

CITY OF LOCKPORT PERSONNEL POLICY



City of Historic Pride

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ARTICLE 1: INTRODUCTION AND GENERAL PROVISIONS

SECTION 1.1: APPLICATION AND SCOPE

The following is the City of Lockport's Personnel Policy. The purpose of this policy is to present principal rules, regulations, benefits, and condition of employment with the City of Lockport ("City") and to assist employees in performing their duties and responsibilities. This policy does not cover every aspect of City operations, but employees should read the policy to gain a better understanding of their role as a member of the City staff and to provide general guidelines and procedures in relation to their employment. Clarification and interpretation of the Personnel Policy shall be made by the City Administrator. The City Administrator or his/her designee shall administer the provisions of this policy. The City reserves the right to modify, revoke, suspend terminate or change any policy or procedure in whole, or in part, at any time, with or without notice.

This policy applies to all regular employees, as well as, employees covered by a collective bargaining agreement, including sworn police officers. However, it is recognized that all sworn employees of the Police Department with the exception of the Police Chief, Deputy Chiefs, Commander and Lieutenants are under the jurisdiction of the Board of Police Commissioners. Therefore, where any provision herein conflicts with the Board of Police Commissioners Rules and Regulations, the Board of Police Commissioners Rules and Regulations shall control to the extent of that specific conflict.

ALTHOUGH THESE POLICIES AND PROCEDURES REPRESENT CURRENT POLICIES AND PRACTICES, NOTHING IN THIS POLICY OR IN ANY OF THE CITY'S POLICIES, PRACTICES OR REPRESENTATIONS TO OR ABOUT ITS EMPLOYEES IS INTENDED TO, OR SHALL CREATE, A CONTRACTUAL OBLIGATION OF ANY KIND, EITHER EXPRESS OR IMPLIED, BETWEEN THE CITY AND ANY OF ITS EMPLOYEES.

SECTION 1.2: AT-WILL EMPLOYMENT

- A) With the exception of the City Administrator, Chief of Police, City Attorney who are appointed by the Mayor and City Council and employees who are covered by a collective bargaining agreement, the employment relationship between the City and its employees is one of employment at-will. This means that the City and its employees shall not be bound to an employment contract or a commitment to employment for a definite period of time. Either party can terminate the employment relationship at any time and for any reason. Neither these policies nor any other policy, procedure or practice of the City shall constitute or be interpreted as a contract of employment for any specified length of time or a limit on either party's ability to terminate the employment relationship at any time.
- B) Termination of employment shall be made only with the consent of the City Administrator, and may be made with or without cause, and with or without notice, at any time at the sole discretion of the City Administrator.
- C) The City reserves the right to change, add, delete or modify its employment policies from time to time in its sole discretion, with or without prior notice.

SECTION 1.3: PRECEDENCE OF COLLECTIVE BARGAINING AGREEMENT & CERTAIN EMPLOYMENT CONTRACTS

Where any provision in this policy conflicts with a valid collective bargaining agreement between the City and a recognized bargaining unit or a written employment contract approved by the Corporate Authorities and executed by the Mayor or City Administrator and the employee, the collective bargaining agreement or contract shall take precedence over this policy to the extent of that specific conflict and only to the employees covered by the applicable collective bargaining agreement. For instance, if a collective bargaining agreement provides for holidays, vacations, or other paid time off, the provisions of the collective bargaining agreement and not this policy shall govern the provisions of such paid time off.

SECTION 1.4: JOB DUTIES

- A) The City Administrator may, at any time, with or without notice, alter or change the responsibilities of a particular position, reassign or transfer job positions, or assign additional job responsibilities to an employee. From time to time, employees may be asked to work on special projects, or to assist with other work necessary or important to the operation of a team, work unit, department or the City. Employees' cooperation and assistance in performing additional work is expected and appreciated.

SECTION 1.5: EMPLOYMENT CLASSIFICATION

- A) Employees whose jobs are governed by the FLSA are either "exempt" or "nonexempt." Nonexempt employees are entitled to overtime pay. Exempt employees are not. Most employees covered by the FLSA are nonexempt. Some are not. For most employees, however, whether they are exempt or nonexempt depends on (a) how much they are paid, (b) how they are paid, and (c) what kind of work they do.
- B) With few exceptions, to be exempt an employee must (a) be paid at least \$35,568 per year (\$684 per week), and (b) be paid on a salary basis, and also (c) perform exempt job duties. These requirements are outlined in the FLSA Regulations (promulgated by the U.S. Department of Labor). Most employees must meet all three "tests" to be exempt.
- C) Regular part-time employees are defined as employees who work less than 40 hours per week and are not classified in a seasonal or temporary status. Part-time employees who work more than 1,000 hours per calendar year will participate in the Illinois Municipal Retirement Fund (IMRF)

ARTICLE 2: RECRUITMENT, HIRING, PROMOTIONS, TRANSFERS & DEMOTIONS

It is the City's policy to recruit, hire, promote, transfer, or demote in compliance with any and all federal, state, and local laws relating to employment decisions. If an employee believes that the City's decision with regard to any of these matters is improper, the employee must alert Human Resources, which will investigate such complaints.

SECTION 2.1: EQUAL EMPLOYMENT OPPORTUNITY

- A) Policies and procedures shall be administered without discrimination against any person on the basis of race, gender, sexual orientation, age, color, religious affiliation, national origin, disability, ancestry, marital status, military status, or any other legally protected

status. It is the City's policy to comply fully with all federal and state laws which ban discrimination in the employer-employee relationship.

- B) All recruitment, selection, placement and training decisions made by the City Administrator will be based upon the job-related qualifications and abilities of the candidates.
- C) All applicants or employees who apply for a position, promotion or transfer will be given equal consideration. The placement of the candidate will be assessed upon the basis of his/her ability, qualifications, past performance, and other legitimate, non-discriminatory reasons.
- D) All policies, procedures and practices of the City, including compensation, benefits, discipline and termination will be administered and conducted without regard to any employee's race, gender, sexual orientation, age, color, religious affiliation, national origin, disability, ancestry, marital status, military status, or other legally protected status.
- E) All staff shall take the necessary steps to ensure that every employee's work environment is free of unlawful discrimination or harassment based on race, gender, sexual orientation, age, color, religious affiliation, national origin, disability, ancestry, marital status, military status, or other legally protected status.
- F) Any employee having an equal employment opportunity question, problem or complaint should communicate his/her concern to his/her supervisor, Department Head or to Human Resources.
- G) Employees filing complaints alleging discrimination may be informed of agencies external to the City that have jurisdiction in equal opportunity complaint matters. These agencies include: the Illinois Department of Human Rights, the Equal Employment Opportunity Commission, and the Illinois Human Rights Commission.

SECTION 2.2: AGE REQUIREMENT

- A) The minimum age for employment as an employee shall be 18 years of age. The minimum age for employment of temporary, part-time employees shall be 16 years of age.

SECTION 2.3: RECRUITMENT

- A) The City employs and fills vacancies on the basis of merit and, whenever it is in the best interest of the City, an employee may be promoted to a higher position when a vacancy occurs. In recruiting eligible candidates, the City, may contact both current employees and prospective employees, except as otherwise provided for by State statute. Recruitment for positions shall be under the supervision of the City Administrator through Human Resources, unless otherwise provided for by State statutes. Candidates for sworn positions within the Police Department are recruited in accordance with the Board of Police Commissioners Rules and Regulations. Applications for employment will be received through Human Resources located at City Hall.

SECTION 2.4: HIRING

- A) Prior to the commencement of the process to fill any position, with the exception of those positions falling under the jurisdiction of the Board of Police Commissioners. Human Resources, in conjunction with the respective Department Head (if applicable), shall prepare a recommendation for consideration by the City Administrator identifying the position to be filled and the parameters within which the staff may proceed with the filling of the position. The City Administrator will have the sole authority to authorize the hiring

of the selected candidate.

- B) **Pre-Employment Screening:** Upon the determination that the applicant is qualified for the position, and an interview or if no interview is desired or needed, a conditional offer of employment is made to the applicant. The City shall conduct reference checks, including criminal history and general background. If applicable, the applicant will be notified in writing of the specific offenses that will disqualify the applicant from employment in a particular position due to federal or State law or the City's policy.
- 1) Drug testing will be conducted as a pre-employment screening requirement for an applicant who receives a conditional offer for a position that requires:
 - Department of Transportation (DOT) drug testing,
 - considered to be security sensitive,
 - funded or contracted by a state or federal law that prohibits the use of cannabis on or off duty, or
 - requires the use and carrying of a firearm,
 - 2) A more extensive background check may be conducted depending on the position.
 - 3) Pre-employment screenings will be performed only on applicants who have received a conditional offer of employment from the City. Failure to satisfactorily pass a screening will result in the withdrawal of the employment offer.
- C) All information concerning the record of convictions shall be confidential and will only be transmitted to those persons who are necessary to the decision process. Individuals will be given an opportunity to review the criminal background check results and submit an explanation. If the applicant is found to have falsified information regarding conviction history, the applicant will not be considered for employment.

SECTION 2.5: EMPLOYMENT ELIGIBILITY VERIFICATION

- A) The City is committed to employing only those who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin. In compliance with the Immigration Reform and Control Act of 1986, and current verification legislation, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility within three (3) working days of the employee's date of hire, except when the duration of employment will be less than three (3) days. Failure to meet these requirements will result in the employee being dismissed.

SECTION 2.6: POST-OFFER AND PROMOTIONAL PHYSICAL EXAM AND DRUG TESTING

- B) Employees may be required to submit to a physical exam and drug testing as a condition of the promotional process, initial employment, or during a change in job assignment without the requirement of reasonable suspicion.
- C) Post-offer testing will be performed only on applicants who have received a conditional offer of employment from the City. Failure to satisfactorily pass a drug screen will result in the withdrawal of the employment offer.

SECTION 2.7: INTRODUCTORY PROBATIONARY PERIOD

- A) All newly hired, transferred or promoted employees shall be employed on an introductory status. The introductory period will be for a minimum of twelve (12) months from the effective date of the hire, appointment, transfer, or probation. The introductory period

may be extended by the City Administrator, but in no case will the introductory period exceed eighteen (18) months. The Department Head will need to provide a written formal evaluation to the City Administrator justifying the request to extend the introductory period.

- B) The introductory period is a time for both the employee and their Supervisor to get acquainted with and evaluate the employee's new role within the City. All Department Heads are encouraged to complete at least one interim performance evaluation before the end of the introductory period. A formal written evaluation is required at the end of the introductory period, and the employee is asked to sign the evaluation to acknowledge the receipt of the results of the evaluation and the corresponding discussion relative to this evaluation. An employee's signature does not constitute agreement with the performance evaluation. The introductory period in no way alters an employee's at will status.
- C) At any time during the introductory period, the employee's Department Head may recommend his or her removal to the City Administrator. Removal shall be made only with the consent of the City Administrator, and may be made with or without cause at the sole discretion of the City Administrator.
 - 1) Introductory probationary, temporary, seasonal, or part-time employees shall not have the right of appeal from such action. A copy of the notice, signed by the employee, in the employee's file shall serve as prima facie evidence of delivery.
- D) If the employee was promoted from a regular position, that employee may be restored to the position from which he/she was promoted or to a comparable position unless the termination was based on a reason that would render the employee ineligible to hold the previous position or the termination was based on a reason that would have resulted in the employee's termination from the previous position.
- E) The City Council approved annual pay increases shall be granted to an employee during the introductory period, regardless of the employee's hire date.

SECTION 2.8: PROMOTIONS

- A) Promotions shall be based upon merit and ability to fulfill the requirements of the position as described. If in the best interest of the City, 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 2.9: TRANSFERS

- A) The City Administrator may transfer an employee from one position to another when it is in the best interest of the City. When transferring from one position to another, the rate of accumulation of vacation hours and sick hours will be determined by the employee's initial date of full-time employment.

SECTION 2.10: DEMOTIONS

- A) A Department Head, with the concurrence of the City Administrator, may demote an employee to a lower paid job classification if he/she 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.

- B) The written notice of a demotion will be placed in the employee’s personnel file.
- C) Demotions may be voluntary, involuntary, disciplinary or non-disciplinary.
 - 1) Disciplinary demotions may be used to punish serious misconduct and may be used in addition to other forms of discipline.
- D) If the employee was promoted from a regular position, that employee may be restored to the position from which he/she was promoted or to a comparable position unless the termination was based on a reason that would render the employee ineligible to hold the previous position or the termination was based on a reason that would have resulted in the employee’s termination from the previous position.
- E) Temporary Replacement Employee: If a promoted employee is restored to a position from which he or she was promoted, an employee who has been filling that position on a temporary basis will be terminated or transferred. A promoted employee may be restored to the employee’s previous position after one year at the sole discretion of the City Administrator.

ARTICLE 3: EMPLOYEE CONDUCT

Employees must exercise the utmost courtesy and discretion regarding all matters of City business. Employees shall refrain from any action and avoid any public pronouncement that might reflect adversely upon the City. Employees are expected to act as a representative of the City of Lockport 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 who is found to be in violation of City policy may be subject to disciplinary action up to and including termination.

Employees may only do work which is of direct benefit to the City during such employees' work day or while on duty. No employee shall use City-owned vehicles, equipment, materials or other property for private purposes, or as part of secondary employment.

SECTION 3.1: WORKPLACE HARASSMENT

All employees are expected to maintain and promote a productive working environment free of harassing or disruptive conduct and will report to management any harassment. No form of harassment will be tolerated, including harassment because of an individual's race, national origin, religion, disability, pregnancy, age, military status, gender, sex.

A) SEXUAL HARASSMENT

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

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

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

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

Conduct which may constitute sexual harassment includes:

- Verbal: sexual innuendos, suggestive comments, insults, humor, and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside of their presence, of a sexual nature.
- Non-verbal: suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking" or "kissing" noises.
- Visual: posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.
- Physical: touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.
- Textual/Electronic: "sexting" (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).

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

- 3) *PROCEDURE FOR REPORTING AN ALLEGATION OF SEXUAL HARASSMENT*:

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

- *Electronic/Direct Communication*. If there is sexual harassing behavior in the workplace, the harassed employee should directly and clearly express her/his objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.
- *Contact with Supervisory Personnel*. At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by

the situation, the problem must be promptly reported to the immediate supervisor of the person making the report, a Department Head, a director of human resources, an ethics officer, the City manager or administrator, or the chief executive officer of the municipality.

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

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

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

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

- 4) *PROHIBITION ON RETALIATION FOR REPORTING SEXUAL HARASSMENT ALLEGATIONS:* No municipal official, municipal agency, municipal employee or municipal agency or office shall take any retaliatory action against any municipal employee due to a municipal employee's:
- a. Disclosure or threatened disclosure of any violation of this policy,
 - b. The provision of information related to or testimony before any public body conducting an investigation, hearing or inquiry into any violation of this policy, or
 - c. Assistance or participation in a proceeding to enforce the provisions of this policy.

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

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

Similar to the prohibition against retaliation contained herein, the State Officials and Employees Ethics Act (5 ILCS 430/15-10) provides whistleblower protection from

retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for an employee who does any of the following:

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

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

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

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

- 5) *CONSEQUENCES OF A VIOLATION OF THE PROHIBITION ON SEXUAL HARASSMENT*: In addition to any and all other discipline that may be applicable pursuant to municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreement, any person who violates this policy or the Prohibition on Sexual Harassment contained in 5 ILCS 430/5-65, may be subject to a fine of up to \$5,000 per offense, applicable discipline or discharge by the municipality and any applicable fines and penalties established pursuant to local ordinance, State law or Federal law. Each violation may constitute a separate offense. Any discipline imposed by the municipality shall be separate and distinct from any penalty imposed by an ethics commission and any fines or penalties imposed by a court of law or a State or Federal agency.
- 6) *CONSEQUENCES FOR KNOWINGLY MAKING A FALSE REPORT*: A false report is a report of sexual harassment made by an accuser using the sexual harassment report to accomplish some end other than stopping sexual

harassment or retaliation for reporting sexual harassment. A false report is not a report made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false or frivolous report is a severe offense that can itself result in disciplinary action. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be subject to discipline or discharge pursuant to applicable municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements.

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

The provisions of this policy will apply only insofar as they do not conflict with any state or federal law.

- B) *Other forms of harassment.* Forms of harassment other than sexual harassment include slurs and other verbal or physical conducts relating to an individual's race, national origin, religion, disability, pregnancy, age, military status or gender, which creates an intimidating, hostile or offensive working environment or otherwise adversely affects an individual's employment opportunities.
- 1) *Reporting requirement.* Any employee who believes that he or she has been subjected to unlawful harassment or has witnessed such conduct in the workplace must immediately report the incident to his or her supervisor. If the supervisor is the subject of the alleged complaint, or if for any reason the employee does not wish to report such an incident to their supervisor, the employee will immediately report the matter directly to the Department Head. In the event the employee alleges that the Department Head is the subject of the complaint, the report will be made directly to the City Administrator. In the case of the City Administrator is the subject of the complaint, and the employee does not feel comfortable to report the incident to the Department Head, the report will be made to the Mayor or City Attorney.
 - 2) *Investigation of complaints.* All reported incidents of harassment alleged against an employee of the City or authorized visitor to the City will be immediately investigated by the City Administrator or designee. Complaints against fellow employees will be treated confidentially to the extent that a thorough investigation reasonably allows. Employees of the City trained and experienced in investigation will conduct investigations. Statements of the complaining party, and key witnesses will be completed on official witness statement forms, signed, and witnessed. Prior to signing, each complainant, witness or subject of an investigation will be reminded of the perjury laws of the state. Any individual suspected or accused of an offense will be read their Miranda Warning, prior to any interview or interrogation.
- C) *Disciplinary action.*
- 1) Any violation of this harassment policy is grounds for disciplinary action, including but not limited to warning, suspension, discharge, demotion, transfer or probation. The City Administrator or Department Head may also impose other remedial actions in

appropriate circumstances, included but not limited to counseling, training, treatment, placing of conditions on continued employment and criminal referral.

- 2) If it is concluded that a complaint or report of harassment was intentionally false or that information provided in an investigation was intentionally false, the individuals providing such false complaint, report or information, will be subject to disciplinary action and possible criminal charges for filing a false or misleading police report of official document.

D) *Mandatory Annual Training:*

- 1) Pursuant to 5 ILCS 430/1 et seq. the City will administer Sexual & Other Workplace Harassment training on an annual basis. Annual training will be mandatory for all City employees and Elected Officials.
- 2) Failure to attend annual training, comply with the laws, rules, policies, and procedures referred to within this training course may result in disciplinary action up to and including termination of City employment, administrative fines, and possible criminal prosecution, depending on the nature of the violation.

SECTION 3.2: VIOLENCE IN THE WORKPLACE

- A) The City of Lockport does not tolerate workplace violence, or the threat of violence, by any of its employees, residents, customers or general public, and/or anyone who conducts business with the City. It is the intent of the City to provide a workplace (which includes City property and all other locations where a City employee is properly performing duties) that is free from intimidation, threats or violent acts.
- B) Workplace violence includes, but is not limited to, harassment, threats, physical attack or property damage. A threat is the expression of intent to cause physical or mental harm regardless of whether the person communicating the threat has the present ability to carry out the threat and regardless of whether the threat is contingent, conditional or future. Physical attack is unwanted or hostile physical contact with another person such as hitting, fighting, pushing, shoving, restraining, or throwing objects. Property damage is intentional damage to property which includes property owned by the City, employees, residents or others.
- C) Prevention of Workplace Violence: The City subscribes to the concept of a safe work environment and supports the prevention of workplace violence. Prevention efforts include, but are not limited to, informing employees of this policy, instructing employees regarding the dangers of workplace violence, communicating the sanctions imposed for violating this policy, and providing a reporting hierarchy within which to report incidents of violence without fear of reprisal.
- D) Reporting Threats – Internal and External: All City employees are responsible for notifying their Supervisor, Department Head, or City Administrator of any threats which they have witnessed, received, or have been told that another person has witnessed or received. Even without an actual threat, employees should also report any behavior they have witnessed that they regard as threatening or violent, when that behavior is job related or might be carried out on a City controlled site, or is connected to employment. Employees are responsible for making this report whether the incident is committed by another employee or an external individual such as a vendor, citizen or customer. The Department Head should immediately inform Human Resources of all reported incidents of workplace violence. Any employee who acts in good faith by reporting actual or potential violent behavior will not be subject to any form of retaliation or harassment.

- E) Identifying Dangerous Situations: While the City of Lockport does not expect employees to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and to inform their Supervisor, Department Head, or City Administrator if any employee exhibits behavior that could be a sign of a potentially dangerous situation. Such behavior includes:
- 1) Discussing weapons or bringing them to the workplace (other than sworn law enforcement personnel or any individual who has received authorization from the Chief of Police).
 - 2) Displaying overt signs of extreme stress, resentment, hostility or anger.
 - 3) Making threatening remarks.
 - 4) Sudden or significant deterioration of performance.
 - 5) Displaying irrational or inappropriate behavior.
- F) Prohibited Actions and Sanctions: It is a violation of this policy to engage in any act of workplace violence. Any person who makes substantial threats, exhibits threatening behavior, or engages in violent acts on City property or arising out of their employment shall be removed from the premises (or work locations if not on-site) as quickly as safety permits, and shall remain off City premises pending the outcome of an investigation. Any employee who has been determined to be in violation of this policy may be subject to disciplinary action up to and including termination of employment; and, depending upon the nature of the employee's prohibited conduct, may be subject to criminal prosecution. Any other person who has been determined to be in violation of this policy will be subject to suspension and/or termination of any business relationship and/or criminal prosecution.
- G) Investigation and responsive action: All incidents of alleged workplace violence will be investigated promptly by the City. Based on the results of the investigation, the City will take appropriate action. If a violation of this policy is found, such action may include immediate discharge. Additionally, the City may report the situation to law enforcement.
- 1) When applicable, the City and its employees shall cooperate fully with police and other law enforcement officials in the investigation and prosecution of any workplace violence.
 - 2) The City may take other actions as it deems appropriate under the specific circumstances, including seeking judicial action.
- H) No Retaliation. The City forbids retaliation against any employee for reporting any violation of this policy. Any employee who engages in retaliation in violation of this policy shall be subject to disciplinary action up to and including discharge.

SECTION 3.3: EMPLOYEE PERSONAL APPEARANCE

- A) All employees are required to maintain good personal hygiene and grooming and to attire themselves in a fashion that will reflect a positive image and inspire confidence and trust by citizens receiving City services. Uniforms shall be required as and where specified. Business casual attire for non-uniform employees shall be consistent with a professional business atmosphere. Departments may set and enforce standards related to uniforms and appearance which are related to appropriate departmental operations and employee safety.

SECTION 3.4: USE OF CITY TELEPHONE/CELL PHONE AND PERSONAL CELL PHONES DURING WORK HOURS

- A) Employee contact with family members and other personal telephone calls must be kept to an absolute minimum. Employees are permitted to use City telephones for personal

reasons only in cases of absolute necessity. The permission to use City telephones and personal cell phones for personal calls during work hours is a privilege and not a right, and shall not interfere with the performance of any employee's normal work duties.

- B) Employees shall not use their cell phones or other devices while operating a City vehicle unless they are using a hands free device (i.e. Bluetooth). Direct Connect or other cellular communications may be made by department personnel in a safe manner only for work assignments. While making or receiving such communication, parking and/or directing your vehicle to a safe non-traffic location should be considered.
- C) The City reserves the right to require reimbursement from an employee for any costs incurred as a result of excessive personal use of City telephones, City cell phones and/or personal cell phones during work hours. For example, an employee that spends thirty (30) minutes on a personal call during work hours may see a reduction of thirty (30) minutes of paid work hours on their next paycheck. Prior to the reduction, the employee will be notified in advance of any reduction in paid work hours.
- D) Abuse or negligence relating to anything defined in this section may subject the employee to disciplinary action, up to and including termination.

SECTION 3.5: PERSONAL MAIL AND CITY EMAIL ADDRESS

- A) Employees are prohibited from using the addresses of the City Hall or other offices for receipt of personal mail and packages. Employees are prohibited from using their City email address for personal emails.

SECTION 3.6: MANDATORY NOTIFICATIONS TO HUMAN RESOURCES

- A) Employees must notify Human Resources within thirty (30) days of any change in: home address or telephone number; change in marital status; addition of dependent(s); deletion of dependent(s); and/or name, address and telephone number of the person to be notified in case of an emergency.
- B) Employees must notify their Department Head and Human Resources within twelve (12) hours or before the start of the employee's next work shift of any loss of driving privileges.
- C) Employees must notify their Department Head and Human Resources of any federal or state criminal convictions, other than a minor traffic violation, within twelve (12) hours or before the start of the employee's next work shift of the conviction. For purposes of this notice requirement, a conviction includes a finding of guilt, a no contest plea, and/or an imposition of sentence by any judicial body. The City Administrator and Human Resources will determine if the nature of the conviction poses an unreasonable risk to co-workers or the public.
- D) Failure to notify the appropriate Department Head and Human Resources may subject the employee to disciplinary action, up to and including termination.

SECTION 3.7: SECONDARY OUTSIDE EMPLOYMENT

Employees may engage in outside work or hold other jobs, subject to the following conditions:

- A) Restrictions: Employees' activities and conduct away from the job must not compete or conflict with, or compromise the City's interests, or adversely affect job performance and the ability to fulfill all responsibilities to the City, including employees' response to emergency calls. Outside employment shall not involve employees' appearance in a City uniform or the use of City equipment.

- B) Approval for Outside Employment: Employees must request prior approval from their Department Head and the City Administrator before any outside employment or other work activity is undertaken. 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 Head. The Department Head should then forward the request, with a recommendation to approve or disapprove, to the City Administrator or Human Resources for review and signature.
- C) 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/her 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 City may rescind its approval of such employment and, if necessary, normal disciplinary procedures will be followed to deal with the specific employee issues.
- D) If an injury occurs at the employee's outside employment, the employee will not be granted injury leave with pay and no workman's compensation will be paid. Requests for outside employment should be updated yearly. Human Resources will initiate the re-approval process.

SECTION 3.8: CONFLICTS OF INTEREST

- A) Except as provided in Paragraph B hereof, no employee shall:
 - 1) be financially interested directly in the employee's own name or indirectly in the name of any other person, association, trust or corporation, in:
 - i. any contract, work or business of the City other than in relationship to his/her own employment by the City; or
 - ii. the purchase of any article by the City; whenever the expense, price, or consideration of the contract, work, business, or sale is paid from City funds or by an assessment levied by the City; or
 - 2) be interested directly or indirectly, in the purchase of any property that:
 - i. belongs to the City;
 - ii. is sold for taxes or assessments which includes taxes or assessments due the City; or
 - iii. is sold by virtue of legal process as a result of a lawsuit by the City or is sold through the City by other legal processes.
- B) In the event an employee should possess such a financial interest or such an interest in property as described in A(1) and/or (2) 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.
- C) 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.
- D) 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/her action in his/her official capacity.

- E) 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 themselves or others.
- F) 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.
- G) No employee shall request, use or permit the use of City-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 City policy for the use of such employee in the conduct of official business, or as otherwise provided by written policy.
- H) The hiring of any relative of any elected City Officials or the City Administrator shall be prohibited. For the purposes of this Section, the term “relative” shall mean those people related to an individual as described in Paragraph B(6) of Section 3.10 hereof.
- I) No employee shall supervise (directly or indirectly), audit, appoint, remove, discipline or evaluate the performance of a relative or otherwise act in a situation of actual or reasonably foreseeable conflict between the City’s interest and that of a relative. For the purposes of this Section, the term “relative” shall mean those people related to an individual as described in Paragraph B(6) of Section 3.10 hereof.
- J) 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 City.
- K) No employee, or former employee, shall, without proper legal authorization, knowingly disclose confidential information concerning the property, government, or affairs of the City, nor shall he/she use such information to advance the personal, private and/or financial interest of himself, herself, or others.
- L) 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.
- M) No employee shall appear on behalf of the private interests of others (excluding relatives) before any board, commission, committee, subcommittee, or agency of the City.
- N) No employee shall represent the private interests of others (excluding relatives) in any matter, action or proceeding involving the interests of the City or in any litigation to which the City is a party.
- O) The exception to this section is, any employee may appear before any board, commission, committee, subcommittee, or agency of the City in his/her official capacity.

SECTION 3.9: PROHIBITED POLITICAL ACTIVITIES

All City employees are prohibited from conducting or participating in any of the following activities while on City compensated time, on City property, or while using City equipment or vehicles:

- A) 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 City in connection with any prohibited political activity.
- B) 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 off (such as holidays, vacation or personal time off).
- C) No employee shall be required at any time to participate in any prohibited political activity 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, nor shall any employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.
- D) Nothing in this section prohibits activities that are permissible for a City employee to engage in as part of his or her official duties, or activities that are undertaken by an employee on a voluntary basis which are not prohibited by this section.
- E) 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.
- F) The following definitions apply to the terms utilized in this section:
 - 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, but for purposes of this section, does not include any designated holidays, vacation period, personal time, compensatory time off or any period when the employee is on a leave of absence.
 - 2) 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.
 - 3) "Compensatory time off" means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.
 - 4) "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.
 - 5) "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.
 - 6) "Prohibited political activity" means:
 - i. Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.

- ii. 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.
 - iii. Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
 - iv. 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.
 - v. 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.
 - vi. 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.
 - vii. 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.
 - viii. 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.
 - ix. Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
 - x. Preparing or reviewing responses to candidate questionnaires.
 - xi. 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.
 - xii. Campaigning for any elective office or for or against any referendum question.
 - xiii. Managing or working on a campaign for elective office or for or against any referendum question.
 - xiv. Serving as a delegate, alternate, or proxy to a political party convention.
 - xv. Participating in any recount or challenge to the outcome of any election.
- 7) “Prohibited source” means any person or entity who:
- i. is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;
 - ii. does 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;
 - iii. conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or
 - iv. has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

SECTION 3.10: GIFT BAN

- A) 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 herein, or which is otherwise prohibited by

law or ordinance.

- B) Exceptions: The Gift Ban as described above is not applicable to the following:
- 1) Opportunities, benefits, and services that are available on the same conditions as for the general public.
 - 2) Anything for which the employee or his/her spouse or immediate family member pays the fair market value.
 - 3) Any (a) contribution that is 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, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.
 - 7) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (a) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (b) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (c) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.
 - 8) Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (a) consumed on the premises from which they were purchased or prepared or (b) catered. For the purposes of this section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means and consumed on the premises.
 - 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 section, "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.

- C) Disposition of Gifts: An employee, his/her spouse or an immediate family member living with the employee, does not violate this policy if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c) (3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

SECTION 3.11: STATEMENT OF ECONOMIC INTEREST

- A) Certain City employees are required to file an annual Statement of Economic Interest with the Will County Clerk's Office in accordance with 5 ILCS 420/4A et seq. Employees are to be referred to the applicable Illinois statutes for the current definition of who must file and procedures for doing so. Filing remains the responsibility of the individual employee.

SECTION 3.12: ALCOHOL AND SUBSTANCE ABUSE POLICY

- A) It is the City of Lockport's desire to provide and insure that all employees work efficiently in a safe environment, including having a reasonably drug-free and alcohol-free workplace. Workplace includes all buildings, offices, lockers, facilities, grounds, parking lots, places and vehicles owned, leased or managed by the City. Adherence to the terms of this policy shall be a condition of employment. This policy applies to all employees.
- B) The unlawful use, manufacture, sale, distribution, dispensing, transportation or possession of a controlled substance (illegal drug) is prohibited at any time, except in accordance with duty requirements. The consumption of alcohol or use of cannabis, either medically prescribed or recreational cannabis, at any time during the work day is prohibited while on duty or on-call. On-call is deemed when the employee is scheduled with at least 24 hours' notice to be on standby or otherwise responsible for performing tasks related to employment either at the City workplace or other designated location by the City to perform a work-related task. No employee shall be on duty or on-call while under the influence of alcohol or drugs including medically prescribed or recreational cannabis, or a combination thereof. In addition, all City property and City workplaces are subject to inspection, including, but not limited to, City lockers assigned to employees, as well as, City desks and vehicles used by its employees. There shall be no expectation of privacy for employees who use City premises or equipment, including but not limited to, City lockers, desks, vehicles, etc. Failure to comply with this policy will result in disciplinary action up to and including termination of employment.
- C) City of Lockport employees must report for work or be on-call for duty in an appropriate mental and physical condition to perform their job and remain in that condition the entire time on duty or when on-call for duty. Failure to comply with this policy will result in disciplinary action up to and including termination of employment.
- D) The legal use of prescribed drugs including commercially available over-the-counter drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger the employee or other individuals in the workplace. Employees using a prescribed medication or an over-the-counter medication that may impair the performance of their job duties must immediately inform their supervisor of such use.
- This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must; however, consult with their doctors about

the medication's effect on their ability to work safely and must promptly disclose any restrictions to their supervisor. Employees should not; however, disclose the underlying medical condition unless specifically directed to do so.

- E) Reasonable Suspicion Testing: If the City Administrator or the employee's Supervisor has reasonable suspicion to believe an employee is impaired by or under the influence of alcohol or drugs, or a combination thereof during the course of the employee's work day, the City Administrator has the right to require the employee to submit to alcohol and/or drug testing. Any employee who refuses to take an alcohol and/or drug test shall be subject to disciplinary action, up to and including termination of employment. Any employee who is required to submit to an alcohol and/or drug test, including for the presence of cannabis, and the test shows the presence of alcohol and/or drugs, including cannabis, the employee shall be given a reasonable opportunity to contest the basis of the determination that the employee was under the influence of alcohol and/or drugs, including cannabis, or such a combination thereof to the City Administrator who will determine the disciplinary action up to and including termination of employment.
- F) Employees subject to Department of Transportation (DOT) testing shall be tested in accordance with DOT regulations in addition to the testing and discipline provisions of this policy.
- G) Employees meeting the following criteria shall be strictly prohibited from the consumption, possession, sales, purchase or delivery of cannabis or cannabis-infused substances while on or off duty:
- employees who are subject to Department of Transportation (DOT) drug testing,
 - considered to be security sensitive,
 - funded or contracted by a state or federal law that prohibits the use of cannabis on or off duty.
- H) Pursuant to the Illinois Cannabis Tax and Regulation Act, sworn officers, as well as, auxiliary officers and any other City employees who are authorized to use and carry a firearm as part of his/her job duties shall be strictly prohibited from the consumption, possession, sales, purchase or delivery of cannabis or cannabis-infused substances while on or off duty.
- I) The City will, to the extent required by law, protect the confidentiality of all drug and alcohol test results. Information and records relating to positive test results, drug and alcohol dependencies and legitimate medical explanations provided to the MRO shall be kept confidential and shall be maintained in secure files separate from normal personnel files. Such records and information may be disclosed to the City Administrator and/or Human Resources on a need to know basis and may be disclosed where relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant.
- J) Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or Human Resources. Employees with drug and/or alcohol problems shall be responsible to seek and successfully complete treatment either through the Employee Assistance Program (EAP) or an alternate form of treatment.
- K) Employees shall be required to notify Human Resources, within twelve (12) hours or before the start of the employee's next work shift, of any plea of "guilty", plea of "no contest" or plea of "nolo contendere" by the employee or any stipulation or finding of guilt entered against the employee relative to any criminal drug conviction for a violation occurring at the workplace or relative to any charge of driving under the influence of

alcohol, driving under the influence of drugs, or driving under the influence of a combination thereof, while on City business or during work hours.

- L) Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program.
- M) The City of Lockport will comply with all federal, state, and local laws and regulations concerning violations of drug and alcohol use in the workplace. The City will comply with the applicable requirements of the Drug-Free Workplace Act of 1988, the Americans with Disabilities Act, the Family and Medical Leave Act, and any future new legislation.
- N) Post-Accident Testing: The City will require post-accident urine, drug and breath alcohol testing of employees as provided for in this policy and/or as required under 49 CFR Section 382.303 and 49 CFR Part 40. Post-accident urine drug and breath alcohol testing will be required of those employees who are involved in a reportable accident anytime during the course of work hours or while operating a City vehicle if: (a) the employee receives a citation as a driver for a moving traffic violation arising from the accident; (b) the accident results in any fatality or in any bodily injury to any person (including an employee) who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or (c) there is reasonable suspicion that the employee is under the influence of alcohol or drugs.
 - A post-accident urine drug test to detect the presence of drugs shall be conducted as soon as possible but not later than thirty-two (32) hours after the reportable or fatal accident. If the test is not administered, the City shall prepare and maintain on file a record stating the reasons the test was not promptly completed.
 - A post-accident breath alcohol test shall be conducted within 2 hours of the report of the accident. If not conducted within two (2) hours, a record shall be prepared and retained stating why. If within eight (8) hours an alcohol test is still not conducted, all attempts shall cease and a complete record made of why it was not accomplished. In addition, the driver shall not consume any alcohol for at least eight (8) hours following an accident or until a breath alcohol test has been accomplished.
 - An employee who is seriously injured and cannot provide a urine specimen or breathe alcohol test at the time of the accident shall provide the necessary authorization for obtaining medical records and reports that would indicate if a controlled substance or alcohol was in the employee's system at the time of the accident and the level present.
 - Failure of the employee to be readily available or refusal to give a urine sample or breathe alcohol test when the employee has been involved in an accident covered under this policy, except for an employee who meets the above referenced conditions, shall be considered a refusal to take a test and a positive test result will be assumed.
- O) Compliance with the City's substance abuse policy is a condition of employment. Failure or refusal of an employee to cooperate fully, sign a required document, submit to any test, or follow any prescribed course of substance abuse treatment will be grounds for discipline, including termination. The City also reserves the unilateral right to modify, alter, amend, change, discontinue, suspend, cancel or terminate this policy at any time.

SECTION 3.13: SMOKING

- A) Employees shall not smoke in City buildings, on City property or in City vehicles at any time except as provided herein. The use of all types of tobacco products and electronic smoking or vaping devices are included in this policy and strictly prohibited from use in City buildings, on City property, or in City vehicles at all times except as provided. The City shall designate an outdoor area at each municipal facility, outside the view of the public, where employees will be permitted to smoke during non-work hours or any unpaid meal period. Even when an employee is not in a City building, on City property or in a City vehicle, the employee, while on duty, is prohibited from smoking except during unpaid meal periods.
- B) Employees violating this policy are subject to discipline, up to and including termination of employment. Discipline may include oral or written warning, reprimands, demotion, suspension, probation or discharge. Employees will also be responsible to reimburse the City for any and all cleaning fees that are incurred to remove the smell of smoke from a City vehicle or property.

SECTION 3.14: INFORMATION NON-DISCLOSURE AND CONFIDENTIALITY POLICY

In the course of performing job duties and assisting the City of Lockport in fulfilling its mission to provide municipal services, employees may encounter and have access to substantial information about the City and its elected officials, staff, citizens, finances, planning and development, and other operational matters. The City expects all employees to respect the confidentiality of all such information relating to City operations to the fullest extent permitted by law. All employees are required to familiarize themselves with the protection afforded to confidential information and to safeguard such information against unauthorized disclosure.

A) Confidential information.

- 1) Confidential information is all information which is not otherwise subject to disclosure under Illinois law relating to the operations of the City, including but not limited to: personnel records; financial information; medical information; proprietary information; executive session disclosure; information generated, obtained or relied upon by City employees for policy-making functions; and similar strategy and planning information.
- 2) Except as otherwise noted in this policy, the City presumes that all information, which is not otherwise subject to disclosure under Illinois law, relating to City operations is confidential.
- 3) The confidential information covered by this policy is not limited to any particular format. Confidential information includes information obtained verbally or in writing. Confidential information may be created by City employees or received from third parties; including consultants and attorneys.
- 4) Confidential information may be protected by state and federal law, including but not limited to the Health Insurance Portability and Accountability Act of 1995 (HIPPA) and the Americans with Disabilities Act (ADA). This policy shall be administered in a manner consistent with those and all other applicable laws.

B) Non-disclosure.

- 1) Confidential information is intended for official use only. It may only be accessed or obtained by employees to the extent needed to perform their job duties and may only be disclosed to those individuals in the City who need to know of the information to

perform their duties. Limited exceptions to this policy are permitted by authorized individuals to meet the City's obligations under public access laws as described below. For purposes of this policy, disclosure of confidential information to third parties working with the City shall be treated in the same manner as disclosure to other employees, unless otherwise authorized.

- 2) Any questions concerning the non-disclosure or information or the confidentiality of certain information should be directed to a supervisor. Employees may be held in violation of this policy if failure to follow the appropriate channels in resolving such concerns results in unauthorized disclosure.
- C) *Unauthorized access and disclosure.* Confidential information may not be accessed, disclosed or discussed unless in a manner consistent with this policy and the laws of the State of Illinois or the United States. Employees may not use confidential information for personal purpose. Employees may not use City computers or information systems to access confidential information unrelated to the performance of the employee's job duties. Employees may not disclose confidential information to any other employee, or third party unless such disclosure is within the scope of the employee's job duties or is otherwise authorized by the law or the employee's supervisor/other persons who would possess such authority.
- D) *Protocol for protecting confidential information.*
- 1) Employees are expected to perform their job duties in a manner that reflects the sensitive and confidential nature of City information. Employees should not leave confidential information exposed or unattended. Employees should take steps to secure confidential information from access by others when they leave their work area for breaks, meetings, at the end of the day, or at any other time.
 - 2) If an employee inadvertently receives confidential information or is exposed to confidential information that is left in a printer, copier or fax machine, the employee shall take all steps to prevent any further disclosure and shall either dispose of the information or shall locate the author or recipient of the information.
 - 3) Employees should dispose of confidential information in an appropriate manner by shredding documents or destroying electronic information.
- E) *Guidelines for public access or access to information unrelated to job duties.* This policy governs only internal access to information by employees and the internal administration and disclosure of information by employees. The confidential information covered by this policy may also be subject to laws providing for public access to information. Any employee who received such a request or who is asked by another employee for information that is unrelated to that employee's job duties is expected to adhere to the following guidelines:
- 1) Any requests for access to confidential information by members of the public must be forwarded to the City Clerk's Office or for police matters to the Records Administrator for processing consistent with the Illinois Freedom of Information Act (ILCS Ch. 5, Act 140) and the policies and procedures of the City.
 - 2) Any requests by employees for records relating to their employment shall be processed in accordance with the Illinois Personnel Record Review Act. (ILCS Ch. 820, Act 40) and Section 13.7 regarding personnel record review.
 - 3) Any requests by a City employee for information that does not relate to the performance of their job duties shall be treated as a request by a member of the public for information and must be processed in accordance with the terms of this policy. If there is any question about the job-related status of an employee's request for information the

individual who receives the request should consult with a supervisor for assistance in responding to the request.

- F) *Penalty.* Failure to abide by the terms of this policy may result in disciplinary action up to and including dismissal in addition to any other appropriate action, including legal action to prevent unauthorized disclosure or to recover damages from unauthorized disclosure.

ARTICLE 4: EMPLOYEE DISCIPLINE

SECTION 4.1: POLICY

- A) 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 City, and the public, and to comply with the provisions of this policy. 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 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.
- B) The City 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, unacceptable behavior, misconduct, or poor performance. Human Resources is available for consultation on disciplinary action resulting in oral and written reprimands and shall be advised in writing by a Department Head of all discipline issued. Human Resources shall be consulted prior to the initiation of any disciplinary action which results in disciplinary action above a written reprimand.

SECTION 4.2: PROBLEM SOLVING

- A) It is the policy of the City, 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. If resolution is not being reached at this level, an employee may present the issue to the employee's Department Head. If the employee remains dissatisfied with the response, the employee may bring the issue to the attention of the City Administrator, or the City Administrator's designee, in writing. The City Administrator or his/her designee will meet with the employee and review the matter. The employee will be notified of the decision of the City Administrator or his/her designee. Any decision made by the City Administrator or his/her designee, is final. Employment actions which are subject to the jurisdiction of the Board of Police Commissioners are not subject to this procedure.

SECTION 4.3: GUIDE FOR DETERMINING UNACCEPTABLE BEHAVIOR

- A) In addition to other guidelines outlined in this policy, administrative procedures, and relevant rules of the various departments, the City has established certain minimum standards of conduct. While not all wrongful conduct can be listed, the employees should be familiar with the most common conduct that are unacceptable and subject to disciplinary action as listed below.
- B) The City may apply progressive discipline for violations of such rules ranging from an

oral reprimand to a recommendation of immediate termination of employment, as deemed appropriate by the Department Head, and/or Human Resources and the City Administrator. The illustrations of offenses listed are by way of example and are not intended to be all-inclusive; rather, the illustrations provide a general guide for determining unacceptable behavior. These rules do not limit the right of the City to discipline or terminate an employee for any other reason or for immediate termination with or without cause and with or without notice. The City may revise or change these rules as it deems necessary without prior notice.

- 1) Engaging in fighting, horseplay or reckless conduct on City premises or while on City business.
- 2) Physically abusing, intimidating, offending, or coercing through verbal threats any resident, citizen, municipal official, fellow employee or member of the general public.
- 3) Using vile, intemperate, offensive or abusive language, or acting in a disrespectful manner to any resident, citizen, municipal official, fellow employee or any member of the general public.
- 4) Falsifying or alliterating of timesheets, personnel records, employment applications, attendance, or any other City records or documents.
- 5) Providing false information or information the employee should have known to be false to a Department Head, Human Resources, City Administrator, or any other City representative.
- 6) Refusing to cooperate with the City during an investigation of a City or employment-related incident.
- 7) Removing from City premises, being in the unauthorized possession of, or taking for personal use or any other inappropriate use, any City vehicle, equipment, supplies, tools, material or property, or the vehicle, equipment, supplies, tools or property of a resident, business, City official or fellow employee.
- 8) Destroying, damaging, defacing, abusing, wasting or misusing City property, equipment, supplies or materials, or the property, equipment, supplies or materials of a resident, citizen, City official or fellow employee.
- 9) Creating or contributing to an unsafe condition on City premises or failing to adhere to safe operating practices.
- 10) Insubordination or refusal of a direct work order or assignment or other breach of conduct.
- 11) Failing to report to work at any time when so directed, especially during emergencies.
- 12) Leaving the assigned place of work during work hours when not authorized to do so.
- 13) Violating the City's Alcohol, Substance Abuse or Smoking Policies.
- 14) Revealing confidential City information without proper authorization.
- 15) Being absent without proper notification to their Supervisor. Excessive, unreported or unexcused absences from work. Abuse of sick leave privileges.
- 16) Unauthorized possession of a weapon of any kind on City premises or while on City business. This rule does not apply to sworn officers carrying weapons pursuant to Police Department policy.
- 17) Violating the Equal Employment Opportunity, Sexual Harassment, or Americans with Disabilities Act policies.
- 18) Sleeping, loitering or loafing on duty.
- 19) Incompetent, inefficient, negligent or unsatisfactory performance of assigned work.
- 20) Disruptive attitude or abusive language, which is detrimental to the service, programs and operation of the City.

- 21) Excessive tardiness or early departures from work.
- 22) Allowing the political affiliation of the employee or of a resident or member of the general public to affect or in any other way influence whether a resident or member of the general public receives City services or in any other way influence the type or quality of City services available or provided to that resident or member of the general public.
- 23) Any act which endangers the safety, health or well-being of an employee or citizen, or which is of sufficient magnitude that the consequences cause or act to cause disruption of work or discredit the City.
- 24) Violating any of the provisions of the ethics standards.
- 25) Other violations of City policies and procedures.

SECTION 4.4: FORMS OF DISCIPLINE

The following forms of discipline are considered progressive and are listed in order of increasing severity. The City may, however, in its discretion, skip any level of discipline.

- A) Oral Reprimands: Oral reprimands consist of a conference between the employee, the employee's supervisor or other City official issuing the reprimand and the employee for the purpose of expressing disapproval of misconduct or poor work performance, clarifying applicable rules or standards of performance, policies and procedures, and warning that repetition of the misconduct or failure to improve work performance may result in more severe discipline.
 - 1) Records of oral reprimands will be maintained in the employee's personnel file.
 - 2) Oral reprimands may be used for minor misconduct or performance problems or for first offenses where the offense is not of a sufficiently serious nature to warrant more severe disciplinary action. Generally, oral reprimands may be given ONLY for the first instance of misconduct.
- B) Written Reprimands: Written reprimands consist of a conference &/or email communication between the employee, the employee's supervisor or other City official issuing the reprimand to the employee and a letter or notice expressing disapproval of the misconduct or poor work performance, clarifying applicable rules, policies or procedures, and warning that repetition of the misconduct or failure to improve work performance may result in more severe discipline.
 - 1) The employee will be given an opportunity to review the written disciplinary letter or notice and to respond to it. The employee is required to sign the letter or notice, which means only that the employee has read the notice and understands what it means, not that the employee necessarily agrees with the discipline. An employee's refusal or failure to sign a disciplinary notice will constitute separate grounds for disciplinary action. An employee will receive a copy of said notice. Copies of written reprimands shall be maintained in the employee's personnel file.
 - 2) Written reprimands may be used for repeated misconduct of a minor nature or for more serious misconduct, which does not warrant suspension, dismissal or demotion.
- C) 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.
 - 1) Suspensions without pay may be used to discipline employees for serious misconduct, performance problems, or for repeated misconduct or performance

- problems of a less severe nature.
- 2) The City will comply with the Fair Labor Standards Act and Illinois state wage and hour law with regards to unpaid suspensions of exempt employees. It is City policy to comply with the salary basis requirements of the law; therefore, the City prohibits all managers from making any improper deductions from the salaries of exempt employees. Employees should be aware that the City does not allow deductions that violate the law.
 - 3) If an employee believes that an improper deduction has been made to his/her salary, he/she should immediately report this information to Human Resources. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for any improper deduction made. The City will not tolerate any retaliation against those who make such reports.
- D) 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. Refer to Section 2.10
- E) Discharge: Discharge or termination of employment is the permanent removal from employment with the corresponding permanent loss of all privileges of employment.
- 1) Immediate discharge may be recommended for any improper or inappropriate conduct including, but 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.
 - 2) Written documentation of the discharge shall be placed in the employee's personnel file.

SECTION 4.5: EMPLOYEE APPEAL OF DISCIPLINARY ACTION

- A) Any employee may appeal a disciplinary action, other than an oral reprimand or termination, directly to the City Administrator.
- B) An employee who wishes to appeal a disciplinary action must submit a short written statement outlining the employee's reasons for appealing the action directly to his/her Department Head within three (3) business days of the disciplinary action. If the employee takes no action within three (3) business days of being notified of disciplinary action, then the employee forfeits the right to appeal the discipline and the disciplinary action shall stand. For timely filed appeal of a disciplinary action upheld by the Department Head, the employee can then appeal to the City Administrator. The employee must appeal directly to the City Administrator within three (3) business days of receiving the Department Head's decision to uphold the disciplinary action.
- C) The City Administrator will review a timely submitted written appeal that enumerates all the instances surrounding the particular infraction that resulted in the disciplinary action. Specifically, the written appeal should state the involved parties, what particular infraction resulted, the exact causes of this particular infraction, the employee's views on this alleged infraction, and generally a complete report regarding the entire incident resulting in disciplinary action.
- D) The timely appeal of a discipline to the City Administrator shall be limited solely to presenting mitigating information which was not available to the employee prior to disciplinary action. The City Administrator may meet with the employee prior to rendering his or her decision. The employee will be notified of the City Administrator's

decision and such decision shall be considered to be final.

ARTICLE 5: PERFORMANCE EVALUATIONS

SECTION 5.1: PERFORMANCE EVALUATIONS

- A) Purpose: The performance evaluation program is intended to do one or more of the following:
- Provide employees with formal feedback about their performance;
 - Commend employees for good or excellent performance;
 - Provide recommendations for improving performance;
 - Identify areas where employees might benefit from training;
 - Review status of previously set goals and objectives and establish new goals and objectives.
- B) Evaluation Procedures: Evaluation forms will be provided by Human Resources. Employee evaluations shall be made in writing at individual face-to-face meetings. Employees shall have the opportunity to comment in writing on the evaluation form prior to signing it. By signing the evaluation, the employee is acknowledging receipt of the evaluation, not necessarily agreement with its contents. The evaluation shall be retained by the City and become part of the employee's personnel file.
- C) Mandatory Evaluation Criteria: Annual evaluations will be mandatory for employees who scored 75 or below on their previous years' evaluation and for employees that were newly hired in the previous year. Department Heads and Supervisors are encouraged to perform evaluations on employees that do not meet this criteria, should they deem necessary.
- D) Evaluations are required to be completed prior to the end of the first quarter of each year and submitted to Human Resources.
- E) If an employee wishes to dispute his/her evaluation, he/she may do so within thirty (30) days of the evaluation. Such disputes must be in writing and transmitted through the proper administrative channels (i.e., if the dispute is not resolved at the immediate supervisory level, the employee may pursue the matter of the dispute through the chain of command with the next supervisor, Department Head, Human Resources, and ultimately the City Administrator). The City Administrator shall be the final authority in all disputes. If the employee disagrees with the City Administrator's final decision, the employee can ask that the written dispute be added to his/her personnel file.

SECTION 5.2: ACTING/INTERIM STATUS

- A) 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 City Administrator and shall be considered a temporary appointment. The extent, if any, that an employee is paid for such additional duties when serving in an acting capacity in a higher level position, will be determined at the discretion of the City Administrator.

ARTICLE 6: EMPLOYEE BENEFITS

The City provides for employee benefits as described below. The City reserves the right to change employee benefits. Nothing in this policy 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 policy 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 Human Resources.

SECTION 6.1: HEALTH BENEFITS

All regular, full-time employees may participate in the comprehensive group health insurance plans provided by the City. Dependent coverage is available and is subject to the eligibility requirement of the carrier. Each full-time employee will receive a packet, which includes a Benefit Guide and other materials explaining in detail the benefits provided and applicable employee contributions. Part-time employees averaging less than 30 working hours per week and temporary/seasonal employees are not eligible for health insurance coverage. The following terms and conditions apply:

A) Plan Administration:

- 1) A self-insured plan is provided by the City or an equivalent policy as provided by the City
- 2) The insurance company for Group Health Insurance may be changed by the City Council.
- 3) Benefits will become effective 30 days after the employment start date or after the current month's end, whichever comes first.
- 4) All plans are to be funded and paid on a monthly basis up to the maximum amount set by City Council, and that amount may be changed from time to time by the City Council.
- 5) The City Council may set a contribution of the insurance premium amount to be paid by the employee, whether it be a flat rate or percentage based fee.
- 6) The City Administrator reserves the right, in unique situations, to enter into a separate agreement with an employee, who for personal reasons, declines medical insurance coverage, and to provide additional compensation to such employee. Such agreements are dependent on the circumstances of the particular situation and are subject to change or cancellation if the circumstances change.
- 7) When the premium amount is less than the maximum allowed, only the actual premium shall be paid by the City.
- 8) When the premium amount is more than the maximum allowed, the additional amount shall be paid by the employee.
- 9) Any employee while on general leave who has used up all sick leave benefits and is not receiving wage compensation shall not have any medical premiums paid by the City.
 - i. The employee will have the option of continuing the insurance programs at the employee's own expense and to be paid directly by the employee to the City by the first of the month; this benefit may be changed from time to time by the City Council.

B) Positions Covered:

- 1) Unlike other fringe benefits of employment, federal law determines which employees will be eligible for insurance coverage provided by the City. As defined by the

Affordable Care Act, the City is a “large employer.” This designation is an employer with more than 50 full-time equivalent (“FTE”) employees during the preceding year. In order to determine whether an employer is a “large employer,” both full-time and part-time employees are included in the calculation.

2) Due to this determination, the City abides by the shared responsibility regulations. These regulations require that employers with more than 50 full-time equivalent employees offer minimum value health insurance coverage to employees working 30 or more hours per week, on a non-discriminatory basis, which must be affordable. In determining the qualifications of employees for healthcare insurance, the City will adopt the following standard measurement, administrative, and stability periods.

- *Standard measurement period:* This is the look back period to determine if the employee has worked an average of 30 or more hours per week. The City’s standard measurement period will be May 1 through April 30 of each year.
- *Administrative period:* This is the time allowed for eligible employees to decide whether or not to enroll in the City’s insurance plan and time for the City to administer the enrollment. The City’s administrative period will be January 1 through December 31 of the previous year.
- *Stability period:* If an employee works an average of 30 hours per week or more during the standard measurement period, the employee is considered eligible for City insurance coverage during the stability period. If the employee averages less than 30 hours per week, the employee does not qualify for insurance coverage through the City during the stability period. The City’s stability period will be July 1 through June 30 of each year. If an employee’s hours change such that their insurance qualification status changes during the stability period, no changes will occur in insurance designation either way during that stability period. The change of hours will be reviewed during the measurement period for changes to occur during the following stability period.

C) Retiree Insurance (*Employees hired after July 1, 2002 shall not be entitled to this benefit*)

1) Employees who retire after age 50 with at least 20 years of service shall have 50% of their current health insurance premium paid by the City. After each calendar year of service over 20 years, the percentage of paid premium paid by the City shall increase by 5% until June 30 after the employee reaches age 65 or 100% of the premium. The balance of the premium shall be paid to the City by the first of the month following retirement, payable until Medicare coverage or age 65, whichever comes first. Any increase in premium after retirement will be paid entirely by the employee/retiree. The parties agree that should any retired employee desire dependent coverage that employee shall be allowed to purchase said medical insurance coverage and the employee shall be responsible to pay the difference between the premium for his present insurance and that premium in effect for dependent coverage. Coverage for retired employees may be reduced from family to single coverage if the employee becomes ineligible for family coverage; however, single coverage will not be changed to family if the employee becomes eligible for family coverage after retirement. If coverage is reduced, the retiree insurance credit is also reduced to the amount of the current year’s premium for the newly selected coverage.

i. The aforementioned benefit’s effective date shall be October 12, 1989. Any employee hired after July 1, 2002, shall not be entitled to the retirement health

- benefit as stated above.
- ii. Current Premium is defined as the employee's current coverage amount (i.e. Employee plus spouse; Family, etc.) for Health Insurance ONLY for all employees who have met both the age and service requirement as of February 18, 2015.
 - iii. Current Premium is defined as Single Coverage for Health Insurance ONLY for all employees who have NOT met both the age and service requirement as of February 18, 2015.

SECTION 6.2: DENTAL BENEFITS

- A) All regular, full-time employees may participate in the comprehensive group dental insurance plans provided by the City. Dependent coverage is available and is subject to the eligibility requirement of the carrier. Each full-time employee will receive a packet, which includes a Benefit Guide and other materials explaining in detail the benefits provided and applicable employee contributions.
 - 1) Part-time and temporary/seasonal employees are not eligible for dental insurance coverage.
 - 2) Upon retirement, a retired employee and their dependents may continue with the City's dental plan; however, the retiree will be responsible for covering all cost, as well as, increases in premiums for the continued coverage. Retirees will be eligible to remain on the dental plan until Medicare coverage or age 65, whichever comes first.

SECTION 6.3: LIFE INSURANCE

- A) Life insurance shall be provided for all regular, full-time employees in the amount of \$50,000; Department Heads shall be provided coverage in the amount of \$100,000. Additional group term life insurance is available to certain qualifying participants. Please contact Human Resources for further information.
- B) Upon retirement, a retired employee may continue with the City's life insurance plan; however, the retiree will be responsible for covering all cost, as well as, any increases in the premium for the continued coverage. Retirees are eligible to remain on the life insurance plan until Medicare coverage or age 65, whichever comes first.

SECTION 6.4: CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA)

It is the policy of the City of Lockport to comply with all provisions of the Consolidated Omnibus Budget Reconciliation Act, enacted by the Federal Government on April 7, 1986. Under COBRA, employees, retirees or their dependents covered by a group health insurance plan are entitled to certain rights for an extension of health insurance coverage (called "continuation coverage") at group rates in certain instances where coverage under the plan would otherwise end. For further details, contact Human Resources.

SECTION 6.5: FLEXIBLE SPENDING ACCOUNT

The City offers on a voluntary basis a Flexible Spending Account to all regular, full time employees. This tax-advantaged plan allows employees to use pre-tax dollars to pay for certain medical costs and/or dependent care. Information regarding this plan is available through Human Resources.

SECTION 6.6: EMPLOYEE ASSISTANCE PROGRAM (EAP)

The City provides an Employee Assistance Program (EAP) for use by all City employees and their dependents 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 Human Resources.

SECTION 6.7: ACCIDENTAL DEATH AND DISMEMBERMENT

Accidental Death and Dismemberment Insurance coverage shall be provided for all regular full-time employees. Accidental Death and Dismemberment Insurance ceases with termination of employment. Further information regarding Accidental Death and Dismemberment Insurance Coverage can be obtained through Human Resources.

SECTION 6.8: CREDIT UNION

The City of Lockport participates in the Canals & Trails Credit Union, which offers memberships to all City employees. Further information regarding the Credit Union can be obtained through Human Resources.

SECTION 6.9: DIRECT DEPOSIT

The City of Lockport offers Direct Deposit to all employees. Participation is encouraged, but not mandatory. See Human Resources for more information.

SECTION 6.10: DEFERRED COMPENSATION

- A) The City provides an option to any permanent employee to invest a portion of his/her present earnings in a deferred compensation plan. This is an arrangement where a certain dollar amount or percentage can be designated by the employee to be withheld from his/her paycheck and invested for payment at a later date, usually at retirement, when most people are in a lower income bracket. Under this arrangement, neither the deferred amount nor earnings on the investments are subject to Federal income taxes until such time as the employee receives payment from the plan.
- B) All benefits and requirements of the respective plans are described in the policy booklets available through Human Resources.
- C) Benefits received through this program are in addition to any Social Security or Public Employees' Retirement System benefits for which the participating employee would be eligible. Enrollment can be arranged through Human Resources and is open to any individual who has achieved "permanent" employee status with the City. Contributions to the program are financed solely by the employee through payroll deduction.

SECTION 6.11: PENSION PROGRAMS

- A) Eligibility: Retirement benefits are provided for all regular, full-time and regular part-time employees who are expected to work 1,000 hours or more per year. All employees, with the exception of regular, full-time sworn police officers are covered by Social Security. All employees with the exception of sworn police officers hired on or before March 31, 1986, are covered under Medicare.
- B) Social Security and Medicare: Both the employee and the City contribute on the employee's behalf for Social Security and Medicare benefits. Social Security benefit estimates may be obtained by contacting the Social Security Administration. Forms for verification of earnings records may also be obtained from the Social Security

Administration.

- C) Illinois Municipal Retirement Fund: All regular employees, except for full-time police officers covered under the Police Pension Fund, who are expected to work 1,000 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 City 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 Human Resources or by calling IMRF directly at (800) ASK-IMRF.
- D) Police Pension Fund: Sworn police officers may apply for participation in the Lockport Police Pension Fund. Only employees who are accepted into the Fund may participate in it. The Fund is managed, in accordance with Illinois law, by a local Police Pension Board. Both the City and Fund members contribute to the Fund. The employee contribution rate is established by State statute. The City contributes an actuarially determined amount. Participation in this pension program is subject to the rules and regulations of the Fund. Information regarding membership, pension benefits, and qualification requirements is available through the Police Pension Board.

ARTICLE 7: TRAINING, TRAVEL AND TUITION REIMBURSEMENT

SECTION 7.1: TRAINING AND TRAVEL REIMBURSEMENT

- A) Training: The City 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 Head subject to budgetary and scheduling parameters.
- B) Employees attending a conference, meeting, class, seminar, convention or similar occasion as a representative of the City of Lockport 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.
- C) Travel: Subject to the conditions set forth below, the City will reimburse employees for reasonable business travel expenses incurred while on professional business away from the normal work location. Business travel must be approved in advance by the Department Head. A Pre-Approved Travel Authorization Form shall be required for business travel in which the length of the time away from the City exceeds a single day and must be approved in advance by the Department Head and the City Administrator. When travel requiring an authorization form is completed, employees are to submit to the Finance Department the Travel Expense Reimbursement Form confirming expenditures within ten (10) business days. If applicable, all itemized receipts for expenses must be attached to the reimbursement form. The failure to submit an itemized receipt or no receipt at all may cause the reimbursement to be denied. The reimbursable amount cannot exceed the Federal per diem rates for food and mileage costs, and must exclude alcohol. Refer to Travel Reimbursement Policy
- D) Abuse of the travel regulations, including falsifying expense reports to reflect costs not incurred by the employee, may be subject to disciplinary action, up to and including

termination of employment.

- E) Employees are not eligible to receive overtime or compensatory time for training and/or travel without prior approval from the City Administrator.

SECTION 7.2: TUITION REIMBURSEMENT

- A) The City of Lockport supports employees who wish to continue their education to enhance their effectiveness in their current position and to provide for growth opportunities within the organization. The City has established a reimbursement program for expenses incurred through approved institutions of learning.
- B) All full-time regular employees, who have completed their introductory period and are meeting performance expectations, are eligible for benefits under this policy. Employees may pursue a degree or take individual courses at approved and accredited educational institutions under this program, provided the course of study offers growth in an area related to his/her current position or may lead to promotional opportunities within the City. All employee requests for tuition reimbursement shall be subject to the availability of budgeted funds.
- C) A Request for Course/Degree Approval (see Appendix E), and Tuition Reimbursement Agreement (see Appendix F) must be completed and submitted to the City Administrator for approval prior to enrolling in any course (individually or under an approved degree program). Forms may be obtained from Human Resources. The City Administrator, with input from the applicable Department Head and taking into account the employee's current and future assignments, potential impact on the employee's work responsibilities and availability of funding will direct Human Resources to advise the employee in writing as to whether their request has been approved.
- D) For budgeting and planning purposes, the Tuition Reimbursement Agreement form is to be submitted to the City Administrator by June 1st (prior to the commencement of the new fiscal year on January 1). Participation in the tuition reimbursement program in no way obligates the City to pay the entire cost of a degree program. Each tuition reimbursement applicant will be notified by Human Resources in writing by December 15 of the course(s) eligible for reimbursement. If funding permits, a request for reimbursement may be approved by the City Administrator after the commencement of the fiscal year.
- E) The schedule of courses selected must not interfere with the employee's normally assigned working hours. Time off with pay will not be allowed for an employee to attend courses in connection with the Tuition Reimbursement Program.
- F) A tuition reimbursement request must be submitted for payment within 30 days from the end of the semester or term. The City shall reimburse the employee for eligible expenses such as tuition, books, and fees. A copy of the official grade record and itemized receipts documenting all of the expenses must be included with the Request for Reimbursement. An employee may also be required to provide the City with a certified copy of their official grade records. An employee must be employed with the City at the time of course completion and/or degree program completion to be eligible for reimbursement. Other miscellaneous expenses such as parking, supplies, social dues, athletic fees, computer access charges, etc., are not reimbursable. City reimbursement shall not exceed \$2,500 annually of the actual out-of-pocket cost paid by the employee for eligible expenses and as such may be reduced by any other financial aid that does not have to be repaid (such as the GI Bill, scholarships and grants).
- G) An employee who accepts tuition reimbursement does so with the understanding that

they assume a responsibility of up to two (2) years of service from the date of reimbursement. In the event the employee leaves his employment voluntarily, absent unforeseen circumstances, the amount of reimbursements paid to the employee in the preceding two (2) years becomes due and payable from the employee's final paycheck or other arrangements may be made to repay the City prior to termination of employment. The amount to be repaid to the City will be determined as follows:

- Separation within less than one year: 75% of costs reimbursed
- Separation between one and two years: 50% of costs reimbursed

ARTICLE 8: PAID TIME OFF, HOLIDAYS, PERSONAL, & VACATION DAYS

SECTION 8.1: HOLIDAYS

The City provides to regular full-time employees the following twelve and one-half (12 1/2) paid holidays each year:

New Year's Eve (half day off)	Labor Day
New Year's Day	Columbus Day
Martin Luther King, Jr., Day	Veterans Day
President's Day	Thanksgiving Day
Good Friday (half day off)	Day after Thanksgiving
Memorial Day	Christmas Eve (half day off)
Independence Day	Christmas Day

- A) Christmas Eve and New Year's Eve are observed as a half day off on a Friday when the Christmas Day and New Year's Day holidays are on a Saturday, Sunday or Monday.
- B) When a holiday, except as stated in subsection A) falls on Saturday, the preceding Friday shall be the observed the holiday. When a holiday falls on Sunday, the following Monday shall be the observed holiday.
- C) When a holiday occurs during a regular employee's vacation period or regularly assigned day off, the employee will be paid eight hours straight time.
- D) All employees must be in attendance (i.e. cannot call in sick) the work day before and the work day following a holiday in order to receive pay for that holiday except with prior written approval of the City Administrator or when taken in conjunction with an approved vacation.
- E) Regular part-time, temporary and seasonal employees are not eligible to receive holiday pay.
- F) Regular full-time, non-exempt, hourly employees required to work on a recognized holiday will be paid at the rate of one and one-half times the employees' regular hourly rate for those hours actually worked during regular working hours (i.e. 8:00am – 4:30pm) on the recognized holiday. In addition, the employees may either elect to be paid for the holiday or to take the holiday off at another date within the calendar year subject to the approval of the employees' supervisor. Any other overtime hours worked on the holiday that are not in the normal working hours shall be paid an additional rate at double time and one-half times the employees regular rate.

SECTION 8.2: RELIGIOUS HOLIDAYS

An employee may take days off for religious observances of his/her 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 must provide their supervisor with at least a two-week notice of the need to be absent for a religious holiday so that the City can attempt to accommodate the request.

SECTION 8.3: PERSONAL DAYS

Regular full-time employees shall receive on January 1st of each year thirty-two (32) hours of paid personal leave. Part-time, temporary and seasonal employees are not eligible for personal leave.

- A) In order to use a personal day, an employee must give notice to his/her Department Head not less than twenty-four (24) hours prior to the day selected. Approval will be granted provided the employee’s selection of his/her personal day does not materially disrupt City service to the public and does not result in an overtime situation. Personal day approval is at the discretion of the employee’s supervisor.
- B) Newly hired, regular full-time employees shall receive a pro-rata share of their personal days on the date of hire. The pro-rata share will be based on the time of year the new hire begins their employment. Employees hired during: the 1st quarter of the year will receive 32 hours of personal leave; 2nd quarter new hires will receive 24 hours; and 3rd quarter new hires will receive 16 hours.
- C) 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.
- D) Employees that have not utilized any sick leave during the preceding year will be entitled to eight (8) hours of additional personal leave.
- E) Employees are not entitled to be paid out for any unused personal leave at their time of separation from employment with the City.

SECTION 8.4: VACATION

- A) Regular full-time employees shall be granted vacation leave in accordance with the following schedules.

Employee Vacation Accrual Schedule		
<u>Length of Service</u>	<u>Monthly Accrual</u>	<u>Annual Amount</u>
After 30 days	6.67 hours	80 hours
Start of 5 years	10.00 hours	120 hours
Start of 10 years	13.33 hours	160 hours
Start of 17 years	16.67 hours	200 hours

Department Head Vacation Accrual Schedule		
<u>Length of Service</u>	<u>Monthly Accrual</u>	<u>Annual Amount</u>
After 30 days	10.00 hours	120 hours
Start of 5 years	13.33 hours	160 hours
Start of 10 years	16.67ours	200 hours

- B) Employees will begin to accrue vacation hours after thirty (30) days of continuous service. Employees will earn one-twelfth of their vacation for each full month of continuous

employment. The rate of vacation accrual is based on the employee's years of service at his or her anniversary date.

- C) Monthly accruals will occur on the second pay period of each month and will be reflected on the employee's pay check stub.
- D) Regular part-time employees who work an average of 24 hours or more per week shall be allowed to accrue at a pro-rata share of 80 hours of vacation time. (Example: If the average weekly hours are thirty-two, the regular part-time employee shall be granted $\frac{32}{40}$ of 80 hours = 64 hours of vacation time).
- E) All vacation leave shall be used in increments of one-half ($\frac{1}{2}$) day at a time, unless specifically agreed to by the employee's Department Head or his/her designee.
- F) No advancement of vacation shall be allowed without prior approval from the City Administrator.
- G) Regular full-time employees may carryover 40 hours of vacation into their next anniversary year. Any hours in excess of 40 hours, that are not utilized by the employee's anniversary date will be forfeited.
 - 1) An employee may request to carryover additional hours in excess of the 40 hour carryover limit by submitting a written request to their Department Head no later than thirty (30) days prior to their anniversary date. If approved, the excess hours must be used within 60 days after the employee's anniversary date or the hours will be forfeited.
 - 2) Part-time employees may carryover one week of their average weekly hours into their next anniversary year. For example, a part-time employee who works, on average, 24 hours per week may carryover 24 hours of vacation time into their next anniversary year.
- H) In establishing employee vacation schedules, each Department Head shall consider both the employee's preference and the operating needs of the department. All vacations shall be established in January. Schedules shall be prepared and posted on or before January 15th of each year. Requests for changes in vacation schedules as initially established shall be allowed at the discretion of the Department Head. Employees will be permitted, if provided that by so doing there are no conflicts with other employee's scheduled vacations and provided employee's day off does not interfere in the normal function of the Department, to take their vacation in day segments, but in no event shall the requested change be allowed without a minimum of forty-eight (48) hour notice to the Department Head. To minimize work disruption in cases of conflict over vacation schedules, the employee with the most full-time seniority will receive preference.
- I) No salary payment shall be made in lieu of vacation accrued and earned but not taken except in the following situations:
 - 3) Upon separation from employment.
 - 4) Where employee requests to work his/her vacation time but only if the Department Head in his/her sole discretion authorizes them to do so and then only up to one-half the vacation time earned by the employee in any given year. The request by employee must be in writing. It is understood that under no circumstances shall the employee be paid time and a half if the employee works in lieu of taking part of his vacation.
- J) In case of an emergency or operational need, the respective Department Head may cancel and reschedule any or all approved vacation leaves in advance of it being taken, or call back any employee from a vacation leave in progress. Vacation leave cancelled by the City shall be rescheduled as soon as possible, subject to the approval of the Department Head.

- K) In addition, an employee shall be entitled to three additional days of vacation per year, so long as the employee has not utilized any sick leave during the preceding calendar year.

ARTICLE 9: LEAVES OF ABSENCE

SECTION 9.1: SICK LEAVE

- A) The City recognizes that employees may on occasion become ill or injured. Accordingly, the City may grant regular full-time employees paid sick leave privileges in case they are unable to work because of illness or injury. Employees are reminded that sick leave is a privilege, not a right, and shall be used only as provided for in this policy.
- B) Accumulation: All regular full-time employees shall earn eight (8) hours for each completed calendar month of service with the City, beginning after the first month of employment. Employees may accrue and carry a maximum of 1,920 sick leave hours (240 days). An employee shall not be eligible to earn any sick leave hours so long as he/she is on unpaid time off due to illness or injury of thirty (30) working days or more. An employee shall not be eligible to earn any sick leave hours so long as he/she is on layoff, suspension, or approved leave of absence without pay of thirty (30) days or more.
- C) Usage: Sick leave may be used for non-work related personal illness or injury, disability, emergency medical care, dental care or physician's appointments, which cannot be scheduled during an employee's non-work hours. Sick leave time that also qualifies as FMLA leave will run concurrently with FMLA for eligible employees (see FMLA policy, Section 8.7). To the extent possible, employees are expected to schedule physician's appointments or other appointments for medical care during their non-working hours. Sick leave may also be used for the medical care of a member of the employee's immediate family as necessary. Evidence of necessity may be required. For purposes of this Article, the term "immediate family" shall mean the employee's spouse, children, parents, siblings, mother-in-law, father-in-law, grandchild, grandparent, or stepparent. Generally, and to the extent provided by law, employees who are ill and on paid sick leave are expected to be confined to their place of residence or be hospitalized, unless en route to, from, or at the doctor's office or pharmacy.
- 1) If a supervisor determines that an employee has a pattern of illnesses that becomes excessive, or has more than twelve (12) occurrences in twelve (12) months, this may result in disciplinary action.
 - 2) Abuse of sick leave privileges when the above conditions are not met will result in disciplinary action. Sick leave is granted at the discretion of the Department Head. Sick leave may not be used as vacation time, personal days, or other personal leaves.
 - 3) In accordance with FMLA, paid sick leave may also be used for not more than 60 days (Refer to Section 9.4) in one calendar year, in the event of serious illness, disability, injury or for appointments with a medical practitioner, of a member of the employee's immediate family.
- D) Reporting of Absence: Initial notice of illness or injury requiring absence from work must be reported to the employee's immediate supervisor (or as designated per departmental policy) as far as possible in advance of the starting time for the scheduled work day or shift. An employee whose job requires a substitute for a particular shift must give notice at least two (2) hours in advance of his assigned starting time unless circumstances make such advance notice impossible, in which case, notice will be provided as soon as possible.

Failure to provide proper notice may result in disciplinary action, up to and including termination of employment. For absence due to illness or injury that will have duration of longer than one (1) day, employees should provide reasonable reporting of the status of their condition. The City may check on the employee's progress towards recuperation from time to time.

- E) Physician's Certificate: The City requires a physician's or equivalent medical certificate from employees who are absent under the sick leave policy. Said verification is at the employee's expense and will be requested when an employee has been utilizing sick leave for a period of three (3) or more consecutive days. The City may require a physician's or equivalent medical certification from employee who; has repeated illnesses of shorter periods; is absent due to illness or injury on the day of, before, or after a holiday; uses a combination of sick time and scheduled or unscheduled overtime during the same work week or payroll period or is otherwise suspected of use of sick leave for an unauthorized purpose. Failure to provide a proper medical certificate within a reasonable time after one is requested may result in disciplinary action. In addition, failure to return to work after being released by a physician to do so may result in disciplinary action. If an official holiday occurs while an employee is on bona fide sick leave, with medical certification, the employee shall be paid for the holiday and the day shall not be deducted from the employee's sick leave.
- 1) The City may additionally request certification from a physician documenting that leave for any period less than three days is for a reason supported by this policy.

SECTION 9.2: SICK LEAVE INCENTIVES

- A) Perfect Attendance Award: A regular full-time employee who has not taken any time off from work (with the exception of approved vacation, holiday, personal, paid time off,) during the course of a calendar year will receive twenty-four (24) hours of additional vacation plus eight (8) hours of personal paid time off. The additional hours will be effective and available for use January 1st of each year. This award will be based on attendance during the previous calendar year, beginning January 1st and ending December 31st.
- 1) New hires will receive a pro-rata share of this benefit based on the months of continuous service completed in the previous calendar year. For example, an employee hired in July, would have 6 out of 12 months of service (50% of a year) and would receive fifty percent (50%) of the additional hours indicated above.

SECTION 9.3: SICK LEAVE BUY OUT AT TERMINATION

- A) Regular full-time employees who retires or resigns, based upon causes other than disciplinary, after 15 years of service shall be entitled to a lump sum payment of \$30 per day (8 hours) of unused and accrued sick leave up to a maximum of 180 days (1,440 hours).
- B) The employee also has the option of having any unused, unpaid sick leave be reported to IMRF for service credit up to a maximum of 1,920 sick leave hours (240 days).

SECTION 9.4: PAID LEAVE DONATION

- A) Policy: The Paid Leave Donation Bank serves as a depository for eligible and participating employees to donate their unused and available paid time off (sick, vacation, &/or personal time) to another employee. The purpose of this sick leave bank is to alleviate the hardship caused by a serious health condition that forces the employee to exhaust all eligible paid

leave time. Employees requesting donation of sick, vacation, and/or personal leave shall notify the City Administrator in writing as far as in advance as practicable. All requests should indicate the estimated number of sick leave days required and provide information related to any pending disability claims. All requests must be accompanied by a physician's statement that includes the beginning date of the condition, a description of the illness or injury, an estimated number of sick days needed, and a prognosis for recovery.

B) Employees may donate a minimum of 8 hours and up to a maximum of 80 hours of their available paid time off leave for use by another employee. The donating employee must retain a minimum of ten (10) days of sick leave in their paid time off account. The paid leave time will be valued at the donating employee's current rate of pay, and will then be converted to the appropriate amount of time based on the recipient's current hourly rate of pay (i.e. one hour for one hour). Donated leave time shall be permitted up to three (3) months after the employee has exhausted all of their paid leave. Human Resources will receive the donations, as well as, provide for appropriate equal allocations of donated hours for usage.

C) Eligibility & limitations:

- 1) An employee's eligibility in the Paid Leave Donation Bank will be at the sole discretion of the City Administrator.
- 2) The employee must exhaust all of their own paid time off leave (sick, personal, vacation, compensatory time) prior to requesting and/or receiving donated paid time off.
- 3) The paid leave bank may be used for an employee or a family member's (spouse, registered domestic partner, civil union, child, or parent) serious health condition as stipulated under the Family Medical Leave Act (FMLA). The illness or injury must require a health care provider's care as defined in the FMLA. The paid leave bank may only be used for a continuous leave, not intermittent leave.
- 4) This paid leave bank is available only to those employees who are not receiving temporary disability benefits under workers' compensation.
- 5) Use of benefits from the Paid Leave Bank is considered as time taken under the provisions of the Family and Medical Leave Act (FMLA) and thus any use is included in the twelve weeks of leave provided under this Act, if applicable.
- 6) Eligibility for participation in the bank will discontinue upon termination of employment.
- 7) Once a donation of paid leave has been made, the donating employee cannot request to have the time restored to them.
- 8) The donation of sick leave will not disqualify those employees from the no calling in sick benefit that is received each year, unless they have previously utilized sick leave outside of their donations.

SECTION 9.5: BEREAVEMENT LEAVE

A) A regular full-time employee may, in the event of the death of an immediate family member, be granted a paid leave of up to five (5) work days for bereavement. Bereavement Leave shall be utilized within five (5) days of the death or memorial service. For purposes of this section immediate family is defined as the employee's spouse, children (including step), and parents (including in-laws).

- 1) Regular part-time employees may be granted up to twelve (12) hours of paid leave over three (3) consecutive days for the death of an immediate family member

B) In the occurrence of a death of an employee's brothers and sisters (including in-laws), son-

in-law, daughter-in-law, grandparents, grandparents of spouse, and grandchildren, the employee may be granted paid leave for up to three (3) days.

- C) Eligible employees may in the event of the death of an extended family member be granted a paid leave of one (1) work day for bereavement. For the purpose of this section, extended family is defined as aunt, uncle, first cousin, niece or nephew.
- D) Upon recommendation of the Department Head and Human Resources an employee may be granted up to two (2) additional consecutive work days of leave for unusual circumstances. Such additional leave may be charged against accumulated sick leave to the extent such leave is available.
- E) The Department Head in conjunction with the City Administrator and Human Resources must approve all requests for leave with pay resulting from a death in the family and will determine the number of days of leave to be granted to the employee based on the circumstances, including but not limited to any travel distance.
- F) The City may require proof of death, relationship, and/or attendance at the funeral

SECTION 9.6: JURY DUTY LEAVE, LEGAL OR ADMINISTRATIVE PROCEEDINGS

- A) All regular full-time employees shall receive full pay for time not worked while serving on jury duty for the term of the jury service, testifying as a witness on behalf of the City, or testifying pursuant to a subpoena regarding matters related to their employment with the City. Employees shall provide a copy of the summons or subpoena to their supervisors upon receipt so that proper arrangements for the employee's absence may be made. Failure to notify his Department Head in a timely manner may result in the employee not being compensated for such civic duty.
- B) In order to be eligible for full pay, the employee shall relinquish to the City any monies received for jury service or witness fees.
- C) Employees serving on jury duty or as a witness on behalf of the City will continue to accrue vacation, sick leave, and other similar benefits.
- D) No employee shall receive pay for time not worked while testifying as a witness in a case filed by the employee against the City, its officers or employees, or in a case which is personal and not related to City operations or the employee's employment with the City.
- E) Seasonal, temporary and part time employees shall be allowed time off without pay for jury duty.

SECTION 9.7: DISABILITY LEAVE

- A) Work Related: A regular full- or part-time employee who is temporarily disabled on the job while performing duties within the scope of their employment, shall receive pay equal to the difference between the amount received from worker's compensation, the Police Pension Fund, Illinois Municipal Retirement Fund benefits, and his or her normal salary amount for the period of his/her disability without charge against his/her vacation or sick leave, subject to the following conditions:
 - 1) The disability resulted from an injury or illness sustained directly in the performance of the employee's work as provided in the state's Workmen's Compensation Act.
 - 2) A physician selected or approved by the City shall determine the physical ability of the employee to continue working or to return to work.
 - 3) Disability leave shall not exceed thirty (30) working days in any one (1) injury.
 - 4) Every accidental injury or disability in the line of duty shall be reported promptly

to the Department Head, and a written incident report shall be prepared.

- 5) After the disability leave has been exhausted, a disabled employee has the option of utilizing vacation or sick leave and reimbursing the City for any difference from the employee's normal salary and the compensation benefits that said employee would be receiving from worker's compensation.
- B) Non-Work Related: The City of Lockport will consider granting a paid disability leave to an eligible employee who is unable to work due to a medical disability lasting longer than three (3) days. Only employees who were a full-time employee prior to the disability are eligible to be considered for this non-work related disability leave. In order to be paid for a non-work related injury, the employee must utilize any available paid sick, personal and/or vacation leave as part of the paid disability leave. FMLA leave will run concurrent with all disability leaves.
- 1) For purposes of this policy, medical disabilities include, but are not limited to, temporary disabilities associated with pregnancy, childbirth and related medical conditions. Requests for paid disability leave will be evaluated based on a number of factors, including anticipated work load and staffing available during the proposed period of absence.
 - 2) The employee should submit his or her request for paid disability leave to their Department Head and City Administrator as soon as possible. A physician's statement must be provided verifying the medical disability, its beginning date and expected ending date. Any changes in this information must be promptly reported to the Department Head and City Administrator.
 - 3) Generally, an employee will not be considered for paid disability leave in excess of thirty (30) calendar days every twelve (12) months. If the initial period of paid disability leave proves insufficient, consideration will be given to a written request for a single extension of no more than thirty (30) calendar days. The City will consider an employee's request for a longer leave of absence if such a leave would constitute a reasonable accommodation under the American's with Disability Act and such a leave would not create an undue hardship for the City.
 - 4) If a non-sworn employee has not returned to work after thirty (30) calendar days, such employee may be eligible for IMRF disability benefits, in accordance with State law.
- C) Return to Work: An employee shall be required to provide a fit-for-duty release before he/she will be allowed to return to work after a disability leave. For all disability leaves, the City retains the right to send the employee to the City's physician of choice, at the City's expense, to determine whether the employee is fit-for-duty, and/or to verify the employee's ongoing disability status. Upon the employees return to work, a reasonable effort will be made to return the employee to the same position or, if it is not available, to a similar available position for which the employee is qualified, in compliance with applicable law. However, the City cannot guarantee the reinstatement of the employee.
- D) Failure to Return from Leave: An employee who fails to return to duty within twenty-four (24) hours or the next work shift after receiving a medical release, shall be considered to have resigned from such service in the absence of evidence of extenuating circumstances.
- E) Benefits While on Leave: While on a paid leave of absence the City 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 any applicable 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 9.8: TEMPORARY LIGHT DUTY

- A) The best interests of the City 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 amount 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 an injury or illness, the Department Head may recommend and the City Administrator 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 City. 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 City and to the extent that light duty assignments cease to serve the operational needs of the City, light duty assignments will be terminated.
- 1) An employee may be required, or may volunteer, to work in an available revised duty assignment, whether the injury was sustained on-duty or off-duty. The number of light duty assignments available is limited. Therefore, on-duty injuries have priority over off-duty injuries in the selection of duty assignments.
 - 2) The work the employee performs must be within the physical limitations prescribed by the employee's and/or City's approved physician.
 - 3) The work the employee performs must have existed within the department before the illness or injury occurred.
 - 4) No employee will be moved from his/her regular job in order to make a light duty situation available to another employee.
 - 5) The performance of light duty work shall not otherwise disrupt the functioning of the department within which the light duty is being performed.
 - 6) An employee 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 permitted for a duration longer than 90 days.
 - 7) 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. (Example an administrative or clerical employee with a broken arm may be able to perform office work that a utility person or mechanic with the same type of injury is unable to do.)
 - 8) The City is the employer, not the department. It is the primary goal of this policy that departments find alternative work assignments for employees assigned to their respective departments; however, when the employee's Department Head cannot find suitable work, suitable restricted work may be sought in other departments.
 - 9) An employee who is authorized and assigned light duty work shall continue in his/her status as an employee of the City, with the same wage and benefits that were assigned to his/her regular position.
 - 10) The City may require the employee to submit to an examination by another physician at the City's expense in order to determine the employee's fitness for duty, even light

duty. The determination of the City's physician will govern in the case of a dispute between the City's physician and the employee's physician. The City also reserves the right to review an employee's status at any time during the duration of the light duty assignment.

- 11) The decision of the City Administrator 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 90 days.
 - 12) If an employee is granted light duty, the light duty assignment generally shall not exceed 90 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/she 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 City Administrator and Department Head based on the circumstances of each specific case and in accordance with applicable laws.
 - 13) The City will treat pregnancy as any other non-job related disability. Any restrictions imposed by a pregnant employee's physician or the City-designated physician will be reviewed to determine if light duty assignments are available consistent with the employee's prenatal restrictions.
 - 14) 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.
 - 15) No light duty assignments shall result in overtime.
 - 16) This policy will be interpreted and applied consistent with all of the City'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 City Administrator.
- B) Nothing herein shall be construed to require the City to create a light duty assignment for an employee. Employees will only be assigned light duty assignments when the City determines that the need exists, and only as long as such need exists.

SECTION 9.9: FAMILY AND MEDICAL LEAVE

- A) Policy: Family and Medical Leave provides an opportunity for an eligible employee to take up to 12 weeks of unpaid family/medical leave (or 26 weeks of family military leave to care for a covered service member with a serious injury or illness) within any 12 month period, with a guarantee of being restored to the same or equivalent position upon his return from leave, provided the employee:
- 1) has worked for the City for at least 12 months;
 - 2) has worked at least 1,250 hours in the last 12 months; and
 - 3) is employed at a worksite that has 50 or more employees within a 75-mile radius.
The "12-month period" is measured as a "rolling" 12-month period measured backward from the date of any FMLA leave usage.
- B) Reasons for Basic FMLA Leave: If an employee is eligible, he may take family/medical leave for any of the following reasons:
- 1) the birth of a son or daughter and in order to care for such son or daughter during the first 12 months following birth;
 - 2) the placement of a son or daughter with the employee for adoption or foster care

- during the first 12 months following placement;
- 3) to care for a spouse, son, daughter, or parent (“covered family member”) with a serious health condition;
 - 4) or because of the employee’s own serious health condition which renders an employee unable to perform the functions of his position. Where both spouses are employed by the City, the total amount of leave they can take may be limited to twelve weeks for the birth or adoption of a son or a daughter or to care for a sick covered family member.
- C) If both spouses work for the City, their total leave in any 12-month period may be limited to an aggregate of 12 weeks if the leave is taken for either the birth or placement for adoption or foster care of a child or to care for a sick parent.
- D) An employee may not be granted FMLA leave to gain employment or work elsewhere, including self-employment. If an employee misrepresents facts in order to be granted FMLA leave, he will be subject to immediate termination.
- E) Reasons for Military Family Leave: There are two types of Military Family Leave available:
- 1) Qualifying Exigency Leave: Employees meeting the eligibility requirements described above may be entitled to use up to 12 weeks of their Basic FMLA Leave entitlement to address certain qualifying exigencies. Leave may be used because of any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the armed forces. Covered active duty means duty during deployment with the armed forces to a foreign country for members of a regular component or a reserve component of the armed forces.
 - i. Qualifying exigencies may include the following reasons: (1) short-notice deployment (up to 7 days of leave); (2) attending certain military events; (3) arranging for alternative childcare; (4) addressing certain financial and legal arrangements; (5) periods of rest and recuperation for the service member (up to 5 days of leave); (6) attending certain counseling sessions; (7) attending post-deployment activities (available for up to 90 days after the termination of the covered service member’s covered active duty status); (8) other activities arising out of the service member’s covered active duty or call to active duty and agreed upon by the City and the employee.
 - 2) Leave to Care for a Covered Service member: There is also a special leave entitlement that permits employees who meet the eligibility requirements for FMLA leave to take up to 26 weeks of leave during any single 12-month period if the employee is the spouse, son, daughter, parent, or next of kin caring for a covered military service member or veteran recovering from an injury or illness.
 - i. A covered service member is: (1) a member of the armed forces, including the National Guard or reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or (2) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the armed forces, including the National Guard or reserves, at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

- ii. A “serious injury or illness” is: (1) for a member of the armed forces, including the National Guard or reserves, an injury or illness that was incurred by the member in the line of duty on active duty in the armed forces (or that existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the armed forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; or (2) for a veteran who was a covered service member of the armed forces, including the National Guard or reserves, an injury or illness that was incurred by the member in the line of duty on active duty in the armed forces (or that existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the armed forces) and that manifested itself before or after the member became a veteran.
 - 3) Where both spouses are employed by the City, the aggregate amount of leave that can be taken by the husband and wife to care for a covered service member is 26 weeks in a single 12- month period.
- F) Notice of Leave: If an employee’s need for family/medical leave is foreseeable, the employee must give the City at least 30 days prior written notice. Failure to provide such notice may be grounds for delay of leave. Where the need for leave is not foreseeable, an employee is expected to notify the City as soon as practicable, generally within one to two business days of learning of the need for leave. The City has FMLA Employee Leave Request Forms available through Human Resources. Use these forms when requesting leave.
- G) Medical Certification: If an employee is requesting leave because of his own or a covered family member’s serious health condition, he and the relevant health care provider must supply appropriate medical certification. An employee may obtain a Certification of Health Care Provider form from Human Resources. The medical certification must be returned within 15 days after it is provided or as soon as reasonably possible under the circumstances. Failure to provide requested medical certification in a timely manner may result in denial or delay of leave. It is the employee’s responsibility, not the health care provider’s, to ensure that the City receives the fully completed medical certification by the deadline. If the City does not receive a fully completed certification by the deadline (unless there is a legitimate reason for the delay), or if the certification does not confirm an FMLA-qualifying condition, the employee’s absences will be treated according to the City’s attendance standards. If an employee is requesting leave to bond with their newborn, the employee must provide a copy of the birth certificate.
- 1) The City, at its expense, may require an examination by a second health care provider designated by the City. If the second health care provider’s opinion conflicts with the original medical certification, the City, at its expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. The City may also require medical recertification periodically during the leave, and employees may be required to present a fitness-for-duty verification upon their return to work following a leave for the employee’s own illness.
- H) Reporting While on Leave: If an employee takes a leave because of his/her own serious health condition or to care for a covered family member, that employee may be required to contact his/her supervisor on a regular basis regarding the status of the condition and his

intention to return to work. For leaves for other purposes, an employee may be required to periodically report on his/her status and intent to return to work.

- I) Required Use of Paid Time: Family/medical leave is unpaid leave. Employees are required to utilize available paid benefit time (as described below) for any part of the Family Medical leave:
- 1) For the employee's own serious health condition, including childbirth, to care for an employee's immediate family member, or to care for a seriously injured or ill family member in the military, the employee is required to utilize all sick leave first, then vacation leave, then personal days off. For the purpose of this section, childbirth shall be that period when the employee is under doctor's care and not yet released to return to full duty.
 - 2) For the birth of an employee's child, to care for such child, for the placement of a child with the employee for adoption or foster care, or for leave taken for a qualifying exigency, the employee is required to utilize all vacation leave first, then personal days.
- J) Short-term and/or long-term disability may apply as part of the 12-week leave period when the leave is requested due to a serious health condition or the birth of a child. The substitution of paid leave time for unpaid leave time does not extend the 12-week leave period.
- K) The City will allow an employee on family/medical leave to reserve and not deplete a maximum of 40 hours paid vacation time to be used at a later date in accordance with the City's vacation policy. This time shall not and cannot be used to extend the 12-week leave period.
- L) Medical and Other Benefits: During an approved family/medical leave, the City will maintain an employee's health benefits as if the employee continued to be actively employed. If paid leave is substituted for unpaid family/medical leave, the City will deduct the employee's portion of the health plan premium as a regular payroll deduction. If the leave is unpaid, the employee must pay his portion of the premium during the leave. If an employee does not return to work at the end of the leave period, he/she may be required to reimburse the City for the costs of the premiums paid by the City for maintaining coverage during the unpaid leave, unless the employee cannot return to work because of a serious health condition or other circumstances beyond his/her control.
- M) Exemption for Key Employees: Certain "key" employees (i.e., salaried employees who are in the highest paid 10% of all employees at a worksite within a 75-mile radius of that worksite) may not be returned to their former or equivalent position following a leave if restoration of employment will cause substantial economic injury to the City. The City will notify the employee if he/she qualifies as a "key" employee, if the City intends to deny reinstatement, and of the employee's rights in such instances.
- N) Intermittent and Reduced Schedule Leave: Leave because of a serious health condition or either type of family military leave may be taken intermittently (in separate blocks of time due to a single covered health condition) or on a reduced leave schedule (reducing the usual number of hours an employee works per workweek or workday) if medically necessary. If leave is unpaid, the City will reduce an employee's salary based on the amount of time actually worked. In addition, while an employee is on an intermittent or reduced schedule leave for foreseeable, planned medical treatment, the City may temporarily transfer him/her to an available alternative position which better accommodates his/her recurring leave and which has equivalent pay and benefits.
- O) Reinstatement Following Leave: Upon returning from an FMLA leave, employees normally are restored to their original or equivalent positions with equivalent pay, benefits, and other

employment terms. However, employees have no greater right to reinstatement or other benefits and conditions of employment than if they had not taken leave. An employee must return to work immediately after the expiration of the approved FMLA leave in order to be reinstated to the former or an equivalent position. An employee on leave because of his/her own serious health condition must present a fitness-for-duty certification from a health care provider prior to being restored to employment. Failure to provide the certification may delay reinstatement until certification is provided.

- P) Other Applicable Leaves: FMLA leave will run concurrently with any other applicable leave. For instance, disability or worker's compensation leave will be simultaneously designated as FMLA leave as well, if the leave is also FMLA-qualifying.
- Q) Returning From Leave: If an employee wishes to return to work at the expiration of his/her leave, the employee is entitled to return to his/her same position or to an equivalent position with equal pay, benefits and other terms and conditions of employment, subject to any applicable exceptions. However, an employee has no greater right to reinstatement or other benefits and conditions of employment than if he/she had not taken leave. An employee must return to work immediately after the expiration of his/her approved FMLA leave in order to be reinstated to his/her position or an equivalent position. If an employee takes a leave because of his/her own serious health condition, he/she is required to provide medical certification that he/she is fit to resume work. Employees failing to provide the Return to Work Medical Certification Form will not be permitted to resume work until it is provided.

SECTION 9.10: MATERNITY LEAVE

- A) Employees shall be granted leaves of absence to cover periods of their pregnancy. The length of such leave shall not exceed six months, but additional leave may be granted under the provisions of a general leave.
- B) Leave granted under this policy shall run concurrently with FMLA leave (refer to Section 9.9). Employees may be required to provide medical certification of the need for leave in accordance with such requirements and may be required to substitute accrued paid leave for that portion of maternity leave that qualifies as FMLA leave. Any period of maternity leave that exceeds an employee's allotted FMLA leave shall be administered in accordance with Section 9.11: General Leave.

SECTION 9.11: GENERAL LEAVE

- A) The City Council may grant a leave of absence without pay or other benefits to regular employees for periods not to exceed six months. Such leaves may be extended for good cause by the City Council for additional six-month periods. Seniority shall not accrue to employees while on a general leave.

SECTION 9.12: MILITARY DUTY LEAVE

- A) General Provisions: 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 City 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. Such leave shall be granted for a cumulative period of service of no longer than five years, except as otherwise required by law. Employees on approved military leave may use accrued vacation, personal, or compensatory time during their military leave, but are not required to do so. Employees

on approved military leave will be provided the opportunity to continue in the City's group health and dental plans, continue participation in any applicable pension plans (special rules apply), and shall receive holiday pay and any other benefits as may be entitled by law. Employees who will be gone thirty one (31) days or less shall be required to pay only his/her regular share of the group health insurance premium. Employees who will be gone more than thirty one (31) days may continue health care coverage for themselves and their dependents for up to twenty-four (24) months from the date their military leave begins. However, such continuation shall be at the sole expense of the employee. If the employee does not choose to continue the City's group health insurance during the leave, he shall be permitted immediate reinstatement into the group health plan when the employee returns from military service. Military leave shall be granted without loss of seniority or other previously accrued benefits, and in accordance with the Illinois Public Employee Armed Services Rights Act, the federal Uniformed Services Employment and Re-employment Rights Act, and all other applicable federal and state laws. Whenever possible, employees must provide advanced notice (preferably written) of their departure for military service to Human Resources. This notice may also be provided by an appropriate officer of the branch of the military in which the employee will be serving. The employee need not give notice, however, if he is prevented by military necessity, or if it is otherwise unreasonable or impossible to do so.

- B) Special Military Leave Benefits for Training Obligations: Employees who are members of the reserves (including the National Guard) shall be granted leave for any period actively spent in military service, including: (1) Basic Training; (2) Special or advanced training, whether or not within the State, and whether or not voluntary; and (3) Annual training. For part-time employees, leave for training shall be treated as set forth in the general provisions section above. For full-time employees in the reserves during leaves for training, the employee's seniority and other benefits shall continue to accrue. In addition, full-time employees shall receive the following:
- 1) During leaves for annual training, the employee shall continue to receive his regular compensation
 - 2) During leaves for basic training and up to 60 days of special or advanced training, if the employee's compensation for military activities is less than his compensation as a City employee, he shall receive his or her regular City compensation minus the amount of his base pay for military activities.
- C) Special Benefits for Reservists Called to Active Duty: Employees in the reserves (including the National Guard) who are mobilized to active military duty by presidential order shall receive continuing compensation (minus the amount of the employee's base military pay) for the entire period of active military service; and continuing health insurance and other benefits the employee was receiving or accruing at the time the employee was called to duty. Such employees, upon being called to active duty, may choose one of the following procedures for payment:
- 1) The employee may submit and assign military earnings to the City. In the case of assignment of military earnings, Human Resources shall return the military earnings to the payroll fund from which the employee's payroll check is drawn. Military earnings must be submitted to Human Resources at least one (1) week preceding each designated payday. If the employee's compensation for military activities is less than his compensation as a City employee, he shall receive his regular compensation as a City employee, minus the amount of his base pay for military activities. If the military pay exceeds the employee's regular earnings,

the City shall return the difference to the employee; or

- 2) The employee may submit certification of his military earnings (from his commanding officer or department of his military unit) to the City. Certification of military earnings must be submitted at least one (1) week prior to the first designated payday, and anytime thereafter that the rate of military pay changes. If the employee's compensation for military activities is less than his compensation as a City employee, he shall receive his regular compensation as a City employee, minus the amount of his base pay for military activities.
- D) Return to Duty: Employees returning to work following military service shall notify the City 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 City within 90 days following completion of service. If, due to no fault of the employee, timely reporting back 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 time periods for reinstatement may be grounds for the denial of reinstatement and/or discipline, including termination.
- E) Note: Military leave laws are continually changing. The City is committed to comply with the law. To the extent that the law provides greater benefits, those laws will be applicable. Employees should consult with Human Resources if they have any questions.

SECTION 9.13: ILLINOIS FAMILY MILITARY LEAVE ACT

- A) Employees who have worked at least 12 months and at least 1,250 hours in the twelve months preceding the leave and who are spouses, adult children, parents, or grandparents of persons called by order of the Governor or President to state or federal military services lasting longer than 30 days are entitled to an unpaid leave of up to 30 days. If the leave will consist of five or more consecutive work days, an employee must give at least a 14 day notice prior to the date the leave will commence or as much notice as is practicable if the leave is for less than five consecutive days. The employee is not entitled to leave under this law unless he/she has exhausted all accrued vacation, personal, compensatory and all other leaves (except sick and/or disability). This leave does not run concurrently with any other paid leave program. Employees are allowed to maintain benefits at the employee's expense for the duration of the leave.

SECTION 9.14: PAID VOTING LEAVE

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

SECTION 9.15: VICTIMS' ECONOMIC SECURITY AND SAFETY ACT

- A) 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 City with at least 48 hours advance notice of the employee's intention to take the leave, unless providing such notice is not practicable. The City 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 City 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 City an undue hardship. If an otherwise qualified individual can perform the essential functions of the job, but needs such an accommodation, the City 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/her work area in response to a need covered by VESSA. The City 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 Human Resources.

SECTION 9.16: SCHOOL VISITATION RIGHTS ACT LEAVE

- A) The School Visitation Rights Act leave affords employees an unpaid leave of up to 24 hours during any school year, no more than 4 hours of which may be taken on any given day to attend school conferences or classroom activities related to the employee's child if those activities cannot be scheduled during non-work hours. No leave may be taken by an employee unless the employee has exhausted all accrued vacation leave, personal leave, compensatory leave, and any other leave that may be granted to the employee except sick leave and disability leave. Before arranging attendance at the conference or activity, the employee shall provide the employer with a written request for leave at least 7 days in advance of the time the employee is required to utilize the visitation right. In emergency situations, no more than a 24 hour notice shall be required. The employee must consult with his/her supervisor or Department Head to schedule the leave so as to not disrupt unduly the operations of the employer. Contact Human Resources for applicability.

ARTICLE 10: HOURS OF WORK AND OVERTIME

SECTION 10.1: ATTENDANCE

- A) The City 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 City. Without prior authorization from a Supervisor and/or Department Head, 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.
- B) The Finance Department shall keep complete attendance records including vacation, sick leave, and any other benefit time.

SECTION 10.2: NORMAL WORK HOURS

- A) The current established work week for all full-time regular employees is forty (40) hours. Departments, in conjunction with Human Resources, shall establish normal work schedules and reasonable unpaid meal periods to ensure coverage and other operational needs of the respective department are met.
- B) Determination of time and length of such meal breaks will be made by the Department Head, in conjunction with Human Resources, in a manner consistent with the effective operation

of the department. Meal breaks shall not be less than thirty (30) 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.

- C) All regular full-time employees shall receive one fifteen (15) minute break in the morning and one fifteen (15) minute break in the afternoon. At the Department Heads discretion, these breaks may be taken concurrently with the employees established meal break.
 - a. Employees are not eligible to receive overtime or compensatory time for attendance at conferences, seminars, training and/or travel without prior approval from the City Administrator.

SECTION 10.3: OVERTIME

- A) Overtime eligibility (also called “non-exempt”) will be determined consistent with state and federal law.
- B) All overtime must be authorized in advance by the Department Head or authorized supervisor unless otherwise stated by departmental policy. In a case where an employee performs authorized work in excess of the normal hours scheduled per day, the Department Head may reduce the employees’ other work hours during the same work period in order to minimize or avoid overtime.
- C) Non-exempt hourly employees are eligible for overtime compensation at time and one-half of their regular hourly pay rate for all hours worked in excess of forty (40) hours in any given work week (Monday through Sunday).
- D) In determining eligibility for overtime compensation, hours worked shall include those hours an employee is on duty performing City work, as well as hours of the work week used for paid vacation, holiday, personal day, jury/witness duty, bereavement leave and sick leave.
- E) If an employee is called back to work, then such employee shall receive a minimum of two (2) hours of pay or pay for the actual time worked, whichever is greater, at the employee’s applicable overtime hourly rate. However, if the employee requests not to work the entire two hours (2) hours and does not do so, the employee will be paid only for the time actually worked. All such compensation shall be paid in fifteen (15) minute increments. If an employee is held over or a callback occurs within two hours of their start time, then this provision does not apply.
- F) A salaried, non-exempt position, as outlined in the FLSA Regulations, is paid at an hourly rate. If the hours worked are over forty (40), an employee may choose to reduce their work hours on another day during the same work period.

SECTION 10.4: COMPENSATORY TIME

- A) Regular full-time, non-exempt employees may elect compensatory time off in lieu of overtime compensation. The election of compensatory time must be agreed to by both the employee and his/her supervisor prior to the work being performed; otherwise overtime pay shall be made. Compensatory time, if elected and approved by the employee’s supervisor and the applicable Department Head, will be granted at a rate of one and one-half hours of compensatory time off for every hour of overtime worked.
- B) An employee who is entitled to time and one-half pay may elect compensatory time at time and one-half rate in lieu of pay by giving advance notice to the City. No more than forty (40) hours of compensatory time can be accumulated at any one time. If an employee reaches forty (40) hours of compensatory time accumulated, he/she will be automatically paid overtime compensation for additional time worked in excess of forty hours in a work

week until he/she has used a portion of his/her compensatory time.

- C) Employees may carryover no more than forty (40) hours of compensatory time into the next calendar year. At the City's discretion, any compensatory hours in excess of forty (40) hours will be paid at the end of each calendar year at the employee's regular rate of pay.
- D) Compensatory time shall be taken at a time mutually agreed upon in advance by the employee and the Department Head or designated supervisor. The use of compensatory time shall be permitted within a reasonable period after making the request if such use does not unduly disrupt the operations of the City or require another employee to work overtime. In such cases where the use of compensatory time is denied, the City will allow the use of such time as closely thereafter as is practicable.
- E) At the discretion of the City Administrator, an employee may request a payout of up to 40 hours per year from accumulated compensatory time at the employee's regular hourly rate of pay. Requested payouts will be based on a first-come, first-served basis, and simultaneous requests will be based on seniority. Payouts are subject to annual available funding.
- F) Any compensatory time not used at the time of an employee's separation from employment will be paid at the employee's regular hourly rate of pay.

SECTION 10.5: RECORDING WORK TIME

- A) All employees are responsible for clocking in and out at their respective work station or recoding their time worked on time sheets every pay period. Employees will be responsible for documenting any leave time taken in accordance with federal and state labor laws.
- B) Time Sheets/Cards: Individual time sheets/cards must be completed by all employees, reviewed by their immediate supervisor, and approved by the Department Head. All vacation, sick and other leave must be recorded for each employee.
- C) The falsifying or altering of time-sheets, cards or records will be subject to disciplinary action up to and including termination of employment; and, depending upon the nature of the employee's prohibited conduct, may be subject to criminal prosecution.

SECTION 10.6: PAY CHECKS

- A) Pay checks are issued on a bi-weekly basis. Employees are paid on the Friday following the conclusion of a payroll period for all time worked. The pay week begins on Monday and ends Sunday.
- B) If a payday falls on a holiday, e.g., Friday after Thanksgiving, the day of pay shall be the last business day preceding the normal payday.
- C) Paycheck Distribution: Paychecks are distributed by the Finance Department to each department by noon on payday (Friday). Employees are encouraged to have their paychecks directly deposited into their accounts. Employees that choose to have their paychecks directly deposited will receive the funds on the Thursday preceding the Friday payday. Those employees who choose to receive an actual paycheck are expected to cash their check on their personal time.
- D) Pay Corrections, Advances and Deductions: The City takes all reasonable steps to assure that employees receive the correct amount of pay and that employees are paid promptly on the scheduled payday.
 - 1) In the unlikely event that there is an error in the amount of pay, the discrepancy should be promptly brought to the attention of the City so that corrections can be made as quickly as possible.

- 2) The law requires that the City make certain deductions from employees' compensation. Questions concerning payroll deductions or how deductions are calculated should be directed to Human Resources.

ARTICLE 11: EMPLOYEE SAFETY

SECTION 11.1: EMPLOYEE RESPONSIBILITY

- A) Safety is a top priority for the City of Lockport. Department Heads, Supervisors and Human Resources have the responsibility for implementing, administering, monitoring and evaluating the safety throughout the City. The program's success depends on the alertness and personal commitment of all employees.
- B) The City 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.
- C) Each employee shall follow the guidelines laid out in the City of Lockport's Safety Manual, which is available in each building for review.
- D) Each employee is expected to obey rules, to become familiar with all safety information provided by the City, 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.
- E) 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 Human Resources within one (1) working day of the accident. Failure to report an accident on a timely basis could lead to disciplinary action.

SECTION 11.2: CITY VEHICLE FLEET POLICY

As a driver of a City vehicle, the authorized driver has been given certain privileges. He/she assumes the duty of obeying all motor vehicle laws, maintaining the vehicle properly at all times and, otherwise, following the policies and procedures outlined in the following:

- A) *Vehicle fleet purpose.* City vehicles are to be used for only City-related business activities and are to be used only by qualified and authorized employees. These vehicles are to be operated in strict compliance with motor vehicle laws and must be maintained with good custodial care. City vehicles cannot be used for non-City-related business activities, personal or family use. The passenger in the vehicle cannot be a non-City employee, except for police vehicles or as necessary in the normal conduct of the employees' work duties.
- B) *Driver licensing.* Anyone authorized to drive a City vehicle must have a valid driver's license issued in the state of residence for the class of the vehicle being operated and must be able to drive a vehicle. Obtaining a driver's license is a personal expense. Employees are responsible for reporting any driving privilege interruptions to the Department Head.

- C) *Driver qualifications.* Driver qualifications are as follows:
- 1) Authorized employee of City;
 - 2) Must be at least 16 years of age;
 - 3) Must meet licensing requirements;
 - 4) Will not qualify for a City vehicle if, during the last 60 months, the driver had any of the following experiences:
 - a) Been convicted of a felony;
 - b) Been convicted of sale, handling or use of drugs;
 - c) Has automobile insurance canceled, declined or not renewed by a company for safety reasons;
 - d) Been convicted of an alcohol or drug-related offense while driving;
 - e) Had driver's license suspended or revoked;
 - f) Been convicted of three or more moving violations of at-fault accidents in the previous 36 months;
 - 5) To operate a commercial motor vehicle, the driver must be at least 16 years of age and have a valid license for the vehicle to be operated, which may include a commercial driver's license (CDL).
- D) *Review of motor vehicle record.* State motor vehicle records (MVR's) will be used as the source for verifying driver history. MVR's will be obtained and reviewed at least annually. Driving privileges may be withdrawn or suspended and/or the City vehicle removed for any authorized driver not meeting the above requirement. In addition, appropriate disciplinary action may be taken.
- E) *Maintenance.* Authorized drivers are required to properly maintain their City vehicles at all times. Vehicles should not be operated with any defect that would inhibit safe operation during current and foreseeable weather and lighting conditions. Preventive maintenance such as regular oil changes, lubrication and tire pressure and fluid checks determine to a large extent whether you will have a reliable, safe vehicle to drive and support work activities. This requirement applies to violations involving the use of any City vehicles or equipment. Failure to report violations will result in appropriate disciplinary action.
- F) *Accidents involving City vehicles.* In the event of an accident:
- 1) Do not admit negligence or liability;
 - 2) Do not attempt settlement, regardless of how minor;
 - 3) Get name, address and phone number of injured person and witnesses if possible;
 - 4) Exchange vehicle identification, insurance company name and policy numbers with the other driver;
 - 5) Take a photograph of the scene of accident, if possible;
 - 6) Call police even if there are no injuries;
 - 7) Complete the accident report in your vehicle;
 - 8) Turn all information over to your supervisor within 24 hours.
- G) *Theft.* In the event of theft of City vehicle, notify local police immediately.
- H) *Driver responsibilities.*
- 1) Each driver is responsible for the actual possession, care and use of the City vehicle in their possession. Therefore, driver's responsibilities include, but are not limited to, the following:
 - a) Operation of the vehicle in a manner consistent with reasonable practices that avoid abuse, theft, neglect or disrespect of the equipment;
 - b) Obey all traffic laws;

- c) The use of seatbelts and shoulder harness is mandatory for driver and all passengers;
 - d) Adhering to manufacturer's recommendations regarding service, maintenance and inspection. Vehicles should not be operated with any defect that would prevent safe operations;
 - e) Attention to and practice of safe driving techniques and adherence to current safety requirements;
 - f) Restricting the use of vehicle to authorized driver only;
 - g) Reporting the occurrence of moving violations;
 - h) Accurate, comprehensive and timely reporting of all accidents by an authorized driver and thefts of a City vehicle to their Department Head and the City Administrator;
 - i) Not driving at any time when his/her ability is impaired, affected or influenced by alcohol, illegal drugs, medication, illness, fatigue or injury; and
 - j) Driving with vehicle headlights on at all times.
 - k) Comply with no smoking regulations imposed by state or local laws.
 - Employees will be responsible to reimburse the City for any and all cleaning fees that are incurred to remove the smell of smoke from a City vehicle or property.
 - l) Employees who use City 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.
 - m) Consistent with this obligation, the City 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 City to confirm the status of a driver's license.
 - n) 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.
 - o) Complying with imposed state laws for distracted driving as stated in 625 ILCS 5/12-610.2
- 2) Failure to comply with any of these responsibilities will result in disciplinary action.
- I) *Preventable accidents.* A preventable accident is defined as any accident involving a City vehicle, whether being used for City or personal use, or any vehicle while being used on City business that results in property damage and/or personal injury, and in which the driver in question failed to exercise proper judgment, and in which the driver in question failed to exercise every reasonable caution to prevent the accident.
- 1) Classification of preventable accidents. This is only a partial list of the more common causes:
 - a) Following too close;
 - b) Driving too fast for conditions;
 - c) Failure to observe clearances;
 - d) Failure to obey signs;
 - e) Improper turns;
 - f) Failure to observe signals from other drivers;
 - g) Failure to reduce speed;
 - h) Improper parking;

- i) Improper passing;
 - j) Failure to yield;
 - k) Improper backing;
 - l) Failure to obey traffic signals or directions;
 - m) Exceeding the posted speed limit;
 - n) Driving while intoxicated (DWI) or Driving under the influence or similar charges.
- 2) Fines for preventable accidents.
- J) Use of cell phones and other electronic equipment.*
- 1) Employees cannot use their cell phone, pager or laptop while driving.
 - a) If an employee receives a call or a text, the employee must pull off the road and park in a safe place before taking the call.
 - b) The side of the road is not a safe location. Examples of safe locations are rest stops, parking lots and other areas away from traffic.
 - 2) Employees must place all calls or use laptop computers prior to driving or while they are stationary between appointments.
 - 3) Employees must not dial, text, look up numbers, or take notes while driving.
 - 4) Employees must adhere to state and local hands-free technology policies.

SECTION 11.3: INJURIES/ACCIDENTS

- A) If an employee is injured during the performance of the employee's duties, the employee is to immediately report this fact to his/her supervisor. The supervisor must then insure that a Supervisor's Investigation Report and Form 45: Employer's First Report of Injury 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 Human Resources 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 on the date of the incident.
- B) 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, and all inquiries should be directed to Human Resources.

SECTION 11.4: SAFETY COMMITTEE

- A) In order to reduce the risk of work-related injury and maximize safe working conditions, the City has established the Safety Committee consisting of management and non-management representatives from all departments. This committee meets on a quarterly basis to review worker's compensation and accident reports and to consider safety recommendations from individuals and departments.
- B) The duties of the committee include:
 - 1) Investigation of work-related injuries or accidents, for the purpose of providing feedbacks to how such injuries or accidents can be prevented.
 - 2) Review of accidents involving the operation of municipal vehicles and equipment.
 - 3) Review of equipment, work areas and procedures for completing the jobs to determine if unsafe conditions exist and what is necessary to correct such conditions.
 - 4) Identification of safety-related training needs and recommendation of specific training opportunities.

SECTION 11.5: WORKERS' COMPENSATION

- A) Work-related illness or injury is an illness or injury that occurs during the course of employment. The determination of compensability for work-related injury or illness shall be made by the City's workers' compensation insurance administrator in consultation with medical providers, and if necessary, with City management.
- B) The first three days of lost time resulting from a work-related injury shall be paid by the City. This time shall not be deducted from the injured employee's accrued sick leave. After three (3) days, the employee's compensation shall be reduced to an amount equal to the payment required under the Workers' Compensation Act, which payment may be made directly by the City to the employee during regular pay periods. Depending on factors that may include but not be limited to a physician's prognosis, if an employee is unable to perform the duties of his/her assigned position for a period of six (6) consecutive months (one year as otherwise provided by Illinois state statute for sworn police personnel) from the first date of his/her disability, he/she may be separated from the active payroll. The City will consider an employee's request for a longer leave of absence if such a leave would constitute a reasonable accommodation under the Americans with Disabilities Act and such a leave would not create an undue hardship for the City.
- C) A full-time employee on a work related disability will continue to accrue vacation or paid time off, and sick leave time during such period, and will be subject to usage and accumulation and accrual provisions as outlined in the applicable sections of this policy.
- D) Employees who are on a job-related disability will continue to accrue service credit under any retirement or disability plan or program only to the extent provided in such plan or program.
- E) Employees are required to fully cooperate with the City and the City's self-insurance pool during the period of the workers' compensation leave. Failure to cooperate with the City and the City's self-insurance pool may subject the employee to termination of workers' compensation leave.
- F) If a non-sworn employee has not returned to work after thirty (30) days, such employee may be eligible for IMRF disability benefits, in accordance with State law. Workers' compensation will run concurrent with FMLA leaves.

ARTICLE 12: EMPLOYEE EXIT PROCESS

SECTION 12.1: RESIGNATIONS

- A) Since employment with the City is based on mutual consent (except as noted in Section 1.2 and 1.3), both the employee and the City have the right to terminate employment at-will, with or without cause, at any time. However, if possible, the City would ask that departing employees submit a written resignation to their Department Head 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.
- B) To be considered as having resigned from City service in good standing, an employee shall file a written resignation with the Department Head stating the reason or reasons for leaving and giving at least a fourteen (14) calendar day notice. During this fourteen-day period, an employee cannot use any vacation days, sick days, 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 City.

- C) An employee absent without leave authorization for more than two (2) consecutive work days shall be deemed to have voluntarily resigned from his/her job. Absent without leave is defined as the failure to notify your immediate supervisor of an absence.

SECTION 12.2: LAYOFFS

- A) If it becomes necessary to eliminate certain positions or functions with the City, employees may be laid off. If a layoff occurs, merit and seniority shall be given consideration in determining which employees shall be laid off. Laid-off employees do not accrue and are not eligible to receive benefits, except for COBRA insurance coverage.
- B) Recall After Layoff: If an employee is laid off as set forth above, the employee will be placed on a re-employment recall list for a maximum period of one (1) year following the date of layoff. If there is a recall, employees that are still on the recall list will be re-employed, in the inverse order of their layoff, provided they are presently qualified to perform the work in the job classification to which they are re-employed without further training. The employee may only be recalled to the same or a lower paying job classification. If the employee is recalled to a lower paying job classification, he/she shall be compensated at the rate of pay applicable to such job classification. The City will not hire new full-time or part-time employees in positions from which full-time or part-time employees respectively have been laid off, as long as there are still eligible employees on the re-employment recall list who are presently qualified to perform the work in the affected job classification and who are willing to be recalled to the job classification.
- C) The employee shall be responsible for providing the City with an address to which a recall notice can be sent. If the employee declines re-employment or fails to notify the City of his/her intent to return to work within seven (7) calendar days after notice of recall is mailed to the address the employee provided, the employee shall forfeit further re-employment rights.

SECTION 12.3: TERMINATION

- A) Termination of employment shall be made only with the consent of the City Administrator, and may be made with or without cause at the sole discretion of the City Administrator.
- B) The Department Head will provide a written formal evaluation to the City Administrator justifying the reason(s) for termination of an employee.

SECTION 12.4: EXIT INTERVIEW & EXIT PROCESS

- A) Human Resources will schedule an exit interview with a separating employee on or near to his/her last day of employment. Human Resources will also review the following with the employee where applicable:
- 457 withdrawal form
 - IMRF withdrawal form
 - Accrued benefit time
 - Flexible spending plan status
 - Any items to be returned to the City
 - Terminating or extending other benefits (for example, supplemental life insurance)
 - COBRA coverage
- B) Human Resources will provide an Exit Checklist form containing all items that will need to be returned by the employee. This form will need to be signed by the departing employee

and the Department Head or designee who is collecting the items. The completed form will need to be returned to Human Resources.

- C) 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 City.

SECTION 12.5: REIMBURSEMENTS AND RETURN OF CITY PROPERTY

- A) Departing employees are expected to reimburse the City for any moneys, debts or obligations owed to the City, and/or to return any City-owned property that may have been assigned to them, including but not limited to: advances for expenses, restitution, keys, uniforms, cell phones, I-pads, laptops, identification cards, and other materials and equipment.
- B) Departing employees are required to provide any and all usernames, passwords and passcodes that have been utilized by them, including but not limited to: City's network, cell phones, I-pads, laptops, online user accounts, and any other accounts that may have been created relating to their job responsibilities.
- C) The City may enforce this by written agreement or other lawful means.

SECTION 12.6: PENSION CONTRIBUTION REFUNDS

- A) 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/her pension plan about the advantages and disadvantages before taking a refund. Forms are available through the pension plan administrator or Human Resources to request a refund from an employee's retirement account.

ARTICLE 13: MISCELLANEOUS POLICIES

SECTION 13.1: TECHNOLOGY RESOURCES POLICY

- A) Introduction: The City provides various information technology resources to its employees (and other authorized persons) to facilitate the creation and communication of business-related data in the most effective and efficient manner possible. As means develop to transmit more data in less time and with less formality, users must put more effort into maintaining the accuracy, security and control of data. Each user must ensure that use of City information technology resources is appropriate and professional. This is especially true as a result of the immediacy and often informality of electronic communications, and employees should continue to monitor electronic communications even though passwords and deletion functions create the illusion of privacy and control. Although the Internet can be a valuable information resource for legitimate business, research and information sharing, the Internet also presents the possibility for abuse, lost productivity and potential liability for the City and its employees.
- B) The City has developed this policy, which establishes the parameters for proper use of information technology resources. City information technology resources are to be used for legitimate City business purposes and in compliance with all City policies and procedures. Employees (and other authorized persons) who do not comply with this policy are subject to the revocation of their access to City information technology

resources and disciplinary action up to and including termination.

- C) Proper Use: Other than occasional personal use of voice-mail, e-mail and Internet access, City-provided technology resources may be used only for legitimate business-related communications. Occasional personal use means infrequent, incidental use that is professional and does not interfere with City business, the performance of the user's duties or the availability of technology resources. To the extent possible such use shall be restricted to meal and break periods. All use of City technology resources, including all personal use, is subject to this policy.
- D) Data Ownership: All data created, entered, received, stored, or transmitted by City employees via City technology resources is City property. The City has a perpetual, royalty-free, irrevocable, non-exclusive right and license to use, reproduce, modify, adapt, publish, distribute and incorporate all such data. Business-related data may neither be used for any purpose unrelated to City business nor sold, transmitted, conveyed or communicated in any way to anyone outside of the City without the City's express authorization.
- E) No Privacy: Users have no expectation of privacy in connection with the use of City technology resources, including the creation, entry, receipt, storage, accessing, viewing or transmission of data.
- F) Monitoring: As with all other City property, the City will search, monitor, inspect, intercept, review, access and/or disclose all City technology resources and all data created, entered, received, stored, viewed, accessed or transmitted via those resources for any reason, at any time, and without further advance notice by persons designated by or acting at the direction of the City, or as may be required by law or as necessary for, or incidental to, auditing, security and investigative activities, and to ensure effective technology resource administration and policy compliance. For example, authorized persons will inspect the City's technology resources to investigate theft, the unauthorized disclosure of client confidences, attorney work product and proprietary information, misuse, and to assess Internet use. The City will attempt to ensure that monitoring and inspections are conducted professionally. In this regard, no employee may monitor or intercept any data without the authorization of the City Administrator, Department Head, or Human Resources, or persons designated by them or acting at their direction.
- G) Harassment: Users are absolutely forbidden from using the City's technology resources in any way that may be construed to violate the City's harassment-free workplace policy. This prohibition includes sexually explicit or offensive images, messages, cartoons, jokes, ethnic or religious slurs, racial epithets or any other statement or image that might be construed as harassment or disparagement on the basis of race, color, religion, sex, national origin, age, disability, sexual orientation, or any other status protected by law. Users are required to take all reasonable steps to avoid and eliminate receipt from known sources of all potentially offensive material.
- H) Unlawful Use: City technology resources may not be used to intentionally or unintentionally violate any local, state, federal or international civil or criminal law. Unlawful activity includes but is not limited to lotteries, raffles, betting, gambling for anything of value (e.g., Final Four tournaments, fantasy football) and participating or facilitating in the distribution of unlawful materials. Users likewise may not upload, post, e-mail or otherwise transmit any data that is threatening, malicious, tortuous, defamatory, libelous, obscene, or invasive of another's privacy. In addition, City technology resources may not be used to job-search outside of the City or run or solicit outside business ventures.

- I) Prohibited Software: Software purchased and licensed for personal use may not be installed on City computers. The City periodically may, at any time, conduct an audit or interrogation of computers for installed software and related printed material that is not included on a current inventory of City-authorized software. All unauthorized software will be removed and destroyed.
- J) Proprietary Rights: City technology resources may not be used to violate proprietary rights, including copyright, trademark, trade secrets, right of publicity or any other intellectual property rights. For example, unless consistent with all applicable licenses, users may not post or download any data (including software) protected by copyright or patent law. Likewise, users may load only licensed software from the Internet or other source onto a City-provided workstation or laptop, provided that use of the software is consistent with the license and the original software license remains at the appropriate City office so that the City may conduct accurate audits (and respond to external audits). All software must be approved by the City Administrator prior to downloading.
- K) Confidential Information and use of Intellectual Property: Users may not leak, place, post, transmit or otherwise disclose confidential, sensitive and/or proprietary City information to anyone outside of the City by any means, at any time or for any reason.
- L) Passwords and Security: All passwords and security used in connection with City technology resources, including voice mail access codes, are City property and must be made available to the City. Users must understand that their use of passwords will not preclude access, monitoring, inspection, review, or disclosure by authorized City personnel. The City also may unilaterally assign and/or change passwords and personal codes. The security of City's technology resources is every user's responsibility.
- M) Viruses: Users may not upload, post, e-mail or otherwise transmit any material that contains software viruses or any other computer code, files or programs designed to interrupt, destroy, or limit the functionality of any computer software, hardware or telecommunications equipment.
- N) Misrepresentation of Identity and/or Data: Unauthorized access of e-mail, data, and use and/or disclosure of other users' passwords is strictly prohibited. For example, users are prohibited from accessing other users' files or communications without any legitimate business purpose (e.g., to satisfy idle curiosity or to "snoop"), regardless of the security designation assigned to a particular file or communication.
- O) General Matters: City technology resources may not be used to transmit junk mail or spam (the same or substantially similar messages sent to a large number of recipients for commercial or other purposes unrelated to City) or pyramid schemes of any kind, or to download or execute games. The City will not be responsible for any damages, direct or indirect, arising out of the use of its technology resources.
- P) Termination of Access at Separation: Before each user's last day of employment, he/she shall return or otherwise surrender possession of all City technology resources (including computers, software programs, computer peripherals, electronically stored data (including all client confidences and/or attorney work product), data storage devices, keys, and written passwords) in his/her possession, custody or control. Upon separation of employment, the City will terminate user access to City technology resources.
- Q) Policy Violations: Access to and use of City technology resources is a privilege, not a right. Users who do not comply with this policy are subject to denial of access to City technology resources and disciplinary action up to and including termination.
- R) Questions regarding any part of this policy should be directed to Human Resources.

SECTION 13.2: ELECTRONIC MAIL (E-MAIL) RETENTION POLICY

- A) Purpose: The purpose of this policy is to establish an e-mail policy regarding the retention of certain records by all City officials received at the City, and employees that create, use, and/or manage e-mail in accordance with the Local Records Act (50 ILCS 205/1 *et seq.*). Additionally, this policy will set forth some general guidelines as to what constitutes a “public record.”
- B) Intent: To establish guidelines that will promote the effective capture, management, and retention of e-mail messages which are public records in compliance with Local Records Act. This policy is not intended to discourage the use of e-mail to conduct City business, but rather to establish a framework for its proper use as a communications tool. E-mail can still function as a viable, efficient means to conduct business. Consistency, predictability, and reliability in the manner in which the e-mail system is used and in which public records are maintained within the City are the primary focuses of this policy.
- C) Policy: All City records should be inventoried and analyzed for administrative, legal, financial and historical values to ensure that:
- 1) Valuable records are adequately preserved; and
 - 2) Obsolete public records are destroyed in accordance with the below-described Record Retention Schedule and after approval is received from the Local Records Commission.
- D) Scope: This policy applies to all e-mail and e-mail attachments circulated within the City.
- E) Definitions:
- 1) E-mail messages are text documents which are created, stored and delivered in an electronic format. As such, e-mail messages are similar to other forms of communicated messages, such as correspondence, memoranda, and circular letters.
 - 2) Non-public record messages are e-mail messages that do not set policy, establish guidelines or procedures, certify a transaction, or become a receipt. Rather, they are informal communications that are similar to communications during telephone conversations or conversations in an office hallway. Generally, non-public record messages are short-lived, with no historical significance or public importance, and need not be retained after they have fulfilled their purpose. Examples include:
 - i. Routine requests for information or publications which require no administrative action, policy decision, or special compilation or research, and copies of replies.
 - ii. Originating office copies of letters of transmittal that do not add any information to that contained in the transmittal material.
 - iii. Quasi-official notices including memoranda and other records that do not serve as the basis of official actions (i.e., holiday notices, meeting confirmations, etc.).
 - 3) Public records under the Freedom of Information Act. “Public records” means all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the

control of any public body.

- 4) Public records under the Local Records Act. “Public record” means any book, paper, map, photograph, digitized electronic material, or other official documentary material, regardless of physical form or characteristics, made, produced, executed or received by any agency or officer pursuant to law or in connection with the transaction of public business and preserved or appropriate for preservation by such agency or officer, or any successor thereof, as evidence of the organization, function, policies, decisions, procedures, or other activities thereof, or because of the informational data contained therein. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of public record.
 - 5) Access and Privacy: Users should take note that the information generated in an e-mail may be a public record subject to retention and public inspection.
 - 6) Retention: Generally, e-mail messages are temporary communications which are non-vital and may be discarded routinely. However, depending on the content of the e-mail, it may be considered public record. Accordingly, public officials (who receive messages through the City’s website) and employees have the same responsibilities for e-mail messages as they do for any other public record and must distinguish between public records and non-public record information.
- F) Non-public record messages should be deleted from files as soon as they have fulfilled their purpose. Non-public record messages are those records that are not required to be kept under law or whose preservation is not necessary or convenient to conduct City business. However, messages determined by users to be public records should be properly preserved and disposed of as specified in the City’s approved records retention schedule, a copy of which is attached hereto and incorporated herein (the “Record Retention Schedule”), and following approval by the Local Records Commission as provided for herein. The Local Records Act defines public records to include digitized electronic material, made, produced, executed, or received by the City or an elected or appointed official or officer of the City pursuant to law in connection with the transaction of public business and preserved or appropriate for preservation by the City or officer as evidence of the organization, function, policies, decisions, procedures or activities thereof or because of the informational data contained therein and expressly includes reports and records regarding the obligation, receipt and use of public funds of the City, including certified audits, management letters and audit reports. Examples of messages considered to be public records might include policy documents or contract-related documents.
- 1) Messages and attachments should be reviewed at a minimum of every 15 days and, if they are determined to be public records, should either be retained in a separate permanent electronic public record directory or printed fully (including time, date, sender and receiver) and retained in paper format.
- G) The City may delete all messages from the server thirty (30) days after they have been opened provided any public records are retained in a separate permanent electronic public record directory or printed and retained in accordance with the procedures herein. Factors to consider in deciding whether an electronic document is a public record are:
- Is the electronic document used in connection with the transaction of public business (this eliminates all e-mails which do not relate to public business, i.e.,

personal notes, etc.)?

- Is the electronic document official documentary material (a draft of a letter vs. the letter itself)?
 - Is the electronic document a public record that is subject to the Freedom of Information Act?
 - Is the material “appropriate for preservation by the City or officer, or any successor thereof, as evidence of the organization, function, policies, decisions, procedures, or other activities of the City, or because of the informational data contained therein”? These would eliminate the necessity of keeping documents which do not reflect the official actions of the City, but rather the comments or actions of individuals which reflect not the policy of the City but the thought of the individual.
 - Does the document have any historical significance? Is the document evidence of the function, policies, decisions, procedures or other activities of the City or of just an individual?
 - Many e-mail documents rapidly become stale and do not reflect “function, policies, decisions, procedures, etc.” when a matter is finalized. Therefore, only the final document need be kept.
 - Are the records duplicative? Only one copy need be retained.
- H) A public record that is stored and accessible after this time is still a public record and must be produced upon request, if it does not fall within one of the Freedom of Information Act’s exemptions or is otherwise exempt from disclosure by law. Accordingly, a systematic deletion program that eliminates obsolete documents should be implemented in conjunction with the system administrator.
- I) Examples of E-Mails that Generally Constitute Public Records:
- E-mail created or received by City employees and/or officials of the City in connection with City business.
 - E-mail that facilitates action, such as initiating, authorizing or completing a transaction in connection with City business.
- J) Examples of E-Mails that generally do not Constitute Public Records:
- Personal e-mail messages and announcements not related to City business.
 - Copies or extracts of documents e-mailed for convenience or reference.
 - Internal e-mails created by employees on work-related topics which do not facilitate action (i.e., cover notes, etc.).
- K) Examples of E-Mails that may Constitute Public Records:
- E-mail that provides substantive comments on an action taken by the City (i.e., comments that add to a proper understanding of the execution of the final City action).
 - E-mail providing documentation of significant official decisions and commitments reached orally and not otherwise documented in the City’s files.
- L) Responding to Freedom of Information Act Requests: If an e-mail does fall within the definition of a public record, it may not be deleted, except as provided in the Record Retention Schedule and following written approval from the Local Records Commission unless the record has been printed and retained in accordance with the procedures herein. Further, these e-mails should be reviewed prior to release under the Freedom of Information Act so that any exempt information contained in them may be redacted. Finally, if the e-mail falls within one of the Freedom of Information Act exemptions, or is otherwise exempt by law from disclosure, it need not be produced. All Freedom of

Information Act requests must be responded to in accordance with the requirements of Freedom of Information Act and the City's rules and regulations regarding Freedom of Information Act requests. If in doubt as to whether an e-mail message is a public record or contains exempt information, contact the City Administrator or City Attorney.

- M) Copy of Record: Where e-mail communication is between a sender and a recipient, who are both employees and/or officials of the City, the sender's copy is designated as the copy of record. In other words, it is the sender's copy to which any retention requirements would apply. All other copies are merely "duplicates" and can be disposed of at will. Cases where this principle does not apply include e-mail received from other agencies or from the public.
- N) Review: A periodic review of this policy shall be undertaken to keep the policy current with best practices and new technology.
- O) Record Retention Schedule
 - 1) Records determined to be public records under the Local Records Act shall be permanently retained until the Local Records Commission issues written approval to dispose of the public record.
 - 2) An application containing a list and schedule of the public records proposed for disposal and procedures for the physical destruction or other disposition of such public records should be made by the Department Head to the County Local Records Commission thirty (30) days after it is determined that the public record is not needed in the transaction of current City business and does not have sufficient administrative, legal or fiscal value to warrant its further preservation.
 - 3) Records determined not to be public records under the Local Records Act may be deleted from the server thirty (30) days after they have been opened provided that the record is not needed in the transaction of current City business and does not have sufficient administrative, legal or fiscal value to warrant its further preservation.

SECTION 13.3: IDENTITY PROTECTION POLICY

- A) Prohibited Acts: No City of Lockport employee may do any of the following:
 - 1) Publicly post or publicly display or otherwise intentionally communicate or otherwise intentionally make available to the general public in any manner an individual's social security number.
 - 2) Print an individual's social security number on any card required for the individual to access products or services provided by the City of Lockport.
 - 3) Require an individual to transmit his or her social security number over the Internet, unless the connection is secure or the social security number is encrypted.
 - 4) Print an individual's social security number on any materials that are mailed to the individual, through the U.S. Postal Service, any private mail service, electronic mail, or any similar method of delivery, unless state or federal law requires the social security number to be on the document to be mailed. Notwithstanding any provision in this section to the contrary, social security numbers may be included in applications and forms sent by mail, including, but not limited to, any material mailed in connection with the administration of the Unemployment Insurance Act, any material mailed in connection with any tax administered by the Illinois Department of Revenue, and documents sent as part of an application or enrollment process or to establish, amend, or terminate an

account, contract, or policy or to confirm the accuracy of the social security number. A social security number that may permissibly be mailed under this section may not be printed, in whole or in part, on a postcard or other mailer that does not require an envelope or be visible on an envelope without the envelope's having been opened.

- 5) Collect, use, or disclose a social security number from an individual, unless:
 - i. required to do so under state or federal law, rules, or regulations, or the collection, use, or disclosure of the social security number is otherwise necessary for the performance of that agency's duties and responsibilities;
 - ii. the need and purpose for the social security number is documented before collection of the social security number; and
 - iii. the social security number collected is relevant to the documented need and purpose.
 - 6) Require an individual to use his or her social security number to access an Internet website.
 - 7) Use the social security number for any purpose other than the purpose for which it was collected.
 - 8) Encode or embed a social security number in or on a card or document, including, but not limited to, using a bar code, chip, magnetic strip, RFID technology, or other technology, in place of removing the social security number as required by this policy.
- B) Exclusions from Prohibitions: The above-listed prohibitions do not apply in the following circumstances:
- 1) The disclosure of social security numbers to agents, employees, contractors, or subcontractors of a governmental entity or disclosure by a governmental entity to another governmental entity or its agents, employees, contractors, or subcontractors if disclosure is necessary in order for the entity to perform its duties and responsibilities; and, if disclosing to a contractor or subcontractor, prior to such disclosure, the governmental entity must first receive from the contractor or subcontractor a copy of the contractor's or subcontractor's policy that sets forth how the requirements imposed under the Identity Protection Act on a governmental entity to protect an individual's social security number will be achieved.
 - 2) The disclosure of social security numbers pursuant to a court order, warrant, or subpoena.
 - 3) The collection, use, or disclosure of social security numbers in order to ensure the safety of: state and local government employees; persons committed to correctional facilities, local jails, and other law enforcement facilities or retention centers; wards of the State; and all persons working in or visiting a state or local government agency facility.
 - 4) The collection, use, or disclosure of social security numbers for internal verification or administrative purposes.
 - 5) The disclosure of social security numbers by a state agency to any entity for the collection of delinquent child support or of any state debt or to a governmental agency to assist with an investigation or the prevention of fraud.
 - 6) The collection or use of social security numbers to investigate or prevent fraud, to conduct background checks, to collect a debt, to obtain a credit report from a consumer reporting agency under the federal Fair Credit Reporting Act, to undertake any permissible purpose that is enumerated under the federal Gramm Leach Bliley

Act, or to locate a missing person, a lost relative, or a person who is due a benefit, such as a pension benefit or any unclaimed property benefit.

- C) Freedom of Information Act Requests: Consistent with the Illinois Freedom of Information Act, City of Lockport employees must redact social security numbers from information or documents being supplied to the public pursuant to a Freedom of Information Act request before allowing the public inspection or copying of the information or documents.
- D) Applicability: This policy does not apply to the collection, use, or disclosure of a social security number as required by state or federal law, rule, or regulation. This policy does not apply to documents that are recorded with a county recorder or required to be open to the public under any state or federal law, rule, or regulation, applicable case law, Supreme Court Rule, or the Constitution of the State of Illinois. If a federal law takes effect requiring any federal agency to establish a national unique patient health identifier program, any City of Lockport employee that complies with the federal law shall be deemed to be in compliance with this policy.
- E) Identity Protection Procedures: All City of Lockport employees having access to social security numbers in the course of performing their duties shall be trained to protect the confidentiality of social security numbers. The training shall include instructions on the proper handling of information that contains social security numbers from the time of collection through the destruction of the information.
- F) Only City of Lockport employees who are required to use or handle information or documents that contain social security numbers have access to such information or documents. Social security numbers requested from an individual shall be provided in a manner that makes the social security number easily redacted if required to be released as part of a public records request. When collecting a social security number, or upon request by the individual, a statement of the purpose or purposes for which the City of Lockport is collecting and using the social security number shall be provided to the individual.

SECTION 13.4: NURSING MOTHERS IN THE WORKPLACE ACT

- A) The City provides unpaid break time and a break room for employees who need to express breast milk for their infant children. Employees will be allowed a reasonable amount of unpaid time each day. The employee must work with the supervisor to establish a schedule that will be the least disruptive to daily operations. If possible, the break time must run concurrently with any break time already provided the employee.

SECTION 13.5: CITY IDENTIFICATION CARDS

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

SECTION 13.6: NEPOTISM

- A) It shall be the policy of the City not to employ relatives of elected City officials. Relatives of City employees may be employed, only by approval of the City Administrator, in cases where neither employee would be the direct supervisor of the other, where both were previously employed by the City and the City Administrator determines that no conflict of

interest will result in the continued employment of both, or where the position could not otherwise be filled. For purposes of this section, the term “relatives” shall mean husband, wife, children, son-in-law, daughter-in-law, father, mother, father-in-law, mother-in-law, brother, sister, brother-in-law, sister-in-law, grandfather or grandmother.

SECTION 13.7: PERSONNEL RECORD REVIEW

- A) The City keeps certain records relating to your employment in your personnel file. The documents contained within that file are the property of the City and must be maintained for legal recordkeeping purposes. Some employment records are kept in separate files, such as medical records and records relating to I-9 requirements. All files connected with an employee are considered strictly confidential, and access will be limited only to those who have a job-related need to know the information and who have been authorized to see the file in question.
- B) All current employees may view certain contents of their personnel file with advance notice to Human Resources. Documents that relate to the employee’s qualifications for hire such as the application, promotion, disciplinary action, and transfer may be viewed. Additionally, the employee may review policy signoff forms and training records.
- C) Documents that the employee may not review include: references or reference checks, test documents, records of any investigation undertaken by management *unless* the City takes adverse personnel action based on such information, medical records, documents related to a judicial proceeding, any document that would violate the confidentiality of another employee, and documents used for employee planning.
- D) An employee who wants to review the allowable contents of their personnel file should contact Human Resources in writing with 24 hours’ notice.
- E) Personnel files must be reviewed in the presence of a Human Resources staff person. No part of the personnel file may be removed from the office by the employee.
- F) Photocopies of the file, or portions of the file, may be requested by the employee. Within reason, the Human Resources staff person may provide photocopies. For extensive copying, the employee will need to pay for the photocopies.
- G) If an employee disagrees with information included in his/her own personnel file, the information may be removed by agreement of the City and the employee. If the City and the employee are unable to agree, the employee may submit an explanatory statement that must be attached to the disputed document.
- H) Public Records Requests for Personnel Records: Records maintained in a personnel file are generally considered public records under Illinois law. However, some information contained in personnel files or otherwise maintained by the City are not public, including social security numbers, driver’s license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person.
- I) When a public records request (also known as a Freedom of Information Act or FOIA request) is made to examine an employee’s personnel file, the City shall endeavor to allow the employee two (2) business days to review his/her personnel file, the FOIA request received, and the City’s intended response to the FOIA request prior to the release of any records by the City. If an employee is on vacation, sick, or other benefit leave, every reasonable effort should be made to contact the employee.

SECTION 13.8: WORKPLACE INSPECTION

- A) The City wishes to maintain a work environment that is free of illegal drugs, alcohol, unauthorized firearms, explosives, or other improper materials. To this end, the City prohibits the possession, sale, transfer or use of such materials on its premises, in City vehicles, or during the course of the employees' work day. The City requires the cooperation of all employees in administering this policy.
- B) Property of the City which includes but is not limited to: desks, lockers, computers, mobile phones and other technological devices, City vehicles or other storage devices may be provided for your convenience but remain the sole property of the City. Accordingly, if there is thought to be reasonable suspicion of possession of prohibited materials, in addition to proprietary information, a law enforcement officer may be called upon to conduct a lawful search at any time, with or without notice. If you refuse to submit to a search or are found to be in possession of prohibited articles, you will be subject to disciplinary action, up to and including dismissal. The City is not responsible for loss of or damage to personal property on the job.

SECTION 13.9: SOLICITATION, SELLING & PEDDLING

- A) Unless authorized by the City Administrator, all solicitations among City employees during working hours for charitable or any other purpose or purposes, and all selling of tickets, magazines, or merchandise of any kind are prohibited. This restriction applies to all solicitation, selling, or peddling of every nature whether by City employees or nonemployees. The term ‘*working hours*’ for City employees does not include break time or meal time so long as other employees who are working are not disturbed.

APPENDIX A:

Acknowledgment of Receipt of the City of Lockport's Personnel Policy

I acknowledge having received a copy of the City of Lockport's Personnel Policy and I agree to read and become familiar with its contents. I understand that I have no guarantee of future employment with the City or employment under any specific conditions. I understand that this Policy is not an express or implied contract of employment and that it does not create any rights in the nature of an employment contract. I understand that I am an employee at-will. Nothing shall restrict my right to terminate my employment at any time and nothing shall restrict the right of the City to terminate my employment at any time, with or without notice and with or without cause. I also understand that the City has the right to change, suspend or terminate any or all of the policies or procedures described in this policy at any time, with or without advance notice.

Name (please print)	Signature	Date
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This acknowledgment form is to be signed and returned to be held in the employee's personnel file.

APPENDIX B:

**Acknowledgment of Receipt of the City of Lockport's Personnel Policy
(EMPLOYEES SUBJECT TO A COLLECTIVE BARGAINING AGREEMENT)**

I acknowledge having received a copy of the City of Lockport's Personnel Policy and I agree to read and become familiar with its contents. I understand that the City has the right to change, suspend or terminate any or all of the policies or procedures described in this policy at any time, with or without advance notice. I agree that this Policy does not constitute a contract of employment between myself and the City. I acknowledge that the Policy is intended as a guide towards my employment with the City but to the extent that anything in the policy is inconsistent or different regarding a subject covered by a collective bargaining agreement that is applicable to my position, the collective bargaining agreement will supersede the policy on those subjects which are inconsistent or different. Similarly, if this policy is inconsistent or different on a matter covered by applicable rules of the Board of Police Commissioners, those rules will control the subject.

Please check the box that correlates with your Union Membership:

- LOCAL 150
- MAP # 75

Name (please print)	Signature	Date
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This acknowledgment form is to be signed and returned to be held in the employee's personnel file.

APPENDIX C:
Request for Course/Degree Approval

Employee Name: _____

Job Title: _____

Type of course or degree: _____

Estimated time frame for completion: _____

Estimated Costs: _____

How is this course/degree related to your current position, or how will it prepare you to assume a position of greater responsibility at the City of Lockport? _____

Approved by:

Department Head

Date

City Administrator

Date

APPENDIX D:
Tuition Reimbursement Agreement

I, _____, do hereby understand that the City of
Employee First and Last Name

Lockport will reimburse me for _____, at a cost of
Description of Degree/Certification Program or Course

\$ _____, based on agreement to the following conditions:
Up to \$2,500/year

- Appropriate completion of the required coursework and proof of grade at “C” or above;
- Or
- For non-graded programs, completion of the designated program and proof of certification.

And

I submit to the City of Lockport the notification form attached hereto, indicating completion of the course/program.

If I should voluntarily leave the employment of the City of Lockport within two (2) years of the submission date of the notification form, I agree to repay all of the monies given to me or paid to _____ on my behalf, based on the following schedule, for said tuition/fees.

Separation within less than one year:	75% of costs reimbursed
Separation between one and two years	50% of costs reimbursed

These funds must be repaid to the City of Lockport in the form of a personal check conveyed to the City of Lockport, no later than one week prior to my last day of employment (the “due date”), or, at the City’s option, by a deduction from any compensation due after termination notice is given. If necessary, this deduction may be taken from my final paycheck, which may include any vacation pay or bonuses due me upon my termination from the City of Lockport.

If I do not repay the amount of tuition/fees to the City of Lockport by the due date, I agree that the City of Lockport shall be entitled to its reasonable costs of collection or enforcement of this agreement, which shall include, without limitation, attorneys’ fees and court costs.

To further secure payment of the amount due under this agreement, I hereby irrevocably authorize any attorney of any court of record in any County or State in the United States to appear for me in such court, at any time after the due date, and confess a judgment without process against me and in favor of the City of Lockport for such amount as may appear to be unpaid under this agreement, together with interest, costs of collection and reasonable attorneys’ fees, and to waive and release all errors which may intervene in any such proceedings, and to consent to immediate execution upon such judgment, hereby ratifying and confirming all that my attorney may do by virtue thereof.

This agreement shall be governed and construed in accordance with the internal laws (and not conflict of law provisions) of the State of Illinois. I hereby consent and submit to the jurisdiction of any state or federal court located within the City of Lockport, County of Will, and state of Illinois and waive any right to transfer or change the venue of litigation brought against me hereunder.

Should any provision of this Agreement or any remedy provided for herein be held invalid or unenforceable by any court of competent jurisdiction, the remaining provisions and remedies shall remain in full force and effect.

If you are in agreement as to the aforementioned terms for reimbursement, please acknowledge by signing in the space provided below.

Employee

Date

Approval:

Department Head

Date

City Administrator

Date