

ORDINANCE NO. F-1783

**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 March 19, 2012, 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.

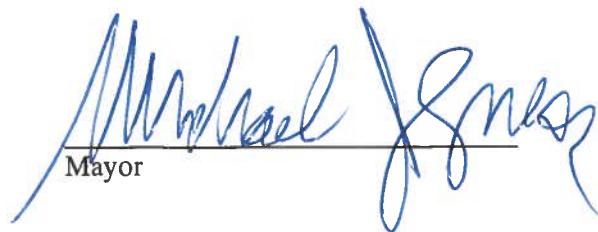
NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule power as follows:

**SECTION 1:** That the Personnel Manual dated March 19, 2012 is superseded in its entirety by the Personnel Manual dated May 5, 2014, a copy of which is on file in the office of the City Clerk, City Hall, Wheaton, Illinois, and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 5, 2014 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 5, 2014.

**SECTION 3:** That all ordinances or parts of ordinances in conflict with these provisions are repealed.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 5, 2014, after its passage, approval and publication in the form and manner prescribed by law.

  
Michael J. Jones  
Mayor

ATTEST:

  
Alan Bennett Hagan  
City Clerk

	<u>Roll Call Vote:</u>
Ayes	Councilman Prendiville Councilman Rutledge Councilman Saline Mayor Gresk Councilman Scalzo Councilman Suess
Nays:	None
Absent:	Councilwoman Pacino Sanguinetti

Motion Carried Unanimously

Passed: May 5, 2014

Published: May 6, 2014

# CHAPTER 1

## NON-DISCRIMINATION POLICIES

### **A. Equal Employment Opportunity:**

The City of Wheaton is strongly committed to equal employment opportunities for all employees and applicants. Therefore, the City makes all employment decisions without regard to age, race, sex, color, religion, national origin, disability status, veteran status, genetic information, or any other protected status. This policy applies to all terms and conditions of employment including, but not limited to, hiring, termination, placement, promotion, discipline, compensation and other benefits.

The City's commitment to equal employment opportunity includes maintaining a working environment that is free from any form of discrimination, including harassment. To this end, all employees have a duty to comply with the guidelines and procedures set out in the City's Policy on Harassment and Other Offensive/Inappropriate Behavior.

The City's commitment to equal employment opportunities for all employees depends on the sincere efforts of each individual. Therefore, compliance with the letter and spirit of this policy is required of all employees. Any questions regarding the City's Equal Employment Opportunity Policy or the corresponding Policy on Harassment should be brought to the attention of the Director of Human Resources.

### **B. Policy on Harassment and Other Inappropriate Behavior:**

#### **1. Prohibited Conduct**

The City strictly prohibits harassment and other inappropriate conduct by its employees, visitors, customers, vendors and contractors, whether on City premises, at job sites or in connection with the City's business (including by telephonic, electronic or paper-based communication).

Harassment is unwelcome conduct (verbal, visual or physical) that is based upon a person's gender, color, race, ancestry, religion, national origin, age, disability, or other characteristic protected by law. The City will not tolerate harassing conduct that affects an individual's job benefits, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive working environment for any person. All employees have a personal responsibility to keep the workplace free of any such of harassment. No one including a manager, department head, supervisor or employee has the authority to request or require an employee or applicant to submit to harassment as a

- e. The investigation will be conducted in a manner that protects the confidentiality of those involved to the greatest extent possible. Employees involved in an investigation are required to refrain from discussing it with their co-workers.
- f. The results of the investigation will be discussed with the person making the complaint and the person against whom the complaint is made.
- g. If warranted, appropriate disciplinary action will be taken, up to and including immediate termination.

Employees are expected to use this procedure in a responsible manner. Any employee who makes a complaint that he or she knows to be false may be subject to corrective action.

This complaint procedure is a critical part of the City's efforts to eliminate workplace harassment. Persons who believe they have been harassed or who receive reports of harassment of others are required to use it.

A request not to investigate a reported violation of this policy cannot be honored.

### 3. No Retaliation

The City will not retaliate against or discipline any person for making a good faith complaint under this procedure, regardless of the outcome of the investigation. Similarly, the City will not retaliate against or discipline any person (other than a person who is found to have violated this policy) who provides truthful information in connection with an investigation. Violation of this policy will result in corrective action and/or termination of employment.

## C. Non-Discrimination by Disability:

All complaints with respect to disability discrimination shall be filed with or forwarded to the ADA Compliance Officer. The ADA Compliance Officer is the Assistant City Manager. The ADA Compliance Officer shall acknowledge receipt of all complaints within 10 days. A thorough investigation will then be completed and a response shall be provided within a reasonable time. If a complainant wishes to appeal the response of the ADA Compliance Officer, they may do so to the City Manager.

## D. Workplace Violence

### 1. Prohibited Conduct

Threats, threatening behavior or acts of violence against employees, visitors, guests, or other individuals by anyone will not be tolerated. Employees are prohibited from making threats or engaging in violent activities. This list of

behaviors, while not all inclusive, provides examples of conduct that is prohibited:

- a. Causing or threatening physical injury to another person or their property;
- b. Making threatening communications (this includes both direct and indirect communications);
- c. Aggressive or hostile behavior that creates a reasonable fear of injury to another person, property or subjects another individual to emotional distress;
- d. Intentionally damaging City property or property of another;
- e. Possession of a weapon or use of city property as a weapon while on City property or while on City business, except for any City personnel whose job requires them to regularly carry a weapon while on duty;
- f. Committing acts motivated by, or related to, sexual harassment or domestic violence.
- g. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of the City of Wheaton without proper authorization.

## 2. **Prevention**

- a. All employees should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others.
- b. The City encourages employees to bring their disputes or differences with other employees to the attention of their supervisors or the Human Resources Department before the situation escalates into potential violence.
- c. The City of Wheaton is eager to assist in the resolution of employee disputes, and will not discipline employees for raising such concerns.

## 3. **Reporting Procedures**

All City employees shall notify their supervisor and/or the Director of Human Resources of any activity which is described as prohibited conduct above which that person has witnessed or received information about from an employee, citizen, customer, vendor supplier, or even family and friends of an employee. The supervisor shall notify their Department Director and the Director of Human Resources, and all reported incidents will be investigated. Even without an actual

**C. Employee's Relatives:**

Family members of current City of Wheaton employees are not eligible for employment positions if the employee would be a supervisor (or in a supervisory capacity) of the applicant relative. The final decision to hire relatives of current employees will rest with the Director of Human Resources.

1. This restriction does not apply to individuals applying for positions under the jurisdiction of the Wheaton Board of Fire and Police Commissioners.
2. For purposes of this section, family members include those persons related to the employee by blood or marriage including but not limited to child, brother, sister, parent, aunt, uncle, and in-laws.

**D. Medical Examinations:**

Before being appointed, applicants who have been given conditional offers of employment will be required to undergo a drug test, and medical examination/functional job screen (if applicable) conducted by a licensed physician and/or psychologist, arranged and paid for by the City, where such an examination is necessary to determine applicants' ability to perform the essential functions of the job. Further, at any time during the course of employment an employee may be required to undergo a medical examination conducted by a licensed physician or psychologist where such an examination is job-related and consistent with business necessity.

**E. Other Examinations:**

Written and oral examinations will also be used to determine an applicant's relative qualifications for a particular position.

**F. Background Investigations:**

1. New or prospective employees may be fingerprinted as a pre-requisite to employment.
2. A background investigation may be completed on a prospective employee prior to employment. Prior to such an investigation, applicants must execute the necessary information releases.

**G. Polygraph:**

Polygraph (lie detector) tests may be administered to prospective or existing City employees where deemed necessary or where other suitable tests are absent. Polygraph tests will, in all cases, be administered in accordance with the Illinois Detection of Deception Examiners Act, 225 ILCS 430/14.1.

1. 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.
2. 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).
3. 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).

N. The Genetic Information Nondiscrimination Act of 2008 (GINA):

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, the City requests that you not provide any genetic information when responding to a request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services

All documentation related to the employee's or family members' medical condition will be held by the City in strict confidence and maintained in the employee's medical records file as provided by law.

O. Victims' Economic Security and Safety Act (VESSA)

1. This policy is to provide employees with leave benefits, when needed, in accordance with VESSA. VESSA provides an employee who is a victim of domestic and sexual violence, or who has a family or household member who is a victim of domestic or sexual violence, with up to twelve (12) weeks of leave per any twelve (12) month period to address issues arising from the domestic or sexual violence.
2. Coverage and eligibility.  
Any employee who has been subjected to domestic or sexual violence shall be provided leave during work hours for any of the following:

- a. To seek medical attention for, or recover from, physical or psychological injuries;
- b. To obtain services from victim service organizations;
- c. To obtain psychological or other counseling;
- d. To participate in safety planning to temporarily or permanently relocate or to take other actions to increase safety from future domestic or sexual violence;
- e. To seek legal assistance or remedies to ensure health and safety, including preparing for or participating in any civil or criminal legal proceeding.
- f. Employees may also take such leave to help a family household member (spouse, parent, child, anyone related to the victim by blood or by present/prior marriage and anyone who share a relationship with the victim through a son or daughter) who is a victim of domestic or sexual violence.

3. **Notification and Verification**  
Qualifying employees must notify the Human Resources Director as soon as possible when requesting time off. While verification is required, the Human Resources Director will take every precaution to see that all information is kept as confidential as possible. Verification will consist of a sworn statement of the employee with the employee's signature, a completed VESSA form, and:

- a. Documentation from 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; or
- b. A police or court record; or
- c. Other corroborating evidence.

4. **Time Allowed**  
Employees are entitled to a maximum of twelve (12) weeks unpaid leave during any rolling 12-month period, provided, where practicable, notice has been given at least forty-eight (48) hours in advance.

5. **Substitution of Paid Leave**  
Employees may choose to substitute benefit time for VESSA leave. Personal days and/or vacation time may be utilized unless such leave qualifies to use sick leave under the City's sick leave policy or FMLA policy. VESSA leave may run concurrent to FMLA leave if the need for the leave meets FMLA eligibility

requirements. This leave is not intended to confer a right to leave beyond the twelve (12) weeks of FMLA.

6. Job Protection

Employees who take leave under this policy are entitled to be restored to the same or equivalent position upon their return, however, seniority and other benefits will not continue to accrue during any unpaid leave. Employees are also entitled to continued health insurance on the same terms and conditions as if the employee remained continuously employed. If the employee fails to return from leave, the City shall recover any and all premium contributions provided by the City during the leave period.

This policy is intended to be an overview of the VESSA and its key features. To the extent that this policy could be read inconsistently with the VESSA, the Act and its rules shall supersede.

2. In the event an employee does not agree with the contents of a document in their personnel file, the employee may attach a letter to the document which will then be placed in the personnel file.

**C. Employee Identification Cards:**

All City employees will be issued identification or I.D. cards. Your I.D. card must be kept secured, and you are prohibited from placing stickers, pins, etc. on the card. I.D. cards will be worn as determined by the Department. In the event an I.D. card is lost, stolen, or damaged, it is your responsibility to report the loss immediately to Human Resources.

The I.D. card is the property of the City and must be returned upon your separation from the City.

**D. Change of Name, Address, Marital or Family Status:**

Employees must report on the form provided all changes in name, address, telephone number and marital or family status to their immediate supervisor who shall forward the information through the Department Head to the Director of Human Resources. Forms are available in the HR department or on the HR web page.

**E. Employee Recognition:**

1. Employees will be recognized for their years of service at five-year increments based on the employee's date of hire. The recognition year will be based on a calendar year (January 1 - December 31).
2. Eligibility
  - a. Full-time Employees. Current full-time employees will be recognized for continuous years of full-time service with the City at five-year increments. Recognition will be based on their current full-time hire date.
  - b. Part-time Employees. Current part-time employees will be recognized for their years of continuous part-time service at five-year increments.
  - c. Temporary Employees. Temporary or seasonal employees are excluded from this benefit.
  - d. Change-in-Status Employees. Employees who have a change in employment status (i.e., part-time to full-time, temporary to full-time) will be recognized for years of continuous service in their current status only.

- 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 and/or possible termination of employment, 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.
  - i. Passwords must be at least 14 characters long
  - ii. Do not use names, especially your name, the names of your family members or pets, or the names of famous people.
  - iii. Do not use a single dictionary word, e.g., antidisestablishmentarianism.
  - iv. Do not use common phrases, e.g., "good afternoon".
  - v. Do not use well known quotes (including movie quotes), e.g. "Elementary, my dear Watson."
- 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

2. In accordance with the Toxic Substances Disclosure Act, the City will attempt to insure that all employees receive the necessary information concerning the nature of any toxic substances with which the employee must work, and full information concerning the known and suspected health hazards of such toxic substances.
3. The City will require that every supplier provide a “Material Safety Data Sheet (MSDS)” on each toxic substance which the City may purchase and use. Employees will receive education and training information with respect to all toxic substances to which the employee is routinely exposed including methods in material handling, MSDS information, and a summary of employee rights under the Toxic Substances Disclosure to Employees Act.
4. Any employee may obtain a copy of an MSDS by submitting a written request to the employee’s immediate supervisor who will then forward the request to the Department Head. The City will then provide the employee with a copy of the MSDS.
5. In accordance with the Act, the employee may not refuse to work with a toxic substance if the City makes a good faith effort to provide a Material Safety Data Sheet to the employee with the time limits and process as specified in the Act.

#### **U. Drug-Free Workplace:**

The possession or use of alcohol or the manufacture, distribution, possession or use of any illicit or illegal drug while on duty is strictly prohibited. Additionally, the consumption of medical cannabis on City property is prohibited. Further, nothing in the *Compassionate Use of Medical Cannabis Act* changes current CDL policies which remain in full force and effect.

For the purposes of this policy, drugs shall be defined as any drug which is not legally obtainable and/or any drug which is legally obtainable, such as a prescription drug, but which is not legally obtained, is not being used for prescribed purposes, and/or is not being taken according to prescribed dosages.

Any violation of this policy is grounds for disciplinary action, and/or termination of employment. The City recognizes that alcohol and drug abuse may have medical or physiological origins and that the interests of the City and the affected individual may best be served by the individual's participation in a professional treatment program. Therefore, the City may elect to defer some disciplinary action if the suspected substance abuser voluntarily submits to professional evaluation and treatment. If the individual refuses to participate in a professional assistance program, the City may apply whatever disciplinary action, and/or termination of employment, that would otherwise be appropriate under the circumstances.

**V. Prescription Drug Use:**

Employees who use a prescription drug that may cause adverse side effects (i.e., drowsiness or impaired reflexes or reaction time) are required to inform their supervisor that they are taking such medication on the advice of a physician diagnosis if it prevents them from performing the essential functions of the job, or presents a threat of imminent harm to other employees or the public. Employees are responsible for informing their supervisor of the possible effects of the drug on work performance and expected duration of use. If the usage of such medication poses a safety risk for the employee or others, the employee may not work until a release is obtained from the employee's treating physician.

**W. Absenteeism:**

It is the responsibility of each employee to report to work as scheduled or to notify his/her supervisor or Department Head immediately if an absence is to occur. Chronic/excessive absenteeism affects employees and the City alike. When employees do not report to work, work schedules are disrupted, supervisory and co-worker work loads are increased, projects are impacted, and payroll costs are larger.

For purposes of these guidelines, chronic absenteeism occurs when an employee engages in periods of absence from work of long duration and/or frequent occurrence. Any employee with an absenteeism rate in excess of 20% of their scheduled working hours over a period of twelve months shall be deemed chronically absent. Approved FMLA time used does not fall into this category. Chronic absenteeism is subject to discipline up to and including termination.

**X. Smoke Free Workplace:**

In accordance with the City of Wheaton *Smoke Free Air Ordinance and State of Illinois Public Act 95-0017*, smoking is prohibited within all City buildings, City vehicles, and within twenty-five (25) feet of the public entrances to City buildings.

**Y. Cellular Phones and Electronic Devices**

1. Safely operating a motor vehicle requires a driver's full attention. To keep our employees as safe as possible, employees are prohibited from conducting business using cellular telephones and other electronic devices, such as Blackberry and navigation systems, while driving. If a cell phone call is required while driving, the employee must pull off the road and park his or her vehicle in a safe location in order to conduct the telephone call, or pursuant to Illinois law effective January 1, 2014, use a hands-free device (625 ILCS 5/12-610.2; eff. Jan. 1, 2014). Illinois law also prohibits composing, reading, or sending electronic mail including text messages, instant messages, a digital photograph, a video, or a command or request to access an Internet site.

2. Employees who are charged with traffic violations resulting from the employee's use of cellular phones or other electronic devices while driving will be solely responsible for all liabilities that result from such actions.
3. While at work, employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of City telephones (Section G). Excessive personal calls during the work day, regardless of the phone used, can interfere with employee productivity and be distracting to others. The City will not be liable for the loss of personal cellular phones brought into the workplace.
4. Where job or business needs demand immediate access to an employee, the City may issue a business cellular phone for work related communications. In order to protect the employee from incurring a tax liability for the personal use of the equipment, such equipment is to be used for business purposes only. The City reserves the right to audit phone logs to ensure no unauthorized use has occurred. If unauthorized use is detected, the employee will be expected to reimburse the City appropriately.
5. Employees in possession of City equipment, such as cellular phones, are expected to protect the equipment from loss, damage or theft. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the phone for return or inspection. Employees unable to do so may be expected to bear the cost of a replacement.

Any violation of this policy will be subject to corrective action and/or termination of employment.

## **Z. Firearm Concealed Carry Act**

This law prohibits concealed carry in any building or portion of a building under control of a unit of government, and in any form of transportation paid for in whole or in part with public funds. Residents and employees alike are prohibited from carrying a concealed weapon into any City building or vehicle, with the exception of police officers.