

# VILLAGE OF LAKE ZURICH

---

## Employee Handbook



**Prepared by: Village Administration**

**Drafted: June 30, 2010**

**Effective Date: January 16, 2011**

**Revised: January 2020**

TABLE OF CONTENTS

<b><u>ARTICLE I.</u></b>	<b><u>INTRODUCTION AND GENERAL PROVISIONS</u></b> .....	1
SECTION 1.1	<u>APPLICATION AND SCOPE OF THE PERSONNEL MANUAL</u> .....	1
SECTION 1.2	<u>AT WILL EMPLOYMENT</u> .....	2
SECTION 1.3	<u>PRECEDENCE OF CBAs AND EMPLOYMENT CONTRACTS</u> .....	2
SECTION 1.4	<u>EMPLOYMENT CLASSIFICATIONS</u> .....	2
SECTION 1.5	<u>EQUAL EMPLOYMENT OPPORTUNITY</u> .....	3
SECTION 1.6	<u>HARASSMENT POLICIES</u> .....	3
SECTION 1.7	<u>AMERICANS WITH DISABILITIES ACT (ADA)</u> .....	5
SECTION 1.8	<u>TECHNOLOGY RESOURCES POLICY</u> .....	6
<b><u>ARTICLE II.</u></b>	<b><u>RECRUITMENT, HIRING, PROMOTIONS, TRANSFERS, DEMOTIONS</u></b> .....	11
SECTION 2.1	<u>RECRUITMENT</u> .....	11
SECTION 2.2	<u>HIRING</u> .....	11
SECTION 2.3	<u>PERSONNEL RECORDS</u> .....	11
SECTION 2.4	<u>INTRODUCTORY EVALUATION PERIOD</u> .....	13
SECTION 2.5	<u>PROMOTIONS</u> .....	13
SECTION 2.6	<u>TRANSFERS</u> .....	13
SECTION 2.7	<u>DEMOTIONS</u> .....	13
<b><u>ARTICLE III.</u></b>	<b><u>EMPLOYEE CONDUCT</u></b> .....	14
SECTION 3.1	<u>VIOLENCE IN THE WORKPLACE</u> .....	14
SECTION 3.2	<u>OPEN DOOR POLICY</u> .....	15
SECTION 3.3	<u>EMPLOYEE PERSONAL APPEARANCE</u> .....	15
SECTION 3.4	<u>USE OF TELEPHONE AND PERSONAL CELL PHONES DURING WORK HOURS</u> .....	15
SECTION 3.5	<u>MANDATORY NOTIFICATIONS</u> .....	15
SECTION 3.6	<u>SECONDARY EMPLOYMENT</u> .....	16
SECTION 3.7	<u>SOLICITATION AND DISTRIBUTION</u> .....	17
SECTION 3.8	<u>NEPOTISM AND FRATERNIZATION</u> .....	17
SECTION 3.9	<u>CONFLICTS OF INTEREST</u> .....	18
SECTION 3.10	<u>PROHIBITED POLITICAL ACTIVITIES</u> .....	19
SECTION 3.11	<u>GIFT BAN</u> .....	21
SECTION 3.12	<u>VILLAGE EQUIPMENT</u> .....	22
SECTION 3.13	<u>ALCOHOL AND SUBSTANCE ABUSE POLICY</u> .....	23
SECTION 3.14	<u>SMOKING</u> .....	25
SECTION 3.15	<u>WORKPLACE INSPECTIONS</u> .....	25

# TABLE OF CONTENTS

<b><u>ARTICLE IV.</u></b>	<b><u>EMPLOYEE DISCIPLINE</u></b> .....	26
SECTION 4.1	<u>POLICY</u> .....	26
SECTION 4.2	<u>GUIDE FOR DETERMINING UNACCEPTABLE BEHAVIOR</u> .....	26
SECTION 4.3	<u>FORMS OF DISCIPLINE</u> .....	27
<b><u>ARTICLE V.</u></b>	<b><u>EVALUATIONS AND COMPENSATION</u></b> .....	29
SECTION 5.1	<u>EVALUATIONS</u> .....	29
SECTION 5.2	<u>ACTING STATUS</u> .....	29
<b><u>ARTICLE VI.</u></b>	<b><u>EMPLOYEE BENEFITS</u></b> .....	29
SECTION 6.1	<u>HEALTH BENEFITS AND RETIREE HEALTH BENEFITS</u> .....	29
SECTION 6.2	<u>CONSOLIDATED OMNIBUS RECONCILIATION ACT (COBRA)</u> .....	30
SECTION 6.3	<u>EMPLOYEE ASSISTANCE PROGRAM (EAP)</u> .....	30
SECTION 6.4	<u>LIFE INSURANCE</u> .....	30
SECTION 6.5	<u>ACCIDENTAL DEATH AND DISMEMBERMENT</u> .....	30
SECTION 6.6	<u>PENSION PROGRAMS</u> .....	30
SECTION 6.7	<u>TRAINING, EDUCATION, TRAVEL AND TUITION REIMBURSEMENT</u> .....	31
<b><u>ARTICLE VII.</u></b>	<b><u>HOLIDAYS, PERSONAL DAYS, VACATION AND PAID TIME OFF</u></b> .....	33
SECTION 7.1	<u>HOLIDAYS</u> .....	33
SECTION 7.2	<u>RELIGIOUS HOLIDAYS</u> .....	33
SECTION 7.3	<u>PERSONAL DAYS</u> .....	33
SECTION 7.4	<u>VACATION</u> .....	34
<b><u>ARTICLE VIII.</u></b>	<b><u>LEAVES OF ABSENCE</u></b> .....	35
SECTION 8.1	<u>SICK LEAVE</u> .....	35
SECTION 8.2	<u>BEREAVEMENT LEAVE (FUNERAL LEAVE)</u> .....	37
SECTION 8.3	<u>JURY DUTY LEAVE</u> .....	37
SECTION 8.4	<u>DISABILITY LEAVE</u> .....	38
SECTION 8.5	<u>FAMILY AND MEDICAL LEAVE</u> .....	38
SECTION 8.6	<u>MILITARY DUTY LEAVE</u> .....	42
SECTION 8.7	<u>FAMILY MILITARY LEAVE</u> .....	42
SECTION 8.9	<u>PAID VOTING LEAVE</u> .....	44
SECTION 8.10	<u>VICTIMS' ECONOMIC SECURITY AND SAFETY ACT</u> .....	44
SECTION 8.11	<u>SCHOOL VISITATION AND OTHER LEAVES</u> .....	45
<b><u>ARTICLE IX.</u></b>	<b><u>HOURS OF WORK AND OVERTIME</u></b> .....	45
SECTION 9.1	<u>ATTENDANCE</u> .....	45
SECTION 9.2	<u>NORMAL WORK HOURS</u> .....	46
SECTION 9.3	<u>OVERTIME AND COMPENSATORY TIME</u> .....	47

TABLE OF CONTENTS

SECTION 9.4    PAY CHECKS ..... 48

SECTION 9.5    LIGHT DUTY ..... 49

**ARTICLE X.    EMPLOYEE SAFETY** ..... 51

SECTION 10.1    EMPLOYEE RESPONSIBILITY.....51

SECTION 10.2    DRIVER RESPONSIBILITIES .....51

SECTION 10.3    INJURIES/ACCIDENTS ..... 52

SECTION 10.4    WORKERS' COMPENSATION ..... 52

**ARTICLE XI.    EMPLOYEE EXIT PROCESS**..... 52

SECTION 11.1    RESIGNATIONS ..... 52

SECTION 11.2    LAYOFFS ..... 53

SECTION. 11.3    EXIT INTERVIEW..... 53

SECTION 11.4    REIMBURSEMENTS AND RETURN OF VILLAGE PROPERTY..... 53

SECTION 11.5    PENSION CONTRIBUTION REFUNDS ..... 53

**ARTICLE XII.    MISCELLANEOUS POLICIES** ..... 53

SECTION 12.1    VILLAGE IDENTIFICATION CARDS..... 53

## ARTICLE I. INTRODUCTION AND GENERAL PROVISIONS

**NOTE:** *Whenever the male pronoun is used in this manual, it is intended to refer to all employees, male or female. Words used in the singular also apply to the plural, and vice versa.*

### Section 1.1 Application and Scope of the Personnel Manual

This Employee Handbook supersedes and replaces all previous employee handbooks, manuals, management memos, and policy statements, whether oral or written, issued by the Village of Lake Zurich (the “Village”) pertaining to the policy areas contained herein. This Employee Handbook (“Handbook”) serves as a general reference guide to help familiarize employees with the Village’s basic policies, procedures, and rules, as well as the many employee benefits which it provides. This Handbook applies to all full-time, part-time, and temporary employees.

This manual provides employees a brief description and general information concerning Village employment policies. **This manual does not cover every aspect of Village operations.** Rather, the purpose of this manual is to enable employees to gain a better understanding of their role as a member of the Village staff and to provide general guidelines and procedures in relation to their employment. The Village Manager shall make clarifications and interpretations of the Personnel Policy Manual. The Village Manager or his designee shall administer the provisions of this manual. The Village reserves the right to revise this manual at its own discretion, with or without advance notice to employees. Separate Village departments have already or may establish their own respective written policies and/or procedures that are more restrictive than the provisions of this manual, in which event; the more restrictive provisions shall govern and be applicable. Likewise, where any provision herein conflicts with Fire and Police Commission Rules and Regulations, the Fire and Police Commission Rules and Regulations shall control to the extent of that specific conflict.

Please note that this Handbook is not a contract or an offer to form a contract. No representative of the Village other than the Mayor, Board of Trustees, or Village Manager has the authority to make any binding representations, whether oral or written, contrary to the foregoing or purporting to guarantee any particular benefits, procedures, terms, or conditions of employment. Even as to the Mayor, Board of Trustees, or Village Manager, such representations will be binding on the Village only if they are set forth specifically in a written employment agreement signed by the Mayor, Village Manager and the employee. For individuals entering into an employment relationship after July 1, 2010, the terms of employment shall be on **an at-will basis, meaning the Village and its employees retain the mutual right to terminate the employment relationship “at will,” with or without warning, notice, or cause,** and as such, this handbook shall not be construed to provide any guarantee or assurance of continued employment with the Village.

The Village encourages employees, as well as supervisors, to talk openly with each other about work and working relationships, so that effective and continuous employee/management communications exist. Employees, who have questions about the contents of this Handbook or about any aspect of their employment, are encouraged to raise them with their supervisor, Department Director, or Village Manager. The Village takes pride in keeping an open line of communication with all employees.

Any exceptions or extenuating circumstances to the policy guidelines contained within are at the sole discretion of the Village Manager.

This manual often refers to terms such as “regular,” “full-time,” “part-time,” “non-exempt.” “Regular employee” means an employee who is employed by the Village on a non-temporary and/or non-seasonal basis. “Full-time employee” means a regular employee who works on average at least 40 hours per week (except for sworn fire personnel on a 24/48 hour schedule). Sworn fire personnel must work at least 216

hours per 27 days to be considered full-time. Part-time employees are those who work less than the required amounts of full-time. Non-exempt employees are those employees who do not fall under an overtime exemption of the Fair Labor Standards Act and/or Illinois law. The “workplace” for the purposes of this manual shall be any location where any employee(s) of the Village may be present to perform the required duties and any other tasks of their respective positions of employment.

### **Section 1.2 At Will Employment**

This manual is not intended to create any binding contractual commitments between the Village and any employee. Further, it does not provide any guarantee or assurance of continued employment with the Village for any particular term. Notwithstanding anything contained in this Handbook or in any other current or future policy statement or practice, as to those employees hired on or after July 1, 2010, **the Village and its employees retain the mutual right to terminate the employment relationship “at will,” with or without warning, notice, or cause. The Village reserves the right to change, add, delete or modify its employment policies and the benefits described in this manual from time-to-time at its sole discretion, with or without prior notice.** This employee handbook supersedes all previous handbooks, oral statements, management memos, and other documents which may have been issued regarding the subjects covered herein.

### **Section 1.3 Precedence of Collective Bargaining Agreements and Employment Contracts**

To the extent any provisions of this Manual conflict with the terms of any collective bargaining agreement, the terms of the collective bargaining agreement shall control with respect to those employees subject to the collective bargaining agreement.

### **Section 1.4 Employment Classifications**

- “PROBATIONARY” PERSONNEL are employees in a performance-based evaluation period to determine whether further employment in a specific position with the Village is appropriate.
- FULL-TIME PERSONNEL are those employees who work under a full-time job classification on a minimum of forty (40) work hours per week basis, interrupted only by excused absences. This does not include seasonal or part-time employees who work a minimum of thirty-five (35) hours per week.
- PART-TIME (NON-IMRF) PERSONNEL are employees who, regardless of whether they work throughout the year, work no more than one thousand (1,000) hours in a twelve (12) month period. Part-time non-IMRF Personnel are not entitled to any benefits (other than legally mandated benefits such as Social Security and workers’ compensation insurance), unless otherwise specifically set forth herein.
- SEASONAL AND TEMPORARY PERSONNEL are those who are hired on a seasonal or temporary basis (*e.g.*, as summer help, temporary replacements for employees on leave, or for specially funded projects or programs of a limited duration) and are designated as temporary by the Village Manager. During their employment, temporary employees may work either a full-time schedule or a part-time schedule. However, they generally are not eligible for any of the benefits provided by the Village unless required by law.

## **OVERTIME PAY CLASSIFICATIONS**

- EXEMPT EMPLOYEES are employees paid on a salaried basis and who serve in executive, administrative, professional or other “exempt” positions as defined in applicable wage and hour laws as determined by the Village. Their salaries fully compensate them for all hours which they may be required to work to perform their assigned responsibilities. Accordingly, they are not eligible for additional, overtime pay.
- NONEXEMPT EMPLOYEES are those who are entitled to overtime pay for all hours worked in excess of 40 in any work week.

### **Section 1.5 Equal Employment Opportunity**

The Village of Lake Zurich complies with all federal and state laws regarding discrimination and equal employment opportunity. To provide equal employment opportunities to all individuals, basis for all employment decisions at the Village of Lake Zurich depends on an assessment of the individual’s merits, qualifications, and abilities. Employment is never based on or affected by an applicant’s or employee’s race, color, religion, sex, sexual orientation, national origin, ancestry, citizenship status, age, marital status, physical or mental disability or handicap, military status, or any other characteristic protected by law. The Village also will make reasonable accommodations, as required by law, for qualified individuals with disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, discharge, leaves of absence, and access to benefits and training.

### **Section 1.6 Harassment Policies**

The Village is committed to maintaining an environment free from discrimination and harassment. In keeping with this commitment, we will not tolerate any form of harassment that violates this policy. This policy forbids any employee, supervisor, elected official, vendor, client, customer or other person to harass any employee of the Village.

#### **1. PROHIBITED CONDUCT**

This policy prohibits harassment or other workplace discrimination based on an employee’s protected status under state and federal law. This includes conduct, whether verbal, physical, or visual, that denigrates or shows hostility or aversion toward an individual based upon that person’s race, gender, sexual orientation, age, color, religious affiliation, national origin, disability, ancestry, marital status, military status, or other legally protected status. The Village will not tolerate harassing conduct that has the purpose or effect of interfering unreasonably with an individual’s work performance, affecting an individual’s tangible job benefits, or creating an intimidating, hostile, or offensive work environment.

The conduct forbidden by this policy specifically includes, but is not limited to:

- Epithets, slurs, negative stereotyping, or intimidating acts that are based on a person’s protected status.
- Written or graphic material circulated, available on the Village’s computer system, or posted or distributed within the workplace that shows hostility toward a person or persons because of their protected status.
- The Village discourages any such conduct in the workplace, and this policy prohibits harassment based on an individual’s protected status, even if it does not rise to the level of a legal violation.

#### **2. SEXUAL HARASSMENT**

- Sexual harassment deserves special mention. Sexual harassment includes any harassing conduct based on gender, regardless of whether the conduct is sexual in nature. Any unwelcome conduct based on gender is

also forbidden by this policy regardless of whether the individual engaged in harassment and the individual being harassed are of the same or different genders.

- Unwelcome sexual advances, requests for sexual favors, or other verbal, physical, or visual conduct based on sex constitute sexual harassment when (1) submission to the conduct is an explicit or implicit term of employment, (2) submission to or rejection of the conduct is used as a basis for an employment decision affecting an individual (tangible employment action), or (3) the conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
- This policy forbids harassment based on gender regardless of whether it rises to the level of a legal violation.

The Village considers the following conduct to represent, but not limited to, some of the types of acts that violate this Harassment Policy:

- Physical assaults of a sexual nature included but not limited to rape or sexual battery.
- Intentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, etc.
- Unwanted sexual advances, propositions or other sexual comments including but not limited to sexually oriented gestures, noises, remarks, innuendo, jokes, or comments or verbal abuse of a sexual nature. Also included are preferential treatment and promises of preferential treatment to an employee for submitting to sexual conduct.
- Sexual or discriminatory displays or publications anywhere in the Village work place by Village employees including but not limited to pictures, posters, calendars, graffiti, objects, reading materials, or other materials that are suggestive, demeaning or pornographic.

### **3. EMPLOYEE RESPONSIBILITY**

Everyone at the Village can help assure that our workplace is free from prohibited discrimination or harassment. Every employee is expected to avoid any behavior or conduct that could reasonably be interpreted as prohibited harassment under this policy. Employees are encouraged to inform others in the workplace whenever their conduct is unwelcome, offensive, inappropriate, or in poor taste. In addition, employees should come forward with complaints about alleged problems or violations of this policy at any time. Employees are expected to come forward promptly and report any problems pursuant to this policy before the alleged offending behavior becomes severe or pervasive. Complaints need not be limited to someone who was the target of the alleged offending conduct. Anyone who has observed an alleged violation of the policy is also encouraged to report such conduct. No employees, not even the highest-ranking people in the Village are exempt from the requirements of this policy.

### **4. COMPLAINTS OF HARASSMENT**

If an employee experiences or witnesses any conduct that he or she believes is inconsistent with this policy, the Village expects the employee to notify promptly the Village Manager, or an employee's supervisor. This may be done in writing or orally. Each supervisor must immediately report to the Village Manager any complaint or observation of conduct which may violate this policy. This policy does not require reporting harassment or discrimination to any individual who is creating the harassment or discrimination.

### **5. VILLAGE RESPONSE**

- All reports describing conduct that is inconsistent with this policy will be investigated promptly. Employees who believe they have been subjected or exposed to discrimination or harassment prohibited by this policy



have the right to have any such activity terminated immediately. The Village may put reasonable interim measures in place, such as a leave of absence or a transfer, while the investigation takes place. The Village will take further appropriate action once the report has been thoroughly investigated. That action may be a conclusion that a violation occurred, as explained immediately below. The Village might also conclude, depending on the circumstances, either that no violation of the policy occurred or that the Village cannot conclude whether or not a violation occurred.

- If an investigation reveals that a violation of this policy or other inappropriate conduct has occurred, then the Village will take corrective action, including discipline up to and including dismissal, as is appropriate under the circumstances, regardless of the job positions of the parties involved. The Village may discipline an employee for any inappropriate conduct discovered in investigating reports made under this policy, regardless of whether the conduct amounts to a violation of law or even a violation of policy. If the person who engaged in harassment is not employed by the Village, then the Village will take whatever corrective action is reasonable and appropriate under the circumstances.

Employees are encouraged to use the above complaint procedure(s) to report and resolve their complaints of harassment or retaliation. Our policy provides for immediate notice of problems to the Village employees and officials listed above, so that we may address and resolve any problems without waiting for legal proceedings to run their course. However, employees may also file a charge of discrimination in writing with the Illinois Department of Human Rights within 180 days of the harassment and/or the Equal Employment Opportunity Commission at:

Illinois Department of Human Rights  
100 W. Randolph St., Suite 10-100  
Chicago, IL 60601  
(312) 814-6200

Equal Employment Opportunity Commission  
500 West Madison Street, Ste. 2800  
Chicago, Illinois 60661-2511  
(312) 353-2713

## **6. POLICY AGAINST RETALIATION**

The Village forbids that any employee treat any other employee or former employee or applicant adversely for reporting harassment, for assisting another employee or applicant in making a report, for cooperating in a harassment investigation, or for filing an administrative claim with the EEOC or a state governmental agency. All employees who experience or witness any conduct they believe to be retaliatory should immediately follow the reporting procedures stated above.

## **7. CONFIDENTIALITY**

In investigating and in imposing any discipline, the Village will attempt to preserve confidentiality to the extent that the needs of the situation permit and in order to conduct an investigation. Confidentiality cannot be guaranteed.

## **8. TRAINING ON POLICY**

The Village will conduct training on this harassment policy on an annual basis. All employees shall be required to attend annual training.

### **Section 1.7 Americans with Disabilities Act (ADA)**

It is the policy of the Village of Lake Zurich to comply with the Americans with Disabilities Act (“ADA”). The Village will not discriminate against any qualified individual with a disability with respect to any terms, privileges, or conditions of employment. The Village will provide a reasonable accommodation to qualified

individuals with disabilities, if they request accommodation and the accommodation does not create an undue hardship. Reasonable accommodation generally involves modification or adjustment of a job, employment practice, or the work environment which makes it possible for an individual with a disability to perform the essential functions of their job and/or to otherwise enjoy equal employment opportunities. Whenever an employee believes that he or she may need a workplace accommodation, the employee should contact the Village Manager to obtain a Reasonable Accommodation Request Form. Once a Reasonable Accommodation Request Form has been submitted, the employee requesting an accommodation will be given the opportunity to engage in an interactive dialogue with the Village over the requested accommodation. As part of the interactive process, the Village may request the employee to provide certain information from his or her health care provider related to his or her ability to perform the essential job functions, with or without reasonable accommodation.

Applicants and employees are assured that all information regarding a disability will be kept confidential except that (1) where necessary, appropriate supervisory personnel will be informed of any restrictions on work assignments and/or reasonable accommodations that must be provided; (2) safety personnel will be informed of any emergency treatments or first aid that a person with a disability may require; and (3) government officials investigating compliance with federal, state or local laws may be informed of a person with a disability and any accommodation that is being provided.

Any employee who believes that he has been discriminated against due to a physical or mental disability should immediately report the problem or incident to his Department Director or the Village Manager. All complaints of discrimination due to a disability shall be investigated immediately.

## **Section 1.8 Technology Resource Policy**

### **1. Introduction**

To more effectively and efficiently provide services for the Public, the Village of Lake Zurich has made significant investments in various technology resources. In recognition of this investment and acknowledging that use of the Village's resources is a privilege, it is necessary to establish standards for careful and responsible use by employees.

### **2. Responsibilities of Users**

This policy and other related policies applies to all Village employees and all other authorized users of the Village's technology resources, which are collectively referred to as "users" throughout this policy. Use of the Village's technology resources must at all times be appropriate, professional and ethical. The Village expects users to use these resources responsibly, respecting the public trust through which these resources have been provided, the rights and privacy of others, and all pertinent laws and Village policies.

Users during the course of work will have access to personal information about a citizen, a co-worker, or member of the general public. All such information is confidential and shall only be discussed, exchanged or communicated on a "need to know" basis as part of the user's assigned duty. Unless authorized to do so, users are prohibited from:

1. Gaining, or attempting to gain unauthorized access to information that is private or protected.
2. Running programs that attempt to identify passwords or codes.
3. Interrupting, or attempting to interrupt programs that protect data or secure systems.
4. Attempting to gain access to resources to which the user is not entitled.

### **3. Computer Systems: Passwords and Logon/Logoff**

The Technology Department shall be responsible for the administration of access controls to all Village computer systems. Employees joining the organization shall be issued unique credentials in coordination with

the Human Resources Manager. Appropriate application access shall be requested through the helpdesk system by the supervising Department Director or Manager. The Human Resource Manager shall notify the Technology Department via email, when possible, of a pending employee separation. Each user's computer and network access is protected by a personal, confidential password to be determined by the user. It is the user's responsibility to maintain the confidentiality of their password. Individual users can be held accountable for this use of their account by others. From time to time, users will be required to change the password (no less than twice a year) as determined by the Technology Department.

Each user shall be responsible for all computer transactions that are made with the employee's password. A user may not use another user's password to gain access to the computer system. Neither may a user offer the use of their privileges for another user's access. Users with a need to access a coworker's files should contact the Technology Department.

Users who believe their password has been compromised shall report the incident to their supervisor, and advise the Technology Department of the need to change the password.

Users are expected to log out or lock the screen when leaving a workstation for an extended period. To prevent unauthorized access, every user is expected to log off the computer every day at the close of the workday.

#### **4. Equipment and Systems**

It is the Village's policy that all technology resources, including email, telephone/voice mail and access and use of the Internet are to be used for the benefit of the Village. Use of any technology resource to violate Village policies is prohibited and may lead to disciplinary action up to and including dismissal. All technology resources, hardware, software, temporary or permanent files and any related systems or devices used in the transmission, receipt or storage of email, voice mail, or any other data, message or communication system are the property of the Village.

The Village's technology resources shall be monitored and/or reviewed periodically. Possible reasons for monitoring may include, but is not limited to: examination of email, examination of the user's activity, and examination of any computer files. All information, including any personal information, placed on the Village's communications equipment and systems is subject to monitoring and/or review.

#### **5. Electronic Mail (Email)**

The following applies to all users of the Village's email system.

The use of the Village's email system is provided for legitimate Village business. Occasional personal use is permissible, and means infrequent, incidental and brief use, that does not interfere with Village business or the performance of the user's duties.

Users should be aware that use of email for personal use will be treated no differently than other messages. Users should not expect that a message will never be disclosed to or read by others beyond its original intended recipients.

Following are examples of improper uses of email:

1. Intercepting, eavesdropping, recording, or altering a co-worker's email message without the user's permission.
2. Misrepresenting your identity, position or office on any email message.
3. Composing email that contains any information or message that is a violation of Village personnel or department policies, including but not limited to those policies that protect employees from discrimination

and harassment based on race, color, religion, sex, age, physical disability, sexual orientation, political affiliation or national origin.

4. Composing, sending or forwarding email for any commercial purpose, including personal messages offering to buy or sell goods or services.
5. Sending or receiving copyrighted documents or electronic software in violation of applicable copyright laws.
6. Communicating confidential or sensitive information to persons not intended to receive such information.
7. Sending a mass email on the Village's network without the prior authorization of the Department Head or the Village Manager.
8. Subscribing to any email list that is not directly related to the user's assigned duties.

Users authorized to receive and use an email account are prohibited from encrypting any email message, and from establishing a direct connection from an outside source to a Village email account, unless otherwise authorized by the Technology Director.

Due to the potential for viruses and security breaches, users are expected to exercise extreme caution in downloading and executing any files attached to an email. If the attachment is not clearly business related and/or expected from a known source, it should never be opened or executed. If a user believes an email or an attachment contains a virus or otherwise comprises a security breach, the Technology Department shall be immediately notified.

Users are expected to adhere to professional standards pertaining to email usage and etiquette, including:

1. Keep messages brief and to the point. Be aware the commonly accepted abbreviations within the Village may not be known by residents or vendors.
2. Use sentence case. USING CAPITAL LETTERS LOOKS AS IF YOU ARE SHOUTING.
3. Use courtesy copy and blind copy appropriately. Don't use BCC to keep others from seeing who you copied; it shows confidence when you directly CC anyone receiving a copy. Do use BCC, however, when sending to a large distribution list, so recipients won't have to see a huge list of names. Be cautious with your use of CC; overuse simply clutters inboxes. Copy only people who are directly involved.
4. Use the subject field to indicate content and purpose. A meaningful subject will assist in locating the right email in the future.
5. Remember that your tone cannot be heard in e-mail. Have you ever attempted sarcasm in an email, and the recipient took it the wrong way? E-mail communication cannot convey the nuances of verbal communication. In an attempt to infer tone of voice, some people use emoticons, but use them sparingly so that you do not appear unprofessional. Also, don't assume that using a smiley will diffuse a difficult message.
6. Use a signature that includes contact information. To ensure that people know who you are, include a signature that has your contact information, title, Village web site, and phone numbers. Do not add unnecessary graphic images to your signature since not every email program can display them.

#### **6. Electronic Mail – Confidential Information**

Users are directed to use extreme caution when transmitting or forwarding any confidential or sensitive information via email. All users must protect the integrity of the Village's confidential information as well as the privacy of others.

Confidential or sensitive information should never be transmitted or forwarded to persons who do not have a business need to know the information. Users who are unsure whether information is confidential or sensitive are directed to consult with their Department Head, Village Manager, Assistant Village Manager, Village Attorney, Manager of Human Resources, or Technology Director. Information that may be considered confidential or sensitive includes, but is not limited to:

1. Information from an employee's personnel files including private information such as employee's social security number or personal family information.
2. Medical information about any person.
3. Attorney-client communications.
4. Information concerning litigation or administrative proceedings of either a criminal or civil nature.
5. Information which would give a competitive advantage to one vendor over another.
6. Information concerning the value of property the Village might wish to sell or buy.
7. Drafts or working papers involved in the preparation of proposed legislation.

To reinforce the above, the following message shall appear automatically at the bottom of all externally sent email messages:

*This communication is for use by the intended recipient and contains information that may be privileged, confidential or copyrighted under applicable law. If you are not the intended recipient, you are hereby formally notified that any use, copying or distribution of this email, in whole or in part, is strictly prohibited. Please notify the sender by return email and delete this email from your system.*

### **7. Telephones and Voice Mail**

Authorized users of desk telephones shall be provided with a voice mailbox that allows for storage of the user's password and messages. From time to time, users will be required to change the password (no less than once a year) as determined by the Technology Department.

Users are expected to adhere to the Village's customer service guidelines pertaining to telephone usage and etiquette. The use of Village's desk telephone and voice mail system is provided for legitimate Village business. Occasional personal use is permissible, and means infrequent, incidental, and brief use, that does not interfere with Village business or the performance of the user's duties.

Authorized users of Village issued cellular telephones are expected to comply with General Safety Rules pertaining to use of a cellular phone while driving a Village vehicle.

### **8. Access and Use of the Internet**

The following applies to employee access and use of the Internet.

1. Access to the Internet shall be limited to those individuals determined by the Department Head to have a legitimate business purpose to use Internet resources.
2. The use of the Internet is provided for legitimate Village business. Occasional personal use is permissible, and means infrequent, incidental, and brief use, that does not interfere with Village business or the performance of the user's duties.
3. Internet use must be in compliance with all applicable laws and policies of the federal, state, local governments, and Village policies. It is not to be used for illegal, inappropriate, unprofessional or illicit purposes.
4. Users are prohibited from accessing, viewing, creating, possessing, copying, downloading, transmitting, or distributing sexually explicit materials. The Internet shall not be used to communicate defamatory, derogatory, threatening, harassing, obscene, disruptive, profane, or otherwise objectionable materials or comments.
5. The Village has no control over material that exists on the Internet and therefore is not responsible for the content of information.
6. The transfer of information via the Internet is not secure; therefore unauthorized confidential or sensitive information should not be transmitted using the Internet.
7. Users are prohibited from using the Internet electronic communications systems to express their own personal views and represent them as those of the Village.
8. Users are prohibited from subscribing to any services that broadcast material via the Internet.

This includes listening to music, or radio stations, and receiving news, sports information, and/or stock market information.

9. Users should be mindful that Internet sites they visit collect information about visitors. Such information will link the user to the Village. Users will not visit any site that might in any way cause damage to the Village's image or reputation.

### **9. Computer Software**

The Village purchases licenses for the use of copies of computer software from a variety of outside companies. The Village does not own the copyright of such software or its related documentation, and unless authorized by the software developer, does not have the right to reproduce it for use on more than one computer.

No software applications of any kind, including, but not limited to: games, screensavers, Instant Messaging, (e.g. Yahoo, AOL Instant Messenger etc.), Flash, Shockwave software may be downloaded, installed or used on any Village owned computer without the prior authorization of the Technology Department. If approved, the Technology Department will coordinate the purchase and installation of the software.

Employees learning of any misuse or unauthorized installation of software or related documentation within the organization are directed to notify their Department Head, who in turn is required to notify the Technology Department.

According to U.S. Copyright law, illegal duplication of software can be subject to civil and criminal penalties which may include substantial fines. The Village does not condone the illegal duplication of software. Users who make, acquire or use unauthorized copies of Village owned software may be disciplined.

### **10. Equipment and System Maintenance, Security and Virus Prevention**

The Technology Department is responsible for ensuring that all Village electronic communications equipment and systems are properly maintained and secure. Accordingly, the Technology Department will from time to time define maintenance, operational and access standards for users.

Users are prohibited from connecting accessories and from modifying the settings or programs to any Village-issued computers, unless otherwise authorized by the Technology Department. Users with issues or problems regarding Village-owned communications equipment and systems should contact the Technology Department and not attempt to repair problems themselves.

The Technology Department is responsible for maintaining security and anti-virus software on the Village network and on all personal computers. Users shall not download and/or install any programs, antivirus software or other type of software without approval from the Technology Department. All users must update security and anti-virus programs as requested by IT personnel.

### **11. Discipline**

All employees are expected to comply with this policy. Violations will result in disciplinary action up to and including dismissal. The Village's possible tolerance of prior policy violations is no defense against disciplinary action under the policy.

## **ARTICLE II. RECRUITMENT, HIRING, PROMOTIONS, TRANSFERS, DEMOTIONS**

It is the Village's policy to recruit, hire, promote, transfer, or demote in compliance with any and all federal, state, and local laws relating to employment decisions (see the Village's EEO policy above). If an employee believes that the Village's decision with regard to any of these matters is improper, the employee must alert the Village Manager, who will investigate such complaints.

### **Section 2.1 Recruitment**

The Village employs and fills vacancies on the basis of merit and, whenever it is in the best interest of the Village, promotes Village employees to higher positions when vacancies occur. The Village normally will recruit both internal and external candidates for vacant positions, except as otherwise provided for by State statute.

Recruitment for positions shall be under the supervision of the Village Manager or his designee, unless otherwise provided for by State statutes. Candidates for sworn positions within the Police and Fire Departments are recruited in accordance with the Fire and Police Commission Rules and Regulations.

### **Section 2.2 Hiring**

Prior to the commencement of the process to fill any position, with the exception of those positions falling under the jurisdiction of the Fire and Police Commission, the Village Manager in conjunction with the respective Department Director (if applicable) shall prepare a job description identifying the position to be filled and the parameters within which the staff may proceed with the filling of the position.

#### **Pre-Employment Screening**

Before the Village Manager or his designee recommends the hiring of an applicant (at any level), reference checks, including criminal history and general background, shall be conducted. A more extensive background check may be conducted depending on the position.

#### **Statement of Policy**

It is the policy of the Village to check the employment references of all applicants, to ensure that individuals who join the Village are well-qualified and have a strong potential to be productive and successful. The Village will consistently check applicants' references to verify all reference information, and respond in writing to inquiries from others concerning current or former employees.

#### **Responding to Reference Check Inquiries**

- The Village Manager or his/her designee will respond only to the reference check inquiries on Village employees submitted in writing. The Village Manager or his/her designee will inform parties requesting reference check inquiries that the Village will only respond to such requests made in writing.
- Responses to such inquiries will confirm dates of employment, wage rates, and position(s) held when provided by the employee or former employee.
- The Village will maintain documentation relating to all reference and background checks in the individual's personnel file, if he or she is hired.

All employees of the Village shall before entering into/or immediately after employment with the Village

- Agree to abide by the Village's Code of Conduct Ordinance as well as read and sign the documents contained herein.
- Successfully complete physical examination, drug screening, and/or background investigation, when required by the Village in accordance with statutes for the position or other established Village policy.
- Demonstrate the qualifications and ability to perform the duties of the position.
- Complete employment standards and procedures.

Reporting New Hires to the State: The Village must report all newly hired employees to the State of Illinois. The purpose of this law is to locate absent parents for child support and to reduce the abuse or fraud in unemployment insurance, food stamp and Medicaid programs. The Village must report the names, addresses, and social security numbers of all new employees.

**Immigration and Naturalization**

The US Immigration and Naturalization Services require all candidates for employment to complete an I-9 Form and to provide the Village with certain documentation establishing their identity and employment eligibility within three days after commencing employment. It is up to the employee to provide the Village with copies of the documents along with his or her I-9 Form. The Village cannot lawfully employ any candidate who fails to complete this process.

Training: Job related training occurs at the departmental level and is the sole responsibility of the Department Director who may delegate the task to a supervisor.

**Section 2.3 PERSONNEL RECORDS**

The Village of Lake Zurich maintains a personnel file for each employee. The personnel file includes information relating to the employee's hiring, training, performance evaluations, disciplinary record, changes of status and other aspects of his or her employment history.

Personnel files are the property of the Village of Lake Zurich and access to the information they contain is restricted. Generally, without written consent from the employee, only supervisors and other management personnel who have a legitimate business reason can review information in the file. Of course, personnel files also are subject to review by federal, state, and local regulatory agencies.

Employees may inspect their own personnel file up to two times per calendar year. The employee should submit a written request to the Village Manager, who will schedule a mutually convenient time for the inspection. The inspections generally will take place in the presence of the Village Manager or his or her designee. The Village may impose a reasonable charge, not to exceed the actual cost to the Village, for any copies of records made for the employee.

Employees are responsible for providing the Village with accurate, up-to-date information regarding the following:

- Name
- Social security number
- Home address



- Home telephone number
- Marital status
- Number of dependents
- Insurance beneficiaries
- Persons to be notified in case of emergency
- Immigration status and other information relevant to the employee's ability to work lawfully in the United States
- Other information pertinent to the administration of benefits.

#### **Section 2.4     Introductory Evaluation Period**

All newly hired employees, re-hired employees, and existing employees transferring to a new employment classification or job assignment are subject to a formal introductory evaluation period. The length of the introductory evaluation period varies from department to department but is usually between six (6) and eighteen (18) months.

The intention of the introductory evaluation period is to evaluate the employee's work record, attendance, compatibility, and any other aspect of job performance deemed essential to achieving the highest level of performance. Supervisors will submit evaluations of an employee's performance, including an evaluation prior to the conclusion of the introductory period, to the Village Manager. Progression through the introductory evaluation period, with or without an accompanying salary increase, does not guarantee continued employment with the Village for any particular term and does not alter the status of "at-will" Village employees. As to all employees, during the introductory period, either the employee or the Village may terminate the employment relationship at any time. Employee performance remains subject to evaluation throughout employment.

#### **Section 2.5     Promotions**

Promotions shall be based upon merit and ability to fulfill the requirements of the position as described. If in the best interest of the Village, vacancies in higher positions may be filled by promotion of qualified employees from within the organization. Employees may prepare for and seek promotional opportunities. To the extent practical, position vacancies will be posted internally and in most instances, external and internal recruitment will be conducted simultaneously.

#### **Section 2.6     Transfers**

The Village reserves the right to transfer employees from one position or job assignment to another, on a temporary or regular basis, to meet the needs of the various departments. The Village expects employees to cooperate when asked to transfer or handle special assignments. The Village also will consider transfer requests initiated by employees.

#### **Section 2.7     Demotions**

A Department Director, with the concurrence of the Village Manager, may demote an employee to a lower paid job classification if he deems the employee is not meeting the essential job requirements of the employee's present position, or if it is in response to a request of the employee. To the extent possible, employees shall be notified in writing as to the reasons for the demotion three (3) business days prior to the effective date of the action.

## **ARTICLE III. EMPLOYEE CONDUCT**

Employees must exercise the utmost courtesy and discretion regarding all matters of Village business. Employees shall refrain from any action and avoid any public pronouncement that might reflect adversely upon the Village. The Village expects employees to act as a representative of the Village of Lake Zurich at all times.

This means treating all citizens, customers, vendors, suppliers and other service providers courteously, professionally and respectfully on the phone, on the road, on the computer or in person. Employees are also expected to treat each other in the same manner. Any employee found to be in violation of Village policy may be subject to disciplinary action up to and including termination.

Employees may only do work which is of direct benefit to the Village while on duty or on Village business. No employee shall use Village-owned vehicles, equipment, materials or other property for private use, or as part of secondary employment.

### **Section 3.1 Violence in the Workplace**

The Village has a strict policy prohibiting violence in the workplace for any reason. The Village will take appropriate action to address violent, hostile, aggressive, abusive, threatening, intimidating, or other inappropriate behavior toward any co-worker, supervisor, manager, resident/citizen, or other persons in the workplace. This policy extends to jokes or offensive comments regarding violent events, which are not be tolerated and may result in disciplinary measures.

Any employee who subjected to or threatened with any act of violence should immediately report the matter to his or her supervisor, Department Director, or the Village Manager. The Village will thoroughly investigate the matter. No situation is too small for the Village to address. The Village will not tolerate retaliation against any individual who reports actual or threatened acts of workplace violence. Based on the results of the investigation, the Village will take appropriate disciplinary action(s), up to and including termination. Any other person who has been determined to be in violation of this policy will be subject to termination of any business relationship and/or referred for criminal prosecution.

The Village does not permit employees to possess any firearms or other weapons while on duty or on Village property, even in the employee's vehicle. Any employee who is found to be in possession of a weapon while on duty or on Village property will be subject to immediate termination. This paragraph does not apply to police personnel and other employees possessing a weapon as a part of their job duties.

All employees can work together to minimize the risks of threatening and violent behavior in the workplace. Supervisors and Department Directors should refer any employee who displays a tendency to engage in violent, abusive, or threatening behavior, or who otherwise engages in behavior that the Village, in its sole discretion, deems offensive or inappropriate to the EAP for counseling or other appropriate treatment. Employees should inform their Department Director or the Village Manager of any suspicious workplace activity or situations or incidents that they observe or that they are aware of that involve other employees, former employees, customers, business associates, residents or visitors that appear problematic.

Behavior that could be a sign of a potentially dangerous situation includes:

- Discussing weapons or bringing them to the workplace (other than sworn law enforcement personnel).
- Displaying overt signs of extreme stress, resentment, hostility or anger.
- Making threatening remarks.

- Sudden or significant deterioration of performance.
- Displaying irrational or inappropriate behavior.

### **Section 3.2 Open Door Policy**

The Village has an open door policy. Employees are encouraged to communicate their problems, concerns, and suggestions to their immediate supervisor or Department Director. The Village Manager or his/her designee is available to meet with employees by appointment.

In addition to meeting person to person with supervisors and other management personnel, employees are encouraged to bring their concerns, comments, suggestions and questions to employee meetings.

The Village recognizes that employees sometimes prefer to communicate their concerns in writing, and encourage employees to do so.

It is the policy of the Village, insofar as possible, to prevent employee problems and to deal promptly with those that do occur. Employees should feel free to discuss problems with their supervisor. The supervisor will discuss the circumstances with the employee and attempt to resolve the matter.

### **Section 3.3 Employee Personal Appearance**

All employees are required to attire themselves in a professional manner that reflects the highest level of service and professionalism that citizens receiving Village services expect. Uniforms shall be required as and where specified. Departments may set and enforce standards related to uniforms and appearance which are related to appropriate departmental operations and employee safety. The Village permits non-uniform employees to wear “business casual” attire as appropriate to their work duties. The Village may require formal business attire at any time. Employees must exercise appropriate judgment when performing work duties outside of Village premises, holding meetings with outside parties, interviewing candidates for hire, etc.--there may be times when it is more appropriate to wear formal business attire (e.g., a suit, jacket, tie, dress).

### **Section 3.4 Use of Telephone and Personal Cell Phones during Work Hours**

Telephones are provided primarily for business use. Occasional personal use of the telephone is acceptable, so long as it does not interfere with the employee’s work or cause a disruption or distraction for others, or violate employee conduct policy set forth above. Employees are expected to refrain from using their personal cell phones during working hours (for phone calls or text messaging), unless if needed on a limited basis to address urgent personal matters. During work hours, personal cell phones should be placed on vibrate or quiet mode. For employees who do not work in an office setting, personal cell phones should be left in cars or lockers. The Village prohibits use of cell phones while driving in a Village vehicle or while driving in a personal vehicle in the course of performing the employee’s job duties. If a cell phone call is required for business purposes while you are driving, please pull off the road and park your car in a safe location in order to conduct the telephone call.

The Village reserves the right to require reimbursement from an employee for any costs incurred by the Village under this provision.

### **Section 3.5 Mandatory Notifications**

Employees must notify the Village within thirty (30) days of any change in:

- Home address or telephone number.

- Change in marital status
- Addition of dependant(s)
- Deletion of dependent(s)
- Name, address and telephone number of the person to be notified in case of an emergency

The Village may deny benefits to a new dependent if the employee does not notify them within thirty (30) days of the change.

Employees must notify their Department Director and Village Manager within twenty-four (24) hours of any loss of driving privileges.

Employees must notify the Village Manager of any criminal convictions (including pleas of guilty or no contest) for anything other than a minor traffic violation within twenty-four (24) hours of the conviction.

### **Section 3.6      Secondary Employment**

The Village recognizes that, on occasion, employees may seek a second job outside their employment with the Village of Lake Zurich. The Village must approve all outside or secondary employment in writing.

The Village expects employees to devote the time and effort necessary for the successful accomplishment of the Village work for which he or she is responsible. The Village will not approve secondary or outside employment in conflict with this primary obligation.

Further, an employee may not undertake any proposed outside employment that:

- Appears to create a conflict of interest situation;
- Requires the use of Village facilities, equipment or material;
- Causes doubt as to the observance of ethical standards of professional ethics;
- Obligates the employee to be available to the outside employer during his or her normal working hours with the Village; or
- Requires the use of the Village name for advertisement purposes or otherwise, in connection, with such outside employment.

The Village typically approves secondary employment activities for a period not to exceed one year. An additional approval is required for continuance of the activity beyond the initial approved period. The Village Manager will initiate the re-approval process; however, if the Village Manager has not initiated or reapproved secondary employment before the end of the authorized period, the authorization will expire. Permission to engage in secondary employment may be revoked at any time in the Village's discretion.

#### **Approval for Outside Employment**

Employees must request prior approval in writing, from their Department Director, before any employee undertakes outside employment. Failure to do so may be cause for disciplinary action. Employees must seek approval to accept outside employment, including self-employment. This request should be submitted to the employee's Department Director. The Department Director should then sign and forward the request, with a recommendation to approve or disapprove, to the Village Manager for final decision.

Employees are cautioned to consider carefully the demands that additional work activity will create before requesting approval to seek or accept outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work

emergency callbacks, overtime, or different hours. It is expected that an employee will not participate in outside employment if that employee is unable to perform his job duties due to illness and/or as a result of being on an administrative or medical leave. If outside work activity does cause or contribute to job-related problems, the Village may rescind its approval of such employment and, if necessary, normal disciplinary procedures will be followed to deal with the specific problems.

### **Section 3.7 Solicitation and Distribution**

To protect employees from annoyance, harassment, and interference, and to maintain a workplace free of undue litter, the Village has adopted the following rules concerning solicitation and distribution of literature:

- Employees shall not engage in solicitation of any kind during working time or during non-working time in areas where it will disturb employees who are working. (“Solicitation” includes, among other things, sales of products or raffle tickets, requests for donations or contributions, solicitations for lotteries or sports pools, and solicitations for membership in or support of any organization or cause.)
- Employees shall not distribute literature in working areas at any time.
- Employees shall not distribute literature in non-working areas during working time.
- Non-employees are unable to distribute literature or solicit our employees at any time in non-public areas of Village property.
- As used in these rules, the term “working time” means the period of time that an employee is supposed to be performing his or her job duties. “Working time” does not include free time, such as time allotted for break or lunch periods, or periods before or afterwork.

***Exceptions:*** The Village may distribute public education materials, public information notices, or other printed or electronic materials professionally related to a given objective as defined in a job description are exempt from this section. Additionally, a Department Director or the Village Manager may approve some material for distribution of sales, membership, or support understood to be voluntary or charitable in nature.

### **Section 3.8 Nepotism and Fraternization**

The purpose of this policy is to establish consistent guidelines concerning the employment of relatives of employees of the Village. It is the policy of the Village to provide all employees with equal employment opportunities for career advancement without fear of favoritism or penalty, actual or implied, based on family relations.

The employment of a relative of any full-time Village employee, in a full or part-time position, is prohibited if such employment shall cause the new employee to come under direct supervision of or provide direct supervision to the related full-time employee.

Full-time Village employees will not be considered for promotion or transfer if such change shall cause the employee to come under, or to provide, direct supervision to a related Village employee.

If employees in a supervisory relationship become related after employment, every effort will be made to transfer one of the employees to a position where no supervisory relationship exists. If neither employee volunteers for a transfer, the Village Manager will arrange an involuntary transfer at his or her discretion. Transfer decisions may be based on, but are not limited to, such factors as the grade of each affected employee’s position, the availability of openings for which the affected employees are qualified, and the availability of replacement candidates for the affected employees’ positions.

This policy is intended to comply with the requirements of all applicable federal, state and local laws. The Village Manager is responsible for the coordination, administration and implementation of the provisions of this policy. Prior to the application of this policy regarding employment or transfer decisions with respect to spouses, supervisors must contact the Village Manager to ensure compliance with applicable federal, state, and local laws.

For purposes of this section, a “relative” is defined as any person related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage, including mother, father, brother, sister, spouse, children, aunts, uncles, nieces, nephews, first cousins, mother-in-law, father-in-law, brother-in-law, sister-in-law, stepfather, stepmother, step brother, stepsister, stepchild, half-brother, half-sister, grandchild, grandparent and legal guardian. Relationships created by adoption are included.

### **Fraternization**

In order to avoid the appearance of impropriety of management fraternization with a subordinate employee in the workplace, and to avoid even the appearance of improper conduct, including favoritism, improper use of authority, and sexual harassment, it is the Village’s policy that managers, supervisors, or any other employee who has the authority to directly or indirectly affect the terms and conditions of another’s employment shall not fraternize with that employee.

**The fraternization prohibited by this policy includes dating, romantic involvement, or other personal relationships that could lead to a conflict of interest in the workplace.** A conflict of interest can arise when one party to the relationship has the ability to influence the terms and conditions of the other employee in the relationship.

The Village does not intend this fraternization policy to otherwise discourage friendship or social activities among employees outside of the work environment. Should a personal relationship prohibited by this policy develop, the supervisor or manager involved is required to notify his or her supervisor immediately. Where a personal relationship prohibited by this policy exists, the Village shall take whatever action it believes is necessary to eliminate any potential or actual conflict of interest.

The Village recognizes that the question of whether a relationship is prohibited by this policy may be a sensitive question. However, because of the potential impact of such relationships in the workplace, employees are encouraged to bring any questions regarding fraternization to the attention of the employee’s Supervisor, Department Manager, or Human Resources. Any employee, supervisory or non-supervisory may be subject to discipline for failure to report a relationship under this policy.

### **Section 3.9 Conflicts of Interest:**

Except as provided, no employee shall be financially interested directly in the employee’s own name or indirectly in the name of any other person, association, trust or corporation, in any contract, work or business of the Village other than in relationship to his own employment or be interested directly or indirectly, in the purchase of any property that belongs to the Village; is sold for taxes or assessments which includes taxes or assessments due the Village; or is sold by virtue of legal process as a result of a lawsuit by the Village or is sold through the Village by other legal processes. The employee’s conduct in all regards remains subject to Village ordinances regulating conflicts of interest, specifically Village Code Sec. 1-16-14.

In the event an employee should possess such a financial interest or such an interest in property as described above, the employee shall disclose that fact to his supervisor and shall not deliberate, make any decision, or take any action on any matters relating to the subject of that conflict.

- No employee shall represent, either as agent or otherwise, any person, association, trust, or corporation, with respect to any application or bid for any contract or work in regard to which such employee may be called upon to take action.
- No employee shall take or receive, or offer to take or receive, either directly or indirectly, any money or other thing of value as a gift or bribe or means of influencing his action in his official capacity.
- No employee shall take any official action to obtain favored treatment or special consideration solely to advance the personal, private and/or financial interests of himself or others.
- No employee shall grant or accept any special consideration, treatment or advantage beyond that which is available to every other person in similar circumstances, provided, however, this shall not prohibit an employee from utilizing or accepting a benefit or discount which is categorically available to all governmental employees without regard to which governmental entity or agency with which they might be affiliated.
- No employee shall approve the employment of or advocate, promote or advance the employment of any person in any organization, agency, department, or division or part thereof in exchange for any consideration received or to be received directly or indirectly by said employee, but this shall not prohibit an employee from approving, advocating, promoting or advancing the employment of a particular person when such actions are a part of his or her duties as an employee of the Village.
- No employee, or former employee, shall, without proper legal authorization, knowingly disclose confidential information concerning the property, government, or affairs of the Village, nor shall he use such information to advance the personal, private and/or financial interest of himself, herself, or others.
- No employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his or her duties, would constitute a conflict of interest, or could create the reasonable probability of a future conflict of interest with the performance of such duties.
- No employee shall appear on behalf of the private interests of others before any board, commission, committee, subcommittee, or agency of the Village.
- No employee shall represent the private interests of others in any matter, action or proceeding involving the interests of the Village or in any litigation to which the Village is a party.
- Employees may appear before any board, commission, committee, subcommittee, or agency of the Village in his official capacity but cannot use his official capacity in a personal manner.

### **Section 3.10 Prohibited Political Activities**

The Village prohibits all employees from conducting or participating in any of the following activities while on Village compensated time, on Village property, or while using Village equipment or vehicles:

- No employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No employee shall intentionally use any property or resources of the Village in connection with any prohibited political activity.
- At no time shall any employee intentionally require any other officer or employee to perform any prohibited political activity (1) as part of that employee's duties, (2) as a condition of employment, or (3) during any compensated time (see definition below), (4) in consideration for that employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise,
- No person either (1) in a position that is subject to recognized merit principles of public employment or (2) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.
- Some important definitions relating to these regulations are as follows,
  1. "Compensated time" means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.
  2. "Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.
  3. "Political activity" means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (a) relating to the support or opposition of any executive, legislative, or administrative action, (b) relating to collective bargaining, or (c) that are otherwise in furtherance of the person's official duties.
  4. "Prohibited political activity" means:
    - Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
    - Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
    - Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
    - Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
    - Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.



- Assisting at the polls on Election Day on behalf of any political organization or candidate for elective office or for or against any referendum question.
  - Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
  - Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
  - Contributing on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
  - Preparing or reviewing responses to candidate questionnaires.
  - Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
  - Campaigning for any elective office or for or against any referendum question.
  - Managing or working on a campaign for elective office or for or against any referendum question.
  - Serving as a delegate, alternate, or proxy to a political party convention.
  - Participating in any recount or challenge to the outcome of any election.
5. “Prohibited source” means any person or entity:
- Seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;
  - Doing business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;
  - Conducting activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or
  - Having interests that may substantially affect the performance or non-performance of the official duties of the officer or employee.

The employee’s conduct in all regards remains subject to Village ordinances regulating conflicts of interest, specifically Village Code Sec. 1-16-14.

### **Section 3.11 Gift Ban**

- No employee, and no spouse of or immediate family member living with any employee (collectively referred to herein as “recipients”), shall intentionally solicit or accept any gift from any prohibited source, as defined by law or ordinance.
- Disposition of Gifts: An employee, his or her spouse or an immediate family member living with the employee, does not violate this manual if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c) (3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.
- Exceptions: The Gift Ban as described above is not applicable to the following:
  1. Opportunities, benefits, and services available on the same conditions as for the general public.
  2. Anything for which the employee or his or her spouse or immediate family member, pays the fair market value.
  3. Any (a) contribution lawfully made under the Illinois Election Code or (b) activities associated with a fundraising event in support of a political organization or candidate.

4. Educational materials and missions.
5. Travel expenses for a meeting to discuss business.
6. A gift from a relative, as defined under “nepotism.”
7. Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift is because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship.
8. Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided the food or refreshments are (a) consumed on the premises from which they were purchased or prepared or (b) catered.
9. Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an employee), if the benefits have not been offered or enhanced because of the official position or employment of the employee, and are customarily provided to others in similar circumstances.
10. Intra-governmental and inter-governmental gifts. For the purposes of this manual, “intra-governmental gift” means any gift given to an officer or employee from another officer or employee, and “inter-governmental gift” means any gift given to an officer or employee by an officer or employee of another governmental entity.
11. Bequests, inheritances, and other transfers at death.
12. Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100, but no such items accepted by an employee shall include cash or cash equivalents.

An employee that is a recipient of a gift that is given in violation of the above restrictions may, at his or her discretion, return the item to the donor or give the item or an amount equal to its value to an appropriate charity that is exempt from income taxation under section 501(c) 3 of the Internal Revenue Code. **Employees must consult with the Village Manager regarding disposition of gifts that are given in violation of this policy.** The solicitation and acceptance of gifts and other gratuities is subject to regulation by state statute, thus adopted as the policy of the Village. The employee’s conduct in all regards remains subject to Village ordinances regulating conflicts of interest, specifically Village Code Sec. 1-16-

14. Please direct questions to a Department Director or the Village Manager

### **Section 3.12 Village Equipment**

Equipment essential in accomplishing job duties often is expensive and difficult to replace. The Village expects employees to exercise care, perform required maintenance, and follow all operating instructions, safety standards and guidelines when using Village property.

Employees must notify their supervisor or Department Director immediately if any equipment, machines, or tools are damaged, defective, or have need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment can result in disciplinary action, up to and including discharge.

### **Return of Property**

Employees are responsible for all Village property (including tools, equipment, manuals, and other written materials) issued to them or otherwise in their possession or control. Employees must return all Village

property immediately upon request or upon termination of employment. The Village will take all available legal actions necessary to recover and protect its property.

### **Duplication, Removal, and Return of Materials**

Employees are prohibited from copying, duplicating, or removing from Village property any software, data, documents, files, records, correspondence, notes, memoranda, brochures, catalogues, manuals, financial records, or other materials relating to the Village's business, except as required in the course of the employee's employment, and in any such case, the employee must promptly return the materials to the Village. All such materials (including any copies or duplicates), whether prepared by the employee or otherwise coming into his or her possession, are the exclusive property of the Village and must be turned over to the Village immediately upon request or upon termination of employment.

### **Village Vehicles**

The Village expects all employees, when operating any motor vehicle while working, to observe all laws and regulations governing the use of motor vehicles.

The following are additional guidelines and procedures of the Village:

- All employees operating their personal vehicle on Village business will supply the Village with proof of insurance for their vehicle. Additionally, each employee is required to provide the Village with proof of renewal of their vehicle insurance.
- Seat belts are used and all traffic signs and speed limits obeyed, regardless of whether it is a Village vehicle or the employee's vehicle.
- Employees are prohibited from using cell phones or similar devices for phone calls or texting while operating a vehicle, regardless of whether it is a Village vehicle or the employee's vehicle.
- Report all accidents that occur while on job related trips, with either a Village or personal vehicle, immediately to the employee's Department Director or Supervisor.
- Driving any vehicle while the employee is working, with the presence of alcohol or any illegal drug in his or her system, will result in discipline up to and including termination.
- Speeding tickets, moving violations, citations, and parking tickets are the financial responsibility of the employee. Employees must report all such incidents to their Department Director.
- Employees immediately must notify their Department Director if there is any change in their driving status, e.g. suspension of license.
- No employee shall request, use or permit the use of Village-owned vehicles, equipment, materials, or property for personal convenience or profit or political purposes, except when such items are available to the public generally, to those members of the public similarly situated, or where such items are provided as a matter of Village policy for the use of such employee in the conduct of official business, or as otherwise provided by written Village policy.

## **Section 3.13 Alcohol and Substance Abuse Policy**

### **DRUG-FREE Workplace Policy**

Drug and alcohol use and abuse not only threaten the health of the user, but also create a danger to the life and safety of fellow employees on the job. They also have an adverse effect on the quality of the products and services that the Village provides and are extremely costly in terms of absenteeism, reduced productivity, and related problems in the workplace. For these and other reasons, the Village of Lake Zurich is committed to creating and maintaining a workplace free of drugs and alcohol.

Consistent with the foregoing, the Village has adopted the following rules regarding drugs and alcohol. All employees are required to abide by these rules as a condition of their employment with the Village:

- The manufacture, distribution, dispensation, sale, possession or use of alcohol, illegal drugs or controlled substances while on duty or on Village property is absolutely prohibited and will subject employees to immediate discharge.
- Employees who are impaired by or under the influence of alcohol, illegal drugs or controlled substances, or who have any of the same present in their bodily systems, while on duty or on Village property, also will be subject to discharge.
- Off-the-job, illegal manufacture, distribution, dispensation, sale, possession or use of illegal drugs or controlled substances may adversely affect an employee's job performance, the safety of other employees and the public, and the public's trust in the Village and its ability to provide quality products and services. Accordingly, such conduct also will subject employees to disciplinary action, up to and including immediate discharge.
- Employees taking a prescribed drug or controlled substance must maintain the same in the original container identifying the drug or substance, dosage, date of prescription, name of the person to which the prescription belongs, and authorizing physician. Employees also must review with their supervisor or Department Director any work restrictions resulting from the prescribed drug or substance and report any limitations that may affect the employee's ability to perform his or her job duties safely.
- Employees are encouraged to report known violations of these rules directly to their supervisor, Department Director or the Village Manager. The Village will use its best efforts to protect the anonymity of all employees involved and will treat the information as confidential.
- Employees who recognize that they have a drug and/or alcohol problem are encouraged to voluntarily seek medical or other professional assistance to correct the problem. The Village will not discharge or discipline any employee for doing so. However, the employee must continue to observe all of the Village's policies and rules, including those relating to the use and possession of drugs and alcohol. Seeking professional assistance or participating in a drug and/or alcohol rehabilitation program will not insulate an employee from discipline, up to and including immediate discharge, for violation of the Village's policies and rules.
- Any employee of the Village convicted of a violation of any federal or state criminal statute involving the manufacture, distribution, dispensing, possession or use of a controlled substance in the workplace must notify the Village no later than five (5) calendar days after such conviction, which is defined to include a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

### **Education and Awareness Program**

The Village provides a drug/alcohol education and awareness program for its employees. The Village will conduct periodic awareness sessions concerning:

- The dangers of drug/alcohol abuse in the workplace;
- The Village's policy of maintaining a drug/alcohol-free workplace;
- The availability of counseling and treatment programs for employees with drug/alcohol abuse problems; and
- The penalties that imposed on an employee for violations of the Village's drug/alcohol policy and rules.

## **Testing**

If the Village has reasonable suspicion to believe an employee is under the influence of alcohol or illegal drugs during the course of the employee's work day, the Village has the right to require the employee to submit to alcohol or drug testing.

## **Definitions**

The following definitions apply for purposes of the Village's drug/alcohol policy and rules:

- "Illegal Drugs" include any controlled substance as listed in the Illinois Controlled Substances Act (720 ILCS 570) or Cannabis Control Act (720 ILCS 550) and substances listed in Schedules I through V of Section 202 of the Controlled Substances Act, 21 U.S.C. §812, any drug which is not legally obtainable and/or any drug which is legally obtainable, such as a prescription drug, but which is not legally obtained, is not being used for prescribed purposes, and/or is not being taken according to prescribed dosages, or any other intoxicating substance. Prohibited substances include, but are not limited to: narcotics (heroin, morphine, etc.) cannabis (marijuana, hashish), stimulants (cocaine, crack, diet pills, etc.) depressants (tranquilizers), and hallucinogens (PCP, LSD, "designer drugs", etc.).
- "Under the Influence of Alcohol" means an alcohol concentration of .02 or more, or actions, appearance, speech or bodily odors which reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use.
- "Under the Influence of Drugs" means a confirmed positive test result for illegal drug use.
- The term "Village property" includes, but is not limited to, all Village offices, work areas, lunch or break rooms, rest rooms, parking lots, buildings and grounds, vehicles, desks, and lockers, wherever located, which are owned, leased or operated by the Village, or which are used by employees in connection with the performance of their duties on behalf of the Village.

### **Section 3.14 Smoking**

In keeping with the Village's intent to provide a safe and healthy work environment and in conformance with the Smoke-Free Illinois Act, smoking by employees on Village property is limited to designated smoking areas during the employee's lunch or break periods. Village property includes Village vehicles and equipment.

### **Section 3.15 Workplace Inspections**

The Village wishes to maintain a work environment that is free of illegal drugs, alcohol, unauthorized firearms, explosives, or other improper materials. To this end, the Village prohibits the possession, sale, transfer or use of such materials on its premises or in Village vehicles. The Village requires the cooperation of all employees in administering this policy. Desks, lockers and other storage devices may be provided for your convenience but remain the sole property of the Village. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the Village at any time, with or without prior notice. The Village also reserves the right to conduct searches and inspections of employees, employees' personal effects or Village-provided materials such as boxes, thermoses, purses or wallets, briefcases or bags, desks, computer files, cabinets, file drawers, or packages without notice. If an employee refuses to submit to a search or is found in possession of prohibited articles said employee will be subject to disciplinary action, up to and including dismissal. The Village is not responsible for loss of or damage to personal property on the job.

## ARTICLE IV. EMPLOYEE DISCIPLINE

### Section 4.1 Policy

Employees are expected to maintain reasonable standards of conduct, behavior and performance, display a proper regard for the welfare and rights of other employees, customers, businesses, residents of the Village, and the public, and to comply with the provisions of this manual. When employees fail to meet these standards of performance or violate the reasonable rules of conduct, they may be dismissed, demoted, suspended, reprimanded or otherwise disciplined for good cause as the circumstances warrant. An employee may be subject to disciplinary action for improper or inappropriate conduct, including, but not limited to: violations of work rules and general rules and regulations, unacceptable behavior, misconduct, poor performance, or unacceptable attendance.

The Village may apply progressive discipline. However, an employee may still be immediately terminated, instead of receiving progressive discipline, for inappropriate conduct, including but not limited to: violation of work rules, general rules and regulations, unacceptable behavior, misconduct, poor performance, or unacceptable attendance.

The Village Manager is available for consultation on disciplinary action resulting in oral and written reprimands and shall be advised in writing by a Department Director of all discipline issued. The Village Manager shall be consulted prior to the initiation of any disciplinary action which results in disciplinary action above a written reprimand.

### Section 4.2 Guide for Determining Unacceptable Behavior

All employees should bring to work a positive personal attitude reflecting a spirit of cooperation. Approaching one's job positively can help in coping with problems that can occur in one's day to day activities. Personal growth and job progress can often be the result of working in harmony with others.

The Village expects an employee's conduct and performance to conform to general standards of good conduct, professionalism, and business ethics, the requirements of his or her job, published and common sense health and safety rules and practices, and applicable federal, state and local laws, rules, and regulations. There are certain, obvious types of conduct which are unacceptable and which will subject an employee to disciplinary action, up to and including discharge.

The following is a non-exclusive list of prohibited conduct offered for the guidance of employees:

- Theft or unauthorized possession of Village property or the property of fellow employees or others, regardless of value.
- Provoking or engaging in a fight or threatening harm to others while on duty or on Village property or engaging in other conduct that violates the Village's Workplace Violence Policy.
- Engaging in abusive, offensive, discourteous or profane language or conduct while on duty or on Village property.
- Insubordination, including failure or refusal to promptly carry out the orders or instructions of a supervisor or Department Director. (*Note:* This includes the failure or refusal to work overtime required by the Village.)
- Acts of dishonesty, including falsification or alteration of attendance records, time records or other employment-related documents.
- Gambling in any form while on duty or on Village property.

- Misrepresentation or omission of material facts on an employment application, resume or other document used to secure or retain employment with the Village.
- Manufacturing, distributing, dispensing, selling, possessing, using, being impaired by or under the influence of alcohol, controlled substances or illegal drugs while on duty or on Village property.
- Using or possessing firearms, explosives or other dangerous weapons while on duty or on Village property.
- Committing any criminal offense while on duty or on Village property, or which otherwise may adversely affect the employee's work or work relationships or the Village's reputation.
- Violating the Village's policy or rules regarding attendance and punctuality; excessive absenteeism.
- Failing to provide adequate and acceptable verification of illness or injury, or substantiating documentation for absences due to other reasons, or failing to submit to examination by Village-designated doctors, when required by the Village.
- Absence without leave for a period of three (3) days, or failure to report following the expiration of an approved leave of absence.
- Engaging in unlawful discrimination, harassment or other conduct that violates the Village's Equal Employment Opportunity/Unlawful Harassment Policy.
- Using working time for personal matters; use of Village equipment, property, or material for ones personal use or for any other inappropriate purpose.
- Unauthorized or excessive use of the Village's telephones, equipment or supplies.
- Poor workmanship, substandard productivity or unsatisfactory work performance.
- Damaging or improperly using, caring for or maintaining Village property, including tools, equipment, machinery, databases or software.
- Exceeding time limits on break or lunch periods, or taking break or lunch periods at other than designated times, without proper authorization.
- Stopping or leaving work before the end of a scheduled work period without proper authorization.
- Sleeping, loafing or wasting time during a scheduled work period.
- Creating disharmony among employees or interfering with other employees on the job.
- Violating the Village's rules regarding solicitation and distribution of literature.
- Posting materials on the Village's bulletin board without proper authorization, or defacing, marking, damaging, destroying or removing materials posted by the Village.
- Failing to observe any of the Village's safety policies or rules or engaging in other unsafe or unhealthy conduct. (*Note:* This includes removing, bypassing or otherwise altering safety guards or devices.)
- Violating the Village smoking policy.
- Unauthorized examination, use or disclosure of Village records or confidential information.
- Violating the Village's policy regarding business ethics/conflicts of interest.
- Failing to follow Village policies, rules, or supervisory instructions.
- Misrepresentation regarding a leave of absence, or obtaining other employment during a leave of absence without proper authorization from the Village.
- Violating the Village's Electronic Communications Policy.
- Police officers, firemen and paramedics, shall observe and obey all rules and orders of the Board of Fire and Police Commissioners which are in force, as well as the rules and regulations adopted specifically for the Police and Fire Departments.

### **Section 4.3      Forms of Discipline**

In any given case, this discipline may range from oral warnings/informal counseling, written warnings/formal counseling, suspensions with or without pay, demotions, and immediate discharge. The Village will handle cases of unacceptable work behavior on an individual basis, subject to such penalties as deemed appropriate. Relevant factors include, but are not limited to, the nature of the offense, the surrounding circumstances, and the employee's prior work record. For those Village employees employed on an at-will basis, nothing stated herein expressly imposes a requirement of "cause" for discipline or discharge or otherwise limits the discretion of the Village to impose any level of discipline within the "at-will" employment relationship between the Village and its employees. When deemed appropriate, the Village will attempt to apply corrective counseling before discharging an employee. An employee may still be immediately terminated, instead of receiving progressive discipline, for inappropriate conduct, as determined by the Village Manager.

With respect to union employees, the terms of the collective bargaining agreement shall control over any conflicting provisions in this policy. The Village maintains compliance with state laws applicable to discharges or suspensions of police officers, firefighters, and paramedics.

**All employees subject to suspension, demotion, or discharge shall receive prior notification of the disciplinary action by the appropriate Department Director and shall be offered the opportunity to meet with the Village Manager to respond to the notice of proposed disciplinary action before the disciplinary action is finalized. Terminations will only take place with prior consent of the Village Manager.**

### **Suspensions**

Suspensions are temporary removal from employment, accompanied by a concurrent temporary loss of the privileges of employment, including, but not limited to, wages or salary. Suspensions without pay discipline employees for serious misconduct or performance problems, or for repeated misconduct or performance problems of a less severe nature. The Village will comply with the Fair Labor Standards Act and Illinois state wage and hour law with regards to unpaid suspensions of exempt employees. The Village does not allow deductions that violate applicable State and Federal law.

### **Demotion**

Demotion is the reduction in grade or class of employment or assignment to a position of less responsibility, with a corresponding reduction in wage or salary. Demotions may be voluntary, involuntary, disciplinary or non-disciplinary.

- All demotions shall be in writing, with written notice placed in the employee's personnel file.
- Disciplinary demotions punish serious misconduct and may accompany other forms of discipline.

### **Termination**

Discharge or termination of employment is the permanent removal from employment with the corresponding permanent loss of all privileges of employment. Reasons for immediate discharge include, but are not limited to: violation of work rules and general rules and regulations, unacceptable behavior, misconduct, poor performance, or unacceptable attendance, without ever having received an oral reprimand, a written disciplinary notice, a suspension, a reduction in pay, or a demotion.

**All terminations shall be in writing, with written notice placed in the employee's personnel file.**



## **ARTICLE V. EVALUATIONS AND COMPENSATION**

### **Section 5.1 Evaluations**

#### **Performance Reviews**

Periodic performance reviews are important to the Village and each of its employees. Periodic reviews give supervisors an opportunity to explore the employee's progress on the job, identify effective performance, address any work-related problems, and establish goals for future performance, growth, and career development.

It is the supervisor's responsibility to keep his or her employees advised of their progress and performance. However, employees who feel uncertain as to how they are doing or where they stand should not hesitate to ask their supervisor. Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis, that is, performance evaluations are not a substitute for as-needed-management.

The Village will regularly evaluate employee performance using evaluation forms approved by the Village Manager. Generally, the Village conducts annual performance evaluations, however, operational and performance considerations may impact the frequency of evaluations.

Supervisors will discuss all performance reviews with the employee and should be signed and dated by the employee and his or her supervisor. Employees will have the opportunity to express their comments on the review, in writing. The reviews and any such comments will become a part of the employee's personnel file.

### **Section 5.2 Acting Status**

In the event that a prolonged vacancy occurs in a supervisory or administrative position, an existing employee may be asked to assume the duties of the vacant position in an "acting capacity." Such appointment shall be made by the Village Manager and shall be considered a temporary appointment. The Village Manager in his discretion will determine the extent, if any, that an employee is paid for such additional duties when serving in an acting capacity in a higher level position.

## **ARTICLE VI. EMPLOYEE BENEFITS**

**The Village provides for employee benefits as described below. The Village reserves the right to change employee benefits. Nothing in this manual constitutes a promise that the benefits will not be changed or terminated.**

**The description of the benefits contained herein is for employees' information. To the extent that anything in this manual contradicts information contained in the applicable statutes, employee benefit plans or summary plan descriptions applicable to these benefits, those applicable statutes, employee benefit plans and/or summary plan description documents are controlling. An employee may receive a copy of the plan or the summary plan description by requesting such information from the Village Manager.**

### **Section 6.1 Health Benefits**

All full-time employees are eligible to participate in the Village's group insurance plans. The plans include comprehensive medical and life insurance.

The Village will provide employees with a benefits booklet explaining the exact coverage and benefits, their costs, applicable claims procedures, and continuation and conversion rights. All coverage, benefits, costs, and other insurance conditions and procedures are subject to change. Employees should speak with their Department Director or the Village Manager or his designee to request additional information regarding the Village's group insurance plans.

### **Section 6.1a Retiree Health Benefits**

#### Retiree Definition

A retiree is defined as an employee of the Village of Lake Zurich who meets the criteria of a retiree as designated by the applicable pension plan (IMRF, Police, or Fire) in which he / she participates.

#### Retiree Medical Insurance

To participate in a Village sponsored medical plan during retirement you must:

- Meet the current definition of "retiree" as defined by the pension plan in which you participate; and
- Be enrolled in a Village medical plan the day before your retirement date

#### Retiree Dental and / or Vision Insurance

To participate in a Village dental or vision plan during retirement you must:

- Be enrolled in a Village sponsored dental and/or vision plan the day before your retirement date; and
- Be enrolled in a Village sponsored medical plan during retirement; and
- Meet all other criteria as specified in the **Retiree Medical Insurance** section.

#### Dependent Insurance During Your Retirement

- You have the option to insure your spouse and eligible dependent(s) during your retirement if they are covered on your plan(s) on the day before your retirement. Once retired you and your eligible dependent(s) may not enroll in any coverage which was not elected prior to the day before your retirement date.
- Dependent children may be covered until the end of the month in which they turn 26 years of age if they were enrolled in a Village sponsored medical plan the day before your retirement date. Any dependent children (biological or via marriage) that were not enrolled in a Village medical plan the day before your retirement date are not eligible for coverage.
- If you marry after retirement, your new spouse will not be benefit eligible.
- If a retiree waives coverage(s) for himself / herself, that same coverage will also be waived for the retiree's eligible dependent(s) and COBRA laws will apply. A retiree's dependent cannot have coverage without the retiree being on the coverage.
- In the event of the death of the retiree, the surviving spouse is allowed to continue participation in the Village's health plan(s) if:
  - the surviving spouse is entitled to continue receiving a disability pension from the deceased retiree; or
  - if the surviving spouse was covered on the Village's plan(s) on the day before the deceased retiree's retirement date, COBRA laws will apply.

#### Benefits Open Enrollment

- Retirees participating in health benefits will be contacted via email regarding benefits open enrollment.
- Retirees are responsible for ensuring Human Resources has current personal contact information including email, telephone, and mailing address.
- The Village reserves the right to change or modify health plans. Plan changes will be communicated during annual open enrollment.

## Insurance Premiums

- Retirees pay 100% of the insurance premium(s). Monthly premium payment arrangements must be communicated prior to your retirement date. Premium payment options include self-pay (personal check), or disbursement from a pension plan, retirement health savings plan, or 457 plan.

## Cancellation of Village Coverage

- Your coverage will be terminated if the Village does not receive your monthly premium payment.
- Once coverage is canceled, you or a dependent(s) may not re-enroll.

**Medicare enrollees must notify the Village of their eligibility date two months prior to the start of Medicare.**

## **Section 6.2 Consolidated Omnibus Reconciliation Act (COBRA)**

In accordance with federal law (Public Health Service Act, sometimes referred to as public COBRA), the Village offers employees and their families the opportunity for a temporary extension of medical and dental insurance coverage (called “continuation coverage”) at group rates paid for at the employee’s expense in certain instances where coverage under the Village’s plan would otherwise end. The Village Manager or designee will notify employees and their family members who qualify for this coverage at the appropriate time.

Standard COBRA coverage extends for 18 months; however, certain provisions alter may coverage limits. Please contact Human Resources for additional information.

## **Section 6.3 Employee Assistance Program (EAP)**

The Village provides an Employee Assistance Program (EAP) for use by all Village employees and permanent household residents of a Village employee in order to help employees address personal problems, which may affect job performance or general personal attitude. Employees are encouraged to seek EAP assistance/counseling before their job performance is affected. Further information may be obtained through the Village Manager or his designee.

## **Section 6.4 Life Insurance**

Life insurance shall be provided for all full-time employees. Please contact the Village Manager for further information.

## **Section 6.5 Accidental Death and Dismemberment**

Accidental Death and Dismemberment Insurance coverage shall be provided for all full-time employees. Accidental Death and Dismemberment Insurance ceases with termination of employment. Further information regarding Accidental Death and Dismemberment can be obtained through the Village Manager.

## **Section 6.6 Pension Programs**

### **Eligibility**

Eligible employees may participate in a retirement fund pension governed by the laws of the State of Illinois. A summary of the municipal pension plan is available to employees on request.

### **Social Security and Medicare**

As required by law, the Social Security Administration deducts and deposits a fixed percentage of employee earnings from each paycheck. In addition, the Village contributes an equal amount to the employee's social security and Medicare account. Because of these joint contributions, employees and/or their dependents are

entitled to certain benefit payments in the event that they become disabled or die before age sixty-five (65), or elect to retire.

Detailed information on benefits, eligibility requirements, and account status is available from the local Social Security office.

### **Illinois Municipal Retirement Fund**

All regular employees, except for full-time employees covered under either the Downstate Police Pension Fund or the Downstate Firefighters Pension Fund, who are expected to work 1000 hours or more in a year are required to contribute to IMRF, a statewide pension fund. Participation costs are paid through payroll deductions. The employee contribution is determined by State statutes. In addition, the Village contributes an actuarially determined amount on behalf of each participating employee. Employee contributions are currently not taxed at the time of contribution.

IMRF also provides disability and death benefits to its members. Information regarding IMRF benefits and qualification requirements are available through the Village Manager or by calling IMRF directly at (800) ASK-IMRF.

## **Section 6.7 Training, Education, Travel and Tuition Reimbursement**

### **Training**

The Village recognizes that attendance at and participation in seminars or conferences is a valuable tool for updating an employee's job knowledge, skills and abilities. Requests by employees to attend seminars, conferences, workshops, conventions and the like should be submitted through their supervisor for review and approval by the respective Department Director subject to budgetary and scheduling parameters.

Employees attending a conference, meeting, class, seminar, convention or similar occasion as a representative of the Village of Lake Zurich are expected to conduct themselves in a professional manner. Any improper conduct will be treated as if it occurred during regular working hours and the employee may be subject to disciplinary action for such improper conduct, up to and including termination of employment.

### **Educational Benefits**

The Village of Lake Zurich may, to the extent authorized and budgeted at any point during an employee's education, provide training and educational support to full-time employees. The objective of this policy is to improve the efficiency and productivity of Village operations through development of an employee's skills and abilities to assume increased responsibilities. Accordingly, the Village will take an employee's recent performance into consideration in determining eligibility for this benefit, and in general, an employee will be considered eligible for this benefit if the employee consistently exceeds performance expectations. Eligible employees seeking benefits under this policy must seek approval for reimbursement on a course-by-course basis prior to enrolling in a course or training program. The employee's Department Director and the Village Manager must approve all courses and employees will not be eligible for reimbursement if they enroll in or commence a course without prior approval. Only those courses that bear a direct relationship to the employee's current job duties or to the duties of a job to which the employee could be promoted will be considered for possible reimbursement.

On satisfactory completion of approved course(s), the Village reimburses an employee for up to 100 percent of the cost of tuition. The employee must pay all other costs, including fees and books.

When an employee receives payment or a discount from other sources, said payments and/or discounts must be deducted from the total of allowed reimbursable costs. This includes, but is not limited to:

- Veteran's benefit payment for education;
- Scholarships; and
- Tuition remission

**Payments made by the Village for tuition costs are subject to income tax withholding and the Village withholds an appropriate amount.**

Because the Village makes a substantial investment in training and education, the Village expects employees who benefit for this investment to remain in employment with the Village for a substantial period of time. All employees who receive education and training support under this policy will be required to sign a contract with the Village, whereby the employees agree to reimburse the Village for all or a portion of the cost of training and equipping the employee and salary paid to the employee during periods of training as set forth below.

If the employee leaves the employment of the Village within:

- First Year (months 1-12) - if the employee terminates his or her employment within the first year of obtaining tuition reimbursement, then the employee must reimburse the Village for the entire cost of reimbursed educational or training expenses and salary paid during training (other than for time actually worked).
- Second Year (months 13-24) - if the employee terminates his or her employment within the second year of tuition reimbursement, then the employee must reimburse the Village for 50 percent of the cost of reimbursed educational or training expenses and salary paid during training (other than for time actually worked).

#### **Education Eligible for reimbursement**

- A course taken at a recognized accredited educational institution on an individual basis, not part of a diploma or degree program, and not necessarily a credit course. The course must directly relate to skills required or desirable on the employee's current job or potential Village career development.
- Courses taken at a recognized accredited educational institution at which the employee enrolls in an approved specific program leading to a certificate, diploma or undergraduate degree that is directly related to skills required or desirable on the employee's current job or potential Village career development. These may include both mandatory and elective courses prescribed for the necessary credits to obtain the certificate, diploma or degree requirements. Reimbursement is determined on a course-by-course basis and employees should not assume all courses as part of a degree-program will be fully reimbursed.
- Fees for examinations or tests to establish course credits based on work experience when taken as a preliminary part of a planned Village program.
- Courses taken as part of an approved program leading to an advanced academic or professional degree in the field relating to the employee's present or potential responsibilities with the Village.
- The basic requirement for Village approval for tuition reimbursement is that the Village requires the course or degree program for improvement of an employee's skills, job development, and value to the Village, and employees are expected to demonstrate a high-level of performance on the job to be eligible for reimbursement, as noted above.

The Village generally does not reimburse the employee for any course from which he or she fails, receives a grade of less than a “B” or the equivalent, withdraws or receives a grade of incomplete.

### Travel

Please consult the Finance Department to obtain a copy of the “Lake Zurich Purchasing Manual” for specific guidance regarding travel expenses.

## **ARTICLE VII. HOLIDAYS, PERSONAL DAYS, VACATION AND PAID TIME OFF**

### **Section 7.1 Holidays**

Full-time employees are eligible for time off with pay on the following holidays:

New Year’s Day	January 1
President’s Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Thanksgiving Break (2 days)	4th Thursday in November and the following Friday
Christmas Eve	December 24
Christmas Day	December 25

- The Village may designate other days as holidays at its discretion. Holiday pay is equal to the employee’s regular base pay for the day.
- If a holiday falls on Sunday, the day is observed the following Monday; and if the holiday falls on Saturday, the day is observed the preceding Friday.
- To qualify for holiday pay, a full-time employee must work the full scheduled workdays immediately before and after the holiday, unless the Department Director or Supervisor authorized such absence.
- Temporary, seasonal, and part-time employees, employees on excused absence without pay for the entire payroll week which includes the holiday, and employees on a paid or unpaid leave of absence which includes the holiday are not eligible for holiday pay.
- For employees required to work on a holiday, a compensatory day off will be assigned by the Department Director as close to the first work day after holiday as practical.

Exempt employees will not receive additional pay for working on the holiday. Nonexempt employees who are required to work on a holiday will be paid holiday pay plus the actual hours they work on the holiday at the base hourly rate plus premium pay.

### **Section 7.2 Religious Holidays**

An employee may take days off for religious observances of his religious faith, consistent with the operational needs of the department and approval of the employee’s supervisor. Such days off are charged against vacation, personal leave, paid time off, or leave without pay. An employee is expected to provide their supervisor with at least two weeks notice of the need to be absent for a religious holiday so that the Village can attempt to accommodate the request.

### **Section 7.3 Personal Days**

Regular full-time employees shall receive on each January 1 four days of paid personal leave. Temporary, part-time and seasonal employees are not eligible for personal days.

All employees must use personal leave within the calendar year it is made available or the time off is forfeited. Personal leave may not be carried over to the next calendar year. The one exception is for newly hired employees who, upon approval of the Department Director and Village Manager, may carry over personal leave granted prior to the commencement of their first full calendar year of employment with the Village.

In addition, “float days” for Fire Department personnel will accrue in accordance with applicable Collective Bargaining Agreements.

Personal days can be taken in ½ day increments.

#### **Section 7.4 Vacation**

All full-time employees are eligible for a paid vacation. The rate of accrual of vacation days over the course of the year varies, depending upon an employee’s position, type of shift schedule and union representation.

New employees do not earn paid vacation during their probationary period. However, upon completion of their probationary period, the Village will credit employees with paid vacation retroactive to their date of hire. Eligible employees accrue the vacation days for which they are eligible in each calendar year on a *pro rata* basis by virtue of their active employment during that calendar year.

Employees may not take vacations during the first six months of employment. Employees scheduled on 24/48 hours shifts and Fire Department employees may not take vacation during the first year of employment.

The Village expects employees to take their full vacation entitlement in the calendar year in which leave accrues (with the exception of employees scheduled on 24/48 hour shifts and all other Fire Department employees). Employees may carry over a maximum of two years accumulation of vacation days per year upon approval of the Village Manager. Employees generally may not work and be paid in lieu of taking a vacation. Vacations are encouraged for the benefit of employees, their families, and the Village.

Employees may take vacation days in one- hour, increments.

Employees must provide advanced notice to their supervisors of their desire to schedule vacation time in accordance with the requirements of their department. Department Directors will notify employees of the amount of advanced notice required in that particular department. All vacation requests are subject to Department Director approval. In the event that two or more employees request the same vacation dates and the Village cannot grant all of the requests, the employees’ length of service dictates the order of approval. However, the Village reserves the right to approve or change scheduled vacations depending on department needs.

The basis for vacation pay is the number regularly scheduled hours the employee works, and is equal to the employee’s regular, straight time earnings.

Upon termination of employment, employees will receive pay for any unused vacation earned and accumulated at the time of termination on a *pro rata* basis.



Typical Vacation Accrual

0 – 6 years	10 Days
7 – 10 years	15 Days
11 years	16 Days
12 years	17 Days
13 years	18 Days
14 years	19 Days
15 years	20 Days
16 years	21 Days
17 years	22 Days
18 years	23 Days
19 years	24 Days
20+ years	25 Days

**ARTICLE VIII. LEAVES OF ABSENCE**

**Section 8.1 General Unpaid Leave**

The Village may grant an unpaid leave of absence, in addition to the reasons in the handbook or for reasons other than provided in the handbook, if the Village determines there is good and sufficient reason. The Village shall set the terms and conditions of such leaves. Barring emergency circumstances, employees seeking an unpaid leave of absence must request leave at least 30 days prior to the beginning of such leave.

Time spent on unpaid leaves of absence counts as creditable service for IMRF pension purposes. Please contact Human Resources for additional information.

Further, if an employee goes on an approved, unpaid leave of absence for a period in excess of thirty (30) calendar days and wishes to continue to be covered by the Village's health or life insurance, he/she is responsible for payment of the total monthly insurance premiums unless otherwise provided by law.

An employee on a personal leave of absence will be terminated if the employee: (1) fails to return to the Village at the conclusion of the authorized leave period; or (2) resigns or is involuntarily separated from Village employment while on leave.

**Section 8.1 Sick Leave**

Full-time employees receive pay at the rate of his or her wage or salary during bona fide periods of absence from work due to sickness or injury.

Employees other than 24/48 shift personnel accrue sick days initially at the rate of 1 sick day for each month worked up to a maximum of 12 sick days per year. The employee may accumulate these sick days for an indefinite period; however, the maximum number of sick days is not to exceed 240 Days.

24/48 hour shift personnel accrue sick days initially at the rate of 12 hours per month. 24/48 hour shift personnel may accumulate sick days for an indefinite period; however, the maximum number of sick leave shift hours accumulated is 2,160 hours.

Employees accrue sick days at the beginning of the month. Sick leave can be taken in one-hour increments.

Employees may take paid sick leave under the following conditions:

- The employee must give notice of absence due to sickness or injury to his or her immediate supervisor before the starting time of the employee's scheduled work day. An employee whose work requires a substitute for a particular shift assignment is required to give reasonable notification in advance of the assigned time to start.
- Signed verification by the attending physician shall be required of any absence due to illness or injury after a continuous absence of 3 days or more. The Village does not authorize an employee using paid sick day benefits to work secondary employment while unable to work for the Village unless authorized by Human Resources.
- Paid sick days are for any *bona fide* personal illness or injury, or because of pregnancy.
- Paid sick days are because of quarantine for contagious disease.
- Paid sick days or half-day portions thereof are for doctor/dental appointments.
- Paid sick days are because of the need to care for an ill immediate family member (parents, in-laws, children, spouse, siblings and grandparents, or another relative at the Department Director's discretion)

Any employee who feigns sickness or injury and makes application for paid sick days shall forfeit all rights to paid sick leave to which he or she would be entitled on account of any bona fide absence from work occurring during the year of any such feigned sickness or injury. Further, abuse of the sick leave policy is a basis for discharge.

### **SICK LEAVE DONATION PROGRAM**

The Village hereby establishes a policy in which full-time employees, as defined by this policy manual, will be eligible to share accrued sick days on a voluntary basis, under approved circumstances. The intent in the establishment of this policy is to provide for the potential for additional compensatory sick days to employees, beyond the sick days earned by the employee through the established policy guidelines, for a serious debilitating illness or injury that was unintentionally incurred on the part of the employee and outside the individual's scope of employment with the Village.

The establishment of the policy is not an enhancement of Village paid fringe benefits, rather it simply provides an avenue for employees to pool and share a portion of their accrued earned sick days, under current established rates, for the potential benefit of an employee in the event of a serious debilitating injury or illness.

### **Participation**

Participation in the sharing of accrued sick days is a voluntary decision made by each employee.

In order to be eligible to be the recipient of shared sick days, an employee must meet all of the following requirements:

- The employee must be a regular full-time employee.
- The employee must have at least one year of regular full-time employment with the Village prior to receiving any sick days under this program.
- The employee must notify the employee's respective Department Director in writing that he or she would like to be considered for the use of shared sick days and must attach written verification from a medical doctor identifying the illness/injury, along with an explanation of what prevents the participating employee from working, and the approximate return to work date.

- The illness or injury shall be one that is serious and debilitating in nature, incurred outside the individual's scope of employment with the Village, and such that prevents the participating employee from working at least five cumulative work days.
- The circumstances of the injury must have been unintentional on the part of the employee using the reasonably prudent person rule, i.e., a reasonably prudent person would have exercised the same amount of care under similar circumstances.
- The employee must sign a liability waiver and authorize the Department Director to issue a memorandum to all other Village employees requesting consideration of pooling of sick days for the injured/ill employee.
- The Department Director shall notify the Village Manager of the amount of donated sick time to be applied toward the employee's time off.

An employee requesting and/or receiving shared sick time from the sick leave pool must either apply for Village-provided disability benefits before he or she may utilize shared sick time or notify the Village Manager in writing that the employee does not intend to apply for benefits.

### **Administration**

- Prior to an employee utilizing shared accrued sick time, the employee must first exhaust all accrued sick time, vacation time, personal days, and stored compensatory time, and must also utilize additional benefit time as it becomes available (i.e., sick time accrued after the completion of each full month, benefit time available at the beginning of the year, etc.).
- A participating employee may draw a maximum of 520 hours of sick days from other employees for an injury or illness in a 12-month period. In the event of an illness that is re-occurring in nature, an employee may utilize shared accrued sick time at the time of the re-occurrence following the previous 12-month period if he or she meets the requirements as outlined in Subsection II.
- The number of sick leave shared by any one employee shall not exceed 40 hours per approved sick leave pooling request and in no event will employees with less than 24 hours of accrued sick days share sick days with another employee.
- Donated sick time remaining returns to the donors on a prorated basis after the employee has returned to work and is no longer seeking treatment for the qualifying injury or illness.

### **Section 8.2 Bereavement Leave (Funeral Leave)**

In the event of the death of a spouse, child, step-child, adopted child, parent, step parent, parent-in-law, sibling, step sibling, adopted sibling, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandchild, grandparent, or any relative permanently residing in the employee household, employees may be granted up to three (3) scheduled work days off for attending the related memorial and funeral services. All full-time employees are paid their regular base pay for such days, upon submission of supporting documentation (*e.g.*, an obituary notice or death certificate). The Village may grant additional time off without pay in appropriate circumstances.

### **Section 8.3 Jury Duty Leave**

The Village grants all employees paid time off when called to jury duty. Employees should notify their supervisor or Department Director that they have received a jury summons as soon as possible. Employees will report for work immediately upon release by the court for the day if the employee is able to return to work during the employee's normal working hours. The Village or the employee may request to be excused from jury duty if the employee's absence would create serious operational difficulties or other hardships.

Employees are required to submit a copy of the jury duty paycheck as proof of service as well as for payroll purposes.

#### **Section 8.4 Disability Leave**

Regular employees, meeting the eligibility requirements, are presently covered by one of three (3) separate disability plans under their respective retirement plan: The Illinois Municipal Retirement Fund (“IMRF”), the Police Pension Fund, and the Fire Pension Fund. Employees are subject to the regulations governing disability benefits in each of these respective plans. In addition, with regard to work-related injuries, other statutory provisions may be applicable.

#### **Failure to Return from Leave**

An employee who fails to return to duty within three (3) work days after receiving a medical release shall be considered to have resigned from such service in the absence of evidence of extenuating circumstances.

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

While on a paid leave of absence the Village will continue to provide benefit coverage. For any unpaid leave of absence exceeding one (1) month, the employee will be required to pay for coverage unless otherwise provided by law.

While on a paid or unpaid leave of absence or layoff, the employee may be eligible for coverage under applicable group health/dental and life insurance plans to the extent provided in such plan(s) and subject to the payment of the full monthly premiums.

During an unpaid leave, seniority, vacation time, holiday time, sick leave and personal days and/or paid time off shall not accrue except as required by law.

#### **Section 8.5 Family and Medical Leave**

##### **FAMILY AND MEDICAL LEAVE (FMLA LEAVE)**

#### **Employee Eligibility, Leave Entitlement, and Job Restoration**

Employees who have been employed by the Village for at least 12 months and who have worked at least 1,250 hours during the prior 12 months may take up to 12 weeks of unpaid leave per rolling 12-month period in accordance with the Family and Medical Leave Act of 1993 (“FMLA”). This 12-month period measures backward from the date on which the employee uses any mandated family and medical leave (“FMLA leave”) and runs concurrently with workers compensation leave.

FMLA leave is available for the following reasons:

- The birth and related care of a child of the employee;
- The placement of a child into the employee’s family by adoption or a foster care arrangement;
- To provide needed care for the employee’s spouse, child or parent who has a serious health condition;
- The employee’s own serious health condition which renders the employee unable to perform the functions of his or her position; and
- The care of a US Military member per FMLA guidelines (see Family Military Leave Policy)

In the case of FMLA leave for serious health conditions, the employee may take leave intermittently or on a reduced-hour basis only if such leave is medically necessary. If the need for intermittent or reduced-hour leave is foreseeable based on planned medical treatment, the employee generally is responsible for scheduling the treatment in a manner that does not unduly disrupt the Village's operations. Also, if intermittent or reduced hours leave that is foreseeable is required, the Village may temporarily transfer the employee to another position with equivalent pay and benefits accommodating such leave better than the employee's regular position.

For the birth or placement of a child, intermittent leave or leave on a reduced-hour basis requires written approval of the Village Manager. If the Village employs both spouses, the combined FMLA leave for the birth or placement of a child, or to care for a parent who has a serious health condition, shall not exceed 12 weeks.

Employees who return to work from FMLA leave (*i.e.*, within their maximum 12 weeks per rolling twelve-month period, will be reinstated to their former position or to an equivalent position with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement, or to other benefits and conditions of employment, than a scenario of continuous employment of the employee by the Village during the FMLA leave period. Therefore, if changes in the Village's operations occur during an employee's FMLA leave and the employee would have been terminated, laid off or reassigned had he or she been on active status, the employee is not guaranteed reinstatement.

### **Serious Health Conditions**

“Serious health condition” entitling an employee to FMLA leave means an illness, injury, impairment, or physical or mental condition (whether work-related or non-work-related) that involves:

- Inpatient care (*i.e.*, an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (defined as: inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery there from), or any subsequent treatment in connection with such inpatient care; or
- Continuing treatment by a healthcare provider.

A serious health condition involving “continuing treatment” by a healthcare provider includes:

- A period of incapacity (*i.e.*, inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery there from) of more than three consecutive calendar days, including any subsequent treatment or period of incapacity relating to the same condition, that also involves:
  - a. Treatment two or more times by a healthcare provider, by a nurse or physician's assistant under the direct supervision of a healthcare provider, or by a provider of health care services (*e.g.*, physical therapist) under orders of, or on referral by, a healthcare provider; or
  - b. Treatment by a healthcare provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the healthcare provider.
- Any period of incapacity due to pregnancy, or for prenatal care.
- Any period of incapacity or treatment for such incapacity due to a chronic serious health condition, which:
  - a. Requires periodic visits for treatment by a healthcare provider, or by a nurse or physician's assistant under direct supervision of a healthcare provider;
  - b. Continues over an extended period of time (including recurring episodes of a single underlying condition); and
  - c. May cause episodic rather than a continuing period of incapacity.

- A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective and for which the person is under the continuing supervision of a healthcare provider.
- Any period of absence to receive multiple treatments (including any period of recovery there from) by a healthcare provider or by a provider of health care services under orders of, or on referral by, a healthcare provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

### **Notice and Certification**

All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to the Village Manager. The Village Manager, or designee, will notify the appropriate department of the request. Within five business days after the employee has provided this notice, the Village Manager will complete and provide the employee with a Notice of Eligibility and Rights form. Upon notification by the employee to the Village, the Village will preliminarily notify the employee who has properly requested leave whether the request has been granted within five business days of learning the reason for the request. The Village may require further certification as set forth below before making a final determination of eligibility for leave under the FMLA. Within five business days after the employee has submitted the appropriate certification form, the Village Manager or his designee will complete and provide the employee with a written response to the employee's request for FMLA leave using the DOL Designation Notice.

### **Employee Notice Requirements**

When the need for the leave is foreseeable, the employee must provide the Village with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave as soon as the employee learns of the need for leave, typically the same day. When the need for FMLA leave is not foreseeable, the employee must comply with the Village's usual and customary notice and procedural requirements for requesting time off, absent unusual circumstances.

When an employee seeks leave for a FMLA-qualifying reason for the first time, the Village will designate the leave as covered by this policy whether or not the employee has expressly requested FMLA leave. When an employee seeks leave, however, due to a FMLA-qualifying reason for which the Village has previously provided the employee FMLA-protected leave, the employee must specifically reference either the qualifying reason for leave or the need for FMLA. In all instances, the employee must answer questions and provide sufficient information to allow the Village to determine whether an absence is for a FMLA-qualifying reason. Failure to provide such information can result in a delay or denial of FMLA coverage.

The Village will require an employee on FMLA leave to report no less than every ten days on the employee's status and intent to return to work.

### **Village Notice to Employees**

When an employee requests FMLA leave or the Village acquires knowledge that leave may be for a FMLA purpose, the Village must notify the employee of his or her eligibility to take leave, and inform the employee of his/her rights and responsibilities under FMLA. When the Village has enough information to determine that leave is being taken for a FMLA-qualifying reason, the Village will notify the employee that the leave is designated and will be counted as FMLA leave.

## **Certification Requirement**

The Village will require certification for the employee's serious health condition or for a family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Employee's Serious Health Condition.

The Village Manager may directly contact the employee's health care provider for verification or clarification purposes. This contact may only be made the Village Manager or his designee – ***not by the employee's direct supervisor***. Before the Village makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. The employee may be required to consent to disclosure of the information to the Village pursuant to HIPAA Medical Privacy Rules, and if the employee fails to provide such consent, the Village may deny FMLA leave where the certification is unclear.

The Village has the right to ask for a second opinion if it has reason to doubt the certification. The Village will pay for the employee to get a certification from a second doctor, which the Village will select. The Village may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the Village will require the opinion of a third doctor. The Village and the employee will mutually select the third doctor, and the Village will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

The employee is responsible for notifying the Village of any subsequent changes that may affect the need for leave. The Village may also require periodic medical recertification during leave. In all instances, the Village requires recertification every six months in connection with an FMLA medical leave, or more frequently as permitted by law. The Village may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

The Village may require employees to present a fitness-for-duty verification upon their return to work following a leave for the employee's own illness.

Failure to meet the applicable notice and certification requirements may result in counting the employee's days off against his or her attendance record; disciplinary action, up to and including termination; denial of a request for leave; or denial of reinstatement following the leave.

## **Prohibition on Working**

As with other forms of leave, except where express authorization by the Village Manager is given, while on FMLA leave, employees are prohibited from performing any work, paid or unpaid, for any other person or entity, including the employee's own business. Violations of this prohibition may result in FMLA leave being revoked and the employee's prior days off being counted against his or her attendance record; disciplinary action, up to and including termination; or denial of reinstatement following the leave.

## **Health Insurance and Other Benefits**

During an FMLA leave, the Village will continue to pay its portion of the group health insurance premiums, and the employee must continue to pay his or her share of the premiums (including his or her share of any premium increases which occur while the employee is on leave). During portions of leave for which paid time off runs

concurrently, the employee's contribution will be deducted from the employee's pay, in the same manner as before leave. If the leave becomes unpaid then payments for all premiums are due by the 1st of the month and will be considered late as of the 10th of the month. The employee's failure to pay his or her share of the premiums will result in loss of coverage. If the employee does not return to work after expiration of the leave, the employee will be required to reimburse the Village for all of the premiums which it paid during the leave, unless the employee does not return because of the continuation, recurrence or onset of a serious health condition, or other circumstances beyond the employee's control.

FMLA leave is generally unpaid. Employees are required to use their earned and accumulated paid sick leave, personal/float leave, vacation time, and compensatory time in conjunction with FMLA leave, unless the leave otherwise is paid (*e.g.*, because the employee is receiving workers' compensation or PEDDA benefits, which will also run concurrently with and be designated as FMLA leave where qualifying). Employees will continue to earn additional paid vacation and sick days during their leave only for as long as they are being required to use such days under the terms of this policy.

### **Section 8.6 Military Duty Leave**

Any employee who is a member of any active or reserve component of the Armed Services, the Illinois National Guard, or the Illinois Naval Militia, shall be allowed military leave from employment with Village for any period actively spent in military service including basic training and special or advanced training, whether or not within the State of Illinois, and whether or not voluntary. The Village grants such leave for a cumulative period of service of no longer than five years, except as otherwise required by law.

#### **Return to Duty**

Employees returning to work following military service shall notify the Village of their intent to return. Employees who have been engaged in military duty and wish to return to work must apply for reinstatement for employment with the Village within 90 days following completion of service. If, due to no fault of the employee, timely reporting to work would be impossible or unreasonable, the employee must report back to work as soon as possible unless otherwise provided for by law. Failure to comply with the above stated times for reinstatement may be grounds for the denial of reinstatement and/or discipline, including termination.

Note: Military leave laws are continually changing. The Village is committed to comply with the applicable law(s) and the conditions of the federal "United States Employment and Reemployment Rights Act" (USERRA) and the State of Illinois "Local Government Benefits Continuation Act," Military Leave of Absence Act," and "Family Military Leave Act."

### **Section 8.7 Family Military Leave**

#### **Family Military Leave**

The Village will provide unpaid Family Military Leave in accordance with state and federal law if the employee has at least 12 months of employment with the Village and has worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

An employee who is a spouse, parent or child of an individual who : a) is a member of a regular component of the Armed Forces deployed to a foreign country; or b) who is a member of a reserve component of the Armed Forces called or ordered to active duty and deployed to a foreign country under a call or order to active duty may be eligible for leave to attend to exigencies arising out of such active duty ("Non-Medical Family Military Leave") or to provide care for a service member ("Medical Family Military Leave").



### **Non-Medical Family Military Leave**

An eligible employee may take up to twelve weeks of leave to attend to exigencies arising out of the fact that the spouse, or a son, daughter, or parent, of the employee has been deployed to a foreign country or has been called or ordered for such deployment. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

If the need for leave is foreseeable, the employee must give the Village at least 14 days prior written notice if requesting leave for 5 or more days. Where the need for leave is not foreseeable or where there is a need to take fewer than 5 days of leave, the employee is expected to notify the Village of the need for time off as soon as he/she learns of such need, generally on the same day. Such leave may be taken intermittently or on a reduced schedule.

The Village will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave.

Employees will be required to use accrued vacation time, personal/float leave and compensatory time during Non-Medical Family Military Leave. To the extent this leave extends beyond all such accrued leave, the remainder of leave will be unpaid. Also, Non-Medical Family Military Leave will be counted against the annual twelve week FMLA allotment as measured on a rolling backward basis. An employee will not be entitled to more than twelve weeks of Non-Medical Family Military or FMLA leave, paid or unpaid. During an approved Non-Medical Family Military Leave, the employee remains entitled to continue group health insurance as if he/she continued to be actively employed. When leave is unpaid, the employee must arrange to pay his/her portion of the health insurance premium, as health coverage may cease if premium payment is more than 30 days late. At the conclusion of Non-Medical Family Military Leave, the employee shall be restored to the same position with the Village or to an equivalent position. If the employee fails to return from leave, he/she may be required to reimburse the Village for the cost of the premiums it paid to continue his/her health insurance during leave, unless he/she cannot return to work due to circumstances beyond his/her control.

### **Section 8.8 Medical Family Military Leave**

If eligible, the employee may take up to twenty-six (26) weeks to care for a spouse, parent, child or an individual for whom the employee is the nearest blood relative: a) who has a serious injury or illness that was incurred in or that existed prior to and was aggravated in the line of duty while on active military and that may render the service member medically unfit to perform the duties of his or her military position; or b) who is a veteran who undergoes medical treatment, recuperation or therapy for such a serious injury or illness during a 5-year period following discharge from duty. Such leave must be completed within 12 months from the first day Family Military Leave is taken. Such leave may be taken intermittently or on a reduced schedule subject to the employee providing appropriate notice of the need for leave and certification from the service member's health care provider.

If the need for leave is foreseeable, the employee must give the Village at least 30 days prior written notice. Where the need for leave is not foreseeable, the employee is expected to notify the Village of the need for time off as soon as he or she learns of such need, generally on the same day. Such leave may be taken intermittently or on a reduced schedule.

The Village will require certification for the serious injury or illness of the covered service member. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Service member.

Medical Family Military Leave is generally unpaid. Employees are required to use their earned and accumulated paid sick leave, personal/float leave, vacation time, and compensatory time in conjunction with FMLA leave. To the extent this leave extends beyond all such accrued leave, the remainder of leave will be unpaid.

Medical Family Military Leave will be counted against an employee's annual twelve week FMLA allotment. An employee may take leave for other qualifying reasons under the FMLA during the twelve-month window that the employee is eligible for Medical Family Military Leave; however, combined leave under the FMLA is limited in two key regards: 1) an employee may not take more than twelve weeks of leave for any other reason than Medical Family Military Leave; and 2) any Medical Family Military Leave that is taken cannot exceed the difference between twenty-six weeks and the amount of leave taken within the employee's twelve-week allotment for other qualifying reasons. If a husband and wife both work for the Village and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

During an approved Medical Family Military Leave, the employee remains entitled to continue his or her group health insurance as if they continued to be actively employed. When leave is unpaid, the employee must arrange to pay his or her portion of the health insurance premium, as health coverage may cease if the premium payment is more than 30 days late. At the conclusion of Medical Family Military Leave, the employee shall be restored to his or her same position with the Village or to an equivalent position. If one fails to return from leave, he or she may be required to reimburse the Village for the cost of the premiums it paid to continue health insurance during leave, unless one cannot return to work due to circumstances beyond his or her control.

#### **Section 8.9 Paid Voting Leave**

An employee is entitled to a paid absence to vote during working hours if the employee's working hours begin less than two (2) hours after the opening of the polls and end less than two (2) hours before the closing of the polls, provided the employee requests the leave the day before the election.

#### **Section 8.10 Victims' Economic Security and Safety Act**

The Victims' Economic Security and Safety Act (VESSA) provides that an employee who is a victim of domestic or sexual violence or has a family or household member who is a victim of domestic or sexual violence may take up to a total of 12 work weeks of unpaid leave from work during any 12-month period to address the domestic or sexual violence.

The employee shall provide the Village with at least 48 hours advance notice of the employee's intention to take the leave, unless providing such notice is not practicable. The Village may require employees to provide certification for such leave.

Employees may elect to substitute available paid leave for an equivalent period of leave provided under this Act.

The Village will provide a reasonable accommodation to an eligible employee or job applicant for a known limitation resulting from domestic or sexual violence, unless the accommodation would cause the Village an undue hardship. If an otherwise qualified individual can perform the essential functions of the job, but needs such an accommodation, the Village may provide an adjustment to the job structure, workplace facility, work requirements, or an employee's telephone number, seating assignment, or physical security of his work area in response to a need covered by VESSA.

The Village will also consider a request for transfer, reassignment, or modified schedule if needed due to a known limitation caused by an act or threat of domestic or sexual violence. Other safety measures may also be appropriate. Any employee covered by VESSA may make a request for leave or for a reasonable accommodation to the Village Manager.

### **Section 8.11 School Visitation and Other Leaves**

For employees who have been employed by the Village for at least six continuous months, the Village will grant up to eight hours of unpaid leave each school year — up to four hours on any given day — so that the employee can attend school conferences or classroom activities related to the employee's child if the conference or classroom activities cannot be scheduled during non-work hours.

Prior to taking leave under this policy, the employee must have exhausted all accrued vacation leave and personal days. An employee wishing to utilize leave under this policy must provide his or her Department Director with a written request for leave at least seven days in advance of the time the employee is seeking to use this leave. In emergency situations, no more than 24 hours notice shall be required. Employees must consult with their supervisor in order to schedule the leave so as not to unduly disrupt the operations of the Village.

An employee who utilizes leave under this policy may be able to make up the time on a different day or shift as directed by the Village if reasonable opportunity exists for the employee to make up the time taken. Employees must provide verification that the school visitation occurred as scheduled within two working days of the leave.

The Village recognizes employees' right to additional forms of leave as provided by state law. Please notify the Village Manager if you have any questions or concerns regarding your need for time off for any reason.

## **ARTICLE IX. HOURS OF WORK AND OVERTIME**

### **Section 9.1 Attendance**

The Village relies on employees to come to work each day, to arrive on time, and not to leave work earlier than scheduled. Regular and timely attendance is an expected and essential part of every position at the Village. Without prior authorization from a supervisor and/or Department Director, or an approved absence such as a prearranged vacation day or leave of absence, employees are expected to be at work every day. Excessive absenteeism, tardiness, leaving work early, or a suspicious pattern of such conduct (e.g., repeated absences on a particular day of the week, sick days repeatedly coupled with a regular day off), may result in disciplinary action.

Regular and prompt attendance is an essential part of an employee's overall job performance and is critical to the smooth and efficient operation of the Village. Absenteeism and tardiness are expensive, disruptive, and place an unfair burden on other employees and one's supervisor. Accordingly, it is imperative that all employees report to work regularly, be ready to perform their assigned duties at the beginning of their scheduled workday, and work their full scheduled workday.

## **Definitions**

- **Excessive Tardiness**: Failing to report or clock in/out at the designated time for more than twice (2) per month without prior approval.
- **Absenteeism**: Failure to report to work as scheduled.
- **Excessive Absenteeism**: Patterned absenteeism occurs when one or more trends of absenteeism are apparent. Examples of patterns may include, but are not limited to, a pattern of unscheduled absences, repeatedly leaving work early or repeatedly arriving late.

In the rare instances when employees cannot avoid being late for work or are unable to report to work as scheduled, they must notify their supervisor prior to their regularly scheduled starting time. The Village expects employees to provide their supervisor with an explanation of the reason for the absence or tardiness, and a statement as to when the employee expects to arrive at or return to work (Note: Employees may be required to present a doctor's statement or other documentation substantiating the reasons for the absence or tardiness, to furnish medical certification of a serious health condition under the Family and Medical Leave Act of 1993, and/or to submit to an independent medical examination by a doctor designated and paid for by the Village).

The foregoing notice requirements apply to each day of absence or tardiness, including consecutive days. The Village deems any employee who fails to report to work on three (3) or more consecutive workdays without notifying his or her supervisor to have voluntarily resigned from employment with the Village. The last full day worked is the termination date.

Even if an employee provides proper notice of his or her absence or tardiness, lacking supervisory approval, the absence or tardiness may constitute an unexcused absence.

## **Unexcused Absences and Tardiness**

- Absences or tardiness due to a non-work related injury for which no medical verification is provided;
- Repeated absences or tardiness attributed to alleged transportation problems;
- Absences or tardiness for a period in which the employee requested but was denied excused absence (with or without pay);
- Any other absence or tardiness where the employee fails to provide evidence to establish a legitimate need (in the discretion of the Village) for the absence or tardiness.

Employees will not receive pay for any period of unexcused absence or tardiness. Moreover, continued irregular attendance or excessive absenteeism or tardiness constitutes unsatisfactory performance and will subject the employee to disciplinary action, up to and including discharge.

## **Section 9.2 Normal Work Hours**

The current established work week for all full-time employees (with the exception of police and fire shift personnel) is forty (40) hours. Departments, in conjunction with the Village Manager, shall establish normal work schedules and reasonable unpaid meal periods to ensure coverage and other operational needs of the respective department are met.

Determination of time and length of such meal breaks will be made by the Department Director, in conjunction with the Village Manager, in a manner consistent with the effective operation of the department. Meal breaks shall not be less than thirty minutes and may not be regularly scheduled at the beginning or end

of a work shift. An exception, however, would be when an employee is directed to work by their supervisor during their normal meal period.

### **Section 9.3 Overtime**

- All overtime work must receive the Supervisor's prior authorization. The Department Director(s) will assign practicable overtime based on the needs of the Village. Overtime compensation payments, to all non-exempt employees, happens in accordance with federal and state wage and hour restrictions based on actual hours worked, unless otherwise provided in an applicable collective bargaining agreement.
- Failure to work scheduled overtime or overtime worked without prior authorization from the supervisor may result in disciplinary action, up to and including possible termination of employment.
- Employees generally should be able to complete their assigned work during regularly scheduled hours. However, employees may be required to work additional hours, including weekends and holidays, as necessary to meet Village needs. The Village will try to give reasonable advance notice of required overtime work.
- Employees who otherwise are unable to complete their work during regularly scheduled hours should discuss the situation with their supervisor. Nonexempt employees must receive prior authorization from their Department Director in order to work any overtime.
- Overtime payment for Nonexempt employees equals 1½ times their regular hourly rate of pay for all hours worked in excess of 40 in any work week and for all hours worked beyond an employee's normally scheduled work period. When determining an employee's eligibility for overtime pay, only actual hours worked count. Paid or unpaid time off (including lunch periods, vacation time, sick time, personal/float time, and holidays) does not count toward "hours worked."

### **Compensatory Time Off**

The purpose of this procedure is to set standards to be followed in the administration of Compensatory Time accrual and use of time. The Village of Lake Zurich complies with all provisions set forth in the Fair Labor Standards Act (FLSA).

The Respective Director shall be ultimately responsible for ensuring that the procedure is followed, and that all personnel responsible for carrying out the procedure be trained.

### **Definition of Compensatory Time Off**

Compensatory time is time off that accrues in lieu of overtime.

Exempt employees are not eligible to accrue, nor use compensatory time.

Compensatory time accrues at the rate of one and one half hours for every hour of overtime worked. When used, it is paid out at an employee's regular hourly rate.

Example: An employee worked 3 hours of overtime to be paid as compensatory time. The three hours are converted at one and a half time rate to create 4.5 hours available to be paid out at a regular hourly rate.

### **Accruing Compensatory Time**

Non-union employees can accumulate compensatory up to maximum of 80 hours.

### **Required Use of Compensatory Time**

The Village may “cash out” accrued compensatory time or schedule an employee for compensatory time as operationally necessary.

Compensatory time will be substituted for unpaid FMLA time.

Employees will be compensated for all unused accrued compensatory time on termination of employment.

### **Employee Request for Compensatory Time Off**

Employees requesting to use compensatory time off should provide as much advanced notice as possible. The Village may not be able to schedule compensatory time off requests on short notice but will seek to schedule compensatory time off within a reasonable period after requesting time off.

### **Tracking Compensatory Time**

Hours to be banked must be identified as E200 earnings code. E200 hours will not be paid, but will be automatically banked at the one and a half times the overtime hours earned.

### **Compensatory Time for Holidays**

Compensatory time will not be allowed for overtime hours worked on a Village Holiday. The “official holidays” of the Village are New Year’s Day, Presidents Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and the day after, and Christmas Day along with the day before or the day after depending on how the calendar falls.

## **Section 9.4 Pay Checks**

Payroll services distributes paychecks bi-weekly. Paychecks are not available before payday. If an employee is absent on payday, and does not have direct deposit, Payroll Services holds the check until the employee returns to work unless he/she makes other arrangements with his or her supervisor. Payroll services will only provide the paycheck to the designated employee unless the person requesting presents a written note, signed by the employee, authorizing release of the check to him or her.

Employees should examine paychecks upon receipt. Employees should report any discrepancies promptly to the employee’s supervisor or Department Director.

### **Payroll Deductions**

- Social security, Medicare, federal income taxes, and state income taxes are deducted automatically from all employees’ paychecks according to law.
- Employees may elect to have additional withholdings directed from their paychecks, and the Village may be required, pursuant to court order, to deduct other sums from an employee’s wages.
- Payroll services will inform employees of all deductions from their wages as requested.

Generally, an exempt employee may not have his or her pay docked (i.e., deductions generally may not be taken from an exempt employee’s paycheck for any workweek in which the employee worked). However, deductions may be taken in the following circumstances: a full-day absence for personal reasons other than illness or

recovery from an injury, a full-day absence for illness or recovery from an injury after having exhausted all paid sick days, unpaid disciplinary suspensions of one or more full days imposed in good faith for infractions of safety rules of major significance, that portion of the workweek not worked in the beginning and ending weeks of employment, and partial-day absences taken pursuant to the Family and Medical Leave Act. Furthermore, the Village may offset any amounts received by an employee as jury or witness fees pay for a particular week against the salary due for that particular week.

Improper deductions are a serious violation of Village procedure and policy. An employee who believes that his/her paycheck contains an improper deduction (including amount of deduction) should report his or her concern to his or her supervisor, Department Director or the Village Manager immediately. The Village will review the deduction to determine if the deduction was proper. The review process may require the employee to provide information or present documentation to the Village. The Village will notify the employee of any result forthcoming from a Village review. Should the Village determine that the deduction was improper, payroll services will reimburse the employee for the improper deduction as soon as practicable.

### **Time Records – Non Exempt Employees**

Federal and State of Illinois laws require the Village to keep accurate time records to ensure that proper payment to employees for the hours they work. Time cards, time sheets or other appropriate documents are used to record hours worked. All nonexempt employees must record their time “in” on the Village’s time records when they arrive at work or return from a meal period (but, in no event, more than five minutes before their scheduled starting time or the end of their meal period), and must record their time “out” when they leave work for the day or meal period (but, in no event, more than five minutes after their scheduled quitting or meal time). For purposes of this policy, “scheduled starting time” and “scheduled quitting time” include any overtime hours authorized by the employee’s supervisor.

- Nonexempt employees are neither expected nor permitted to begin working before their scheduled starting time or to continue working after their scheduled quitting time, including meal times. Employees who work hours other than those that they are scheduled to work (excluding authorized overtime) will be subject to disciplinary action.
- Employees who fail to record their time in or out as required must obtain a written verification from their supervisor as to the hours they actually worked in order to receive pay for that time.
- The Village prohibits employees from changing or altering their time records so as to create a false statement of their actual time in or out. Employees who believe there is an error on their time records must bring the matter to the attention of their supervisor or the Department Director immediately.
- Employees must record their time in and out only on their own time record. Completing another employee’s time record, or falsifying or tampering with a time record, will subject all employees involved to disciplinary action, up to and including discharge.

### **Section 9.5 Light Duty**

The best interests of the Village and its employees are served when injured or ill employees return to work as soon as they are able. Light duty work is work which requires only a minimum of physical exertion, and can be accomplished by an injured or ill employee without risk to the employee’s recuperation process and without potential risk of harm to others. When employees are on leave of absence for a work-related injury or illness, the Department Director may recommend and the Village Manager may approve a light duty assignment in accordance with the procedures identified below. There is no guarantee of a light duty assignment. Light duty assignments will be considered on a case-by-case basis and shall be based on the operational needs of the Village. Further, light duty assignments are temporary and are reserved for

employees who will be able to recover from their injuries. Light duty assignments are intended to benefit the employee and the Village and to the extent that light duty assignments cease to serve the operational needs of the Village, light duty assignments will be terminated.

- An employee may be required to perform available light duty work within the physical limitations prescribed by the employee's and/or Village-designated physician.
- The work the employee performs must have existed within the department before the illness or injury occurred.
- No employee will be moved from his regular job in order to make a light duty work available to another employee.
- The performance of light duty work shall not otherwise disrupt the functioning of the department within which the light duty is being performed.
- Employees may be removed from limited duty assignments if appropriate work is not available, or if the employee cannot satisfactorily perform the work assigned. In most cases, light duty assignments will not be allowed for more than 60 days.
- It is recognized that the nature of the injury and the skills of the employee will determine what assignments are made. The nature of the injury and the skills of the individual must be balanced against the needs of the department.
- The Village is the employer, not the department. It is the primary goal of this policy that departments determine available work to assign to department employees who are eligible for a light duty assignment. However, when the employee's Department Director does not have suitable work available, suitable work may be sought in other departments.
- An employee who is authorized and assigned light duty work shall continue in his status as an employee of the Village, with the same wage and benefits that were assigned to his regular position.
- The Village may require the employee to submit to an examination by another physician at the Village's expense in order to determine the employee's fitness for duty, even light duty. The determination of the Village's physician will govern in the case of a dispute between the Village's physician and the employee's physician. The Village also reserves the right to review an employee's status at any time during the duration of the light duty assignment.
- The decision of the Village Manager shall be final with respect to the determination of whether a light duty assignment is available within the limits of the physician's restrictions. No light duty assignments will be made permanent and requests for light duty may be denied where there is no reasonable expectation of the employee returning to regular duty within 60 days.
- If an employee is granted light duty, the light duty assignment generally shall not exceed 60 days. If at the end of that time, the employee is still not medically released to perform full duties as defined by the employee's official job description, he shall either: (1) be reclassified or reassigned; or (2) be placed on a leave of absence with or without compensation; or (3) apply for a disability pension; or (4) be subject to commencement of the termination process. Such decision shall be made by the Village Manager and Department Director based on the circumstances of each specific case and in accordance with applicable laws.
- The Village will treat pregnancy as any other non-job related disability. Any restrictions imposed by a pregnant employee's physician or the Village-designated physician will be reviewed to determine if light duty work is available consistent with the employee's prenatal restrictions and can be reasonably accommodated.
- Failure to report for or to carry out the assignments of the limited duty work status may result in disciplinary action, up to and including termination of employment.
- No light duty assignments shall result in overtime.
- This policy will be interpreted and applied consistent with all of the Village's obligations under the Family and Medical Leave Act, the Americans with Disabilities Act and all other applicable laws.



Exemptions will be made only as necessary to comply with those laws and as approved by the Village Manager.

Nothing herein shall be construed to require the Village to create a light duty assignment for an employee. Employees will only be assigned light duty assignments when the Village determines that the need exists, and only as long as such need exists.

## **ARTICLE X. EMPLOYEE SAFETY**

### **Section 10.1 Employee Responsibility**

To provide a safe and healthful work environment for employees and visitors, the Village of Lake Zurich has established a Safety Program. This program is a top priority for the Village. The Village Safety Coordinator has responsibility for implementing, administering, monitoring and evaluating the Safety Program. The program's success depends on the alertness and personal commitment of all employees.

The Village provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos and other written and electronic communications. Safety is also emphasized in the employee's job descriptions and evaluations. A safety committee has been established to assist in these activities and to facilitate effective communication between employees and management about workplace safety and health issues.

Employees and supervisors receive periodic workplace safety training. The training covers potential safety and health hazards as well as safe work practices and procedures to eliminate or minimize hazards.

Each employee is expected to obey rules, to become familiar with all safety information provided by the Village, and to exercise caution in all work activities. Employees must immediately report any unsafe conditions to the appropriate supervisor. Employees who violate safety standards, cause hazardous or dangerous situations, or fail to report or remedy such situations (when appropriate) may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear at the time, the employee should immediately notify the appropriate supervisor and complete the proper reports. Such reports are necessary to comply with applicable laws and initiate insurance and worker's compensation benefit procedures. Reports shall be submitted to Risk Management within one (1) hour of the accident. Failure to report an accident on a timely basis could lead to disciplinary action.

### **Section 10.2 Driver Responsibilities**

Employees who use Village vehicles in the performance of their position will be required to maintain a valid driver's license, and also, if necessary to their position, a valid commercial driver's license ("CDL") as a condition of their continued employment.

Consistent with this obligation, the Village reserves the right to conduct periodic reports to verify that the employee's driver's and/or CDL license is current and valid. Employees may need to execute documents in order to authorize the Village to confirm the status of a driver's license.

Failure to cooperate with such periodic verification reports will result in ineligibility for employment in any position that requires a valid driver's and/or CDL license.

### **Section 10.3 Injuries/Accidents**

If an employee is injured during the performance of the employee's duties, the employee is to immediately report this fact to his supervisor. The supervisor must then insure that an accident report is completed by the end of the shift in which the incident has occurred. Once the report is completed, it is to be immediately forwarded to the Village Manager so the employee's right to worker's compensation insurance benefits or reimbursements for medical expenses is not jeopardized. Even if the injury is slight and no time is lost, a report must be made within one hour of the incident.

If an employee is involved in any accident while in the performance of duties which results in property damage or injury to any person, it must be reported immediately to the supervisor. The police should be called to the scene immediately if the accident involves a vehicle and/or third party. The employee should not discuss the accident with anyone except the Police, nor should they admit to any liability. All inquiries should be directed to Risk Management.

In instances that require hospitalization or resulting in damages in excess of \$500.00, depending on the circumstances the Village may require an employee to submit to an employment physical including drug and alcohol screening.

### **Section 10.4 Workers' Compensation**

The Village provides a comprehensive workers' compensation insurance program at no cost to employees. This program provides protection for employees in the event of lost work time or medical expenses due to an injury or illness sustained in the course of employment.

Employees who sustain a work-related injury or illness must inform their supervisor immediately. No matter how minor an on-the-job accident may appear, it is important to report all accidents during work hours immediately (i.e., not more than one hour after the accident). This will enable the employee to secure necessary medical treatment and to qualify for workers' compensation benefits as quickly as possible.

## **ARTICLE XI. EMPLOYEE EXIT PROCESS**

### **Section 11.1 Resignations**

The Village requests departing employees to submit a written resignation to their Department Director not less than fourteen (14) calendar days prior to the date of the intended departure. Employees in supervisory or executive positions are encouraged to give longer notice, if possible. However, at-will Village employees may terminate their employment relationship, or be terminated, \with or without cause, at any time.

To be considered as having resigned from Village service in good standing, an employee shall file a written resignation with the Department Director stating the reason or reasons for leaving and giving at least fourteen (14) calendar days notice. During this fourteen-day period, an employee cannot use any vacation days, paid-time-off, compensatory time, or personal days except those already scheduled at least 30 days before the written retirement or resignation was submitted. Failure to comply with these procedures may be cause for denying the individual's future employment with the Village.

An employee absent without leave authorization for more than two (3) consecutive work days shall be deemed to have voluntarily resigned from his job. Absent without leave is defined as the failure to notify your immediate supervisor of an absence.

An employee who has not performed work for a continuous period in excess of six (6) months (for any reason other than approved absence due to military service) shall lose their seniority and will be considered terminated from employment. Exceptions will be considered only on a case-by-case basis when required to comply with the law.

### **Section 11.2 Layoffs**

The Village, in its discretion, shall determine whether layoffs are necessary. If it is determined that layoffs are necessary, the Village may consider, among other things: employee seniority, job skills, work experience and Village needs in determining the order of layoffs. The Village, however, expressly reserves the right to make layoffs in any order. Should conditions necessitating a layoff change, the Village may consider laid off employees for reinstatement. Laid-off employees do not accrue and are not eligible to receive benefits, except for COBRA insurance coverage.

### **Section. 11.3 Exit Interview**

The Village Manager or his designee will schedule an exit interview with a separating employee on or near to his last day of employment.

The Village Manager or his designee will also review the following with the employee where applicable:

- 457 withdrawal form
- IMRF withdrawal form
- accrued benefit time
- items to be returned to the Village
- terminating or extending other benefits (for example, supplemental life insurance)
- COBRA coverage

Employees will receive pay for work performed through the last hour worked and for unused and accrued benefits as stipulated by policy and laws governing such payments. The final paycheck will be reduced by any authorized or required legal deductions, pension contributions, union dues and any other amounts specifically agreed upon orally or in writing by the employee and the Village.

### **Section 11.4 Reimbursements and Return of Village Property**

Departing employees are expected to reimburse the Village for any moneys, debts or obligations owed to the Village, and/or to return any Village-owned property that may have been assigned to them, including but not limited to: advances for expenses, restitution, keys, uniforms, pagers, identification cards, and other materials and equipment. The Village may enforce this by written agreement or other lawful means.

### **Section 11.5 Pension Contribution Refunds**

For an employee who is not retiring, moneys accumulated in the employee's retirement account may be refundable. However, an employee should check with his pension plan about the advantages and disadvantages before taking a refund. Forms are available through the Village Manager.

## **ARTICLE XII. MISCELLANEOUS POLICIES**

### **Section 12.1 Village Identification Cards**

All employees will be provided with a suitable identification card, which will display a photograph and other appropriate information that will clearly identify the person as an employee of the Village. These cards may not be used as a means of securing credit, avoiding consequences of illegal acts, or other special considerations. The Village ID serves as verification of employment with the Village, and as such, employees should be prepared to present their ID when on duty or while conducting work on behalf of the Village.