

CHAPTER 11

EMPLOYEE POLICIES

ARTICLE I – PURPOSE

11-1-1 PURPOSE. The purpose of the Employee Code is to implement and maintain a uniform system of employment within all departments of the Village and shall hereinafter be referred to as the "**Code**". The Code is designed to provide employees and management with information pertaining to the employment policies and procedures applicable to all Village employees.

All policies and procedures contained in this Code shall go into effect **January 1, 2017**, immediately upon passage by the Village Board and approved by the Mayor.

All employees shall be required to adhere to the policies and procedures as they are outlined in this Code.

Upon adoption by the Village Board, this Code shall be the nonexclusive policy of all departments of the Village concerning terms and/or conditions of employment.

Nothing in this Code shall in any way affect the Village's and Supervisors' right to develop and disseminate information concerning the operations of any department and employee's job functions, duties and job position description.

All employees shall sign the Employee Notification Letter found in **Appendix "A"** of this Chapter.

ARTICLE II - GENERALLY

11-2-1 DEFINITIONS. The following words shall have the following meanings when used in this Code:

- (A) **Employer.** The term employer, as used in this Code, means the Village.
- (B) **Employee.** The term employee, as used in this Code, means a person working as a volunteer or for remuneration for services rendered to the Village. For purposes of this Code, an Elected Official is not an employee whose personal rights are affected by the Code.
- (C) **Full-Time.** Those employees scheduled to work a minimum of **forty (40) hours** per work week on a continuous basis. Full-time employees are eligible for overtime pay and compensatory time.
- (D) **Employee - Permanent Part-Time.** The term shall mean any person working over **at least thirty (30) hours and less than forty (40) hours** per week.
- (E) **Part-Time.** Those employees scheduled to work less than **forty (40) hours** per work week on a continuous basis. Part-time employees are eligible for overtime pay. The Board may provide for special circumstances for the best interest of the Village.
- (F) **Department.** The term department, as used in this Personnel Code, shall mean the governmental unit for whom the employee is directly working for and rendering services.
- (G) **Superintendent.** The term Superintendent, as mentioned in this Code, means the one individual ultimately responsible for all operations of a department.
- (H) **Immediate Supervisors:**
 - (1) The Mayor is the immediate supervisor of the Village Superintendent, Office Manager and Chief of Police.
 - (2) The Police Chief is the immediate supervisor of the police officers and crossing guard.
 - (3) The Office Manager is the immediate supervisor of the clerical staff.
 - (4) The Village Superintendent is the immediate supervisor of all other employees. **(Ord. No. 857; 10-17-11)**
- (I) **Public Works Employee.** An employee whose primary duties involve working with the utilities, street or park departments. **(Ord. No. 844; 01-03-11)**
- (J) **Special Assignment, Professionals.** Professionals and those employees hired for a specific project for a limited period and may include those hired to fill in summer vacations, illness and the like. Such employees are hired with the understanding that their employment is to terminate upon completion of the project or at the end of the period. Special Assignment may be either full-time or part-time as determined by the requirements of the job. Professional employees are not entitled to overtime and compensatory time, but are entitled to other benefits.

(K) **Special Assignment, Nonprofessional.** Nonprofessional employees are like the special assignment, professional employees except that nonprofessional are entitled to overtime and compensatory time, but not to benefits.

(L) **Volunteers.** Those individuals who accept on an unpaid basis various work assignments for any department. These individuals receive no wages or benefits.

ARTICLE III - HIRING POLICY

11-3-1 REQUIREMENTS. Employment is based on each applicant's qualifications as compared with the requirements of the available position. Consideration is given to ability, experience, education, training and character.

No consideration shall be given to the applicant's political party affiliation or support in regard to any decisions on hiring, promotion, transfer, or recall.

All personnel actions by and employment practices of the Village of Cobden are based solely on merit and fitness – without regard to race, color, religion, sex, age, national origin, or political affiliation.

11-3-2 EMPLOYMENT OF PERSONNEL. The Village Board, with recommendation from the Mayor, shall have the authority to employ the necessary personnel, as authorized by Board action, to perform the necessary duties as assigned. Applicants seeking appointment or employment shall complete a standard application form as provided by the Village. It shall be the duty of the Village Board to determine by the applicant's history whether the applicant has the necessary qualifications for performing the required duties. No employee shall be hired and placed on the payroll and receive fringe benefits until all employment related forms, including but not limited to the employment application form, are filled out and forwarded to the Village Clerk.

11-3-3 PROBATIONARY PERIOD. Upon employment, an employee may serve a probationary period during which there shall be no responsibility on the part of the Village for the continued employment of the new employee. Termination of employment during this probationary period shall not be subject to challenge by the employee. When the probationary period is completed, seniority will date back to the date employee was hired. (#2017-961; 06/19/2017)

11-3-4 RESIDENCE REQUIREMENT. Personnel shall maintain an up-to-date record of residence address with the Village Clerk. (#810; 03/16/2009)

ARTICLE IV - COMPENSATION

11-4-1 PAYCHECKS. Employees shall receive their paycheck on a weekly basis.

11-4-2 COMPENSATION. The basic rate of pay shall be set forth by the Village Board.

11-4-3 OVERTIME. Hours worked in excess of forty (40) hours in any work week shall be paid at overtime rate of one and one-half times straight time rate. Time off for sick leave shall be included as "hours worked" for purposes of calculating and paying overtime compensation. Time off for vacation and holidays is not considered "hours worked", however, the Mayor is authorized to approve overtime pay due to special circumstances when recommended by the department head. A report of such approved overtime will be submitted to the Village Board if requested.

11-4-4 LONGEVITY. Employees shall receive the following recognition for continued employment as follows:

- On the anniversary of five (5) years of employment a one-time payment of \$500.00.
- On the anniversary of ten (10) years of employment a one-time payment of \$1,000.00.
- On the anniversary of fifteen (15) years of employment a one-time payment of \$1,500.00.
- On the anniversary of twenty (20) years of employment a one-time payment of \$2,000.00.
- On the anniversary of twenty-five (25) years of employment a one-time payment of \$2,500.00.
- On the anniversary of thirty (30) years of employment a one-time payment of \$3,000.00.

On the anniversary of thirty-five (35) years of employment a one-time payment of \$3,500.00.

On the anniversary of forty (40) years of employment a one-time payment of \$4,000.00.

Payment will be made on the payday immediately following the anniversary date.

(#2022-1036; 09/19/2022)

ARTICLE V - HOURS OF WORK

11-5-1 WORK DAYS AND WORK WEEK. Unless otherwise agreed upon or provided for and except in case of emergency as determined by the employee's immediate supervisor or Mayor, the municipal work week shall be **forty (40) hours** per week. There shall be provided at least **eight (8) hours** rest in each **twenty-four (24) hour** period. The employee's immediate supervisor shall establish a normal work day specifically designating the starting time, the quitting time, break time, the lunch period and days off. Employees shall be at their places of work according to these departmental regulations. All departments shall maintain an attendance record of employees, and shall furnish reports to the Mayor and Board upon request. **(Ord. No. 513; 12-01-97)**

11-5-2 HOLIDAYS. Holidays to be observed with pay are New Year's Day, Martin Luther King, Jr.'s Birthday, Presidents' Day, Good Friday, Memorial Day, Juneteenth (if it falls on a weekday), Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, the day after Thanksgiving, Christmas Eve, Christmas Day, and employee birthday. **(#2021-1020; 07/06/2021)**

When any such holiday falls on Sunday, the Monday next following shall be observed and considered as such holiday. When any such holiday falls on Saturday, the preceding day (Friday) shall be observed and considered as such holiday, unless the preceding day is also a holiday, in which case the Monday next following shall be observed and considered as such holiday.

If an employee is required to work on a holiday, that employee shall be compensated for overtime pursuant to this section. If a holiday falls on an employee's regular day off, then that employee shall be compensated at his/her regular rate of pay for the number of hours regularly scheduled for that day. However, in the case of public works employees the number of regularly scheduled hours will be earned personal time to be used the day prior to or the day following the holiday as approved by the employee's immediate supervisor. The mayor is authorized to approve overtime pay due to special circumstances when recommended by the department head.

Temporary, part-time, or seasonal employees paid on an hourly basis are excluded from the provisions of this section unless approved by the Village Board.

The School Crossing Guard will qualify for any holidays that occur during the regular school year.

11-5-3 VACATION. Permanent or full-time employees or appointed officials shall be entitled to vacation leave with pay as follows:

end of probationary period – 2 years rate of .0195 per 40 hours worked

anniversary of 3rd – 5 years rate of .0385 per 40 hours worked

anniversary of 6th – 9 years rate of .058 per 40 hours worked

anniversary of 10th – 14 years rate of .077 per 40 hours worked

anniversary of 15th – 19 years rate of .0865 per 40 hours worked

anniversary of 20th year and over rate of .0962 per 40 hours worked

Employees are allowed a maximum of forty (40) hours of earned time per week, which would include all recognized time off, such as, vacation, sick time, approved meetings, etc. If employee does not work full work week or has any unexcused absences, this is subtracted from the forty (40) hours.

Vacation time will not be earned or accumulated while employee is receiving workmen's compensation benefits.

Maximum hours that can be accrued for vacation are one hundred twenty five (125) hours. The Village Superintendent, Police Chief, or Office Manager shall schedule vacations for their respective departments, giving due consideration to seniority rights, the needs of the service and the remaining staff to perform the necessary duties of the department. Vacation time requested forty-eight (48) hours or less before expected absence may be denied.

New employees will not be allowed to use vacation time until their probationary period is ended. Upon completion of the probationary period, the employee will be credited with vacation time earned per hours worked from date of employment plus twenty (20) hours. Employees will be allowed to use earned sick time prior to the end of the probationary period at the discretion of the employee's immediate supervisor. (**#2020-1009; 09/21/2020**)

Employees are required to take at least forty (40) hours of vacation per year. An employee may request that he/she be paid for any remaining vacation time. Payment of accumulated vacation time will be made with the last payroll of March, June, September or December. (**#2017-961; 06/19/2017**)

ARTICLE VI - LEAVES

11-6-1 LEAVE OF ABSENCE; JURY DUTY.

(A) Leave of Absence without Pay. Leave of absence without pay may be granted for a period not to exceed **thirty (30) days** when the granting of such leave is in the mutual interests of the Village and the employee. Such leave shall require approval of the Mayor. Vacation and sick time will not be earned or accumulated while employee is taking a leave of absence. (**Ord. No. 841; 12-20-10**)

(B) Jury Duty. An employee shall be excused from work for days in which the employee serves on Jury Duty. The employee shall receive his regular pay for jury service. The employee shall present proof of jury service and the amount of pay received shall be turned over to the Village Treasurer. The employee shall also turn over to the Village any expense allowances paid by the court, if the jury duty is located at the County Courthouse. If an employee is given an early release from jury duty, the employee shall then report to his or her regular work assignment.

(C) Witness. An employee shall be excused from work when lawfully subpoenaed to serve as a witness. The employee must present written proof of the summons to testify to qualify for an excused absence. Notice to employee's supervisor should be made in advance of appearing in court. An employee's excused absence from work shall be on an unpaid basis, unless the employee's witness activity is work related and the witness activity is requested by the Village. The employee shall turn over to the Village any witness fee when the employee's witness activity is work related. The employee may choose to use a vacation day, if the witness activity is not work-related.

(D) Military Leave.

(1) Any full-time employee of the Village who is a member of any reserve component of the United States Armed Forces or of any reserve component of the Illinois State Militia, shall be granted leave from his or her public employment for any period actively spent in military service, including:

- (a) basic training;
- (b) special or advanced training, whether or not within the State, and whether or not voluntary;
- (c) annual training; and
- (d) any other training or duty required by the United States Armed Forces.

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 his or her regular compensation as a public employee. During leaves for basic training, for up to 60 days of special or advanced training, and for any other training or duty required by the United States Armed Forces, if the employee's daily rate of compensation for military activities is less than this or her daily rate of compensation

as a Village employee, he or she shall receive his or her regular compensation as a Village employee minus the amount of his or her base pay for military service.

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- (2) Any full-time employee of the Village who is a member of the Illinois National Guard or a reserve component of the United States Armed Forces or the Illinois State Militia and who is mobilized to active duty shall continue during the period of active duty to receive his or her benefits and regular compensation as a Village employee, minus an amount equal to his or military active duty base pay.
- (3) In making calculations required under this Section, the Village shall:
 - (a) determine the employee's daily rate of compensation as a Village employee by dividing the employee's regular compensation as a Village employee during the pay period by the number of workdays in the pay period;
 - (b) determine the employee's daily rate of compensation for military activities by dividing the employee's base pay for the applicable military activities by the number of calendar days in the month; and
 - (c) provide for an offset from the employee's gross compensation of the lesser of
 - (i) the amount determined under paragraph (a) of this subsection (3) multiplied by the number of days that the Village employee would have otherwise been required to work for the Village during the pay period or
 - (ii) the amount determined under paragraph (b) of this subsection multiplied by the number of days that the Village employee would have otherwise been required to work for the Village during the pay period. (Ordinance No. 2016-946; 10/03/2016)

11-6-2 UNAUTHORIZED LEAVE OF ABSENCE. No employee may be absent from duty without permission from the Mayor or the employee's immediate supervisor. Absence from duty without permission shall be sufficient cause for disciplinary action as set forth in Section 15-1-9 of the Revised Code of Ordinances. An absence of three (3) consecutive working days without prior notice and without sufficient reason, as determined by the Mayor or the employee's immediate supervisor, shall be considered, for all intents and purposes, as the employee's resignation.

It shall be the employee's responsibility to monitor the amount of available time for leave.

An employee who has no accumulated time off may take a day off without pay after receiving permission from the employee's immediate supervisor. (#753; 10/03/05)

11-6-3 SICK LEAVE; FUNERAL LEAVE.

(A) **Sick Leave.** Permanent or full-time employed personnel shall be entitled to receive pay during unavoidable absence from duty due to employee's sickness or accident; sickness or accident of member of immediate family; or medical appointments. Sick leave shall be accumulated as follows:

$.0462 \text{ (rate)} \times 40 \text{ (hours)} = \text{sick leave earned}$

Employees are allowed a maximum of forty (40) hours of earned time per week, which would include all recognized time off, such as, vacation, sick time, approved meetings, etc. If employee does not work full work week or has any unexcused absences, this is subtracted from the forty (40) hours.

Sick leave and sick pay shall not accumulate to more than two thousand eighty (2,080) hours. A maximum of three hundred sixty (360) hours are allowed to be used annually for sick leave.

Sick time will not be earned or accumulated while employee is receiving workmen's compensation benefits. (#842; 12/20/2010)

An absence of more than two (2) working days may require a slip from a physician attesting to the ability of the employee to return to work.

The amount received by personnel entitled to receive payment under the Workmen's Compensation Act shall be deducted from allowed sick pay.

When using sick time, the employee must advise their immediate supervisor prior to the scheduled start of the work day on the day the employee is to be absent. Record of time off will be noted on the employee's time sheet and initialed by the immediate supervisor. Failure to comply with the above procedure will result in loss of pay following review by the Village Board.

Abuse of sick time shall be handled by the Mayor.

(B) **Funeral Leave.** An employee may be absent up to three (3) days with pay for attendance at a funeral of a member of the immediate family or household. Immediate family is defined as spouse, child, parent, brother, sister, grandparent, and corresponding in-laws. Household is defined as anyone maintaining a family relationship living in the employee's home. An employee may be absent for

one (1) day, with pay, to attend the funeral of a relative outside the immediate family or household. A report of absence must be completed defining the relationship of the deceased person prior to approval of

funeral leave. When it is necessary to be absent beyond the above amounts, accrued sick leave or vacation benefits may be used. (#351; 04/15/91)

ARTICLE VII - MISCELLANEOUS BENEFITS

11-7-1 INSURANCE. Insurance will be provided on the following basis:

(A) **Medical and Dental Care Insurance.** All full-time employees are covered by a medical and dental plan provided by the Village through a commercial insurance carrier.

(B) **Other Insurance Types.** All Village employees are additionally covered by the following:

- (1) Social Security legislation and salary deductions shall be made for Social Security purposes in accordance with the law.
- (2) Workers' Compensation Act, **(820 ILCS 305/1 et seq.)** Any work-related injury or illness must be reported to the employee's supervisor within **twenty-four (24) hours** of the injury or onset of illness.
- (3) Unemployment insurance, the costs of which shall be paid by the Village.

11-7-2 DEATH BENEFITS. Each employee shall fill out a designation of beneficiary form. Upon the death of an employee, the designated beneficiary shall be entitled to receive from the appropriation for personal services theretofore available for payment of the employee's compensation, such sums for any accrued vacation period to which the employee was entitled to at the time of death.

Upon the death of an employee, the estate shall receive any unpaid compensation, accrued overtime, or other benefits the employee would have been allowed had the employee survived.

Family members of deceased employees should contact the Village Clerk's Office for explanation of any further benefits the family members or the estate of the deceased employee may be entitled to.

11-7-3 TRAVELING EXPENSE.

(A) **Definitions.**

"Entertainment" includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless ancillary to the purpose of the program or event.

"Public Business" means expenses incurred in the performance of a public purpose which is required or useful for the benefit of the Village to carry out the responsibilities of Village business.

"Travel" means any expenditure directly incident to official travel by employees and officers of the Village or by wards or charges of the Village involving reimbursement to travelers or direct payment to private agencies providing transportation or related services.

(B) The Village shall only reimburse the following types of travel, meal, and lodging expenses incurred by its employees and officers up to the following maximum allowable amounts:

In the event that meals and/or lodging are not provided as part of the meeting package, the Village will pay the following maximums:

- \$12.00 for breakfast
- \$15.00 for lunch
- \$20.00 for supper
- \$150.00 per night for lodging

If an employee is required to drive their personal vehicle for Village business they shall be reimbursed at the rate of sixty cents per mile. In the event that a Village-owned vehicle is not available and more than one employee is attending the meeting, the Mayor will designate the employee to receive mileage payment and the designated vehicle.

No reimbursement of travel, meal or lodging expenses incurred by a Village employee or officer shall be authorized unless receipts have been submitted and approved.

Expenses for travel, meals and lodging of: (1) any officer or employee that exceeds the maximum reimbursement allowed under the regulations adopted under Paragraph (B) of this Ordinance or (2) any member of the corporate authorities of the Village may only be approved by roll call vote at an open

meeting of the corporate authorities of the Village. However, in the event of an emergency or other extraordinary circumstances, the corporate authorities may approve more than the maximum allowable expenses set forth above.

The Village shall not reimburse any elected official, employee, or officer for any activities which would be considered entertainment. Activities which would otherwise be considered entertainment, but which are excluded from the prohibition on reimbursement due to being ancillary to the purpose of the program or event, may be reimbursed in accordance with the provisions of this Ordinance. (**Ordinance No. 2022-1037, 12/19/2022**)

11-7-4 ILLINOIS MUNICIPAL RETIREMENT FUND. The Village will participate in contributions for all eligible employees to the Illinois Municipal Retirement Fund. The Village shall follow all guidelines of IMRF in order to protect the benefits of the employees.

ARTICLE VIII - REGULATIONS AND RESTRICTIONS

DIVISION I - GENERAL

11-8-1 ACCIDENTS/INJURIES. Personnel involved in, or having any knowledge of any accident whereby any person employed by the Village or any property or equipment owned or operated by the Village is involved, shall immediately report the accident and pertinent information to the employee's immediate supervisor and the Village Clerk who shall forward such information to the office of the Mayor.

The Clerk shall record the information on the applicable accident form to be forwarded to the insurance carrier. Anytime an employee is involved in an automobile accident with a Village automobile or in a personal automobile while on Village business, the employee shall notify his or her Supervisor immediately with all pertinent information including whether personal injury is involved and whether any traffic citations were issued. All Supervisors shall within **twenty-four (24) hours** notify the Village Attorney if any traffic citations were issued to a Village employee and shall provide the Village Attorney with a copy of the citations. An employee is obligated to cooperate with the Village and any of the Village's legal representatives regarding the accident and any citations that may have been issued.

11-8-2 APPEARANCE. Neatness and good taste in dress, as well as care toward personal hygiene, are expected of all employees. For safety and hygienic purposes, employees will be required to comply with any appropriate dress code that is set forth by the Village Superintendent, Police Chief or Village Board during the performance of their duties.

Full-time employees must wear uniforms as provided by the Village at all times while on duty for the Village including weekend and holiday duty. Employees are not permitted to wear provided uniforms while not on duty.

Employees may be requested to change inappropriate dress, and work lost while doing so will not be compensated by the department. Employees may be evaluated on their dress and appearance. The Police Chief or Village Superintendent is the only individual of each department who may make exceptions to the dress code.

The Village will provide the following for Public Works employees: uniform shirts, jacket/coat, blue jeans five (5) pairs (per year – maximum \$25 each), work boots (maximum \$150 every two years). The Village Superintendent will determine the need to replace shirts and jackets or coats.

The Village will provide the following for Police Officers: uniform shirts, pants, jacket/coat, protective vest and duty boots (maximum \$150 every two years). The Police Chief will determine the need to replace shirts and jackets or coats. (#2019-987; 04/01/2019)

11-8-3 USE OF DEPARTMENT PROPERTY. All department property and equipment entrusted to any employee will be used in accordance with the property's prescribed function. All damage through recklessness, gross negligence, intentional act, deliberate misuse, or theft shall be replaced and paid for by the employee committing the violation. Such replacement of property by the employee shall not be considered the exclusive remedy against the employee, and the employee may still be subject to discipline. All department property, personal lockers, and personal offices are subject to search and

seizure. All department property shall be inspected by the employee's immediate supervisor prior to issuance of the property.

No department property shall be used for private or unauthorized purposes. All employees are required to return all department property or equipment in their possession upon separation, promotion, and/or transfer.

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11-8-4 CORRESPONDENCE AND COMMUNICATIONS. No employee shall use their official position, engage in official transactions or business to harass any individual or to secure a benefit for himself or other individuals. Courtesy should be given in all communications and correspondence, and all employees should refrain from unnecessarily criticizing any individuals or agencies concerning official transactions or business.

11-8-5 SMOKING. Smoking by Village employees shall not be allowed during working hours.

11-8-6 RELATIONS WITH CREDITORS. The Village shall charge employees any authorized costs when making wage deduction pursuant to court order or State or Federal statutes.

11-8-7 POSSESSION OF FIREARMS. Unless authorized by the Chief of Police, and unless authorized by the appropriate Superintendent, no employee of any department has legal authority to carry weapons while in the performance of their official duties.

11-8-8 OUTSIDE EMPLOYMENT. No Village employee shall engage in any outside employment which will impair the performance of his duties or be detrimental to the municipal service. Prior to accepting outside employment, the employee must get approval from the Mayor.

11-8-9 PRESCRIPTION DRUG USE. Any employee who is taking prescription or over-the-counter drugs or medication which may impact on abilities to perform work shall report the use of the drugs or medications to the immediate supervisor, along with the name and address of any medical doctors prescribing the medication.

11-8-10 OPERATION AND MAINTENANCE OF VEHICLES AND EQUIPMENT.

- (A) Employees are to operate vehicles and equipment in a safe manner. No reckless, negligent, or careless driving or operation of Village vehicles or equipment will be allowed.
- (B) All employees will use vehicle safety belts when operating Village-owned or leased vehicles and equipment.
- (C) Employees, other than clerical staff, are required to possess and maintain the proper class of driver's license. (#901 07/07/2014)
- (D) Village vehicles may be driven to and from work site to the individual's residence when it is in the best interest of the Village.
- (E) Vehicles shall not be used for personal business or to transport unauthorized passengers. Village employees are the only allowed passengers. Village officials are authorized passengers in vehicles or on equipment while conducting Village business. The police vehicle shall be used exclusively for police business.
- (F) Any problems with vehicles or equipment shall be reported to the Village Superintendent or Chief of Police as soon as possible and repairs made at his discretion. Routine repairs shall be made immediately. Any major repairs will be referred to the Mayor or committee chairperson by the Village Superintendent or Chief of Police. (#859; 10/17/2011)
- (G) Use of Village equipment, tools, materials, and vehicles for personal use is prohibited. Such items are to remain on premises belonging to the Village unless used for Village business. (#785; 08/06/2007)
- (H) No equipment of any kind shall be added to any Village vehicle without permission of the Village President or Department Head.
- (I) Village owned vehicles shall be used only for Village business. Police vehicles shall be used only for police business and operated by a member of the Police Department.
- (J) All Village vehicles shall be washed and the interior cleaned at least once every two (2) weeks. This includes during the winter.
- (K) the beds of all trucks shall be kept clean of all times with the exception of tools necessary for that day's work.

- (L) all Village vehicles shall be serviced at least every three thousand (3,000) miles or ninety (90) days, whichever comes first.
- (M) Fluid levels should be checked at least once per week. More often if there is any reason to believe it is necessary.
- (N) Keep trash and all other unnecessary items out of vehicles at all times. Get all unnecessary items out of the vehicle at the end of each workday.

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- (O) Routine repair items should be made as needed and when needed. If there is reason to believe major repairs are necessary, report this to the immediate supervisor, Village President, or the appropriate committee chairperson. Any repair problem should be dealt with immediately.
- (P) Keep records of all maintenance on supplied forms. This includes everything, even checking the oil.

11-8-11 INTEREST IN CONTRACTS OR THE SELLING OF ITEMS. Village employees are not allowed to have direct or indirect interest in contracts or the selling of any items to the Village.

11-8-12 ATTENDANCE AT MEETINGS. At the request of the Mayor and/or Village Board of Trustees, employees may be required to attend certain meetings where compensation will be rendered.

11-8-13 PURCHASES BY EMPLOYEES. Employees will not be permitted to purchase any item or items without an approved purchase order. For any item or items exceeding the cost of **One Thousand Dollars (\$1,000.00)** with the exception of emergency repairs to vehicles or equipment, the department head must have the approval of the Mayor. When financially feasible, purchases and services should be obtained from businesses located within the Village limits.

11-8-14 CELL PHONES.

The Village has a cellular phone for all utility after-hour emergencies. Assigned employees will carry the cell phone (618-559-7406) while on any after-hour, weekend, and/or holiday duty.

If an employee who is not gas certified is on duty and receives a gas related call, they must contact a gas certified employee to work this emergency.

All employees who are not assigned off-duty hours that receive calls must refer these calls to the employee who is on-call at that particular time.

11-8-15 RULES FOR ON-CALL DUTY.

(A) Employees will work their assigned on-call duty on a rotating basis.

(B) All changes to the on-call duty schedule and overtime worked must be approved by the Village Superintendent.

11-8-16 GAS CERTIFICATION. All Village employees who are involved with the maintenance, repair, meter reading, and response to emergency calls dealing with the gas system must be certified as required by the Gas Utilities Alliance and all State and Federal agencies.

11-8-17 RESERVED.

11-8-18 CONTACT INFORMATION. Employees must provide a means of contact in order to be reached during emergencies. An alternate contact must also be provided in the event the employee cannot be reached at the primary contact or if the employee is injured while performing his/her duties.

11-8-19 COMPLETION OF DAILY TIME SHEETS. Employees must complete time sheets on a daily basis. Time sheets will be kept at the Village Hall and will be completed at the end of each work day. If an employee fails to complete their time sheet at the end of the day, they are to contact their supervisor immediately to explain the circumstances and provide the time that they left work. The supervisor will complete the employee's time sheet accordingly and sign the notation.

11-8-20 RESERVED.

DIVISION II - DRUG FREE WORKPLACE POLICY

11-8-21 DRUG FREE WORKPLACE. All employees, as a condition of employment, shall comply with the Village's Drug Free Workplace Policy that is found in this Division. Public works employees and call-takers are subject to random drug testing in compliance with the mandatory guidelines for federal workplace drug testing. (#2023-1040; 3/06/2023)

11-8-22 PURPOSE OF POLICY. Drug abuse affects all aspects of our lives - it threatens the workplace as well as the home, the school, and the community. The Village must take a firm stance against illicit drug use. The use of drugs, which term for the purposes of this policy shall include alcohol in the workplace, is unacceptable since it can adversely affect health, safety, and productivity, as well as public confidence and trust. When drug use and/or involvement interferes with an employee's efficient and safe performance of work responsibilities and/or reduces the employee's dependability and accountability, it creates a problem for the whole organization.

Drug abuse inflicts notable human expense. Personal tragedies, feelings of anxiety and depression, and diminishing coping skills are reflected on an individual level. Dysfunctional and strained relationships mark the heavy burden felt by the families of the drug and alcohol abuser.

The cost of drug abuse, both on a personal and organizational level, is unacceptable. The rising incidence in substance abuse makes it imperative that the Village combat this issue by implementing a zero tolerance policy of drug use in the workplace.

11-8-23 DRUG FREE WORKPLACE STATEMENT. The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance, including cannabis, is prohibited in the workplace. Controlled substance means a controlled substance as defined in the Illinois Controlled Substances Act or cannabis as defined in the Cannabis Control Act. Disciplinary action, up to and including dismissal can be taken against employees for drug violations.

All employees will, as a condition of employment:

- (A) Agree not to manufacture, distribute, dispense, or possess controlled substances, cannabis or alcohol in the workplace.
- (B) Notify their respective Superintendent of any arrest or conviction of any local, state or federal criminal drug statute no later than **twenty-four (24) hours** after such arrest or conviction.
- (C) Abide by the conditions set forth in this statement. (#2023-1040; 3/06/2023)

11-8-24 VIOLATIONS.

- (A) Employees are subject to discipline, including discharge for violation of the above policy.
- (B) Require the satisfactory participation and completion of a State licensed drug rehabilitation program, as sanctioned by the employer.
- (C) The Village shall notify the appropriate State Agency from which grant funds were received of the employee's conviction within **ten (10) days** after receiving notice from an employee of any criminal drug statute conviction for a violation in the workplace.

11-8-25 EMPLOYEE ASSISTANCE. A referral network to assist those who may be experiencing problems with drugs and/or alcohol will be established for all Village employees.

11-8-26 STATUS OF EMPLOYMENT; REHAB COSTS. There is no requirement by the employer to keep an employee on active employment status who is receiving rehabilitative treatment if it is determined that the employee's current use of drugs prevents the individual from performing work related duties or whose continuance on active status could constitute a threat to the property and/or safety of

others. The employee shall pay for all costs of rehabilitation. The employee may use accumulated paid leave, and take unpaid leave pending treatment, at the discretion of the employer, and so long as the employee advised the Superintendent of use or abuse of drugs prior to occurrence of reasonable suspicion.

11-8-27 - 11-8-29 RESERVED.

DIVISION III – COMPUTER USAGE POLICY

11-8-30 COMPUTER USAGE PROCEDURE. Routinely all personnel will have access to a computer. The following procedures must be adhered to:

(A) All employees will only use the “Log-in ID”, “User ID” and “Passwords” assigned to them, i.e. use of a supervisor “User ID” and “Passwords” by a line officer is prohibited unless authorized by the Administration. Use is a privilege, not a right, which may be suspended or terminated by Mayor when, in his/her judgment, this policy has been violated by the user.

No employee is authorized to share their “password” with anyone except the Supervisor assigned to overlook all passwords in the department.

(B) It is not permissible to use village computers and equipment in any inappropriate manner, such as to disgrace the department or a fellow employee. It is forbidden to use profanity or vulgar language on any department computer equipment.

(C) Only floppy disks which are requisitioned from the storerooms and the data processing department are authorized to be used in department computers. No outside floppy disks will be authorized to be used except with permission from Administration.

(D) No employee shall be allowed to do personal work at his or her village computer. This is with or without the use of any floppy disk.

(E) No employee shall be allowed to copy any village or department document to a floppy disk and use it outside the office without permission from Administration.

(F) No employee shall be allowed to have any unauthorized programs, utilities, games or files on their village PC.

(G) Any variance from the above procedures shall have prior Administration permission.

Information and data maintained in the electronic media on village computer system are protected by the same laws and policies, and are subject to the same limitations, as information and communications in other media. Said information and data are the property of the Village.

Before storing or sending confidential or personal information, users should understand that most materials on Village system are, by definition, public records. As such, they are subject to laws and policies that may compel the Village to disclose them. The privacy of the materials kept in electronic data storage and electronic mail is neither a right nor is it guaranteed.

DIVISION IV – ELECTRONIC COMMUNICATIONS

11-8-35 POLICY; INTRODUCTION/PURPOSE. This policy is intended to serve as a guide on the proper use of the municipal electronic communication systems. This policy covers the use of all forms of electronic communications, including but not limited to e-mail, voice mail, fax machines, external bulletin boards, Intranet and the Internet, and applies to all users. Users are expected to read, understand and follow the provisions of this policy and will be held responsible for knowing its contents. Use of the electronic communication system constitutes acceptance of this policy and its requirements.

The Village provides electronic mail (e-mail) and/or Internet access to Elected Officials and Staff who need it to perform the functions of their position. The purpose of this document is to communicate to all personnel their responsibility for acceptable use of the Internet and e-mail (whether sent over the Internet or over the Village’s own network). Policies and procedures are also outlined for the disclosure and monitoring of the contents of e-mail messages stored in the system when required.

The Village’s objectives for Employees to use e-mail and/or the Internet include:

(A) Exchanging information more efficiently than by telephone or written memorandum;

- (B) gathering information and performing research for departments; and
- (C) reducing the handling of paper copy.

11-8-36 POLICY DEFINITIONS. As used in this Policy, the terms listed below shall be defined as follows:

(A) **Electronic Mail (E-Mail).** Electronic mail may include non-interactive communication of text, data, image, or voice messages between a sender and designated recipient(s) by systems utilizing telecommunications links. It may also include correspondence transmitted and stored electronically using software facilities called "mail", "facsimile", "messaging" systems or voice messages transmitted and stored for later retrieval from a computer system.

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(B) **Encryption Software.** Proprietary software that changes information from its native state to an unrecognizable coded state that can only be returned to its native state with special software.

(C) **Internet.** A worldwide network of networks, connecting informational networks communicating through a common communications language or "Protocol".

(D) **Intranet.** An in-house web site that serves the users of the Village. Although Intranet pages may link to the Internet, an Intranet is not a site accessed by the general public.

(E) **World Wide Web.** An Internet client-server distributed information and retrieval system based upon hypertext transfer protocol (http) that transfers hypertext documents that can contain text, graphics, audio, video, and other multimedia file types across a varied array of computer systems.

(F) **Users.** Elected Officials, Department Heads, Employees, Volunteers, Contractors and Consultants.

(G) **Firewall.** An electronic device used to protect private networks from unauthorized access from users on the Internet.

11-8-37 OWNERSHIP. The electronic communication system is the property of the Village. All computer equipment, computer hardware and computer software provided by the Village are the property of the Village. All communications and information transmitted by, received from, or stored in these systems are the property of the Village.

11-8-38 USE OF ELECTRONIC COMMUNICATIONS. The Village's electronic communications systems, including e-mail and the Internet, are intended for Village business use only. Personal uses of the Internet and e-mail systems are prohibited. The Village reserves the right to use filtering software to block access to Internet sites that are considered inappropriate or non-productive. The filtered sites shall be reviewed and approved by the Mayor.

Before using these systems, all users shall understand that any information that is created, sent, received, accessed or stored in these systems shall be the property of the Village and shall not be private. If a User is permitted to use electronic communication systems, such use shall not violate any section of this policy or interfere with user's work performance.

Users shall use the same care and discretion when writing e-mail and other electronic communications as they would with any formal written communication. Any messages or information sent by users to other individuals via electronic communication systems, such as the Internet or e-mail, are statements identifiable and attributable to the Village. Consequently, all electronic communications sent by users shall be professional and comply with this policy.

11-8-39 PROHIBITED COMMUNICATIONS. Under no circumstances may any user operate the Village's electronic communications systems for creating, possessing, uploading, downloading, accessing, transmitting or distributing material that is illegal, sexually explicit, discriminatory, defamatory or interferes with the productivity of coworkers. Specifically prohibited communications include, but are not limited to, communications that promote or transact the following: illegal activities; outside business interests;

malicious use; personal activities (including chat rooms); jokes; political causes; football pools or other sorts of gambling; recreational games; the creation or distribution of chain letters; list servers for non-work purposes; "spams" (mailing to a large number of people that contain unwanted solicitations or information); sexual or any other form of harassment; discrimination on the basis of race, creed, color, gender, religion or disability; or for solicitations or advertisements for non-work purposes. Users may not engage in any use that violates copyright or trademark laws.

Also prohibited is any activity that could negatively impact public trust and confidence in the Village or create the appearance of impropriety.

Users are also prohibited from posting information, opinions or comments to Internet discussion groups (for example: news groups, chat, list servers or electronic bulletin boards). Under no circumstances may any user represent their own views as those of the Village.

Users may not disclose confidential or sensitive information. Personal information such as the home addresses, phone numbers, and social security numbers of Elected Officials or Employees should never be disclosed on the Internet.

11-8-40 NO PRESUMPTION OF POLICY. Although users may use passwords to access some electronic communication systems, these communications should not be considered private. Users should *always assume* that any communications, whether business-related or personal, created, sent, received or stored on the Village's electronic communication systems may be read or heard by someone other than the intended recipient.

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Users should also recognize that e-mail messages deleted from the system may still be retrieved from the computer's back-up system when requested by authorized personnel. Consequently, messages that were previously deleted may be recreated, printed out, or forwarded to someone else without the user's knowledge.

11-8-41 VILLAGE'S RIGHT TO MONITOR USE. Under authorization of the Mayor, the Village may monitor, intercept, access, and disclose all information created, sent, received, or stored on its electronic communication systems at any time, with or without notice to the user. The contents of computers, voice mail, e-mail and other electronic communications will be inspected when there are allegations that there have been breaches of confidentiality, security, or violations of this Electronic Communications Policy. These inspections will also be conducted when it is necessary to locate substantive information that is not readily available by less intrusive means. Before providing access to store electronic communications such as e-mail messages, written authorization will be required from the Mayor.

The contents of the computers, voice mail, e-mail and other electronic communications may be turned over to the appropriate authority when there are allegations that there have been violations of law.

In addition, the Village will regularly monitor and maintain a log of the user's Internet access, including the type of sites accessed, the name of the server, and the time of day that access occurs. The Mayor will have access to this log upon request. They may use this information that was obtained through monitoring as a basis for employee discipline.

The Mayor may authorize individuals for investigative purposes to engage in activities otherwise prohibited by this policy.

11-8-42 PROHIBITED ACTIVITIES. Users shall not download software programs of any kind. No software is to be installed on Village computers without the approval of the Village Board. Users may not upload, download, or otherwise transmit copyrighted, trademarked, or patented material; trade secrets; or confidential, private or proprietary information or materials. Users may not use the Village's electronic communication systems to gain unauthorized access to remote computers or other systems or to damage, alter, or disrupt such computers or systems in any way, nor may users use someone else's code or password or disclose anyone's code or password including their own. It is a violation of this policy for users to intentionally intercept, eavesdrop, record or alter another person's Internet and e-mail messages.

Users may not allow unauthorized individuals to have access to or use the Village's electronic communication systems, or otherwise permit any use that would jeopardize the security of the Village's electronic communication systems. Also, users may not post an unauthorized home page or similar web site.

Users may not make unauthorized commitments or promises that might be perceived as binding the Village. Users must use their real names when sending e-mail messages or other electronic communications and may not misrepresent, obscure or in any way attempt to subvert the information necessary to identify the actual person responsible for the electronic communication. Sending an e-mail message under a fictitious or false name is a violation of this policy. Likewise, using another user's account or login ID constitutes a violation of this policy.

11-8-43 PASSWORDS. Each user will maintain a unique password. Users must keep their passwords confidential and must never leave their computers unattended when logged into the system. Passwords shall be changed whenever a password may have been compromised or revealed or when the computer security system requests a new password.

Directories of user e-mail addresses may not be made available for public access. No visitors, contractors or temporary employees may use the Village's e-mail without prior written authorization from the Mayor.

11-8-44 INTERNET USAGE. Access to the Internet from any PC connected to the Village's network is only allowed in accordance with this policy. Alternate methods of Internet access, such as using a modem to access a personal dial-up Internet account is prohibited as it may compromise the Village's network security exposing it to potential harm from computer hackers.

Sessions on the Internet are logged automatically in exactly the same way that phone numbers are logged in the phone system. Do not use the Internet for tasks that you would not want to be logged.

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Web browsers leave "footprints" providing a trail of all site visits. Do not visit any site where you would be reluctant to leave your name and work locations.

Use appropriate judgment before filling out a form included in a Web page. The form shall pass through many interconnecting computers and networks before reaching its destination. Other individuals will be able to eavesdrop on it. Personal or valuable information on the form may not remain confidential. Under no circumstances should you ever put a Social Security number on the Internet.

An Internet message sent from the Village's address constitutes a Village communication; therefore, it should be composed and structured correctly. Whenever possible, spell check messages prior to transmission, especially when sending to a non-Village address.

Sending e-mail from the Village's address can be likened to sending a letter on Village letterhead. Messages may be forwarded by the recipient to others, printed in a location where others may view the message, and/or directed to the wrong recipient. Also, computer forensic experts can often retrieve e-mail previously deleted. An ill-considered remark can return to haunt the sender later.

Be courteous and follow generally accepted standards of etiquette. Protect others' privacy and confidentiality. Consider the Village's needs before sending, filing, or destroying e-mail messages. Remove personal messages, temporary records and duplicate copies in a timely manner.

11-8-45 RECORDS RETAINED. Certain significant types of e-mail messages or their attached files may be considered records and should be retained if required by the Village's record-retention policies. Examples of messages sent by e-mail that may constitute records include:

- (A) policies and directives;
- (B) correspondence or memoranda related to official business;
- (C) work schedules and assignments;
- (D) agendas and minutes of meetings;
- (E) drafts of documents that are circulated for comment or approval;
- (F) any document that initiates, authorizes, or completes a business transaction; and
- (G) final reports or recommendations.

11-8-46 RECORDS DISPOSAL. The content and maintenance of a user's electronic mailbox are the user's responsibility. The content and maintenance of a user's disk storage area are the user's responsibility. Each user should review his/her electronic records for deletion every **thirty (30) days**.

Messages of transitory or little value that are not normally retained in record-keeping systems should be regularly deleted. Informational messages, such as meeting notices, reminders, informal notes, and telephone messages should be deleted once the administrative purpose is served. If it is necessary to retain any e-mail message for an extended period, transfer it from the e-mail system to an appropriate electronic or other filing system. With the approval of the Mayor, the Village Clerk or one of his/her staff members designated by him/her is permitted to remove any information retained in an e-mail system for more than **thirty (30) days**.

11-8-47 ACCESSING USER E-MAIL DURING ABSENCE. During a user's absence, the Mayor may authorize the Village Clerk to access the user's e-mail messages and electronic Internet records without the consent of the user when necessary to carry out normal business functions.

11-8-48 FIREWALLS AND NETWORK PROTECTION. Firewalls and other devices to ensure the safety of the Village private network will be installed to protect all Village Electronic Communication Systems. Local governments are often targets of hackers and unauthorized intrusions because of the unique types of information stored on their systems. For this reason, the Village takes a *very cautious* approach to security regarding the Internet and e-mail. Policies to ensure the security of the system include, but are not limited to: blocking access to certain Internet sites; filtering out potentially threatening e-mail attachments; filtering out dangerous types of web pages including Java Script, and ActiveX programs. Other methods of security may be deployed as new threats are discovered.

Any attempts to bypass or disable the security features installed by the Village will be in violation of this policy and may result in disciplinary action.

11-8-49 PASSWORD PROTECTION. Users should use caution when using encryption software or password protecting their files. Password protected files cannot be retrieved without the necessary password. The Village is not responsible for any lost, damaged or inaccessible files that result from password protection.

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11-8-50 VIRUSES AND TAMPERING. Any files downloaded from the Internet must be scanned with virus detection software before installation and execution. All computers designated as having access to the Internet and e-mail must have virus detection software installed on them. Users may not deliberately disable the virus protection capabilities of these systems. The intentional introduction of viruses, attempts to breach system security, or other malicious tampering with any of the Village's electronic communication systems is expressly prohibited. Users must immediately report any viruses, tampering or other system breaches to the Mayor or a designated officer.

Many viruses are transmitted through the e-mail system as attachments. Caution should be practiced prior to the accessing of any attachments to e-mail messages. Never access any unexpected attachments without verifying the source and reason for it, even if you recognize the sender of the e-mail. It is common practice for hackers to alter the source of an e-mail in an attempt to spread a virus.

11-8-51 DISCLAIMER OF LIABILITY FOR USE OF THE INTERNET. The Village is not responsible for material viewed or downloaded by users from the Internet. The Internet provides access to a significant amount of information, some of which contains offensive, sexually explicit and inappropriate material. It is difficult to avoid contact with this material; therefore, users of the Internet do so at their own risk.

11-8-52 DUTY NOT TO WASTE ELECTRONIC COMMUNICATIONS RESOURCES. Users must not deliberately perform actions that waste electronic communication resources or unfairly monopolize resources to the exclusion of other users. This includes, but is not limited to, subscribing to list servers, mailing lists or web sites not directly related to the user's job responsibilities; spending nonproductive time on the Internet; and doing large non-work related file downloads or mass mailings. Electronic communication resources are limited and users have a duty to conserve these resources.

11-8-53 E-MAIL ADDRESSES. The Village reserves the right to keep a user's e-mail address active for a reasonable period of time following the user's departure to ensure that important business communications reach their respective department.

11-8-54 FREEDOM OF INFORMATION ACT REQUESTS. The Village will not accept Freedom of Information Act (F.O.I.A.) requests from the public via the Internet. If a citizen e-mails an F.O.I.A. request to a user, the employee should notify the citizen that these requests must be made in writing in compliance with the Freedom of Information Code. **(See Chapter 22)**

11-8-55 USE OF CREDIT CARDS ON THE INTERNET. Before making purchases on the Internet, users who are authorized to use Village credit cards must ensure that they are using a secured site. The Village recommends that users do not use their credit cards over the Internet and expressly disclaims responsibility for any loss or damages that results from credit card usage over the Internet.

11-8-56 VIOLATIONS. Violations of this policy may subject employees to disciplinary action ranging from the removal of electronic communication privileges to dismissal from employment. Village employees who observe violations of this policy are obligated to report the violations to the Mayor or Village Clerk.

11-8-57 POLICY CHANGES. The Village reserves the right to change this policy at any time with notice. Nothing in this policy is intended or should be construed as an agreement and/or a contract expressed or implied. Policy changes will be disseminated electronically or in written form within **forty-eight (48) hours** of taking effect after an ordinance has been adopted.

ARTICLE IX - RIGHTS OF EMPLOYEES

11-9-1 PERSONNEL FILE. Employees are allowed to look at their own personnel files during normal business hours. Persons wishing to view their own file shall file a written request with the Mayor or the Village Clerk. A copy of the request shall be placed in the employee's personnel file. Nothing should be placed in an employee's personnel file nor shall anything be removed from the file without the consent of the Mayor and Village Board. Records of prior grievances and discipline action shall be maintained in the

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employee's personnel file. The final decision to remove items lies within the discretion of the Mayor and the Village Board.

11-9-2 REFERENCES. Employees or former employees have the right to obtain references or recommendations. Such references shall provide the applicable date of hire and the last date employed, and a general description of the applicable job duties. Additional comments concerning the employee or former employee's job performance dependability lies within the sound discretion of the Superintendent.

11-9-3 SAFETY. The Superintendent shall implement any safety procedures adopted by the Village, and employees shall comply with any of the safety procedures.

All employees are directed to report any hazardous conditions to their supervisor immediately.

Due to the open-office design of many department buildings, it is impossible to provide security for personal belongings left unattended. Employees are advised to keep their wallets, purses, etc. in their possession at all times. The Municipality cannot be responsible for losses due to theft.

ARTICLE X - RIGHTS OF EMPLOYER

11-10-1 VILLAGE'S RIGHTS. The employee recognizes that the Village possesses the exclusive right to operate and direct the employees of the Village in all aspects, including, but not limited to, all rights and authority granted by law.

The employee further recognizes that this Code is not a binding contract between the Village and the employee. Nothing contained in this Code shall be construed as creating an employment agreement between the Village and its employees from time to time.

11-10-2 NEW REGULATIONS. The Village has the right to unilaterally create new employment policies and regulations not mentioned in this Code, and to change provisions of this Code without approval or consent of the employees of the Village.

11-10-3 MANAGEMENT RESPONSIBILITIES. The employer has the ultimate responsibility for proper management including but not limited to responsibilities and the right for the following:

(A) To maintain executive management and administrative control of the department and its property, facilities and staff.

(B) To hire all employees and to determine their qualifications and the conditions for their continued employment or their dismissal or demotion.

(C) To direct, supervise, promote, suspend, discipline, terminate, assign and schedule employees.

(D) To relieve employees from duties because of a lack of work or funds, or under conditions where continued work would be inefficient or nonproductive or under conditions as may be deemed necessary or advisable by the department.

(E) To determine services to be rendered, operations to be performed, utilization of technology and budgetary matters.

(F) To determine the methods, processes, means, job classifications and personnel by which the operations of the department are to be conducted.

It is recognized that the employer normally exercises most of the powers, rights, authorities, duties and responsibilities through and with the cooperation of the administrative staff.

11-10-4 LENGTH OF SERVICE. Length of service is defined as the length of continuous service of an employee since the employee's last date of hire with the Village within the employee's department. In the event an employee is transferred from or to another department of the Village, the employee's total continuous employment with the Village will be used as the basis for vacation and sick leave only.

An employee's continuous service record shall be broken by voluntary resignation or discharge. If such continuous service is broken due to curtailment of operation, said employee shall be considered on layoff.

**ARTICLE XI – SEXUAL HARASSMENT POLICY
(Ordinance No. 2017-972 12/18/2017
Revised Ordinance No. 2018-982
Revised by Ordinance 2020-1005)**

11-11-1 PROHIBITION ON SEXUAL HARASSMENT. It is unlawful to harass a person because of that person's sex. The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991. All persons have a right to work in an environment free from sexual harassment. Sexual harassment is unacceptable misconduct which affects individuals of all genders and sexual orientations. It is a policy of the Village of Cobden to prohibit harassment of any person by any municipal official, municipal agent, municipal employee, municipal agency or municipal office on the basis of sex or gender. All municipal officials, municipal agents, municipal employees and municipal agencies or municipal offices are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof.

11-11-2 DEFINITION OF SEXUAL HARASSMENT. This policy adopts the definition of sexual harassment as stated in the Illinois Human Rights Act, which currently defines sexual harassment as:

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

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

Conduct which may constitute sexual harassment includes, but is not limited to:

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

- Physical Harassment: touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.
- Textual/Electronic Harassment: “sexting” (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (e-mail/text/picture/video messages, intranet/online postings, blogs, instant messages and posts on social network websites, like Facebook and Twitter).

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

11-11-3 PROCEDURE FOR REPORTING AN ALLEGATION OF SEXUAL HARASSMENT. An employee who either observes sexual harassment or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating her/his position to the offending employee, and her/his immediate supervisor. It is not necessary for sexual harassment to be directed at the person making the report.

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

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

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

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

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

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

11-11-4 PROHIBITION ON RETALIATION FOR REPORTING SEXUAL HARASSMENT ALLEGATIONS

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

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

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

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

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

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

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

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

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

11-11-5 CONSEQUENCES OF A VIOLATION OF THE PROHIBITION ON SEXUAL HARASSMENT.

In addition to any and all other discipline that may be applicable pursuant to municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements, any person who violates this policy or the Prohibition on Sexual Harassment contained in 5 ILCS 430/5-65, may be subject to a fine of up to \$5,000 per offense, applicable disciplinary actions or

discharge by the municipality and any applicable fines and penalties established pursuant to local ordinance, state law or federal law. Each violation may constitute a separate offense. Any discipline

imposed by the municipality shall be separate and distinct from any penalty imposed by an ethics commission and any fines or penalties imposed by a court of law or a state or federal agency.

11-11-6 CONSEQUENCES FOR KNOWINGLY MAKING A FALSE REPORT. A false report is a report of sexual harassment made by an accuser to accomplish an outcome other than stopping sexual harassment or stopping retaliation for reporting sexual harassment. A false report is not a report made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false or frivolous report is a severe offense that can itself result in disciplinary action. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be subject to disciplinary action or discharge pursuant to applicable municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements.

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

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ARTICLE XII - DISCIPLINE

11-12-1 PROCEDURE. The formal disciplinary process is a five step procedure, but dismissal may occur at any step in the process. Superintendents may use the Discipline Form attached as **Appendix B** for documentation purposes. Under normal circumstances, these steps are outlined in the following sections.

11-12-2 VERBAL REPRIMAND. A verbal reprimand informs an employee of unsatisfactory conduct, attitude or performance, and acknowledges that continued such actions will result in more severe _____ disciplinary actions. The reprimand should be done in private, and should be documented with the date and nature of the problem and placed in the employee's personnel file.

11-12-3 WRITTEN REPRIMAND. A written reprimand informs an employee of unsatisfactory conduct, attitude or performance. Written reprimand is more severe than a verbal reprimand, but serves the same purpose to acknowledge further unsatisfactory conduct, attitude, or performance will result in more severe disciplinary action. A copy of the written reprimand will be sent to the employee, the Superintendent, Mayor and employee's personnel file.

11-12-4 PROBATION. Employee may be placed on probation by the Superintendent and/or the Mayor if the employee's performance is substandard and/or the employee's conduct and behavior are inappropriate and not condoned by management. Employee may be placed on probation not to exceed **six (6) months**. At the end of **three (3) months**, an informal evaluation of the employee's performance will be conducted. At the end of the probationary period, the employee's performance will be formally evaluated. Evaluations will determine if the employee should be retained. If the employee violates the conditions of the probation, the employee may be subject to termination. Removal from probationary status is based upon satisfactory completion of the probationary period, recommendation from the employee's immediate superintendent, and approval of the Mayor.

11-12-5 ADMINISTRATIVE LEAVE. An Employee may be placed on administrative leave by the Mayor with or without pay and benefits pending an investigation based on alleged violation of the municipal policies and procedures. The administrative leave may be extended for the period of time the investigation continues but no longer than **thirty (30) days**.

11-12-6 SUSPENSION.

Suspension of an employee would be at the discretion of the Mayor. The suspension will result in a loss of salary for the period of the suspension. Upon return to work the suspended employee will be placed on probationary status for a period not to exceed **six (6) months**. If the employee violates the conditions of the probation, the employee may be subject to termination. Removal from probationary status is based upon satisfactory completion of a probationary period, a recommendation from the employee's immediate superintendent, and the approval of the Mayor and Village Board. The period of suspension may be up to but not exceeding **thirty (30) days** off without pay in one calendar year.

An employee who is suspended will not receive any compensation and will not accumulate any sick time or vacation time during the suspension period. An employee who is suspended shall be given written notice of the reasons for the action. Copies of said notice shall be forwarded to the Village Clerk and the Village Board. A copy of said notice will be placed in the employee's personnel file.

11-12-7 DISMISSAL. Dismissal shall be used as a disciplinary action of last resort at the discretion of the Mayor and the Village Board. All employees are subject to discharge by the Mayor with the advice and consent of the Village Board during any of the disciplinary steps.

11-12-8 CODE OF CONDUCT. Disciplinary action may be brought against an employee for the following, including but not limited to:

- (A) Violating any provisions of this Personnel Code.
- (B) Knowingly falsifying a report.
- (C) Being insubordinate to or showing disrespect towards superiors.
- (D) Neglecting to perform the job or performing the job inefficiently.
- (E) Engaging in any conduct unbecoming of a Village employee or that discredits the Village.

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- (F) Leaving the assigned job without permission.
- (G) Absence from work without leave or permission.
- (H) Willfully destroying or damaging any property of the Village.
- (I) Taking or giving bribes.
- (J) Being under the influence of intoxicating beverages while at work.
- (K) Using, manufacturing, distributing, dispensing, or possessing any statutorily defined illegal drugs, narcotics, or controlled substances, or failing to report to the employee's supervisor any arrest or conviction for using, manufacturing, distributing, dispensing, or possessing any statutorily defined illegal drugs, narcotics, or controlled substance.
- (L) Failure of any employee to notify their supervisor within **five (5) days** after an arrest or conviction of a violation of any local, state, or federal criminal drug statute.
- (M) Using a Village vehicle without the knowledge of the immediate supervisor.
- (N) Improperly operating a Village vehicle or permitting an unauthorized person to operate a Village vehicle.
- (O) Excessive unexcused absence from work or tardiness.
- (P) Possession of explosives, firearms or other dangerous weapons on Village premises, unless otherwise permitted.
- (Q) Use of overtime for other than work purposes.
- (R) Failure to follow any safety rules, regulations, or manuals.
- (S) Gambling during working hours around Village premises.
- (T) Sleeping on the job.
- (U) Being discourteous to the public.
- (V) Engaging in or instigating or causing an interruption or impeding work.
- (W) Substantial misrepresentation of facts in obtaining employment with the Village.
- (X) The use or consumption of Village property for personal or private purposes, or the use of Village employees during working hours for such purposes.
- (Y) Disorderly conduct during working time or on Village premises, including fighting, interfering with work of another, or threatening or abusing any person by word or act.
- (Z) Unauthorized use of Village property such as Village owned vehicles, equipment and materials.
- (AA) Abuse of sick leave by misrepresentation of the leave request
- (BB) Violation of a written order of a Superintendent.
- (CC) Failure to pay legitimate debts, thus exposing the Village to harassment by creditors.

- (DD) Using profanity on the job.
- (EE) Releasing confidential information.
- (FF) Using or attempting to use an official position to secure special privileges, exemptions, or personal gain except as may be otherwise provided by law.
- (GG) Engaging in disreputable acts and not conducting themselves with "good moral character".
- (HH) Abuse of telephone usage.
- (II) Theft of any Village or employee property.
- (JJ) Discriminating against any person, individual, entity, co-employee, on the basis of race, color, religion, sex, national origin, age, handicap or disability, ancestry, marital status, sex harassment or any other prohibited form of discrimination under federal or state law or government contract or grantee regulations.
- (KK) Failure to perform essential functions of his/her position.
- (LL) Abusing Village computer equipment.
- (MM) Charged with misdemeanor or felony.
- (NN) Allowing drug and/or alcohol in or on machinery and/or vehicles.
- (OO) Accepting money or other acceptance of remuneration for personal use.

11-12-9 POLITICAL ACTIVITIES. No form of discipline can occur because of any employee's political activity or political beliefs. This prohibition on discipline does not apply to individuals in policy making or confidential positions or where an overriding interest or vital importance exists which requires that an employee's political beliefs and activities conform to those of the Superintendent or the Corporate Authorities.

The Village also recognizes that false accusations can have serious affects on innocent men and women. We trust that all employees will continue to act in a responsible and professional manner to establish a pleasant working environment free of discrimination.

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ARTICLE XIII - MISCELLANEOUS

11-13-1 GRIEVANCE PROCEDURE. The purpose of a grievance procedure is to establish and maintain harmonious and cooperative working relationships between the Village and its employees, to assure equitable treatment of employees, and to provide expeditious means of resolving employee dissatisfaction over circumstances or conditions of employment.

Strict adherence to the grievance procedures and time limits is mandatory, except that the time limits may be extended for good cause.

A grievance is defined as a dispute, disagreement, complaint, or any matter concerning any terms or conditions of employment, or concerning the application of any departmental policy, or concerning any employee relationship, or work related issue.

As used in this Article, the term days shall mean working days of the employee filing the grievance.

At any step, if a written response is not provided to the grieving employee within the **ten (10) day** time frame, the grievance will be considered denied at that step, and the employee may proceed to the next step.

If any Superintendent is disciplined and/or discharged by the Mayor with the advice and consent of the Village Board, the discipline and/or discharge shall constitute the final resolution of the matter and there shall be no access in this instance to the various steps of the grievance procedure.

Steps:

(A) A grieving employee shall within **five (5) days** after he learns of the circumstances or conditions which prompted the grievance, submit the grievance to the employee's Superintendent, in writing, informing such Superintendent of the grievance and the particulars concerning the same. The Superintendent shall provide a written response to the grieving employee within **ten (10) days** after receiving the grievance.

(B) If the grievance is not resolved to the employee's satisfaction, the employee may submit the grievance to the Mayor by summarizing the grievance in writing.

The grievance must be submitted to the Mayor within **five (5) days** of the decision of the Superintendent.

For all other employees, the grievance shall be before the Mayor.

(See Appendix “C” for Disability Act Procedure.)

11-13-2 LAYOFFS. In the event it becomes necessary to layoff employees for any reason, employees will be laid off based on the following criteria: Employee's knowledge, skills, and abilities in relation to positions available, lack of work, lack of funds, the employee's length of service, the employee's work record including commendations as well as disciplinary action, the employee's attitude and relations with other employees as well as other agencies and change in duties of the department. The employee shall receive **two (2) weeks'** notice.

11-13-3 RESIGNATION. Sick leave, vacation, and retirement fund benefits cease at midnight on the date of termination. Health insurance will cease at midnight on the date of termination. Employees may elect to continue participation in the health insurance plan on a self-pay basis as provided by federal statutes. The employee will be paid for each day of unused vacation time. Monies accumulated in the employee's retirement account may be refundable, according to IMRF Rules.

11-13-4 EMPLOYEE EDUCATIONAL/TECHNICAL TUITION PLAN. The Village of Cobden encourages all employees to improve their personal knowledge and skill abilities that will enhance performance levels concerning job-related duties. The Village will offer monetary assistance toward tuition fees, books, materials, etc. for those employees who wish to pursue professional classes in their field of interest as long as it is deemed beneficial to their work status. Appendix D provides information regarding this opportunity along with a Tuition Assistance Request form.

APPENDIX A

**EMPLOYEE NOTIFICATION OF PERSONNEL CODE
DRUG FREE WORKPLACE POLICY, SEXUAL MISCONDUCT POLICY AND DISCLAIMER OF
EMPLOYMENT**

The Employee Code of the Village is not intended to create any employment relationship with any employees that is contractual in nature. All employees are employed at the will of the Village, and employees can be terminated at will. All employment policies of the Village are subject to change without notice and/or approval of any employee. Any and all discipline and/or discharge procedures contained in this Code are illustrative in nature, and only provide examples of the manner in which employees may be disciplined or terminated. Any and all such procedures are not meant to be the sole or exclusive way in which discipline or discharge could occur.

By signing this disclaimer, the employee understands that the employment relationship between the employee and the Village is NOT contractual in nature; that employment can be terminated at the will of the Village, that all employment policies are subject to change without notice and/or approval of the employee; and that any and all discipline and/or discharge procedures contained in the Code are merely illustrative in nature, and are not meant to be the sole or exclusive manner in which discipline and/or discharge could occur.

I have been given a copy of the Village's Employee Code, originally adopted _____
_____, 20____.

Name _____

Date _____

This form is to be retained by the Village Clerk.

APPENDIX B

EMPLOYEE CODE: DISCIPLINE FORM

Date _____

Employee Name _____

Employee's Job Position _____

Village Department _____

Superintendent _____

Type of Discipline (Check One):

- _____ Verbal Reprimand
- _____ Written Reprimand
- _____ Probation
- _____ Suspension
- _____ Dismissal

State the Section of the Employee Code violated:

Section _____ Subsection _____ Page Number _____

State any Code of Conduct violation, listing the Code of Conduct Subparagraph Number

State the facts which support the violation _____

DATE _____

Superintendent/Mayor

DATE _____

(Signature of Employee)

APPENDIX C

AMERICANS WITH DISABILITY ACT GRIEVANCE PROCEDURE

1. All complaints regarding access or alleged discrimination should be submitted in writing to the American Disabilities Act Coordinator for resolution. A record of the complaint and action taken will be maintained. A decision by the ADA Coordinator will be rendered promptly.
2. If the complaints cannot be resolved to the satisfaction of the complainant by the ADA Coordinator, then for building accessibility issues, the matter shall be turned over to the Village Board for consideration. For employment and public service issues, the matter will be forwarded to the Village Board for consideration.
3. If the complaint cannot be resolved to the complainant's satisfaction by the Village Board, the complaint will be reviewed and decided upon by the Mayor. The decision of the Mayor shall be considered final.
4. A record of action taken on each request or complaint shall be maintained as a part of the records or minutes at each level of the grievance process.
5. The individual's right to prompt and equitable resolution of the complaint shall not be impaired by his/her pursuit of other remedies, such as the filing of a complaint with the U.S. Department of Justice or any other appropriate federal agency. Furthermore, the filing of a lawsuit in state or federal district court can occur at any time. The use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

APPENDIX D

Employee Educational/Technical Tuition Plan

- Purpose:** The Village of Cobden encourages all employees to improve their personal knowledge and skill abilities that will enhance performance levels concerning job-related duties. The Village will offer monetary assistance toward tuition fees, books, materials, etc. for those employees who wish to pursue professional classes in their field of interest as long as it is deemed beneficial to their work status.
- Requirements:** Tuition assistance will be made available to all full-time employees for the Village of Cobden.
- Procedure:** Employees interested in taking college courses, vocational classes, or technical improvement classes must complete the attached Tuition Assistance form and submit it to their respective supervisor at least **two (2) weeks** prior to enrollment.
- The supervisor will approve or disapprove the request based on job-related enhancement and needs of the Village.
- The supervisor will notify the employee of his decision, and, if approved, forward a copy of the Tuition Assistance form to the Village Clerk who will obtain final approval from the Village President.
- The employee will make final payment arrangements with the Village Clerk to the school or organization of training.
- Penalties:** Should an employee fail to complete the class or course of enrollment or pass with a grade lower than a "C", that employee will reimburse the Village the amount of tuition paid out of his/her behalf.
- If an employee cannot reimburse the Village this amount, the Village Clerk may exercise the right to withhold 10% of an employee paycheck until the encumbered amount is achieved.
- Further requests for tuition assistance will be denied until a copy of the grade slip is received or all funds are balanced with the Village Clerk.

