



**COMMITTEE OF THE WHOLE MEETING**  
**MONDAY, JULY 17, 2023**  
(Immediately following the Village Board Meeting)

**AGENDA**

**CALL TO ORDER**

**ROLL CALL**

**AUDIENCE COMMENTS**

**TRUSTEE COMMENTS**

**DISCUSSION**

1. Mobile Food Vendor Code Amendments
2. Revisions to Human Resources Manual

**EXECUTIVE SESSION**

**ADJOURN**

Initials: \_\_\_\_\_

*SB*

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**VILLAGE OF NORTH AURORA  
BOARD REPORT**

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**TO:** VILLAGE PRESIDENT & BOARD OF TRUSTEES  
CC: STEVE BOSCO, VILLAGE ADMINISTRATOR  
**FROM:** MIKE TOTH, BUSINESS AND ADMINISTRATIVE SERVICES MANAGER  
**SUBJECT:** MOBILE FOOD VENDOR CODE AMENDMENTS  
**AGENDA:** JULY 17, 2023 COMMITTEE OF THE WHOLE MEETING

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**DISCUSSION**

On December 5, 2016, the Village Board approved an ordinance adopting Chapter 5.35 of the Municipal Code officially allowing mobile food vendors to operate within the Village. Chapter 5.35 established general regulations and a mobile food vendor permit process. Chapter 5.35 would later be amended in 2020 to address certain trends occurring at that time -- the maximum time a food truck could operate on a property and how many could operate on a property at one time. Exemptions for said limitations were granted if serving as part of an approved special event. In 2021, the mobile food vendor provisions would again be amended to allow mobile food vendors to be utilized on a continual basis within the Route 31 corridor under certain restrictions. This topic originated when a business was intending to use their food truck as a means of preparing food while serving the food inside the building.

Staff provided a presentation at the June 19, 2023 Committee of the Whole meeting for feedback on this topic. The Village Board was asked specific questions during the presentation:

- Should the Village continue to require a mobile food vendor permit?

Feedback: The Village can eliminate the mobile food vendor permit knowing they would still be regulated through the Kane County mobile food vending unit permit process.

- Should the Village eliminate the Route 31 exemption allowing food trucks to prepare food for a brick-and-mortar establishment?

Feedback: The Village should eliminate the Route 31 exemption allowing food trucks to prepare food for a brick-and-mortar establishment.

- Should the Village change the amount of time and number of days that a food truck can serve the public?

Feedback: The Board agreed that two hours is not enough time to serve on a commercial property. 6-8 hours was recommended as it allows a food truck to serve during both lunch and dinner time. The Village Board agreed that they don't want to see food trucks continuously serving in the same spot and two days a week is reasonable to allow a food truck to serve on a property.

Staff is now seeking feedback on the proposed language that was drafted to reflect feedback from the Village Board at the June 19, 2023 Committee of the Whole meeting.

## Chapter 5.35 MOBILE FOOD VENDORS

### 5.35.010 Definitions.

The following definitions shall apply to this chapter:

~~"Catering" to provide food or beverage at a private event or gathering, where guests are served free of charge.~~

"Mobile food apparatus" means any vehicle (including, but not limited to, motorized vehicles, non-motorized vehicles, carts, bicycles, trailers and other similar devices whether self-propelled, propelled by other vehicles or propelled by humans/animals) used for the purpose of preparing food and beverage items.

~~"Mobile food vendor" means any person that operates a vehicle (including, but not limited to, motorized vehicles, non-motorized vehicles, carts, bicycles, trailers and other similar devices whether self-propelled, propelled by other vehicles or propelled by humans/animals)~~ mobile food apparatus for the purpose of selling food and beverage items.

"Person" means any individual, firm, co-partnership, partnership, corporation (for profit or not for profit), company, association, church, organization, trust or other entity.

### ~~5.35.020 Mobile food vendor permit required.~~

~~No person shall engage in the activities of a mobile food vendor and offer food and/or beverages for sale in the Village of North Aurora without a valid, current, written permit issued by the North Aurora Police Department.~~

### 5.35.020 General regulations.

- A. No person shall engage in the activities of a mobile food vendor and offer food and/or beverages for sale in the Village of North Aurora without a valid mobile vending unit permit issued by the Kane County Health Department.
- B. No mobile food apparatus shall be located on the same property in the village for more than two days in a calendar week.
- C. No mobile food apparatus shall be located on the same property in the village for more than eight consecutive hours.
- D. Mobile food apparatus storage shall be prohibited, unless stored on a property where a brick-and-mortar business owns and operates the mobile food apparatus.
- E. No mobile food apparatus shall be the primary source of food preparation for a brick-and-mortar business.
- F. Each mobile food vendor shall supply a trash receptacle for use by the customers. Prior to leaving each stop, the vendor shall remove any litter left at the stop by consumers.
- G. Sales of items other than food and beverage items are prohibited.
- H. No mobile food vendor shall stop at any time for the purpose of making sales on private property without the prior consent of the property owner.
- I. Mobile food vendors shall observe all local, county and state traffic codes and parking regulations and observe all other relevant municipal ordinances.

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J. No liquor can be sold without the appropriate liquor license(s).

~~E. Unless serving as an approved vendor as part of a special event approved by the village board:~~

- ~~1. No mobile food vendor shall stop on the same property in the village for the purpose of making sales of food or beverages for more than two hours in a calendar week.~~
- ~~2. No more than one mobile food vendor at a time shall stop on the same property in the village.~~
- ~~3. The following shall be exempt from the provisions in this Section 5.35.030.E:
  - ~~a. Mobile food vendors catering to guests at a private event.~~
  - ~~b. Mobile food vendors operating a stationary vehicle on private, nonresidential property along the Route 31 corridor between Sullivan Road and Oak Street and those private, nonresidential properties located within one quarter mile east and west of Route 31 corridor, provided the following conditions are all met:
    - ~~(i) The mobile food vendor must either own or maintain a leasehold interest in a designated building or tenant space used as a restaurant on the property where a vehicle is used regularly to prepare and cook and as to which the restaurant use is classified as a permitted use in the applicable zoning district.~~
    - ~~(ii) Food shall only be served from inside the restaurant.~~
    - ~~(iii) The restaurant must not already have a kitchen capable of the necessary food preparation.~~
    - ~~(iv) The mobile food vendor vehicle shall be parked on a hard surface in an inconspicuous location contiguous to the building and shall not interfere with customer parking or vehicular or pedestrian traffic.~~
    - ~~(v) The mobile food vendor vehicle shall not be located on any portion of a public road, public sidewalk or bike path or similar public way.~~
    - ~~(vi) The mobile food vendor shall be subject to the permit requirements of Sections 5.35.040 and 5.35.050 in addition to approval from the village board in regard to the location of the mobile food vendor vehicle, subject to whatever conditions the village board may reasonably impose.~~
    - ~~(vii) Any change to the location of the mobile food vendor vehicle must be approved by the village board prior to relocation.~~~~~~

K. No mobile food vendor shall stop and remain for the purpose of making sales on Airport Road, Alder Drive, ~~Banbury Road~~, Deerpath Road, Hart Road, Ice Cream Drive, Illinois Route 25, Illinois Route 31, Illinois Route 56, Mitchell Road, Mooseheart Road, Oak Street, Orchard Gateway Boulevard, Orchard Road, Sullivan Road, Tanner Road or Randall Road.

~~J. Signage shall be limited to the surface of the vehicle.~~

L. The mobile food vending unit permit issued by the Kane County Health Department shall be kept in the vehicle and be shown to all people who ask to see the permit at all times that the mobile food vendor is engaging in sales.

I. All mobile food vendors shall meet the following minimum insurance requirements:

- ~~1. General liability insurance with minimum coverage of one million dollars (\$1,000,000.00);~~
- ~~2. Business auto insurance on any business vehicle from which the food or beverages are sold directly from the vehicle with minimum coverage of at least one million dollars (\$1,000,000.00);~~  
and

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3. ~~Personal auto insurance on any personal vehicle pulling a trailer from which food or beverages are sold with minimum coverage of at least five hundred thousand (\$500,000.00).~~

#### **5.35.040 Permit requirements.**

- A. ~~Every person required to obtain a mobile food vendor permit shall make a written application for a mobile food vendor permit, pay the permit fee and obtain a permit prior to engaging in the mobile food vending business within the village.~~
- B. ~~No mobile food vendor permit will be issued without a permit issued by the Kane County Department of Health.~~
- C. ~~A fee of fifty dollars (\$50.00) shall be charged for every mobile food vendor permit application and renewal application to cover the cost of processing the application.~~
- D. ~~Mobile food vending permits shall be good for one year from the date of issuance and must be renewed as of the anniversary date of the original date of issuance by applying for a renewal permit, paying the annual fee and obtaining a renewal permit.~~

#### **5.35.050 Mobile food vending permit application.**

Application for a mobile food vendor permit shall be accompanied by the proper documentation necessary to complete the application. The applicant shall truthfully state in full the following information requested on the application:

- A. ~~Full name, date of birth, address and telephone phone number of the business owner as it appears on a driver's license, state ID, Social Security card or birth certificate, birth date, mailing address;~~
- B. ~~The names, dates of birth, addresses and telephone phone numbers of the operators of any mobile food vending vehicles or wheeled carts, if different than the owners, as it appears on a driver's license, state ID, Social Security card or birth certificate, birth date, mailing address;~~
- C. ~~All addresses of places of residence of the persons identified in subsections A and B if those persons have resided in other places during the past three years;~~
- D. ~~Physical description of the owner, including sex, height, weight, hair color and eye color;~~
- E. ~~A valid vehicle registration, driver's license and proof of required insurance;~~
- F. ~~Whether the applicant has ever been convicted of the commission of a felony and/or any crime involving moral turpitude under the laws of this state or any other state or federal law of the United States;~~
- G. ~~Such additional information and any documentation as the chief of police may deem necessary to process the application;~~
- H. ~~If requesting exemption under Section 5.35.030.E.3, the applicant must submit a diagram of the location of the mobile food vendor vehicle and its approximate distance to all adjacent property lines and provide all information necessary to determine that the applicant qualifies for the exemption.~~

#### **5.35.030 Penalty and enforcement.**

- A. Any person violating or aiding or abetting the violation of any provision of this chapter is guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00). Each day that a violation occurs shall be considered a separate violation. The police department and any code enforcement officers shall have concurrent authority to enforce the provisions of this chapter

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and may give written notice of any violation and the fine imposed for the violation by serving a citation in person or by certified U.S. mail return receipt requested on any violator. All complaints from citizens regarding violations of this chapter shall be directed to the village code enforcement officer(s).

- B. The acts of any employee, partner other agent (hereinafter "agent") shall be attributed to and considered the acts of the employer, partnership, corporation, limited liability company or other principal on whose behalf, or at whose direction or by whose authority or consent (hereinafter "principal") the agent was engaging in mobile food vending, and any violation of this chapter by an agent shall be enforceable against the principal and/or the agent jointly or severally. The act of engaging in mobile food vending for another person shall be presumed to create an agency relationship for purposes of this chapter.

# Village of North Aurora Memorandum



**To:** Village President and Board of Trustees

**From:** Mandy Flatt, Finance and Human Resources Manager

**CC:** Steven Bosco, Village Administrator

**Date:** July 7, 2023

**RE:** Revisions to Human Resources Manual

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Attached are proposed revisions to the Village's Human Resources Manual. We periodically review our manual for new laws and updated benefits. As part of our hiring process and listening to employees, we identified certain areas that will help the Village stay competitive in the current market. As a reminder, benefits, and terms of employment for non-union employees (and union employees where appropriate) are covered in this manual. Below is a summary of the revisions being proposed:

1. **Section 2.9: Drug-Free Workplace:** Cannabis is a legal drug in the State of Illinois. We updated our policy to specifically list cannabis as an item employees shall not manufacture, distribute, dispense, possess, or be under the influence of on the premises of any Village building or facility, in Village owned vehicles, or during working hours. DOT requirements, however, have not changed and we included wording to indicate CDL policies for Public Works will be different than other non-union employees. Sworn officers are covered by General Orders pertaining to cannabis use.

In addition, we removed language regarding consumption of alcohol or being under the influence of alcohol for at least four (4) hours before reporting to work. Our policy now states that employees reporting for work (including returning from meal breaks) that are exhibiting the effects of being under the influence of drugs or alcohol will be sent home and may be subject to further discipline, including possible termination.

2. **Section 4.3: New Hire Rate:** Currently the Village Administrator can authorize hiring to the mid-point of a position's range. The proposed change would allow the Administrator to hire at any point within the range. With the ever-changing hiring environment this provides flexibility to hire the most qualified applicant without delaying the process by waiting for the next Village Board meeting for approval.

3. **Section 4.8 Performance Evaluation and Salary Increases:** The proposed change removes the language stating step or salary increases shall always be based on employee's applicable anniversary date. We added language stating any step increases occurring outside of the annual performance evaluation process will be reviewed on a case by case basis and approved by the Village Administrator.
4. **Section 6.3 Lunch Periods:** Certain union employees who work the same number of hours are currently given two 15-minute breaks that they can combine with their 30-minute lunch. Our non-union employees would be given one 15-minute break that they would need to use in concurrence with their unpaid 30-minute lunch period to allow 45 minutes total. In conjunction with our recent salary survey, we also identified that several other comparable communities offer longer lunch periods.
5. **Section 6.8 Flexible Hours and Remote Work:** The current policy allows the Village Administrator to approve differing work schedules that still effectively provide services to the community. The proposed change more clearly defines flexible hours and remote work for situations that are beneficial to both the Village and the employee in cases inside and outside of declared emergencies. During recent recruitments, we found this to be an important tool in hiring qualified people.
6. **Section 10.7 Service Recognition:** Removes the limit on spending as we are finding that \$750 is no longer sufficient to provide food and beverages.

Section 7 saw changes to spelling only. Attached you will find the revised Human Resources Manual. We believe these changes will benefit all employees as well as the Village in employee retention and recruitment.





# Village of North Aurora Human Resources Manual

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## **DISCLAIMERS**

This Employee Manual supersedes all previous employee manuals, memos, and policies, whether written or oral. This Manual has been prepared to provide you with an outline of the policies, procedures, and current employee benefits for the Village of North Aurora.

THIS MANUAL IS NOT A CONTRACT, SHOULD NOT BE CONSTRUED AS SUCH, AND DOES NOT CONFER CONTRACTUAL BENEFITS ON ANY EMPLOYEE.

THE CONTENTS ARE SUBJECT TO CHANGE, ADDITION, OR DELETION BY THE VILLAGE OF NORTH AURORA AT ANY TIME, WITH OR WITHOUT NOTICE.

Any changes to the Employee Manual will be communicated to you. If you have any questions about Village policies, please contact your Department Head or the Village Administrator.

UNLESS YOU HAVE EXECUTED A SEPARATE, WRITTEN AGREEMENT APPROVED BY THE VILLAGE BOARD OF TRUSTEES AND SIGNED BY THE VILLAGE PRESIDENT AND VILLAGE CLERK STATING OTHERWISE, YOUR EMPLOYMENT WITH THE VILLAGE OF NORTH AURORA IS “AT-WILL.”

This means that either you or the Village of North Aurora may terminate your employment at any time, with or without cause, for any reason not prohibited by law.

## **CHAPTER 1 INTRODUCTION**

### **1.1 Welcome and Introduction**

Welcome to the Village of North Aurora. As an employee of the Village, you are part of a team whose members are working together to provide quality service to the residents, businesses and community of North Aurora. As an organization, our primary goal is to provide outstanding service to the public and be a good steward of the resources that the organization possesses to provide these services. Each public contact is an opportunity for excellent performance by the employee. Employees shall be courteous to the public and tactful in their work duties, displaying patience and professionalism at all times. In performance of those work duties, employees must not express any prejudice concerning race, age, religion, politics, national origin, disability, creed, color, sex, sexual orientation, genetic information, ancestry, marital status, military discharge status, pregnancy, veteran status, citizenship status, sealed or expunged arrest records not resulting in conviction or any other characteristic protected by law to citizens, customers, vendors or their fellow employees. Employees are expected to be courteous, respectful and display professionalism at all time to their coworkers at all levels of the organization.

The Village takes pride in the abilities and accomplishments of its employees and recognizes that the well-being of its employees is essential to the maintenance of a high standard of operation. It is the Village's policy to compensate employees for the services they provide by paying wages and benefits that are competitive with the market. In return the Village expects its employee's to perform their duties to the best of their ability, to be dependable, and to abide by the policies of the Village.

### **1.2 Organization**

The Village of North Aurora has a President-Trustee form of government with a Village President and six (6) Trustees elected at-large. The Village President, with the advice and consent of the Village Board of Trustees, appoints a Village Administrator to manage the day-to-day operations of the Village. The organization of the Village is structured into various Departments including Administration, Community Development, Finance, Police and Public Works. Each Department is managed by a Department Head who directs the activities of the respective operating Department.

### **1.3 Administration of Manual**

This Manual establishes certain operating policies, procedures and personnel rules and is the final authority regarding all personnel matters of employees, except as otherwise provided by State law or provided as otherwise here within. The Village Administrator shall administer, or cause to be administered through his designee and the department heads, the provisions of this Manual. Nothing in this Manual precludes the establishment of Departmental policies and procedures by

individual Departments consistent with this Manual. If a direct conflict occurs between this Manual and Departmental policies or procedures this Manual shall take precedence.

This Manual is not an employment contract. This Manual does not establish a contract (express or implied) between the Village and any employee regarding terms and conditions of employment. The Manual is subject to change at any time, with or without notice to the employees, and is intended to serve as a guide.

#### **1.4 Precedence of Police Commission**

Certain sworn employees of the Police Department may be subject to the jurisdiction of the Police Commission. In case of a conflict between this Manual and any mandatory provision of any ordinance, state or rule of the Police Commission or provision of any valid collective bargaining agreement which may modify the jurisdiction of the Police Commission, the latter shall take precedence over this Manual.

#### **1.5 Precedence of Collective Bargaining Agreements**

Certain employees of the Village are part of a recognized collective bargaining unit. In case of a conflict between this Manual and any collective bargaining agreement between the Village and a recognized bargaining unit, the latter shall take precedence over this Manual. This Manual is not intended to alter or amend any of the contractual agreements between the Village and any collective bargaining unit.

#### **1.6 Disclaimer and “At-Will” Nature of Employment**

While the Village has made considerable effort to provide clear and accurate information, the contents of this Manual should not be understood to create any sort of employment contract, whether expressed or implied. Except as otherwise provided through state law, the North Aurora Police Commission or other such rules that may be established by collective bargaining agreements or other employment agreements, employment with the Village is “at-will.” This means that both the employee and the Village have the right to terminate the employment relationship at any time, for any reason not prohibited by law, or no reason, with or without notice. The at-will employment relationship cannot be modified, except by formal action of the Village Board or by a duly authorized and executed collective bargaining or other written employment agreement. This Manual, and the policies it contains, may be varied from, amended, supplemented or discontinued at any time, with or without notice. In the event that any provisions of this Manual conflict with the laws of the State of Illinois or the United States Government, the applicable state or federal provisions shall take precedence.

No supervisor, manager, or representative of the Village other than the Village Administrator or his designee has the authority to enter into any agreement or make any offer of employment with any individual for any specified period of time or to make any promises or commitments contrary

to the foregoing.

### **1.7 Amendments**

This Manual is subject to revision and further development. Recommendations for modification shall be forwarded to the Village Administrator or designee. Revisions to the policies contained in this Manual must be approved by the Village Board. The Village Board may revise or revoke any portion or employee benefit of this Manual at any time without prior notice to employees.



## **CHAPTER 2 PERSONNEL POLICIES**

### **2.1 Equal Opportunity Statement**

The Village of North Aurora is an equal opportunity employer. In this regard, the Village policy is to provide equal employment and advancement opportunity without discriminating on the basis of actual or perceived race, color, religion, national origin, ancestry, age, marital status, sexual orientation, handicap, disability, political affiliation, unfavorable discharge from military service, pregnancy, creed, sex, genetic information, veteran status, citizenship status, sealed or expunged arrest records not resulting in conviction or any other characteristic protected by applicable federal, state or local laws. All employment-related decisions are based solely on legitimate, job-related factors such as skill, ability, past performance, and the needs of the Village and the public that it serves.

The Village assures equal employment opportunity in all of its employment practices including those pertaining to recruitment, hiring, placement, compensation, transfers, promotions, evaluations, benefits, training, reduction in force, recall, discipline, demotions and termination. Employment opportunities are open to all qualified individuals.

The Village does not allow any form of retaliation against individuals who file a charge of discrimination, participate in a discrimination proceeding or otherwise oppose an unlawful employment practice. To ensure the workplace is free of artificial barriers, violation of this policy will lead to discipline up to and including termination.

Throughout this Manual, the interchangeable use of masculine and feminine pronouns is in no way intended to exclude members of the opposite sex.

### **2.2 Americans with Disabilities Act (ADA)**

The Americans with Disabilities Act (ADA) as amended from time to time protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral and other aspects of employment. The Village is committed to providing equal opportunities for employees and job applicants with disabilities following all provisions of ADA. The Village will reasonably accommodate qualified individuals with known disabilities which allow them to perform the essential functions of a job without undue hardship to the Village and its public purposes. An individual who can be reasonably accommodated for a job, without undue hardship, will be given the same consideration for that position as any other applicant.

All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace, which threat cannot be eliminated by reasonable accommodation, will not be hired. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave until

an organizational decision has been made in regard to the employee's immediate employment situation.

Individuals who believe that they have a disability or would like to request a reasonable accommodation must contact the Village Administrator. The ADA compliance officer is the Village Administrator. The ADA compliance officer shall acknowledge receipt of all grievances within ten (10) days. A thorough investigation will then be completed and a response provided within a reasonable time.

### Definitions

As used in the ADA policy above, the following terms have the indicated meanings:

- “Disability” refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. An individual who has such an impairment, has a record of such an impairment, or is regarded as having such an impairment is a “disabled individual.”
- “Direct threat to safety” means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.
- A “qualified individual with a disability” means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or has applied for.
- “Reasonable accommodation” means making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modification of examinations, adjustment or modification of training materials, adjustment or modification of policies, and similar activities.
- “Undue hardship” means an action requiring significant difficulty or expense by the employer. The factors to be considered in determining an undue hardship include: (1) the nature and cost of the accommodation; (2) the overall financial resources of the facility at which the reasonable accommodation is to be made; (3) the number of persons employed at that facility; (4) the effect on expenses and resources or other impact upon that facility; (5) the overall financial resources of the Village; (6) the overall number of employees and facilities; (7) the operations of the particular facility as well as the entire Village ; and (8) the relationship of the particular facility to the Village. These are not all of the factors but merely examples.
- “Essential function of the job” refers to those activities of a job that are the core to performing said job for which the job exists that cannot be modified.

### **2.3 Anti-Harassment Policy**

The Village of North Aurora is committed to maintaining a healthy work environment in which people are treated with dignity, decency, and respect. This environment should be characterized by mutual trust and the absence of intimidation, oppression, and exploitation. Employees should be able to work and learn in a safe, yet stimulating atmosphere. The accomplishment of this goal

is essential to the Village's purposes. As such the Village will not tolerate harassment of Village employees by anyone including any official or office-holder, agent, supervisor, co-worker or vendor of the Village.

Harassment consists of unwelcome conduct, whether verbal, physical or visual, that is based upon a person's protected status such as race, color, religion, national origin, ancestry, age, marital status, sexual orientation, pregnancy, handicap, disability, political affiliation, unfavorable discharge from military service, creed, sex, genetic information, veteran status, citizenship status, sealed or expunged arrest records not resulting in conviction or other legally protected status. The Village will not tolerate harassing conduct that interferes with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment.

No employee shall either explicitly or implicitly mock, deride, or belittle any other employee or conduct themselves in a manner that has the purpose or effect of interfering with an employee's work performance or creating an intimidating, hostile or offensive work environment. Examples of unacceptable conduct include, but are not limited to: inappropriate comments, kidding, teasing, visual displays, inappropriate emails, text messages or other forms of social media, physical or verbal abuse, insults, epithets, slurs, negative stereotyping, or intimidating acts that are based on a person's protected status; unwelcome physical touching, taunting intended to provoke and employee, display or circulation of derogatory written materials or pictures, whether posted and circulated in the workplace or electronically.

## **2.4 Policy Prohibiting Sexual Harassment**

It is unlawful to harass a person because of that person's sex. Sexual harassment is defined as any unwelcome or repeated sexual advances, requests for sexual favors, and other physical, verbal or visual conduct based on acts of a sexual nature constitutes sexual harassment when (1) submission to the conduct is made, either explicitly or implicitly a term or condition of an individual's employment (2) submission to, or rejection of, such conduct is used as the basis for employment decisions affecting such individual, or (3) the conduct has the purpose of, or effect of, unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment can occur between men and women, or between members of the same sex. This behavior is unacceptable in the workplace, itself, and in other work-related settings such as meetings, hearings, and Village-related or sponsored social events. Sexual harassment affects the victim, other Village employees and officials as well. Each incident contributes to a general atmosphere in which everyone suffers the consequences. This type of conduct has no legitimate business purpose.

Harassment applies to the conduct of a supervisor toward a subordinate, an employee toward another employee, a non-employee toward an employee or an employee toward an applicant for employment. Harassment can apply to conduct outside the workplace as well as on the work site.

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is unwelcome, that is personally offensive, and that interferes with work effectiveness. Sexual harassment can take a variety of forms ranging from subtle pressure for sexual activity or contact, to physical contact. At times, the offender may be unaware that their conduct is offensive or harassing to others. Sexual harassment may include but is not limited to:

1. Unwelcome flirting, repeated unwelcome requests for dates, sexual or suggestive comments, explicit sexual propositions, cyber-stalking;
2. Sexually suggestive jokes, sexual innuendos, gestures or sounds directed toward another;
3. Foul or obscene language, and other verbal forms of harassment such as threats or insults about sex, anatomy, or gender-specific traits, or other statements about other employees—even outside their presence—of a sexual nature;
4. Physical contact such as patting, pinching, or brushing against another person’s body or other unwelcome physical contact, including but not limited to, touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, forced sexual intercourse, or assault;
5. Preferential treatment of an employee, or a promise of preferential treatment to an employee, in exchange for dates or sexual conduct; or the denial, or threat of denial, of employment benefits or advancement for refusal to consent to sexual advances;
6. Open display, viewing, or distribution of pornographic material or Websites, or other pictures, posters, calendars, cartoons, pin-ups or slogans, and other communications that are sexually-oriented or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling, catcalls, or smacking or kissing noises; obscene gestures, including sexually suggestive bodily gestures; and content in letters and notes, facsimiles, email, photos, text messages (including “sexting” or otherwise electronically sending messages with sexual content, including pictures or video), Internet postings (blogs, instant messages and social network Websites like Facebook, Twitter, and Instagram), jokes, etc., of a sexual nature printed or otherwise distributed to others;

## **2.5 Harassment and Discrimination Complaint Procedure**

Every employee is expected to avoid any behavior, or conduct, that could reasonably be interpreted as prohibited harassment under this policy. The Village encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his behavior is unwelcome, offensive, inappropriate, or in poor taste. Regardless of whether an employee informs a coworker

in this manner, employees are expected to come forward promptly and report any violations pursuant to this policy before the alleged offending behavior becomes severe or pervasive. No employees, not even the highest-ranking people in the Village are exempt from the requirements of this policy.

The duty to report harassment arises whether an employee experiences or witnesses any conduct that he or she believes is inconsistent with this policy. Reports can be made either to the employee's immediate supervisor or to the Department Head. Employees may also report complaints directly to the Village Administrator. If the Village Administrator is the individual accused of harassment then the incident shall be reported to the Village President. The report may be made either orally or in writing, but employees are encouraged to make a written report. This policy does not require reporting harassment of discrimination to any individual who is creating the harassment or discrimination.

Each supervisor must immediately report to the Village Administrator any complaint or observation of conduct which may violate this policy. A supervisor's failure to make such report may result in discipline, up to and including termination.

It is critical in establishing a workplace free of harassment that an individual who experiences or witnesses an incident perceived as being harassing has access to a mechanism for reporting such incidents. At the same time, the purposes of this policy are not furthered where a complaint is found to be false and frivolous and made to accomplish some other end than stopping harassment. A complaint that is determined to be false and frivolous can result in a severe level of discipline or discharge. A false or frivolous complaint does not refer to complaints made in good faith that cannot be proven.

When a complaint has been received, the Village will initiate an investigation of the suspected harassment immediately upon receipt of the notification. All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the Village. Care will be taken to protect the identity of the complaining party and of the accused party or parties, except as may be reasonably necessary to successfully complete the investigation. To the extent reasonably possible, confidentiality with respect to reports and investigations under this policy will be maintained.

The Village will take steps to ensure that the matter at issue is addressed and may put reasonable interim measures in place, such as a leave of absence or a transfer, while the investigation takes place. The Village will take further appropriate action once a report of conduct conflicting with this policy has been thoroughly investigated. That action may be a conclusion that a violation occurred, or that no violation of policy occurred or that the Village cannot conclude whether or not a violation occurred.

## CONSEQUENCES

If an investigation reveals that a violation of this policy or other inappropriate conduct has occurred, then the Village will take appropriate corrective action, including discipline up to and including termination of employment, as is appropriate under the circumstances. The Village may discipline an employee for any inappropriate conduct discovered in investigating reports made under this policy.

Employees are encouraged to use the above complaint procedure(s) to report and resolve their complaints of harassment or retaliation to promote prompt resolution of any problems. However, employees may also file a charge of discrimination in writing with the Illinois Department of Human Rights and/or the Equal Employment Opportunity Commission at:

Illinois Department of Human Rights	Equal Employment Opportunity Commission
100 W. Randolph St., Suite 10-100	500 West Madison Street, Ste. 2800
Chicago, IL 60601	Chicago, Illinois 60661-2511
(312) 814-6200	(312) 353-2713

## **2.6 Anti-Retaliation and False Accusations**

The Village prohibits and will not condone any form of retaliation against any individual who makes a good faith complaint of harassment; assists or cooperates in an investigation of a complaint by someone else, whether internally or with an external agency; or files a charge of discrimination or harassment; or otherwise provides information in a proceeding, including in a court, administrative or legislative hearing, related to violations of discrimination or harassment laws. Examples of the types of retaliation that are prohibited include intimidation; discrimination; verbal or physical abuse; adverse actions with respect to pay, work assignments, and other terms of employment; termination of employment; or threats of any such actions. All employees who experience or witness any conduct they believe to be retaliatory should immediately follow the reporting procedures stated above. Retaliation is a serious violation of this policy. Any employee who engages in prohibited retaliation is subject to disciplinary action up to and including termination.

## **2.7 Whistleblower Act**

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

## **2.8 Reporting of Fraud, Theft and Unlawful or Unethical Activities**

Employees are encouraged to report suspected unlawful or unethical activities that they observe which are in violation of Village policies, rules or regulations, or are potential illegal activities including, but not limited to:

1. Fraud or theft of Village funds or property
2. Gross waste of funds or other Village assets
3. Deliberate mismanagement of contracts, grants and other agreements
4. Deliberate misstating or falsifying of Village financial and other records
5. Destruction of Village records without proper approval
6. Procurement and purchasing irregularities

An employee who seeks to report any suspected unlawful or unethical activity as described in this section is encouraged to report the activity to their immediate supervisor unless the activity involves their supervisor, then employees are encouraged to report the activity to either the Department Head or the Village Administrator, unless the allegation involves the Village Administrator, which then the employee is encouraged to report the activity to the Village President. Any allegation reported under this section shall be investigated by the Village Administrator, or the Village President, as appropriate.

Although employees are encouraged to report suspected violations in the manner as described above, employees may also choose to contact any of the following directly:

1. Village Administrator
2. Finance Director
3. Director of Public Works
4. Director of Community Development
5. Chief of Police
6. Current Village Auditor

To the extent possible and consistent with an effective investigation, every effort shall be made to keep the matter confidential until the investigation is completed, however, due to the nature of investigations, complete confidentiality cannot be guaranteed through the end of an investigation. Moreover, to the extent possible, the confidentiality of the reporting employee will be maintained. However, the individual's identity may have to be disclosed for the purposes of thoroughly conducting an investigation, to comply with legal reporting requirements or law enforcement efforts and to provide accused individuals their legal rights of defense.

In the event any claims or allegations brought by an employee under this section are subsequently found to be unfounded, the Village will not retaliate, reprimand, discharge, demote, discriminate against, or otherwise retaliate against the employee making such reports as long as the employee has acted in good faith and had reasonable cause to believe that an unlawful or unethical activity existed or was occurring. Any allegations which prove to be unsubstantiated and are proven to have been made maliciously and knowingly false will be viewed as a serious disciplinary offense.

## **2.9 Drug-Free Workplace**

The Village of North Aurora is committed to maintaining a work place that is free from drug and alcohol use. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner. Employees of the Village are the most valuable resource through which the Village provides services. The health and safety of both the employees and the public is of paramount importance. Employees have a right to work in a drug and alcohol free environment and the public has a right to be free from the harmful effects of alcohol and drugs in the provision of public services.

~~In accordance with the Federal Drug Free Work Place Act, This policy incorporates the Federal Motor Carrier Safety Administration (FMCSA) (Section 49 C.F.R. Part 40 and 382) requirements for drug and alcohol testing for Commercial Driver's License (CDL) holders and Federal Transit Administration (FTA) rules for employees performing safety-sensitive work.~~

~~All City Village employees who are required to have a current CDL as a condition of employment, are subject to CDL related provisions of this policy. Employees performing safety-sensitive work on transit vehicles (such as maintenance mechanics and their Supervisors) are subject to the requirements of the Transit Administration Specific CDL and Transit provisions.~~

Village employees shall not manufacture, distribute, dispense, possess or ~~use~~ be under the influence of illicit drugs, unauthorized prescription drugs, alcohol, cannabis or controlled substances on the premises of any Village building or facility ~~(unless authorized)~~, in Village-owned vehicles or during working hours. ~~Likewise, employees also are prohibited from being under the influence of illegal drugs, controlled substances, unauthorized prescriptions or alcohol on the premises of any Village building or facility (unless authorized), in Village-owned vehicles or during working hours.~~ Compliance with this policy is a condition of employment. Violations of this policy extend to and include termination of employment and referral for prosecution consistent with applicable ~~local, state and federal law~~ laws.

~~As a general rule, regarding pre-duty alcohol, at a minimum, employees shall not consume any alcohol or be under the influence of alcohol for at least four (4) hours before reporting for work.~~ Any employee reporting to work (including returning to work from a meal break) ~~while, exhibiting the effects of being~~ while, exhibiting under the influence of drugs or alcohol will be sent home and may be subject to further discipline including, but not limited to, termination.

This policy does not apply to the lawful use of prescription drugs under the supervision of a licensed health care professional and within the limits of a valid prescription. An employee who has been prescribed drugs is required, however, to consult with their pharmacist about the prescribed medication's effect on the employee's ability to perform their job safely and to immediately disclose to his or her supervisor any medication-related work restrictions. While employees are required to disclose any medication-related work restrictions, employees are not required to disclose the type of drugs they have been prescribed or the underlying medical



conditions or disabilities unless directed to do so by their physician, or if the non-disclosure of such would impact the ability of the employee's supervisor to make an informed decision regarding the ability of the employee to safely perform their job duties without impacting the safety of other employees or the general public.

The Village will conduct drug testing as part of its post-offer of employment procedures. It is also the policy of the Village to conduct drug/alcohol testing where it has reason to believe that an employee may be under the influence of alcohol, [cannabis](#), illegal drugs or other controlled substances. Employees subject to Department of Transportation (DOT) testing shall be tested in accordance with DOT regulations in addition to the testing and discipline provisions of this policy. Refusal to submit to testing or supplying a tampered or false sample will result in disciplinary action up to and including termination of employment.

### **2.10 Employee Assistance and Rehabilitation Programs**

The Village provides an Employee Assistance Program (EAP) for employees needing treatment or rehabilitation as well as medical plan coverage as available. Employees who think they may have an alcohol or drug usage problem are urged to voluntarily seek confidential assistance from the EAP or other counseling/rehabilitation center. Depending on the nature of the problem employees may be allowed to use accumulated leave time including vacation, personal days, sick leave, compensatory time, or leave without pay if no leave is available. Such leave must be approved in advance and the employee may be required to complete the program successfully in order to remain in good employment standing.

### **2.11 Workplace Violence Policy**

The Village is committed to providing a safe environment for working and conducting Village business. The Village will not tolerate acts of violence or threats of violence committed by or against Village employees, contractors, guests or others on Village property, whether working or not working, on or off Village property. Violations of this policy will lead to disciplinary action, which may include dismissal, arrest and prosecution.

Any person who makes threats, exhibits threatening behavior, or engages in violent acts against Village employees shall be removed from the premises as quickly as safety permits, and shall remain off the premises pending the outcome of an investigation. The Village will initiate an appropriate investigation and response which may include suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment and/or criminal prosecution of the person or persons involved.

Employees are responsible for notifying a designated management representative of any behavior they have witnessed which is regarded as threatening or violent, and has occurred in the workplace, during activities related to Village employment, which may be at sites other than the workplace, or is job related. Employees are responsible for notifying management regardless of the nature of

the relationship between the individual who initiated the threat or threatening behavior. In the event that a violent action is actually occurring, every effort should be made to contact the Police Department as quickly as possible.

All individuals who apply for or obtain a protective or restraining order which lists Village locations as being protected areas must provide to their supervisor a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent. The supervisor shall immediately notify the Village Administrator and Police Chief with this information. The Village will maintain confidentiality of all complaints and information will be held in confidence and disclosed only on a need-to-know basis in order to investigate and resolve the complaint, or as required by law.

### **2.12 Weapons Policy**

To ensure that the Village maintains a workplace safe and free of violence and/or intimidation for all employees, the employer prohibits the possession or use of perilous weapons on employer property to the fullest extent allowed by law.

No employee is authorized to possess a firearm or weapon on any employer property or while engaged in employer business, except as permitted by and in strict accordance with applicable state law and in the case of the police department in accordance with an employee's job position.

Employees are prohibited from displaying, brandishing, discharging or otherwise using any and all dangerous weapons, including firearms. Making threats, engaging in acts of violence, or bullying, especially if a dangerous weapon is involved, will not be tolerated.

Any employee in violation of this policy will be subject to prompt disciplinary action, up to and including immediate termination.

"Employer property" is defined as all Village-owned or leased buildings and surrounding areas such as sidewalks, walkways, driveways and, to the extent permitted by law, parking lots under the Village's ownership or control. This policy applies to all Village-owned or leased vehicles and, to the extent permitted by law, all vehicles that come onto Village property. The Village does recognize Illinois' Firearm Concealed Carry Law, and nothing contained in this policy is intended to violate that law or interfere with or infringe on any individual's right under that law.

"Dangerous weapons" include, but are not limited to, firearms, explosives, knives and other weapons that might be considered dangerous or that could cause harm. Employees are responsible for making sure that any item possessed by the employee is not prohibited by this policy.

### **2.13 Pregnancy Accommodation Policy**

The Illinois Human Rights Act (IHRA) requires employers to reasonably accommodate qualified individuals who are pregnant and make a request for a reasonable accommodation. It is the policy of the Village to comply with all Federal and state laws concerning the employment of who are pregnant including pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth.

It is the Village's policy not to discriminate against qualified individuals who are pregnant in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment.

The Village Administrator is responsible for implementing this policy, including resolution of reasonable accommodation, safety, and undue hardship issues. Individuals who are pregnant (as defined below) and would like to request a reasonable accommodation because of pregnancy (including pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth) must contact the Village Administrator.

#### Definitions

As used in the Pregnancy policy above, terms shall have the same meanings as in the ADA policy. In addition:

- "Pregnancy" means pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth.

## **CHAPTER 3 EMPLOYMENT RECRUITMENT AND SELECTION**

### **3.1 Recruitment Policy**

The Village is committed to the principle of recruiting and selecting employees on the basis of demonstrated and potential ability to perform the functions of the position and in accordance with the Village's policy of equal opportunity. The Village will recruit candidates both internally and externally for vacant positions except as required by Statute. Applicants for certain positions may be subject to specific testing requirements as determined by the respective department.

### **3.2 Recruitment Procedures**

When a position becomes vacant the following general procedures will be followed to initiate the recruitment process for that position:

1. The Department Head will notify the Village Administrator that a position has become or will soon become vacant due to official notice.
2. After a review of the vacant position has been completed the Village Administrator may authorize the recruitment process to begin.
3. If necessary the job description for the position will be updated prior to recruitment.
4. Job recruitment ads may be posted both externally and internally in prominent locations at Village facilities, copies of all newspaper or association recruitment notices must be retained and sent to the Finance Department for retention per federal law.
5. Internal recruitment procedures will be maintained that guide the recruitment process.
6. All applications received for vacant positions must be retained at the Finance/Personnel files per EEO regulations. The Finance Department will provide support during the recruitment processes.
7. After completing the candidate recruitment process the Department Head will recommend to the Village Administrator a candidate for the position. Once approved by the Village Administrator a conditional offer of employment may be made subject to provisions of this chapter and other conditions of employment that may be determined to be in the best interest of the Village.

Recruitment for a vacant position may begin after formal notice of a resignation or retirement has been received, but prior to the formal termination of employment. In certain situations it may be in the best interests of the Village to have an overlap in active employment between a new employee in a position and an employee about to terminate their position. Upon approval of the Village Administrator and subject to budgetary restrictions and sufficient notice provided by the employee about to vacate their position an overlap of no more than three months is acceptable.

### **3.3 Background Investigation**

The Village shall in most cases require a background investigation on every prospective employee.

Such background investigation shall be done after a conditional offer of employment has been made. Background investigations will be based only on legitimate conviction information obtained from the Illinois State Police in evaluating the qualifications and character of an applicant. Decisions to hire or not hire an applicant based on information obtained shall be based on the offense, date of conviction and how it is related or relevant to the position for which the new hire is being considered.

Applicants may be requested to be fingerprinted as a prerequisite to employment. Driving records may also be investigated for those applicants that may drive a Village vehicle. Based on the nature of their position, applicants must possess or show the ability to obtain a valid Illinois driver's license. Other driving classifications such as a CDL may be required as a condition of employment. Information will be verified with the Secretary of State's Office.

### **3.4 Physical and Other Examinations/Tests**

As a condition of employment, applicants with a conditional offer of employment and continuing employees shall, upon request, submit to a physical examination by a physician or physicians selected and paid for by the Village. The purpose of the examination is to verify that the employee is physically able to perform the essential job functions for which they are hired based on the job description.

Included with this examination is a mandatory drug test that is a requirement of any conditional offers of employment.

Current employees may be requested to undergo a physical examination if in the opinion of the Department Head or Village Administrator the ability of the employee to safely perform the essential job functions is questioned due to observed accidents or perceived difficulty performing the job functions, excessive use of sick time or disability benefits or other circumstances that may warrant such an examination.

### **3.5 Reference Checks**

Reference checks shall in most cases be performed on applicants prior to a conditional offer of employment and may include inquires on educational history, employment references and personal references. All references obtained on any applicants shall be documented on written forms and retained in the applicant files maintained by the Finance Department for at least one year in accordance with EEO regulations.

### **3.6 Citizenship Requirements**

Except as required by law for positions covered by the Police Commission, United States citizenship is not a prerequisite for employment with the Village. However, proof that an

employee is authorized to work in the United States is required as mandated by federal law. Every new employee must provide original documents verifying his or her right to work and, as required by federal law. Sign federal Form I-9.

### **3.7 Residency Requirements**

The Village does not have a requirement that employees live within the incorporated boundaries of North Aurora, or within a certain number of miles of the Village, with the following exceptions:

- Per the current collective bargaining agreements, Police Officers and Sergeants must reside within a twenty-five (25) mile radius of the Village.
- Deputy Chiefs, Police Chief and other police sworn positions that may be created from time-to-time must reside within a twenty-five (25) mile radius of the Village.
- All Public Works Laborers, Water Laborers, Foreman, Senior Water Operator, Public Works Superintendent, Water Superintendent and other Public Works positions that may be created from time-to-time must reside within a twenty-five (25) mile radius of the Village.

Employees upon hire that do not meet the requirements of this section will be given six (6) months to meet the requirements. An extension of time may be granted by the Village Administrator in his sole discretion.

### **3.8 Employment of Relatives**

Unless the Village Administrator determines that the best interests of the Village shall be served, the Village shall not consider an applicant for any employment if the applicant bears any of the following relationships to an elected official, appointed official or regular full or part-time employee: parent, sibling or child, all similar in-law relationships and spouse.

## **CHAPTER 4 EMPLOYEE CLASSIFICATION AND COMPENSATION**

### **4.1 Definitions of Employment Status and Terms**

The following classifications are used to describe the status of all employees which determine among other things eligibility for benefits:

1. Full-Time Employee: An employee who is normally scheduled to work forty (40) or more regularly scheduled hours per week.
2. Regular Part-Time Employee: An employee who is employed in a position which normally requires less than forty (40) hours per week, with no specific date upon which the employment ends.
3. Temporary Employee: An employee who is hired for a specific position for a specific period of time which may include periods of work of up to forty (40) hours per week. Temporary employees are typically scheduled for employment of less than one (1) year.
4. Seasonal Employee: An employee who works on an as-needed basis with no expectation of a consistent work schedule but subject to the needs of the Department.
5. Appointed Employee: An employee who is recommended for employment by the Village President with the consent of the Village Board.
6. Exempt Employee: An employee who is not entitled to overtime compensation for hours worked in excess of forty (40) in any given work week in accordance with the Fair Labor Standards Act (FLSA).
7. Non-Exempt Employee: An employee who is entitled to compensation at the rate of one and one half (1.5) times their regular hourly rate of pay for all hours worked in excess of forty (40) in any given work period as defined in this Policy and in accordance with FLSA.

Employees will be informed of their initial employment classification and status as an exempt or nonexempt employee at time of hire. If an employee changes positions during their employment as a result of a promotion, transfer, or otherwise, they will be informed of any change in their exemption status.

### **4.2 Compensation Plan and Amendments**

Approved as part of the annual Budget document, the Village maintains a classification and compensation system for all employees. This schedule is updated annually taking into account a variety of factors including comparable market data, cost of living, internal and external comparability and other factors. Annual wage adjustments to the compensation plan will take effect on June 1 at the beginning of the fiscal year for all employees.

If in the opinion of a Department Head an employee's actual job duties and responsibilities have changed significantly enough that the current position title and salary range require modification the Department Head may make a recommendation to the Village Administrator that a

reclassification be considered and approved by the Village Board. Reclassifications normally will be considered and incorporated during the annual budget process. However, a budget amendment to the compensation plan may take place during the fiscal year if such change is deemed necessary and in the best interest of the Village for consideration by the Village Board.

#### **4.3 ~~New Hire Rate Offers of Employment~~**

An employee will normally start at the beginning rate for their position. A Department Head may make a written recommendation to the Village Administrator that a candidate be hired at a rate higher than the beginning rate due to a candidate's unique qualifications and/or experience. The Village Administrator may authorize a candidate to be hired ~~at or up to~~ into any point within the midpoint or half of the total position's step compensation range ~~(i.e. Step 5. Additionally, a prospective candidate may be offered additional incentives either at time of hiring or during employment as part of a 10-Step plan). A request to start an employee at a rate higher than the midpoint of their position must be consented to by the Village Board.~~ conditional offer.

#### **4.4 Introductory Period**

All new full-time and regular part-time employees must complete a six (6) month introductory period. Sworn police personnel may be subject to a longer introductory period. The introductory period provides for a period of time to observe the progress of the new employee in successfully completing the job duties of the position while the Village provides training.

After the introductory period is over, the Department Head will complete or cause to be completed an evaluation of the employee using the standard employee evaluation forms, and make a recommendation to the Village Administrator that the employee has either successfully completed the introductory period and should be moved to regular status, that the introductory period should be extended by an additional amount of time, or that the employee should be dismissed. During the introductory period the Department Head at any time may recommend to the Village Administrator that the employee be terminated prior to the completion of the introductory period based on the employee's performance.

Employees in the introductory period may not utilize vacation or personal day leave unless approved by both the Department Head and Village Administrator.

Successful completion of the introductory period should not be construed as creating a contract or as guaranteeing employment for any specific duration.

#### **4.5 Promotions**

When a vacancy occurs the Village will generally consider both internal and external candidates to fill the position. If a Department Head feels that the best interests of the Village would be served by promoting a current employee to the vacant position the Department Head will make a written



recommendation to the Village Administrator, prior to beginning an external recruitment process. Nothing in this section would prohibit a Department Head from recommending an internal candidate after an external recruitment process has been completed.

Promoted employees will also have an introductory period. Upon approval of the Village Administrator, a promoted employee may have a shorter introductory period. If a promoted employee does not perform satisfactorily in their new position then they will be returned to their former position if that position has not been filled. If their former position has been filled then they will be transferred to another position within the Village, if a vacant position is available that the employee would be qualified to fill.

An employee who has been promoted to a new position will normally start at the beginning rate of pay for that position. If the beginning rate of pay is less than the employee's current rate of pay the employee will start at the next step in that position's range which is higher than the employee's current rate of pay.

#### **4.6 Transfers**

Employees may be eligible to transfer from one position to an open position. Such transfers may be considered in conjunction with an external recruitment process. Employees transferred are subject to an introductory period in that position. Transfers normally will not result in an increase in pay unless the employee's current pay is less than the minimum of the position being transferred to. If the new position has a different step schedule the employee's rate of pay will be increased to the next step within the position's range.

#### **4.7 Demotions**

An employee may be demoted to a position of lower classification for which they are qualified if the employee would otherwise be laid off because their current position is being eliminated, the employee does not possess or no longer possess the necessary qualifications to render satisfactory service in the position, or the employee demonstrates an inability to perform the job to a satisfactory level on a consistent basis. Demotions must be recommended by both the Department Head and Village Administrator.

#### **4.8 Performance Evaluation and Salary Increases**

Written performance evaluations shall be completed for all employees at least on an annual basis. Evaluations conducted annually shall be based on the employee's anniversary date of hire with the Village, or if an employee has been promoted to a different position, the date moved to the new position shall be the anniversary date. The evaluation form shall be approved by the Village Administrator. Generally, step increases occur in conjunction with an employee's annual performance evaluation. Any step increases occurring outside of the annual performance evaluation process will be reviewed on a case by case basis and approved by the Village

Administrator. If a Department wishes to deviate from the standard form or process, approval of the Village Administrator will be required, ~~however, step or salary increases shall always be based on the employee's applicable anniversary date.~~

Evaluations will be completed by the employee's immediate supervisor in coordination with the Department Head. Evaluations should be completed prior to or shortly after the employee's anniversary date so that the employee's step or salary increase can be provided in the upcoming payroll process. Evaluations should become part of the employee's file once completed.

After an employee's evaluation has been completed the employees will be allowed to move one step in the salary schedule to the next higher step on their applicable anniversary date. If, however, any aspect of an employee's performance is considered to be "Unsatisfactory" then that employee will not be given their step increase. Any employee given an "Unsatisfactory" in any aspect of their job performance must be re-evaluated in six (6) months. If the employee's performance aspect is no longer "Unsatisfactory" at that time then the Department Head can recommend to the Village Administrator that the employee be granted their step increase, but not retroactively.

## **CHAPTER 5 EMPLOYEE BENEFITS AND ELIGIBILITY**

### **5.1 Employee Eligibility**

An employee's eligibility to receive benefits as outlined in this chapter is determined by the following categories of employment status as previously defined:

1. Full-Time Employee: Full-time employees are eligible for all benefits described in this chapter unless specifically stated otherwise.
2. Regular Part-Time Employee (1,000 Hours a Year or More): Employees in this classification are only eligible for:
  - Workers' compensation benefits
  - Participation in the Illinois Municipal Retirement Fund (except sworn police)
  - Prorated holiday pay based on the full-time equivalency of their position
  - Overtime if the total hours worked or compensated is more than forty (40) in the workweek
  - Participation in voluntary life insurance, short-term disability insurance, accident/hospitalization and other related coverages and programs from time-to-time
  - Participation in the Village's 457 deferred compensation program
3. Regular Part-Time Employees working less than 1,000 hours a year and Seasonal/Temporary employees are eligible only for workers' compensation benefits and overtime if hours worked is greater than forty (40) in the workweek.
4. Pursuant to the Affordable Care Act (ACA) the Village will also provide the health insurance benefit option to Regular Part-Time Employees working on average thirty (30) or more hours in a work week. The cost to the employee will be the same as other Full-Time Employees.

As a reminder, if a conflict exists between a provision in this manual and a provision in a collective bargaining agreement with a recognized collective bargaining unit the provision in the collective bargaining agreement will take precedence.

Employees may refer to the appropriate plan documents for eligibility procedures and plan provisions concerning benefit programs. Naturally, it is the legal documents that must be followed in the administration of these plans, and these plan documents will govern in the event any discrepancy exists. Please see the Finance Department for specific information.

### **5.2 Holidays**

The Village recognizes eleven (11) holidays during the calendar year:

Holiday	Date Observed
New Year's Day	January 1
Spring Holiday	Friday Before Easter
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day After Thanksgiving	Friday After Thanksgiving
Christmas Eve	December 24
Christmas Day	December 25
New Years Eve	December 31

If a holiday's observed day falls on a Saturday the holiday will be observed on the preceding Friday. If a holiday's observed day falls on a Sunday the holiday will be observed on the following Monday. If a holiday falls on a Saturday and the preceding Friday is also a Holiday, the two consecutive holidays will be observed on Thursday and Friday. If a holiday falls on a Sunday and the following Monday is also a holiday the two consecutive holidays will be observed on Monday and Tuesday. Holiday time is defined as eight (8) hours of compensation per holiday.

Holidays falling within an employee's scheduled vacation shall not count against the employee's vacation time.

Employees on an unpaid leave of absence are not eligible to receive holiday pay.

In the event an employee does not work the scheduled day before or after a holiday and is not on an authorized absence that employee shall not receive holiday pay until an excusable absence or proof of illness is presented to the satisfaction of the Department Head.

### **5.3 Personal Days**

Employees will be granted three (3) personal days equivalent to twenty-four (24) hours of leave on January 1 that can be used for any purpose during the year. Personal leave days must be used during the calendar year they are granted and cannot be carried over to the following year. Personal days will not be paid out upon termination of active employment. A minimum of one (1) hour increment must be used unless otherwise agreed to by the Department Head.

Personal days for new employees will be prorated depending on the quarter in which their employment begins.

Employment Begins	Time Earned
01/01 – 03/31	18 Hours

04/01 – 06/30	12 Hours
07/01 – 09/30	6 Hours
10/01 – 12/31	0 Hours

**5.4 Vacation Leave**

Vacation leave is provided on the basis that employees benefit by periodic intervals of rest and recreation and time away from their job with the Village and that an appropriate work-life balance contributes to the employee’s overall well-being and ability to effectively carry out their job responsibilities. Accrual of such benefits derives from continued and ongoing service to the Village.

Employees accrue vacation leave based on their full-time anniversary date with the Village and the number of years of service based on the schedule below. Vacation leave will be earned to the employee on a per pay period basis on the 1<sup>st</sup> and 2<sup>nd</sup> pay dates of each month (or twenty-four (24) times per year, also the “Accrual Rate.”)

<u>Years of Service</u>	<u>Annual Vacation Amount</u>	<u>Accrual Rate</u>
Start Through Completion of 3 Years	2 Weeks (80 Hours)	3.333
Beginning Year 4 Through Completion of Year 5	2 ½ Weeks (100 Hours)	4.166
Beginning Year 6 Through Completion of Year 10	3 Weeks (120 Hours)	5.000
Beginning Year 11 Through Completion of Year 20	4 Weeks (160 Hours)	6.666
Beginning Year 21 and After	5 Weeks (200 Hours)	8.333

The vacation accrual rate for Department Head positions will never be less than three (3) weeks per year but otherwise consistent with the above table.

**Maximum Accrual and Exceptions**

Vacation leave will be earned per the schedule above and leave will be deducted from the employee’s total time when used. The maximum amount of vacation leave that an employee will be allowed to accumulate in their vacation bank will be equal to one (1) year’s Annual Vacation Amount as set forth in the schedule above plus one (1) week (“Maximum Accrual”). Once an employee reaches the Maximum Accrual vacation leave will cease to accrue until an employee is no longer at the Maximum Accrual. Employees are responsible for monitoring the amount of vacation leave they have accumulated and providing sufficient notice and request to use such leave so that the Maximum Accrual is not exceeded.

The Village Administrator may approve a temporary accumulation of vacation leave greater than the Maximum Accrual, at his sole discretion based on the operational needs of the department and

Village. Such additional accrual may not exceed one (1) additional week of vacation leave greater than the Maximum Accrual. Employees granted a temporary accumulation of vacation leave greater than the Maximum Accrual must use enough vacation leave within a twelve (12) month period after Village Administrator approval of the temporary accumulation in order to be at or below the Maximum Accrual at the end of the twelve (12) month period.

#### Vacation Leave Requests

The Village will make reasonable attempts to accommodate vacation leave requests, subject to the operational needs of each Department. Generally no more than two (2) weeks of vacation may be taken consecutively. Requests longer than two weeks require Department Head and Village Administrator approval.

Vacation leave will be paid at the employee's normal straight time hourly rate. Employees should typically attempt to request the use of vacation leave at least one (1) week in advance.

The Department Head and Village Administrator may authorize an advance of vacation leave of up to two (2) days in order to accommodate an employee's vacation leave that may result in an employee's vacation leave accrual being negative after the vacation usage. Employees must be in good standing with the Village to be eligible for consideration.

Accrued but unused vacation leave shall be paid out to the employee upon termination of employment.

#### Additional Vacation Leave Benefits

The Village Administrator is authorized to grant additional vacation benefits to prospective employees as a condition of employment, recognizing the need of the Village to attract highly qualified candidates as part of an overall wage/benefit proposal. Such benefits shall be made in writing at the time of initial employment, become part of the employee's file and communicated as such to the Village Board.

#### Payment in Lieu of Vacation Time

Eligible employees not represented by a collective bargaining agreement may elect to "cash out" a limited number of hours of vacation time on an annual basis. Annually in November the Finance Department will inform employees of the option and provide forms and deadlines for employees to consider the option for the year. Generally, the process will be conducted so that the payout of accrued time is processed by the first paycheck in December.

In order to be eligible an employee must have at least one (1) year of continuous full-time employment as of November 30<sup>th</sup>, not be in any introductory status and be in good standing with the Village. Employees may elect to cash out up to sixty (60) hours of vacation time annually. Payment will be made at the employee's current hourly rate as of the last day of the prior two-week payroll period being paid on the 1<sup>st</sup> payday of December.

## **5.5 Sick Leave**

### Accrual

Eligible employees shall accrue sick leave at the rate of eight (8) hours per month. The maximum amount of sick leave that can be accrued is four-hundred-eighty (480) hours or sixty (60) days for an eight-hour day.

(Note: Employees hired before June 22, 1998 will be allowed to retain any accumulated sick leave in excess of the maximums established in this policy. However, once those days are used, and the employee's sick leave balance falls below the current maximums authorized the employee will adhere to the new maximum accumulations)

The Illinois Municipal Retirement Fund (IMRF) currently offers additional service credit for accumulated sick days at the time an employee applies for their IMRF pension. The Village will allow employees to accrue additional sick time over and above 480 hours to be applied solely for additional service credit. The maximum additional amount that will be allowed will be based on IMRF's limits in place at the time. This additional sick leave will be tracked separately from the normal sick leave bank. When an employee uses sick leave, the sick leave will be deducted from the normal sixty (60) day sick leave bank. Sick leave credited to the IMRF service credit bank shall only occur when the normal sick leave bank has reached the maximum. All sick leave accrued by IMRF eligible employees shall be eligible for additional service credit as permitted by IMRF and state statutes from time-to-time.

No sick leave shall be credited to an employee who is on an unpaid leave of absence of thirty (30) days or longer.

### Sick Leave Requests

Sick leave shall not be considered a benefit to be used at the employee's discretion for personal or other business. Sick leave shall be allowed only in the following situations:

1. Actual sickness, injury, disability or hospitalization of the employee
2. Medical or dental appointments which cannot be reasonably scheduled outside of working hours
3. Absence required by illness or disability of the employee's immediate family, defined for the purposes of this section to be parent, spouse or child and all "half" and "step" relationships

Pursuant to the Illinois Employee Sick Leave Act ("ESLA"), employees may use up to one half their annual sick leave benefits provided under this Section for absences due to an illness, injury or medical appointment of the employee's child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent or stepparent, for reasonable periods of time as may be necessary, on the same terms as the employee is able to use sick leave for the employee's own illness or injury. ESLA, however, does not extend any leave under FMLA. An employee may not be retaliated against for exercising rights under ESLA.

Employees shall notify their supervisors within two (2) hours of their beginning start time of the need to take sick leave. A Department Head may require an employee to provide proof of illness, disability or otherwise of an employee or immediate family members condition or illness if the sick leave extends beyond three (3) days.

Sick leave may be taken in increments of one (1) hour unless mutually agreed to be the employee and Department Head.

#### Sick Leave Incentive Day

As an incentive to not use sick leave, any employee who does not use any sick leave during a calendar year will be given eight (8) hours of additional straight-time pay on the following payroll.

#### Other Sick Leave Policies

A Department Head may send an employee home on sick leave if in the opinion of the Department Head if the employee appears ill and otherwise may impact the health of other employees by continuing to be present in the work environment.

A Department Head may require a physician's statement as a condition for granting of sick leave for any duration if the Department Head suspects that an employee is misusing sick leave, or if an employee calls in sick the day before or after a scheduled vacation or holiday. If upon investigation any employee is found to have abused the intent of sick leave benefits they will be subject to disciplinary action up to and including termination.

If an employee becomes sick or ill while on vacation or holiday leave sick, leave will not be substituted for the vacation, holiday leave or other leave benefit being used for that day.

Other than as provided for in this section, accumulated sick leave upon separation, termination or retirement will not be paid or cashed out to employees.

### **5.6 Bereavement Leave**

Employees are eligible for bereavement leave in the event of a death in the employee's family as defined below:

1. For an employee's spouse up to five (5) days will be granted.
2. Provided the Village has 50 or more employees, under the Child Bereavement Leave Act ("CBLA"), for an employee's child, defined as a son, daughter (biological or adopted), foster child, stepchild, a legal ward, or a child of where employee is standing in loco parentis, up to ten (10) days of leave will be granted. In the event, an employee loses more than one child in any 12 month period, the employee is entitled to take up to (6) six weeks in a twelve (12) month period. In order to take this leave, the employee must do so within sixty (60) days of the child's death, provide 48 hours' advance notice of the intent to take such leave unless doing so is impracticable, and may be required to provide reasonable documentation in



support of it. Under the CBLA, an employee may elect to substitute paid leave for unpaid leave for any days in excess of the five (5) days that the Village offers paid bereavement leave under this Section. However, the Village may not require employees to do so.

3. For an employee's mother, father, brother, sister, grandparent, grandchild, mother-in-law, father-in-law, grandparent-in-law, brother-in-law or sister-in-law up to three (3) days will be granted. Up to two (2) additional days may be granted for travel if distance is more than 250 miles away.
4. For an employee's aunt, uncle, niece or nephew one (1) day will be granted.

The above relationships include all "step" and "half" relationships. Bereavement leave will be paid at the employee's regular rate of pay for up to five (5) days.

### **5.7 Donated Leave Time for Hardship Situations**

The Village recognizes that employees may undergo a hardship situation in their personal life primarily due to, but not necessarily limited to, critical medical situations relating to either themselves or an immediate family member (defined as parent, spouse, and child). In recognition of these types of situations, employees who find themselves in a hardship situation may become eligible for the donation of personal or vacation leave by other employees to allow them additional paid time off.

In order to qualify, an employee must submit a written letter to the Village Administrator explaining the nature of the hardship, expected duration, and any other documentation deemed appropriate. The employee must demonstrate that they have exhausted, or soon will exhaust, all applicable sick, vacation, holiday, personal, compensatory or other types of leave.

The Village Administrator will make the final determination of whether or not a hardship exists and his decision will be final. The Village Administrator may request additional documentation if needed. If granted, hardship status will remain in effect for up to two (2) months at which time the employee must re-apply for hardship status.

The Finance Department will manage the process of making other employees aware that hardship status has been granted, and providing a method upon which employees may donate vacation leave or personal leave hours to the employee.

Other than provided for in this section, employees may not donate or loan any accumulated leave time to another employee.

### **5.8 Health Coverage Plans**

The Village provides health coverage to eligible employees and their dependents. The coverage or insurance may take one of several configurations including an HMO, PPO, HSA or other type of program. Exact plan configurations will be determined annually by the Village. Coverage

begins the first day of employment. Employee contributions will generally be set for the plan year based on premiums in effect at the beginning of the plan year, with amounts based on the following percentages:

HMO	8%
PPO	20%
HSA	20%

The above percentage contributions apply to all types of tiers that may be defined such as single, family, employee plus child and employee plus spouse.

Employees may refer to the appropriate plan documents for eligibility procedures and plan provisions concerning benefit programs. Naturally, it is the legal documents that must be followed in the administration of these plans, and these plan documents will govern in the event any discrepancy exists.

### **5.9 COBRA Coverage**

Under the Consolidated Omnibus Budget Reconciliation Act (COBRA) continuation of group health plan coverage is available for qualified employees for predetermined amounts of time. If an employee opts to continue coverage they will be responsible to pay the full monthly premium to the Village. Failure of the former employee to pay the Village full premium when due will result in the forfeit of continuing coverage eligibility in accordance with current COBRA law.

### **5.10 Continuation of Coverage Upon Retirement**

Employees eligible for health insurance benefits may continue participation in the existing health coverage program upon retirement with the Village. Employees will be responsible for 100% of the cost of the coverage. Continuation may continue past Medicare-eligible age at the discretion of the employee. Terms and conditions of the coverage may be affected by State statute and federal law.

### **5.11 Dental Insurance**

The Village may provide employees with the option of enrolling in a dental insurance program that may take a variety of forms. The employee contribution towards the program will be set by the Village from time to time.

### **5.12 Life, Voluntary Life Insurance and Other Insurance**

The Village will provide \$25,000 of life insurance and accidental death and dismemberment (AD&D) insurance for eligible full-time employees at no cost to the employee. The Village may provide employees with the option to enroll in additional voluntary life insurance options for

themselves, spouses and dependents, the cost of which will be fully funded by the employee.

The Village may provide employees with the option of enrolling in various supplemental disability, accident, hospitalization, disease or other similar types of programs, the costs of which will be fully funded by the employee.

### **5.13 Section 125 Flexible Spending Plan**

The Village will offer to eligible employees a Section 125 flexible benefits plan which allows employees to contribute money on a pre-tax basis for the payment or reimbursement of eligible medical or dependent care expenses as well as contributions to health and other insurance programs as allowed by law. Contributions and limits to these programs will be established annually by the Village and subject to current state and federal law.

To the extent permitted by law and subject to continuing participation, unused funds may be carried over to the prior year subject to guidelines determined by the Finance Department.

### **5.14 Deferred Compensation Program**

Employees may participate in the Village's 457 deferred compensation program as established by the Village. Contributions to the program are subject to maximum limits as provided by federal tax law. Employees may change contributions to the program at any time, however, adequate notice should be provided to Finance to ensure that the change can be made in a timely fashion at the desired effective payroll date. Participating employees may also be eligible to take a loan from their accumulated balance, subject to the guidelines in place at the time. Overall administration of the plan is the responsibility of the Finance Director.

### **5.15 Illinois Municipal Retirement Fund (IMRF)**

Employees, (except sworn police) working in a position with an expectation of working more than 1,000 hours a year are required to participate in IMRF which is governed by State statutes. The employee's contribution will be deducted from the paycheck. IMRF defines what wages or other compensation are subject to the contribution percentage. Pension benefits for participation in this program are based on when an employee first begins service with an IMRF employer. The Village's Authorized Agent for IMRF is the Finance Director.

IMRF also provides various disability benefits subject to the rules of the Fund. Participating employees may also make voluntary contributions to IMRF which are segregated from the employee's normal contributions and credited annually with a fixed investment return rate. Additional information is available at the Finance offices. IMRF employees also participate in Social Security and Medicare programs.

### **5.16 Police Pension Fund**

Sworn police officers participate in the Police Pension Fund. Employee's contributions to the fund and future pension benefits are based on state statutes and administered by the local Police Pension Board. Questions regarding police pension benefits should be directed to the Police Pension Board President or the Finance Department. Employees participating in the Police Pension Fund also participate in Social Security and Medicare.

### **5.17 Tuition Reimbursement Program**

The Village encourages eligible full-time employees to voluntarily consider continuing education courses which are relative to the work assignments of their position. Participation in the program is subject to the availability of budgeted funds. Courses and class work must be done on the employees own personal time.

Eligible courses include courses offered at an accredited college, university, technical school, or adult continuing education company. All employees must obtain Department Head, or Village Administrator in the case of Department Heads, approval of the course prior to enrolling in order to be eligible for the program. In order to be eligible, an employee must have successfully completed their introductory period and be in good standing with the Village.

The Village will partially reimburse an employee who successfully completes a course with a "C" or better or "Pass" for courses designated as Pass/Fail. Reimbursement will be up to \$500 of the cost of tuition, books and lab fees, if any, paid by the employee. After successful completion of the course the employee must submit receipts for costs incurred as well as documentation of final course grade and/or successful completion. Employees are permitted to apply for reimbursement for only one course per term (semester, quarter, etc.).

Time spent by the employee at class or studying for the class is not considered time worked or compensable.

### **5.18 Training and Career Development**

The Village is committed to providing and supporting employee training and career development through attendance and participation in seminars, conferences, workshops, webinars and other professional development opportunities. As part of its support for professional development the Village will pay for the necessary continuing professional education (CPE) credits that an employee must obtain on a periodic basis in order to maintain certifications relevant to their position. Village financial support for obtainment of CPE's should be done in the most reasonable economic manner as possible with prior approval of the employee's supervisor.

Employees interested in training and other professional development opportunities such as the obtainment of certifications should consult their supervisor for further information. Depending on

the nature of the certification and applicability to the employee's position, the Village may pay for costs associated with obtaining the certification subject to the employee successfully completing the certification process. Opportunities for this and other types of professional development may be limited to funds available in the annual departmental operating budget.

### **5.19 Workers' Compensation**

The Village provides workers' compensation benefits in accordance with Illinois Compiled Statutes. Applicable statutes include the State of Illinois Workers' Compensation Act, Occupational Disease Act, Public Employees Disability Act (PEDA) or other applicable statutes.

#### **Reporting of Illness/Injury**

Employees who believe that they may have suffered a work-related injury or illness, no matter how minor, must immediately report the injury to their supervisor, even if they are unsure of the exact cause of the injury, and even if the injury does not require treatment. Failure to timely report an injury can lead to delays in processing the claim and the receipt of benefits. Upon notification that an injury or condition has occurred the employee shall be directed to the Village's occupational health care provider. Employees with severe injuries should dial 911 and be taken to the nearest hospital or provider. Employees receiving medical treatment for a work-related injury should inform the medical provider that the injury is work-related and the Village is responsible for payment.

Upon notification from an employee that an injury has occurred the employee's immediate Supervisor in consultation with the Department Head will complete the appropriate Notice of Injury and Supervisor's Investigation of Injury and submit these to the Finance Director or Finance Director's designee for claim coordination with the Village's insurance carrier.

During the course of the injury and treatment of such the employee may select their own physician, surgeon or hospital services for the treatment of the work-related injury. The Village reserves the right to have the employee examined by a doctor of the Village's choice as deemed necessary.

#### **Medical Benefits While on Leave**

The Village's carrier will pay all medical bills and treatment related to the injury. Questions on the payment of follow-up of medical related bills should be coordinated with the Finance office.

#### **Workers' Compensation Benefits**

Employees off work for more than three (3) days due to a workers' compensation incident are entitled to temporary total disability (TTD) benefits. TTD benefits are paid at 66 2/3% of the employee's average weekly wage based on the previous applicable annual average. Unless otherwise provided by law, TTD payments are not subject to federal or state income taxes. The Village will typically continue to compensate an employee on TTD through the Village's payroll and receive reimbursement through the employee's workers' comp carrier. This will help ensure the continuation of deductions for employee benefits. Depending on the extenuating

circumstances the Village at its discretion may choose to have TTD payments paid directly to the employee.

Sworn police personnel are entitled PEDA benefits which are 100% of their salary for a one (1) year period from the date of injury or illness. PEDA benefits are not subject to federal or state income taxes. Upon expiration of the one year period, the employee will be covered by normal TTD benefits under the Workers' Compensation Act.

#### Use of Accrued Leave to Supplement Workers' Compensation Leave

While on workers' compensation leave employees receiving workers compensation may not supplement their benefit with accrued sick, vacation, compensatory time and holiday leave. While on workers' compensation employees will not accrue vacation leave, sick leave, personal days, holidays or other types of accrued leave for periods for which the employee is on workers' compensation for the entire period that the leave is normally earned.

Employees on workers compensation should obtain information from the Finance office on the process or eligibility for continuation of pension service credits with IMRF while on workers' compensation leave based on the rules in effect at that time. Sworn police personnel should coordinate with the Police Pension Board President.

#### Return to Work

Regular follow-up appointments shall be scheduled in order to determine the ability of the employee to return to work. The Village will evaluate any reports or recommendations from physician's or medical professionals to determine if the employee is fit to return to duty without restrictions or limitations.

### **5.20 Restricted Duty**

Employees who have been disabled or who have suffered an on or off-duty injury and cannot perform all of the required tasks of their position to the satisfaction of their Department Head will generally not be placed on restricted duty. However, each Department may determine if a restricted duty assignment is available. If an employee is to be placed on restricted duty the Department Head should notify the Finance Director and Village Administrator prior to the commencement of the restricted duty assignment. Written approval of the restricted duty assignment by the Village Administrator is required.

Availability of a restricted duty assignment is subject to the satisfaction of an independent physician stating that the employee is capable of performing the work without risk to either themselves, their employees or the general public. The Village may require an evaluation by a physician chosen and paid for by the Village to ensure that the employee is fit for the restricted duty assignment. Nothing in this policy will be construed to require the Village to create restricted duty assignments. In the event a restricted duty assignment is made available for an employee there will be no assumption or guarantee that the same or a different restricted duty assignment may be made available in the future to either the same employee or a different employee.

Availability of restricted duty assignments will be at the initial discretion of the Department Head and approved by the Village Administrator.

## **CHAPTER 6 WORK PERIODS, OVERTIME AND COMPENSATORY TIME**

### **6.1 Work Period and Hours of Work**

The work period for Village employees is defined as a seven (7) day period beginning at 12:01 a.m. Sunday, and ending seven (7) days later at midnight, Saturday. Full-time employees are generally scheduled for forty (40) hours of work a week with a workweek commencing Monday and ending on Friday (five (5) eight-hour days) unless otherwise agreed to separately by the Village Administrator. Normal start and ending times are scheduled by each Department Head. Sworn police personnel subject to provisions of their respective collective bargaining agreement may be scheduled for a normal work period that includes eight-four (84) hours in a fourteen (14) day period that may include the requirement of working twelve (12) hour shifts.

The Village Administrator shall ensure that differing working schedules still enable the Village to effectively provide services to the community, and that each department can continue to effectively work together when on different schedules.

### **6.2 Time Worked and Record Keeping**

Non-exempt employees are required to document their time worked on time sheets or other systems. Non-exempt employees must note the hours worked each day, beginning and end times, unpaid lunch periods and any other information necessary to ensure that the employee is properly compensated for hours worked per state and federal requirements.

Non-exempt employees must not work any hours outside of the scheduled work day unless the employee's supervisor has authorized the unscheduled overtime in advance. Non-exempt employees are prohibited from performing any "off-the-clock" work defined as work done but not reported on the employee's timesheet.

Upon receipt of each paycheck employees must verify that they were paid correctly for all regular and overtime hours worked during the work period.

### **6.3 Lunch Periods**

~~Lunch periods (or meal periods) are an unpaid break during the workday. The lunch period will be a continuous period of at least thirty (30) minutes. Lunch schedules may be arranged as the Department Head feels is most consistent and supportive of departmental operations and consideration for employees. The lunch period shall begin no later than five (5) hours after the beginning of the shift in accordance with state law. Sworn police department personnel are considered to be on duty during lunch periods.~~

~~There are no formal or scheduled rest periods or "breaks" for employees, however, employees should coordinate with their supervisor if needed.~~



Department Heads are authorized to establish the schedule for lunch and break periods during each workday. Full-time employees shall receive a thirty (30) minute unpaid lunch period and one (1) fifteen (15) minute paid daily break to be used in concurrence with your unpaid lunch period per work day. An employee who does not exercise the right to a break waives this right and cannot claim it at a later date.

Nursing mothers will be provided reasonable break time and a private place other than a bathroom to express breast milk for a nursing child in accordance with state and federal laws.

Part-time employees working less than ~~five~~ a 7.5 hour shift(5) hours are not required to take a lunch period unless mutually agreed to by the employee and supervisor.

### Responsibilities

Supervisors are responsible for administering their department's rest and meal periods in a fair and uniform manner. Supervisors must stagger or otherwise schedule employees' meal periods so ongoing operational responsibilities are not compromised.

Employees are responsible for keeping their supervisors informed about any changes to their work schedules, including changes involving meal and rest periods. Any employee who takes unauthorized meal or rest periods or who extends authorized meal or rest periods beyond approved limits can be subject to discipline, up to and including termination of employment.

### Meal and Rest Periods for Nonexempt Employees

Employees are to be completely relieved from duty during their meal break. If an employee is required to perform any work duties while on his or her meal break period, the employee must be compensated for the time spent performing work duties. The time spent working during the meal break will be counted toward the total hours worked.

Nonexempt employees must obtain advanced written authorization from their supervisor in order to work through a meal period as such conduct can lead to an employee working unauthorized overtime. Further, working through a meal period may not be in accordance with various applicable state laws. An employee who works through a meal period without advanced written authorization may be subject to disciplinary action, up to and including immediate discharge.

### Complaint Procedure

Employees who believe they have been compelled to work through their unpaid meal break should contact the Village Administrator or their immediate supervisor immediately to request an investigation. The employee will be asked to specify in writing, using the guidance above, the circumstances of the pay discrepancy and whether it has occurred on other occasions.

The Village will review pay records and interview the supervisor or manager, as well as the payroll representatives handling the employee's pay, to determine if the allegation is correct. If the

employee's allegations are true, the Village will reimburse the employee as promptly as possible.

The individual(s) responsible for the error will be investigated further to determine if this was an isolated incident or a pattern of conduct that requires further action on the part of the Village. If warranted, the responsible person(s) will be held accountable for the error(s) made consistent with the Village's disciplinary policy.

The resolution of the situation will be documented and placed with the employee's pay records. Following the identification of such a problem, the Village will establish a practice to regularly audit employee pay records to ensure no further issues arise.

#### **6.4 Pay Periods, Deductions and Payday**

##### Payday and Pay Period

Employees are paid bi-weekly on Fridays for the prior two-week work period. If a normal pay date falls on a Village-observed holiday, employees will be paid on the last working day prior to the holiday. Employees receiving a paper check or paid through direct deposit will be given a written pay stub showing hours worked, wages, rates, deductions and year-to-date information.

##### Paycheck Deductions

Upon hire an employee must provide documentation of certain employee information in order to ensure that certain mandatory deductions made from the employee's paycheck can be correctly allocated. Mandatory deductions include state and federal withholding, Medicare, Social Security and either IMRF or Police Pension contributions, if applicable. The Village also provides several optional deductions that can be made from the employee's paycheck, some on a pre-tax basis and some post-tax. Information on available options can be obtained at the Finance Department.

Employees may modify their federal or state withholding by contacting Finance for updated forms at any time during the year. Other deductions may be modified at any time while others may be modified only during an open or special enrollment or if the employee experiences a qualifying event.

##### Paycheck Advances

An employee may submit a written request to the Finance Department to have their paycheck available two (2) days before the scheduled payday. Due to holidays, this option may not be available on short payroll processing weeks and is subject to the discretion of the Finance Director.

##### Direct Deposit

The Village will make available direct deposit for all employees. Employees may direct deposit into more than one financial institution or account. Employees are encouraged to sign up for direct deposit of their paycheck in order to receive their pay faster.

##### Wage Garnishment

If the Village receives a wage garnishment notice on any employee it will be processed for the next pay period in accordance with applicable law.

### **6.5 Update of Employee Information or Status**

In order to ensure the accurate processing of payroll and administration and reporting of employee benefits all employees are required to report any changes to their full legal name, place of address, non-work contact information, marital status or change in dependents to the Finance Department. Changes should be indicated on the forms available and signed by the employee.

### **6.6 Overtime**

#### Working and Assignment of Overtime

It is the policy of the Village that all work be accomplished within the normal assigned workday. Overtime is to be considered any work, either scheduled or not, beyond forty (40) hours in a standard workweek, with the exception of sworn police department personnel who by virtue of a separate collective bargaining agreement may work eighty-four (84) hours in a fourteen (14) day period that may include a regular workday of twelve (12) hours a day.

When it is necessary for work to be accomplished beyond the normal workday, the employee's Supervisor shall authorize overtime. The Department Head or designee may authorize flex scheduling at their discretion.

Unless otherwise agreed to in a separate collective bargaining agreement, overtime work in excess of forty (40) hours a work week will be paid at time-and-a-half the employee's regular hourly rate of pay in accordance with the Fair Labor Standards Act (FLSA). The Village has the right to schedule overtime work as required in a manner most advantageous to the Village. Overtime work must be authorized by the employee's responsible supervisor as designated by the Department Head.

If in the course of performing their duties an employee feels that it is necessary to work beyond the normal work schedule the employee shall first contact their immediate supervisor to obtain authorization before performing work beyond the normal schedule that may result in overtime compensation.

Failure to report for overtime work when directed by an authorized Department Head or Supervisor acting within established policy is grounds for disciplinary action when such absence is without excuse or beyond the employee's control.

Pyramiding of overtime is not allowed.

#### Definition of Hours Worked

For the purpose of calculating "hours worked" the Village in accordance with options provided

under FLSA shall consider hours worked to include paid sick leave, paid vacation leave, paid holiday leave either regular holiday or personal holiday, paid leave for jury duty and paid leave for compensatory time.

#### Eligibility

Only non-exempt employees are eligible for overtime. It is understood that it may be necessary that exempt executive, administrative and professional employees as defined by the FLSA work beyond the normal work schedule. In recognition of this, an exempt employee's immediate supervisor may from time to time, at their discretion, award the exempt employee with compensatory time off.

### **6.7 Compensatory Time**

Non-exempt employees may elect to earn compensatory time in lieu of overtime pay. Compensatory time will be earned at the rate of one and one-half hours for each overtime hour worked. Accumulation of compensatory time for non-exempt positions shall not exceed forty (40) hours at any given point in time. An employee must receive authorization to use compensatory time leave that has been accrued, however, such authorization to use compensatory time shall not be withheld unless it would unduly disrupt the operations of the department. Exempt employees may not accrue compensatory time, however, as stated in section 6.6 of this chapter, exempt employees may be awarded time off from time-to-time at their supervisor's sole discretion.

### **6.8 Flexible Hours and Remote Work**

During a declared Village emergency or if the Village Administrator deems there to be extreme weather conditions, the Village Administrator may authorize eligible employees a modified and/or remote work schedule that still ensures Village operations continue.

Not all employees are eligible to work remotely depending on their job duties. However, if an employee is deemed eligible to work remotely, they may be authorized for short-term remote work if a department head deems there to be a clear benefit to Village operations. This is meant for circumstances where an employee may not be able to be physically at work during the workday, but is able to complete all of their necessary job functions. Short-term remote work would not typically exceed one workday unless it is deemed to benefit the Village's operations. Short-term remote work is not meant as a substitute for child care and/or sick time. In any circumstance, a remote work arrangement must be approved by the Village Administrator.

## **CHAPTER 7 LEAVES OF ABSENCE**

### **7.1 Family and Medical Leave Act (FMLA)**

(1) General Policy: The Village shall comply with the provisions of the Family and Medical Leave Act of 1993 (Public Law 103-3) and the rules and regulations issued by the U.S. Department of Labor interpreting said Act (collectively referred to as “FMLA”).

(2) Definitions: The terms used in this subsection shall have the same meanings ascribed to said terms in the FMLA.

(3) Applicability: An eligible employee is entitled to a total of twelve (12) work weeks of leave during any calendar year for any one, or more, of the following reasons:

- a. The birth of a son or daughter, and to care for the newborn child;
- b. The placement with the employee of a son or daughter for adoption or foster care;
- c. To care for the employee’s spouse, son, daughter or parent with a serious health condition; and,
- d. Because of a serious health condition that makes the employee unable to perform the functions of his or her job.
- e. Any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a covered military member on active duty in support of a contingency operation  
Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the *National Guard or Reserves* in support of a contingency operation may use their 12-week leave entitlement, within certain restrictions pursuant to the FMLA, to address qualifying exigencies. Qualifying exigencies may include:
  - Attending certain military events;
  - Arranging for alternative childcare;
  - Addressing certain financial and legal arrangements;
  - Attending certain counseling sessions;
  - Certain periods for rest and recuperation; and
  - Attending certain post-deployment activities.

FMLA also requires the Village provide up to twenty-six (26) weeks of unpaid, job protected leave to eligible employees for them to provide care for a covered [servicememberservice member](#) with a serious injury or illness if the employee is the spouse, son, daughter, parent or next of kin of the [servicememberservice member](#).

Next of Kin is defined as the nearest blood relative, other than the covered [servicemember’sservice member’s](#) spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the

servicemember by court decree or statutory provisions; brothers and sisters; grandparents; aunts and uncles; and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative.

(4) Continuation of Health Benefits: During any FMLA leave, the Village shall maintain the eligible employee's coverage's under any group health plan maintained by the Village on the same conditions as coverage would have been provided if the eligible employee had been continuously employed during the entire leave. If the Village provides a new health plan or benefits or changes health benefits or plans while an eligible employee is on FMLA leave, the eligible employee is entitled to the new or changed plans/benefits to the same extent as if the eligible employee were not on leave. Notice of any opportunity to change plans or benefits given generally to Village employees shall also be given to an eligible employee on FMLA leave. The Village may recover its share of health plan premiums during a period of unpaid FMLA leave from an eligible employee if the eligible employee fails to return to work after said employee's FMLA leave entitlement has been exhausted or expires, unless the reason the eligible employee does not return is due to:

- a. The continuation, recurrence, or onset of a serious health condition which would entitle the employee to leave under FMLA; or
- b. Other circumstances beyond the employee's control

(5) Notice: An eligible employee shall provide the Village with at least thirty (30) days' advance notice before FMLA leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or of a family member. If thirty (30) days' notice is not practicable, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice shall be given as soon as practicable.

(6) Intermittent, Reduced Schedule Leave: When FMLA leave is taken to care for a sick family member or for an eligible employee's own serious health condition, such leave may be taken intermittently or on a reduced leave schedule when medically necessary. If an eligible employee requests intermittent leave or leave on a reduced leave schedule that is foreseeable based on a planned medical treatment, including during a period of recovery from a serious health condition, the Village may require the eligible employee to transfer temporarily to an available alternative position, with equivalent pay and benefits, for which the eligible employee is qualified and which better accommodates recurring periods of leave than does the eligible employee's regular position.

(7) Certification: An eligible employee's request for FMLA leave to care for the employee's seriously ill spouse, son, daughter, or parent, or due to the employee's own serious health condition that makes the employee unable to perform the functions of the employee's position, shall be supported by a certification issued by the health care provider of the employee (where FMLA leave is requested due to employee's own serious health condition) or the health care provider of the employee's ill family member (when FMLA leave is requested to care for such seriously ill family

member). Such certification shall be made on a form provided by the Village and shall contain such information as is permitted by the FMLA. At such time as an eligible employee requests FMLA leave, the Village shall tender the medical certification form to said employee. Said medical certification form shall be returned to the Village within fifteen (15) calendar days.

(8) Documentation Military: Employees requesting Call to Duty leave must provide proof of the qualifying family member's call-up or active military service. This documentation may be a copy of the military orders or other official Armed Forces communication. Employees requesting ~~Service member~~[Service member](#) Care Leave must provide documentation of the family member's or next-of-kin's injury, recovery or need for care. This documentation may be a copy of the military medical information, orders for treatment, or other official Armed Forces communication pertaining to the ~~servicemember's~~[service member's](#) injury or illness incurred on active military duty.

(9) Reinstatement: On return from an FMLA leave, an eligible employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

(10) Reinstatement/Fitness for Duty: When an employee has taken FMLA leave because of his or her own serious health condition, the Village may require that the employee undergo a fitness-for-duty certification from a health care provider allowing the employee to return to work and/or perform the essential functions of the employee's job.

(11) Application to Spouses: Spouses working for the Village who are eligible for FMLA leave shall be permitted to take only a combined total of twelve (12) work weeks of FMLA leave during any calendar year if the leave is taken:

- a. For the birth of a son or daughter or to care for the child after birth;
- b. For the placement of a son or daughter for adoption or foster care, or to care for the child after placement; or
- c. To care for a parent (but not a parent "in law") with a serious health condition

(12) Use of Accrued Benefit Time and Accrual: While on any designated FMLA leave an employee will be required to use available accrued leave time, i.e. sick leave, vacation leave, personal days, comp time, etc. in the order of the employee's preference, if available and in conjunction with the duration of the employee's FMLA leave. Employees will continue to accrue leave time while being paid by the Village through the use of the employee's accumulated leave. If an employee exhausts their accruals during an FMLA leave the employee will no longer be eligible to accrue holiday, sick, vacation or personal leave days and will be responsible for paying directly to the Village any employee portions of health, dental or other benefit deductions.

(13) For FMLA purposes, the Village will define the 12-month leave period as beginning when an employee first uses FMLA leave.

(14) Notice: The Village shall post and keep posted at Village facilities, in conspicuous places where employees are employed, a notice explaining the FMLA's provisions and providing information concerning the procedures for filing complaints of violations of the FMLA with the Wage and Hour Division of the U.S. Department of Labor. The notice shall be posted prominently where it can be readily seen by employees and applicants for employment.

(15) Additional Information: Informational publications describing the FMLA's provisions are on file in the office of the Finance Director and are available for inspection.

(16) Conflicts: To the extent that there may be any conflict between the FMLA and this section, the provisions of the FMLA shall control.

### **7.2 Military Leave**

Any employee of the Village who is a member of any reserve component of the United States Armed Forces, Illinois National Guard or any Illinois State militia, shall be allowed military leave from employment for any period actively spent in military service, including basic training, special or advanced training, whether or not within the State and whether or not voluntary, and annual training.

During these leaves, the employee's seniority and other benefits shall continue to accrue.

During leaves for annual training, the employee shall continue to receive their regular compensation as a public employee. During leaves for basic training and up to 60 days of special or advanced training, if the employee's compensation for military activities is less than their compensation as a public employee, they shall receive their regular compensation as a public employee minus the amount of their base pay for military activities.

Pursuant to Illinois state law, any employee who is a member of any reserve component of the United States Armed Forces, Illinois National Guard or any Illinois State militia and who is mobilized to active duty shall continue during the period of active duty to receive their benefits and regular compensation as an employee minus the amount equal to their military duty base pay. The preceding sentence shall not apply in the event that 20 percent or more of the employees are mobilized to active military duty, as a result of an order of the President of the United States.

Military leave laws are continually changing. To the extent new laws are adopted which provide greater benefits those laws will be applicable.

### **7.3 Unpaid Leave of Absence – Medical Non-Work Related**

In the event an employee is unable to work by reason of illness, injury or other medical reason, the Village may grant a leave of absence without pay. This leave of absence may not exceed nine (9)



months. An employee must exhaust all of their accrued sick, vacation, holiday, personal, compensatory and other leave time prior to being eligible for an unpaid leave of absence. An unpaid leave of absence will run concurrently with FMLA leave.

Availability of an unpaid leave of absence is dependent on staffing and operational needs of the Village. To be eligible an employee must submit a physician's statement showing the nature of the injury or illness and the estimated length of time the employee will be unable to report for work, together with a written request for such leave. Approval must be granted by both the Department Head and the Village Administrator. If granted, an employee must submit a written, updated physician's statement regarding the employee's condition and ability to work at least every thirty (30) days unless exempted by the Village.

Employees on an unpaid leave of absence will not accrue any holiday, sick, vacation, personal or other types of leave during that time. All benefits will be frozen. Employees on an unpaid leave of absence will be required to pay for the full cost, including Village portions, of all insurance benefits including health, dental, life, etc. Benefit costs during a portion of an unpaid leave subject to FMLA will be governed by the Village's FMLA provisions. Failure to pay the full cost for these benefits may result in a loss of coverage if unpaid pursuant to Village or State/Federal law.

Before returning to work from an unpaid leave of absence the Village may require at Village cost a physical examination by a doctor designated by the Village to determine the employee's capacity to perform work as assigned. If an employee does not return to work at the date designated and agreed to by the Village and employee the employee will be deemed to have voluntarily resigned their position with the Village.

Employees may be eligible for disability benefits through the IMRF or Police Pension Fund and are encouraged to consult with the Village's Finance office or pension fund directly.

#### **7.4 Unpaid Leave of Absence – Non-Medical**

In the event an employee wishes to take an unpaid leave of absence for non-medical reasons the employee may do so for a period not to exceed six (6) months. An employee must first exhaust all of their accrued vacation, holiday, personal and compensatory time prior to taking an unpaid leave. Sick leave is not eligible to be used for this type of leave.

Availability of an unpaid leave of absence is dependent on staffing and operational needs of the Village, ability of the Village to economically and effectively continue to have the employee's job duties completed during that time, and the reason for the request. Requests should be made far enough in advance to allow the Department Head to consider the request and plan for the temporary absence. To request such a leave, the employee shall submit a written statement to their Department Head. If the Department Head concurs the request will be submitted to the Village Administrator for approval. In considering a request, the Department Head and Village

Administrators have complete discretion to grant or not grant such a request, even if the employee's job duties can effectively be filled during that time.

Employees on an unpaid leave of absence will not accrue any holiday, sick, vacation, personal or other types of leave during that time. All benefits will be frozen. Employees on an unpaid leave of absence will be required to pay for the full cost, including Village portions, of all insurance benefits including health, dental, life, etc. Failure to pay the full cost for these benefits may result in a loss of coverage if unpaid pursuant to Village or State/Federal law.

The Village will attempt to return an employee to their former position or to a similar position when the employee returns from a leave of absence. However, the Village's need to fill a position may override its ability to hold a position open until an employee returns from leave. The Village therefore cannot assure that it will be able to return the employee to any position after the leave of absence is over. If circumstances change during the leave of absence that may impact the ability of the Village to return the employee to their original or similar position the Village may contact the employee as a courtesy to let them know in order to see if the employee may wish to end the leave of absence earlier ~~than~~ than planned.

### **7.5 Jury Duty**

Full-time employees shall be granted paid time off for required jury duty. Employees shall receive that portion of their regular pay equivalent to time normally worked, however, jury duty pay or fees received by the employee shall be paid to the Village. No other expenses will be reimbursed. Regular part-time employees serving jury duty will be compensated by the Village if the days and hours that the employee is serving overlap what would normally be their regular shift during that day.

Employees required to appear before a court for Village-related business shall be paid for their time. However, employees will not be paid to attend or testify at arbitration, grievance or workers' compensation hearings or any actions against the Village unless requested to do so by the Village.

Exempt staff members will be paid their normal salaries during any workweek in which they appear as a witness or juror and also perform services for the Village, regardless of the amount of time spent performing those services.

### **7.6 Victims Economic Security and Safety Act (VESSA) Leave**

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

Family or household member may include those related by blood or by present or prior marriage, or who share a son or daughter) to address domestic or sexual violence if the employee is:

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

“Family or household member” means a spouse, party to a civil union-, parent, son, daughter, and persons jointly residing in the same household whose interests are not adverse to the employee as it relates to the domestic or sexual violence. “Family or household member” may also include those related by blood or by present or prior marriage, or who share a son or daughter.

"Parent" means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter. "Son or daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age, or is 18 years of age or older and incapable of self-care because of a mental or physical disability.

Eligible full and part-time employees shall provide the employee’s Department Head and Village Finance office with at least forty-eight (48) hours advance notice of the employee’s intention to take leave, except in such cases where it is not practicable to provide such notice. The Village will maintain confidentiality of all information pertaining to the leave.

**CERTIFICATION:** The Village may require the employee to provide certification to the Village that:

- A. The employee or the employee’s family or household member is a victim of domestic or sexual violence; and
- B. the leave is for one of the purposes enumerated in the above “Basis” paragraph.

The employee shall provide such certification to the Village within a reasonable period after the Village requests certification.

An employee may satisfy the above certification requirement by providing to the Village a signed and dated statement of the employee, and upon obtaining such documents the employee shall provide:

- A. documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee or the employee's family or household member has sought assistance in addressing domestic or sexual violence and the effects of the violence;
- B. a police or court record; or
- C. ~~other~~[Other](#) corroborating evidence.

VESSA leave will run concurrently with any other applicable leave, such as FMLA, when the leave qualifies under both Acts. Employees may, but are not required to, use accrued leave to substitute for unpaid leave while on VESSA leave. Leave may be taken intermittently.

**LOSS OF- BENEFITS:** The taking of leave under this policy shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

However, the employee is not entitled to:

- The accrual of any seniority or employment benefits during any period of leave; or
- ~~any~~[Any](#) right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

**REPORTING TO THE VILLAGE:** The Village may require an employee on leave under this policy to report periodically to the Village on the status and intention of the employee to return to work.

**MAINTENANCE OF HEALTH BENEFITS:** Except as provided under "Loss of Benefits," during any period that an employee takes leave under this policy, the Village shall maintain coverage for the employee and any family or household member under any group health plan for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave.

**FAILURE TO RETURN FROM LEAVE:** The Village may recover the premium that the Village paid for maintaining coverage for the employee and the employee's family or household member under such group health plan during any period of leave under this policy if:

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

The Village may require an employee who claims that the employee is unable to return to work because of a reason described in (I) or (II) above to provide, within a reasonable period after making the claim, certification to the Village that the employee is unable to return to work because of that reason.

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

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

**NONDISCRIMINATION** : The Village will not discriminate or otherwise harass or retaliate against any employee with respect to the compensation, terms, conditions or privileges of employment because the individual is or is perceived to be a victim of domestic or sexual violence; attended, participated in, prepared for, or requested leave to attend, participate in, or prepare for a criminal or civil court proceeding relating to an incident of domestic or sexual violence of which the individual or a family or household member was a victim; or requested an adjustment to a job structure, workplace facility, or work requirement, including a transfer, reassignment, or modified schedule, leave, a changed telephone number or seating assignment, installation of a lock, or implementation of a safety procedure in response to actual or threatened domestic or sexual violence; or the workplace is disrupted or threatened by the action of a person whom the individual states has committed or threatened to commit domestic or sexual violence against the individual or the individual's family or household member.

**REASONABLE ACCOMMODATIONS:** Within the provisions of VESSA, a reasonable accommodation will be made for a qualified employee or applicant when there are limitations resulting from circumstances that relate to being a victim of domestic or sexual violence or a family or household member being a victim of domestic or sexual violence. Reasonable VESSA accommodations may include adjustment to a job structure, workplace facility, or work requirement, including transfer, reassignment, or modified schedule, leave, a changed telephone number or seating assignment, installation of a lock, or implementation of a safety procedure” in response to an actual or perceived threat. ~~assistance~~[Assistance](#) in documenting domestic or sexual violence that occurs at the workplace or in a work-related setting. Employees are required to provide the same certification for an accommodation request as for that of a leave request.

### **7.7 School Visitation Rights Act Leave**

In accordance with the State School Visitation Rights Act the Village will allow eligible employees unpaid leave of up to a total of eight (8) hours during any school year, no more than four (4) hours of which may be taken on a given day, to attend school conferences or classroom activities related to the employee's child if the activities cannot be scheduled during nonworking hours. An employee must have used all accrued vacation, compensatory time, holiday time or personal time before being eligible for unpaid leave. An employee shall submit documentation of

the activities to their Department Head in order to substantiate the visit if using unpaid leave provided under this section.

### **7.8 Blood/Organ Donation Leave**

Employees may be eligible to take leave for blood or organ donation. Employees should consult with their supervisor for more information.

### **7.9 Voting Rights Act**

Employees may be eligible for leave to vote on Election Day for up to two (2) hours if the beginning or ending of their shift is less than two (2) hours from when polls open and when polls close. Requests for leave must be made the day before Election Day and are subject to other requirements per State law.

## **CHAPTER 8 DISCIPLINE, GRIEVANCES, TERMINATION OF EMPLOYMENT AND REDUCTION IN FORCE**

### **8.1 Purpose**

Discipline refers to any oral and/or written reprimand, suspension without pay, demotion or dismissal depending on the seriousness of the violation and the incidence of prior violations. Discipline is generally progressive in nature, applying an increasingly severe penalty. Steps emphasize interaction between the employee and the Department Head providing opportunity for correction of the inappropriate conduct while making the employee sufficiently aware of the consequences of the violations. Nothing precludes a supervisor or Department Head from deviating from progressive disciplinary action if the extent and seriousness of the incident so warrant. Normal progressive disciplinary procedures do not alter or limit the at-will employment relationship between the Village and the employee.

### **8.2 Scope**

Sworn full-time police employees are subject to the disciplinary rules and regulations of the Police Commission. In situations where conflicts between rules and steps in this section and those existing in collective bargaining agreements exist the rules and regulations in collective bargaining agreements will take precedence.

### **8.3 Reasons for Discipline**

The following violations shall be considered as the basis for disciplinary action. This list should not be considered an all-inclusive list of the types of conduct subject to disciplinary action.

1. Unsatisfactory work performance as determined by the employee's Department Head through formal or informal evaluation.
2. Incompetence or inefficiency in performance of job duties, failure to perform the duties of the position as assigned, or false representation to a supervisor as to the quality and/or quantity of work performed.
3. Abusive attitude and/or language to another employee, supervisor, member of the public, or abusive conduct resulting in physical harm or injury to another employee, supervisor or the public.
4. Insubordination, including the violation of any regulation, order, rule or direction given by an employee's supervisor.
5. Violations of the Village's anti-harassment, workplace violence, sexual harassment or any other policy or regulation established by the Village.
6. Unauthorized possession of a firearm, weapon, explosives or other dangerous object or substance on Village premises.
7. Possession or use of alcohol or illicit drugs during working hours.

8. Consuming intoxicants while off duty to the extent evidence of such consumption is apparent when reporting for duty or to the extent that ability to perform duty is impaired.
9. Negligence of misconduct resulting in damage to public property.
10. Abuse of any sick leave or other leave policies, falsifying or misrepresenting reasons for an absence from work.
11. Excessive absenteeism or tardiness.
12. Using scheduled work time for activities other than job performance unless permission has been granted.
13. Theft or attempted theft of property from the Village, fellow employees, residents, visitors or others on Village property.
14. Unauthorized use or misuse of the Village's information technology resources for personal use.
15. Damage, destruction or misuse of Village property.
16. Falsification or fraud in securing employment with the Village.
17. Falsifying or misrepresenting timesheets, records, medical forms or other documents.
18. Preparing fraudulent statements or actions involving Village records or business activities
19. Unauthorized solicitation or acceptance of a fee, gift, tip or loans from a prohibited source, violations of the State Gift Ban Act or Village policies regarding acceptance of gifts.
20. Unauthorized absences from one's shift or assigned work area.
21. Failure to follow safety rules and regulations established through industry standard, Village policy or departmental rules.
22. Participation during working hours in political support, fund-raising or other activities prohibited by the Village.
23. Working overtime without first having said overtime authorized and pre-approved by the responsible supervisor or Department Head.
24. Involved in criminal or illegal activity in the performance of the employee's duties.
25. Any other activity that is unlawful, unethical or in violation of federal, state or local rules and/or which is damaging to the reputation of the Village, compromises the public health, safety and welfare or frustrates the purposes of the Village and its service to the public.

These examples are provided for illustrative purposes only and should not be construed to be an exhaustive list of all prohibited conduct. Engaging in any one of these activities may subject the offending employee to discipline up to and including termination.

#### **8.4 Types of Disciplinary Actions**

Disciplinary action may include but is not limited to the following. A number of factors are considered in determining the appropriate disciplinary step to be taken as a corrective measure. At all times, management retains the discretion to determine the appropriate level of discipline.

##### **Verbal/Written Reprimand**

Ordinarily, the first course of disciplinary action is a verbal reprimand given by the appropriate level of management. At this level the employee should be made aware of the problem and the



manner in which problem can be solved and corrective action implemented. Documentation of the reprimand should be made and placed in the employee's personnel file.

#### Written Letter of Warning

Recurrence of an incident or a more serious initial violation will necessitate the issuance of a written letter of warning. This letter, given by the supervisor or Department Head to the employee, shall include a description of the incident and circumstances, what corrective action is needed to be taken by the employee, and what the consequences may include for future incidents. The supervisor or Department Head shall meet with the employee to discuss the incident and written acknowledgment from the employee shall be requested. A copy of the written warning shall be placed in the employee's personnel file.

#### Suspension

An employee may be suspended without pay upon the recommendation of the Department Head and approval by the Village Administrator. Typically, suspensions will range from one (1) day to no more than five (5) days. Violations of a serious nature or repeated violations previously disciplined may result in a longer suspension. The Department Head recommending a suspension will prepare a written summary documenting the incident and meet with the employee to discuss the incident, length of the suspension and corrective action needed to be taken by the employee. The employee will be afforded the opportunity to respond and present facts or other information regarding the incident. A copy of all documentation relating to the suspension shall be placed in the employee's personnel file.

#### Termination

Upon recommendation from the Department Head and approval by the Village Administrator the Village may terminate an employee's employment after approval of the termination has been consented to by the Village Board. A letter outlining the reasons for termination will be given to the employee along with the effective date of termination. The employee will meet with the Department Head and Village Administrator to discuss the reasons for the termination.

#### Administrative Leave

The Village may place an employee on paid administrative leave, with or without notice, to permit the Village to review or investigate actions, including but not limited to, dishonesty, theft or misappropriation of Village funds and/or property, violence on the job, gross safety negligence or acts endangering others or any other conduct which warrants removing the employee from the work site. Administrative leave must be approved by the Village Administrator upon recommendation from the Department Head. The employee will be provided written notification and directed to cooperate with the investigation during the leave. Upon conclusion the employee may be returned to normal work status, suspended or discharged in accordance with the procedures of this chapter.

### Immediate Removal of an Employee from Workplace

If in the opinion of a responsible supervisor or Department Head an employee has committed an action(s) that due to the health, safety or welfare of other employees or the public is so egregious that the continued presence of the employee would cause ongoing threats to the health, safety and welfare or continued disruption of the workplace the employee may be ordered to immediately leave the workplace prior to the end of their shift without pay. The employee being so ordered shall be informed of the reasons for the removal from the workplace. In such situations the Department Head and Village Administrator should be immediately notified of the incident.

## **8.5 Complaint and Grievance Procedure**

If an employee wishes to appeal a suspension or dismissal or voice a complaint or grievance concerning employment terms, conditions, practices or other matters related to the employee's job the following procedures should be used.

### Step 1

The employee should meet with their immediate supervisor and discuss the issue within the three (3) days of the occurrence, providing written documentation where appropriate. The immediate supervisor will review the issue and respond to the employee within three (3) working days in writing.

### Step 2

If the matter is not settled to the employee's satisfaction in Step 1 then then employee should describe the matter either verbally or in writing to the employee's Department Head within three (3) days of receiving the response from Step 1 (if the employee's Department Head was the immediate supervisor in Step 1 then the employee should proceed to Step 3). The Department Head should respond and meet with the employee to discuss the issue and present a written response to the employee within five (5) working days.

### Step 3

If the employee is not satisfied with the response or resolution of the issue the employee should submit a written summary of the issue to the Village Administrator within five (5) working days of receiving the response from the Department Head. The Village Administrator will review the grievance and respond to the employee within ten (10) working days of receipt. The decision or response from the Village Administrator shall be considered final.

### Step 4

Positions that report to the Village Administrator may appeal a suspension or termination to the Mayor.

The Complaint and Grievance Procedure does not alter or limit the at-will employment relationship between the Village and the employee.

## **8.6 Resignation/Retirement**

An employee wishing to resign their employment from the Village in good standing should provide their Department Head with a written notice explaining the reasons for the retirement or resignation, and provide at least ten (10) working days' notice prior to the effective date or active employment ending with the Village. The Department Head shall within twenty-four (24 hours) forward the letter to the Village Administrator and Finance Director. Employees are encouraged to provide more notice to the Village if possible. Employees planning to retire should provide at least thirty (30) days notice to the Village prior to the retirement date.

Upon approval by the Department Head and Village Administrator, the employee may provide less than 10 days' notice and still leave in good standing with the Village. Unless expressly approved by the Village Administrator, an employee must report to work on their last official day of active employment with the Village and may not use accumulated leave time for that day.

An employee considering retirement or resignation should consult with the Finance Department and appropriate pension plan at least thirty (30) days prior to the effective date to consider post-employment benefit issues. A copy of the employee's retirement or resignation letter should be included in the employee's file.

An employee terminating active employment with the Village is responsible for returning all Village-issued property to their supervisor prior to their last day of employment.

Employees shall normally receive their final paycheck including all accrued vacation and compensatory time on the payroll processed which includes the employee's last date of employment.

## **8.7 Exit Interviews**

Any time an employee separates employment with the Village the Department Head should attempt to coordinate an exit interview with the Department Head and Village Administrator. Exit interviews are voluntary on the part of the employee and participation in such does not affect the employee's final compensation, or benefit standing with the Village. Topics to address in the interview include job satisfaction, training, working conditions, compensation, work safety procedures and general suggestions on how to improve the delivery of services to the public served.

## **8.8 Reduction in Force**

If the Village Administrator determines it is necessary to reduce the overall workforce due to lack of work, lack of available funds, or for other reasons the Village may consider the skills, abilities and past work performance of employees in determining the continuing scope and composition of the workforce. Seniority will not have a direct bearing on who is or is not subject to a reduction in the workforce.

If the Village Administrator recommends a reduction in force such reduction shall be brought for Village Board consideration which may include a formal change in authorized staffing levels. Employees who are laid off will be given at least thirty (30) days' notice. Laid off employees, if qualified, will be given preference for open positions that become available within one (1) year of their separation from the Village.

### **8.9 Re-Employment**

Employees terminated for performance reasons or for cause, or employees who do not provide adequate notice of voluntary separation from the Village are not eligible for re-employment.

Employees who voluntarily separate their employment from the Village and leave in good standing are eligible for re-employment through the normal recruitment process. Depending on the length of time that has elapsed since the employee's last day of employment with the Village, the Village Administrator in their sole discretion may provide a returning employee accrual of benefits that is similar to the previous level.

## **CHAPTER 9 GENERAL RULES AND REGULATIONS**

### **9.1 Absence Reporting and Tardiness**

The Village relies on employee's prompt and regular attendance so that work requirements for the Village can be met. If an employee anticipate that they will be late or otherwise absent for the start of their shift the employee must promptly notify their supervisor within one (1) hour of their scheduled start time. Individual departments may set stricter notification requirements at their discretion. Absence without notice is cause for disciplinary action. Tardiness or early departure to or from an employee's assigned work shift is not allowed. Employees are responsible for ensuring that they arrive and be ready to work at the scheduled start time. Excessive tardiness impedes work performance and hurts employee morale. Employees who are tardy will be given a warning. Repeat instances of tardiness will result in a written warning and may be subject to further discipline.

### **9.2 Outside Employment**

Full-time employees of the Village who choose to engage in work outside of the Village must notify their Department Head in writing of the name of the employer, nature of the work to be performed, approximate days and times the work will be performed and any other pertinent information. Outside work is defined as any gainful employment other than the performance of official Village duties including but not limited to self-employment, working for another, employment in the management, operation or direction of a private business including any direct or indirect financial interest in any such business.

Outside work is permitted to the extent that it does not prevent employees from working the designated times and performing the required duties for the Village, devoting their primary interest to the performance of their work for the Village and does not create a conflict between the private interests of the employee and the employee's official responsibility. An employee shall not perform outside work which:

1. Is of such nature that it may be reasonably construed by the public to be an official act of the Village or department thereof.
2. Involves Village facilities, equipment, resources or supplies of any kind.
3. Involves the use of official information not available to the public.
4. Might encourage a belief by the general public that a conflict of interest may exist.
5. The outside work is such that the employee would be expected to do it as part of their regular duties.
6. The work involves management of a business or employment which is closely related to the official work of the employee.
7. The outside work would tend to influence the exercise of impartial judgment on any matter coming before the employee in the course of the employee's official duties.

All written notifications of outside work shall be forwarded to the Village Administrator whether

approved or denied by the Department Head. Notifications shall be placed in the employees file.

The Village Administrator has the right to issue a written directive to the employee denying them the right to engage in outside employment in the event that the employee has failed to notify the Village or if the Village Administrator determines upon reasonable investigation that the work involved is work that the employee is prohibited from performing under any provisions of this section. If an employee engages in prohibited outside employment when it should have been known that such work was prohibited, or if the employee engages in outside work after receipt of a written denial from the Village that employee will be subject to discipline up to and including termination.

### **9.3 Political Activity**

The support or promotion of political activities or interests by Village employees during working hours or with Village resources is strictly prohibited. Employees are prohibited from using Village equipment or resources for political activity at any time whether during working hours or during non-working hours. Employees shall not be in any clothing or uniform that identifies the employee as an employee of the Village while engaging in political activities outside of non-working hours. Employees engaging in political activity shall not represent that such activity is on behalf of the Village or otherwise represent themselves as an agent of the Village.

No employee is required or expected to contribute money or volunteer personal time to any candidate or political party, or referendum supporters or opponents except on a purely voluntary basis.

### **9.4 Use of Village Vehicles and Equipment**

#### **General Use**

Village owned vehicles, equipment, tools, supplies and other apparatus are provided by the Village to enable employees to perform the duties and tasks required of them in a professional, efficient and effective manner. Unauthorized and/or private use of Village-owned property is prohibited. Violations of this section may result in disciplinary action, dismissal, legal action and/or criminal liability. Theft of Village property is cause for dismissal. Employees must promptly report any accident, breakdown or malfunction of equipment of systems. Carelessness or negligence in the handling of such items is not acceptable behavior and, following review, employees may be subject to disciplinary action.

#### **Village Vehicles**

In order to operate a Village vehicle an employee must possess the appropriate valid driver's license. In the event an employee's driver's license is suspended, revoked or any restrictions placed on it the employee must notify the Department Head within one (1) day or before operating any Village vehicles. Village vehicles may not be taken home unless authorized by the Department Head or Village Administrator. Employees who are assigned a Village vehicle for transportation

to and from work may be subject to taxes on the personal use of that vehicle based on current IRS standards. Any change in the personal or commuting use of a vehicle should be immediately reported to the Finance Department so any adjustments can be made. Incidental personal use of a Village vehicle should be kept to a minimum. Questions on the taxability and use should be directed to the Finance Department.

Pursuant to State law, smoking in village vehicles or related equipment is prohibited. When using Village vehicles employees must remember that they are representatives of the Village and their conduct in adhering to the rules of safety and courtesy on the road is a reflection of the entire organization. If any employee is involved in an accident while using a Village vehicle the incident should be appropriately reported to the employee's supervisor (after reporting the incident through 9-1-1 if necessary) and the Finance office.

#### Village Equipment

Village equipment shall not be used for personal use or other unauthorized purposes. This includes the prohibition of washing and any other maintenance work on personal vehicles within Village facilities. Employees shall not use any equipment, supplies, tools or other Village property in the course of secondary employment unless consented to by the Village Administrator.

### **9.5 Electronic Communications and Information Technology Policy**

Village employees are provided with several electronic communications and information technology tools which when used properly support the ability of employees to provide efficient and effective customer service, and which also provide almost instantaneous access to vast stores of information. The Village's investment in these tools has been substantial. Employees are encouraged to use these tools when carrying out their job responsibilities. Careless or inappropriate use of these tools can have dramatic consequences for the other users of the citizens, residents and the Village as a whole.

#### Hands-Free Driving

Pursuant to applicable State law, employees are prohibited from talking on a mobile phone while driving without the use of a hands-free device. Employees are prohibited while driving a Village vehicle from viewing or responding to text messages, accessing applications or any other activities involving a mobile phone that may cause the employee to become distracted while driving. Employees will be solely responsible for any traffic violations resulting from the use of a phone while driving.

#### Acceptable Use of Communication and Work Tools

Communication tools and all messages and information produced or carried by such tools are Village property. Communication tools as well as messages and information are subject to inspection by the Village at all times. These tools include but are not limited to phone, mobile phones, email systems, fax machines, servers, laptops, readers, desktop computers, software, internet access facilities.

Communication tools are to be used to facilitate the business of the Village and assist with both internal and external communications with residents, employees, vendors, consultants, etc. These tools may be used for appropriate Village business uses such as research, updates of business information or news or approved projects. Occasional, personal use of these resources is permitted as long as it does not interfere with the performance of an employee's job, consume significant resources, interfere with the efficient and effective transaction of Village business, increase costs to the Village or interferes with the activities of other employees.

#### Unacceptable Use of Communication and Work Tools

The following activities are deemed unacceptable uses of the Village's communication and work tools:

- Sending chain emails or non-work-related emails with attachments not related to work
- Sending emails, accessing or attempting to access any content that is in violation of the Village's anti-harassment policies including any content that is harassing, embarrassing, sexually explicit, profane, pornographic, obscene, intimidating, defamatory or otherwise unlawful or inappropriate
- Spending excessive amounts of time on the internet not related to the employee's job
- Engaging in chat rooms, playing games, gambling, any illegal activity, searching or attempting to view inappropriate materials, pictures, video, music or video transfer
- Using Village-issued cell phones for excessive personal or non-work-related use

The Village understands that employees have the right to voice or post dissatisfaction with the Village or its management or supervision. However, the Village strongly encourages everyone to discuss any such dissatisfaction with management. **NOTHING CONTAINED IN THIS POLICY IS INTENDED TO RESTRICT AN EMPLOYEE'S RIGHTS AND REMEDIES UNDER AND PURSUANT TO THE NATIONAL LABOR RELATIONS ACT.**

Any user who encounters or receives inappropriate material should immediately delete the materials from the system and inform the sender, if known, that the material is a violation of Village policy. Users are responsible for reporting violations of this policy to their supervisor or Department Head.

#### Other Information Technology Policies

In order to maintain an effective, efficient and safe information technology network and related tools and devices the Village has established the following guidelines for all users to follow:

- No software may be installed or executed on a Village device without the approval of the Information Technology office (IT Office)
- All purchases of IT devices, software, networks and related equipment must be approved by the IT Office.
- Personal devices may not be connected to the Village network unless approved by the IT Office.
- Users may not encrypt or password-protect stored data on the Village's system without



approval of their Department Head and the IT Office. If approved, information in order to decrypt or unprotect data must be made available to the Department Head and IT Office.

- Users are generally prohibited from storing audio, video and picture files or a personal nature on the Village's systems. Incidental file storage of this type is permissible upon approval of the IT Office.
- When conducting Village business users should use Village-issued devices and Village issued email or other official Village accounts and avoid the use of personal accounts where possible. Personal accounts are potentially subject to discovery if Village-related business is transacted through them.

The IT Office may from time-to-time issue information technology policies or directives. Users are responsible for following those policies or directives as they are issued from time-to-time.

#### Professional Representation of the Village

When using email, voicemail, social media or any other form of electronic communication employees should remember that these communications represent the Village and should be written or composed in a professional manner. Users should remember that all Village communications are subject to discovery and inappropriate use or unprofessional composition could damage the Village's reputation and/or possibly increase the Village's or personal liability.

### **9.6 Social Media Policy**

The Village of North Aurora uses social media to disseminate information and communicate with the public in regard to its core services. Examples of social media include but are not limited to Facebook (social networking), YouTube (social networking and video sharing), Flickr (photo sharing) Twitter (social networking and micro blogging), LinkedIn (business networking), [newsmedia](#)[news media](#) comment sharing and/or blogging. Village employees acting as agents of the Village shall adhere to the policies of the Village in regard to the use of Village sponsored and other social media sites in harmony with the jurisdictional and public purposes of the Village. This policy embodies a spirit of trust that the Village of North Aurora has with its staff to protect and evaluate the Village's community reputation as well as ensuring the trust that the community has in the services provided to them. All employees are expected to uphold and reinforce these expectations to avoid conflicts of interest and to protect their own personal and community interests. This policy is not intended to affect employees' rights pursuant to Sections 7 and 8 of the National Labor Relations Act or to inhibit employees' First Amendment rights to address matters of political, social, or community concern.

#### A. Responsibility

1. The Village Administrator is responsible to ensure compliance with this policy. Any questions regarding this policy may be referred to the employee's Department Head.

2. All employees are responsible to know and adhere to the Village policies on use of Social media, and the failure to observe the Village policies on use of social media outlets may result in disciplinary action, up to and including termination.
3. All employees have the affirmative duty to report any abuse, violation of the social media policy to the employee's Department Head immediately. Failure to do so may subject the non-reporting employee to disciplinary action including, but not limited to, termination.
4. This policy shall be read in harmony with any applicable collective bargaining agreement. In case of conflict between this policy and any collective bargaining agreement, the collective bargaining agreement shall take precedence.

#### B. Rules and Procedures

1. The use of social media during Village hours of business, while performing Village responsibilities or otherwise while serving the Village shall be for authorized purposes only. Incidental and occasional personal use may be allowed at the discretion of supervisors as long as it is not excessive or inappropriate; it only occurs during personal time (lunch or other breaks); and does not otherwise violate Village policy and rules. No person shall use social media to the detriment of the Village or expense of the Village except for authorized Village business.
2. The Village imposes no restrictions on employee use of social media during non-Village business hours and on personal time except for the following:
  - a. Employees shall not hold themselves out as representatives of the Village, use their Village titles or speak in an official Village capacity unless specifically authorized to do so;
  - b. Employees are encouraged to not make statements or post content that is disparaging, defamatory or reflects badly on the Village, other employees or Village officials or has a negative impact on the Village. The Village understands that employees have the right to voice or post dissatisfaction with the Village or its management or supervision. However, the Village strongly encourages everyone to discuss any such dissatisfaction with management at any time in the simple hope to address such concerns directly. This policy is not intended to prohibit employees from addressing matters of public concern, to exercise rights protected under federal and state laws with respect to employment, including rights protected under Sections 7 and 8 of the National Labor Relations Act.

3. Use is defined as “excessive” if it interferes with normal job functions, responsiveness, or the ability to perform daily job activities; if it negatively affects public resources such that they are not available for public purposes when needed; or otherwise interferes with official Village services, resources and purposes.
4. Employees should not do the following on social media sites during work hours and/or using Village resources:
  - a. Engage in private or personal activities including, instant messages and chat rooms, except for incidental occasional use on breaks as allowed by supervisors.
  - b. Play games or engage in other recreational activities
  - c. Misrepresent oneself or the Village
  - d. Make false statements about any person or the Village
  - e. Engage in unlawful or malicious activities
  - f. Use abusive, profane, threatening, racist, sexist, or otherwise objectionable language in either public or private messages
  - g. Engage in any prohibited political activity as defined in the State Officials and Employees Ethics Act
  - h. Cause congestion, disruption, disablement, alteration or impairment of the Village’s networks, systems and/or other resources
  - i. Use social media outlets to access, create, view, transmit, or receive racist, sexist, threatening, or otherwise objectionable or illegal material, defined as any visual, textual, or auditory entity, file, or data, is strictly prohibited. An employee who receives harassing/offensive or inappropriate messages should immediately report the incident.
  - j. Engage in any unauthorized use or use that violates the law or any policy, rule or ordinance of the Village
5. Employees must recognize that everything written or received on a social media site is public information. Anyone with access to the web can get access to activity on social media sites. Regardless of how careful employees are in trying to keep them separate, professional and personal lives overlap in the online world.
6. All of the Village resources, including Village computers, networks, and other equipment, are public property. Employees have no expectation of privacy in the use of any Village resources. Village resources may be inspected and reviewed at any time. All social media use, including statements and posts made using Village resources in private emails, messages, chat rooms, etc. are subject to inspection and review.
7. Employees shall conduct themselves in social media forums with an eye to how their behavior or comments might appear if the Village of North Aurora was called upon to defend them as an organization. In other words, employees should not behave any differently online

than they would in any other public setting.

8. Employees shall not speak on behalf of the Village unless expressly or impliedly authorized to do so, whether on Village time or personal time and whether using Village resources or personal resources. If an employee is not authorized to speak on behalf of the Village, then the employee may speak only as an individual providing a personal opinion.
9. All statements made on Village sponsored social media sites and/or made using Village resources may be subject to the Freedom of Information Act and the Local Records Act. Records of all online activities shall be maintained in accordance with the law, and employees shall take no action in violation of the obligations to maintain public records in Keeping with the Local Records Act and make them accessible pursuant to the Freedom of Information Act.
10. Employees shall not disclose and shall keep confidential any Village or other information that is not a public record, that is not otherwise subject to the Freedom of Information Act and for which the law imposes an obligation of confidentiality.
11. Employees shall assume that every communication on a Village sponsored social media site or using Village resources could be treated as a public record and could be revealed to a third party.
12. Employees shall comply with the Village's Communications Services and Equipment Policy.
13. Employees shall give credit for authorship where it is due, and employees shall not use copyrighted material, trademarks or other content of third parties without the necessary permission from the rights holder or otherwise in an unlawful manner. To avoid the appearance of official Village approval, employees shall not use the Village's trademarks or logos, Village titles, the Village name or otherwise create an impression that content is sanctioned by the Village in social media, without authorization.
14. Employees shall not express their personal opinions on Village social media sites, using Village resources on Village time or in a way that may appear to be speaking on behalf of the Village. Employees shall take no actions that are in violation of others' First Amendment rights in respect to Village sponsored social media sites. When acting on behalf of the Village, in furtherance of the employees' official duties or otherwise in any Village capacity, employees shall be respectful of other person's legal right to express opinions, whether those opinions complement or contradict the employees' opinions, and employees shall always be polite and respectful in dealing with others.
15. Employees shall respect the privacy of other employees and persons. Employees shall not share or disclose private information, opinions, beliefs, thoughts or emotions of other employees or persons on Village social media sites or using Village resources. Employees

shall not post pictures, audio, and videos without the permission of those featured in them on Village social media sites or using Village resources.

16. Employees shall not conduct Village or other business communications, internal or external, using social media unless specifically authorized to do so. For example, employees shall not use a Village Facebook or other social media site's e-mail account or messaging function to discuss Village or other business matters. Employees shall only use the employees' official e-mail account for Village business.
17. Employees shall not conduct any business or commercial activity on Village social media sites or using Village resources, and employees shall not use Village social media sites or Village resources in furtherance of any other business or commercial activity except to the extent that it is in furtherance of a Village or other public purpose and only to the extent that the employee is authorized to engage in such activity.
18. Employees shall comply with all applicable laws in respect to use of Village social media sites and Village resources.
19. Employees shall never discuss anything to do with any pending legal matter or case involving the Village in any way, directly or indirectly, on a Village social media site or using Village resources without authorization from the Village Administrator. Employees shall not disclose Village confidential, privileged information or communication at any time, except as authorized to do so with other village employees or agents who also have an obligation to maintain the confidentiality of the privileged information or communication.
20. Employees shall not engage in activity online using social media sites or in other ways, both on an employee's own time and on Village time, using Village resources or other resources, directed toward other employees or the public that would be considered harassing, threatening, or hostile if such activity were engaged in the work environment.
21. Employees shall make no statement about a business or an individual is not readily verifiable by means of a link to a reliable, neutral source with a reputation for fact checking and accuracy.
22. The Village Administrator will designate an employee or employees to serve as social media administrator(s) to oversee and regulate the Village sponsored social media sites.
23. The social media administrator(s) will be responsible for posting information on Village sponsored social media site(s) and other social media sites as representatives of the Village. Such information may include Village events, newsletters, press releases, and other items relevant to the Village and its residents.

24. Department Heads may appoint designated social media users for their departments. Such designated social media users may post department-specific information and answer questions or comments related to the responsibilities of their departments. Each department shall determine the types of information that shall be posted and activity to be conducted on Village and other social media sites from time to time, and such department social media policy shall be approved by the Administrator. Department social media users shall comply with the department social media policy and the general social media policy and shall not deviate from those policies without the approval of the Village Administrator.
25. Employees who fail to conduct themselves in a professional manner, or are found in noncompliance with this policy or with any personnel manual policies, administrative policies, and department rules and regulations, will be subject to corrective action procedures found in the Village's Personnel Policy Manual and/or respective Collective Bargaining Agreement.
- A. Notice of Violations. Employees who observe violations of this policy shall notify their immediate supervisor or shall report the violation to the Village Administrator.
- B. Discipline. Employees who violate this policy are subject to discipline, up to and including termination of employment.
- C. Employee Social Media Account Privacy. The Village recognizes that employees may engage in and own personal social media accounts. No employee shall be requested or required by the Village to do the following:
1. To provide a user name and password to a personal social media account;
  2. To authenticate or access a personal social media account in the presence of a supervisor, a department head or the Administrator;
  3. To invite the Village to join a group affiliated with the employee's personal social media account; or
  4. To join a social media account established by the Village or provide access to the Village with the employee's social media account contact list.
- An employee may not be disciplined and/or retaliated against for refusing to comply with any request outlined in Section 9.6 (E)(1) – (4).
- D. Policy Changes. The Village reserves the right to modify or change the policies set forth above or anywhere else in this Manual to comply with applicable law, to meet changing circumstances or for any reason.

NOTHING CONTAINED IN THIS POLICY IS INTENDED TO RESTRICT AN EMPLOYEE'S RIGHTS AND REMEDIES UNDER AND PURSUANT TO THE NATIONAL LABOR RELATIONS ACT.

### **9.7 Smoke Free Workplace**

Pursuant to the Smoke Free Illinois Act the Village is committed to providing a healthy, comfortable and productive environment for employees and the visiting public.

Smoking is not permitted within any enclosed Village facilities or vehicles. This policy applies to all employees, residents, vendors, contractors and visitors. Smoking is also prohibited within fifteen feet (15') of all entrances to Village facilities both public and employee-only.

Department Heads may designate areas on site where smoking is allowed.

### **9.8 Dress Code**

Employees are expected to be well groomed and dressed in a manner that is suitable to their responsibilities and position. An employee's appearance where appropriate must be business-like and reflect professional standards. Each Department Head will make the final determination on appropriate dress and standards suitable for their Department in keeping with the Village's commitment to presenting a professional appearance to the public and co-workers and in consultation with the Village ~~Administrator~~[Administrator](#).

Upon approval of the Village Administrator, Department Heads may designate a "casual day" for a day of the week (typically a Friday or last day of workweek that the Village offices are open to the public). Casual clothing deserves the same attention to detail as traditional business-like clothing. Casual clothing should be neat and clean, with no tears or frays.

Employees are discouraged from wearing while working or representing the Village any clothing bearing the names or logos of other companies or vendors that have or could potentially have a business relationship with the Village. Clothing bearing the name or logo of associations that the employee belongs to by virtue of their employment with the Village are permissible subject to Department Head standards.

Periodically the Village will provide shirts, jackets or other similar items bearing the identification of the Village. The provision of these items will be subject to necessity and based on the amount in the annual budget.

### **9.9 Sworn Police Uniform Allowance**

The Village will provide a uniform allowance for sworn police personnel not covered by a collective bargaining agreement in the amount of \$850 per year. The allowance will be paid on the employee's first paycheck in June and will be treated as a taxable allowance per IRS rules.

### **9.10 Travel and Expenses for Business Purposes**

Travel and/or Expenses for Business-Related Purposes

Generally, all business-related travel shall be done in the most economical manner as possible, taking into account the length of travel and reasonable steps necessary to make such travel economical. Travel for business-related purposes shall be approved ahead of time and include details on anticipated mileage, dates of travel and estimated expenses which are necessary for employee training, professional development or to carry out the public business, responsibilities or interests of the Village.

Employees attending training or other business related event may be required to return to work if the event length is less than the employee's regular shift. Employees must notify their supervisor if the event lasts less than their full shift or is less than originally planned in order to determine if the employee must return to work. Requests for travel approval and reimbursement shall be submitted to the Village by submitting a form approved by the Village Administrator to their Department Head and are subject to the following Maximum Allowable Expenses:

- Airfare – Employees are expected to obtain the lowest available airfare that reasonably meets business travel needs. Employees are encouraged to book flights at least thirty (30) days in advance to avoid premium airfare pricing. Only coach or economy tickets will be paid or reimbursed. The Employee will pay for the difference between higher priced tickets and coach or economy tickets with personal funds.
- Auto – If a Village-owned vehicle is not available for travel, the Village will reimburse an employee at the current IRS-approved standard mileage rate less normal mileage from the employee's residence to their regular work site.
- Rental Car – Employees shall obtain the lowest reasonable rate for a midsize, non-luxury model.
- Rail or Bus – Employees shall obtain lowest reasonable rate and cost shall not exceed airfare.
- Taxi, Shuttle, Rideshare, or Public Transportation – Actual reasonable rate.
- Meals and Incidentals (M&IE)

A. Employees attending training, conferences or Village-related business events lasting most of the regular work day are not eligible for a lunch meal reimbursement if a lunch meal is provided as part of the event. Exceptions may be approved by the Department Head. If an exception is granted by the Department Head, such reimbursement may not exceed the federal per diem rates for lunch meals as established from time-to-time in that particular location. At no time is alcohol considered an eligible expense for reimbursement.

B. Employees required to attend a conference, training or conduct other Village-related business that requires an overnight stay away from home previously approved by the Department Head are eligible for meal reimbursements. The total amount per day that employees may be reimbursed or may charge expenses will be



the total daily meals and incidental expenses (M&IE) rate based on the federal GSA rate in effect at that time, without limitations per meal. Employees authorized to carry a purchasing card may use their card for such meals in accordance with Village policies. Receipts are required for reimbursement if a village purchasing card was not used. Incidental expenses are eligible expenses within the M&IE rate. The allowable, total reimbursement for the first and last day of an event where travel to and from the event back to an employee's home is involved shall be 75% of the daily M&IE rate. Exceptions must be authorized by the Department Head and Finance Director. At no time is alcohol considered an eligible expense for reimbursement.

C. Employees who request and are approved to attend trainings, professional association meetings, council of government meetings, networking events or other similar events typically coordinated by outside associations or groups where a meal is provided, the cost of such event and meals provided are not subject to the per meal, per diem limits of this policy.

D. Unless limited or restricted elsewhere in the Policy or in another agreement, Department Heads may authorize meals to be provided to employees who are meeting to discuss or conduct Village-related business or other authorized purposes.

- Lodging – Employees will be reimbursed for a standard single-room at locations convenient to the business activity or at the group rate obtained by the event organizer. In the event of a change in plans or cancellation, employees shall promptly cancel reservations in order to eliminate or minimize any cancellation charges that may be incurred by the Village. .
- Vacation and Business Travel - In the event the employee wishes to extend travel on business related purposes for personal reasons, the Village will pay or reimburse an employee only for the amounts specifically related to the business-related travel for the employee.
- Parking – Parking fees at event location will be reimbursed only with a receipt.

Reimbursement or expenses charged to an employee's purchasing card in excess of the above Maximum Allowable Expenses above will only be approved in an open meeting of the Village Board by a majority roll-call vote.

#### Limitations on Charges/Reimbursements

No employee shall be reimbursed or charge to a Village purchasing card for any entertainment expense, unless ancillary to the purpose of the program, event or other official business. For purposes of Section 9.10, "entertainment" includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement.

### Non-Exempt Employee Travel Compensation

Non-exempt employees should keep in mind the following rules regarding compensation for work-related travel that occurs outside of the normal work day or shift:

- An employee driving directly from home to an off-site training, conference or other work-related activity shall be compensated for time travelled less normal home-to-work commuting time.
- An employee travelling as a passenger on an airplane, train, boat, bus, other public transportation or as a passenger in a private automobile is not compensated for time travelled if the travel occurs during non-regular shift hours (applicable to all days in the week) and work is not performed during the travel..
- An employee travelling on Village business involving an overnight stay away from home will be compensated for travel time (with the exception of driving) for travel time occurring during regular shift hours including regular days off.
- An employee travelling on Village business involving an overnight stay away from home will be compensated for all travel time spent driving a vehicle regardless of when the driving occurs.

### **9.11 Workplace Inspection Policy**

The Village wishes to maintain a work environment that is free of illegal drugs, alcohol, unauthorized firearms, weapons, explosives, or other improper materials. To this end, the Village prohibits the possession, sale, transfer or use of such materials on its premises or in Village vehicles. The Village requires the cooperation of all employees in administering this policy.

Desks, lockers and other storage devices may be provided for an employee's convenience but remain the sole property of the Village. Accordingly, if the Village has reasonable suspicion to believe that a workplace inspection is warranted, these storage devices, as well as any articles found within them, may be inspected at any time, with or without prior notice. The inspection must be reasonable at its inception. Any search or inspection of desks, lockers and other storage devices must be approved by a Department Head or the Village Administrator and the search shall be conducted by at least two (2) supervisory personnel.

### **9.12 Gifts and Gratuities**

No Village employee or official shall directly or indirectly solicit, accept, or receive any gift or consideration from any "prohibited source" in violation of any federal or state statute, rule or regulation. This includes the State Officials and Employee Ethics Act (Public Act 93-617) "the Act" and Village Ordinance No. 04-05-10-07 adopting the above Act. Per the Act, the ban also applies to and includes the spouse of and immediate family living with the covered employee or official.

A “prohibited source” is defined as any person or entity, who:

1. Is seeking some sort of official action from the Village (i.e. monetary grant, any sort of license, zoning/planning approval or permit);
2. Does business or seeks to do business with the Village (i.e. contractor, vendor or bidder)
3. Conducts activities regulated by the Village (i.e. liquor licensee, business licensee, public utility or franchisee)
4. Has interest that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

A “gift” means any money, gratuity, tickets, entertainment or travel, hospitality, food or drink, loan, forbearance, clothes, or discounts not generally available to the public or all public employees, or other tangible or intangible items

Exceptions to the Act Provided for in Statute, each of which are mutually exclusive and independent of one another:

1. Opportunities, benefits, and services that are available on the same conditions as for the general public.
2. Anything for which the Village employee or official, or spouse or immediate family member living with the employee or official, pays the fair market value
3. Lawful election contributions or fundraising activities for a candidate or political organization.
4. Educational materials and missions.
5. Travel expenses to meetings to discuss municipal business.
6. Gifts from relatives as defined in the Act
7. Gifts from friends, if it meets the statutory test.
8. Food or refreshments not exceeding seventy-five dollars (\$75) food per person in value on a single calendar day; provided that the food or drink refreshments are consumed on the premises to which they are delivered or from which they were purchased, prepared or catered. *Food items brought to the Village that can be shared with coworkers are acceptable.*
9. Benefits truly resulting from outside business or employment activities if the benefits have not been offered or enhanced due to the employee or official’s role with the Village.
10. Intra and intergovernmental gifts.
11. Bequests, inheritances and other transfers at death.
12. Any item or items from one prohibited source during any calendar year having a cumulative total value of less than one-hundred dollars (\$100).

Employees should also be aware of the following Village rules when considering the appropriateness of a gift offered to or already received by the employee:

1. Gifts or gratuities shall not be accepted if the perceived value is beyond that which suggests more than a social context.
2. Promotional or advertising items of nominal value, including, but not limited to key chains, pens, coffee mugs and calendars are acceptable.
3. Association with current or potential vendors during business meals or business organization meetings is not prohibited, nor is it unethical as long as the employee keeps him/herself free of obligation. Should the current or potential vendor pay for or sponsor the business meal, the amount cannot exceed the limits defined in the State Officials and Employees Ethics Act.
4. Gifts that can be shared such as food are acceptable and shall be shared among co-workers.
5. Cash, gift cards or gift certificates/vouchers are not acceptable. Should an employee receive cash, gift cards or gift certificates/vouchers from a current or potential vendor, the employee shall return the gift politely citing the Village's gift acceptance policy.
6. Personal loans of money or equipment for any employee's personal use are not to be accepted from a vendor conducting or seeking business with the Village.
7. Corporate discounts granted to the Village are acceptable only if they are offered to all Village employees and/or other similar corporate or and governmental clients of the vendor.
8. Local charity/community group gifts – employees may accept gifts from local charity/community groups or similar groups of that nature if the gift is deemed to stem from a personal friendship with the group's members or similar gifts have been given to other members of the local charity/community

If an employee or other individual covered by this policy is given a gift in violation of the Act the gift must be either given back or the gift or cash equivalent must be given to a Section 501 (c) 3 organization.

In addition, confidential information must not be used for the financial advantage of an employee, or an employee's family or friends.

### **9.13 Conflict of Interest**

All Village employees must be alert to avoid any relationship or activity that might be interpreted as a conflict of interest. The Village has and desires to maintain an excellent reputation for integrity and ethics among its employees. Employees are responsible for notifying their Department Head if a potential conflict of interest might exist.

### **9.14 Employee Identification Cards**

All employees who are required to show identification to citizens and the general public in the course of performing their duties are furnished with identification cards. The Department Head is responsible for collecting and destroying an employee's identification card upon termination or

separation of employment with the Village.

### **9.15 Personnel Records**

The Village Administrator shall administer or cause to be administered through his designee personnel files and records. Medical records, if any, will be kept in a separate confidential file.

## **CHAPTER 10 OTHER POLICIES AND INFORMATION**

### **10.1 Employee Safety Program**

#### Objective

The objective of the Village is to prevent injury to employees, prevent damage to property, and prevent lost time accidents, which reduce employees' productivity. The end result of these objectives will contribute directly to better employee relations, greater productivity, and monetary savings.

#### Employee Injury and Accident

Employees should report all accidents and injuries on duty immediately to his/her Department Head regardless of severity and regardless of they are the ones involved in the incident or if they have observed an incident. Employee should refer to the workers' compensation section of this manual for information on reporting and processing workers' compensation incidents.

#### Safety Responsibilities

Department Heads are responsible for the safe operation of his/her respective department. Although employee exposure to safety hazards varies widely among the various Village departments, the Department Head and employees are responsible for providing a clean, safe and healthy work environment. Other responsibilities of Department Heads include:

- Timely report all accidents to the Village's designated risk management coordinator to ensure appropriate coverage and insurance related steps are being taken.
- Personally review all accidents to ensure that the cause of the accident is being investigated and proper corrective action is being taken.
- When new operations, tools, equipment or materials are introduced within the department, the Department Head shall see that all safety precautions will be followed for their safe use.
- Arrange for periodic safety inspections in coordination with the risk management representative and follow up on all suggestions made by that representative.
- Disciplining employees who fail to follow safe work policies and procedures.
- Identify training opportunities either through the Village's risk management program or otherwise that will enhance employee awareness about safe work environments.
- Regularly train all employees on the safe use of equipment, tools, vehicles and other work practices.
- Ensure that all equipment, tools, vehicles, protective devices and other items are properly maintained, utilized and tested.

Employees of the Village are the key to ensuring that services can be provided in not only an efficient and effective manner but in a manner that ensure the safety and well-being of employees, residents, contractors, visitors, etc. Employees are responsible to:

- Follow Village and Departmental policies and procedures regarding safety
- Report all accidents, injuries, damage to property, equipment or third-party property or equipment immediately to the employee's supervisor
- Keep work areas clean and orderly at all times and where required protective equipment
- Only operate equipment for which proper training has been provided and authorization to use been provided
- Promptly report to the supervisor any unsafe working conditions, unsafe work practices exhibited by other employees, potential violations of OSHA policies or procedures or violations of departmental safety policies and procedures

#### Employee Safety Committee

The Village may establish an employee safety committee whose membership will be determined by the Village Administrator and coordinator of the risk management activities of the Village. The purpose of the Committee will be to review actual claim history, review areas of concern brought to the attention of management regarding employee safety, suggest ways to incentivize safe working habits and actions for all employees, and discuss other related matters as appropriate.

### **10.2 Litigation Involving Village Employees**

Any employee of the Village who receives a summons, notice or complaint alleging any claim or cause of action arising as a result of the performance of official duties as an employee of the Village shall immediately notify their supervisor and Department Head who will forward said notice to the Village Administrator and Finance Director.

The documentation will then be sent to the Village's insurance carrier who will determine if the carrier will undertake the defense of the employee and provide coverage for any damages resulting from the claim or cause of action under the terms of the Village's policy. If the Village's carrier determines that the alleged claim or cause of action does not result in a circumstance included in the Village's coverage then the Village Administrator shall determine with the consultation of the Village attorney whether the claim or cause of action did in fact arise as the result of the legitimate and reasonable performance of official duties. If determined in the affirmative and with the consent of the employee the Village shall undertake the defense of said claim or cause of action at Village expense, and in the event that a judgment is entered against said employee in the cause of action the Village shall indemnify the employee from any portion of the judgment not satisfied by the Village's insurance carrier.

### **10.3 Freedom of Information Act (FOIA) Policy**

The Village of North Aurora FOIA officers shall inform employees or elected officials when a FOIA request is received which requests personal information about such employee or official, along with the date the request was received and who the request is from.

## **10.4 Identity Protection Policy**

The Village of North Aurora adopts this Identity-Protection Policy pursuant to the Identity Protection Act. 5 ILCS 179/1 *et seq.* The Identity Protection Act requires each local and State government agency to draft, approve, and implement an Identity-Protection Policy to ensure the confidentiality and integrity of Social Security numbers agencies collect, maintain, and use. It is important to safeguard Social Security numbers (SSNs) against unauthorized access because SSNs can be used to facilitate identity theft. One way to better protect SSNs is to limit the widespread dissemination of those numbers. The Identity Protection Act was passed in part to require local and State government agencies to assess their personal information collection practices, and make necessary changes to those practices to ensure confidentiality.

### **SECTION 1: Social Security Number Protections Pursuant to Law**

Whenever an individual is asked to provide their SSN, the VILLAGE shall provide that individual with a statement of the purpose or purposes for which the VILLAGE is collecting and using the SSN. The VILLAGE shall also provide the statement of purpose upon request. That Statement of Purpose is attached to this Policy.

### **SECTION 2: Prohibited Activities:**

- A) The VILLAGE shall not:
- 1) Publicly post or publicly display in any manner an individual's SSN. "Publicly post" or "publicly display" means to intentionally communicate or otherwise intentionally make available to the general public.
  - 2) Print an individual's SSN on any card required for the individual to access products or services provided by the person or entity.
  - 3) Require an individual to transmit a SSN over the Internet, unless the connection is secure or the SSN is encrypted.
  - 4) Print an individual's SSN on any materials that are mailed to the individual, through the U.S. Postal Service, any private mail service, electronic mail, or any similar method of delivery, unless State or federal law requires the SSN to be on the document to be mailed. SSNs may be included in applications and forms sent by mail, including, but not limited to, any material mailed in connection with the administration of the Unemployment Insurance Act, any material mailed in connection with any tax administered by the Department of Revenue, and documents sent as part of an application or enrollment process or to establish, amend, or terminate an account, contract, or policy or to confirm the accuracy of the Social Security number. A SSN that is permissibly mailed will not be printed, in whole or in part, on a postcard or other mailer that does not require an envelope or be visible on an envelope without the envelope having been opened.



- B) In addition, the VILLAGE shall not:
- 1) Collect, use, or disclose a SSN from an individual, unless:
    - i. Required to do so under State or federal law, rules, or regulations, or the collection, use or disclosure of the Social Security number is otherwise necessary for the performance of the VILLAGE's duties and responsibilities.
    - ii. the need and purpose for the SSN is documented before collection of the SSN;  
and
    - iii. the SSN collected is relevant to the documented need and purpose.
  - 2) Require an individual to use his or her SSN to access an Internet website.
  - 3) Use the SSN for any purpose other than the purpose for which it was collected.
- C) The prohibitions in Section B above do not apply in the following circumstances:
- (1) The disclosure of SSNs to agents, employees, contractors, or subcontractors of a governmental entity or disclosure by a governmental entity to another governmental entity or its agents, employees, contractors, or subcontractors if disclosure is necessary in order for the entity to perform its duties and responsibilities; and, if disclosing to a contractor or subcontractor, prior to such disclosure, the governmental entity must first receive from the contractor or subcontractor a copy of the contractor's or subcontractor's policy that sets forth how the requirements imposed under this Act on a governmental entity to protect an individual's SSN will be achieved.
  - (2) The disclosure of SSNs pursuant to a court order, warrant, or subpoena.
  - (3) The collection, use, or disclosure of SSNs in order to ensure the safety of: VILLAGE employees, persons committed to correctional facilities, local jails, and other law-enforcement facilities or retention centers; wards of the State; and all persons working in or visiting a VILLAGE facility.
  - (4) The collection, use, or disclosure of SSNs for internal verification or administrative purposes.
  - (5) The disclosure of SSNs by a State agency to any entity for the collection of delinquent child support or of any State debt or to a governmental agency to assist with an investigation or the prevention of fraud.
  - (6) The collection or use of SSNs to investigate or prevent fraud, to conduct background checks, to collect a debt, to obtain a credit report from a consumer reporting agency under the federal Fair Credit Reporting Act, to undertake any permissible purpose that

is enumerated under the federal Gramm Leach Bliley Act, or to locate a missing person, a lost relative, or a person who is due a benefit, such as a pension benefit or an unclaimed property benefit.

D) Any standards, laws rules or regulations from the VILLAGE, State or federal government or agencies, for the collection, use, or disclosure of SSNs that are stricter than the standards under this policy with respect to the protection of those SSNs, then, in the event of any conflict with the provisions of this policy, the stricter standards shall control.

### SECTION 3: Requirement to Redact Social Security Numbers

The VILLAGE shall comply with the provisions of any other State law with respect to allowing the public inspection and copying of information or documents containing all or any portion of an individual's SSN. The VILLAGE shall redact SSNs from the information or documents before allowing the public inspection or copying of the information or documents.

When collecting SSNs, the VILLAGE shall request each SSN in a manner that makes the SSN easily redacted if required to be released as part of a public records request. "Redact" means to alter or truncate data so that no more than five sequential digits of a SSN are accessible as part of personal information.

### SECTION 4: Employee Access to Social Security Numbers

Only employees who are required to use or handle information or documents that contain SSNs will have access. All employees who have access to SSNs are trained to protect the confidentiality of SSNs.

### SECTION 5: Applicability

This policy does not apply to:

- 1) the collection, use, or disclosure of a SSN as required by State or federal law, rule, or regulation.
- 2) documents that are required to be open to the public under any State or federal law, rule, or regulation, applicable case law, Supreme Court Rule, or the Constitution of the State of Illinois.

### SECTION 6: Embedded Social Security Numbers

Beginning immediately, no officer or employee of the VILLAGE may encode or embed a SSN in or on a card or document, including, but not limited to, using a bar code, chip, magnetic strip, RFID technology, or other technology, in place of removing the SSN as required by this policy.

### SECTION 7: Identity-Protection Requirements

A) All officers, employees and agents of the VILLAGE identified as having access to SSNs in the course of performing their duties are to be trained to protect the confidentiality of SSNs. Training shall include instructions on the proper handling of information that contains social

security numbers from the time of collection through the destruction of the information.

- B) Only employees who are required to use or handle information or documents that contain SSNs shall have access to such information or documents.
- C) SSNs requested from an individual shall be provided in a manner that makes the SSN easily redacted if required to be released as part of a public records request.
- D) When collecting a SSN or upon request by the individual, a statement of the purpose or purposes for which the VILLAGE is collecting and using the SSN shall be provided.
- E) A written copy of this privacy policy, and any amendment thereto, shall be filed with the Village Board within 30 days after approval of this policy or any amendment thereto.
- F) The VILLAGE shall advise its employees of the existence of the policy and make a copy of the policy available to each employee, and shall also make this privacy policy available to any member of the public, upon request. If the VILLAGE amends this privacy policy, then the VILLAGE shall also advise its employees of the existence of the amended policy and make a copy of the amended policy available to each employee.

#### SECTION 8: Violation

Any person who intentionally violates the prohibitions in Section 10 of the Identity Protection Act [Section 2 of this policy] is guilty of a Class B misdemeanor.

#### **10.5 Bereavement Contributions Policy**

In the event of a death of an employee or elected/appointed official's immediate family member, the Village will purchase flowers or make a donation in the memory of the deceased. The value of the donation should typically not exceed one hundred dollars (\$100). For this policy immediate family is defined as spouse, mother, father, brother, sister, grandparent, grandchild, mother-in-law and father-in-law. This also includes "step" relationships.

In the event the bereaved family requests that donations to a charity be sent in lieu of flowers the Village may consider alternate forms of bereavement acknowledgement upon approval by the Village Administrator.

#### **10.6 Solicitation and Distribution of Literature**

Employees shall not solicit other employees for charitable fundraising or selling of items for fundraising during working hours. Bulletin boards, emails and other means of communicating with employees shall not be used for notification, solicitation or displaying of non-work-related items.

### **10.7 Service Recognition**

In order to acknowledge a long-term employee who has provided many years of service to the Village and is retiring or otherwise moving on to another job or career, the Village will contribute towards a luncheon or other event on Village grounds where all employees and other appropriate individuals (vendors, contractors, [and](#) former employees) may attend along with the employee's family.

The following guidelines shall be followed in establishing a contribution policy by the Village:

- Employee with 10 or more years of service the Village will provide food and beverages ~~up to \$750.~~ Employee with 10 or more years of service will also be provided a recognition gift generally no more than \$150.

Costs over and above or other acknowledgement gifts shall be paid for or shared by employees unless otherwise approved by the Village Administrator.