

ORDINANCE NO. 2019-34

An Ordinance Amending the West Dundee Municipal Code, Title 1, Chapter 9, Personnel Policies and Procedures for the Village of West Dundee, Illinois

WHEREAS, the Village of West Dundee, Kane County, Illinois, is a home rule municipality as contemplated under Article VII, Section 6 of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as in the Constitution of the State of Illinois; and

WHEREAS, the Village Board of the Village of West Dundee has determined that the preparation and establishment of a Personnel Policies and Procedures Manual is in the best interest of the Village of West Dundee and its employees; and

WHEREAS, this Personnel Policies and Procedures Manual is intended to provide guidance to all Village employees, and to ensure that the Village conducts its business affairs in accordance with applicable law: and

WHEREAS, the last comprehensive review of the existing Personnel Policies and Procedures Manual was in November 2005 and after that date, various amendments to the Manual have been adopted by the West Dundee Village Board: and

WHEREAS, due to changes in both Federal and State employment law, the Village Board has determined that the existing Title 1, Chapter 9 of the West Dundee Municipal Code be repealed in its entirety and the attached Exhibit, identified as Exhibit A and entitled Personnel Policies and Procedures Manual, be approved as presented.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of West Dundee as follows:

Section 1. That Title 1, Chapter 9 of the Municipal Code of the Village of West Dundee as identified as Exhibit A and attached to this Ordinance shall be approved and adopted by the Village Board of the Village of West Dundee, replacing in its entirety, the existing Title 1, Chapter 9 of the Village of West Dundee Municipal Code adopted in 2005 and its subsequent amendments.

Section 2. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

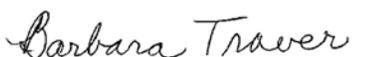
Section 3. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

APPROVED this 16th day of December, 2019 by a roll call vote as follows:

AYES: Trustees Kembitzky, Price, Yuscka, Anderley and Wilbrandt
NAYS: None
ABSENT: Trustee Hanley

ATTEST:


Barbara Traver
Village Clerk


Christopher Nelson
Village President

EXHIBIT A

Village of
West Dundee



**PERSONNEL POLICIES
AND PROCEDURES MANUAL**

CHAPTER 9

PERSONNEL POLICIES AND PROCEDURES

SECTION:

- 1-9- 1: Employment Terms and Conditions
- 1-9- 2: Compensation
- 1-9- 3: Benefits
- 1-9- 4: Equal Employment Opportunity
- 1-9- 5: Anti-Harassment Policy
- 1-9- 6: Americans with Disabilities Act
- 1-9- 7: Victims' Economic Security and Safety Act
- 1-9- 8: Illinois Pregnancy Accommodation Act and Nursing Mothers Policy
- 1-9- 9: Family and Medical Leave Act
- 1-9-10: Family Military Leave
- 1-9-11: Drug Free Workplace Act
- 1-9-12: Travel Expenses
- 1-9-13: General Rules
- 1-9-14: Discipline
- 1-9-15: Separation from Employment
- 1-9-16: COBRA Coverage

1-9-1: **EMPLOYMENT TERMS AND CONDITIONS:** The Personnel Policies and Procedures of the Village of West Dundee apply to all employees of the Village. Police Officers and Firefighters are also covered by any and all additional policies and procedures adopted by their respective departments, including, but not limited to, specific rules and regulations applicable to each department regarding hiring, discipline, and termination. While this chapter applies to all sworn Police Officers and Firefighters, it is also recognized that these full time sworn Officers are also under the jurisdiction of the Police and Fire Commission. Therefore, where any provision herein conflicts with the Police and Fire Commission rules and regulations, the Police and Fire Commission rules and regulations shall control to the extent of that specific conflict only.

In addition, any labor contracts that have been adopted by the Village Board of the Village of West Dundee shall take precedence over the terms and conditions outlined in this Personnel Policies and Procedures chapter.

A. At Will Employment: The Village of West Dundee Personnel Policies and Procedures are not intended to and do not create a contract of employment (expressed or implied) between any employee and the Village. These policies and procedures are intended only to describe employment provisions and do not create a contract of employment between the Village and any employee unless there is a separate written agreement signed by both the employee and the Village Manager. A contract for the Village Manager may be executed by the Village Manager and the Village President.

By law, an employee may terminate his or her employment at any time, with or without cause, and with or without notice. The Village may also terminate the employment of any employee at

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any time, with or without cause, and with or without notice. No section of these policies and procedures shall be interpreted as giving up this right by any employee or the Village.

These Personnel Policies and Procedures supersede all other personnel rules, regulations, policies, and procedures (either written or oral). The intent of these policies and procedures is to outline the major employment practices of the Village of West Dundee. The Village, at its sole discretion, reserves the right to improve or change, from time to time and without notice, any terms or provisions of these policies and procedures.

B. Employment Definitions:

CASUAL EMPLOYEE: An employee who is scheduled to work on an "as needed" or on call basis. Casual employees are not eligible for benefits.

EXEMPT EMPLOYEE: An employee who is generally paid a set rate for the pay period and who is not entitled to overtime compensation for hours worked in excess of forty (40) hours in any given work-week. As outlined in the fair labor standards act, bona fide executive, administrative, and professional employees are exempt from over-time requirements if they meet the criteria for any category.

FULL TIME EMPLOYEE: One who is hired for an unspecified period of time and has completed an applicable introductory period. A full time employee shall work a minimum of forty (40) hours per week on a regular and continuing basis. Employee benefits, as outlined in these policies and procedures, are available to full time employees.

LIMITED PART TIME EMPLOYEE: One who is hired for a specified or unspecified period of time and works less than the number of hours required for participation in his/her respective pension program. A limited part time employee receives only those benefits as required by law.

NONEXEMPT EMPLOYEE: An employee whose position does not meet the exemption tests under the fair labor standards act and who is generally, although not necessarily, paid by the hour and who is entitled to compensation at the rate of one and one-half (1 ½) times his/her hourly pay for all hours worked in excess of forty (40) hours in a given workweek (except as provided otherwise in his chapter).

PART TIME EMPLOYEE: One who is hired for an unspecified period of time and has completed an applicable introductory period. A part time employee is one who works less than the minimum hours required for full time status, however, works the minimum number of hours to participate in a pension fund offered by the

Village of West Dundee (e.g., the Illinois municipal retirement fund, the Police pension fund, or the fire pension fund).

REGULAR EMPLOYEE: See definition of "Full Time Employee".

TEMPORARY EMPLOYEE: An employee who is hired for a specific job and for a specified period. A temporary employee is not eligible for benefits.

C. Filling of Vacancies:

In order to provide growth opportunities for all employees, all full time vacancies shall be announced, by posting, to present employees. In addition to internal job postings, applicants may be recruited from outside of the organization. The recruitment of a qualified applicant for a job vacancy shall include the review of all applicants on file. . Depending upon the type of position, additional recruitment services, such as the placement of newspaper advertisements, announcements in professional journals, and the contacting of colleges, businesses and/or trade schools may be utilized. It is the Village's policy to select the most qualified individual available for each position based upon the required knowledge, skills and abilities for the position, as reflected in the corresponding class specification. To determine whether an applicant qualifies for a position, factors such as level of education, previous experience, the personal interview, and references shall be utilized. Depending upon the specific position being filled, other methods, such as written tests, practical tests and/or assessment centers, may be used and the results considered in determining the applicant's ability to perform the duties assigned to the respective position.

A current employee who applies for a vacancy within the organization shall be judged according to the same established factors as a new applicant. In addition, his/her work performance with the Village shall be taken into consideration.

All employees, except sworn Police Officers and Firefighters, shall be hired and terminated by their Department Director subject to prior approval of the Village Manager. If the Village Manager's position is vacant, prior approval of the Village Board of trustees is required. Sworn Police Officers and Firefighters shall be hired, disciplined, and terminated pursuant to the rules and regulations of the Board of Fire and Police Commission. . The Village Manager will provide notification to the Village President and Board of Trustees of the hiring and termination of all full time personnel of the Village.

D. Medical Examinations: All applicants who are offered full time employment with the Village will be required to successfully complete a physical examination by a physician approved by the Village, which will include a drug test, as a condition of employment. The costs of such testing will be borne by the Village. In addition, regular part time employees, at the recommendation of the Department Director, may be required to undergo such medical examination and/or drug testing prior to the commencement of work.

E. Hiring Of Relatives: Two (2) or more members of an immediate family shall not be employed in the same department or under the same immediate supervisor. In addition, no individual shall hold a position which has influence over the employment, promotion, supervision, salary, or other related management or personnel administration activities of a member of their

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immediate family. For purposes of this section, immediate family shall include the spouse, parent, brother, sister, child, grandparent, or grandchild of the employee and his/her spouse. Deviations from this policy may occur only with the recommendation of the Village Manager and approval by the Village Board.

- F. Hours Of Work: The Village of West Dundee's regular office hours are Monday through Friday, eight o'clock (8:00) A.M. to four thirty o'clock (4:30) P.M. Regular full time employees are expected to work eight (8) hours per day, forty (40) hours per week. Full time sworn Police Officers may work, depending on their assignments, other than an eight (8) hour shift. Full time sworn Firefighters will work, depending on their assignments, either an eight (8) hour or twenty four (24) hour shift. The Department of Public Works may vary its work hours with the approval and consent of the Village Manager, provided that the full time standard of forty (40) hours per week is maintained.

All employees are expected to report for work promptly at their designated time. The standard workweek as well as lunch/meal hours of individual employees may vary as a result of the operational demands of each department (provided that the total regular hours in the workweek for full time employees will be 40 hours). Regular full time employees may receive up to one unpaid hour for a lunch/meal break.

Those employees working less than eight (8) hours per any given shift may receive a fifteen (15) minute break for each full four (4) hour schedule they work. A part time employee who is scheduled to work five (5) or more consecutive work hours on any given day may receive one unpaid lunch/meal hour, which should be taken close to the middle of the employee's workday. Such scheduling of breaks and lunch/meal hours shall be subject to the discretion of the respective departments.

All employees shall report promptly to their designated place of work at the designated starting time and shall devote their entire efforts during working hours to their assigned duties.

- G. Pay Periods: Employees shall be paid biweekly, receiving their compensation on Thursdays for the prior period's work. If this day falls on a holiday, checks may be distributed on the preceding or following workday.
- H. Personnel Files: A personnel history file shall be maintained for all full time and regular part time employees of the Village. Such files shall be kept in accordance with the policies established by the State's statutory provisions pertaining to the keeping and maintaining of Village records. Once this period is no longer in effect, all such records may be destroyed. The following are examples of items which may be kept in an employee's personnel file:

Commendation forms and letters.

Disciplinary notices.

Employment application/resume.

Incident reports.

Orientation materials.

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Overtime records.

Performance appraisals.

Registrations/certificates/degrees.

Sick time records.

Tax forms.

Time sheets.

Vacation requests.

Medical data, physical examination records, and workers' compensation claims shall be maintained separately from the personnel file. Physical examination records, test results, and performance evaluation forms shall be accessible only to the Village Manager and his/her designee, the Department Director and his/her designee, and the employee involved. This accessibility will be for official purposes only.

Employees hired after November 6, 1986, are subject to employment verification using the U.S. immigration and naturalization service I-9 form. All I-9 forms and copies of supporting documentation are to be maintained in a separate file.

In addition to the personnel file maintained by the Village, sworn Firefighters and Police Officers will have a personnel file that will be maintained by the Fire and Police commission which will contain the documents regarding hiring, promotion, discipline, and termination decisions regarding the sworn Firefighter or Police Officer.

An employee has the right to periodically inspect his/her personnel file. In order to do so, the following steps are to be followed:

1. A written request from the employee to inspect the file is to be made to the Village Manager.
2. Every employee will normally be allowed to inspect the file within seven (7) days from the date of the written request. If the Village cannot reasonably meet this seven (7) day time period, it is allowed to provide an extension for an additional seven (7) day period.
3. Employees will be allowed to inspect the personnel file during normal working hours, unless other arrangements are agreed upon. No employee can remove his/her file from the Village's premises, but the employee may request that the Village mail a copy of the personnel file if the employee is reasonably unable to inspect the file on Village premises. If this is done, the Village reserves the right to assess a reasonable fee for copying/mailing requested documents.
4. By law, some items may be kept in an employee's personnel file which the employee has no legal right to inspect. Such items may include letters of reference, testing documents, materials relating to the Village's staff planning, information about other people if allowing inspection of those documents would invade the privacy of the people referred to, records involving the

employee which are relevant to the judicial proceeding between the Village and the employee, and records alleging criminal activity.

If an employee disagrees with any information contained in his/her personnel file, the information may be removed or corrected by mutual agreement of the Village Manager and the employee. If such agreement cannot be reached, the employee may submit a written statement of his/her position, which will be attached to the disputed document.

- I. Problem Solving: It is the policy of the Village of West Dundee to maintain an effective employer/employee relationship through the prompt consideration and equitable adjustment of employee problems.

An employee shall first present any problem which arises to his/her immediate supervisor who shall make careful inquiry into the facts and circumstances of the complaint and shall attempt to resolve it properly and fairly.

An employee who is dissatisfied with the response of the immediate supervisor may, upon prior notification, present the issue to his/her Department Director who, after a thorough investigation of the situation, will notify the employee of his/her decision.

A problem which remains unresolved after the Department Director's review shall, upon written notification to the Department Director, be submitted in writing to the Village Manager. After a thorough review by the Village Manager, the Village Manager may hold an informal meeting with all involved parties in order to resolve the problem. The Village Manager may then render a decision in writing and copy all parties involved. This decision shall be deemed final.

This section is not applicable in cases of harassment or discrimination complaints. For complaints of this nature, the policies contained in sections 1-9-4 and 1-9-5 of this chapter will be followed.

1-9-2: **COMPENSATION:**

- A. Merit Compensation Plan: It is the goal of the Village of West Dundee to compensate all employees of the Village with a salary commensurate with the relevant labor market value of their position and individual job performance. Major objectives of the Village's merit compensation plan include:

1. To provide for recognition of, and reward for, differences on individual employee performance.
2. To ensure internal equity and consistency within and between the various departments of the Village.
3. To establish and maintain salary rates which are competitive with the prevailing rates of compensation for comparable work in comparable public jurisdictions and private firms within the area; thereby allowing the Village to attract and retain a qualified work force.
4. To provide standard methods and procedures for establishing and applying rates of pay

throughout the organization.

- B. Starting Rate Of Compensation: As part of the annual budget process, the Village Manager shall present to the Village Board a listing of all authorized full time positions within the Village and the minimum/maximum pay range for each such position.

When the education, training, or experience of the applicant is substantially superior to the requirements of the position and justifies a beginning salary in excess of the minimum compensation, the Village Manager may, upon the recommendation of the Department Director, authorize an appointment to a position at a higher rate of pay within the appropriate pay range.

The Village Manager may also authorize an appointment to a position at a higher rate of pay within the appropriate pay range when a particularly difficult recruiting problem for a position is found to exist.

- C. Performance Appraisals: Full time employees of the Village should receive, as a minimum, an annual performance evaluation on a form approved by the Village Manager. All performance evaluations must be in written form and discussed personally with the employee.

Based on the results of the employee's performance evaluation, employees may be eligible for a salary increase according to merit one time per year.

Regular part time employees may receive the annual cost of living increases that may be awarded to full time employees. They are not, however, part of the Village's "step plan" that is in place for full time employees and their rate of compensation will be periodically reviewed by the Village Manager.

- D. Overtime: All nonexempt employees are eligible for overtime compensation. Those executive, administrative, and professional employees, as identified by the Village Manager using the guidelines established by the State of Illinois, are not eligible to receive overtime compensation.

All nonexempt employees eligible for overtime compensation will be paid for time worked in excess of forty (40) hours in a workweek at one and one-half (1½) times their regular or base rate of pay. These provisions may vary if the employee is a member of a bargaining unit and their contract stipulates otherwise. Sworn Police and Fire Department employees will be paid overtime compensation pursuant to section 553.230 of title 29 of the code of federal regulations. The only hours which will not be counted as hours worked are the hours the employee has for excused sick time.

Procedures for overtime are as follows:

1. Overtime scheduling in all Village departments must be approved by the Department Director prior to the scheduling of overtime. Exceptions can be made to account for the providing of emergency services. "Emergency services" can be defined as severe weather conditions, utility system breakdown, or necessary public safety measures.
2. No Village employee will be paid overtime compensation for attending school, training

sessions, or department meetings unless attendance is required by the Village and cannot be scheduled during regular working hours. Time required to travel to and from such sessions will not qualify for overtime compensation.

3. Overtime compensation shall be paid in increments of fifteen (15) minutes. An employee called back to work after having left work, or while otherwise off duty, shall be compensated for a minimum of two (2) hours' pay, unless the time extends to his/her regular work shift, in which case the employee will be compensated only for the actual time worked outside his regular shift. The employee will receive no minimum compensation if the employee is called back to rectify his/her own error, instead, the employee will receive straight compensation for actual time worked or overtime pay if the work qualifies for overtime. If the employee who is called back works for more than two (2) hours, he/she shall be compensated for the actual time worked.

- E. Compensatory Time: Nonexempt employees may elect compensatory time in lieu of overtime compensation. This election of compensatory time off in lieu of overtime compensation must be agreed to between the employee and his/her supervisor prior to the work being performed, otherwise, overtime compensation shall be paid.

Compensatory time off, if elected and approved by the employee's supervisor, will be granted at a rate of one and one-half (1½) hours of compensatory time off for every hour of overtime worked. Employees may accumulate up to a maximum of eighty (80) hours of compensatory time. Any overtime exceeding eighty (80) hours of compensatory time off will be paid as overtime compensation.

All compensatory time off accumulated but not used prior to May 1 of each year exceeding forty (40) hours will be paid off as overtime compensation and will be paid at the regular rate earned by the employee at the time the employee receives such payment. The remaining compensatory time earned (not to exceed 40 hours) shall remain and may be utilized as described above. Upon termination, an employee shall be paid for unused compensatory time off at a rate of compensation not less than:

1. The average regular rate received by such employee during the last three (3) years of employment; or
2. The final regular rate received by such employee, whichever is greater.

- F. Working Out Of Classification: Employees temporarily assigned to another position with a higher rate of compensation may be compensated at the starting rate of pay for the higher position, or receive a five percent (5%) pay increase (whichever is greater) for all hours so worked with the approval of the Village Manager.

- G. Additional Compensation; State Fire Marshal Certification: In order to recognize and reward those Firefighters/paramedics who have achieved the Office of the State Fire Marshal Certification as Fire Officer Level I, they are to be awarded an additional sum of six hundred dollars (\$600.00) per year, payable as of May 1 of each year.

Fire Lieutenants who have achieved the Office of the State Fire Marshal Certification as Fire Officer Level II are to be awarded an additional sum of six hundred dollars (\$600.00) per year,

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payable as of May 1 of each year.

- H. Wage Notifications: Each pay period, employees will receive written notification of their hours worked, rate of pay, overtime pay and overtime hours, gross wages, an itemization of all deductions, wages and deductions year to date.
- I. Severance: The Village will not grant severance except through a written agreement signed by the employee and by the Village Board .
- J. Method of Payment: Employees will not be paid in cash. Employees will be paid by direct deposit unless they elect to be paid by check.
- K. Recordkeeping: Regardless of an employee's status as either an exempt employee executive, the Village shall make and maintain, for a period of not less than three (3) years, the following true and accurate records for each employee: the name and address, the hours worked each day in each work week, the rate of pay, copies of all notices provided to the employee under this policy, the amount paid each pay period, all deductions made from wages or final compensation, and the number of vacation days earned for each year and the dates on which vacation days were taken and paid.
- L. Notice of Rate of Pay and Changes in Pay: The Village will notify an employee in writing, at the time of hiring, of the rate of pay. An employee commencing work shall reflect mutual assent to the rate of pay, i.e., a description of all wages and compensation of any kind.

The Village shall not change an agreement regarding the payment of wages and compensation without first notifying the employee prior to the effective date of the change. The Village shall place the arrangement in writing at the time of the change and present the change to the employee unless impossible to do so, but in any event such written notice shall be provided as soon as practicable.

1-9-3: **BENEFITS:** Employee benefits are part of the Village's overall compensation plan and are intended to encourage loyal service to the Village. Major benefits and service programs include vacations, insurance coverage, retirement programs, and training.

- A. Vacation: All regular full time employees may receive a stated vacation period with pay. Part time employees who work a minimum of one thousand (1,000) hours on an annual basis and participate in a Village sponsored retirement program shall receive a prorated amount of vacation time based on the number of hours actually worked in comparison to that of a full time employee. Vacation days must be taken during the calendar year in which they are earned, or the vacation accrual will be lost. In unusual circumstances, vacations may be postponed to not later than the next calendar year upon recommendation of a Department Director and approval of the Village Manager. Any vacation days carried over to the next calendar year must be used by April 30 of that year. In the event of a postponed vacation, not more than one year's vacation period shall be taken at one time without the prior approval of the Village Manager.

Employees will begin to accrue vacation in the first full calendar month of employment. Employees may not take the accrued vacation until after they have completed one hundred eighty (180) days of service. Vacation earned shall be determined by length of service and shall

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be in accordance with the following schedule:

<u>Length Of Service</u>	<u>Full Time Employee</u>	<u>24 Hour Shift</u>
First partial year of employment	6.67 hours per month	10.00 hours per month
Completed calendar years 1-5	80 hours per year	120 hours per year
Completed calendar years 6-13	120 hours per year	168 hours per year
Completed calendar years 14-20	160 hours per year	
Completed calendar years 14-24		216 hours per year
Completed calendar year 21	168 hours per year	
Completed calendar year 22	176 hours per year	
Completed calendar year 23	184 hours per year	
Completed calendar year 24	192 hours per year	
Completed calendar year 25 or more	200 hours per year	240 hours per year

Vacation schedules shall be determined in each department by the Department Director . Individual employee convenience will be considered, but Village needs will dictate actual dates. If a conflict in scheduling arises, a lottery will be drawn to determine vacation scheduling. Employees must submit vacation requests to their supervisors no later than thirty (30) days prior to the requested vacation.

Vacation time must be taken in blocks of time of no less than four (4) hours.

Upon separation from employment, a lump sum payment of earned vacation benefits will be provided to all employees.

The following positions shall be entitled to three (3) vacation days each year in addition to their regular accrued vacation: Finance Director, Director of Public Works, Fire Chief, Police Chief, Community Development Director and Police Lieutenant.

The Village Manager’s position shall be entitled to five (5) additional vacation days in addition to his regular accrued vacation.

Employees on leave of absence without pay shall not accrue vacation during the period of their leave.

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Any and all references to vacation days noted on an employee's payroll stub are for general reference and planning purposes only and do not affect the normal accrual process as described above. Thus, if an employee leaves prior to the completion of the year, the vacation days will be prorated as described above.

B. Holidays: The Village observes the following twelve (12) paid holidays:

- New Year's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving
- Christmas Day
- Five (5) floating holidays

When any holiday falls on a Sunday, the following Monday shall be observed as the paid holiday. If the holiday falls on a Saturday, the preceding Friday shall be observed as the paid holiday. Nonexempt employees are not eligible for holiday pay until after they have completed thirty (30) days of service.

The five (5) floating holidays must be used each calendar year or else they will be lost. Employees hired after January 1 of any year shall receive a prorated number of floating holidays which is calculated on the number of full completed months worked in that given year.

Floating holidays must be taken in blocks of time of no less than eight (8) hours (12 hours for a 12 hour shift or 24 hours for a 24 hour shift). Exceptions to this procedure must be prior approved by the Department Director.

Any employee who wishes to take a day off conforming to their religious/personal beliefs (in addition to the holidays listed above) may, with proper notification to their Department Director, take the day off as a vacation day, floating holiday, or without pay.

If an employee is required to work on a scheduled holiday, they should be compensated as follows:

1. Holiday pay for eight (8) hour positions:
 - a. If the employee works on an established holiday, the employee shall be paid eight (8) hours' holiday pay plus straight time for any time actually worked. If regular hours are in excess of forty (40) hours for that workweek, the pay rate will be time and one-half for every hour worked in excess of forty (40) hours.
 - b. If scheduled to work but take the holiday off: Eight (8) hours' holiday pay.
 - c. If not scheduled and do not work: Eight (8) hours' holiday pay.
2. Holiday pay for twelve (12) hour positions:

- a. If holiday is worked: Twelve (12) hours' holiday pay plus twelve (12) hours' regular pay. If regular hours worked are also in excess of forty (40), pay rate will be time and one-half for every hour worked over forty (40).
 - b. If scheduled to work but take the holiday off: Twelve (12)) hours' holiday pay.
 - c. If not scheduled and do not work: Eight (8) hours' holiday pay.
3. Holiday pay for twenty four (24) hour positions:
- a. If the employee works on an established holiday, the employee shall be paid twenty four (24) hours' holiday pay plus straight time for any time actually worked. Holiday pay shall be considered as time worked for overtime benefits that the employee may be entitled to for that seven (7) day work period.
 - b. If scheduled to work but take the holiday off: Eight (8) hours' holiday pay.
 - c. If not scheduled and do not work: Eight (8) hours' holiday pay.

Note: Holiday pay for part time Firefighters shall be administered as follows: All holidays, with the exception of Christmas Day and New Year's Day will be observed from seven o'clock (7:00) A.M. the day of the holiday to seven o'clock (7:00) A.M. the following day. Christmas Day and New Year's Day will be observed from five o'clock (5:00) P.M. the previous day to five o'clock (5:00) P.M. the day of the holiday.

Part time employees who work a minimum of one thousand (1,000) hours on an annual basis and participate in a Village sponsored retirement program shall receive a prorated amount of holiday hours based on the number of hours actually worked in comparison to that of a full time employee.

C. Sick Leave, Absences, And Tardiness:

1. Sick Leave: The Village provides all regular full time employees paid sick leave to enable the employee to have available a period of compensated time off in the event of illness or injury. Part time employees who work a minimum of one thousand (1,000) hours on an annual basis and participate in a Village sponsored retirement program shall receive a prorated amount of sick leave hours based on the number of hours actually worked in comparison to that of a full time employee. The Village encourages all eligible employees to accumulate as many sick leave hours as possible to help ensure continuous payment for serious illness or medical leave. Sick leave benefits may be used for the following purposes:

- a. Any personal illness or injury.
- b. Employees may use paid sick leave benefits for absences due to an illness, injury, or medical appointment of the employee's child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent, for reasonable periods of time as the

employee's attendance may be necessary, on the same terms upon which the employee is able to use sick leave benefits for the employee's own illness or injury.

The use of paid sick leave benefits for absences due to an illness, injury, or medical appointment of the employee's child, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent is limited to the personal sick leave that would be accrued during six (6) months at the employee's then current rate of entitlement. In other words, 50% of an employee's accrued sick days are available to use to take care of relatives.

The term "paid sick leave benefits" means time accrued and available to an employee to be used as a result of absence from work due to personal illness, injury, or medical appointment, but does not include other absences from work for which compensation is provided by the Village.

2. Provisions Of Sick Leave Policy: The provisions of the sick leave policy are as follows:
 - a. Employees will begin to accrue paid sick leave after they have completed one hundred eighty (180) days of service. Thereafter, each individual employee may accrue eighty (80) hours of sick pay per calendar year (120 hours for 24 hour shift) with a maximum of eight hundred eighty (880) sick hours at any point during their employment with the Village (1,320 hours for 24 hour shift). Sick leave shall accrue at the rate of 6.67 hours for each full completed month of employment (10 hours for 24 hour shift).
 - b. Each January, the Village will buy back from covered employees all unused sick leave in excess of eight hundred (800) hours (1,200 hours for 24 hour shift) which had been accrued and earned at the end of the prior calendar year at fifty percent (50%) of the employee's straight time hourly rate of pay. This fifty percent (50%) "buy back" may be transferred to an equal amount of vacation days upon the request of the employee and the approval of the Department Director .
 - c. Employees who have used all of their sick days and who become ill may use any outstanding vacation days or floating holidays or may take a sick day without pay. Employees on leave of absence without pay shall not accrue sick leave during the period of their leave.
 - d. Illness or injury requiring absence from work must be reported to the employee's supervisor before the assigned starting time or as soon as possible before the start of the employee's shift. The employee is responsible for making a daily report thereafter for the duration of the illness or injury. An employee whose job requires a substitute for a particular shift must give notice at least two (2) hours in advance of his or her assigned starting time. Three (3) consecutive days' absence without notice will be considered voluntary termination of employment by the employee. A medical certificate may be required for sick leave of more than two (2) consecutive days or in instances where the employee is suspected by their Department Director of abusing the sick leave policy, with prior approval of the Village Manager.

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e. Failure to provide proper notice or a medical certificate upon request may result in disciplinary action, up to and including immediate termination of employment.

f. Sick leave must be used in blocks of time of no less than two (2) hours except for instances where the employee is to attend a scheduled medical appointment which cannot be scheduled during the employee's non-work hours, in which case, they may take sick leave in two (2) hour increments upon prior notice and approval from their superior.

g. Any and all references to sick days on an employee's payroll stub are for general reference and planning purposes only and do not affect the accrual process as described above.

h. Any employee who retires from the Village in good standing and is eligible to receive a pension (IMRF, Police Pension, Fire Pension) within a six (6) month period following their retirement shall receive fifty percent (50%) of all accrued earned unused sick leave. Minimum service levels to the Village for each pension classification shall be as follows:

IMRF Tier I	8 years' employment with the Village of West Dundee
IMRF Tier II	8 years' employment with the Village of West Dundee
Police pension	20 years' employment with the Village of West Dundee
Fire pension	20 years' employment with the Village of West Dundee

3. Sick Leave Abuse: Abuses of the sick leave benefits will not be tolerated. Sick claims will be investigated fully for their validity by the Department Director or his/her designee, and sick leave may be disallowed.

D. Funeral Leave: Regular full time employees may be given up to three (3) days with pay upon the death of a member of his/her immediate family. "Immediate family" is defined as the employee's spouse, parent, stepparent, *child, *stepchild, brother, sister, father-in-law, mother-in-law, or grandparent. This leave may be extended for an additional two (2) days (5 days total) upon the recommendation of the Department Director and prior approval of the Village Manager. *See Subsection 1-9-3.E, Child Bereavement Leave Policy.

E. Child Bereavement Leave Policy:

This policy has been adopted by the Village pursuant to the Illinois Child Bereavement Leave Act, 820 ILCS 154 (the "Act"), and shall be interpreted and implemented to be consistent with the Act.

As used in this policy, "child" means an employee's son or daughter who is a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis. This policy shall apply to all employees who are covered by the Family and Medical Leave Act (FMLA) of 1993.

All employees shall be entitled to use a maximum of 2 weeks (10 work days) of unpaid bereavement leave to: (1) attend the funeral or alternative to a funeral of a child; (2) make arrangements necessitated by the death of the child; or (3) grieve the death of the child.

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This bereavement leave must be completed within 60 days after the date on which the employee receives notice of the death of the child. The employee must provide the Village with at least 48 hours' advance notice of the employee's intention to take bereavement leave, or as soon as possible if 48 hours is not practicable and reasonable under the circumstances.

The Village may require reasonable documentation, such as a death certificate, a published obituary, or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or government agency. While the Village will not prevent bereavement leave on the basis of documentation being unavailable immediately after the death, the Village may require such documentation before, during or after the leave.

In the event of the death of more than one child in a 12-month period, an employee is entitled to up to a total of 6 weeks of bereavement leave during that 12-month period. However, consistent with the Act, the employee shall not be able to combine child bereavement leave with FMLA leave such that the employee would take more than 6 weeks of unpaid leave in a 12-month period.

Employees may choose to substitute any number of days of other paid or unpaid leave (which they may have accrued or to which they may be entitled) for the equivalent number of days of child bereavement leave to which they may be entitled under this Policy and the Act. Employees electing to substitute other leave in this manner must notify the Village prior to taking child bereavement leave.

- F. Jury/Witness Duty: An employee shall be given time off without loss of pay or accumulated benefits when asked to serve on a jury or when subpoenaed to appear before a court, public body, or commission with or arising from Village business. Any compensation received as a result of serving on jury duty shall be signed over to the Village of West Dundee.

No employee will receive pay for time not worked while acting as a witness in any manner not related to the Village or the employee's employment with the Village. No employee will receive pay for time not worked while participating in an action filed by the employee against the Village.

Employees summoned to jury duty or subpoenaed to testify in court or other proceedings must immediately notify their Department Director so that proper arrangements for the employee's absence may be made. Failure to timely notify their Department Director may result in the employee not being compensated for such civil duty.

- G. Employee Voting Leave: Under the Illinois Employee Voting Leave Act, 10 ILCS 5/17-15, eligible employees may receive up to two (2) hours of paid time off for the purpose of voting on election day after obtaining approval from their Department Head prior to the day of the election.

To be eligible for this benefit, the employee must be entitled to vote and unable to cast their vote between the time of opening and closing the polls.

- H. Employee Blood Donation Leave: Under the Illinois Employee Blood Donation Leave Act, 820 ILCS 149/1, eligible employees may receive up to one (1) hour of paid time off every 56 days for

the purpose of donating blood after obtaining approval from their Department Director .

To be eligible for this benefit, the employee must be a regular full-time employee who has been employed for a period of six (6) months or more.

- I. Employee School Visitation Leave: Under the Illinois School Visitation Rights Act, 820 ILCS 147/1, eligible employees may receive up to eight (8) hours of unpaid time off during the school year to attend necessary educational or behavioral conferences at the school their children attend after obtaining approval from their Department Director .

To be eligible for this benefit, the employee must be a regular employee who has been employed for a period of six (6) months or more and has exhausted all accrued paid off-time and holiday time. The employee must also present the Village with a verification statement from the school within two (2) working days of the unpaid leave to be eligible for the benefit protections afforded under the Act.

- J. Military Leave: Employees will be granted unpaid military leave as required by State and Federal law.

In accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA), and the Illinois Service Member Employment and Reemployment Rights Act (ISERRA), reemployment rights generally extend to persons who have been absent from a position of employment because of service in the uniformed services. Service in the uniformed services means the performance of duty on a voluntary or involuntary basis in a uniformed service, including, but not limited to:

1. Active Duty and Active Service (See 330 ILCS 61/1-10)
2. Active Duty Training
3. Inactive Duty Training
4. Funeral Honors Duty (See 10 U.S.C. 12503; 32 U.S.C. 115)
5. Reserve Component Active Service (See 330 ILCS 61/1-10).

In general, to be eligible for reemployment:

1. The Village must have advance notice of the employee's service;
2. The employee must timely return to work or apply for reemployment; and
3. The employee must not be separated from service with a disqualifying discharge or under other than honorable conditions.

Procedures:

1. As soon as an employee is aware that he or she will be absent because of service in the uniformed services, the employee must notify his or her supervisor. Notification in writing is preferred, but verbal notification is acceptable. This is only for purposes of notice, and not to seek permission. No permission is required to take military leave, but advance notice is required to secure the employee's rights under this policy and the related laws.

2. Under Illinois law, an employee who will be absent because of service in the uniformed services may, in some circumstances, be eligible to receive “differential pay,” i.e., his or her regular compensation minus his or her base pay for military services. Illinois law controls in the event of any conflict between it and this policy. Employees may also be entitled to concurrent compensation under ISERRA. Differential pay and concurrent pay will be provided according to ISERRA and any implementing regulations.

During leaves for annual training, where applicable under Illinois law, an employee can continue to receive his or her regular compensation. Further, during leaves for basic training, active service or inactive duty as defined in ISERRA, and for any other training or duty required by the United States Armed Forces, if the employee’s compensation for military activities is less than his or her compensation as an employee, he or she can be eligible under Illinois law to receive his or her regular compensation as an employee minus the amount of his or her base pay for military activities. Illinois law controls in the event of any conflict between it and this policy.

An employee who is a member of any reserve component of the United States Armed Services, including the Illinois National Guard, who is mobilized to active military duty as a result of an order of the President of the United States, can be eligible under Illinois law to continue to receive the same regular compensation that he or she receives as an employee at the time he or she is mobilized to active military duty, plus any health insurance and other benefits he or she is receiving or accruing at that time, minus the amount of his or her base pay for military service, for the duration of his or her active military service. Illinois law controls in the event of any conflict between it and this policy.

3. Except as otherwise provided by law, health care coverage for employees on military leave will continue for thirty-one (31) days as long as employees pay their normal premium co-payments of the cost of benefits. For military leave lasting longer than 31 days, employees will be eligible to continue health benefits under USERRA and will be required to pay 102% of the total cost of their health benefits if they wish to continue benefits. However, employees on military leave for active service shall not have to pay any portion of their health premiums. The employee may opt to discontinue participation in the group health insurance program but is entitled to re-enroll upon the return to active employment. Please contact Human Resources for further information. Illinois law controls in the event of any conflict between it and this policy.

4. For the time spent on military leave, the employee’s performance evaluation or rating shall be no less than the average rating or evaluation over the three years immediately preceding the military leave.

Return to Work:

1. Generally, employees returning from military leave service are eligible to be reemployed in the job that they would have attained had they not been absent for military service, with the same seniority status and pay, as well as other rights and benefits determined by seniority.

2. The period an employee has to make application for reemployment or report back to work after military service is based on time spent on military duty. For service of less than 31 days, the service member must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an

eight-hour rest period. For service of more than 30 days but less than 181 days, the service member must submit an application for reemployment within 14 days of release from service. For service of more than 180 days, an application for reemployment must be submitted within 90 days of release from service.

IMRF Continuation:

Participation in IMRF will continue with the IMRF employee contribution being deducted from the Village issued compensation. The employee will be responsible for paying the required contribution on the difference (applicable military pay) between the Village issued compensation and their normal Village compensation.

- K. Extended Leave: An extended leave of absence, without pay, may be granted to employees.

A request for an extended leave must be approved by the Village Manager. An extended leave, with the exception of military leave, shall not be granted for more than six (6) months.

An employee who has been granted an extended leave shall be retained on the Village's health/life policy if, and only if, a prior payment of the premium by the employee is submitted each month to the finance department of the Village. In no case shall the Village pay health and life insurance premiums for an employee who has been granted an extended leave of absence. Fringe benefits accrued by an employee prior to an approved extended leave shall be carried over until the time of return. No fringe benefits, however, shall be accumulated by the employee during the period of the extended leave.

The employee requesting an extended leave shall submit to the Village Manager in writing the type of and reason for the extended leave, the date the leave is to begin and the anticipated date of return. The employee shall notify the Village Manager of his/her intention to return to work from an extended leave not less than fourteen (14) calendar days in advance of the date indicated on the employee's written request for the leave. Failure to return to work within two (2) days after the expiration of the approved extended leave shall be considered a resignation, not in good standing.

An extended leave of absence may be granted in the following situations:

1. Extended Illness Or Injury Not Covered Or No Longer Covered by the Family and Medical Leave Act Policy: An employee who has completed a minimum of one year of service with the Village shall be eligible for a leave of absence resulting from an extended illness or injury. Such a leave will be granted when the employee's and/or the Village's physician states that the employee is, and/or will become, temporarily disabled and unable to work for a specific period of time.

A leave for an extended illness or injury shall not be granted until all accrued sick leave has been exhausted or thirty (30) continuous calendar days have elapsed. During a leave for extended injury or illness, the employee shall be required to submit monthly medical progress reports to the Village. The employee, upon his/her return from medical leave of absence, shall provide a medical certification confirming the employee's ability to perform the duties assigned to his/her position.

Dependent upon the nature of the injury or illness, an employee with less than one year of service may be granted a leave of absence at the discretion of the Village Manager.

2. Emergency Leave: A leave of absence for a reasonable period of time may be granted by the Village Manager because of an emergency or personal crisis which compels time off from work. Such a leave will be granted only when the situation “demands” the employee’s time or presence and, as a practical matter, the employee could not be expected to work.

3. Family and Medical Leave: The Village of West Dundee shall grant extended leaves that are in accordance with the Family and Medical Leave Act. (Ord. 05-04, 2-21-2005)

Return from Leave. Employees considering a leave of absence (other than FMLA leave) must be aware that the Village will not hold their jobs open for them during the period of leave. There is no assurance of reinstatement in any capacity at the conclusion of the leave. If there is an open position for when the employee is qualified at the conclusion of his or her leave, the employee, along with all other qualified candidates, will be considered for the position.

- L. Training: Expenses for Village required training, including tuition, fees, supplies, and books, will be reimbursed by the Village. Travel, lodging, and other related costs will be reimbursed pursuant to the Village travel expense policy.

Employees attending Village required training conferences, seminars, or conventions are required to submit a report to their Department Director, or, in the case of a Department Director, to the Village Manager, summarizing and reviewing the topics and information received, including a recommendation on the value of the training for Village service programs, along with any additional information requested by the Department Director, Village Manager, or Village Board.

Reimbursement for voluntary training sessions is available. To be eligible for reimbursement, the employee must notify and receive written approval from his or her Department Director and the Village Manager no later than January 1 of the fiscal year prior to the year the employee wishes to attend the training. Reimbursement may be made for tuition, required books, or required class materials, according to the following schedule, only after completion of the course or training session:

Grade A	90 percent reimbursement
Grade B	80 percent reimbursement
Grade C	75 percent reimbursement
Grades D/F	No reimbursement

The Village will only consider reimbursement for training if the training is directly related to municipal businesses or directly related to the employee’s position within the Village. Training or classes which an educational institution requires to be taken as a core class, or which are taken to satisfy general degree requirements, will be considered for reimbursement. Tuition reimbursement shall not exceed two thousand dollars (\$2,000.00) per any given year or a lifetime maximum per employee of eight thousand dollars (\$8,000.00). (Ord. 09-08, 4-20-2009)

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M. Retirement: All full time and part time employees working more than one thousand (1,000) hours per year on a regular basis, excluding sworn Police Officers and Firefighters, shall be covered under the Illinois municipal retirement fund (IMRF). The Police department has established a Police pension fund for all full time sworn Police Officers of the department. The fire department has established a Firefighters' pension fund for all full time sworn Firefighters of the department. The cost of all pension plans shall be shared by both the employees and the Village of West Dundee. Participation in each plan is subject to the rules and regulations of the respective plans.

N. Health Insurance: Health insurance is offered to all full time employees of the Village. Coverage commences on the first day of the month following thirty (30) days of service. The employee portion of the cost of the program will be paid through payroll deductions.

Those employees retiring from the Village of West Dundee, and are eligible to draw a pension from the Illinois municipal retirement fund, the Village of West Dundee Police pension fund, or the Village of West Dundee Firefighters' pension fund, may at their option, purchase at full premium cost, health insurance from the Village of West Dundee. Such employees may remain on the Village's group plan as long as the premiums are paid until they are eligible for Medicare. Health insurance benefits and premiums are subject to periodic review by the Village.

O. Life Insurance: Life insurance shall be provided to all full time employees, with the effective date coinciding with the Village's health insurance program. Term life insurance benefits shall be in the amount of fifty thousand dollars (\$50,000.00). Life insurance benefits will cease at the termination of employment and are not able to be purchased separately after resignation, termination, or retirement.

P. Workers' Compensation: Workers' Compensation is compensation for a disability or death which is the result of an injury or illness suffered in the course of employment. The cost of this coverage is borne by the Village of West Dundee.

If an employee is injured on the job, no matter how minor or insignificant the injury may seem, the employee must:

1. Make a full written report on his or her condition and the circumstances surrounding the injury, including all witnesses, immediately (or as soon as practically possible) after the injury or illness. The Village will provide the required reporting forms and are available from his/her Department Director as well as the Village Manager.

2. The written report shall be submitted to the employee's Department Director as soon as possible after the injury or illness but, in no event later than three (3) days after the injury or illness. The Department Director will immediately forward a copy of the report to the Village Manager.

3. Failure of the employee to report the injury or illness, or to report for any physical examination as required or scheduled by the Village or its workers' compensation carrier, may result in disciplinary action, up to and including immediate termination of employment.

If an employee is injured on the job, the employee is eligible to receive compensation pursuant

to the state regulations regarding workers' compensation. The Village's health insurance program does not cover workers' compensation claims and therefore, such bills shall not be filed under that policy. For the first thirty (30) working days following the date of the work related injury or disability, the Village will pay the difference between the compensation received from any source and the employee's regular base pay for that period. Those employees covered under other state statutes (such as sworn Police and Fire personnel), will receive workers' compensation benefits in accordance with these statutes.

- Q. Deferred Compensation Program: Both full time and regular part time employees of the Village are eligible to participate in the deferred compensation program offered by the Village. This program allows an employee to set aside income prior to taxation. The amounts agreed upon to be deferred, and the investment earnings on these dollars, are allowed to accumulate without current personal income tax. An employee, therefore, pays no federal or state income tax on the deferred amount until the value of the deferred account is returned to the employee either at retirement, at which time the employee may be in a lower tax bracket, or when the employee withdraws from the plan. Deferred compensation programs are governed by the federal government and are subject to periodic changes.
- R. Credit Union: Those employees who regularly receive a biweekly paycheck from the Village are eligible to have funds from their paycheck directly deposited into an account at the Kane County Teachers Federal Credit Union. For additional information, please contact the finance department. (Ord. 05-04, 2-21-2005)

1-9-4: **EQUAL EMPLOYMENT OPPORTUNITY:** The Village assures equal employment opportunity in all of its employment practices, including those pertaining to:

- Compensation
- Demotions
- Hiring
- Layoff and recall
- Other benefits
- Placement
- Practices
- Promotions
- Recruitment
- Terminations
- Training
- Transfers

These will be administered without regard to race, color, creed, religion, ancestry, national origin, age, mental or physical disability, sex, marital status, veteran status, sexual orientation including gender-related identity, whether or not traditionally associated with the person's designated sex at birth, or any other basis prohibited by applicable federal, state, or local fair employment laws or regulations.

It is the responsibility of every Village official and employee to give this policy full support by leadership and personal example. In addition, it is the duty of every Village official and employee to create a job environment which is conducive to this policy.

Overall responsibility for the direction and enforcement of this equal employment opportunity policy has been assigned to the Village Manager.

Any employee who believes that he or she has been treated unfairly because of his or her race, color, creed, religion, ancestry, national origin, age, mental or physical disability, sex, marital status, veteran status, sexual orientation including gender-related identity, whether or not traditionally associated with the person's designated sex at birth, or any other basis prohibited by applicable federal, state, or local fair employment laws or regulations, should immediately submit a written report of the incident to the Village Manager. If an employee believes that he or she has been treated unfairly in any of these areas by the Village Manager, the employee should submit a written report to the immediate attention to a member of the Village Board.

All written complaints of discrimination or unfair treatment based on race, color, creed, religion, ancestry, national origin, age, mental or physical disability, sex, marital status, veteran status, sexual orientation including gender-related identity, whether or not traditionally associated with the person's designated sex at birth, or any other basis prohibited by applicable federal, state, or local fair employment laws or regulations, will be promptly investigated and the appropriate corrective action taken. After investigation, any department supervisor or other employee found to have violated the Village's policy will be subject to appropriate disciplinary action, up to and including termination of employment.

The Village will not in any way retaliate against an individual who makes a report of discrimination or unfair treatment based on race, color, creed, religion, ancestry, national origin, age, mental or physical disability, sex, marital status, veteran status, sexual orientation including gender-related identity, whether or not traditionally associated with the person's designated sex at birth, or any other basis prohibited by applicable federal, state, or local fair employment laws or regulations, nor will the Village permit any other Village official or employee to do so. Retaliation is a serious violation of this policy and should be reported immediately. Any person found to have retaliated against another individual for reporting discrimination or unfair treatment will be subject to appropriate disciplinary action, up to and including termination of employment.

1-9-5: **ANTI-HARASSMENT POLICY:**

A. Introduction: The Village desires to have a professional working environment for its employees so that they may carry out their duties in productive and positive surroundings. Although conduct may not rise to the level of unlawful harassment from a legal perspective, the Village wants to protect its employees from abuse and to prevent conduct from becoming so severe or pervasive as to alter the conditions of an employee's employment, create an abusive, intimidating or hostile working environment, or result in a tangible employment action. Accordingly, the Village has adopted a "zero tolerance" policy against harassment. Harassment is unwarranted and unwanted verbal or nonverbal conduct that threatens, intimidates, annoys or insults another person where such conduct has the purpose or effect of creating an offensive, intimidating, degrading and/or hostile working environment and/or interferes with and/or adversely affects a person's performance.

The Village prohibits any form of unlawful harassment against its employees and applicants for employment based on factors such as sex (including sexual harassment, gender harassment, and harassment based on pregnancy, childbirth, or related medical conditions), race, color, creed,

religion, ancestry, national origin, age, mental or physical disability, marital status, veteran status, sexual orientation including gender-related identity, whether or not traditionally associated with the person's designated sex at birth, or any other basis prohibited by applicable federal, state, or local fair employment laws or regulations.

B. Sexual Harassment: With respect to sexual harassment, the Village prohibits any unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. such conduct may have the purpose or effect of unreasonably interfering with an individual's work performance; or
4. such conduct may create an intimidating, hostile, or offensive working environment.

Examples of the types of conduct that would violate the Village's policy including the following:

- **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."

Both opposite sex and same sex harassment are prohibited under this policy.

C. Other Forms of Harassment: With respect to other forms of harassment, the Village prohibits slurs or other verbal or physical conduct relating to matters such as race, color, creed, religion, ancestry, national origin, age, mental or physical disability, marital status, veteran status, sexual

orientation including gender-related identity, whether or not traditionally associated with the person's designated sex at birth, or any other basis prohibited by applicable federal, state, or local fair employment laws or regulations which:

1. may have the purpose or effect of creating an intimidating, hostile, or offensive working environment; or
2. may have the purpose or effect of unreasonably interfering with an individual's work performance; or
3. otherwise may adversely affect an individual's employment opportunities.

D. Coverage of the Policy:

1. The Village's "zero-tolerance" policy with respect to harassment applies to conduct in or connected to the workplace, whether it is physical or verbal, and whether it is committed by Village officials, department heads, fellow employees or non-employees (such as customers, vendors, suppliers, or business invitees). The conduct prohibited by this policy is not only unacceptable in the workplace itself but also at any other work-related setting such as holiday parties, gatherings or other work-related social events, on business trips, and at conferences, seminars, educational gatherings, and other meetings. Each Village official and department head is responsible for creating an atmosphere free of harassment, whether it is sexual or another form of harassment. In addition, all employees are responsible for respecting the rights of their fellow employees and for cooperating in any investigation of alleged harassment.

2. Responsibilities:

Each employee is responsible for assisting in prevention of harassment through the following acts:

- Refraining from participation in, or encouragement of, actions that could be perceived as harassment;
- Reporting acts of harassment; and
- Encouraging any employee, who confides that he/she is being harassed, to report these acts of harassment.

Each supervisor shall be responsible for preventing acts of harassment. These responsibilities include:

- Monitoring the workplace environment on a daily basis for signs that harassment may be occurring.
- Counseling all employees on the types of behavior prohibited and the Village's procedures for reporting and resolving complaints of harassment.
- Stopping any observed acts that may be considered harassment and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision.
- Taking immediate action to limit the work contact between employees where there has been a complaint of harassment, pending investigation.

Each supervisor has the responsibility to assist any employee, who comes to that individual with a complaint of harassment, in documenting and filing a complaint in accordance with this policy.

Failure to take action to stop known harassment will result in disciplinary action up to and including termination of employment.

- E. Reporting and Investigating Alleged Harassment: While the Village encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his or her behavior is unwelcome, the Village also recognizes that power and status disparities between an alleged harasser and a target may make such a confrontation impossible. In the event that such informal, direct communication between individuals is either ineffective or impossible, or even when such communication between the individuals has occurred, the following steps should be taken to report a harassment complaint:

1. Reporting of the Incident: All Village employees and officials are urged to report any suspected harassment by another employee or official to the Village Manager except where the Village Manager is the individual accused of harassment. In that case, the complaint should be reported to Village President. If the victim prefers to report the suspected harassment to someone of the opposite sex from that of the Village Manager or Village President, the complaint can be reported to a Village trustee. The report may be made initially either verbally or in writing, but reports made verbally must be reduced to writing before an investigation can be initiated and a resolution achieved.

2. Investigation of the Complaint: When a complaint has been reduced to writing, the Village Manager or other person receiving the complaint will initiate an investigation of the suspected harassment. The investigation will include an interview with the individual(s) who made the initial report, the person(s) toward whom the suspected harassment was directed, and the individual(s) accused of the harassment. Any other person who may have information regarding the alleged harassment may also be interviewed.

3. Preparation of a Written Report: The person responsible for investigating the complaint shall prepare a written report. The report shall include a finding that harassment occurred, harassment did not occur, or there is inconclusive evidence as to whether harassment occurred. A copy of the report will be given to the individual(s) who made the initial report, the person(s) to whom the suspected harassment was directed, and the individual(s) accused of the harassment.

Where a hostile work environment has been found to exist, the Village will take all reasonable steps to eliminate the conduct creating such an environment.

4. Keeping of Records and the Confidentiality of Such Records: Employees or other persons who report incidents of harassment are encouraged to keep written notes in order to accurately record the offensive conduct. Every effort shall be made to keep all matters related to the investigation and various reports confidential. In the event of a lawsuit, however, the Village advises that those records maintained by the Village and any records maintained by the complainant may not be considered privileged from disclosure.

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- F. Time Frame for Reporting Harassment: The Village encourages prompt reporting of complaints so that rapid response and appropriate action may be taken. Thus, all complaints should be reported within six months of the alleged harassment.
- G. No Retaliation: No Village official or employee shall take any retaliatory action against any Village employee due to a Village employee's:
1. Disclosure or threatened disclosure of any violation of this policy,
 2. The provision of information related to or testimony before any public body conducting an investigation, hearing or inquiry into any violation of this policy, or
 3. Assistance or participation in 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 Village employee that is taken in retaliation for a Village 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:

1. Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any Village officer or employee that the Village employee reasonably believes is in violation of a law, rule, or regulation,
2. Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any Village officer or employee, or
3. 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.

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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) or 300 days (EEOC) of the alleged retaliation.

- H. Disciplinary Action: If any Village employee engages in conduct that violates this policy, or other conduct that the Village believes is unprofessional, that employee will be subject to discipline up to and including termination of employment. 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 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.
- I. Consequences for Knowingly Making a False Report of Sexual Harassment Pursuant to 5 ILCS 430/70-5: 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 of sexual harassment is not defined as a report made in good faith but which cannot be proven.** Rather, a false complaint of sexual harassment is defined as an intentionally made false or frivolous report or bad faith allegation. Given the seriousness of the consequences for the accused, any person who intentionally makes a false report alleging sexual harassment shall be subject to discipline up to and including termination of employment.

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.

- J. External Procedures: The Village hopes that any incident of harassment can be resolved through the internal procedures outlined above. Employees of the Village, however, have the right to file formal harassment charges including charges of retaliation with the Illinois Department of Human Rights (the "IDHR") and/or with the Equal Employment Opportunity Commission (the "EEOC"). A charge with the IDHR must be filed within 300 days of the harassing incident. A charge with the EEOC must be filed within 300 days of the incident. It is unlawful for an employer to retaliate against an employee for filing a charge of harassment with the IDHR or the EEOC.

The IDHR may be conducted as follows:

Chicago: (312) 814-6200
Springfield: (217) 785-5100

Chicago TDD: (312) 263-1579
Springfield TDD: (217) 785-5125

The EEOC may be conducted as follows:

Chicago: (312) 353-2713
Chicago: (800) 669-4000

Chicago TDD: (312) 353-2421
Chicago TDD: (800) 669-6820

1-9-6: **AMERICANS WITH DISABILITIES ACT:** It is the policy of the Village of West Dundee to comply with all provisions of the Americans with Disabilities Act (“ADA”) and the Illinois Human Rights Act. The Village will not discriminate against any qualified employee or job applicant with respect to any term or condition of employment based on a physical or mental disability or the perception of a physical or mental disability. If an individual is qualified to perform the essential and fundamental functions associated with a job, the Village will make reasonable accommodations as necessary for applicants and employees with disabilities, provided that such accommodations do not pose a threat to safety or cause an undue hardship to the Village.

Any applicant or employee who believes that he or she has been discriminated against based on a physical or mental disability, or based on a perception that they suffer from a physical or mental disability, should take the following steps:

- A. Reporting Of The Incident: Make a report of any suspected violation of the ADA to the Village Manager. The report may be made initially either verbally or in writing, but reports made verbally must be reduced to writing before an investigation can be initiated and a resolution achieved. If the complaint involves the Village Manager, then the report of any suspected violation of the ADA should be made to the Village President.

- B. Investigation Of The Complaint: When a complaint has been reduced to writing, the Village Manager or Village President, as the case may be, will, within five (5) working days, meet with the complainant to determine the nature of the complaint. If it is determined that a disability does not exist, the Village Manager/president will so notify the complainant in writing within five (5) working days of their meeting. If it is determined that a disability does exist, the Village Manager/president will determine whether a reasonable accommodation can be made and, if so, what that reasonable accommodation is.

- C. Keeping of Records and The Confidentiality of Such Records: Applicants or employees who submit a written complaint of a violation of the ADA are encouraged to keep written notes in order to accurately record the chain of events. Every effort shall be made to keep all matters related to the investigation and various reports confidential. In the event of a lawsuit, however, the Village advises that those records maintained by the Village and any records maintained by the complainant may not be considered privileged from disclosure. Written records will be maintained by the Village for two (2) years from the date of the resolution, unless new circumstances dictate that the records should be kept for a longer period of time.

- D. Time Frame for Reporting Complaints: The Village encourages prompt reporting of complaints so that rapid response and appropriate action may be taken. Thus, all complaints of disability discrimination should be made within six (6) months from the date of the alleged discrimination.

1-9-7 **VICTIMS’ ECONOMIC SECURITY AND SAFETY ACT**

- A. Statement of Policy: In accordance with the Victims’ Economic Security and Safety Act (VESSA) and subject to the conditions stated below, the Village will grant eligible employees reasonable accommodation, including job-protected leave during which health insurance will be maintained as if the employee were working full-time and after which the employee will be reinstated to

the same or equivalent position.

B. VESSA Leave: If an employee, or a household or family member of the employee, is a victim of domestic or sexual violence as defined by VESSA, the employee may take leave in accordance with VESSA for the purposes below.

1. Permissible purposes for leave:

a. seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member;

b. obtaining services from a victim services organization for the employee or the employee's family or household member;

c. obtaining psychological or other counseling for the employee or the employee's family or household member;

d. participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic or sexual violence or ensure economic security; or

e. seeking legal assistance or remedies to ensure the victim's health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.

2. Period and Schedule. An employee shall be entitled to a total of twelve (12) weeks of unpaid leave during any 12-month period. The leave may be taken all at once, intermittently, or on a reduced work schedule.

3. Notice. The employee must give at least 48 hours advance notice of his or her intention to take VESSA leave unless such notice is not practical. If the employee takes an unscheduled absence, the Village will require certification pursuant to the following section.

4. Certification. The Village may, in its sole discretion, require the employee seeking VESSA leave to provide certification that the employee or family or household member is a victim of domestic or sexual violence as defined by VESSA, and that the leave sought is for one of the permitted purposes. The employee must provide certification as soon as practicable after the Village requests certification. To the extent permitted by law, any certification provided to the Village will be confidential. Examples of valid certification are:

i. documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee or the employee's family or household member has sought assistance in addressing domestic or sexual violence and the effects of the violence;

ii. a Police or court record; or

iii. other corroborating evidence.

C. Maintenance of Benefits:

1. Returning to work. An employee returning to work after taking VESSA leave shall be entitled to his or her current position or an equivalent position, with no loss of benefits accrued prior to the date of leave. However, employees are not entitled to accrue seniority, benefits, rights, or positions for the period of leave, even if such leave is intermittent or on a reduced work schedule. Further, the Village shall be entitled to require the employee to report periodically on the employee's status and intention to return to regular employment.

2. Health benefits. Health insurance for the employee and any family or household members will be maintained in full during any VESSA leave. The Village may recover premiums paid during leave if the employee fails to return to work after the allotted leave expires in certain circumstances.

D. Other Leave: This policy does not create a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under, or is in addition to the unpaid leave time permitted by the Family and Medical Leave Act. Employees may substitute paid benefit time off for the unpaid leave allowed under VESSA.

E. Employment Sustainability: The Village will not discharge, retaliate or discriminate against an employee based on the employee's having been a victim of domestic or sexual abuse, the employee's request for or taking of VESSA leave, or the employee's request for a reasonable job-related accommodation based on actual or threatened domestic or sexual violence. The Village will endeavor to provide qualified employees subject to VESSA a reasonable accommodation so as to allow employee to continue working for the Village so long as it does not pose an undue hardship for the Village.

1-9-8 **ILLINOIS PREGNANCY ACCOMMODATION ACT AND NURSING MOTHERS POLICY:** The Village supports employees who are pregnant, have recently given birth, or who have a medical or common condition related to their pregnancy or childbirth. The Village will not discriminate against any qualified employee or job applicant with respect to any term or condition of employment based on their pregnancy or medical condition related to pregnancy or childbirth. If an individual is qualified to perform all of the essential and fundamental functions associated with a job, the Village will make reasonable accommodations as necessary for employees or applicants, provided that such accommodations do not pose a threat to safety or cause an undue hardship to the Village. In addition, the Village will not force pregnant employees to accept unrequested accommodations; will not force a pregnant employee to take leave if reasonable accommodations can be provided for; and will reinstate the employee to an original or equivalent position, pay, seniority, and benefits upon her return from work.

A. Requesting a Reasonable Accommodation: Employees may request reasonable accommodations when she knows that there is a work place barrier that may prevent her, due to pregnancy or a medical condition related to pregnancy or childbirth, from effectively competing for a position, performing a job, or gaining equal access to a benefit of employment. A request for reasonable accommodation is the first step in an informal, interactive process

between the employee and the Village. All requests for a reasonable accommodation shall be made to the Village Manager. If the employee wishes to discuss the accommodation with a female supervisor, she can also contact a member of the Village Board of trustees. In some instances, before addressing the merits of the accommodation request, the Village will need to determine if the individual's medical condition meets the definition of disability under the Illinois Pregnancy Accommodation Act.

If it is determined that a disability does not exist, the Village Manager will so notify the complaining party in writing as soon as practical after their meeting. If it is determined that a disability does exist, the Village Manager will determine whether a reasonable accommodation can be made and, if so, what that reasonable accommodation is. A reasonable accommodation is a reasonable modification or adjustment to the job application process or work environment or job functions that enable an applicant or employee to be considered for the position or to perform the essential functions of the job. Some examples include:

- (1) More frequent or longer bathroom breaks;
- (2) Breaks for increased water intake;
- (3) Breaks for periodic rests;
- (4) Private non-bathroom space for expressing breast milk and breast feeding;
- (5) Seating;
- (6) Assistance with manual labor;
- (7) Light duty;
- (8) Temporary transfer to a less strenuous or hazardous position;
- (9) The provision of an accessible worksite;
- (10) Acquisition or modification of equipment;
- (11) Job restructuring;
- (12) A part-time or modified work schedule;
- (13) Appropriate adjustment or modifications of examination, training materials, or policies;
- (14) Reassignment to a vacant position;
- (15) Time off to recover from pregnancy; and
- (16) Leave necessitated by pregnancy.

The Village is not required to create a position specifically for the pregnant employee that the Village would not otherwise have created. The Village is also not required to bump another employee from their position to accommodate the pregnant employee nor is the Village required to promote any employee who is not qualified to perform the job.

- B. Reporting of the Incident: Any applicant or employee who believes that he or she has been discriminated against based on the condition of pregnancy or medical condition related to pregnancy or childbirth or as a nursing mother, should take the following steps:

Make a report of any suspected violation of this Policy to the Village Manager. The report may be made initially either verbally or in writing, but reports made verbally must be reduced to writing before an investigation can be initiated and a resolution achieved. If the employee believes the Village Manager is the individual accused of the discrimination, the employee can make their report to another supervisor or a member of the Village Board of trustees.

- C. Investigation of the Complaint: When a complaint has been reduced to writing, the Village Manager, or the person receiving the complaint, as the case may be, will, as soon as practical, meet with the complaining party to determine the nature of the complaint.

If it is determined that an incident of discrimination did occur, the Village Manager, or the person receiving the complaint, will so notify the complaining party in writing as soon as practical after their meeting of how the situation will be rectified.

- D. Keeping of Records and the Confidentiality of Such Records: Applicants or employees who submit a written complaint of a violation of the Act are encouraged to keep written notes in order to accurately record the chain of events. Every effort shall be made to keep all matters related to the investigation and various reports confidential. In the event of a lawsuit, however, the Village advises that those records maintained by the Village and any records maintained by the complainant may not be considered privileged from disclosure. The Village will maintain written records for two years after the date of the resolution, unless new circumstances dictate that the records should be kept for a longer period of time.
- E. Time Frame for Reporting Complaints: The Village encourages prompt reporting of complaints so that rapid response and appropriate action may be taken, therefore employees should make a report of a violation within six (6) months from the time of the incident. However, delayed reporting of complaints will not, in and of itself, preclude the Village from taking remedial action.

1-9-9 **FAMILY AND MEDICAL LEAVE ACT:**

- A. Provisions: In accordance with the Family and Medical Leave Act (FMLA), and subject to the conditions stated below, the Village will grant to eligible employees up to twelve (12) weeks of job-protected unpaid family and medical leave, per twelve (12) month period, for any one or more of the following reasons:

1. The birth of an employee's child, to care for such child or the placement of a child with the employee for adoption or foster care. (Leave for this reason must be taken within the twelve month period following the child's birth or placement with the employee. If both spouses work for the Village, they are permitted to take only a combined total of twelve (12) weeks leave during any twelve (12) month period.)
2. To care for the employee's immediate family member, if the immediate family member has a serious health condition; or
3. The employee's own serious health condition that makes the employee unable to perform the essential functions of his or her position.

- B. Definitions:

"Twelve month period" means a rolling twelve (12) month period measured backward from the date leave is taken and continuous with each additional leave day taken.

"Spouse" means married domestic partner.

“Child” means a child under 18 years of age, or 18 years of age and older, who is incapable of self-care because of a mental or physical disability as determined by the Social Security Act and Americans with Disabilities Act (ADA) regulations. An employee’s child is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, foster, or stepchild.

“Parent” means the biological parent or an individual who stands or stood in loco parentis (in the place of a parent) to the employee when the employee was a child. It excludes “parents-in-law.”

“Immediate Family” means the employee’s spouse, child, or parent.

“Serious Health Condition” means an illness, injury, impairment or physical or mental condition that involves:

1. Inpatient care; or
2. Any period of incapacity requiring absence from work for more than three calendar days, that also involves continuing treatment by (or being under the supervision of) a health care provider; or
3. Continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition that is incurable or which, if left untreated, would likely result in a period of incapacity of more than three calendar days; or
4. Prenatal care from a health care provider.

“Incapable of self-care” means that the individual requires active assistance or supervision to provide daily self-care in several of the activities of daily living, such as caring appropriately for one's grooming or hygiene, bathing, dressing, eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones, and the like.

“Health Care Provider” means a doctor of medicine or osteopathy, or any other person determined by the Federal Government to be capable of providing health care services including podiatrists, dentists, clinical psychologists, optometrists, chiropractors, nurse-practitioners, nurse-midwives authorized to practice by state law, and Christian Science practitioners.

“Medical necessity” means there must be a medical need for the leave, as distinguished from voluntary treatments or procedures.

C. Eligible Employee:

1. To be eligible for FMLA, an employee must:
 - a. Have worked for the Village at least 12 months (meaning the employee was maintained on the payroll); and
 - b. Have worked at least 1250 hours during the year preceding the start of the leave. Hours worked are determined by applying the principles of the Fair Labor Standards Act (FLSA).

2. Exempt employees who have worked for the Village at least 12 months are presumed to have met the minimum service required for eligibility.

D. Request for Leave:

1. No Need to Assert FMLA Rights: Employees need not expressly assert their rights under the FMLA, or even mention the FMLA when applying for leave. It is enough to state that leave is needed for one or more of the covered reasons, listed under the heading "Family and Medical Leave Provisions" above.

2. Leave for Medical Condition: The Village may have to inquire further to determine whether the leave requested is for a serious health condition which must be supported by a Medical Certification from the health care provider.

3. Planning Treatment: Upon getting notice for a leave, the Village may, for business reasons, require the employee to try to reschedule the treatment, so long as the treating health care provider approves the modification of the treatment schedule.

E. Notice Requirement:

1. Foreseeable Leave

a. Unpaid leave: An employee must give 30 days' notice if the leave is foreseeable and unpaid. The request for leave must be accompanied by the "Employee Leave Request Form" furnished by the personnel department or his/her designee. If the employee fails to give 30 days' notice without having a reasonable excuse for the delay, the leave will be denied until 30 days after the employee provides the notice.

b. Paid leave: The notice period for a foreseeable paid leave is the same that the employee is required to give to use vacation, sick leave or whatever applicable paid benefit time the employee requests, and is determined either by the Village Personnel Policies and Procedures, or a departmental or Village-wide procedure. The substitution of paid leave for the otherwise unpaid leave provided by the FMLA is described below.

2. Unforeseeable Leave

a. Unpaid leave: In unexpected or unforeseeable situations, an employee should provide as much notice as is practicable under the circumstances. It is expected that the employee would give notice within one or two business days of learning of the need for the leave, except in extraordinary circumstances. The notice shall be followed by the completed "Employee Leave Request Form."

In case of a medical emergency involving either the employee's own or the immediate family member's serious health condition, the Village's otherwise required advance notice is unenforceable when FMLA leave is involved.

b. Paid leave: The provisions described under Section E.1.b above apply.

F. Medical Certification:

1. Time Frame to Submit Form: For leaves (unpaid) taken because of the employee's or a covered family member's serious health condition, the employee must submit a completed "Medical Certification" form available from the personnel department or his/her designee within 15 days after the Village requests completion of the form, or as soon as reasonably possible.
2. Subsequent Medical Opinion/Reports: The Village may require a second or third opinion, at the Village's expense, and periodic reports on the employee's status and intent to return to work. The employee must furnish a fitness for duty report to return from a leave taken because of the employee's own serious health condition.

G. Intermittent or Reduced Leave:

1. Serious Health Condition: If it is medically necessary, leave may be taken intermittently (a few days/hours at a time), or on a reduced leave schedule to care for an immediate family member with a serious health condition, or because of the employee's own serious health condition.
 - a. Medical Necessity: The treatment regimen and other information given on the "Medical Certification" form is enough to certify the medical necessity of intermittent or reduced leave. However, the employee must schedule such leave so as not to disrupt the Village's operations. Upon request, the employee shall provide the Village with the reasons why the intermittent/reduced leave schedule is necessary, and furnish a schedule of the treatment. The Village and the employee will work out a mutually agreeable schedule, subject to the approval of the health care provider.
 - b. Temporary Transfer: The employee may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodates recurring periods of leave, when the leave is planned for scheduled medical treatment.
2. Part-time/Variable Hours Employees: For part-time employees and those working variable hours, the FMLA leave entitlement is calculated on a pro-rata basis whereby the 12 weeks worked immediately prior to the start of the leave are used to calculate the employee's normal work week.
3. Exempt Employees: Exempt employees' salaries will be reduced by the hours taken as intermittent or reduced leave during the work week, without affecting their exempt status.

H. Military Leave:

1. Qualifying Exigency Leave: An eligible employee may take FMLA leave for any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is on (or has been notified of an impending call to) "covered active duty" in the Armed Forces. "Covered active duty" for members of a regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country. If in the reserves (U.S.

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National Guard or Reserves), “covered active duty” means duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation. FMLA leave can be used for the following “qualifying exigencies”:

- 1) Short notice deployment;
- 2) Military events and related activities;
- 3) Child care and school activities;
- 4) Financial and legal arrangements;
- 5) Counseling;
- 6) Rest and recuperation;
- 7) Post-deployment activities; and
- 8) Additional activities agreed to by the Village and employee.

2. Military Caregiver Leave: Eligible employees who are a spouse, son, daughter, parent or next of kin of a covered service member are eligible to take up to 26 work weeks of leave in a single 12-month period to care for the covered service member suffering from a serious illness or injury incurred in the line of duty on active duty.

“Covered Service Member” also includes veterans who are undergoing medical treatment, recuperation, or therapy for a serious injury or illness so long as the veteran was a member of the Armed Forces at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

“Serious injury or illness”, for a current member of the Armed Forces, includes both serious injury or illness that was incurred by the member in the line of duty on active duty but also a pre-existing serious injury or illness that was aggravated by service in the line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member’s office, grade, rank or rating. For a veteran, serious injury or illness means a qualifying injury or illness that was incurred in the line of duty on active duty in the Armed Forces or preexisting condition 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.

I. Substitution of Paid Leave:

1. Required Substitution: Employees are required to substitute accrued paid benefit time for any part of an FMLA leave taken for any reason as follows:

2. Combination of Paid/Unpaid Leave: When an employee has used accrued paid benefit time for a portion of FMLA leave, the employee may request an additional period of unpaid leave for a total combined leave of 12 weeks.

3. Right of Substitution: An employee has the right to substitute all of his/her accrued paid benefit time, so long as the Village Personnel Policies and Procedures permit the use of paid benefit time for the type of FMLA leave requested.

J. Effect on Benefits:

1. Group Insurance: The employee’s group health insurance and life insurance plan, if any,

continues under the same conditions as coverage would have been provided if the employee had continuously been employed during the leave period.

2. Insurance Contributions: Employees' contributions to premiums continue at the same level as if they were actively employed. If there is a change in the employee's share of premium costs, they are notified of the change and expected to pay the premium they would have paid had they not been on leave.

a. Paid leave: Employees who are on paid leave will have their premium payments withheld through payroll deduction.

b. Unpaid leave: Employees who are on unpaid leave will be advised in writing at the beginning of the leave period of the amount, method and due date of their premium payments.

c. Late payment: If an employee's premium payment is more than thirty (30) days late, the Village may terminate the health coverage. However, the coverage will be restored immediately upon the employee's return from leave.

d. Reimbursement: If the Village pays the employee's share of the premium which the employee missed during the leave, the Village may require reimbursement from the employee upon return from leave. The employee will be required to sign a written statement at the beginning of the leave authorizing payroll deductions for delinquent payments.

e. Employee does not return from leave: If the employee fails to return from leave for reasons other than the continuation of the employee's serious health condition, or the serious health condition of a covered family member, or circumstances beyond the employee's control, or the employee returns to work for less than 30 days, the Village may seek reimbursement for the employer's share of the premiums paid on behalf of the employee during the period of the leave.

3. Other Benefits: An employee is not entitled to seniority or benefit accrual during periods of unpaid leave, unless otherwise stated in the Village Personnel Policies and Procedures or law. However, the employee will not lose any benefit accrued prior to the leave.

K. Job Protection:

1. Same or Equivalent Position: If employees return from leave by the end of twelve (12) weeks, or before, they are reinstated to the former position or an equivalent one, with equivalent pay, benefits, status, authority, and other conditions of employment as they held before going on leave.

2. Restoration Rights: The restoration rights of an employee returning from FMLA leave are the same as they would have been had the employee continued to work. Therefore, had the employee's position been eliminated, or the employee been terminated while actively at work, there is no right to be reinstated upon return from leave.

3. Late Return: If the employee fails to return by the end of twelve (12) weeks, reinstatement to the same or similar position occurs only if it is available. Otherwise, the employee's employment may be terminated.

4. Key Employee: An exception to reinstatement may also be made in the case of a "key employee," even if the "key employee" returns timely from leave. A "key employee" is an exempt employee and is among the 10% highest paid of all Village employees. "Key employees" will be notified of their status in writing when they request FMLA leave and informed as to whether there is a possibility that reinstatement will be denied after leave. Restoration may be denied if it causes substantial and grievous economic injury as defined by FMLA regulations.

1-9-10: **FAMILY MILITARY LEAVE:** Employees who have been employed with the Village for at least 12 months and for at least 1,250 hours of service during the previous 12-month period may be eligible for Family Military Leave. Family Military Leave is leave requested by an employee who is the spouse, parent, child or grandparent of a person called to military service lasting longer than 30 days with the State of Illinois or the United States pursuant to the orders of the Governor or the President of the United States.

Eligible employees will be granted up to 30 days of unpaid family military leave during the time federal or State of Illinois deployment orders are in effect subject to the conditions of this Section. The number of days of leave provided to an eligible employee because the employee's spouse or child is called to military service shall be reduced by the number of days of leave provided to the employee contained in this Employment Policies packet regarding the Federal Family and Medical Leave Act because of any qualifying exigency arising out of the fact that the employee's spouse or child is on covered active duty in the Armed Forces as defined above.

Employees wishing to take said leave shall give at least 14 days' notice if the leave will be five (5) consecutive work days or longer. The employee shall consult with the Village to schedule the leave so as to not unduly disrupt the operations of the Village. Employees taking less than 5 days leave should give advanced notice where practicable. The Village may require certification from the proper military authority to verify that the employee is eligible for said leave.

Employees shall not take Family Military Leave until they have first exhausted all accrued vacation, personal and all other paid benefit time except for sick or disability leave.

Job Protection: Employees taking said leave will be restored to their position or to a position with equivalent seniority status, employee benefits, pay and other terms and conditions of employment and shall retain all employee benefits accrued before the date on which the leave commenced. Employees should arrange for the payment of their health insurance benefits during their leave.

1-9-11: **DRUG FREE WORKPLACE ACT:**

A. Statement Of Policy: The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, including cannabis (i.e., marijuana, hashish), is prohibited in the Village's workplace or at any work site where Village work is performed.

B. Drug Free Awareness Program: To assist employees in complying with the Village's policies and

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procedures that have been adopted to comply with the drug free workplace act, the Village has established a drug free awareness program to inform employees about:

1. The dangers of drug abuse in the workplace.
2. The Village's policy of maintaining a drug free workplace.
3. Any available drug counseling, rehabilitation, and employee assistance programs.
4. The penalties that may be imposed upon an employee for violations of the Village's policies and procedures that have been adopted to comply with the drug free workplace act.

- C. Employees To Whom This Policy Applies: This policy applies to every Village employee engaged in the performance of work related to any grant received by the Village.

A copy of this policy will be given to every such employee.

A copy of this policy statement will be posted in the Village Hall and other work sites of the Village.

- D. Penalties For Violation Of This Policy: Any employee who violates this prohibition may be subject to disciplinary action as set forth in section 1-9-14 of this chapter or as provided by state statute, whichever is applicable, up to and including immediate termination of employment or may be referred for counseling or rehabilitation and satisfactory treatment.

- E. What The Employee Is Required To Do: Every employee who is convicted of a violation of a criminal drug statute as the result of conduct occurring in the workplace or at a Village work site must notify the Village no later than five (5) days after the conviction. Failure to so notify the Village may result in disciplinary action, up to and including immediate termination of employment.

Within ten (10) days of receiving notice of a conviction of an employee, the Village will notify the granting agency of the conviction.

- F. Penalties For Conviction Of Criminal Drug Statute: Within thirty (30) days of receiving notice that an employee has been convicted of a violation of a criminal drug statute, the Village will:

1. Take appropriate disciplinary action as set forth in this chapter or as provided by state statute, whichever is applicable, up to and including immediate termination of employment; or
2. Require the employee, at the employee's expense, to satisfactorily participate in a drug abuse assistance or rehabilitation program which has been approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

The Village has the sole right to determine the course of action to be taken.

- G. Employee Assistance Program: In the event drug counseling, treatment, and rehabilitation is required, the Village has established an employee assistance program to assist employees in

selecting a course of action and to refer employees to qualified treatment facilities or agencies. The following is the Village's policy for the employee assistance program:

EMPLOYEE ASSISTANCE PROGRAM:

To comply with the Drug Free Workplace Act, the Village of West Dundee has established an Employee Assistance Program (EAP) to help employees who are affected by a drug abuse problem. Through our EAP, the Village hopes to identify drug abuse problems early and will provide confidential referral for treatment.

- 1. The Village of West Dundee recognizes that drug abuse is an illness. This illness may affect an employee's job performance, health, or personal relationships. Fortunately, this is an illness which can be successfully treated.*
- 2. To assist employees in seeking treatment for drug abuse problems, the Village has created the position of Program Administrator of the Drug Free Workplace Act. The Program Administrator is the Village Manager.*
- 3. Employees who believe they have a drug-abuse problem are encouraged to voluntarily seek confidential assistance by contacting the Program Administrator. The Program Administrator will place the employee in contact with the Village's EAP.*
- 4. Through the EAP, the employee will be provided a referral coordinator. The referral coordinator is part of a trained referral team who can refer the employee to a specific professional counselor or treatment program who can help the employee deal with his or her drug- abuse problem.*
- 5. An employee who voluntarily seeks assistance under the Village's EAP may not be subject to discipline because of his or her drug-abuse problem if, in the opinion of the Program Administrator, 1) the employee can satisfactorily continue to perform his or her job duties, 2) the employee is not a danger to himself or herself or to others, and 3) the integrity of the Village of West Dundee is not adversely affected.*
- 6. If an employee violates the Drug Free Workplace Act, the Village may require the employee to satisfactorily participate in an approved drug abuse assistance or treatment program, at the employee's expense. If the employee refuses to participate in such a program, the employee may be subject to disciplinary action as set forth in the Village Personnel Policies and Procedures or as provided by State statute, whichever is applicable.*
- 7. The decision to contact the EAP and to request diagnosis or to undertake treatment is the sole responsibility of the employee. The employee may also seek help directly from any approved individual or agency. All treatment expenses are the sole responsibility of the employee.*
- 8. The relationship among the employee, the Program Administrator, and the EAP referral coordinator is confidential. When an employee voluntarily contacts the EAP through the Program Administrator, only the Program Administrator will be aware of the*

contact. When an employee is required to contact the EAP or to participate in a drug abuse assistance or rehabilitation program as the result of a violation of the Drug Free Workplace Act, only the Program Administrator and those Village officials responsible for determining compliance with the Drug Free Workplace Act will be aware of the contact. No one in the Village will be aware of any treatment recommendations unless the employee specifically authorizes disclosure to a specific person. When an employee is required to contact the EAP or to participate in a drug abuse assistance or rehabilitation program as the result of a violation of the Drug Free Workplace Act, however, the employee will be required to provide the Village with proof of satisfactory participation in and completion of the program.

H. Acceptance Of This Policy: The Village requires that all employees acknowledge that they:

1. Have received the Village of West Dundee's policy statement of compliance with the drug free workplace act.
2. Will abide by the terms of this policy statement.
3. Will notify the Village of any criminal drug statute conviction for a violation occurring in the workplace or at a Village work site no later than five (5) days after the conviction.
4. Will, if convicted of a criminal drug statute violation as the result of conduct occurring in the workplace or at a Village work site and given the opportunity to do so, satisfactorily participate in a drug abuse assistance or rehabilitation program and provide the Village with proof of satisfactory participation and completion of such a program. (Ord. 05-04, 2-21-2005)

1-9-12 **TRAVEL EXPENSES:**

- A. Interpretation: This section shall be interpreted to be consistent with the Local Government Travel Expense Control Act, 50 ILCS 150/1.
- B. Definitions: As used in this section:
1. "Entertainment" includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless ancillary to the purpose of the program or event.
 2. "Travel" means any expenditure directly incidental to official travel by employees and Officers of the Village or direct payment to private agencies providing transportation or related services.
- C. Official Business Requiring Expenses: Travel, meal, and lodging expenses will only be allowed for official business of the Village which is necessary to the functioning or improvement of the Village. If the business can be done remotely, no expenses will be allowed. All effort shall be taken to avoid expenses. This includes scheduling meetings within the Village as opposed to offsite.
- D. Entertainment Expenses: No entertainment expenses may be reimbursed.
- E. Maximum Reimbursement: The maximum reimbursements allowed for expenses shall be:
1. Mileage: The current rate for mileage set by the Internal Revenue Service.

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2. Meals (Breakfast, Lunch, Dinner): \$35/day.
 3. Lodging: Shall be pre-approved by the Department Head prior to expenditure. In the case of Department Heads, such requests shall be approved by the Village Manager prior to expenditure.
- F. Emergencies: In emergencies, amounts in excess of the above maximum limits may be permitted by the corporate authorities.
- G. Expense Form: All anticipated and incurred expenses shall only be approved if submitted in the proper manner, including the information listed below.
- H. Approval by the Manager: The Village Manager is responsible for approving expenses incurred by employees and Officers which are under the amounts in subsection (e).
- I. Approval by Corporate Authorities: Any expenses incurred or to be incurred over the maximum levels in subsection (e), and any expenses incurred or to be incurred by members of the corporate authorities or the Village Manager, may only be approved if the following information is provided by the employee or board member in writing, signed and dated and approved by the president and Board of Trustees by a roll-call vote at an open meeting:
1. Name and Position (employee, trustee, etc.);
 2. Date(s) for which reimbursement is requested;
 3. Nature of the official business requiring this expense;
 4. Detailed estimate of anticipated expenses OR explanation of expenses incurred; and
 5. Any receipts for expenses already incurred must be attached to the submission; if a longer explanation is required, please provide additional information.
- J. Public records: This policy and all forms submitted relative to this policy are public records.
- K. No Right to Reimbursement: Nothing in this policy shall be construed as a right for any employee or officer to be reimbursed for expenses. No reimbursement may be given without approval by the Village Manager or the corporate authorities. Employees and Officers should, to the extent possible, obtain prior approval of their anticipated expenses before incurring any expenses.

1-9-13: **GENERAL RULES:** All employees are subject to the general rules of the Village. Employees under the jurisdiction of the Fire and Police Commission are also subject to the commission's rules and regulations.

- A. Change Of Name, Address, Marital Or Family Status: Employees should immediately report to the Village Manager and Finance Department any changes in their address, telephone, emergency telephone, marital status, and dependents so the information can be entered into personnel records.
- B. Employee Identification: When necessary, Village employees will be issued proper identification to assist them in gaining necessary access while on routine or emergency Village business.
- C. Appearance And Uniforms: Employees are expected to maintain a neat, clean appearance at all times. Inappropriate clothing will not be worn while on duty. Uniforms or a uniform allowance

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may be furnished to certain Village employees. At time of termination, any returnable uniforms must be returned in acceptable condition. A charge will be made for returnable uniforms which are lost, damaged, or not returned.

- D. Village Vehicles and Equipment: Vehicles and equipment are provided for Village employees in order to properly perform their assigned job responsibilities. Operation and use of Village vehicles and equipment must be related to specific Village service programs and departmental operating policies and procedures. The Village has the right to periodically check the driver's license status of any employee who may drive a vehicle owned by the Village or any other vehicle while on Village business.

No Village vehicles or equipment may be used for personal use.

- E. Village Telephone: Personal local telephone calls must be held to an absolute minimum. No long distance personal telephone calls may be made by any employee from Village telephones.
- F. Gifts and Gratuities: The acceptance of gifts or gratuities for providing municipal services is strictly prohibited. If gifts of food or candy of nominal value are offered during holiday seasons, they may be accepted but shall be made available to all employees to consume. Adherence to the gift ban act is strictly enforced which is outlined in Title 1, Chapter 7, Article A of this Code. Any questions should be directed to the Village Manager.
- G. Political Activities: Employees of the Village serve all Village residents equally and have certain responsibilities to residents. A Village employee also has rights as a citizen and is allowed to participate in political activities.

The political opinions or affiliations of any resident shall in no way affect the amount or quality of services received from or provided by the Village.

An individual's political affiliation, preference, or opinion will not, in any way, influence the hiring or any other term or condition of employment of a Village employee.

The following guidelines will be used in defining political activity within the community;

1. No employee who is a candidate for an elective office of the Village of West Dundee shall engage in any campaign activities while at work or while performing work related duties, or in any other way coerce or influence, or attempt to coerce or influence, others to endorse his or her campaign, to vote for him or her, or to engage in any other political activities on his or her behalf while the employee is at work or performing work related duties.
2. No employee shall use his or her name as a Village employee as an endorsement for a candidate for local political office.
3. No Village employee shall, during working hours or while on duty, take any active part in a political campaign. Political activities are not prohibited, but must be confined to nonworking hours.
4. Employees of the Village shall not, during working hours or while on duty, directly or

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indirectly, demand, solicit, collect, or receive any assessment, subscription, or contribution, whether voluntary or involuntary, intended for any political purpose whatsoever from fellow employees or from the general public.

5. No employee of the Village shall use his or her position as a Village employee to attempt to solicit votes for any candidate for local office or to lend credence to any such solicitation for any candidate for local office.

6. No employee shall use Village facilities, including the telephone, copy machines, or any other Village equipment or supplies for the purpose of preparing or promoting any local political campaign.

7. No Village employee shall contribute money to any local candidate or political party except on a purely voluntary basis.

8. The Village Manager and Department Director s are also subject to the Village's code of ethics contained in chapter 7, article A of this title.

The guidelines set forth govern local elections only and are not intended to include elections of county, state, or federal governments.

H. Confidential Information: Information about the plans or business affairs of the Village, or the personal or business affairs of other employees or Village officials, is confidential. Inquiries from any source about such information should be referred to the Department Director or Village Manager, who will determine the identity of the person requesting the information and the validity of the request.

I. Media Relations: The Village President and members of the Board of Trustees shall be the primary spokespersons of the Village on all official actions of the Village. If they are not readily available, the Village Manager shall be the primary spokesperson on all official matters of the Village.

Village Department Directors may confer with the media and provide information only on those matters affecting their departments. Any information disbursed is done with the understanding that it is in relation to a matter directly related to the operation of their department. Any comments on proposed changes to established policy or procedures must be stated as a recommendation.

J. Outside Employment And Training: All regular full time employees who desire to engage in outside employment with an employer other than the Village of West Dundee must obtain the prior written consent of their Department Director. Department Directors shall request permission to engage in outside employment from the Village Manager. Full time employees must also notify their Department Director of enrollment in any formal training programs not provided or required by the Village. Department Director s shall notify the Village Manager if they are enrolled in formal training programs not provided or required by the Village.

K. No Solicitation/No Distribution: Solicitation of Village employees and residents or members of the general public who are on Village property, or the distribution of literature, pamphlets, or

other materials by individuals not employed by the Village, is prohibited on all Village property.

Soliciting, collecting, or selling, for any purpose, between employees of the Village during the work time of the soliciting employee or during the work time of the employee being solicited, is prohibited. "Work time" means the time during which either the soliciting employee or the employee being solicited should be working. "Work time" does not include lunch periods, break periods, or other periods when employees are not expected to be actively working.

- L. No Smoking Policy: Pursuant to the Smoke Free Illinois Act, 410 ILCS 82/1 et seq., smoking by employees is prohibited in all Village facilities and vehicles.
- M. Employee Safety: The Village firmly believes that all accidents are preventable. The Village will make every effort to provide a safe and healthy working environment, including using approved working equipment and proper protective equipment and providing its employees with sufficient training and instruction.

To help ensure the safety of all Village employees, all employees are expected to abide by basic safety rules, including, but not limited to:

1. Obeying all safety rules and using all safety and protective equipment provided to you.
2. Following all safety instructions when using Village equipment or machinery.
3. Reporting any injury, no matter how minor or insignificant, immediately to your supervisor and following the steps in subsection 1-9-3.P. Workers' Compensation of this chapter.

Failure to abide by these rules, or to follow basic safety procedures, may result in disciplinary action, up to and including immediate termination of employment.

- N. Drug and Alcohol Use Policy: In order to provide a drug free, healthful, and safe secure work environment, the Village will regulate the use of drugs and alcohol in the workplace. In addition, the purpose of this policy is to perform the necessary drug and alcohol testing pursuant to the federally mandated requirements of the omnibus transportation employee testing act of 1991 as delineated under U.S. department of transportation drug and alcohol testing regulations 49 CFR parts 40 and 382. The drug related and alcohol related requirements of this law became effective January 1, 1996. The Village may therefore require: 1) any employee holding a commercial driver's license (CDL), and 2) all other employees for reasonable cause, to submit to a drug and alcohol test to determine the presence of alcohol or marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP) in the system. This screening will be conducted while the employee is on Village paid time at Village expense and will be mandatory. All test results will remain confidential.

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol by employees is prohibited on all municipal premises, in any Village owned or leased motor vehicle, or at any other location where the employee is assigned to perform work.

The Village's procedures detailing drug and alcohol testing are contained in a separate manual

which can be obtained from the Village Manager. (Ord. 05-04, 2-21-2005)

1-9-14: **DISCIPLINE:**

- A. Disciplinary Action: The Village of West Dundee is committed to the practice of progressive discipline. Disciplinary action is intended not only to deter and/or punish unwanted behavior, but to provide the impetus and opportunity for improvement.

In order to best accomplish this objective, four (4) levels of action are hereby established for all employees. It is generally the Village's policy to progress through each of the four (4) outlined levels, however, disciplinary action may be implemented at any of the four (4) steps, dependent upon the nature and the severity of the violations and/or cause.

Any collective bargaining agreement in place takes precedence over this chapter for those employees bound by said agreement. If the issue is not addressed in the bargaining agreement, this chapter shall apply.

To ensure as little misunderstanding as possible in the uniform enforcement of work rules, the following are provided as examples of actions or behaviors which shall be considered to be causes for disciplinary action. Causes for disciplinary action are not, however, limited to the following:

1. Carelessness resulting in injury, property damage, or a dangerous condition.
2. Reckless or careless driving while using a Village vehicle.
3. Insubordination or failure to perform an assigned task.
4. Conduct which reflects unfavorably upon the Village as an employer.
5. Discourtesy or use of abusive language.
6. False statements at the time of employment.
7. Dishonesty.
8. Falsification of organization records or reports.
9. Willingly making a false statement to a supervisor, official, the public, or any Village Board or commission.
10. Violation of a Village ordinance, administrative regulation, or department rule.
11. Refusal to be examined by a Village authorized fully licensed physician when so directed if applicable to position.

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12. Theft or unauthorized removal of property belonging to the Village or another person.
13. Immoral conduct or indecent behavior on Village premises.
14. Refusal to work overtime during a designated emergency, without justifiable cause. (An emergency situation exists during any period in which the health, safety, or welfare of the community is threatened.)
15. Violation of, or disregard for, an established safety practice.
16. Possession or use of alcohol or a controlled substance while on Village premises.
17. Reporting for, or being at work while under the influence of alcohol or a controlled substance.
18. Provoking, instigating, or participating in an activity intended to disrupt the established work routine.
19. Documented unsatisfactory work performance.
20. Unauthorized use or possession of tools, machinery, or equipment.
21. Gambling on the premises during working hours.
22. Loafing, loitering or otherwise wasting time during work hours.
23. Being consistently late and/or absent from work without permission or notification.
24. Misuse of sick leave or other benefits.
25. Violation of the Equal Employment Opportunity, Anti-Harassment or ADA policies.
26. Revealing Village information without the proper authorization.
27. Disruptive attitude or abusive language which is detrimental to the services, programs, and operations of the Village.
28. Asking for or accepting any form of gift or gratuity in connection with providing Village services.
29. Allowing the political affiliation of the employee or of a resident or member of the general public to affect or in any way influence whether a resident or member of the general public receives Village services or allowing the political affiliation of the employee or of a resident or member of the general public to affect or in any way influence the type or quality of Village services available or provided to that resident or member of the general public.
30. Any other misconduct or impropriety of a similar seriousness to those items listed above.

B. Levels Of Discipline:

Step 1: Verbal Warning: An employee shall be given a verbal warning by his/her immediate supervisor and/or a supervisor having a higher level of authority within the same department for any cause for disciplinary action which is deemed minor in nature but which, if violated, may cause problems for the organization and/or one's fellow employees. The immediate supervisor shall be notified promptly of any verbal warning given to one of his/her subordinates by another authorized individual. Dependent upon the number of reoccurrences of these causes, further disciplinary action may be required. For documentation purposes, the supervisor shall prepare a memo for the employee's file noting the date of the verbal warning and general circumstances pertaining to it.

Step 2: Written Warning: A written warning may be given for moderately serious problems or the recurrence of minor problems. The employee will be given an opportunity to review the disciplinary notice and to respond to it. The employee will also be asked to sign the disciplinary 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 of failure to sign a disciplinary notice will constitute a separate violation which may result in disciplinary action, up to and including immediate termination of employment. A copy of the disciplinary notice will be placed in the employee's personnel file.

Once a written warning has been given, a written improvement plan shall be developed by the employee and his/her immediate supervisor and/or Department Director, which is then submitted to the Village Manager. The improvement plan shall be comprised of a list of desired objectives and a timetable for the expected improvement on the part of the employee. A date shall be set for reevaluation of the employee's performance and the implementation of the improvement plan. Unsatisfactory improvement shall result in further disciplinary action, up to and including discharge.

Step 3: Suspension: A Department Director may suspend an employee with or without pay for up to three (3) days. Such action shall be taken upon the occurrence of a major infraction of the established rules and/or commonly accepted behavior or upon the repetition of a minor offense. Written notification and support of this action must be submitted to the Village Manager by the first workday following the incident. Suspensions exceeding three (3) working days in length must first be approved by the Village Manager. An employee will not be entitled to use any accrued benefits, such as vacation leave and/or holiday leave, in lieu of suspension.

Step 4: Termination: An employee may be immediately terminated for violation of work rules, unacceptable behavior, misconduct, poor performance or for any reason or no reason without having received a verbal reprimand, written reprimand or suspension.

1-9-15: **SEPARATION FROM EMPLOYMENT:**

An employee may be separated from employment with the Village of West Dundee by resignation, layoff, loss of acceptable position requirements, discharge or disability. The determination of separation status for all employees shall be made by the Village Manager.

A. Resignation: An employee may resign at any time, without prior notice to the Village. However,

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if possible, the Village would ask that departing employees submit a resignation to their Department Director two (2) weeks prior to the date of the intended departure. The employee shall return any and all properties of the Village and have paid any obligations owed by said employee that could obligate the Village prior to separation.

Unauthorized absence from work for three (3) consecutive days may be considered a voluntary resignation effective on the first day of such absence.

- B. Layoffs: Layoffs may occur for reasons which include, but are not limited to, a lack of work and/or a lack of funding. When it becomes necessary to reduce the work force within a department, the layoff of employees performing similar functions shall be based on the individual employee's level of performance as reflected in the average of his/her evaluations over the past two (2) years of service. In cases where no such differential exists, or the employee has not worked for the Village for a minimum of two (2) years, the length of service with the Village shall be used to determine the layoff.

Employees who are terminated from employment due to a reduction in force are considered to have left the Village's employment and shall be entitled to the same benefits as if they voluntarily resigned.

An employee who is to be laid off shall be notified in writing by the Village Manager at least ten (10) working days prior to the effective date of the layoff, if possible.

Employees who have been laid off will, if rehired, be reinstated with full seniority and restoration of benefits. However, the Village is not required to rehire a former employee who was laid off even if a position is again available.

- C. Loss of Acceptable Position Requirements: An employee who is unable to adequately perform the duties, responsibilities, and essential functions of his/her position due to the loss of a necessary license or other requirement, shall be terminated from employment.
- D. Discharge: The discharge or involuntary separation of an employee from service shall be based upon, but not limited to, such factors as incompetence, insubordination, misconduct, delinquency or the inability to satisfactorily perform the essential duties and responsibilities of the position.

The procedure to be followed in the discharge of an employee is established in section 1-9-14, "Discipline", of this chapter.

- E. Exit Interviews: At the request of the employee, the Department Director, or the Village Manager, an exit interview shall be held upon separation from employment with the Village. The exit interview shall be conducted by the Village Manager or his/her designated representative. (Ord. 05-04, 2-21-2005)
- F. Severance: In the event that Village terminates the employment of the finance director, community development director or public works director without cause, Village shall pay severance equal to one week's pay for each year of service, up to a maximum of eight (8) weeks. In the event the Village opts to terminate this employment with cause, no severance will be

provided. "Cause", for the purposes of this subsection, shall be defined as an indictment alleging commission of a felony, theft of Village of West Dundee property or services, or material violation of any state or Village code of ethics. Anything not defined as "with cause" shall be presumed to be "without cause". (Ord. 2013-05, 3-18-2013)

1-9-16: **COBRA COVERAGE:**

Introduction

You are receiving this notice because you have recently become covered under a group health plan (the Plan). This notice contains important information about your right to COBRA continuation coverage, which is a temporary extension of coverage under the Plan. **This notice generally explains COBRA continuation coverage, when it may become available to you and your family, and what you need to do to protect the right to receive it.**

The right to COBRA continuation coverage was created by a federal law, the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). COBRA continuation coverage can become available to you when you would otherwise lose your group health coverage. It can also become available to other members of your family who are covered under the Plan when they would otherwise lose their group health coverage. For additional information about your rights and obligations under the Plan and under federal law, you should review the Plan's Summary Plan Description or contact the Plan Administrator.

What is COBRA Continuation Coverage?

COBRA continuation coverage is a continuation of Plan coverage when coverage would otherwise end because of a life event known as a "qualifying event." Specific qualifying events are listed later in this notice. After a qualifying event, COBRA continuation coverage must be offered to each person who is a "qualified beneficiary." You, your spouse, and your dependent children could become qualified beneficiaries if coverage under the Plan is lost because of the qualifying event. Under the Plan, qualified beneficiaries who elect COBRA continuation coverage must pay for COBRA continuation coverage.

If you are an employee, you will become a qualified beneficiary if you lose your coverage under the Plan because either one of the following qualifying events happens:

- Your hours of employment are reduced, or
- Your employment ends for any reason other than your gross misconduct.

If you are the spouse of an employee, you will become a qualified beneficiary if you lose your coverage under the Plan because any of the following qualifying events happens:

- Your spouse dies;
- Your spouse's hours of employment are reduced;
- Your spouse's employment ends for any reason other than his or her gross misconduct;
- Your spouse becomes entitled to Medicare benefits (under Part A, Part B, or both); or
- You become divorced or legally separated from your spouse.

Your dependent children will become qualified beneficiaries if they lose coverage under the Plan because any of the following qualifying events happens:

- The parent-employee dies;

- The parent-employee's hours of employment are reduced;
- The parent-employee's employment ends for any reason other than his or her gross misconduct;
- The parent-employee becomes entitled to Medicare benefits (Part A, Part B, or both);
- The parents become divorced or legally separated; or
- The child stops being eligible for coverage under the plan as a "dependent child."

When is COBRA Coverage Available?

The Plan will offer COBRA continuation coverage to qualified beneficiaries only after the Plan Administrator has been notified that a qualifying event has occurred. When the qualifying event is the end of employment or reduction of hours of employment, death of the employee, commencement of a proceeding in bankruptcy with respect to the employer, or the employee's becoming entitled to Medicare benefits (under Part A, Part B, or both), the employer must notify the Plan Administrator of the qualifying event.

You Must Give Notice of Some Qualifying Events

For the other qualifying events (divorce or legal separation of the employee and spouse or a dependent child's losing eligibility for coverage as a dependent child), you must notify the Plan Administrator within 60 days after the qualifying event occurs. You must provide this notice to: Mr. David Danielson, Finance Director for the Village of West Dundee and complete the appropriate form(s) required by the Village's health care provider.

How is COBRA Coverage Provided?

Once the Plan Administrator receives notice that a qualifying event has occurred, COBRA continuation coverage will be offered to each of the qualified beneficiaries. Each qualified beneficiary will have an independent right to elect COBRA continuation coverage. Covered employees may elect COBRA continuation coverage on behalf of their spouses, and parents may elect COBRA continuation coverage on behalf of their children.

COBRA continuation coverage is a temporary continuation of coverage. When the qualifying event is the death of the employee, the employee's becoming entitled to Medicare benefits (under Part A, Part B, or both), your divorce or legal separation, or a dependent child's losing eligibility as a dependent child, COBRA continuation coverage lasts for up to a total of 36 months. When the qualifying event is the end of employment or reduction of the employee's hours of employment, and the employee became entitled to Medicare benefits less than 18 months before the qualifying event, COBRA continuation coverage for qualified beneficiaries other than the employee lasts until 36 months after the date of Medicare entitlement. For example, if a covered employee becomes entitled to Medicare 8 months before the date on which his employment terminates, COBRA continuation coverage for his spouse and children can last up to 36 months after the date of Medicare entitlement, which is equal to 28 months after the date of the qualifying event (36 months minus 8 months). Otherwise, when the qualifying event is the end of employment or reduction of the employee's hours of employment, COBRA continuation coverage generally lasts for only up to a total of 18 months. There are two ways in which this 18-month period of COBRA continuation coverage can be extended.

Disability extension of 18-month period of continuation coverage

If you or anyone in your family covered under the Plan is determined by the Social Security Administration to be disabled and you notify the Plan Administrator in a timely fashion, you and your entire family may be entitled to receive up to an additional 11 months of COBRA continuation coverage, for a total maximum of 29 months. The disability would have to have started at some time before the

60th day of COBRA continuation coverage and must last at least until the end of the 18-month period of continuation coverage. Proof of disability must be provided to Mr. David Danielson (Plan Administrator) at least 30 days prior to the ending of the initial 18-month period of continuation coverage.

Second qualifying event extension of 18-month period of continuation coverage

If your family experiences another qualifying event while receiving 18 months of COBRA continuation coverage, the spouse and dependent children in your family can get up to 18 additional months of COBRA continuation coverage, for a maximum of 36 months, if notice of the second qualifying event is properly given to the Plan. This extension may be available to the spouse and any dependent children receiving continuation coverage if the employee or former employee dies, becomes entitled to Medicare benefits (under Part A, Part B, or both), or gets divorced or legally separated, or if the dependent child stops being eligible under the Plan as a dependent child, but only if the event would have caused the spouse or dependent child to lose coverage under the Plan had the first qualifying event not occurred.

If You Have Questions

Questions concerning your Plan or your COBRA continuation coverage rights should be addressed to the contact or contacts identified below. For more information about your rights under ERISA, including COBRA, the Health Insurance Portability and Accountability Act (HIPAA), and other laws affecting group health plans, contact the nearest Regional or District Office of the U.S. Department of Labor’s Employee Benefits Security Administration (EBSA) in your area or visit the EBSA website at www.dol.gov/ebsa. (Addresses and phone numbers of Regional and District EBSA Offices are available through EBSA’s website.)

Keep Your Plan Informed of Address Changes

In order to protect your family’s rights, you should keep the Plan Administrator informed of any changes in the addresses of family members. You should also keep a copy, for your records, of any notices you send to the Plan Administrator.

Plan Contact Information

For information on the Village’s group health plan, please refer to or contact the following :

Blue Cross/Blue Shield of Illinois
PP #P71488
HMO#B54369
1-800-851-7498

Contact for the Village of West Dundee:

Finance Director
c/o The Village of West Dundee
102 S. 2nd Street
West Dundee, IL 60118
(847) 551-3800
(Ord. 05-04, 2-21-2005)