misconduct also include, **but are not limited to**:

1. Violations of policy or procedure governing
  - Harassment of any kind
  - Equal Opportunity and Affirmative Action
  - Use of paid time-off, FMLA, hours of work, over-time
  - Drugs & Alcohol
  - Safety of staff
2. Violence in the workplace
  - Possessing an unauthorized weapon on City property
  - Threatening or assaulting another person on City property
3. Serious insubordination, theft, dishonesty, falsification of records, breach of confidentiality, unauthorized use of City resources for personal gain, unauthorized removal or destruction of property belonging to others
4. Failure to Disclose or Engaging in Prohibited Criminal Activity including failure to disclose criminal convictions requested during the application or interview process, conviction of a crime involving dishonesty, violence or other behavior that impacts suitability for employment

#### Documentation

The employee will be provided copies of all progressive discipline documentation using the form contained in Appendix D. The employee will be asked to sign copies of this documentation attesting to their receipt and understanding of the corrective action outlined in these documents. Signature does not admit or confirm the information contained in the documentation. If the employee refuses to sign the documentation, the supervisor issuing the disciplinary action shall indicate such refusal to sign. Copies of these documents will be placed in the employee's official personnel file.

This policy shall not supersede or replace terms of any applicable collective bargaining agreements where such terms are directly contradicted by this policy. In the event of a direct conflict where this policy cannot be followed without necessarily violating applicable collective bargaining agreement provisions, the collective bargaining agreement shall control. In all other scenarios, this policy may be relied upon in issuing discipline as detailed above.

#### LEGAL REFERENCE:

*Duldulao v. St. Mary of Nazareth Hosp. Ctr.*, 115 Ill. 2d 482 (1987)

ADOPTED: May 19, 2014

## **Employee Performance Standards Evaluations**

### Performance Evaluation Policy

The performance of all employees shall be evaluated on an annual basis in accordance with systems and procedures established by the Mayor's Office. The evaluation of performance shall be an integral part of the responsibility of each supervisor, under the direction of the department director. The final responsibility for performance ratings shall be with the department director. The Mayor's Office shall develop a performance evaluation system. The Mayor's Office may authorize certain departments to develop and use their own performance evaluations systems provided basic requirements are met.

### Performance Evaluation Results

The supervisor shall discuss with the employee the results of his/her performance evaluation prior to its submission to the department director. The employee shall sign and date the performance evaluation to indicate that he/she has received the evaluation. The employee may include a statement of the reasons he/she disagrees with the evaluation. If the employee refuses to sign the evaluation form, the refusal shall be noted.

ADOPTED: May 19, 2014

## **SECTION 4: HIRING OF NEW EMPLOYEES**

4.1 Hiring Process and Criteria

4.2 Consideration of Criminal Conduct

## **Hiring of New Employees Hiring Process and Criteria**

For employees not covered by applicable collective bargaining agreements:

The City will hire personnel consistent with budget and staffing requirements and in compliance with the City's policy on equal employment opportunity and minority recruitment. All applicants must complete a City application in order to be considered for employment. The Mayor and department directors are responsible for recruiting personnel and making hiring recommendations to the City Council, if appropriate or required by law. However, the Mayor may exercise or delegate hiring authority.

### Notice of Vacancy

Once a vacancy has been established, a notice of Job Opportunity shall be posted. The Notice of Job Opportunity shall be posted on all bulletin boards and the City's Web Site for at least ten (10) days or a longer period determined by the department director.

All applicants are responsible for furnishing all information and materials that are required in accordance with the Notice of Job Opportunity. Applicants who fail to follow the instructions will be ineligible for consideration.

### Job Descriptions

The Human Resources Manager shall develop and maintain a current, comprehensive job description for each position; however, a provision in a collective bargaining agreement or individual contract will control in the event of a conflict.

### Investigations

The Mayor or Mayor's designee may authorize an investigation of the background of applicants, including, but not limited to, fingerprinting to ascertain criminal records and verification of claimed experience and the fitness and qualifications of applicants.

The Mayor or Mayor's designee shall ensure that a fingerprint-based criminal history records check is performed on each applicant as required by State law. The Mayor or Mayor's designee shall keep a conviction record confidential and share it only with other persons necessary to the hiring decision. Each newly hired employee must complete an Immigration and Naturalization Service Form as required by federal law.

The City retains the right to discharge any employee who omits facts from his or her employment application or other employment documents.

The Mayor or Mayor's designee shall not engage in any investigation or inquiry prohibited by law and shall comply with each of the following:

1. The City uses an applicant's credit history or report from a consumer reporting agency only when a satisfactory credit history is an established bona fide occupational requirement of a particular position.
2. The City does not ask an applicant or applicant's previous employers about claim(s) made or benefit(s) received under the Workers' Compensation Act.
3. The City does not request of an applicant or employee access in any manner to his or her social networking website, including a request for passwords to such sites.
4. The City provides equal employment opportunities to all persons.

#### Physical Examinations and Drug/Alcohol Testing

All employment candidates will be subject to pre-employment screening for drugs and alcohol in accordance with the City's Drug and Alcohol-Free Workplace policy. In addition, new employees must furnish evidence of physical fitness to perform assigned duties and freedom from communicable disease, including tuberculosis. All physical fitness examinations and tests for tuberculosis must be performed by a physician licensed in Illinois, or any other state, to practice medicine and surgery in any of its branches, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations, or a physician assistant who has been delegated the authority by his or her supervising physician to perform health examinations. The employee must have the physical examination and tuberculin test performed no more than 90 days before submitting evidence of it to the City.

Any employee may be required to have an additional examination if the examination is job-related and consistent with business necessity. The City will pay the expenses of any such examination.

#### Orientation Program

The City's staff may provide an orientation program for new employees to acquaint them with the City's policies and procedures, rules and regulations, applicable collective bargaining agreement provisions and the responsibilities of their position.

#### LEGAL REF.:

Employee Credit Privacy Act, 820 ILCS 70.

Right to Privacy in the Workplace Act, 820 ILCS 55.

Americans with Disabilities Act, 42 U.S.C. §12112, 29 C.F.R. Part 1630.

Immigration Reform and Control Act, 8 U.S.C. §1324a et seq.

Kaiser v. Dixon, 468 N.E.2d 822 (Ill.App.2 1984).

ADOPTED: May 19, 2014



### **Hiring of New Employees Consideration of Criminal Conduct**

In an effort to maintain a positive and a productive work environment for all City employees, the City implements this policy to govern all hiring decisions for employees and consideration of applications by volunteers.

It is the intent of the City to hire employees and allow volunteers who exhibit honesty, integrity and good moral character. The City reserves the right to deny employment or volunteer opportunities to applicants who have demonstrated conduct which may negatively impact the health, safety and welfare of City employees or citizens, unless otherwise prohibited by law. Such decisions will be governed by the standards enumerated in this policy.

The City, or its duly authorized agent(s) responsible for hiring decisions, may deny employment opportunities to applicants based on any prior conduct which indicates that the applicant is unfit for the position sought, whether that conduct is evidenced by an arrest, conviction or other information provided to the City. In making such a determination, the City will balance the specific criminal conduct and its dangers, with the risks inherent in the duties of the particular position sought.

#### Arrests and Felony or Misdemeanor Convictions

When considering the criminal background information, the City will conduct an individualized assessment of each applicant for hire or volunteer. In doing so, the City may request additional information from the applicant and allow the applicant an opportunity to demonstrate that the exclusion policy does not properly apply.

In conducting such individualized assessment, the City may consider (1) the facts or circumstances surrounding the offense or conduct; (2) the number of offenses for which the individual was convicted; (3) older age at the time of conviction, or release from prison; (4) the length and consistency of employment history before and after the offense or conduct; (5) rehabilitation efforts, e.g., education/training; and (6) employment or character references and any other information regarding fitness for the particular position.

When considering arrest history, the City will consider the following factors:

1. Whether the applicant is likely to have committed the conduct alleged. A potential applicant may be allowed an opportunity to explain the circumstances of the arrest(s) and the City will make a reasonable effort to determine whether the explanation is credible before eliminating the applicant from employment opportunities.
2. The nature and gravity of the offense. In considering this factor, the City may consider whether the conduct involved deception, threat, or intimidation. The City may also consider whether the conduct constituted a misdemeanor or greater offense.
3. The time that has passed since the arrest; and

4. The nature of the job held or sought. The City will consider the nature of the duties and essential functions of the position sought, the circumstances under which the job is performed (e.g., the level of supervision, oversight, and interaction with co-workers or vulnerable individuals), and the environment in which the job's duties are performed.

#### Criminal Background Information Considered

Absent exceptional circumstances, the City will consider any arrest or conviction within seven (7) years of the application. The City may consider arrests or convictions older than seven (7) years if the offense resulting in the arrest or conviction bears heavily on the applicant's moral character or propensity. The City will not rely upon an applicant's criminal history information which has been expunged, sealed, or impounded. However, the City may request additional information of the applicant prior to making a decision. Failure to submit additional information in response to a request for such may result in denial of employment or the application for a volunteer position. All information about applicants' and employees' criminal records will remain confidential and will not be disclosed unless otherwise required by law.

#### LEGAL REF.:

EEOC Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964

ADOPTED: May 19, 2014