



Committee of the Whole Memorandum

To: Committee Members
From: Jim Culotta, City Administrator
Date: 4/9/18
Re: Revised Personnel Manual

EXECUTIVE SUMMARY

In consultation with the City Attorney, staff has prepared the attached revision of the Personnel Manual. The purpose of the revision is to incorporate policies previously adopted by the City Council and update provisions to reflect changes in state and federal laws, as well as best practices. On March 19th, the Finance Committee recommended a Committee of the Whole discussion.

SUMMARY

This manual covers a broad range of topics related to employment with the City. As you can see in the attached document, the proposed changes are identified using Microsoft Word's track changes function. New content is shown as a color other than black and underlined text. Content that is recommended to be removed is shown as ~~striethrough text~~. The base document was prepared by Clerk Brown and includes ordinances and resolutions adopted through August 2017.

The topics with more significant revision include the following:

- Physical Examinations & Workman's Compensation (page 16)
- Employment of Relatives (page 18)
- Pregnancy and Your Rights in the Workplace (page 23) & Nursing Mothers (page 26)
- Illinois Victims' Economic Security and Safety Act (page 24)
- Family Medical Leave Act (page 26)
- Discipline (page 36)
- COBRA (page 40)
- Violence in the Workplace (page 43)
- Firearms in the Workplace (page 44)
- Drug and Alcohol Use/Abuse (page 45)
- Online Social Networking (page 61) & Media Relations Policy (page 63)
- Sexual Harassment & Other Forms of Discrimination (page 64)

REQUESTED ACTION

Staff requests Committee consideration and direction.

ATTACHED

1. Revised Personnel Manual

ORDINANCE NO. _____

Synopsis: The following ordinance will revise the City of Washington Personnel Manual.

AN ORDINANCE AMENDING THE CITY OF WASHINGTON PERSONNEL MANUAL

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WASHINGTON, TAZEWELL COUNTY, ILLINOIS, as follows:

Section 1. The current Personnel Manual shall be amended to reflect changes in state and federal law, as well as best practices, as reviewed and prepared by City Attorney and Staff.

Section 2. That this ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this ____ day of May, 2018.

AYES: _____

NAYS: _____

Mayor

ATTEST:

City Clerk

**CITY OF WASHINGTON
WASHINGTON, ILLINOIS**

PERSONNEL MANUAL

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I.

FORWARDWELCOME

This manual is designed to acquaint you with the City of Washington and provide you with general information about working conditions, benefits, and policies affecting your employment. Our objective is to provide you with a work environment that is conducive to both personal and professional growth.

The information contained in this manual applies to all employees of the City. The contents of this manual shall not constitute nor be construed as a promise of employment or as a contract between the City and any of its employees. The manual is a summary of our policies which are presented here only as a matter of information.

This manual is intended solely to describe the present policies and working conditions at the City. This manual does not purport to include every conceivable situation; it is merely meant as a guideline and, unless laws prescribe otherwise, common sense shall prevail. Of course, federal, state and local laws will take precedence over City policies when applicable.

Personnel policies are applied at the discretion of the City. The City reserves all available rights to change, withdraw, apply or amend any of our policies or benefits, including those covered in this manual, at any time. The City may notify you of such changes via email, posting on the City's website, or via a printed memo, notice, amendment to or reprinting of this manual, but may, in its discretion, make such changes at any time, with or without notice and without a written revision of this manual.

Employees who are represented by a union will receive copies of their current collective bargaining agreement upon employment as well as this manual. In cases where the collective bargaining agreement or an individual employment agreement contradicts this manual, the collective bargaining or employment agreement takes precedence.

At-will Statement

Your employment with the City is voluntary and is subject to termination by you or the City at will, with or without cause, and with or without notice, at any time. None of the information provided in our policies signifies a contractual agreement or should be interpreted to conflict with, eliminate or modify in any way your employment-at-will status with the City. No individual can approve any kind of contractual agreement. All employment contracts must be approved by the City Council.

This manual shall serve as a detailed statement of personnel practices and procedures to be employed by the City Administrator and Department Heads. It sets forth the personnel policies to be used by the City administrative employees. Copies of this manual shall be distributed to all employees and they shall sign a statement that they have read and understand it.

This manual is intended to be used by the City Administrator as one of the tools in management operations and, further, can serve to acquaint the Mayor and City Council with City internal personnel policies.

I

I

II.

PURPOSE AND AMENDMENT OF RULES

1. ~~Purpose of Rules. These rules establish for employees in the City Service:~~
 - ~~(a) A system of personnel administration, applicable to all City employees, based on merit principles and designed to secure efficient administration and employee understanding; and~~
 - ~~(b) The general City personnel policies such as hours of work, leaves of absence, and employment conditions.~~
2. ~~Amendment of Rules. The City Administrator may amend these rules from time to time, with the approval of the Mayor and City Council.~~

III.

THE PERSONNEL PROGRAM

1. The merit system of personnel administration of the City of Washington is the total personnel program as outlined by the Policy and procedure in this manual. The merit system requires that all personnel transactions be based upon the individual's performance, conduct, skills, level of need to the City, worth and that all employees meet acceptable levels of competence and experience in performing his/her Public duties.
2. The role of personnel management shall be to develop and administer personnel policies, procedures, and techniques which consist of the entire, broad course of action governing all employees within the City organization. The personnel program as developed is to be implemented by the City Administrator with the advice of the Department Heads.
3. The Personnel Program is both a management control and a service to operating officials. Continuous contact and communication between the City Administrator and Department Heads will assure proper coordination and cooperation.
4. Appointment, promotions, retention, demotions, and all other personnel activities shall be administered in accordance with the merit system principle; except as otherwise provided by law.

IV.

THE POSITION CLASSIFICATION PLAN

1. General Policy Statement. The personnel rules shall provide for the preparation, maintenance, and revision of a position classification plan for all positions in the City service. After such classification plan has been approved by the Mayor and City Council, the City Administrator shall allocate the position of every employee in the City service to one of the sections in the plan.
2. Preparation of Plan. There shall be a written position specification for each position in the City service. All specifications shall consist of a title, a description of the nature of the work; a list of the desirable knowledge, abilities, and skills; a list of desirable experience and training; and other pertinent information relative to the preparation and abilities necessary for the performance of the duties of Positions in the City service. The complete list of position specifications is a part of these rules as included in the Appendix.
3. Allocation of Positions. When a new position is created, or the duties of a position change, the position shall be allocated or re-allocated respectively according to the duties and responsibilities of the specific position. The City Administrator shall be responsible for such allocations to be made.
4. Amendment of the Classification Plan. When a new position is created for which no appropriate position exists, or when duties of an existing position have sufficiently changed so that no appropriate job title exists, the City Administrator shall recommend a new position and shall be responsible for an appropriate position specification to be written.
5. Abolition of Positions. When in the opinion of the City Administrator, a position exists for no apparent reason, he shall recommend to the Mayor and City Council that the Position be abolished.
6. Use of Position Titles. The titles assigned to positions by the classification plan shall be used in all personnel, accounting, budget, appropriation, financial, and official records of the City.
7. Interpretation of Position Specifications. Specifications will be interpreted in their entirety and in relation to others in the classification plan. Particular phrases or examples will not be isolated and treated as full definitions of a position. specifications shall be deemed only as descriptive and explanatory of the kind of work required in positions in the City service, but not necessarily inclusive of all duties to be

V.

THE PAY PLAN

1. Composition. The City's Official Pay Plan establishes the hourly and salaried pay schedules and the pay range assigned to each full-time and year-round part-time employee position. Each position is assigned a range number and a minimum and maximum wage. An appropriate number of steps shall be included which provides for a logical progression from the minimum to the maximum within each range. ~~An additional Pay Plan is in place for Sergeants.~~
2. Preparation and Adoption. The City Administrator shall be responsible for developing a uniform and equitable Pay Plan for submission to the Mayor and City Council. The Pay Plan shall become effective only after approval by the Mayor and City Council.
3. Pay Plan Amendments. The City Administrator may recommend to the Mayor and City Council amendments to the Pay Plan from time to time, which shall become effective only after approval by the Mayor and City Council. Recommendations to amend the Pay Plan will be based upon such factors as: significant changes to the assigned duties of a position, or positions; recruiting experience; prevailing rates of pay for comparable positions in the marketplace; budgetary constraints; or other pertinent conditions.
4. Pay Plan Administration.

(a) Initial Appointment Rate. Generally, new hires who meet the minimum qualifications for their position shall be paid at the beginning rate of pay established for the position's assigned pay range. Limited exceptions may be granted upon written approval of the City Administrator if the new employee substantially exceeds the minimum qualifications and has demonstrated through prior related work experience superior job skills and abilities.

(b) Employee Performance Evaluation. Advancement within a range shall be based upon the employee's job performance, as measured through the performance evaluation process. Employee performance evaluations shall be conducted annually for all regular (non-orientation) employees and for orientation employees ~~a minimum of once each six months during the orientation period.~~

(c) Advancement within a Range. Employee's whose performance has been determined to meet the expectations of the City and the Department to which they are assigned, will be eligible to advance one interval, or Step in the assigned range for their position.

An employee whose performance has been determined to be outstanding may, at the discretion of the City Administrator and approval of the Mayor and City Council, be eligible to receive a two-interval, or double Step advancement in the assigned range for their position.

An employee whose performance has been determined to be either below City and Departmental expectations, or unsatisfactory, may at the discretion of the City Administrator receive no advancement in interval or Step.

All pay range advancements shall conform to paragraph (d) of this Article.

(d) Timing of Pay Range Advancements for non-union employees excluding Sergeants. Eligibility for any pay range advancement shall be determined as provided in paragraph (c) of this Article.

Employees hired at the minimum rate of pay for their assigned pay range (Step 1A) will be eligible to advance to Step 1AB upon their ~~six-month~~ one year anniversary of their date of employment. ~~Employees hired or who have advanced to Step 1B will be eligible to advance to Step 2 six months from the date of their assignment to Step 1B.~~

Employees hired and assigned to Step 1A2 or above will be eligible for a pay range advancement upon completion of one year of service to the City. Employees with one year or more of continuous service to the City will be eligible for future advancement in their assigned pay range each May 1.

(e) Effect of Promotion or Demotion. Employees who are promoted to a position assigned a higher pay range will be assigned to the minimum pay rate of the applicable range, or to the next higher step in the new range which pays at least five (5) percent above the pay rate in effect immediately prior to the promotion. ~~Employees who receive a promotion mid-year will be eligible for advancement in the pay plan one year from the date of promotion and then on May 1 in the following years. The original date of hire continues to be the anniversary date for purposes of longevity, etc.~~

If an employee is demoted, the employee will be assigned a step in the pay range for the position to which the employee has been demoted. The step assignment will be set at the discretion of the City Administrator, but the wage paid the demoted employee shall, at a minimum represent at least a five (5) percent reduction from the wage paid prior to demotion.

(f) Temporary Assignment of Non-Supervisory Employees to Supervisory Position. When, in the discretion of the City Administrator, the Administrator ~~he~~ temporarily assigns a non-union, non-supervisory employee (Range ~~40-6640-50~~) to act in the capacity of a supervisory employee (Ranges ~~70-9660-80~~), the temporarily assigned employee shall receive a five percent (5%) increase in the employee's regular hourly rate of pay. This increase shall be applied only to the hours worked while in the temporary assignment, and shall be applied only when the duration of the temporary assignment is for five consecutive work days or longer. (Amend. R381 4/6/92)

(g) Voluntary Transfer to Lower Classification. At the request of an employee and the approval of the City Administrator, an employee may be transferred to a position which is assigned a pay range lower than the employee's current position. In such an instance, the voluntarily transferred employee shall continue to be compensated at the rate of pay earned immediately prior to the transfer, or compensated at the maximum rate for the new position, whichever is lower.

5. Longevity. Full-time employees not otherwise covered by a collective bargaining agreement are eligible to receive longevity pay beginning at the start of their ~~eleventh~~ sixth year of continuous full-time service with the City. Subject to satisfactory performance, employees will receive longevity according to the following schedule:

| Years Continuous Service | Pay Ranges | Pay Ranges |
|--------------------------|-------------------|---|
| | <u>40-66+0-59</u> | <u>70-120 & Sergeants 60-and-Up</u> |

Start of Year:

| | | |
|----------------------|-------------------|-------------------|
| <u>116</u> | \$ <u>700375</u> | \$ <u>900500</u> |
| <u>167</u> | <u>1,050475</u> | <u>1,325625</u> |
| <u>218</u> | <u>1,425575</u> | <u>1,775750</u> |
| <u>229</u> | <u>1,500675</u> | <u>1,865875</u> |
| <u>2340</u> | <u>1,575775</u> | <u>1,9551,000</u> |
| <u>2411</u> | <u>1,650900</u> | <u>2,0451,150</u> |
| <u>2512</u> | <u>1,7251,025</u> | <u>2,1351,300</u> |
| <u>2613</u> | <u>1,8101,150</u> | <u>2,2351,450</u> |
| <u>2714 & Up</u> | <u>1,8951,275</u> | <u>2,3351,600</u> |
| <u>28</u> | <u>1,980</u> | <u>2,435</u> |
| <u>29</u> | <u>2,065</u> | <u>2,535</u> |
| <u>30</u> | <u>2,150</u> | <u>2,635</u> |

Employees currently receiving longevity pay based upon an earlier schedule will receive future longevity increases based upon the above plan. Longevity is granted based on actual consecutive years of full-time service and not based on service including lateral transfer years. (Appr. 3-17-97, Effective 5-1-97)

6. OVERTIME COMPENSATION.

(a) Non-exempt full-time and part-time employees will be eligible to receive overtime compensation at a rate of time and one-half their regularly hourly rate for time worked in excess of forty (40) hours of time worked in a work week. Time worked in excess of forty (40) hours in a work week must have been approved by the employee's supervisor in advance. Failure to obtain approval will result in unauthorized overtime, and possible disciplinary action.

For purposes of this section, time worked shall be defined as time actually worked, vacation time, compensatory time taken, minimum credit time, and holiday hours credited. Time worked shall be computed to the nearest one quarter hour. All other time paid, but not worked shall not be considered time worked for the purpose of determining overtime compensation. Eligibility. Full-time employees assigned a position with a pay range from 10-60 and part-time employees will be eligible to receive overtime compensation at a rate of time and one-half their regular hourly rate for time worked in excess of forty (40) hours of time paid in a work week. Time worked in excess of forty (40) hours in a work week must have been approved by the employee's supervisor in order to be eligible for overtime compensation. Employees occupying a position with a pay range of 61 and above shall not be eligible for overtime pay.

For purposes of this section, time worked shall be defined as time actually worked, compensatory time taken, minimum credit time, and holiday hours credited. Time worked shall be computed to the nearest one quarter hour. All other time paid, but not worked shall NOT be considered time worked for the purpose of determining overtime compensation.

~~(a)(b)~~ Compensatory Leave. All full time, non-union ~~exempt~~ employees, ~~except those occupying a position with a pay range of D4 and above,~~ may elect request to take paid compensatory leave in lieu of overtime pay subject to the following limitations:

- (i) An irrevocable election-A request to take paid compensatory leave in lieu of overtime pay shall be made by the employee at the time of the submission of the bi-weekly time sheets. The City reserves the right to deny the request and pay the overtime hours.
- (ii) Employees may accumulate no more than 64 hours of compensatory leave at any time, provided, employees with more than 64 hours of earned and unused compensatory leave as of May 1, 2012 shall be allowed to retain all such compensatory leave without reduction or penalty, but may not accumulate additional compensatory leave until his/her total accumulation falls below 64 hours at which time the 64 hour limitation shall apply.
- (iii) Employees may take no more than 40 hours of paid compensatory leave during any fiscal year beginning May 1st, provided, any compensatory leave earned and unused as of May 1, 2012 may be taken without regard to said 40 hour limitation.
- (iv) All earned and unused compensatory leave shall be paid in full, lump sum, at separation or layoff at the employee's regular rate of pay as mandated by the Fair Labor Standards Act.
- (v) The scheduling and taking of compensatory leave shall be subject to the prior approval of the employee's supervisor or Department Head in accordance with the directives of the City Administrator, as amended from time to time, but employees shall be allowed to use the leave in accordance with the Fair Labor Standards Act.

(Ord-2980)

~~(a)(c)~~ Minimum Credit Time. Employees who are eligible to receive overtime compensation and who are authorized to work overtime where such overtime is not a continuation of their regular workday, will be credited a minimum of two hours time, or the actual time worked, whichever is greater.

~~(a)(d)~~ Saturday/Sunday Overtime. Employees whose regular work week does not include a Saturday or Sunday work schedule shall be compensated at one and one-half times their regular hourly rate for authorized overtime worked on a Saturday or Sunday. Time worked on these days will be subject to the Minimum Credit Time provision. (R-432)

~~(a)(e)~~ (e) Paid Time Off. Exempt full-time employees not eligible for overtime compensation shall be granted forty-eight (48) hours paid time off per fiscal year. The paid time off can be taken in any ¼ hour increment. Any paid time off granted to an exempt full-time employee under this section that is unused after the next succeeding April 30 shall be paid in cash, in a lump sum, at the then prevailing, regular straight time rate of pay. A newly hired or promoted employee shall receive his or her initial paid time off allotment on a prorated basis calculated from his or her date of hire or promotion to the next succeeding April 30. Exceptions. Full-time employees not otherwise eligible for overtime compensation shall be granted forty-eight (48) hours paid time off per fiscal year (May 1 through April 30) in recognition of hours worked in excess of forty (40) hours per week. Said time off is not intended to be an hour for hour recognition of extra time worked; shall be taken in increments of not less than four hours; and must be taken by the employee during the

~~fiscal year in which it is granted, and shall not be carried forward to the next fiscal year. Any and all now compensatory time credited after April 30, 2008 remaining unused after the next succeeding April 30th shall be paid in cash, lump sum, at the then prevailing, regular straight time rate of pay. A newly hired or promoted employee shall receive his/her initial paid time off allotment on a prorated basis calculated from his/her date of hire or promotion to the next succeeding April 30th. (Ord 3146)~~

7. Pay Days and Pay Deductions. Employees' wages shall be payable every two weeks, in accordance with the schedule as determined by the ~~Controller~~Office manager. If the regularly scheduled pay day falls on a City-designated holiday, paychecks will be distributed on the preceding day. ~~At the request of the employee and the prior approval of the City Administrator, paychecks may be distributed before the regular pay day, but only in cases of approved vacation or in unusual emergencies. Individual pay advances shall be limited to the requesting employee's wages for one pay period.~~

Pay deductions are made according to law, City Council policy, or those mutually agreed upon the City and the employee.

8. Gratuities. ~~City employees are subject to relevant provisions of State Statute. No fee, gift, tip or other form of compensation in addition to regular City compensation shall be received from any source by employees in return for the performance of their duties. If a reward, gift or other form of compensation is made to any employee, it shall be returned to the giver by the Department Head or City Administrator. (Amended R 345, 6/19/90)~~

9. Police Sergeants will receive the following annual uniform allowance: \$790 for the Detective Sergeant and \$690 for all other Sergeants in two, equal semi-annual installments.

VI.

ORIENTATION

1. **Duration.**

- (a) Every person appointed to a regular position shall be required to complete an orientation period which shall be a minimum of one year.
- (b) The ~~working orientation test~~ period shall begin upon appointment and shall continue for a period of time appropriate to the duties of the various positions as determined by the Department Head and/or City Administrator, with a minimum of one year.
- (c) The orientation period may be extended a maximum of an additional six months to enable further evaluation of the employee's performance.

VII.

EVALUATION OF EMPLOYEES IN ORIENTATION PERIOD

1. Evaluations of employees shall be conducted in such manner as determined by the appropriate Department Head with the approval of the City Administrator.
2. A copy of this evaluation shall be given to the employee ~~upon the employee's request.~~

VIII.

PHYSICAL EXAMINATIONS AND WORKMAN'S COMPENSATION

1. Physical Examinations.

(a) First Examination Required. Candidates for employment shall be required to undergo a complete post-offer physical examination, at City expense, administered by a physician designated by the City. Employee must sign and certify examination form information given to doctor is true and correct. They must satisfactorily pass the physical examination before final appointment will be made.

~~(b)~~ The City may require a mandatory, job-related medical examination when there is a need to determine if an employee can perform the functions of his or her position. This exam will identify physical limitations or restrictions. A medical examination may also identify significant health or safety risks to the employee or others by identifying infectious diseases, or other medical monitoring as required by medical standards, professional licensing bodies or standards established by federal, state or local law. The cost of mandatory medical examinations rests with the City.

2. Workmen's Compensation.

The City will provide workers' compensation, a type of accident and injury insurance, that compensates an employee for lost time, medical expenses and loss of life or dismemberment from an injury arising out of or in the course of work.

(a) Immediate Report of Injury. Employees who are injured while on duty for the City must make an immediate report of such injury to their supervisor and Department Head. All injuries, however slight, must be reported within eight hours.

(b) Treatment by Physician. If the employee is injured to such an extent that he requires medical attention, he shall immediately go to a physician for treatment.

~~(b)~~

(c) Notification by Department Heads. Department Heads shall be responsible for immediately notifying the City ~~office~~ Administrator of all injuries reported by employees under their supervision and shall make certain that the proper written reports are made to the respective insurance company.

~~3.~~

3. Requests for Accommodation

It is the intent of the City to provide equal opportunity in its workplace for applicants and employees. Circumstances may arise where a reasonable accommodation for an applicant or employee is necessary to meet this objective.

Accommodations for Disability: The City will provide reasonable accommodation to any qualified individual with a disability as required under federal, state or local law so long as doing so does not cause the City undue hardship.

Other Accommodations: In addition to providing reasonable accommodation to persons with a disability, the City will provide reasonable accommodation for medical or common conditions related to pregnancy or childbirth and for employees needing a religious accommodation as required under federal, state or local law so long as doing so does not cause the City undue hardship. For more information, see the notice entitled "Pregnancy and your Rights in the Workplace" attached to this Handbook as Appendix A.

To Make an Accommodation Request: Direct your accommodation request in person or in writing to the City Administrator. All requests for accommodation will be evaluated on a case-by-case basis taking into consideration all known circumstances.

IX.

**OUTSIDE EMPLOYMENT, LEGAL RESIDENCE, AND CONTRACTUAL SERVICES, AND
EMPLOYMENT OF RELATIVES**

1. **Outside Employment Permitted.** City employees may be permitted to work at outside jobs, if in the opinion of the Department Head and the City Administrator there is no conflict with working hours, the employee's efficiency in his City work, or conflict with interests of the City.
2. **Outside Residence Permitted.** City employees may be permitted to live outside the City limits, with the approval of the City Administrator.
3. **Contractual Services Prohibited.** No employee may enter into any contract or agreement with an individual or organization for performance of his or her personal services while on City time or while using City equipment.
4. **Employment of Relatives.** Members of your immediate family will be considered for employment on the basis of their qualifications. Your immediate family may not be hired, however, if it would:
 - Create a direct supervisor-subordinate relationship with a family member
 - Have the potential for creating an adverse effect on work performance
 - Create either an actual conflict of interest or the appearance of a conflict of interest

This policy must be considered when hiring, assigning or promoting an employee.

If a circumstance arises that results in a direct supervisory relationship between immediate family or close personal relatives, or creates an adverse effect on work performance or creates an a conflict of interest, one of the relatives may be reassigned to an appropriate vacancy. If no such vacancies exist, termination of employment may result. During the period that a direct supervisory relationship exists between immediate family members or close personal relatives, the supervisory relative will not be involved in any personnel action involving his or her relative. Typical first-level supervisory responsibilities will be referred to the next higher level in the supervisory chain.

For purposes of this policy, your immediate family includes your mother, father, husband, wife, son, daughter, sister, brother, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, stepchild, stepparent, grandchild or grandparent. This policy also applies to close personal relatives such as uncles, aunts, first cousins, nephews, nieces, or half-siblings.

5. **Family Relationships Prohibited.** Henceforth, the following relationships will not be allowed in full-time employment and for officers of the city: husband, wife, son, daughter, and sibling.

X.

ATTENDANCE AND LEAVE

1. **Hours of Work.** The hours of work shall be those necessary for the efficient conduct of the City's business, as determined by the City Administrator and approved by the Mayor and City Council. Each Department Head shall prepare a schedule of normal working hours for his department.
2. **Attendance and Punctuality.** Employees shall be in attendance at their work in accordance with these rules and general or departmental regulations. Prompt appearance for work at the specified hour is required of all employees. Each Department Head may set up such requirements as approved by the City Administrator to enforce this rule.
3. **Holidays.**

(a) The following and other days as may be designated by the Mayor and City Council are holidays, and premium pay shall be provided for work on these days:

| | | |
|----------------------------|------------------------|-------------|
| New Years Day | Labor Day | Good Friday |
| Martin Luther King Jr. Day | Thanksgiving Day | |
| Easter | Day after Thanksgiving | |
| Memorial Day | Christmas Eve Day | |
| Independence Day | Christmas Day | |

Employees who do not work on the holiday shall receive straight-time pay for the holiday. Eligible employees who work a legal holiday shall receive double time for hours worked in addition to eight hours straight-time pay for the holiday. Further, in order to qualify for holiday pay, the employee must work the full scheduled shift on his or her last scheduled day before the first scheduled day after the holiday, whether the same be a legal holiday or a floating holiday. An employee on approved time off for vacation, sick day, training or compensatory time on the day prior to or following the holiday shall not be in violation of this provision. Part-time telecommunicators that work on one of the City designated holidays listed above shall be paid double time for hours worked.

(Amended 3/7/88, R-276) (Amended 10/16/89, R-325) (Amended 4/15/91, R-361) (Amended 4/19/93, R-402) (Amended 11/7/16, Ord 3209)

~~(b) For full time dispatchers, when a holiday falls on the regularly assigned day off, such dispatcher shall be compensated by one of the following three methods at the discretion of the City Administrator:~~

- ~~(1) Receiving an additional day off~~
- ~~(2) Receiving an extra day's pay, or~~
- ~~(3) Receiving an extra day added to accrued annual vacation leave.~~

(c) Whenever a holiday falls on a Sunday, the following Monday shall be considered a holiday unless otherwise designated by the City.

(d) Whenever a holiday falls on a Saturday, the Friday immediately preceding the holiday shall be considered the holiday, unless otherwise designated by the City. (Amended 4/15/91, R-361)

4. Personal Day. Full-time employees shall receive one paid day off (8 hours) for personal business each calendar year. Such time off shall be paid at the employee's regular hourly rate and shall not be counted as time worked for the purpose of computing overtime compensation. Personal Days must be used in the calendar year in which they are earned. They may not be carried forward into a succeeding calendar year. Personal Day time may not be substituted or traded for pay. The scheduling off of one's Personal Day must be first approved by the employee's Supervisor.

(Amended 4/19/93, R-402)

5. Office Hours. The general City Administrative Office shall generally be open on the dates and at the times listed below:

Monday through Friday 8:00 a.m. – 5:00 p.m.

Offices will be closed on weekends and holidays. However, the City Administrator or his or her designated representative shall be available in case of emergency. The City Administrative Office will be closed on the following legal holidays: New Year's Day, Martin Luther King Jr. Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day after Thanksgiving Day, Christmas Eve Day, and Christmas Day. (Ord 2388)

6. Vacation Leave.

- (a) Vacation Leave Earning Rate. Each regular full-time City employee not otherwise covered by the terms of a collective bargaining agreement shall earn paid vacation leave as follows:

| Beginning of Year | Pay Range 908 and Above | Pay Range Below 908 & Sergeants |
|-------------------|-------------------------|---------------------------------|
| 1-5 | 80 hours each year | 80 hours each year |
| 6-9 | 120 hours each year | 8 additional hours each year |
| 10 | 120 hours | 120 hours |
| 11-14 | 160 hours each year | 8 additional hours each year |
| 15 | 160 hours | 160 hours |
| 16-19 | 200 hours each year | 8 additional hours each year |
| 20 | 200 hours | 200 hours |

- (b) Vacation Accrual. In accordance with the payroll system, vacation will be accrued twice per month (the first and second pay periods only) at the rates indicated above (i.e. accrual rate of 80 hours will be 3.333 hours per pay period accrued).

- (c) Probationary Period. Except with the permission of the Department Head, no vacation shall be granted during the original probationary period.

- (d) Time Vacation Taken. The time at which an employee may take his or her vacation shall be determined by the supervisor or Department Head, taking into the account the wishes of the employee, and, in particular, taking into account the needs of the department. ~~Vacation time must be taken in weekly increments, except that one week of vacation may be taken on a one or two day basis, as approved in advance by the Department Head.~~

(e) Half-Day/Hour Units. Vacation leave shall be charged against employees in not less than half-day/hour units. For purposes of administration, vacation available may be rounded up or down to the nearest whole number ~~(i.e., 26.992 hours would be rounded up to 27, and 8.333 hours would be rounded down to 8 hours).~~

(f) Accumulation. Ordinarily, vacation leave must be taken in the calendar year following the year in which it was accrued. However, accrued vacation, not to exceed 5 days for employees with up to 15 years of service, and not to exceed 10 days for employees with 15 years of service, and not to exceed 10 days for employees with 15 or more years of service, may be accumulated and carried over from one year to the next. The allowable carryover will consist of the amount as indicated above that may be carried over to the following year plus the actual vacation accrued during the current year.

(g) Separation from Service. Regular full-time employees who are separated from service other than for retirement, with the City shall be compensated for vacation accrued up to the date of separation. ~~(Ord. 2005) Per Public Act 97-0609 with respect employees that are retiring, all earned and unused (and non-forfeited) vacation leave shall be taken prior to separation and can be used to extend the date of separation shall be forfeited. A lump sum payment shall not be paid except that in the event of death, said compensation shall be paid to the employees' estate.~~

7. Sick Leave.

(a) One Week-Day per Month of Service. Sick leave with pay shall be credited to all full-time probationary and regular employees at the rate of 12 days per year and may be accumulated to a maximum of one hundred sixty (160) working days for each employee. (Amended 4/15/91, R-361) ~~Amended 4/10/93, R-407~~

(b) Not to be Abused. Sick leave shall not be considered as a privilege which an employee may use at his/her discretion, but shall be allowed only in case of necessity and actual sickness or disability of the employee, or because of ~~illness, birth, or death in his immediate family~~ illness, birth, or death in his immediate family, illness, injury or medical appointment of the employee's child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, stepparent, or to meet dental appointments, eye appointments, or to take physical examinations or other sickness prevention measures.

~~(b)(c)~~ Notification of Supervisor. To receive compensation while absent on sick leave, the employee shall notify his/her immediate supervisor prior to or as soon as possible after the time set for beginning his/her daily duties, or as may be specified by his/her Department Head.

~~(c)(d)~~ Verification. May be required for any absence of any employee by the Department Head or Supervisor, including, but not limited to, sick leave.

~~(d)(e)~~ Sickness on Vacation. An employee on vacation who becomes ill or injured may, upon proper notification to the City Administrator, change his/her leave status to sick leave.

~~(e)(f)~~ False Pretenses. Claiming sick leave under false pretenses may be cause for dismissal from City service.

~~(f)(g)~~ Using Compensatory Time and Vacation Time in lieu of Sick Leave. Employees may use available vacation time and compensatory time in lieu of sick leave, provided all earned sick leave has been exhausted. This must be approved by the Department Head.

~~(g)(h)~~ Unused Sick Time. ~~Through December, 1991, employees, at their election, are to be paid for all unused sick time at the end of the year, provided the employee has accumulated thirty (30) days of sick time to be carried over and saved. Employees, at their election, are to be paid for all unused sick time upon termination from~~ ~~City~~ ~~service.~~

~~Effective January 1, 1992, the prior program providing for an annual sell-back of sick leave hours will no longer be in effect. Effective January 1, 1992, All full-time, nonunion employees, including Sergeants & Employees~~ who use no more than eight (8) hours of sick leave in any calendar quarter shall receive

either eight (8) hours paid personal time off, or eight (8) hours of accumulated sick leave, or eight (8) hours pay, at the employee's option, such pay to be paid at the completion of each quarter and will be paid at the employee's regular hourly rate. Employees electing the eight (8) hours paid personal time off must take the time off within the calendar year in which the time off was awarded. Such time, when taken off, shall not be counted as time worked for purposes of computing overtime compensation. ~~Upon termination from City service, employees, at their option, may sell back all or part of their unused sick leave accumulated through December, 1991. Such accumulated unused sick leave shall be paid at the employee's hourly rate in effect December 1, 1991.~~

(Amended 4/19/93, R-302)

~~(b)(1)~~ **Pregnancy Leave and Temporary Illness or Injury.**

~~(1) Sick leave may be taken for necessary absences due to pregnancy and childbirth in the same manner and for the same times as specified for other disabilities.~~

(2) ~~The individual~~ An employee shall at once inform his/her immediate supervisor of any medical conditions affecting or restricting the employee's ability to perform his or her job duties. ~~his/her condition, and in the case of pregnancy shall present a written statement, signed by her physician, stating the expected date of delivery.~~

(3) The individual may continue his/her regular employment so long as his/her physician states in writing that he/she is able to perform his/her normal work assignment.

(4) At any time during either a temporary illness, medical condition or injury ~~or pregnancy~~, the City Administrator may request from the individual, a letter from his/her treating physician authorizing continued employment in a then present position.

(5) If at any time the physician's letter indicates that employment should no longer be continued in a then present position, the City Administrator may request the individual to take a leave of absence without pay.

(6) Once an employee is requested to take a leave of absence without pay, the employee shall first exhaust all accrued sick leave and vacation time due him/her. At that time, the individual may petition the Illinois Municipal Retirement Fund or the Police Pension Board for disability compensation.

(7) On the proposed return from leave due to illness, medical condition or injury ~~or pregnancy~~ that continued for more than three consecutive days, the employee or officer shall submit to the City Administrator or Chief of Police a letter from the treating physician stating that the individual is able to return to work.

(8) An individual must notify the City Administrator within seven days of the date of receipt of any notice that disability compensation has been terminated. Within an additional seven-day period, the individual must either return to work or notify the City Administrator of his intention not to return to work. Failure to return to work within the time specified shall be cause for dismissal.

(Amended 4/15/91, R-361)

(j) Notwithstanding the other provisions of this Paragraph 7, any person holding and/or assigned to the position of Deputy Chief or Police or ~~Police Commander~~ Sergeant will be allowed to convert to cash earned and unused sick leave subject to the following:

1. Sick leave may only be converted to cash at such time as the employee qualifies for and receives a Washington Police Retirement Pension pursuant to the Illinois Pension Code.
2. All unused sick leave hours may be converted to cash except those sick leave hours earned while the employee held the position of ~~Commander~~ Sergeant, Deputy Chief of Police or Chief of Police.

3. In no event shall unused sick leave hours earned while holding the rank of ~~Commander~~Sergeant, Deputy Chief of Police or Chief of Police be convertible to cash.
4. All sick leave converted to cash pursuant to the above shall be paid at the employee's regular rate of pay at the time of his/her retirement. (Ord 2988)

(k) Pregnancy and your Rights in the Workplace

If you are pregnant, recovering from childbirth, or have a medical or common condition related to pregnancy you have the right to the following:

- Request a reasonable accommodation for your pregnancy, such as more frequent bathroom breaks, assistance with heavy work, a private space for expressing milk, or time off to recover from your pregnancy.
- Reject an accommodation offered for your pregnancy that you do not desire
- Continue working during your pregnancy if a reasonable accommodation is available which would allow you to continue performing your job

The City cannot and will not discriminate against you because of your pregnancy, or retaliate against you because you requested a reasonable accommodation, and it is illegal for the City to fire you, refuse to hire you, or to refuse to provide you with a reasonable accommodation because of your pregnancy.

For more information regarding your rights, or for immediate help, you can: (a) contact the G&D Human Resources Department; and/or (b) call the Illinois Department of Human Rights at (312) 814-6200 or (217) 785-5100 or (866) 740-3953 (TTY); and/or (c) download the Illinois Department of Human Rights fact sheet at www.illinois.gov/dhr.

8. Leave for Injury or Sickness Incurred in Line of Duty.

9. Other Leaves of Absence with Pay.

- (a) Jury, Court, Public Duty. Employees shall be granted leaves of absence for required jury duty or for other required appearances before a court or other public body except those of a personal nature.

Such employees shall receive their regular salary, but an equal payment for these services shall be paid the City as a partial off-set against the City's payment of salary during the time the employee is away from the City.

- (b) Other leaves with pay may be authorized by the City Administrator, but said leaves shall be considered only if the leave relates directly to job performance.

10. Leave of Absence Without Pay.

- (a) Not to Exceed One Year. The City Administrator may grant a regular employee leave of absence without pay not to exceed one year. Employees on disability pension are not classified as on leave of absence.

- (b) Written Request. No leave of absence without pay shall be granted except upon written request of the employee.

- (c) Reinstatement. Upon expiration of a regularly approved leave without pay, the employee shall be reinstated in the position held at the time the leave was granted, or a comparable position within a reasonable practicable time period.

- (d) Failure to Report to Duty. Failure of an employee on leave of absence to report to duty at the time specified shall be cause for dismissal.

(d) —

(e) When Leave Granted. Leave without pay shall be granted only in the sole discretion of the City Administrator. Employees may also be entitled to take unpaid bereavement leave in accordance with the Illinois Child Bereavement Leave Act.

(f) Victims' Economic Security and Safety Policy

Eligible employees may be entitled to unpaid leave in accordance with the Illinois Victims' Economic Security and Safety Act ("VESSA"). For more information, see the notice entitled "Victims' Economic Security and Safety Act" attached to this Manual as Appendix .

An eligible employee's entitlement to VESSA leave is calculated as a "rolling" 12-month period measured backward from the date of any VESSA leave usage.

You may be required to submit certification to substantiate that the leave will be taken for purposes covered by VESSA. If requested certification is not timely provided or is insufficient, the request for leave may be delayed or denied.

VESSA leave is unpaid. However, employees may substitute all paid vacation and other leave time for all or part of any VESSA leave. Additional paid time off is not earned during any period of unpaid leave.

(e)(g) Accrual Of Benefits While On Leave.

(1) All employees who are on leave without pay, absent without leave, or on any other employment arrangement or status where no compensation is being paid to the employee by the City will not receive or will cease to accrue the following benefits from and after the Benefit Accrual Termination Date, except as otherwise expressly provided:

- (i) Health insurance premiums paid by the City, except as provided in subparagraph (2) below;
- (ii) Additional sick leave; and
- (iii) Additional vacation leave.

(2) Employees who are on leave without pay, or on any other employment arrangement or status where no compensation is being paid to the employee by the City will continue to have his or her health insurance premiums paid by the City for and on behalf of the employee through the last day of the calendar month immediately following the Benefit Accrual Termination Date. From and after the last day of the calendar month immediately following the Benefit Accrual Termination Date, the employee shall be responsible for the payment of the monthly premiums for such health insurance. If the employee fails to elect to continue such health insurance or fails to pay the premiums therefore after the Benefit Accrual Termination Date, such health insurance shall be terminated.

(3) The term "Benefit Accrual Termination Date" shall be and mean the last day of the calendar month in which an employee commences his or her leave without pay, absence without leave, or any other employment arrangement or status where no compensation is paid to the employee by the City.

(4) The discontinuation of health insurance premiums being paid by the City will not occur during any period of Family and Medical Leave Act leave granted to an employee under the provision of the Family and Medical Leave Act policies of this Personnel Manual. (Ord 2140)

11. Compensatory Time. Shall be in accordance with the directives of the City Administrator, as may be amended from time to time.

12. Allowance for Military Leave.

(a) The City provides military leave to eligible employees in compliance with federal and state laws, including the federal Uniformed Services Employment and Reemployment Rights Act (USERRA) and the Local Government Employees' Benefits Continuation Act (50 ILCS 1401/1, et seq.). Employees should notify their supervisors as soon as they become aware of a military service obligation. Detailed information regarding continuation of compensation and benefits during military leave, and employee rights to reinstatement, can be obtained from the City Controller.

(b) ~~Without Pay. Full-time employees who are called for military training or service shall be granted a leave of absence without pay from their positions during the actual duration of such service.~~

(c) Substitutions. Persons substituting for regular employees on military leave shall be designated as a substitute until the regular employees return to their positions or it is determined that they will not return to work.

(d) Sixty Day Limit. Full-time employees on military leave not resuming their duties within 60 days after separation from military service shall be considered to have resigned.

12.13. Absence Without Leave.

(a) Definition. An absence of an employee from duty, including any absence for a single day, part of a day, that is not authorized by a specific grant of leave of absence under the provisions of these rules shall be considered absent without leave.

(b) Discipline. Any such leave shall be without pay and may be subject for disciplinary action.

(c) Resignation after Three Days. In the absence of such disciplinary action, any employee who is absent for three consecutive days without leave shall be considered to have resigned.

12.14. Procedure for Requesting Leaves. An employee requesting a leave of absence for any reason must submit a written request and the requested leave should be approved by the Department Head, and approved by the City Administrator, and then returned to the employee. Requests for annual leave must be made far enough in advance to allow time to carry out this procedure. (R-381)

15. Nursing Mothers

The City will provide reasonable unpaid break time each day to an employee who needs to express breast milk for her infant child, unless to do so would unduly disrupt the City's operations. The break time will, if possible, run concurrently with any break time already provided to the employee. The City will make reasonable efforts to provide a room or other location, in close proximity to the work area, other than a toilet stall, where an employee can express her milk in privacy.

16. FAMILY & MEDICAL LEAVE ACT.

Full-time employees of the City are eligible to take unpaid family and medical leave under the federal law, the Family and Medical Leave Act (FMLA). This policy provides an introduction to the rights and provisions of the federal FMLA. If you have questions regarding the FMLA, please contact Payroll.

Eligibility

To be eligible for leave, you must have been employed by the City for at least 12 months. In the 12 months immediately preceding the beginning of the leave, you must also have worked at least 1,250 hours to qualify for federal FMLA. In addition, you must work in an office or work site where 50 or more employees are employed within 75 miles of that office or work site.

Amount of Leave Available

Eligible employees may take up to a total of 12 weeks of FMLA leave within a rolling 12-month period, measured backward from the date an employee uses any FMLA leave, for any combination of the following reasons:

- The birth of an employee's newborn child or the placement of a child with the employee for adoption or foster care
- To care for the employee's spouse, child, or parent with a serious health condition
- The employee has a serious health condition that makes the him or her unable to perform the functions of their job
- A qualifying exigency that arises because the employee's spouse, child, or parent is a covered military member on covered active duty (or has been notified of an impending call or order to covered active duty)

Where leave is taken to care for a covered servicemember with a serious injury or illness, a spouse, child, parent or next of kin may take up to 26 weeks of unpaid FMLA leave during a single 12-month period.

Under the federal FMLA, spouses employed by the City are jointly entitled to a combined total of 12 weeks of leave for the birth of a newborn child, for the placement of a child for adoption or foster care and to care for a parent who has a serious health condition. The federal FMLA does not cover care for parent-in-laws. Spouses employed by the City are jointly entitled to a combined total of 26 weeks of leave to care for a covered servicemember with a serious injury or illness.

Types of Leave Available

Birth or Placement for Adoption or Foster Care: FMLA leave is available to eligible male and female employees for the birth of a child or for the placement of a child with the employee for purposes of adoption or foster care. FMLA leave must be completed within 12 months of the birth or placement. This type of leave may not be taken intermittently or on a reduced schedule, unless the City agrees to this request. See below for more details on non-continuous leave.

Serious Health Condition of Employee: If, as an eligible employee, you experience a serious health condition as defined by the FMLA, you may take medical leave under this policy (see "Definitions" for the definition of serious health condition). A serious health condition generally occurs when you:

- Receive inpatient care in a hospital, hospice or nursing home.
- Suffer a period of incapacity accompanied by continuing outpatient treatment or care by a health care provider.
- Have a history of a chronic condition that may cause episodes of incapacity.

The following provisions apply to leave for the serious health condition of an employee:

- **Continuous or Non-continuous leave**—Medical leave may be taken all at once or, when medically necessary, intermittently or on a reduced leave schedule (see below).
- **Certification process**—The need for leave must be documented by your treating health care provider through our medical certification process (see below).
- **Fitness-for-duty statement**—A fitness-for-duty statement will be required in order for you to return from a medical leave. Failure to provide the statement will result in a delay in your return to work.

Serious Health Condition of Immediate Family Member: If, as an eligible employee, you need family leave in order to care for your child, spouse, or parent who experiences a serious health condition as defined by the FMLA (see "Definitions" for definitions of child, spouse, parent and serious health condition), you may take a leave under this policy.

- **Continuous or Non-continuous leave**—Leave may be taken all at once or, when medically

- necessary, intermittently or on a reduced leave schedule (see below).
- Certification process—The need for leave must be documented by the family member's treating health care provider through our medical certification process (see below).

Qualifying Exigency Because of Active Duty: If, as an eligible employee, you need family leave because of any qualifying exigency arising out of the fact that your spouse, son, daughter or parent is on covered active duty in the Armed Forces (including the National Guard or Reserves), or has been notified that they will be called or ordered to covered active duty in the Armed Forces (including the National Guard or Reserves), you may take family leave under this policy. (See "Definitions" for a definition of qualifying exigency)

- Continuous or Non-continuous leave—Family leave for any qualifying exigency arising out of the covered active duty of a family member may be taken all at once, intermittently or on a reduced leave schedule (see below).
- Certification process—The need for leave must be documented through our certification process (see below).

Servicemember Family Leave: If, as an eligible employee, you need family leave to care for a covered servicemember who is your spouse, child, or parent, who is a current member of the Armed Forces (including a member of the National Guard or Reserves) and 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, you may take up to 26 weeks of unpaid leave during a single 12-month period under this policy. (See "Definitions" for a definition of serious injury or illness.)

An eligible employee may also take servicemember family leave to care for a covered veteran who is the employee's spouse, child, or parent and who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. A "covered veteran" means an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

- Continuous or Non-continuous leave—Servicemember family leave may be taken all at once or, when medically necessary, intermittently or on a reduced leave schedule (see below).
- Certification process—The need for leave must be documented by the family member's treating health care provider through our medical certification process (see below).

Notifying the City of the Need for Family or Medical Leave

Generally, an application for leave must be completed for all leave taken under this policy. The need to take foreseeable leave should generally be requested from your Department Head at least 30 days, or as soon as practical, in advance of the date the leave is expected to begin. In cases of unforeseeable leave, notice should be given as soon as possible. Failure to timely provide sufficient notice may result in a delay or denial of the leave. This means the absence may then be counted against your record for purposes of discipline for attendance or similar matters. It is your responsibility to notify your Department Head and City Administrator of absences that may be covered by FMLA.

Medical Certification Process

In addition to an application for leave, you will be required to complete a medical certification form when leave is for a family member's or your own serious health condition. The certification form needs to be signed by the health care provider. The short-term disability certification may be sufficient where the information required is duplicative. These forms are available from Payroll. Second or third certifications from health care providers and periodic recertification may be required under certain circumstances.

The City may also require periodic reports during federal FMLA leave regarding your status and intent to return to work.

Military Family Leave Certifications

In addition to an application for leave, you will be required to complete a Certification of Qualifying Exigency for Military Family Leave form. A copy of the military member's active duty orders or other military documentation may also be required to substantiate your need for FMLA leave.

If you request leave to care for a covered servicemember with a serious injury or illness, you will be required to complete a medical certification form, which must be signed by the servicemember's health care provider. The certification form will request additional information, such as information regarding the relationship between you and the covered servicemember, to substantiate your need for FMLA leave.

Required Use of Paid Leave

Federal FMLA leave is unpaid. However, the City ~~allows sick and vacation accrued for the current year to be exhausted before requires you to use vacation and sick days concurrently with FMLA leave is taken.~~

When you use vacation days or sick leave, the absence will be counted against your entitlement to FMLA leave under this policy and will not extend your leave.

| <u>Eligible Vacation Remaining</u> | <u>Required Substitution</u> |
|------------------------------------|------------------------------|
| <u>Less than 6 days</u> | <u>None</u> |
| <u>6-8 days</u> | <u>1 day</u> |
| <u>9-12 days</u> | <u>6 days</u> |
| <u>13-16 days</u> | <u>7 days</u> |
| <u>17-20 days</u> | <u>9 days</u> |

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An employee is not required to substitute paid time off for an absence covered under workers' compensation or a disability benefit plan. However, any such absence that meets the definition of serious health condition under the FMLA will be counted toward an employee's FMLA leave entitlement.

Non-Continuous Leave

Intermittent or reduced leave will be permitted only when it is medically necessary, or for a qualifying exigency as explained above. In all cases, the total amount of leave taken in a calendar year should not exceed your total allotment as defined earlier in this policy.

Intermittent and reduced schedule leave must be scheduled with minimal disruption to an employee's job. To the extent an employee or family member has control, medical appointments and treatments related to an employee's or family member's serious health condition should be scheduled outside of working hours or at such times that allow for a minimal amount of time away from work.

If you request non-continuous federal FMLA leave which is foreseeable based on planned medical treatment for yourself, a family member or a covered servicemember, you may be required to transfer temporarily to an available alternative position offered by the City for which you are qualified and which better accommodates recurring periods of leave than your regular employment position. You will be entitled to equivalent pay and benefits, but will not necessarily be assigned the same duties in the alternative position. This provision may also apply if the City approves a non-continuous leave for the birth of a child or the placement of a child for adoption or foster care.

Benefit Continuation during Leave

The City will maintain your group health plan coverage and certain other employment benefits (such as life insurance, and health and dependent flexible spending accounts) during your FMLA leave on the same terms as if you had continued to work, if these benefits were provided to you before the leave was taken. You will be required to pay your regular portion of premiums – contact Payroll for an explanation of your options.

Benefits that are accumulated based upon hours worked will not accumulate during the period of FMLA leave.

In some instances, the City may recover premiums it paid to maintain health plan coverage for an employee who fails to return to work from FMLA leave.

Returning to Work

If the reason for FMLA leave is for your own serious health condition, you will be required to present a fitness-for-duty certification immediately upon return to work.

If you wish to return to work before the scheduled expiration of FMLA leave, you must notify the City of the changing circumstances as soon as possible but no later than two working days prior to your desired return date.

If you exhaust all leave under this policy and are still unable to return to work, your situation will be reviewed to determine what rights and protections might exist under other City policies.

Rights upon Return from Leave

Upon return from Family or Medical Leave, you will generally be returned to the position you held immediately prior to the leave if the position is vacant. If the position is not vacant, you will be placed in an equivalent employment position with equivalent pay, benefits, and other terms and conditions of employment.

The law provides that an employee has no greater rights upon a return from leave than the employee would have if the employee had continued to work. Therefore, you may be affected by a layoff, termination, or other job change if the action would have occurred had you remained actively at work.

Other Types of Leave

If you do not qualify for the types of leave described in this policy, the City may approve a personal leave of absence, depending on your circumstances. Except where mandated by law, we cannot guarantee that benefits will continue or that your position will remain open in your absence.

Definitions

“Spouse” Refers to the other person with whom an individual entered into a marriage as defined or recognized under state law for purposes of marriages in the state in which the marriage was entered into.

“Parent”—A biological parent, adoptive parent, stepparent, foster parent or an individual who provides or provided day-to-day care or financial support to the child. Parent does not include a parent-in-law under this law.

“Child”—A biological, adopted, or foster child, stepchild, legal ward or a child who is receiving day-to-day care or financial support from the employee and is under the age of 18. Child also includes a person 18 years of age or older who is incapable of self-care because of a mental or physical disability. For military family leave, the child does not have to be a minor (under the age of 18) and can be of any age.

- “Incapable of self-care”—The child requires active assistance or supervision to provide daily self-care in three or more “activities of daily living,” or “instrumental activities of daily living,” including adaptive activities such as caring appropriately for one’s grooming and hygiene, bathing, dressing, eating or instrumental activities such as shopping, taking public

- transportation or maintaining a residence.
- “Physical or mental disability”—A physical or mental impairment that substantially limits one or more major life activities of the individual.

“Next of Kin”—Used with respect to an individual, this means the nearest blood relative of that individual, other than the spouse, parent or child.

“Serious Health Condition”—Illness, injury, impairment, or physical or mental condition that involves:

- Inpatient care in a hospital, hospice or residential medical care facility.
- A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition) that also involves: 1) treatment two or more times within 30 days of the first day of incapacity, unless extenuating circumstances exist, by or under the orders of a health care provider; or 2) treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of a health care provider. The first (or only) visit must occur in person within seven days of the first day of incapacity.
- Any incapacity due to pregnancy or for prenatal care.
- Chronic conditions requiring periodic treatment by or under the supervision of a health care provider, which continue over an extended period of time and may cause an episodic rather than a continuing period of incapacity (for example, asthma, diabetes and epilepsy).
- Permanent or long-term conditions requiring supervision for which treatment may not be effective (for example, Alzheimer’s, a severe stroke or the terminal stages of a disease).
- Multiple treatments by or under the supervision of 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 calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy), severe arthritis (physical therapy) or kidney disease (dialysis).

“Serious Injury or Illness”—can be:

- In the case of a member of the Armed Forces, including a member of the National Guard or Reserves, an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank or rating.
- In the case of a veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran and is:
 - A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember’s office, grade, rank or rating;
 - A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for servicemember family leave;
 - A physical or mental condition that substantially impairs the covered veteran’s ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
 - An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

"Qualifying Exigency"—includes:

- Short-notice deployment (seven days or less)
- Military events and related activities
- Child care and school activities
- Financial and legal arrangements
- Counseling
- Rest and recuperation (up to 15 days)
- Post-deployment activities
- Parental care
- Additional activities agreed to by the City and the employee

For more information, see the attached notice entitled "Employee Rights and Responsibilities under the Family and Medical Leave Act".

General. Employees who have been employed for at least one (1) year, and for at least 1,250 hours during the preceding 12 month period are eligible for family and medical leave. For employees not eligible for family and medical leave, the City of Washington will review business considerations and the individual circumstances involved. Except for those employees designated as "highly compensated employees," employees will be returned to the same or to an equivalent position upon their return from leave.

Family and medical leave may be unpaid leave. If leave is requested for an employee's own serious health condition, the employee must use all of his or her accrued paid vacation leave, sick leave or personal leave. If leave is requested for any of the other reasons listed below, an employee must use all of his or her accrued paid vacation or personal leave. The remainder of the leave period will then consist of unpaid leave.

(a) Reasons for Leave. All employees who meet the applicable time of service requirements may be granted a total of twelve (12) weeks of unpaid family leave and paid sick, vacation, and personal leave combined (during any 12 month period) for the following reasons:

- (1) — the birth of the employee's child and in order to care for the child;
- (2) — the placement of a child with the employee for adoption or foster care;
- (3) — to care for a spouse, child or parent who has a serious health condition; or
- (4) — a serious health condition that renders the employee incapable of performing the functions of his or her job.

The entitlement to leave for the birth or placement of a child for adoption or foster care will expire twelve (12) months from the date of the birth or placement.

(b) 12 Month Period. The twelve month period during which an employee may take his or her 12 weeks of medical leave is designated as a rolling 12 month period measured backward from the date an employee uses any family and medical leave. For example: If an employee has taken eight weeks of leave during the past 12 months, an additional four weeks of leave could be taken. If an employee used four weeks beginning Feb. 1, 1998, four weeks beginning June 1, 1998, and four weeks beginning Dec. 1, 1998, the employee would not be entitled to any additional leave until Feb. 1, 1999. However, on Feb. 1, 1999, the employee would be entitled to four weeks of leave, on June 1, the employee would be entitled to an additional four weeks, etc.

(c) Application for Leave. In all cases, an employee requesting leave must complete the attached "Application for Family and Medical Leave" and return to the City Administrator. The completed application must state the reason for the leave, the duration of the leave, and the starting and ending dates of the leave.

(d) Notice of Leave. An employee intending to take family and medical leave because of an expected birth or placement, or because of a planned medical treatment, must submit an application for leave at least thirty (30) days before the leave is to begin. If leave is to begin within thirty (30) days, an employee must give notice to his or her immediate supervisor and to the City Administrator as soon as the necessity for the leave arises.

(e) Medical Certification of Leave. An application for leave based on the serious health condition of the employee or the employee's spouse, child or parent must also be accompanied by a "Medical Certification Statement" completed by the applicable health care provider. The certification must state the date on which the health condition commenced, the probable duration of the condition, and the appropriate medical facts regarding the condition.

If the employee is needed to care for a spouse, child or parent, the certification must so state along with an estimate of the amount of time the employee will be needed. If the employee has a serious health condition, the certification must state that the employee cannot perform the functions of his or her job.

Benefits Coverage During Leave. During a period of family and medical leave, an employee will be retained on the City of Washington health plan under the same conditions that applied before leave commenced. To continue health coverage, the employee must continue to make any contributions that he or she made to the plan before taking leave. Failure of the employee to pay his or her share of the health insurance premiums may result in loss of coverage.

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

An employee, while on unpaid family and medical leave, is not entitled to the accrual of any seniority or employment benefits that would have accrued if not for the taking of leave, with the exception of pension service credits. An employee who takes unpaid family and medical leave will not lose any seniority or employment benefits that accrued before the date unpaid leave begins.

(f) Restoration to Employment. An employee eligible for family and medical leave with the exception of those employees designated as "highly compensated employees" will be restored to his or her old position or to a position with equivalent pay, benefits, and other terms and conditions of employment. The City of Washington cannot guarantee that an employee will be returned to his or her original job. A determination as to whether a position is an "equivalent position" will be made by the City Administrator.

(g) Return from Leave. An employee must complete a "Notice of Intention to Return From Family or Medical Leave" before he or she can be returned to active status. If an employee wishes to return to work prior to the expiration of a family and medical leave of absence, notification must be given to the employee's supervisor at least five (5) working days prior to the employee's planned return.

(h) Failure to Return from Leave. The failure of an employee to return to work upon the expiration of a family or medical leave of absence will subject the employee to immediate termination unless an extension is granted. An employee who requests an extension of family and medical leave due to the continuation, recurrence or onset of her or his own serious health condition, or of the serious health condition of the employee's spouse, child or parent, must submit a request for an extension, in writing, to the employee's immediate supervisor. This written request should be made as soon as the employee realizes that she or he will not be able to return at the expiration of the leave period.

16. PART-TIME EMPLOYEE LEAVE.

- (1) Only eligible employees working in excess of 1,000 hours in the prior calendar year qualify for this benefit.
- (2) Qualified employees shall receive paid leave as per the following calculation:
Total hours worked (excluding paid leave hours) during the prior calendar year Divided by 2,080 Times 80 hours Equals Total Available Paid Leave Hours rounded to the nearest quarter hour
- (3) Said leave shall be paid at the customary hourly rate of pay in effect at the time leave is taken.
- (4) Leave hours will be granted on May 1 and must be taken on or before the following April 30 or they will be forfeited.
- (5) All leave must be scheduled and approved in advance by appropriate supervisory personnel.
- (6) This policy shall be effective as of May 1, 2007, and shall apply to all eligible employees working the required minimum hours during calendar years 2006 and 2007, and future years. (Ord 2727)

XI.

DISCIPLINE

It is the duty of all employees to comply with the provisions of this manual. Employees shall attempt to correct any faults in their performance when it is called to their attention and shall make every effort to avoid violating City rules and policies. Department Heads or the City Administrator shall discuss improper or inadequate incidents with the employee in order to correct the deficiency and avoid the need to for disciplinary action. Whenever possible, discipline shall be of an increasingly progressive nature although it is not necessary to follow all of the steps with each individual violation of this handbook. Disciplinary actions may entail verbal and written warnings, suspension without pay, and termination. All of these actions may not be followed in all instances. The City reserves the right to exercise discretion in discipline. Prior warning is not a requirement for termination.

The City reserves the right to take any disciplinary action the City considers appropriate, including termination, at any time. In addition to those situations discussed elsewhere in this handbook, listed below are some examples where immediate termination could result. This list is general in nature and is not intended to include every situation:

- Conviction of a felony
- Unsatisfactory performance or conduct
- Acts of gross incompetence
- Fighting or threatening violence in the workplace
- Absence without just cause or authorization from your supervisor
- Habitual tardiness and/or absenteeism
- Intentional failure, refusal, or willful disregard to carry out instructions
- Misappropriation, destruction, theft, or conversion of City property
- Neglect or carelessness resulting in damage to property, equipment, or people
- Acts of misconduct while on duty
- Falsification of any information on official City records including, but not limited to, employment applications, benefit forms, time cards, expense reimbursement forms, and similar records
- Failure to report work related accidents or injuries within 24 hours
- Repeated convictions, during employment, on misdemeanor and/or traffic charges, when such convictions result in absence from work
- Having in your possession any open intoxicating alcohol or drugs while in any building, vehicle, or on any grounds under the control of the City
- Failure of a drug / alcohol test
- Working under the influence of alcohol or illegal drugs
- Violation of safety or health rules
- Smoking in the workplace
- Sexual or other unlawful or unwelcome harassment or touching
- Excessive absenteeism or any absence without notice
- Unauthorized use of telephones or other City equipment
- Any breach in confidentiality relating to City, employee, or customer information
- Any display of physical hostility or disorderly conduct toward another employee or the general public
- Dishonesty

- Other crimes that directly affect job performance
- Discourtesy to a customer, vendor, or the general public resulting in loss of good will

If you are disciplined, it will be documented and placed in your personnel file. A written notice shall be given to the employee stating the reasons for the disciplinary action and its effective date. This notice is to be given to the employee at the time disciplinary action occurs. A copy of this notice is to be signed by the employee as evidence of delivery and placed in the employee's personnel file. If the employee refuses to sign the notice, it will be noted on the copy and filed.

Discipline comprises: Oral warnings, written warnings or reprimands, suspension and termination. An employee who is suspended or terminated, upon request, shall be given written notice of the reasons for the action.

XII.

RESIGNATIONS

1. Notice Requirement. To resign in good standing, an employee assigned to a position classification below range ~~98 and Sergeants 99~~ is required to give the Department Head or City Administrator at least fourteen (14) calendar days prior notice unless the City Administrator, because of extenuating circumstances, agrees to permit a shorter period of time. An employee assigned to a position classification of range ~~92-99~~ or above is required to give the City Administrator at least thirty (30) calendar days prior notice unless the City Administrator, because of extenuating circumstances, agrees to permit a shorter period of time. (18-290)
2. Written. A written resignation shall be supplied by the employee to the Department Head or City Administrator.
3. Failure to Submit in Writing. Failure to comply with this rule shall be entered on the service record of the employee and may be cause for denying future employment with the City.
4. Report to City Administrator. The resignation of an employee who fails to give notice shall be reported immediately to the City Administrator by the Department Head.

XIII.

HANDLING OF SUGGESTIONS, COMPLAINTS, AND GRIEVANCES

1. **Suggestions.** The City Administrator will welcome suggestions from employees for improving municipal services. These suggestions may be presented the City Administrator or Department Head by letter, memorandum, or in person. Suggestions which appear desirable and feasible will be followed.
2. **Complaints and Grievances.** Employees shall have the right to file complaints covering any condition of employment, including, but not limited to, matters of discipline. The complaint must first be filed with the direct line supervisor and if not resolved within five (5) days in writing, to the Department Head, and if not resolved within five (5) days in writing, to the City Administrator, who shall have final authority over the matter and his decision shall be conclusive, final and binding as to all parties.

XIV.

GENERAL PROVISIONS AND PROHIBITIONS

1. GENERAL PROVISIONS.

(a) Life Insurance. A \$20,000 term life insurance policy shall be provided to all full-time employees solely at the discretion of the City. Department Heads or those employees classified in positions assigned to Pay Range 98 or above shall be provided a \$50,000 life insurance policy solely at the discretion of the City.

(b) Group Health and Dental Insurance. A group medical, hospitalization, disability income, and dental insurance plan shall be provided to all full-time, non-union City employees. The terms, benefits, content, provider and level of employee contribution to the monthly premium may be amended from time to time at the sole discretion of the City. Eligible employees will be provided with notice of any rights to COBRA, IMRF or Police continuation coverages following a loss of coverage. Employees should refer to the Summary Plan Descriptions of the City's plans for more detailed information.

(c) Uniform Allowance. Uniforms and/or uniform allowances shall be provided to employees who are required to wear uniforms in the performance of their duties as authorized and approved by the City Administrator.

(d) Mileage reimbursement. Mileage reimbursement for the use of personal vehicles in the conduct and/or performance of City business shall be paid at the prevailing Internal Revenue Service mileage reimbursement rate, provided said reimbursement has received the prior authorization of the appropriate Department Head or City Administrator.

(e) Educational Expense reimbursement. Employees shall be reimbursed for educational expenses (tuition and books) for job related courses, subject to the prior authorization and approval of the City Administrator.

(f) Travel Request. Employees traveling out of the City on City business, attending a workshop, seminar, conference, or training shall complete a Travel Request form and shall be eligible for expense reimbursement, subject to the prior authorization of his/her Department Head or the City Administrator.

(g) Protective Footwear. Employees that tend to work in areas where there is a danger of foot injuries due to falling or rolling objects, piercing the sole, or electric hazard, as determined by the City Administrator, shall be required to wear protective footwear in accordance with Occupational Safety and Health (OSHA) regulations. For employees who are required to wear protective footwear and purchase footwear meeting the OSHA regulation, the City shall make a one-time reimbursement up to \$150 for full-time employees and up to a \$100 reimbursement for part-time employees. (Amended 11/7/16 Ord 3210)

DCOBRA
The City complies with the federal law Consolidated Omnibus Budget Reconciliation Act of 1985, P.L. 99-272, and later amendments, otherwise known as COBRA. Covered employees and their

dependents are eligible to continue their coverage through COBRA if they who lose insurance coverage for any of the following reasons:

- Termination of the covered employee's employment
- Reduction in the covered employee's working hours
- Divorce or legal separation
- Death of the employee
- Eligibility for Medicare
- Loss of dependent child status under the insurance plan

Employees are responsible for the full payment of the premium. All administrative rules and processes as well as changes in plan benefits and premiums apply to those on continuation coverage.

In the event of divorce or legal separation, or the loss of dependent child status under the plan, a covered employee or dependent must notify Payroll within 60 days to maintain the right to continue coverage. At that time, Payroll will provide enrollment materials to the employee or covered dependent within 14 days of that notification.

The covered employee or dependent has 60 days to elect continuation of coverage from either the date that coverage would ordinarily have ended under the plan by reason of a qualifying event or the date of notification, whichever comes later. Election of continuation of coverage is established by completing and returning enrollment materials to Payroll.

COBRA premiums will be billed by the City, and the first premium will be due within 30 days of the date of election. Subsequent premiums must be received by the first of the month. Failure to make timely payments will result in termination of coverage without notice.

COBRA continuation coverage will end for any of the following reasons:

- The City discontinues its insurance plan.
- The premium payment is not made in a timely fashion.
- The person who elected continuation of coverage becomes covered under another insurance plan or Medicare.

Continuation coverage will end after 18 months if the qualifying event was termination or reduction in hours, unless the qualified beneficiary is disabled at the time of termination or reduction in hours, in which case coverage may extend to 36 months. Continuation coverage will otherwise end after 36 months.

(h) Defined Benefit Retiree Health Plan. The provisions of this paragraph (g) shall apply exclusively to full-time, non-union employees of the City of Washington, IL, excluding the Deputy Chief of Police and Police ~~Commanders~~ Sergeants.

The City shall provide eligible retirees with the same medical/dental insurance coverage and benefits as are provided to all other active, full-time, non-union employees at the same premium cost. To be eligible for said retiree medical/dental insurance, the retiree must meet the following requirements:

- (1) Have an original date of hire as a full-time employee of the City of Washington, IL of on or before August 1, 1998;

- (2) Be at least fifty-five (55) years of age;
- (3) Have the sum of employees' age plus her/his years of City of Washington IMRF service credit equal at least "80"; and
- (4) Be actively enrolled in the City's health insurance plan at the time of retirement.

This benefit shall cease at such time as the retiree reaches sixty-five (65) years of age or becomes eligible for Medicare, whichever occurs first, or at such time as said insurance coverage is otherwise terminated by the retiree. In the event that a retiree obtains employment that includes health insurance as a benefit, the City's health insurance coverage shall become "secondary."

~~Those employees who qualify for the defined benefit described in this paragraph (g) may elect to forfeit their eligibility to receive said benefit. Said election shall be made in writing on or before September 1, 2007, on a form to be provided by the City, and once made, shall be permanent and irrevocable. Those electing to forfeit their eligibility shall receive the benefits described in paragraph (f) of Section 1 of this Article.~~

Retirees may elect to continue coverage after becoming Medicare eligible under the IMRF or Police Continuation privilege. All premiums as determined by the City's Health Insurance Plan will be the responsibility of the retiree and must be paid either through payroll deduction from the Police Pension check or deduction from IMRF pension. To be eligible for spousal or dependent coverage, the retiree must also elect to continue coverage.

(i) Defined Benefit Retiree Health Benefit Plan: Deputy Police Chief and Police Commanders/Sergeants. The provisions of this paragraph (h) shall apply exclusively to any employee holding the position of Deputy Chief of Police and/or Police Commander/Sergeant whose original date of hire with the Washington Police Department is on or before August 1, 1998.

Any employees who retires with twenty (20) ~~or~~ or more years of service with the City of Washington Police Department and who has reached the age of fifty-five (55) years shall receive the same medical/dental insurance coverage and benefits as are provided to all other active, full-time, non-union city employees at the same premium cost as that paid by all other active, non-union city employees until the age of sixty-five (65) or when eligible to receive Medicare benefits, whichever occurs first. In the event that a retiree obtains employment that includes health insurance as a benefit, the City's health insurance coverage shall become "secondary".

In the event that the city has previously made cash contributions to an account held for the benefit of the employee by the trustee of the City of Washington, Illinois Integral Part Trust under Trust Agreement dated July 16, 2007, then the employee shall be required to pay to the city the total amount of said cash contributions before being eligible to receive the benefits provided in the paragraph.

Eligible employees may elect to forfeit their eligibility to participate in the medical/dental insurance coverage and benefits described in this paragraph, provided said election is made 30 days from the later of May 31, 2012 or the date an employee attains the title of Deputy Chief or Police Commander/Sergeant. Said election shall be made in writing and, once made, shall be permanent and irrevocable. Those electing to forfeit their eligibility shall receive the benefits described in paragraph (i) as follows.

Additionally, once an election is made under this paragraph, the City shall not make any additional contributions to the account held for the benefit of the electing employee by the trustee of the City of Washington, Illinois Integral Part Trust under Trust Agreement dated July 16, 2007 unless the employee opts out of the benefits provided under paragraph (h).

Retirees may elect to continue coverage after becoming Medicare eligible under the IMRF or Police Continuation privilege. All premiums as determined by the City's Health Insurance Plan will be the responsibility of the retiree and must be paid either through payroll deduction from the Police Pension check or deduction from IMRF pension. To be eligible for spousal or dependent coverage, the retiree must also elect to continue coverage.

(j) Defined Contribution Post Employment Health Savings Plan. The provision of this paragraph (i) shall apply exclusively to full-time, non-union employees of the City of Washington, IL, including the Deputy Chief of Police and Police ~~Commanders~~Sergeant.

The City shall establish and maintain a defined contribution post-employment health savings plan in lieu of and for the benefit of those covered employees who are either ineligible to participate in the defined benefit retiree health plan provided in paragraphs (g) and (h) of Section 1 of Article XIV of the Personnel Manual of the City of Washington, ~~or who voluntarily opt out of said plans.~~ The City agrees to make bi-weekly contributions to each eligible employee's post-employment health savings plan in an amount equal to one and three-fourths (1.75%) percent of each employee's base wage plus longevity pay earnings.

Employees shall be eligible to purchase, at retirement, medical/dental insurance coverage in accordance with 215 ILCS 5/367(j) for "municipal employees" as defined therein or 215 ILCS 5/367(g) for "police officers" as defined therein.

Employees who leave the employ of the City prior to meeting the requirement of 215 ILCS 5/367(j) or 215 ILCS 5/367(g), whichever shall apply, or who have met the requirements but choose not to continue participation in the City's medical/dental insurance plan shall be entitled to use accumulated funds in the post-employment health savings plan for qualifying health insurance expenses consistent with the plan as well as applicable law. (Entire Revision - Ord 2978)

2. General Prohibitions.

(a) No Political Endorsement. In no event shall any political endorsement be considered in connection with the appointment to a position in the City service.

(b) No Abuse of Official Authority. No person shall use or promise to use directly or indirectly any official authority or influence to secure or attempt to secure an appointment or advantage in appointment to a position in the City service, or an increase in pay, promotion, or other advantage in employment in any such position, for the purpose of influencing the vote or political action for any purpose, or for any other consideration.

(c) Use of City Vehicles. Employee authorized to use City vehicles may use them for City business only, with no personal stops. In addition, no alcoholic beverages may be consumed while using City vehicles.

(d) Vehicle Accidents. An employee involved in an accident while operating a City vehicle or equipment and his supervisor or department head will file those reports as prescribed by the City Administrator from time to time.

(e) Violence in the Workplace. It is the City's policy to provide a workplace that is safe and free from all threatening and intimidating conduct. Therefore, the City will not tolerate violence or threats of violence of any form in the workplace, at work-related functions, or outside of work if it affects the workplace. This policy applies to City employees, clients, customers, guests, vendors, and persons doing business with the City.

It is a violation of this policy for any individual to engage in any conduct, verbal or physical, that intimidates, endangers or creates the perception of intent to harm persons or property. Examples include but are not limited to:

- Physical assaults or threats of physical assault, whether made in person or by other means (i.e., in writing, by phone, fax or email).
- Verbal conduct that is intimidating and has the purpose or effect of threatening the health or safety of a co-worker.
- Any other conduct or acts that management believes represent an imminent or potential danger to work place safety or security.

Anyone with questions or complaints about workplace behaviors that fall under this policy may discuss them with their Department Head or City Administrator. The City will promptly and thoroughly investigate any reported occurrences or threats of violence. Violations of this policy will result in disciplinary action up to and including immediate termination of employees. Where such actions involve non-employees, the City will take action appropriate for the circumstances. Where appropriate and/or necessary, the City will also take whatever legal actions are available and necessary to stop the conduct and protect City employees and property.

(f) Policy Prohibiting Firearms in the Workplace

Purpose: The City seeks to protect the safety of employees, visitors and citizens of the City. In recognition of the Illinois Firearm Concealed Carry Act (430 ILCS 66), the City adopts the following policy.

Definition: "Employee," for purposes of this policy, shall mean all persons performing work for the City in any job classification, including but not limited to full-time employees, part-time employees, temporary employees, seasonal employees, probationary employees, contractual employees, elected or appointed officials, elected or appointed members of any committee or commission, volunteers working on behalf of the City or volunteers working on behalf of any elected or appointed official. This definition shall not include, for purposes of this policy, law enforcement officers who are specifically authorized by law to carry a firearm or any other employee specifically authorized by law, other than pursuant to the Illinois Firearm Concealed Carry Act, to carry a firearm.

Prohibited Conduct: Pursuant to this policy, employees of the City are prohibited from carrying or possessing firearms in any of the following areas, regardless of any license or permit that an individual may have which would otherwise authorize the individual to carry firearms:

- In any building, portion of a building or real property controlled by the City;
- At any work location controlled by the City;
- At any job site controlled by the City;
- In any vehicle owned, leased or under the control of the City;
- At any time other than when the employee is working from home while the employee is acting within the scope and course of his/her employment with the City.
- In any area prohibited by the Illinois Concealed Carry Firearm Act or other federal or state law; and
- In any area where firearms are prohibited under federal law.

Firearm Storage: Any employee who does not possess a valid license to carry a concealed firearm is prohibited from bringing a firearm onto a parking lot owned, leased or under the control of the City.

An employee of the City with a valid license to carry a concealed weapon who chooses to carry a concealed weapon while driving to and from work and park in a parking lot owned, leased or under the control of the City must store his/her firearm or ammunition concealed in a case within a locked vehicle or locked container out of plain view within the vehicle in the parking area. The Illinois Firearm Concealed Carry Act defines "case" to include a glove compartment or console that completely encloses the concealed firearm and ammunition, the trunk of the vehicle, or a firearm carrying box, shipping box or other container. An employee with a valid license to carry a concealed weapon may carry a concealed weapon within a prohibited parking lot area only for the limited purpose of storing or retrieving a firearm within the vehicle's trunk, provided the licensee ensures the concealed firearm is unloaded prior to exiting the vehicle. An employee with a valid license to carry a concealed firearm must make certain that the firearm is properly stored in accordance with this policy and Illinois law prior to acting in the course and scope of his/her employment.

Policy Violations: Any employee who violates this policy is subject to discipline up to and including termination of employment, and shall be considered as acting outside the scope and course of his/her duties and/or employment. The City will not defend or indemnify any employee for an act or omission in violation of this policy.

(g) Drug and Alcohol Use/Abuse Policy

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

The City will not penalize an employee or applicant solely for his/her status as a registered qualifying patient or registered designated caregiver under the Compassionate Use of Medical Cannabis Pilot Program Act, unless failing to do so would put the City in violation of federal law or unless failing to do so would cause it to lose a monetary or licensing-related

benefit under federal law or rules. The City prohibits the use and storage of any illegal drug, including medical cannabis, on its premises.

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

The City, with the development and implementation of this policy, is making a good faith effort to maintain a drug/alcohol-free workplace.

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

- "Premises" shall include all work sites, work areas, property owned or leased by the City, or vehicles owned, operated, leased, or under the control of the City. Privately-owned vehicles parked or operated on property owned, leased or managed by the City are also included under the definition.
- "The City's time" shall include all times during which an employee is on the City premises, meal and break times on or off the City premises, or performing work off the premises for the benefit of the City, as a representative of the City.
- "Legal drug" means any substance the possession or sale of which is not prohibited by law, including prescription drugs that have been prescribed for the employee and over-the-counter drugs.
- "Illegal drug" means any controlled substance the possession or sale of which is prohibited by state or federal law.
- "Under the influence" means the condition wherein any of the body's sensory, cognitive, or motor functions or capabilities is altered, impaired, diminished, or affected due to substances. This also means the detectable presence of substance(s) within the body, regardless of when or where it (they) may have been consumed, having an alcohol concentration within the violation range specified by the laws of the State of Illinois, and/or having a positive test for any other substance(s). With respect to employees subject to the Federal Motor Carrier Safety Administration (FMCSA) regulations, U.S. Department of Transportation regulations, or performing safety-sensitive functions including all employees except clerical office employees, under the influence is defined in accordance with FMCSA regulations as having an alcohol concentration of 0.04 or greater.
- "Substance" means any alcohol, drugs, or other substances (whether ingested, inhaled, injected subcutaneously, or otherwise) that have known mind altering or function-altering effects upon the human body or that impair one's ability to safely perform his/her work, specifically including, but not limited to, prescription drugs and over-the-counter medications; alcohol, drugs, and other substances made illegal under federal or state law; "synthetic or designer" drugs; illegal inhalants; "look-alike" drugs; amphetamines; cannabinoids (marijuana and hashish); cocaine; phencyclidine (PCP), and opiates; and any drugs or other substances referenced in Schedule I through V of 21 C.F.R. Part 1308 (whether or not such drugs or other substances are narcotics).

- "Traceable in the employee's system" means that the results of a laboratory's analysis of the employee's urine or blood specimen is positive for the tested substance.
- "Reasonable suspicion" of impairment means that City representatives have observed and can describe specific symptoms of an employee while working that decrease or lessen his/her performance of the duties or tasks of the employee's job position, including symptoms of the employee's speech, breath, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, negligence or carelessness in operating equipment or machinery, disregard for the safety of the employee or others, or involvement in an accident that results in serious damage to equipment or property, disruption of a production or manufacturing process, or carelessness that results in any injury to the employee or others, or detection of a prohibited substance in the area where an employee has/had been working.
- "Safety sensitive function" includes any job function fraught with the risk of injury to others such that even a momentary lapse of attention can have disastrous consequences as well as any function described as safety sensitive by applicable FMCSA or other applicable regulations.
- "Work related cause" means the employee has: incurred a work-related injury requiring medical attention at a medical facility; caused the injury of another person on City premises or during City time; caused damage to any City owned or leased property; or commits repeated and/or flagrant violations of safety standards.

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

A. Policies

Alcohol or Illegal Drugs or Substances: The possession, sale, purchase, use, distribution, delivery or transfer of alcohol or an illegal drug or substance, including medical cannabis, while on the City premises or while on the City's time is prohibited. In addition, employees may not report to work or be on City premises or the City's time under the influence of alcohol or with any traceable illegal drug or substance, including medical cannabis, in their system. Employees who drive commercial motor vehicles, operate heavy or large mobile equipment or perform other safety-sensitive functions, including police officers, in addition to the prohibitions above must not consume alcohol for four hours prior to duty time and up to eight hours following an accident or until the employee undergoes a post-accident test, whichever comes first. Any violation of this policy may result in immediate discharge and may subject an employee to legal action.

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

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

B. Testing

Pre-Employment Substance Testing: Upon receipt of a contingent offer of employment, shall be subject to pre-employment drug testing. As allowed by law, individuals to whom a contingent offer is made whose pre-employment drug test returns positive (except with respect to legally prescribed drugs and over-the-counter medications) will be ineligible for employment. Candidates who test positive may have their contingent offer of employment revoked.

Post-Accident Testing: If the City has reasonable cause to believe an employee has caused an on-the-job injury as a result of being under the influence, the supervisor may require the injured employee to undergo a post-accident substance test. The employee will also be required to undergo post-accident testing if required by FMCSA, DOT or other applicable regulation.

Reasonable Suspicion Testing: Substance testing will be administered if an employee's behavior, speech or job performance suggests, or if the City otherwise has reasonable suspicion to believe, that the employee may have used drugs illegally and/or may be under the influence of alcohol while on the job.

Fitness for Duty: Employees suspected of being unfit for duty as a result of the use or reasonably suspected use of substances may be subject to substance testing. As allowed by law, employees who have successfully completed a substance abuse or rehabilitation program will be required to submit to a fitness for duty substance test before being permitted to return to work.

C. Procedures:

Testing: As allowed by law and this policy, the City may require an employee or candidate to provide a urine specimen, submit to a blood test, provide saliva samples, and/or undergo breath/alcohol testing for laboratory analysis at a medical clinic or other location as designated by the City, immediately upon the request of authorized City representatives or agents in accordance with this policy.

- Where the City has reasonable suspicion that an employee is under the influence of a substance, he or she will be removed from the work area and provided with transportation to the place of testing. The City should call the emergency contact indicated by the employee or, if unavailable, arrange for the employee to be transported home following the test.
- Prior to submitting to testing, an employee or candidate may confidentially disclose to the independent medical examiner any prescription drugs or over-the-counter medications that he/she has taken or known medical condition that might interfere with an accurate test result. Such information will only be revealed to the City as permitted by law.
- At the discretion of the City, employees suspected of violating this policy may be placed on administrative leave without pay pending test results. If the test results are negative, the employee will be reimbursed for any salary lost during administrative leave.

- Specimens reported by the testing laboratory as adulterated or substituted will be considered a refusal to test, and may be grounds for discipline, up to and including immediate termination of employment.
- Should a candidate or employee fail the initial drug test, he or she will be notified of the results and will not be allowed to perform work on behalf of the City. The candidate or employee will have the option of requesting testing of the split specimen within 72 hours at the City's expense unless the candidate or employee presents documentation that serious injury, illness, lack of actual knowledge of the verified test result or inability to contact the medical examiner prevented a timely request. If the candidate fails to request testing of the split specimen within 72 hours and the candidate or employee has not presented sufficient documentation to excuse the delay, City will take appropriate action including but not limited to discipline up to and including termination of employment.
- If the test of the split specimen is also positive, the candidate or employee will have the opportunity to explain the results. The City retains the discretion to determine the appropriate disciplinary action, up to and including termination of employment, following two positive drug tests.
- An employee who has been removed from the work area or barred from the working as a result of violating this policy, may be subject to disciplinary action up to and including immediate termination of employment. If an employee has not been terminated as a result of a violation, he or she may not commence or return to work unless he or she provides sufficient documentation that he or she has tested negative for the presence of a substance and is not under the influence of a substance; has been approved to commence or return to work under the terms of this policy; has received an evaluation from a Substance Abuse Professional, has successfully complied with the recommendations of the Substance Abuse Professional, and testing for the presence of a substance and the handling of test specimens was conducted in accordance with guidelines for laboratory testing procedures and chain-of-custody procedures established by applicable federal or state regulation.
- The City will take steps to ensure the integrity of the testing process and to ensure that all test results are attributed to the correct employee.
- The Designated Employer Representatives responsible for receipt of testing results and removal of employees from safety sensitive functions when they violate this policy are the City Administrator and/or the Mayor.

Consent: The employee may be required to sign a consent form authorizing the medical clinic or other location as designated by the City to perform the aforementioned tests and release the results of the testing to the City.

Chain of Custody Procedures: At the time specimens are taken, standard 'chain of custody' or 'chain of possession' procedures will be followed and the employee shall be given a copy of these specimen collection procedures.

Confidentiality and Privacy: The employee's right to privacy will be respected, and the results of any testing shall be kept strictly confidential by City to the extent required and permitted by law. However, the City may use the results to decide upon an action to be taken towards an employee, or to the extent necessary, to defend its actions in any subsequent grievance, arbitration, or legal or other proceeding.

D. Disciplinary Action:

Any employee who violates this policy will be removed from the work area, and will be subject to discipline, up to and including immediate termination of employment.

An employee who refuses to submit to testing when required under this policy will be removed from the work area, and may be subject to immediate disciplinary action, up to and including immediate termination of employment. Refusal to submit to testing shall include, but may not be limited to: (1) failure to appear for any test within a reasonable amount of time, after being directed to do so by City, consistent with this policy and/or applicable regulations, including but not limited to FMCSA or DOT regulation; (2) failure to remain at the testing site until testing is complete; (3) failure to provide a sufficient breath, saliva, blood or urine specimen for any drug or alcohol test required by this policy or applicable FMCSA or DOT regulation; (4) in the case of directly observed or monitored collection in a drug test, failure to permit the observation or monitoring of the provision of a specimen; (5) failure to provide a sufficient amount of saliva, breath, blood or urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure; (6) failing or declining to take a second test that City or the collector has directed the employee to take; (7) failure to undergo a medical examination or evaluation, as directed by the medical examiner as part of the verification process or as directed by the Designated Employer Representative; (8) failure to cooperate with any part of the testing process; (9) having a verified adulterated or substituted test result as reported by the medical examiner.

Any employee, who refuses to participate in rehabilitation/treatment as recommended as a result of a positive test and evaluation by a substance abuse professional, will not be allowed to perform work for the City and may be subject to disciplinary action up to and including termination of employment.

E. Additional Policies:

Searches: Upon reasonable suspicion, authorized City representatives or agents may conduct searches of personal effects, vehicles, lockers, desks and rooms for drugs/alcohol and related paraphernalia, dangerous weapons, City property or property of other employees. Items discovered through such searches may be turned over to law enforcement authorities.

Notification of Drug Statute Conviction: As permitted by law, employees must notify the City within 5 days of any criminal drug statute conviction.

Treatment: An employee who voluntarily informs the City that he/she has a drug or alcohol abuse problem and desires rehabilitation assistance may be granted a leave of absence at the sole discretion of the City. The sole purpose of such leave is to obtain the necessary rehabilitation assistance. The employee may be required to periodically provide proof that he/she is participating in an appropriate rehabilitation or after-care program. Any employee who returns to work after completion of a rehabilitation program and who subsequently violates the substance abuse policy may be immediately discharged without regard to a request for further rehabilitation.

Questions: Employees who have questions about this policy or who would like more information regarding the effects of alcohol misuse and controlled substances on an individual's health, work and personal life, signs and symptoms of an alcohol problem, and available methods of intervening when an alcohol and/or controlled substance problem is suspected should contact his/her supervisor or the City Administrator.

3. Compliance. All officers and employees of the City shall comply with and aid in all proper ways in carrying out the provisions of these personnel rules and special departmental regulations.
4. Preemption. If inconsistencies are found to exist between the general law and the provisions of this Personnel Manual, the general law shall govern. Additionally, if the contents of this Personnel Manual shall conflict with the Washington Police Department Rules and Regulations or the Washington Police Commission Rules and Regulations, or provisions of the City contracts with Union representatives, sworn officers of the Washington Police Department, except Chief of Police, then the Personnel Code shall be considered to be preempted by those rules and regulations and provisions of the Union contract. (Amended 8/4/87) (Amended 4/15/91, R-361) (R-381)

XV.

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RETIREMENT

~~Regular employees shall be covered by either the Police Pension Fund or the Illinois Municipal Retirement Fund. Copies of these plans will be made available upon request.~~

XVI.

APPENDIX

The Position Classification Plan is the foundation upon which are constructed all major phases of a personnel program. Position classification can be defined as a Process by which different positions in local government are determined. The basis of these determinations is an objective and impersonal analysis of the duties, responsibilities, and qualifications which are necessary to the requirements of the positions. As a result, the Position Classification Plan is a necessary item for an administrator in carrying out a successful personnel Program. The position Classification Plan should insure fair treatment of salary Problems and maintain a safeguard against favoritism of employees. In short, a well-prepared plan can be a foundation, for a sound system of personnel administration. The Position Classification Plan also provides the basis for establishing an equitable pay plan. The Position Classification Plan also provides assistance not only to personnel activities, but too many other phases of municipal administration.

Position Classification and Pay Plans are not something that can be worked out once and then forgotten about. These plans must constantly be kept up to date from the time that they are devised. New jobs are added, old ones are abolished, duties change, and qualification standards change with the times. Because of these factors and many more continuous revision of the classification and pay plan is needed to keep the class specifications and list of classes current.
(Code Revised 8/19/85, R-220.)

XIX.

JOB OPPORTUNITIES POSTING/INTERNAL TRANSFERS AND PROMOTIONS

Full-time or year-round part-time employees who have worked in their current position for at least six (6) months, may be considered for transfers or promotions from one job to another within the City, when the transfer or promotion benefits both the City and the employee. The transfer or promotion shall have the potential for contributing to the career development of the employee and increasing the employee's contribution to the City. At the time of application, the employee's job performance and attendance will be a factor in determining the appropriateness of the transfer or promotion. Transfers of bargaining unit employees will be covered by the applicable contract. Transfers or promotions may or may not result in different benefits.

This policy applies to positions classified in the Pay Plan below Range 70. (Ord 2147)

XX.

EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION POLICY

The City of Washington is an Equal Opportunity employer committed to the principles of affirmative action. As such, the City (1) is committed to providing a work environment free of discriminatory employment practices; (2) values a culturally diverse work force and take steps to attract and retain qualified minority employees; and (3) recognizes our social commitment to the community and actively recruits and hires within our community.

The affirmative Action Policy ensures that all of the City's employment practices will be free of discrimination in accordance with all applicable Equal Employment Opportunity Affirmative Action laws, directives, and regulations of Federal, State and Local governing bodies or agencies; and that the City's recruitment and selection process will include measures to attract qualified minorities and women to all levels within the organization.

The City of Washington will not discriminate against any employee or applicant for employment because of race, color or creed, religion, ancestry, national origin, sex, sexual orientation, affectional preference, disability, age, marital status, ~~or status with regard to public assistance~~, or any other status protected by law. The City of Washington will take Affirmative Action to ensure that all employment practices are free of such discrimination. Such employment practices include, but are not limited to the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, selection, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The City of Washington prohibits the harassment of any employee or job applicant because of any status protected by law, ~~sex, national origin, or race~~. The City of Washington will commit the necessary time and resources, both financial and human, to achieve the goals of Equal Employment Opportunity and Affirmative Action. (Ord 2147)

XXI.

ADMINISTRATION OF EMPLOYEE PERSONNEL RECORDS

The purpose of this policy is to establish procedures and responsibilities for the maintenance of employee personnel records.

1. Establishment of procedures and responsibilities for maintenance of personnel records:
 - (a) The City Administrator is responsible for establishing and maintaining an official personnel file for each employee of the City.
 - (b) Department Heads are responsible for the forwarding of documents for inclusion in the personnel files of those employees assigned to their department.
 - (c) Separate personnel files shall not be maintained by individual departments.
2. Identification of information to be included in the employee's personnel file:
 - (a) Permanent documents retained in the folder throughout the employment of an individual with the City:
 - Employee application and related documentation.
 - Job description and specification information.
 - Job performance ratings and evaluations.
 - Education/training information.
 - Personnel action forms.
 - Employee data form including information related to benefits and payroll deductions.
3. Establishment of procedures for the release and accessibility of personnel records:
 - (a) All information is considered confidential employee information except when requested to verify information relating to job title, department, base salary, and dates of employment.
 - (b) Information contained in the personnel file will not be released to the public without the express written permission of the employee unless otherwise required by the Freedom of Information Act.
 - (c) Access to information contained in the personnel file will be limited to the City Administrator, Controller, Human Resources staff and the individual employee. The employee must request access to his or her employee file in writing directed to the City Administrator. Each employee shall be entitled to two (2) inspections per calendar year, at reasonable intervals. Within seven (7) working days after submittal of the written request, the employee shall be entitled to inspect any documents in that employee's personnel file which are, have been, or are intended to be used in determining that employee's qualifications for employment, promotion, transfer, additional compensation, discharge or other disciplinary action except as follows: the employee is not entitled to inspect (a) letters of reference for that employee; (b) any portion of a test document (except cumulative total test scores); (c) materials relating to the City's staff planning where the materials relate to or affect other employees; (d) information of a personal nature about a person other than the employee; (e) records relevant to any other pending claim between the City and the

employee which may be discovered in a judicial proceeding; (f) investigatory or security records maintained by the City to investigate criminal conduct by an employee or other activity by the employee requesting access which could reasonably be expected to harm the City's property, operations, or business, or could cause the City financial liability; and (g) any other document not required to be disclosed to the employee pursuant to Illinois Personnel Record Review Act, as presently in effect or hereinafter amended. Access must be scheduled by appointment and must be during regular business hours in the presence of authorized Human Resources staff.

(d) Each employee folder will contain an entry log for recording every person's access to the records and the purpose for the access.

4. Items not included in the official personnel file and/or official Finance Department records of the City may not be used for either promotional or disciplinary proceedings, unless the employee falsified time and information.
5. This policy will be periodically reviewed to ensure compatibility with current accepted personnel procedures.
6. These records are maintained during the tenure of the employee and for seven years after the employee leaves City employment.

(Ord 2153)

XXII.

COMPUTER, INTERNAL NETWORK, ELECTRONIC MAIL, AND INTERNET ACCEPTABLE USE, COMPUTER, INTERNET, ONLINE SOCIAL NETWORKING, AND MEDIA RELATIONS POLICY

1. **GENERAL POLICY STATEMENT.** The City provides employees access to the City's internal network and to the Internet for the purpose of furthering the goals and objectives of the City.

City computers and network resources may be provided for work related purposes for use by employees, subject to the policies set forth herein. City computers and networks may not be used to disrupt management functions, and hardware and/or software shall not be destroyed, modified, copied, transferred, decompiled, disassembled, disabled, or otherwise abused in any manner. Users shall not seek information on other users on the City's network, including but not limited to their passwords, files, data, electronic mail, or other data that may be stored and accessible through said computers and networks.

Because the Internet is a fluid environment that may include materials of questionable value, and because it provides access to many, constantly changing resources throughout the world, it is impossible for the City to review and pre-select materials that are appropriate for the use of our employees. Therefore, the City has adopted practices regarding access to and use of City electronic resources and networks, especially the Internet.

We have extensive systems and security mechanisms in place to ensure the security, integrity, and appropriateness of the data on our networks. However, recognizing that the state of computing is constantly evolving, and further acknowledging that no mechanism can be fully and constantly capable of screening the ever-changing body of inappropriate Internet content from employees, we rely on employees to comply with the requirements of this policy. The City may access and monitor any employee's usage of any City system at any time.

2. **DETAILED COMPUTER, INTERNAL NETWORK, ELECTRONIC MAIL, AND INTERNET POLICY PROVISIONS.**

- (a) **Management Administration Monitoring and Privacy**

- (1) The City has software and systems in place that monitor and record all Internet usage. The City wants users to be aware that our security systems are capable of recording, for each and every user, each World Wide Web site visit, the amount of time spent actively using the World Wide Web, each chat, newsgroup access, email message, and every file transfer into and out of our internal networks to the Internet, and we reserve the right to do so at any time, without advance notice or warning to the user. No City employee should have any expectation of privacy as to his or her Internet usage, or the privacy of any electronic mail message, file, download, note, or other data stored on or transmitted or received through any City computing facility. The City will review computing activity and analyze usage patterns, and may choose to publicize this data to assure that the City's computing resources are devoted to maintaining the highest standards of employee productivity.

- (2) The City, through appropriate management personnel, reserves the right to inspect any and all data stored in public or private areas of networked and individual storage systems of any kind, without notice or warning, and at any time or for any purpose.

(3) The City uses independently-supplied facilities to identify and block Internet content that is inconsistent with the goals of the City. We will block access from within our networks to all such sites that we know of or that our facilities identify. To be clear, these facilities endeavor to block use of the network to create, view, send, receive, store, display, or print text or graphics which may reasonably be construed to be obscene, disruptive, or harmful to the working environment, but we acknowledge that no blocking or filtering mechanism is capable of blocking all inappropriate content all of the time. Offensive, disruptive, or harmful data include, but are not limited to any messages or files, or data which contain the following:

- pornographic or erotic images,
- sexual implications,
- racial slurs,
- derogatory gender-specific comments,
- information or instructions designed to cause physical harm to another person,
- comments that offensively address a person's age, sexual orientation, religious beliefs, political beliefs, national origin, or disability,
- any comment which in any way defames, slanders, or libels another person,
- any comment intended to frighten, intimidate, threaten, abuse, annoy, or harass another person,
- those data or activities which invade the privacy of another person

If an employee finds that he/she is connected to a site that contains any of the above material, he/she must disconnect from that site immediately, regardless of whether that site has been previously deemed acceptable by any screening or rating program, and inform the supervisor of the incident. Similarly, an employee must inform his or her supervisor if he or she becomes aware that a fellow employee is accessing or has accessed material prohibited above. The City's goal in creating the above standards and reporting requirement is not to create an environment of fear and apprehensiveness for users accessing the Internet and internal networks, but to affirmatively set forth content standards for users to be mindful of when accessing these resources on their own.

(4) The City will fully cooperate with requests from law enforcement and regulatory agencies for logs, diaries, data, and archives on individuals' computing activities.

(b) Systems Management Data Integrity and Security

(1) Employees shall download only those materials which are applicable to their position in the City, and the size of the file(s) downloaded during any one session should not exceed 3MB without permission of City systems management personnel. The use of the City's Internet facilities to transfer data outside of these limits can create congestion that may adversely affect everyone's ability to access Internet resources of all kinds.

(2) No employee may use City computing facilities to download or distribute software or data that is pirated, or in a manner inconsistent with its license agreement or applicable copyright law and City copyright policy. Any software or files transferred in any manner into or via the City's computing facilities becomes the property of the City, subject to the restrictions of any existing licensing agreement or applicable copyright law or policy. In any event, such downloaded files, regardless of license or license ownership, may only be used in a manner consistent with their licenses or copyrights, applicable City policy, or other controlling authority.

(3) Unless software or data transferred into the City's computing facilities is part of an approved city program, employees must understand that the unauthorized use or independent installation of nonstandard data may cause computers and networks to function erratically, improperly, or cause data loss, and should take that into consideration when installing software not directly related to or approved through an existing curriculum. Users should seek the assistance of qualified systems management personnel in using non-standard software and data, and must never install downloaded software to networked storage devices without the assistance and approval of appropriate personnel.

(4) No employee may use the City's computing facilities to propagate any virus, worm, Trojan horse, trap-door program code, or any form of destructive or malicious computer instruction. Further, employees may not propagate any virus "warnings" via electronic mail except to alert appropriate City systems management personnel.

(5) Employees may not intentionally delete or modify data. Users must respect the fact that, much like a library, software and data are made available for all to use and benefit from.

(6) No employee may use the City's computing facilities to disable or overload any computer system or network, or to circumvent any system intended to protect the privacy or security of another user or the user's data.

(7) All data that is transferred into the City's computing facilities must be checked for viruses before it is run or otherwise accessed. On computers where virus scanning takes place automatically, the virus scanning software must not be disabled, modified, uninstalled, or otherwise inactive. If you are uncertain as to whether the workstation you are using is capable of detecting viruses automatically, or you are unsure whether the data has been adequately checked for viruses, you should contact appropriate City systems management personnel.

(8) No employee may use the City's computing facilities to access or attempt to access stored materials or data that are not appropriate for their position, or are outside the scope of their employment duties.

(c) User IDs and Passwords

(1) Every employee accessing City computing resources will be assigned a User ID and password that functions as your method of access to our computing facilities. You should guard this information just as you would guard any other identifying material like your home phone number, address, or bank account numbers. Users will be held fully accountable for activity that occurs on any City computing facility under your User ID and password, regardless of whether the person assigned to the User ID and password is the actual user. Therefore, great care should be taken not to share or otherwise disclose this information to another person.

(2) User IDs and passwords should never be written in a conspicuous place, written down together, or shared with any third party. If you lose or forget your password (or User ID and password together), the employee must immediately inform appropriate City systems management personnel so his/her account can be temporarily deactivated and a new password assigned.

(3) The City has security facilities in place to detect an intruder who may be attempting to use or guess another's User ID and password to gain access to resources they are not authorized to use. If you find that your account has become disabled because of an intruder's attempt to access our computing facilities, you should contact appropriate systems management personnel for assistance.

(d) Electronic Mail

(1) Electronic mail should primarily be used for internal City business and other activities directly related to a user's employment. While we recognize that a certain amount of personal use occurs with any communications medium, we strongly discourage users from using City computing resources for personal communication, and expressly prohibit their use commercially or for personal enrichment or profit.

(2) Though electronic mail is a fast and relatively easy mode of communication, nothing should be included in an electronic mail message that the user would not want read by a third party. Although it is rare, the interconnected nature of the Internet and its component disparate computing networks makes it possible for a third-party interceptor to store, view, read, print, and disseminate the contents of any electronic mail message to anyone else. The City has security facilities in place to prevent unauthorized access to our internal networks and electronic mail stored there, but be aware that messages transmitted outside our networks may be equally protected, less protected, or not protected at all. The likelihood of such an interception is extremely low, but still possible, so you should therefore take great care when transmitting sensitive or confidential information. City employees should not transmit sensitive or identifying information via electronic mail.

(3) Electronic mail should be retained only as long as needed, and not archived or otherwise stored beyond the time that it may reasonably need to be referred to.

(4) Employees may not use City electronic mail facilities to propagate chain letters, advertising, jokes, personal files, images, or any other materials not directly related to their employment or education. Use of electronic messaging or similar services is expressly prohibited, unless prior approval and authorization is received from the appropriate City systems management personnel.

(5) Employees should keep in mind that electronic mail is a written form of communication, just like a paper letter. Though electronic mail is relatively spontaneous compared with regular mail, you should take care to use the same level of discretion and forethought before you send your message, and additionally check it for completeness, accuracy, and grammar just as you would any written correspondence.

(6) The City may, at any time and without warning, move or delete data stored on networked systems to efficiently allocate computing resources to all users. While every reasonable attempt will be made to inform users of such modifications or deletions, users should preserve important or sensitive data on a disk or other removable storage medium, and particularly recognize that there may be circumstances when such a notification will not be possible, such as at the end of a fiscal year or during a vacation period.

(e) Enforcement

(1) Any user identified as a security risk or having a history of problems with computing systems may be denied access to the City's computing facilities, with or without advance notice, warning, or opportunity to cure a defect that may result in such a revocation of privileges.

(2) The City will report all violations or suspected violations of City, local, State, or Federal laws and policies to the appropriate administrator, agency, or law enforcement authority, and will cooperate fully in the investigation of any activity which may violate established law or doctrine.

(3) Violations of this Acceptable Use Policy will be investigated by appropriate City personnel. Where appropriate, disciplinary action will be taken against employees violating any provision of this Policy.

THIS POLICY IS SUBJECT TO REVISION AT ANY TIME AND FROM TIME TO TIME

3.0 Social Media

3. Online Social Networking

The City is committed to maintaining a good relationship with its employees and the community. The way the public views the City is vital to retaining first-class employees, recruiting new employees and marketing our community. While the City has no intention of controlling employee actions outside of work, employees should practice caution and use discretion when posting content online. Employees have the right to use social media for personal expression on their own time, and the City will not violate employee privacy by attempting to access content that has not been made available publicly. This policy serves as a notice on the practice of social networking for all employees to read and understand. As more concerns develop and legislation is released, this policy is subject to change

The purpose of this policy is to guarantee a constructive relationship between the City and its employees, manage risk and preserve the City's positive reputation, discourage the use of City time for personal social media activities, and promote awareness among employees of the number of individuals who can access information presented on social networking sites.

For the purpose of this policy, the following terms are defined as follows:

- Social networking or social media refer to any activity that involves interaction in online communities including, but is not limited to, browsing profiles and photos, reading messages sent through social networking forums, and participating in instant messaging services.
- A social networking site is any website that links individuals electronically and provides a forum where users can connect and share information including sites like Facebook, Twitter, Instagram, Pinterest, Tumblr, or LinkedIn. The list of social networking sites is constantly growing and changing and is not limited to the examples listed above.
- A social networking profile is a user's personalized page within a specific social networking site, usually containing personal information such as name, birthday, photo, and interests.
- Micro-blogging is the practice of publishing your recent whereabouts, thoughts or activities on a social networking site for other users to see. While not all social networking sites use micro-blogging, this is a primary focus of sites such as Twitter and

Facebook.

- Business purposes is considered using a social networking site for the City's gain, usually as a task or assignment given by the City Administrator or Chief of Police. This can be done either through a specific City account on a given social networking site.
- The term Working Hours includes any time employees are being paid to conduct City business. Standard working hours are from 8:00am to 5:00pm Monday through Friday. This timeframe may vary based on job type and responsibilities.

It is important that employees use their time while at work to conduct City business. Employees are not blocked from access to social networking sites on City computers because, under some circumstances, social networking is a powerful business tool that can be channeled to gain positive publicity for the community. However, access to such websites does not mean they can be used at any time. The following actions are prohibited during working hours:

- Using social networking sites to conduct personal or non-City business
- Browsing social networking sites for non-City business on City time
- Reading email alerts regarding personal social networking account activity or using City email to correspond with personal social networking contacts
- Updating information, uploading photos or otherwise engaging with one's personal social networking profile for non-City purposes
- Micro-blogging for a non-business purpose on a social networking site throughout the day, whether it is on a City-provided computer or a personal smart phone device

Having your own individual social networking account and using it on your own time is certainly permissible. However, keep in mind that some actions on your personal site are visible for the entire social networking community and may no longer be considered private matters. The City has put in place a set of conduct guidelines to protect its position and prevent the unwanted disclosure of confidential information. Please follow these guidelines:

- Do not use micro-blogging features to disclose confidential or any information which is not considered public knowledge.
- We urge you to consider resolving workplace grievances internally. If you choose to address a grievance using social media, refrain from posting comments and materials that could be viewed as malicious, obscene, threatening, intimidating or that could create a hostile environment on the basis of race, sex, disability, religion or any other status protected by law.
- Refrain from posting any scornful, reckless, or maliciously untrue comments. These communications may not be protected by law.
- Do not impersonate the City or other employees/officials, make statements on behalf of the City, or make statements that can be construed as establishing the City's official position or policy on any particular issue.
- In order to avoid confusion or perceived misinterpretation of the City's position on issues, if an employee mentions the City and also expresses either a political opinion or an opinion regarding the City's actions, the employee should specifically state that the opinion expressed is his/her personal opinion and not the City's position.

As stated above, the purpose of this policy is to protect the City's place in the community and prevent the disclosure of confidential information. Violating these guidelines may result in a warning or discipline. It is not the City's intent to interfere with its employees' legal rights. Whenever state or

federal law govern an area of social media participation, the City's policies should be interpreted as to comply with them.

4. Media Relations

The City is committed to providing the media with accurate information. To avoid discrepancies, specific guidelines should be followed when a media inquiry is received.

All media inquiries regarding the City and its operation must be immediately referred to the Administrator who is authorized to determine who is the most appropriate spokesperson. In many instances, the Mayor or other elected officials are the preferred spokesperson. Media inquiries on Police operations must be directed to the Chief of Police. Unless specifically designated by the Administrator or Chief of Police, employees are not authorized to make statements. Please contact the City Administrator with any questions or concerns you have regarding the Media Relations Policy.

XXIII.

Policy Prohibiting Sexual Harassment and Other Forms of Discrimination

The City is committed to providing a workplace and community free from all forms of illegal discrimination and harassment. Discrimination or harassment of any kind because of race, color, religion, sex, sexual orientation, marital status, order of protection status, national origin or ancestry, citizenship status, age, disability, military status or any other legally protected characteristic/activity is prohibited.

I. PROHIBITION ON SEXUAL HARASSMENT

It is unlawful to harass a person because of that person's sex. All persons have a right to work and to conduct their activities within the City in an environment free from sexual harassment. Sexual harassment is unacceptable misconduct which affects individuals of all genders and sexual orientations. It is a policy of the City of Washington to prohibit harassment of any person by any City official, agent, employee or agency or office on the basis of sex.

II. DEFINITION OF SEXUAL HARASSMENT

Sexual harassment is any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or access to/use of a City service, or
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment or other City 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 or other environment.

Conduct which may constitute sexual harassment includes:

- Verbal: sexual innuendos, suggestive comments, insults, humor, and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside of their presence, of a sexual nature.
- Non-verbal: suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking" or "kissing" noises.
- Visual: posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.
- Physical: touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.

• Textual/Electronic: "sexting" (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).

The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends, to some extent, on individual perception and interpretation.

III. OTHER PROHIBITED HARASSMENT

In addition to sexual harassment, harassment on the basis of any other legally protected characteristic/activity in employment or access/use of a City service is also a form of discrimination. Such harassment is prohibited and is a violation of this Policy.

Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of one or more legally protected characteristics/activities that: (1) has the purpose or effect of creating an intimidating, hostile or offensive working or other environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment or access/use of a City service.

Harassing conduct includes, but is not limited to, the following: (1) epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts that relate to a legally protected characteristic/activity; and (2) written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of a legally protected characteristic/activity.

IV. REPORTING PROCEDURE

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

Proper responses to conduct which is believed to be sexual harassment or other harassment/discrimination, include the following:

• Electronic/Direct Communication. The harassed/discriminated against individual should directly and clearly express her/his objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.

• Contact with Supervisory Personnel. At the same time direct communication is undertaken, or in the event the individual feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate supervisor of the person making the report, the department head, the City Administrator, or the Mayor.

The individual experiencing what he or she believes to be sexual harassment or other harassment/discrimination must not assume that the City is aware of the conduct. If the

individual fails to notify a supervisor or other responsible official, the City will not be presumed to have knowledge of the harassment/discrimination.

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

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

All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the City. However, because of the serious implications of sexual harassment and other harassment/discrimination charges, and the difficulties associated with their investigation and the questions of credibility involved, the complaining individual's willing cooperation is a vital component of an effective inquiry and an appropriate outcome. Statements made and information gathered during any investigation undertaken in response to a complaint will be kept confidential to the extent possible.

V. PROHIBITION ON RETALIATION FOR REPORTING HARASSMENT/DISCRIMINATION ALLEGATIONS

No City official, agent, employee or agency or office shall take any retaliatory action against any individual due to the individual's:

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

No individual making a report will be retaliated against even if a report made in good faith is not substantiated.

Pursuant to the Whistleblower Act (740 ILCS 174/15(a)), the City may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. In addition, the City 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 State Officials and Employees Ethics Act (5 ILCS 430/15-10) may provide whistleblower protection from retaliatory action.

According to the Illinois Human Rights Act (775 ILCS 5/6-101), it is a civil rights violation for a person, or for two or more people to conspire, to retaliate against a person because he/she has

opposed that which he/she reasonably and in good faith believes to be sexual harassment in employment, because he/she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under the Illinois Human Rights Act.

VI. CONSEQUENCES OF A VIOLATION OF THE PROHIBITION ON HARASSMENT/DISCRIMINATION AND RETALIATION

Any violation of this Policy shall result in disciplinary action up to and including discharge. Additionally, the City may take any other actions and seek any other remedies available to it under applicable law.

VII. CONSEQUENCES FOR KNOWINGLY MAKING A FALSE REPORT

False and frivolous charges refer to cases where the accuser is using a sexual harassment or harassment/discrimination complaint to accomplish some end other than stopping the harassment/discrimination. It does not refer to charges made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false and frivolous charge is a severe offense that can itself result in disciplinary action up to and including discharge.

VIII. INVESTIGATION PROCESS

Complaints of sexual harassment or other forms of harassment/discrimination should be thoroughly and impartially investigated and a determination rendered promptly. The investigation shall be conducted by the Chief of Police, unless the Chief of Police or another member of the City Police Department is the alleged harasser, or the City Administrator determines for any reason, that the Chief of Police should not conduct the investigation, in which case the investigation will be conducted by the City Administrator or his/her designee. To the extent practicable, the City endeavors to maintain confidentiality of complaints and any related investigation.

Unless the City Administrator is the alleged harasser, all information gathered by the City during the investigation process shall be reported to the City Administrator, and the City Administrator shall then make a determination on the merits of the harassment/discrimination complaint. If the City Administrator is the alleged harasser, or the City Administrator recuses himself/herself from the decision-making process, then the Controller shall be provided with all of the investigation information and shall make the determination.

If it is determined that harassment/discrimination has occurred, the City shall take prompt remedial and corrective action, including appropriate disciplinary action against the individual responsible for the harassment/discrimination.

SEXUAL AND OTHER FORMS OF HARASSMENT POLICY

I. -- GENERAL POLICY STATEMENT

The City of Washington, Illinois is committed to providing a workplace that is free from all forms of discrimination, including sexual harassment and other prohibited forms of harassment. Any employee's behavior that fits the definition of sexual harassment or any prohibited harassment is a form of misconduct which may result in disciplinary action up to and including dismissal. Sexual harassment and other prohibited harassment could also subject this City and, in some cases, an individual to substantial civil penalties.

~~The City's policy on sexual harassment and other prohibited harassment is part of its overall affirmative action efforts pursuant to state and federal laws prohibiting, among other things, discrimination based on age, race, color, sex, religion, national origin, citizenship status, unfavorable discharge from the military, status as a disabled veteran or veteran of the Vietnam era, marital status, disability, and gender. Specifically, sexual harassment is prohibited by the Civil Rights Act of 1964, as amended in 1991, and the Illinois Human Rights Act.~~

~~Each employee of this City bears the responsibility to refrain from sexual harassment and other forms of prohibited harassment in the workplace. No employee male or female should be subjected to unsolicited or unwelcome sexual overtures or conduct in the workplace or other prohibited harassment. Furthermore, it is the responsibility of all supervisors to make sure that the work environment is free from sexual harassment and other forms of prohibited harassment. All such forms of discrimination and conduct which can be considered harassing, coercive, or disruptive, or which create a hostile or offensive environment must be eliminated. Instances of sexual harassment and other forms of prohibited harassment must be investigated in a prompt, impartial and effective manner.~~

~~All employees of this City are expected to become familiar with the contents of this Policy and to abide by the requirements it establishes.~~

~~2. DEFINITION OF SEXUAL HARASSMENT~~

~~According to the Illinois Human Rights Act, sexual harassment is defined as: Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:~~

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

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

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

~~Employment opportunities and other tangible job benefits cannot be conditioned on an employee's acquiescence to sexual advances or sexual favors, and no supervisor or manager has the authority to do so, or offer or threaten to do so. Such conduct, offers, or threats must be reported to either of the employee's Department Head or the Controller immediately. Any employee who believes he/she has not been granted opportunities and/or a tangible job benefit (such as wage increase, a promotion, or a more desirable assignment) or has suffered a~~

reduction or elimination of a tangible job benefit because of a rejection of such conduct, offers, or threats must immediately report this to either of the employee's Department Head or the Controller.

Other conduct commonly considered to be sexual harassment includes:

- Verbal: sexual innuendos, suggestive comments, insults, humor and jokes about sex, anatomy or gender-specific traits; sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside their presence, of a sexual nature.
- Non-verbal: Suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking", or "kissing" noises.
- Visual: Posters, signs, pin-ups or slogans of a sexual nature.
- Physical: Touching, unwelcome hugging or kissing, pinching, brushing the body, coerced sexual intercourse, or actual assault.

Sexual harassment most frequently involves a man harassing a woman. However, it can also involve a woman harassing a man or harassment between members of the same gender.

The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends to some extent on individual perception and interpretation. The trend in the courts is to assess sexual harassment by a standard of what would offend a "reasonable woman" or "reasonable man", depending on the gender of the alleged victim.

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

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

- "That's an attractive dress you have on."
- "That's an attractive dress. It really looks good on you."
- "That's an attractive dress. You really fill it out well."

The first statement appears to be simply a compliment. That last is the most likely to be perceived as sexual harassment depending on the perceptions and values of the person to whom it is directed.

To avoid the possibility of offending an employee, it is best to follow a course of conduct above reproach, or to err on the side of caution. This policy prohibits not

~~only conduct and language held to be unlawful harassment by the courts or administrative agencies, but all inappropriate conduct and language having sexual content.~~

~~3. OTHER FORMS OF PROHIBITED HARASSMENT.~~

~~(a) DEFINITION OF OTHER FORMS OF PROHIBITED HARASSMENT.~~

~~Harassment on the basis of race, color, religion, gender (harassment that is not of a sexual nature but would not have occurred but for the sex of the victim), national origin, ancestry, age, marital status, unfavorable discharge from the military, status as a disabled veteran or veteran of the Vietnam era, citizenship status, or disability is a form of discrimination and is a violation of a person's civil rights.~~

~~Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, national origin, ancestry, age, marital status, unfavorable discharge from the military, status as a disabled veteran or veteran of the Vietnam era, citizenship status or disability, or that of his/her relatives, friends, or associates, and that: (i) has the purpose or effect of creating an intimidating, hostile, or offensive working environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.~~

~~Harassing conduct includes, but is not limited to, the following: (i) epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts that relate to race, color, religion, gender, national origin, ancestry, age, marital status, unfavorable discharge from the military, status as a disabled veteran or veteran of the Vietnam era, citizenship status or disability and (ii) written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, religion, gender, national origin, ancestry, age, marital status, unfavorable discharge from the military, status as a disabled veteran or veteran of the Vietnam era, citizenship status or disability and that is placed on walls, bulletin boards, or elsewhere at any City workplace, or circulated in any City workplace. Such harassment is a violation of the City's guidelines on appropriate conduct and is illegal.~~

~~This policy prohibits not only conduct and language held to be unlawful harassment by the courts or administrative agencies, but all inappropriate conduct and language with negative overtones concerning race, color, religion, gender, (harassment that is not of a sexual nature but would not have occurred but for the sex of the victim), national origin, ancestry, age, marital status, unfavorable discharge from the military, status as a disabled veteran or veteran of the Vietnam era, citizenship status, or disability.~~

~~4. RESPONSIBILITY OF INDIVIDUAL EMPLOYEES.~~

~~Each individual employee has the responsibility to refrain from sexual harassment and other PROHIBITED harassment in the workplace. An individual employee who sexually harasses or otherwise engages in PROHIBITED harassment of a fellow worker is, of course, liable for his or her individual conduct.~~

~~The harassing employee will be subject to disciplinary action up to and including discharge.~~

~~The City has designated its Administrator to coordinate the City's sexual harassment and other PROHIBITED harassment policy compliance. The City Administrator can be reached at (309) 444-1123, address 301 Walnut Street, Washington, Illinois 61571. The City Administrator is available to consult with employees regarding their obligations under this policy.~~

~~A person subject to what he or she perceives as sexual harassment or any other PROHIBITED harassment should report it to either of the employee's Department head or the Controller at the very earliest opportunity. Nothing prohibits, in addition, use of the complaint or grievance procedure.~~

~~Employees are encouraged to report harassment before it comes severe or pervasive. The City of Washington wants harassment stopped before it rises to the level of a violation of state or federal law.~~

~~6. RESPONSIBILITY OF SUPERVISORY EMPLOYEES.~~

~~Each supervisor is responsible for maintaining the workplace free from sexual harassment and other PROHIBITED harassment. This is accomplished by promoting a professional environment and by dealing with sexual harassment and other PROHIBITED harassment as with all other forms of employee misconduct.~~

~~The courts have found that organizations as well as supervisors can be held liable for damages related to sexual harassment or other illegal harassment by a manager, supervisor, employee, or third party (an individual who is not an employee but is a visitor, a member of the public, an elected official, or someone who does business with the City, such as a contractor, sales representative, or repair person.)~~

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

~~Specifically, a manager or Department Head must address an observed incident of sexual harassment or other PROHIBITED harassment, or a complaint of same, with seriousness, report it at the earliest opportunity to the Chief of Police and/or the Controller, take prompt action to insure it is investigated, and consistent with the City's decision on the matter, end it, implement appropriate disciplinary action, and observe strict confidentiality. This also applies to cases where an employee tells the manager or Department Head about behavior considered sexual harassment or other PROHIBITED harassment but does not want to make a formal complaint.~~

~~In addition, Managers and Department Heads must ensure that no retaliation will result against an employee making a sexual harassment complaint or a complaint involving other PROHIBITED harassment. Any form of reprisal taken against an employee who claims to have been harassed or who claims to have observed harassment will result in discipline up to and including termination for the employee guilty of the reprisal. Complaints of retaliation are grievable under the City's policy and may also be presented to the employee's Department Head or the Controller.~~

~~If it is deemed appropriate by the City, the complaining employee and the alleged harasser will not be scheduled to work together pending a thorough investigation.~~

~~Managers and Department Heads in need of information regarding their obligations under this policy or procedures to follow upon receipt of a complaint of sexual harassment or other PROHIBITED harassment should contact the City Administrator.~~

~~6. PROCEDURES FOR FILING A COMPLAINT OF SEXUAL HARASSMENT OR PROHIBITED HARASSMENT:~~

~~(a) INTERNAL:~~

~~An employee who either observes or believes herself/himself to be the object of sexual harassment or other PROHIBITED harassment should deal with the incident(s) as promptly as possible by clearly communicating her/his position to either the employee's Department Head or the Controller. The employee is also encouraged to, if he/she is willing to do so, advise the alleged harasser as soon as possible that his/her conduct is offensive and/or unwelcome; but this is in no way a requirement or a precondition to advising either the employee's Department Head or the Controller of the perceived sexual harassment or PROHIBITED harassment.~~

~~It is not necessary for the sexual harassment or other PROHIBITED harassment to be directed at the person making the complaint.~~

~~Each incident of sexual harassment should be documented or recorded. A note should be made of the date, time, place, what was said or done, and by whom. The documentation may be augmented by written records such as letters, notes, memos, and telephone messages.~~

~~No one making a complaint of sexual harassment or other PROHIBITED harassment will be retaliated against even if a complaint made in good faith is not substantiated. Any witness to an incident of sexual harassment is also protected from retaliation.~~

~~The process for making a complaint about sexual harassment or other PROHIBITED harassment falls into several stages:~~

- ~~1. DIRECT COMMUNICATION. If there is sexual harassment or other PROHIBITED harassment in the workplace, the harassed employee is encouraged to directly and clearly express her/his objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo. Direct communication to the alleged harasser, while encouraged, is not required, and is not a precondition to advising either the employee's Department Head or the Controller. Advising either the employee's Department Head or the Controller is required, however, in all instances.~~
- ~~2. CONTACT YOUR DEPARTMENT HEAD OR THE CONTROLLER. The problem, regardless of whether direct communication has been undertaken, must be promptly reported to either the employee's Department Head or the Controller, who will counsel the reporting employee and be available to assist with filing a formal complaint. The City will fully, promptly and impartially investigate the complaint.~~

~~and will advise the complainant and the alleged harasser of the results of the investigation.~~

~~(b) — EXTERNAL:~~

~~The City hopes that any incident of sexual harassment or other PROHIBITED harassment can be resolved through the internal process outlined above. All employees, however, have the right to file formal charges with the Illinois Department of Human Rights (IDHR) and/or the United States Equal Employment Opportunity Commission (EEOC). A charge with IDHR must be filed within 180 days of the incident of sexual harassment. A charge with EEOC must be filed within 300 days of the incident.~~

~~The Illinois Department of Human Rights may be contacted as follows:~~

~~CHICAGO (312) 814-6200
CHICAGO TDD (312) 263-1579
SPRINGFIELD (217) 785-5100
SPRINGFIELD TDD (217) 7785-5125~~

~~The United States Equal Employment Opportunity Commission can be contacted as follows:~~

~~CHICAGO (312) 353-2713~~

~~800-669-3362
TDD 800-800-3303~~

~~An employee who is suddenly transferred to a lower paying job or passed over for promotion after filing a complaint with IDHR or EEOC may file a retaliation charge with either of these agencies. The charges must be filed within 180 (IDHR) or 300 (EEOC) days of the retaliation.~~

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

~~7. — FALSE AND FRIVOLOUS COMPLAINTS.~~

~~False and frivolous charges refer to cases where the accuser is using a sexual harassment or other PROHIBITED harassment complaint to accomplish some end other than stopping sexual harassment or other PROHIBITED harassment. It does not refer to charges made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false and frivolous charge is a severe offense that can itself result in disciplinary action.~~

~~(a) — PROCEDURES.~~

- ~~1. Complaints of sexual harassment and other PROHIBITED harassment should be thoroughly and impartially investigated and a determination rendered promptly. The investigation shall be conducted by the Chief of Police unless the Chief of Police is the alleged harasser or the City Administrator determines for any reason that the Chief of Police should not conduct the investigation, in which case the investigation will be conducted by the person designated by the City Administrator. During the investigation, the person interviewing the parties and witnesses should remind those individuals about the prohibition against retaliation.~~

2. ~~The determination on the merits of the harassment complaint will be made by the City Administrator unless the City Administrator is the alleged harasser or the City Administrator determines that he/she should not make the determination, in which case the determination shall be made by the Controller.~~
3. ~~If the investigation indicates that harassment has occurred, immediate and appropriate action will be taken to: a) bring an end to the harassment; b) correct its effects on the harassed employee; c) take prompt appropriate disciplinary and/or other action to minimize the possibility of a recurrence of the harassment; and d) if and when deemed appropriate, notify the affected employee of what actions have been taken, consistent, however, with legal and confidentiality requirements.~~
4. ~~If the investigation indicates that no harassment has occurred, or is inconclusive, the City will notify both parties and reiterate our policy against harassment and against reprisals for reports of harassment.~~
5. ~~Due to the sensitive nature of this subject, it is the responsibility of the investigating party to respect so far as reasonably and legally practicable, the confidentiality of harassment complaints and all information alleged, whether founded or unfounded. Information about the allegation of harassment should be shared only with those who need to know about it.~~
6. ~~Disciplinary action forms, if discipline results, will be placed in the harassing employee's file. No documentation of unfounded sexual harassment situations will be retained in employee files. However, the City will keep a record of all complaints of harassment to determine if there exists a pattern of harassment by the same individual.~~
7. ~~Monitoring will occur, in the event that the alleged harasser remains a City employee, to determine and assure that there is no recurrence of the harassment and to insure that employment decisions affecting the complaining person and witnesses during and after the investigation are not based on retaliatory motives.~~
8. ~~Every employee shall receive a copy of this policy, and it is to be redistributed periodically. This policy shall also be posted in conspicuous places.~~

~~THIS POLICY IS SUBJECT TO REVISION AT ANY TIME AND FROM TIME TO TIME.~~

~~END PAGE~~

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

LEAVE ENTITLEMENTS

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within 1 year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

BENEFITS & PROTECTIONS

ELIGIBILITY REQUIREMENTS

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

*Special "hours of service" requirements apply to airline flight crew employees.

REQUESTING LEAVE

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

EMPLOYER RESPONSIBILITIES

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

ENFORCEMENT

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

For additional information or to file a complaint:

1-866-4-USWAGE

(1-866-487-9243) TTY: 1-877-889-5627

www.dol.gov/whd

U.S. Department of Labor | Wage and Hour Division





ILLINOIS DEPARTMENT OF LABOR NOTICE TO EMPLOYERS AND EMPLOYEES*

— REQUIRED POSTING — Employers are required to post this notice in a conspicuous place for all employees.

VICTIMS' ECONOMIC SECURITY and SAFETY ACT (820 ILCS 180/1 et seq.) Effective Date: August 25, 2003

The Victims' Economic Security and Safety Act provides that an employee who is a victim of domestic or sexual violence or has a family or household member who is a victim of domestic or sexual violence may take up to a total of 12 workweeks of leave from work during any 12-month period to address the domestic or sexual violence. The employee shall provide the employer with at least 48 hours' advance notice of the employee's intention to take the leave, unless providing such notice is not practicable. Employers may require employees to provide certification to the employer.

The Act prohibits an employer (defined as the State or any agency of the State; any unit of local government or school district; or any person that employs at least 50 employees) from discharging or otherwise discriminating against an employee who is a victim of domestic or sexual violence. The Act also prohibits an employer from discharging, discriminating, or retaliating against a person taking leave from work as a result of domestic or sexual violence to: seek medical attention or counselling for injuries or psychological trauma, obtain victim services, relocate, seek legal assistance or participate in a related court proceeding.

Employers are not required to provide paid leave under this Act, but employees may elect to substitute available paid leave for an equivalent period of leave provided under this Act. Employers shall maintain group health benefits during the leave period at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave.

For more information or to file a complaint, contact:

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