

ORDINANCE NO. F-1556

**AN ORDINANCE ADOPTING CITY OF WHEATON
PERSONNEL RULES AND REGULATIONS, AS REVISED**

WHEREAS, the City of Wheaton, Illinois, is a home rule municipality pursuant to the provisions of Article VII, Section 6 of the Illinois Constitution, 1970; and, as such, the City may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the City of Wheaton has determined that the employment, performance and conduct of its employees is related to its government and affairs; and

WHEREAS, Chapter 2, Article VI, Section 2-481, Personnel Manual Adopted, of the Wheaton City Code, reads as follows: "The Personnel Manual, dated May 17, 2010, a copy of which is on file in the office of the City Clerk, City Hall, and incorporated in this article by reference of adoption, shall be the personnel rules and regulations of the City"; and

WHEREAS, the City of Wheaton has determined that it is necessary to revise the rules and regulations which govern the employment, performance and conduct of its employees.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule power as follows:

SECTION 1: That the Personnel Manual dated May 17, 2010 is superseded in its entirety by the Personnel Manual dated May 1, 2011, a copy of which is on file in the office of the City Clerk, City Hall, Wheaton, Illinois, and incorporated in this ordinance by this reference of adoption as though fully set forth herein; the Personnel Manual dated May 1, 2011 shall be the personnel rules and regulations of the City of Wheaton, Illinois.

SECTION 2: That Chapter 2, Article VI, Section 2-481 of the Wheaton City Code is amended by changing the reference date of the Personnel Manual to May 1, 2011.

SECTION 3: That all ordinances or parts of ordinances in conflict with these provisions are repealed.

SECTION 4: That this ordinance shall become effective May 1, 2011, after its passage, approval and publication in the form and manner prescribed by law.

ATTEST:

Sharon Bennett Hogan
City Clerk

Mayor



Ayes:

Roll Call Vote:
Councilman Prendiville
Mayor Gresk
Councilman Rutledge
Councilman Scalzo
Councilwoman Corry
Councilman Mouhelis

Nays:

None

Absent:

Councilman Suess

Motion Carried Unanimously

Passed: April 18, 2011
Published: April 19, 2011

- b. Employees must provide at least seven (7) days' advance notice prior to such leave, unless due to emergency circumstances beyond the control of the employee.
- c. Leave should be taken in no less than four (4) hour increments.

7. Organ Donor Leave

Full-time employees are eligible to receive paid leave for the following:

- a. Up to thirty (30) days in any twelve (12) month period for bone marrow or organ donations.
- b. One hour every fifty-six (56) days to donate blood.
- c. Two hours not more than twenty-four (24) times in a twelve (12) month period to donate platelets.

The time must be approved by your Department Head and cannot create an undue hardship on the City. The time should be scheduled after work hours, where possible.

8. Fringe Benefits

Employees who are granted leaves of absences with pay, regardless of the duration of the leave, are eligible for all fringe benefits associated with the position.

H. Workers' Compensation Insurance:

1. Eligibility

The City provides Workers' Compensation insurance for employees in the event of a work-related injury or illness. Employees will be paid for lost wages due to a Workers' Compensation injury as required under Illinois law. Further details may be obtained from the "Notice to Employees from the State of Illinois" which is posted in City facilities or from the Human Resources Department.

2. Benefits for Employees on Work-Related Disability

- a. Employees while on a work-related disability as defined by law (and no longer on the City payroll), continue to accrue service time and seniority, but not sick and vacation time. They are not eligible for funeral leave pay or vacation pay, and may not participate in the Sick Leave Buy Back Program.

M. Retiree Medical Benefits:

1. Eligible employees may continue health, dental and life insurance upon retirement by paying the full cost as required by state law.
2. Employees who retire from active service and are immediately eligible for an IMRF pension may continue health insurance, dental and life insurance by paying the full cost, per state law (40 ILCS 5/7-101). The employee is not required to actually begin the IMRF pension, but must be eligible to immediately receive the pension on the date of termination.
3. Employees who become disabled and are eligible to receive an IMRF disability benefit may continue health insurance, dental and life insurance by paying the full cost, per state law (40 ILCS 5/7-101).
4. If an employee dies, and the surviving spouse is entitled to receive an IMRF surviving spouse's monthly pension, continuation health insurance coverage will be provided to the spouse and covered dependents at the full cost as required by state law. Eligibility for the surviving spouse ends upon death or remarriage. Continuation for covered dependents ends on the date it would have otherwise ended (such as attainment of limiting age).

F. Use of City Vehicles, Equipment, Supplies or Tools:

1. In order for any employee to operate a City vehicle, he/she must possess a valid driver's license. In the event an employee's driver's license is suspended, for an employee who is required to drive a City vehicle, the employee must immediately notify his/her supervisor. Failure to do so shall be cause for disciplinary action.
2. All City vehicles (unless specifically excluded by the City Manager), equipment, supplies and tools shall not be used for an employee's personal use, or for any other unauthorized purpose.
3. Employees are responsible for the care of City vehicles, equipment, supplies, or tools.
4. Employees who utilize a City vehicle are required to maintain a log of vehicle use, in accordance with log forms supplied by the Public Works Department.
5. City owned vehicles may be taken home only in cases where authorized by the City Manager.
 - a. Such use must be authorized by the Department Head and reported to the City Manager for final approval.
 - b. Relatives of employees are not authorized to operate a City vehicle.
 - c. In using a City vehicle, employees must keep in mind that they are representatives of City government and that their conduct in adhering to the rules of safety and courtesy on the road is a reflection on the entire organization.
 - d. In accordance with State Law, smoking in City vehicles is not allowed.

G. Use of City Telephone and Telephone Lines:

1. Employees are prohibited from using telephones while driving vehicles or operating machinery. Employees are expected to allow all calls to go to voice mail while subject to this policy.
 - a. This prohibition includes all uses. Examples include, but are not limited to:
 - (1) answering or placing calls
 - (2) text messaging
 - (3) surfing the Internet
 - (4) receiving or responding to email
 - (5) checking for phone messages.
 - b. This prohibition applies to:
 - (1) the use of City and personal telephones while operating City owned vehicles or machinery

- (2) the use of City and personal telephones while on City time or conducting City business, even when operating personal vehicles or machinery
 - (3) the use of City telephones while operating personal vehicles or machinery, even when not on City time and not conducting City business.
- c. The use of hands free devices, such as headsets and speaker-phones, do not exempt employees from this policy.
- d. Navigation devices are exempted from this policy if:
 - (1) the destination is programmed by a passenger or while the vehicle is safely parked
 - (2) navigation instructions are audible
 - (3) the driver does not directly view or touch the navigation device at any time other than when the vehicle is safely parked.

2. Employees may be permitted to use City telephones for personal reasons within limitations determined by the employee's Department Head. In any event, personal telephone calls:

- a. made during working hours must be brief and infrequent
- b. may not be made for personal business or non-job related solicitations
- c. must not adversely affect the performance of an employee's official duties or the functions of an employee's department
- d. must not burden the City with measurable incremental costs.

H. Use of City Computers and Computer Security:

1. This policy applies to:
 - a. All devices capable of displaying, storing, sending, or receiving data. These devices include, but are not limited to: desktop computers, notebook/laptop computers, removable drives. (e.g. USB "thumb" drives), Netbooks, Tablets, smart-phones, personal digital assistants, printers, scanners, routers, switches, wireless access points, and other computer peripherals. Hereafter all of these devices are referred to as Devices.
 - c. All City employees, contractors, elected officials, and members of the public who are granted access to use City Devices, software, networks, or data. Hereafter all of these people are referred to as Users.

2. Violations of this policy will be taken seriously and may result in disciplinary action, including possible termination, and civil and criminal liability.
3. Users who discover a violation of this policy shall notify their immediate supervisor who will notify the City's Director of Human Resources immediately.
4. Users are issued individual usernames and are required to establish and maintain strong passwords. Usernames and passwords are to be kept confidential and must not be disclosed to other persons inside or outside of the City.
 - a. A strong password is long and has letters, numbers, and symbols. Use at least 9 characters. The greater the variety of characters, the better. Here is a suggestion for creating a strong password that is easy to remember:
 - i. Start with a sentence or two (about 9 words total). Think of something meaningful. Turn the sentence(s) into a row of letters by using the first letter of each word.
 - ii. Use upper and lower case letters; e.g., make only the letters in the first half of the alphabet uppercase.
 - iii. Use numbers; e.g., substitute numbers for vowels such as 1 for I or 0 for O.
 - iv. Use symbols; e.g. insert a punctuation mark at the beginning or end.
5. City Devices and data are protected by user access rights and restrictions, category and protocol filters, and malware scanners. Users must not attempt to bypass or disable these protections.
6. All purchases of City Devices, software, and networks must be approved in advance by the Director of Information Technology.
7. No software may be installed, or executed, on a Device without the prior approval of the Director of Information Technology. All software and service usage shall comply with the publisher's license and acceptable use agreements.
8. No personal Device may be connected to a City Device or network without the prior approval of the Director of Information Technology. This prohibition does not apply to personal Devices connecting to City services available on the public Internet.
9. No social security numbers or birth dates may be stored on any Device without the prior approval of the Director of Human Resources. Files or applications containing social security numbers or birthdates must require a password before opening and should be encrypted.
10. No credit card numbers may be stored on any Device at any time.

11. Except where otherwise stated in this policy, Users may not encrypt or password protect stored data unless authorized to do so by their Department Head or the Director of Information Technology. All information required to decrypt or unprotect the data must be made available to the Department Head or the Director of Information Technology.
12. Users may not engage in activities that disrupt the use of, or interfere with the ability of others to effectively use, the City's Internet connection or any connected Device, network, or software. These acts include, but are not limited to, sending mass mailings or chain letters, streaming audio or video, playing games, engaging in social networking, printing unnecessary copies of documents, etc.
 - a. Because audio, video, and picture files require significant storage space, files of this sort may not be downloaded to, or stored on, City Devices unless they are business related.
13. No User has an expectation of privacy in sending, receiving, viewing, or storing data on a City Device or network.
 - a. The City has the right, but not the duty, to monitor any and all uses of its Devices, networks, software, and data, including, but not limited to, monitoring email messages, sites visited on the Internet, the content of social networking sites, and reviewing data stored, sent, or received.
 - b. The City, by the City Manager or his designee, reserves and may exercise its right to review, audit, intercept, access, and disclose all data stored on, received on, or sent from any City Device or network. Any data properly obtained for legitimate business purposes may be disclosed without the permission of the User.
 - c. Users should be aware that City related e-mail sent through personal accounts, even if done on personal Devices and networks, are still subject to the Local Records Act, Freedom of Information Act, and rules of evidence. Users are strongly urged to conduct all City business using their City e-mail account. Users who send City related e-mails through their personal accounts must send copies to their City e-mail addresses so that they can be accessed if needed.
 - d. Users should be aware that personal e-mail sent through City accounts may be disclosed in response to Freedom of Information Act requests and court orders. Due to the volume of e-mail sent and received, it is not always possible to filter out personal e-mail. Therefore, Users are strongly encouraged to send and receive all personal e-mail using their personal e-mail accounts.
14. Users are expected to take all reasonable precautions to protect City Devices, data, and software from loss, theft, or damage.

- a. All Devices and software provided by the City are City property. They are not the private property of any employee. Users may be required to return data, Devices, and software at any time. Users are required to return all data, Devices, and software upon resignation or termination.
 - b. No Devices or software installation media may be left unattended where they can be accessed by anyone other than a User or a member of a User's immediate family.
 - c. Users are required to logout of, or otherwise password lock, any Device they are planning to leave unattended in any location for any period of time.
 - d. No data or software license keys may be left unattended where they can be accessed by anyone other than a User who has been granted access rights to that data or license key.
15. Users accessing the Internet do so at their own risk.
 - a. The City uses software to identify and block inappropriate Internet sites. The City is not responsible for material viewed or downloaded by Users from the Internet. The Internet is a worldwide network of computers that contain millions of pages of information. Users are cautioned that many of these pages include inappropriate material, including material that is offensive and/or sexually explicit. In general, it is difficult to avoid at least some contact with this material while using the Internet. Even innocuous search requests may lead to sites with highly offensive content.
 - b. Users who encounter inappropriate material while browsing the Internet must immediately disconnect from the site.
 - c. Users who receive inappropriate material from a known source must immediately inform that source about the City of Wheaton's policies. This is the User's responsibility, and failure to warn the source may subject the User to disciplinary action.
16. Users may not use their City usernames, City e-mail addresses, City Devices or networks:
 - a. In violation of applicable law and regulation, including, but not limited to: advertising, transmitting, or otherwise making available ponzi/pyramid schemes; fraudulently charging credit cards; pirating software; or making fraudulent offers to sell or buy products, items, or services.
 - b. To create, view, store, receive or sent fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, offensive, derogatory, defamatory, or other inappropriate, unlawful, or disruptive material. This

includes, but is not limited to, messages which contain sexual implications, racial slurs, gender specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, or disability. This prohibition also applies to personal Devices when used on City property or while conducting City business.

- c. To access without authorization, or attempt to penetrate the security measures of, data, Devices, software, or networks belonging to the City or any other party. This includes any activity that may be used as a precursor to an attempted system penetration, including, but not limited to, port scans, stealth scans, or other information gathering activity.
- d. To distribute viruses, worms, or Trojan Horses, or to launch pinging, flooding, mail-bombing, or other denial of service attacks.
- e. To represent, give opinions, or make statements or commitments on behalf of the City of Wheaton, unless specifically authorized to do so by the City Manager or his designee.

17. Users may be permitted to use City Devices, networks, and software for personal reasons within limitations determined by the employee's Department Head. In any event, personal use:

- a. during working hours must be brief and infrequent.
- b. may not be for personal business or non-job related solicitations.
- c. must not adversely affect the performance of an employee's official duties or the functions of any employee's department.
- d. Must not burden the City with measurable incremental costs.
- e. may be forbidden if any part of this policy is violated.

I. Personal Mail:

- 1. Employees shall not use the addresses of City Hall or any other City Office for receipt of personal mail, except where expressly allowed by their department head.
- 2. Employees shall not use the City mail system to mail items not associated with their official duties.

J. Gifts and Rewards:

- b. The employee's immediate supervisor must evaluate the employee in accordance with the following guidelines:
 - 1) The essential functions of the position and the employee's ability to accomplish these functions must be considered foremost in the mind of the evaluator.
 - 2) Each employee is to be evaluated against the standard requirements of their particular job.
 - 3) Since attitudes and job performance can change, a previous evaluation does not necessarily have to agree with the one under consideration.
 - 4) Evaluations are to be based on personally observed results, and should be neither too lenient nor too stern since fairness requires an objective analysis rather than emotional feeling. Supervisors should never evaluate an employee as competent in a given factor because the discussion of the factor would be distasteful or because the evaluator feels that any discussion would be futile. Problems must be noted and discussed so that they may be analyzed, understood, and solved.
- c. Once the formal evaluation form has been completed, and prior to meeting with the evaluated employee, it shall then be submitted to the Department Head for his/her review. The Department Head may suggest changes to the evaluation. Then, the supervisor shall consult with the employee in private where the employee is encouraged to freely discuss the matters outlined in the evaluation form. Performance evaluations should be conducted within two weeks of the review due date.
- d. Once the evaluation form has been discussed with the employee, the employee shall acknowledge the fact that the report has been discussed with them by signing it in the space provided.
- e. After the employee signs the evaluation form, it shall then be submitted to the Director of Human Resources.
 - 1) All such forms are to be kept strictly confidential, in accordance with state law, distributing them as follows:
 - a) The original copy is to be forwarded to the Director of Human Resources to be inserted in the City's official personnel file.

5. Eligible retired employees may continue to participate, at their own expense, in the City's health, dental and life insurance programs as required by state law (40 ILCS 5/7-101). This option is limited as follows:
 - a. It may be exercised only once, with the employee forfeiting any renewed participation upon cancellation.
 - b. Participation may be in either the health/dental and/or life insurance programs, or both.
 - 1) Retired employees will be responsible for 100% of the insurance program costs.
 - 2) Retired employees aged 70 and over will no longer be eligible for City sponsored life insurance benefits.
 - c. Employees who retire from active service and are immediately eligible for an IMRF pension are not required to actually begin the IMRF pension, but must be eligible to immediately receive the pension on the date of termination law (40 ILCS 5/7-101).

B. Resignation:

1. Unless due to emergency circumstances beyond their control, employees absent without leave for more than three (3) consecutive work days shall be deemed to have resigned. Absent without leave is defined as the failure to notify your immediate Supervisor of an absence.
2. An employee wishing to leave the City service in good standing shall complete for the Department Head an Employee Resignation Notice, available in their department or on the Human Resources web page, stating the reason for leaving and giving at least ten (10) working days notice. An employee's last day worked will be the date of resignation. For Firefighters, Fire Lieutenants, and Fire Captains, a written resignation stating the reason for leaving should be submitted with at least five (5) duty-day's notice.
 - a. The Department Head may consent to the employee leaving sooner.
 - b. A copy of the letter of resignation must be forwarded to the Director of Human Resources for placement in the personnel file.
3. Full-time employees who terminate their service with the City, other than by retirement, are eligible for the following cash payments, provided such termination is entirely voluntary and not under the threat of dismissal, and further