

**ORDINANCE NO. O-2025-25**

**AN ORDINANCE AMENDING CHAPTER 2 "ADMINISTRATION", ARTICLE VI "PERSONNEL", DIVISION I "GENERALLY", SECTION 2-481 "PERSONNEL MANUAL ADOPTED"**

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

**WHEREAS**, Section 2-481 of Chapter 2 of the Wheaton City Code has adopted employee rules and regulations, entitled "the Employee Manual"; and

**WHEREAS**, City staff reviewed and revised the Employee Manual in its entirety to reflect changes required by law, to comport with current practices, and to make housekeeping updates.

**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**SECTION 1:** Section 4-281 of Chapter 2 of the Wheaton City Code is hereby repealed in its entirety and replaced with the following:

**Sec. 2-481. Employee Rules and Regulations adopted.**

The City hereby adopts and incorporates as though fully set forth herein employee rules and regulations, hereinafter titled "Employee Manual," dated June 1, 2025, a copy of which is on file in the Department of Human Resources. This Employee Manual supersedes all prior versions of the Employee Manual, including any amendments thereto. The Employee Manual may be further amended in the future by the City without a complete reprinting or republication of the Employee Manual, so long as the amendment is adopted by the Corporate Authorities by ordinance referencing the portions of the Employee Manual that will be amended and incorporating the amendments therein as an addendum on file in the Department of Human Resources.

**SECTION 2:** That all ordinances or parts of ordinances in conflict with these provisions are repealed.

**SECTION 3:** That this ordinance shall become effective June 1, 2025, after its passage, approval and publication in the form and manner prescribed by law.

\_\_\_\_\_  
Mayor



Attest:



\_\_\_\_\_  
City Clerk

**Roll Call Vote:**

Ayes: Councilwoman Bray-Parker  
Councilwoman Brice  
Councilman Brown  
Mayor Suess  
Councilman Clousing  
Councilwoman Robbins  
Councilman Weller

Nays: None  
Absent: None

Motion Carried Unanimously

Passed: May 19, 2025  
Published: May 20, 2025

# EMPLOYEE MANUAL

Effective June 1, 2025  
~~December 1, 2023~~



CITY OF  
**WHEATON**  
*Illinois*

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# FOREWORD

## A. Welcome:

**Welcome to the City of Wheaton.** We are pleased that you have decided to join the City's staff. We hope you will find your employment with us to be both rewarding and challenging.

You are now part of a large organization serving the people of the City of Wheaton. Every job is an important part of the total government operation and plays a significant role in providing services throughout the City. Only through your efforts are we able to provide the quality of service that our citizens have come to expect. We look forward to your ~~participation in~~ success at the City of Wheaton.

## B. Employee Manual Disclaimer:

All employees are subject to and are covered by the provisions of this manual. All employees of the City of Wheaton are at-will employees, except for those individual's subject to the Board of Fire & Police Commissioner's jurisdiction.

You should be aware that this manual does not constitute an employment contract between the City of Wheaton and any employee. There may be occasions where, based upon the circumstances, the City may not follow the policies and procedures stated in this manual, or may add, amend, or delete portions of this manual at any time with or without notices, as the City deems appropriate.

You will be notified ~~in written form~~ of any change in the policies, practices, and benefits described in the manual ~~through your supervisor~~ by the Human Resources Department.

## C. Union Employees:

In the event of any conflict between the provisions of this manual and the provisions contained in any collective bargaining agreement applicable to union employees, the collective bargaining agreement shall control with respect to the union employees in question. If an issue is not addressed in a collective bargaining agreement, this manual shall control.

## D. Employees Subject to the Board of Fire & Police Commissioners Rules:

In the event of any conflict between the provisions of this manual and the provisions contained in the Rules & Regulations of the Board of Fire & Police Commissioners (BFPC), the BFPC Rules & Regulations shall control with respect to the employee in question. If an issue is not addressed in the Rules & Regulations, this manual shall control.

## E. Definition of Tier 1 and Tier 2 Employees:

*Tier 1 Employees:* Full time employees hired before March 31, 2012.

*Tier 2 Employees:* Full time employees hired after March 31, 2012.

## F. Home Rule Authority:

The City is a home rule municipality under Article VI of the Illinois Constitution of 1971. The provisions contained in this manual supersede any other state statute, law, regulation or rule, unless specifically prohibited from doing so by state statute.

# 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, ancestry, marital status, order of protection status, disability ~~status,~~ veteran military status, sexual orientation, pregnancy, citizenship status, reproductive health decisions, genetic information, work authorization status, or any other protected status, or family responsibilities. 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 ~~legally prohibited forms of~~ discrimination. To this end, all employees have a duty to comply with the guidelines and procedures set out in the City's Policy Against ~~on~~ Unlawful 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 Against ~~on~~ Harassment should be brought to the attention of the Director of Human Resources.

### B. Policy Against Harassment:

#### 1. Prohibited Conduct

- a. The City strictly prohibits unlawful harassment, including unlawful sexual harassment and other defined 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). It is not the purpose of this policy to provide legal advice or an exhaustive explanation of all forms of unlawful harassment.

Unlawful harassment is defined as unwelcome conduct (verbal, visual or physical) that is based upon a person's actual or perceived gender, color, race, ancestry, religion, national origin, age, sex, marital status, order of protection status, disability, veteran status, sexual orientation, pregnancy, citizenship, genetic information, work authorization status, or other characteristic protected by law. The City will not tolerate unlawful harassment that 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~~ unlawful harassment on behalf of themselves and others. No one, including a manager, department head, supervisor or employee has the authority to request or require an employee or applicant to submit to unlawful harassment as a condition of receiving any job benefit (such as a raise or a promotion) or avoiding any job detriment (such as a pay cut or a demotion).



## b. Sexual Harassment

The City's prohibition against unlawful harassment includes sexual harassment. The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991. All persons have a right to work in an environment free from unlawful sexual harassment. Unlawful sexual harassment is misconduct which may affect individuals of all genders and sexual orientations. It is a policy of the City of Wheaton to prohibit sexual harassment of any person by any ~~municipal City~~ official, ~~municipal City~~ agent, ~~municipal City~~ employee or ~~municipal City~~ agency or office. All ~~municipal City~~ officials, ~~municipal City~~ agents, ~~municipal City~~ employees and ~~municipal City~~ agencies or offices are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof.

This policy adopts the definition of sexual harassment as stated in the Illinois Human Rights Act, which currently defines sexual harassment as:

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

- 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- 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 has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Conduct which may constitute sexual harassment includes, but is not limited to:

- 1) 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.
- 2) Non-verbal: suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking" or "kissing" noises.
- 3) Visual: posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.
- 4) Physical: touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.
- 5) 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 assess sexual harassment by a standard of what would offend a "reasonable person."

## 2. Complaint Procedure

If an employee has experienced or witnessed an incident of harassment, sexual or otherwise, or discrimination, the employee has the right to file a complaint. Initially, this may be done in writing or orally. ~~Regardless, if a written statement is submitted, t~~The City will initiate an investigation for any complaint.

- a. The reporting employee and/or affected employee(s) are encouraged to complete a written statement to include all relevant facts surrounding the incident, such as date(s), time(s), location(s), statements or materials from witnesses, identification of the offending person, and a detailed description of incident(s). The report may be completed during work hours without loss of pay or benefits.
- b. Any such complaint should be filed with the reporting employee's Department Head, Director of Human Resources or City Manager. Any complaint against a Department Head shall be reported to the Director of Human Resources or City Manager, and cases of alleged harassment by the City Manager shall be reported to the Mayor for both investigation and discipline. This ~~P~~policy does not require the harassment to be directed at the person making the complaint. An employee may bring a complaint to any of the designated individuals with whom they would feel most comfortable discussing the matter.
- c. Any complaint for harassment against an elected official of the City or members of City Boards and Commissions should be filed with the Illinois Department of Human Rights, 100 West Randolph Street, 10th Floor, Chicago, IL 60601; phone: 312-814-6200; email: IDHR.webmail@illinois.gov.
- d. Supervisors shall immediately report any conduct that may violate this policy of which they become aware ~~of~~ to their Department Head, who will then forward it to the Director of Human Resources.
- e. All reported violations of this policy will be investigated. The investigation will be conducted thoroughly and promptly. It may include interviews with the person making the complaint, the person against whom the complaint is made, any potential witnesses identified by either person, as well as with others whom the City believes may have relevant information. Employees are expected to cooperate in this process. The investigation may also include review of pertinent documents and other materials. In most circumstances, the person making the complaint will be requested to put their complaint in writing, honestly setting forth full particulars (such as the date, time, location, presence of any witnesses, etc.) to ensure that all possible violations of this policy are properly investigated. ~~It shall be a violation of this policy for any person to engage in retaliatory behaviors against a complainant.~~
  - 1) The investigation will be conducted in a manner that protects the confidentiality of those involved to the extent reasonably possible. Employees involved in an investigation may be instructed to or instructed not to discuss the investigation with other employees depending upon the specific circumstances of the investigation. The City will use the criteria set forth in rulings of the National Labor Relations Board in making these determinations.

- 2) The results of the investigation will be discussed with the person making the complaint and the person against whom the complaint is made.

This complaint procedure is a critical part of the City's efforts to eliminate unlawful workplace harassment. Persons who believe they have been unlawfully harassed or who receive reports of unlawful harassment of others are required to use it. The employee experiencing what he or she believes to be sexual harassment must not assume that the City is aware of the conduct. If there are no witnesses and the victim fails to notify a supervisor or other responsible officer, the City will not be presumed to have knowledge of the harassment.

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

### 3. Prohibition on Retaliation for Reporting Harassment Allegations

- a. Retaliating against an employee for reporting allegations of harassment, sexual harassment, or discrimination is prohibited. No City official, City agent, City employee or City agency or office shall take any retaliatory action against any City employee due to a City employee's:

- 1) Disclosure or threatened disclosure of any violation of this policy,
- 2) 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 City employee that is taken in retaliation for a City 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.

- 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 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.

- ~~a. The City's Whistleblower Protections Policy in Chapter 8 provides whistleblower protection from retaliatory action. Harassment, sexual harassment, and acts of discrimination are considered "improper governmental action" as that term is defined in the Whistleblower Protections Policy. The procedure for reporting and investigating improper governmental action and retaliation for reporting improper governmental action is set forth in the Whistleblower Protections Policy.~~
- ~~b. 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:~~

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

~~c. 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)).~~

~~d. 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 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.~~

~~e. 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 of the alleged retaliation.~~

#### 4. Consequences of a Violation of the Prohibition on Harassment

- a. In addition to any and all other discipline that may be applicable pursuant to ~~municipal City~~ policies, employment agreements, procedures, this manual ~~employee handbooks~~ and/or collective bargaining agreements, any person who violates this policy or the Prohibition on Sexual Harassment contained in 5 ILCS 430/5-65, may be subject to external consequences. Each violation may constitute a separate offense.
- b. Any discipline imposed by the City shall be separate and distinct from any penalty imposed by an ethics commission and any fines or penalties imposed by a court of law or a State or Federal agency. If warranted, appropriate disciplinary action will be taken, up to and including immediate termination.

#### 5. Consequences for Knowingly Making a False Report

- a. A false report is a report of harassment made by an accuser using the harassment report to accomplish some end other than stopping harassment or retaliation for reporting harassment. A false report is not a report made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false or frivolous report is a severe offense that can itself result in disciplinary action, up to and including termination. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be subject to discipline or termination discharge pursuant to applicable municipal City policies, employment agreements, procedures, this manual employee handbooks and/or collective bargaining agreements.
- b. An employee making a false ~~sexual~~ harassment claim is subject to penalties ranging from: counseling, suspension without pay and up to and including termination depending on the severity of the violation, as well as any penalty provided by State or Federal law.
- ~~c. Any employee who violates this sexual harassment policy or makes a false report of sexual harassment, if not discharged, may be subject to mandatory remedial training.~~

## 6. Training

All City employees are required to complete sexual harassment prevention training on an annual basis. The training program shall include, at a minimum, the following:

- (a) an explanation of sexual harassment consistent with the Illinois Human Rights Act;
- (b) examples of conduct that constitute unlawful sexual harassment;
- (c) a summary of relevant federal and State statutory provisions concerning sexual harassment, including remedies available to victims of sexual harassment; and
- (d) a summary of responsibilities of the City in the prevention, investigation, and corrective measures of sexual harassment.

## **C. Non-Discrimination due to 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 or other employee appointed by the City Manager. The ADA Compliance Officer shall acknowledge receipt of all complaints within ten (10) days. A thorough investigation will then be completed, and a response shall be provided within a reasonable time. ~~If a~~ A complainant ~~wishes to~~ may appeal the response of the ADA Compliance Officer ~~by submitting a written request, 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, indirect, or implied 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 ~~Head Director~~ and the Director of Human Resources, and all reported incidents will be investigated. Even without an actual threat, employees should report any behavior they have witnessed that they regard as threatening or violent to the City's work environment.

## **E. Illinois Pregnancy Accommodation Act**

The City complies with the Illinois Pregnancy Accommodation Act (the "Act"), 755 ILCS 5/2-101. Very generally the Act prohibits discrimination against females based on pregnancy and childbirth and covers job applicants as well as part-time, full-time, and probationary employees. It further gives protected persons opportunities to request reasonable accommodations for medical or common conditions related to pregnancy or childbirth.

You should not rely on the first paragraph of this subsection to fully inform you about the Act or its implications. Understanding the protections, obligations and remedies provided by the Act requires review of the entire Act. A copy of the Act may be reviewed and/or obtained at the website of the Illinois Department of Human Rights ([www.illinois.gov/dhr](http://www.illinois.gov/dhr)) or from ~~the Office of the City's~~ the Director of Human Resources. The City has displayed posters required by the Act at various ~~in~~ prominent locations in City buildings.

#### **F.F. Whistleblower Protection Policy**

The City provides whistleblower protections in two important areas: confidentiality and against retaliation. The confidentiality of a whistleblower will be maintained to the extent allowable by law; however, an identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. A whistleblower may waive confidentiality in writing. The City shall not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, poor work assignments or threats of physical harm. There are several state statutes that provide protection to whistleblowers.

##### **1. Public Officer Prohibited Activities Act (50 ILCS 105/4.1)**

###### **a. Definitions**

- 1) "Whistleblower" means an employee, as defined below, of the City who:
  - i. Reports an improper governmental action as defined herein;
  - ii. Cooperates with an investigation by an Auditing Official related to a report of improper governmental action; or,
  - iii. Testifies in a proceeding or prosecution arising out of an improper governmental action.
- 2) "Auditing Official" means any elected, appointed or employed individual, by whatever name, in the City whose duties may include: receiving, registering, investigating and making decisions about complaints and information concerning misconduct, inefficiency and waste within the City; investigating the performance of officers, employees, functions and programs; and, promoting economy, efficiency, effectiveness and integrity in the administration of the programs and operations of the City.
  - i. The Auditing Official shall be the Director of Human Resources or designee.
- 3) "Employee" means anyone employed by the City, whether in a permanent or temporary position, including full-time, part-time, temporary and seasonal workers, members of appointed boards, commissions or committees, whether paid or unpaid, and persons who have been terminated because of any report or complaint submitted under this policy.
- 4) "Improper governmental action" means any action by an employee, an appointed member of a board, commission or committee, or elected official of the City that is undertaken in violation of a federal or state law or local ordinance; is an abuse of authority; violates the public's trust or expectation of his/her conduct; is of substantial and specific danger to the public's health or safety; or, is a gross waste of public funds. The action need not be within the scope of the covered individual's official duties to be subject to a claim of "improper governmental action."
  - i. Improper governmental action does not include the City's personnel actions, including, but not limited to, employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployment, performance evaluations, reductions in pay, terminations,

suspensions, demotions, reprimands or violations of collective bargaining agreements, except to the extent that the action amounts to retaliation for reporting, testifying or cooperating in an investigation of an improper governmental action.

5) "Retaliate, retaliation, retaliating or retaliatory action" means any adverse change in an employee's employment status or the terms and conditions of employment that results from an employee's protected activity under this policy. Retaliatory action includes, but is not limited to, denial of adequate staff to perform duties; frequent staff changes; frequent and undesirable office changes; refusal to assign meaningful work; unsubstantiated letters of reprimand or unsatisfactory performance evaluations; demotion; reduction in pay; denial of promotion; transfer or reassignment; suspension or termination; or, other disciplinary action made because of an employee's protected activity under this policy.

**b. Duties of an Auditing Official**

The Auditing Official has established written processes and procedures for investigations of complaints filed under this policy as set forth below. The Auditing Official shall investigate and dispose of reports of improper governmental action or retaliatory action in accordance with these processes and procedures.

The Auditing Official or designee must provide each employee a written summary or a complete copy of Section 4.1 of the Public Officer Prohibited Activities Act as well as a copy of this policy upon commencement of employment and on an annual basis thereafter.

**c. Duties of an Employee**

All reports of illegal and dishonest activities will be promptly submitted to the Auditing Official who is responsible for investigating and coordinating corrective action. If an employee has knowledge or a concern of improper governmental action, the employee shall make a written report of the activity to the Auditing Official. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline, up to and including termination.

Any whistleblowers who believe they are being retaliated against must submit a written report to the Auditing Official within sixty (60) days of gaining knowledge of the retaliatory action. If the Auditing Official is the individual committing the improper governmental action, then a report may be made to the DuPage County State's Attorney. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

**d. Process and Procedure for Reporting and Investigating Complaints**

- 1) An employee who has knowledge or concern regarding improper governmental action or retaliatory action shall report it in writing to the Auditing Official within sixty (60) days of the action.
- 2) The Auditing Official shall promptly begin an internal investigation, or the Auditing Official may transfer a report of improper governmental action to the DuPage County State's Attorney or another auditing official, as defined under 50 ILCS 105/4.1 for investigation if the Auditing Official deems it appropriate.

- 3) This investigation may include interviewing the complainant, the accused, and any and all other parties who may possess information relevant to the complaint, inspection of documentation, retaining outside investigators, and other measures to ensure that the complaint has been thoroughly investigated. The Auditing Official shall take into consideration all relevant circumstances relating to the complaint. The Auditing Official shall make a conclusion as to whether there has been a violation of this policy.

**e. Determination and Remedial Action If Necessary**

- 1) If the Auditing Official determines that the complaint has merit, the City shall take prompt corrective actions, including but not limited to, disciplinary action, up to and including termination. The Auditing Official may reinstate, reimburse for lost wages or expenses incurred, promote or provide some other form of restitution to whistleblowers that were subjected to adverse actions for reporting improper government action. In instances where the Auditing Official determines that restitution will not suffice, the Auditing Official may make the investigation findings available for the purposes of aiding in that employee's, or the employee's attorney's, effort to make the employee whole.
- 2) If the Auditing Official determines that the complaint has no merit, the Auditing Official may dismiss the complaint. The Auditing Official is responsible for taking appropriate remedial action if a complaint is determined to be false, fraudulent, or submitted for purposes other than reporting improper governmental actions or retaliation.
- 3) A person who engages in prohibited retaliatory action is subject to the following penalties: a fine of no less than \$500 and no more than \$5,000, suspension without pay, demotion, termination, civil or criminal penalties, or any combination thereof.

**2. State Officials and Employees Ethics Act (5 ILCS 430/15-10)**

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

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

**3. Whistleblower Act (740 ILCS 174/1 et seq.)**

**a. Definitions.**

- 1) "Adverse employment action" means an action that a reasonable employee would find materially adverse. An action is materially adverse when it could dissuade a reasonable worker from disclosing or threatening to disclose information protected under this Act.
- 2) "Retaliatory action" means an actual or threatened adverse employment action by the City to penalize or any non-employment action that would dissuade a reasonable worker from disclosing information under this Act.

- 1) Prohibited conduct. The City may not take retaliatory action against an employee who discloses or threatens to disclose information related to an activity, policy, or practice of the City where the employee has a good faith belief that the activity, policy or practice (1) violates a State or federal law, rule or regulation or (2) poses a substantial and specific danger to employees, public health or safety to: (i) a public body conducting an investigation, or in a court, an administrative hearing, or any other proceeding initiated by the public body, (ii) to a government or law enforcement agency, or (iii) to an organization that has a contractual relationship with the City.



## CHAPTER 2 ENTRANCE REQUIREMENTS AND INTRODUCTORY APPOINTMENT

### A. Application:

1. Forms. All applicants for employment shall apply on forms provided by the City's of Wheaton Human Resources Department at City Hall or the departmental page on the City's of Wheaton website.

The application shall include complete information relating to experience, training, and other applicable qualifications. All questions must be answered honestly and completely. Failure to provide honest and accurate answers may result in the rejection of the application for employment. If it is discovered after an applicant's hire that the applicant has falsified any material aspect of his or her application, the ~~applicant~~ employee will be subject to discipline, up to and including termination of employment.

2. Only the Human Resources Department is authorized to advertise and, except for positions covered by the Board of Fire and Police Commissioners (BFPC), test for vacancies.
  - a. A member of the Human Resources Department shall review all applications, and forward qualified application packets to the respective Department Heads or designated hiring manager who, on the basis of that review, will interview and select the applicant of his/her choice.
  - b. All applications/resumes will remain on file for a period of two years from the date of application.
  - c. The Director of Human Resources or designee shall make all offers of employment.

### B. Citizenship and Residence:

1. Upon ~~their~~ hire, all employees must provide the documentation required by federal law to establish identity and authorization to work in the United States.
2. Although City employees are encouraged to reside in Wheaton if possible, residency is not a pre-requisite for introductory or continuing employment.

### ~~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.C. Medical Examinations:**

~~Before being appointed, a~~ 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, with or without accommodations. Further, at any time during the course of employment an employee may be required to undergo a medical or psychological examination, at City expense, conducted by a licensed physician or psychologist designated by the City where such an examination is job-related and consistent with business necessity.

#### **E.D. Other Examinations:**

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

#### **F.E. Background Investigations:**

1. New or prospective employees may be fingerprinted and/or required to complete ~~a municipal position assessment~~ a criminal background or credit check 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.F. 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.

#### **H.G. Positions Requiring a Driver's License:**

##### **1. Applicants**

Applicants must be able to demonstrate that they possess, or qualify to possess, a valid driver's license if the nature of their position or assignment requires them to operate City-owned vehicles. Driver's license status, along with previous driver's license history, must be verified with the Secretary of State's Office.

##### **1-2. Driver's License Review**

It is the policy of the City ~~of Wheaton~~ to obtain a Driver's License Record for all new employees whose job description includes the requirement to have a valid State Driver's License, Commercial Driver's License (CDL), those who will be expected to operate a City vehicle as part of their job

duties, including “occasional” drivers who may be requested to run an errand, or employees who are allowed the use of a City vehicle for any other reason.

a. In addition, the City may obtain and review the Driver’s License Record for all current employees who may use a City vehicle in accordance with the following:

- 1) Quarterly;
- 2) Upon notice of an employee’s license being suspended or revoked;
- 3) As part of a post-accident review of on-the-job vehicle accidents; or
- 4) As part of an internal supervisory review authorized by the Department Head.

b. Failure to immediately notify the supervisor of a suspended or revoked license will be cause for disciplinary action, up to and including termination.

c. Employees whose job description requires them to have a valid driver’s license and who inform their supervisor of their license suspension will be placed on unpaid suspension for the duration of the suspension, or until the driver’s license privileges are reinstated. If the suspension should reach a total of 90 calendar days, and the employee’s license is still not reinstated, the employee will be terminated by the City.

In addition to suspension, an employee who loses driving privileges may be subject to other discipline pursuant to Chapter 7, ~~s~~Section C. This determination will be made by the Department Head upon consultation with the City Manager and shall be based on the impact the loss of this employee will have on the operations of the department.

Revocation of the employee’s driver’s license will be cause for immediate termination.  
~~dismissal.~~

d. The Human Resources Department will initiate the Driver’s License review, and will receive the results.

#### **I.H. Employment Status Classification:**

1. The City ~~of Wheaton~~ recruits and employs personnel under the following classifications:

a. Temporary Employment: Hired either part-time or full-time to temporarily supplement the work force, or to assist in the completion of a specific project. Employment beyond any initially stated period (normally not to exceed 6 months) does not imply a change in employment status. Employees in this classification are not eligible for benefits.

b. ~~Part-time employment~~Regular Part-Time Employment: Regular employment, not to exceed twenty (20) hours a week and one thousand (1,000) hours annually. Exceptions may be made with the authorization of the Director of Human Resources. Employees in this classification are not eligible for benefits except for the City’s 457 deferred compensation plan and paid time off, as defined in 4.E.

- c. Seasonal employment: Employment which is considered short-term - -an employee under this category is employed for less than two calendar quarters during a calendar year, and- does not have reasonable assurance of being rehired for the same service in a subsequent calendar year. Employees in this classification are not eligible for benefits.
- d. Full-time employment: Employment requiring eight (8) hours or more per day, with a minimum of forty (40) hours a week.
- e. Inactive employment: Formerly a full-time employee who is no longer on payroll. An employee may remain in an inactive status for a maximum of 12 months subject to the duty of reasonable accommodation if any.

- 2. The employee's status shall be used to determine, among other things, eligibility for ~~fringe~~ benefits.

#### **J.I. Rejection of Applications:**

Applications may be rejected at the discretion of the City for reasons including, but not limited to:

- 1. The applicant is found to lack any of the qualifications for an open position.
- 2. The applicant has a positive result on a preemployment drug/alcohol test, or fails any portion of the pre-employment screening or post-offer processes.
- 3. The applicant has been dismissed from previous employment for ~~delinquency or~~ misconduct.
- 4. The applicant has made a false statement in his application with regard to any material fact, has practiced or attempted to practice deception or fraud in connection with such application, or during a job interview has made false statements.
- 5. The applicant has applied for a position that is not currently open.
- 6. The applicant has been previously employed by the City and has been removed for cause or did not resign in good standing.
- 7. Other applicants are more qualified for the position.

#### **K.J. The Introductory Appointment Period:**

- 1. New hires must be employed an aggregate of ninety (90) calendar days in each position to which appointed in order to complete the introductory appointment period.
- 2. The purpose of the introductory appointment period is to test the qualifications of the employee to perform satisfactorily under actual working conditions. Completion of the introductory appointment period does not, however, guarantee or entitle an employee to continue employment with the City. Rather, the continued employment of those who have completed

their introductory appointment period is contingent upon satisfactory work performance and conduct, as well as the staffing needs of the City.

~~To this end, the Department Head will receive an evaluation reminder at the forty-five (45) day point from the Human Resources Department.~~ The Department Head shall inform the Director of Human Resources not less than ten (10) days prior to the expiration of the introductory appointment period, reviewing the employee's progress, qualifications, capacity to grow and other pertinent job-related information. The Department Head shall recommend one of the following that either:

- a. The introductory period be terminated;
- b. Employment be terminated;
- c. ~~Extension of t~~The introductory period be extended, or;
- d. Other appropriate action may be taken as may be required.



## CHAPTER 3 THE COMPENSATION PLAN

It is the policy of the City ~~of Wheaton~~ to establish a compensation plan that will allow the City to effectively compete for qualified personnel, retain productive employees and ensure that pay is equitable, both internally and externally, and commensurate with the duties performed by each employee.

Definitions: Non-exempt employees are entitled to overtime pay in accordance with the provisions stated in this ~~Personnel~~ Employee Manual, the Fair Labor Standards Act (FLSA), and the Illinois Minimum Wage Law. Exempt employees are defined as managerial, professional, and certain administrative employees as defined by the applicable law, except as otherwise provided for in individual agreements, and are not eligible for overtime pay.

### A. Pay Schedule:

The Pay Schedule shall be adopted annually by the City Council and shall apply to all employees not covered by a collective bargaining agreement.

1. New Employees. All new employees will be paid the minimum rate in the appropriate salary-pay range. Exceptions may be permitted with the Department Head's recommendation, and the approval of the Director of Human Resources.
2. Performance Pay Increases. Employees who have successfully completed their introductory period will be eligible for a performance pay increase effective on the evaluation date each year. Such increases are determined by performance evaluation ratings. Performance pay increases may be in the form of a merit/step increase, or within the guidelines of an open-range pay plan.
3. Re-evaluation. In the event that the pay range of any position is changed and it results in an increased or decreased salary pay range for the position, the employee shall retain his/her current pay rate or assume the entry level step of the new range, whichever is greater (except as described in Section G.1 of this chapter). Employees in position classifications which are downgraded ~~(or upgraded)~~ in salary to reflect changes in market conditions will retain their existing evaluation date for future increases.
4. Pay Rates Exceeding Range Maximum. Except for demotions (see Section G of this chapter), an employee whose pay rate exceeds the maximum prescribed for his/her pay range, will not be reduced in pay if any of the following occurs:
  - a. As a result of a change of his/her position to a lower classification, or;
  - b. The change is as a result of a compensation system change created by a periodic pay survey conducted by the City, or some other change in compensation philosophy.

The employee will not be eligible for pay rate increases until the pay range maximum is more than the pay rate he/she currently receives.

5. Pay Classifications. Employees fall into three classifications for pay range purposes: the “General Occupation” Classification, the “Managerial/Professional Occupation” Classification, and the “Department Head Occupation” Classification. The majority of employees fall into the General Occupation classification, and are placed in a merit step plan. Employees in the Managerial/Professional and Department Head Occupation classifications are placed in an open-range pay system. In selecting employees for the Managerial/Professional and Department Head scale, the City will review a position’s scope of responsibility, final decision-making authority, and departmental hierarchy. (See Section C of this chapter for further details.)
6. Pay Ranges. The City is committed to establishing pay ranges for positions based upon the following factors: knowledge required, verbal and written guidelines, complexity, scope & effect, supervisory responsibility, personal contacts, purpose of contacts, physical demands, work environment, the relationship of that job to other jobs of similar qualifications and responsibilities in comparable communities, and other factors as are deemed appropriate from time to time.
7. Maintenance of the Pay Plan. The Human Resources Department will be responsible for the continuous maintenance and administration of the City’s compensation plan. The review will include an analysis of prevailing rates of pay for similar positions in comparable communities, budgetary considerations, and other related factors.

#### **~~B. Classification Plan:~~**

~~Jobs with similar responsibilities are assigned to the same pay range. The City of Wheaton uses a position pointing system to determine the pay range classification for each position based on the categories in Section A, paragraph 56. The Director of Human Resources may conduct periodic studies of various jobs when there is an indication the employee is working above or below the established responsibilities for that position. These studies are initiated at the request of the Department Head and are conducted in accordance with the following guidelines on reclassifications:~~

- ~~1. Comparable Communities. The selection of communities is based on criteria such as: distance from Wheaton, population, crime rate, household income, equalized assessed valuation (EAV), number of full-time employees, total salaries paid, number of residents per full-time employee, and number of part-time employees. The list of comparable communities may change from time to time due to a change in selection criteria and/or a community no longer meeting the criteria.~~
- ~~2. Survey of Communities. The Human Resources Department will ordinarily periodically survey the communities for comparable positions by requesting job descriptions and the pay range for the benchmark positions, at expected intervals of approximately four (4) years. This will occur prior to May 1st for the next fiscal year. During other years, the Human Resources Department will survey for the Annual Pay Range Adjustment as described in Section B.3 of this chapter. The supervisor and/or the Department Head, with the input of the Director of Human Resources, will determine what positions are comparable based on the job description.~~

#### **~~C.B. Pay Increases:~~**

Employees who are eligible for pay rate increases will receive that increase on the employee’s evaluation date. In the case of a promotion, the employee’s date of promotion becomes the

employee's new evaluation date. All increases are retroactive to the evaluation date as defined in Section ~~F.2E.1~~.

1. Employees in the General Occupation and Part-Time/Seasonal Occupation classification advance through the steps by receiving a "Meets Standards" or better rating through a performance evaluation. The increases consist of an annual range adjustment on May 1, if applicable, and ~~employees are eligible for~~ a merit step increase when the employee "Meets Standards" according to the evaluation given on the evaluation date.
2. Employees in the Managerial/Professional Occupation classification are in an open-range pay-for-performance system. Employees who are eligible for a merit increase will receive that increase on their evaluation date. The City Council will approve the Managerial/Professional Occupation scale merit matrix annually as recommended by the City Manager.
3. Department Heads are in the "Department Head Occupation" classification. Their paysalary increases will operate in an open-range pay-for-performance system. Their performance evaluation format is at the discretion of the City Manager.
4. Determination of Annual Range Adjustment (ARA). The Consumer Price Index (CPI), Economic Cost Index (ECI), data from comparable communities, along with current collective bargaining agreements and the needs, demands and financial circumstances of the City, will serve as a general guide in determining the ARA. annual range adjustment. The CPI and ECI used will be provided by the U.S. Department of Labor, Bureau of Labor Statistics (<http://www.bls.gov>). The Director of Human Resources will forward the data to the City Manager for his/her recommendations to the City Council.

~~D.C.~~ Job Descriptions:

1. Job descriptions shall be maintained by the Human Resources Department for all ~~regular~~ full-time and regular part-time positions. Department Heads will also keep job descriptions for all positions within their department.
2. Job Description Format. The job descriptions will include:
  - a. Job Title
  - b. Department
  - c. Division
  - d. Pay Grade
  - e. Employment Classification (FT or PT)
  - ~~d.f.~~ FLSA Status
  - ~~e.g.~~ Reporting Relationship
  - ~~f.h.~~ Job Summary
  - ~~g.i.~~ Essential Job Functions
  - ~~h.j.~~ Important Job Functions
  - ~~i.k.~~ Material and Equipment Used
  - ~~j.l.~~ Minimum Qualifications Required
  - ~~k.m.~~ Knowledge, Skills, and Abilities

3. The job description does not constitute an employment agreement between the City and an employee, and is subject to change as the needs of the City and the requirements of the job change.
4. Examples of duties listed in the job description are intended only as illustrations of the various types of work performed. The omissions of specific statements of duties does not exclude them from the position, if the work is similarly related or a logical assignment to the position.
5. The use of the term “supervisor” throughout this ~~policy~~ manual shall identify an employee whose principal work is substantially different from that of his/her subordinates and is a member of the management group who has the authority to direct the daily work activities of other employees and to whom the employees shall contact for reporting to work late, illness, or other absence, and make requests for authorized leave; and which requires the consistent use of independent judgment.
6. Updates/Revisions. The Human Resources Department will initiate the updated revision process periodically. The Department Head or his/her designee shall review/update them as needed.

**E.D. Date of Hire/Evaluation Date:**

1. For new employees, the hire date and evaluation date will be the same date. An employee who is promoted, demoted, or transferred will have his/her evaluation date changed to the effective date of the promotion, demotion, or transfer.
2. Unpaid Leave of Absence. A regular employee returning from a leave of absence not approved in accordance with FMLA or a suspension of thirty (30) days or greater without pay, will have his/her evaluation date changed and extended by the same length of time the employee was on leave without pay.
3. Layoff. An employee reinstated to the same position or a position in the same class following layoff from the City will have his/her evaluation period extended by the same length of time as the duration of the layoff. If the layoff is for more than one year, that employee’s evaluation date shall be the date that he/she begins work again.

**F.E. Promotions:**

The City attempts to fill all vacant positions with qualified applicants. Following a policy of upward mobility whenever and wherever warranted, current employees will receive due consideration.

1. Guidelines.
  - a. Employees are encouraged to apply for any vacancy.
  - b. Selection of an employee for a promotion ~~{or lateral transfer}~~ is based on past work record, education, knowledge of the job duties, supervisor references, time in service, and comparison to other candidates.

- c. ~~No offer of promotion may be made to any employee prior to completion of the recruitment and selection process.~~ Temporary assignments may be made by the Department Head for a specified time or assignment as necessary. Such appointments are made on "acting" basis and the employee returns to his or her regular position upon completion of the assignment. (See Section K for further details.)
- d. Employees offered a transfer or promotion may be required to pass any physical, psychological, polygraph and functional job screen associated with the position. The job offer may be withdrawn if the employee fails any one of these exams.
- e. Whenever an employee is promoted to a higher position, or his/her position is upgraded, the employee will enter the new grade/position at no less than the minimum of the pay range of the new position. The new pay rate, upon promotion, shall not exceed the maximum of the new pay range. The City Manager/Human Resources Director will approve ~~at his discretion,~~ promotional pay rate increases on a case-by-case basis.
- f. When an employee is promoted, their supervisor will be required to write and conduct a performance evaluation for the period from the last performance evaluation to the date of promotion if the period is greater than ninety (90) days.

~~2. Evaluation Date. Promotions do not change the person's date of hire. However, the evaluation date for future pay increases will be revised to coincide with the promotion date.~~

~~3.2.~~ Introductory Period. Persons promoted will be subject to the standard introductory period for the new position, unless specifically waived by the Human Resources Department. Those who fail the introductory period may re-assume any appointment held prior to the promotion unless that position has been filled or eliminated. (See Chapter 2, Section K for further details.)

#### **G. Demotions:**

- 1. Employees reassigned to a position in a lower classification regardless of the reason (disciplinary, in lieu of layoff, for reasons of disability or incapacity, department reorganization, etc.) may receive a reduction in pay if the reassigned employee's current pay is above the maximum range of the lower classification. In this case, his/her pay will be reduced to the maximum of this new (lower) classification. Otherwise, his/her pay following the reassignment will remain the same.
- 2. Guidelines.
  - a. Demotions do not change the person's hire date. However, the evaluation date for future salary pay increases changes to the demotion date.
  - b. No employee shall be demoted to a position for which he or she does not possess the minimum qualifications.
  - c. An employee being demoted shall be notified two (2) weeks prior to demotion except in emergency situations.



- d. Any demotion to prevent layoffs may be revised when the employee's previous position is reopened.
- e. Persons demoted to new positions will be subject to the standard introductory period for the new position, unless specifically waived by the Human Resources Department. Those who fail the introductory period are subject to termination of employment.
- f. Employees who are demoted, and have completed their initial introductory period, may appeal the action in accordance with Chapter 7, Section E (Complaints).

#### H. Transfers:

- 1. Any ~~current employee~~ (regular part-time or regular full-time) employee interested in applying for a transfer, must file a completed job application with the Human Resources Department in accordance with instructions listed on the job ~~opportunities noticeposting~~.
- 2. If the employee meets the stated requirements for the position he/she will proceed through the regular hiring procedures with all other applicants as described in the policy on the hiring process. Transfers are made only when the City's service will benefit. Generally, employees are expected to serve in their current position for at least six (6) months before being considered for promotions or transfers. All else being equal, current City employees will be given priority for open positions.
- 3. The personnel file of the transfer applicant will be made available to the Department Head responsible for filling the open position.
- 4. Coordination of Transfer.
  - a. If the employee accepts the position, it will be the responsibility of the two (2) supervisors, along with Human Resources, to reach agreement on a transfer date. Every effort should be made to accomplish the transfer within two (2) weeks of the offer's acceptance.
  - b. The salary or wage offered to the employee must be consistent with the salary or wage and requirements of the new position. Thus, an employee who meets only the minimum requirements for the position will start at the minimum of the pay range (with the employee's current pay taken into account). Employees who exceed the minimum requirements for the position may be offered pay consistent with the employee's level of skills, experience, and knowledge at the discretion of the Human Resources Department.
- 5. Introductory Period. Transfer employees will serve an introductory period in his/her new position. Transfer employees remain eligible for all benefits included with the previous position. Employees transferring to a position in the same employment classification will remain eligible for all benefits included in the previous position. Employees transferring from one employment classification to another will be eligible for the benefits associated with their new position.
- 6. Hire Date/Evaluation Date. Transfers do not change a person's hire date. However, the evaluation date for future rate increases will be revised to coincide with the transfer date. When

an employee transfers to a position that is in the same scale as their current position, and the transfer does not result in a pay change, the evaluation date will not change.

#### **I. Reclassification:**

Revision of job descriptions shall be made as often as necessary to maintain accuracy and fairness to the employee and the City. It is the Human Resources Department's responsibility to periodically examine all positions, and to initiate the reclassification process, where appropriate.

1. **New Positions.** When a new position is requested by a Department Head or the duties of an old position are substantially changed, the Department Head shall submit a recommendation to the Director of Human Resources including justification for the classification (or reclassification). For reclassification requests, documentation should emphasize changes in position responsibilities or requirements for qualifications (i.e. experience, education, certifications, etc.). The Department Head may also be required to complete a position questionnaire for the position in question. The Director of Human Resources or his/her designee will then conduct a job analysis in order to determine if changes in the job description and/or position classification are necessary.

Classification Appeals. Any employee who considers his/her position improperly classified shall submit a request in writing for reclassification along with an updated Position Questionnaire, clearly identifying changes in responsibility, to his/her Department Head. The Department Head will review the request and ~~transmit~~submit it with a written recommendation to the Director of Human Resources. The Director of Human Resources will review the request, collect information, and respond to the Department Head and/or employee in a reasonable time. Repeat requests will not be honored unless job responsibilities have materially changed.

#### **J. Overtime and Compensatory Time-Off Policy:**

1. The City has the right to pre-approve and schedule overtime work for "non-exempt employees," as defined by this ~~M~~manual, as required in a manner most advantageous to the City and consistent with requirements of municipal employment in the public interest.
2. All overtime for non-exempt employees must be pre-approved and authorized by a responsible Supervisor as determined by the Department Head.
3. Failure to report for overtime work when directed by a responsible Supervisor acting within the established policy is grounds for disciplinary action unless it is clearly proven that the employee's absence was beyond the employee's control.
4. Overtime opportunities are distributed as equally as possible and practical among employees within the same job classification who are performing a similar class of work and working on the same shift.
5. Certain City employees will be paid overtime compensation as follows:
  - a. Non-exempt civilian personnel in the Police Department and Fire Department, non-exempt Public Works personnel, and non-exempt City Hall personnel will be compensated at time and

a half for all overtime work performed in excess of forty (40) hours within a seven (7) day work period.

- 1) Sick and vacation leave shall be considered as hours worked even though no work was performed. (This is not required under Fair Labor Standards Act (FLSA), but is offered as a benefit for eligible City employees).
- 2) Jury duty shall not be considered as hours worked even though they are paid hours. For jury duty lasting three (3) months or longer, the City may make exception to this rule.
- 3) Trading of hours shall be made voluntarily between employees and approved by the Department Head.

b. Exempt employees are not eligible for overtime.

#### 6. Compensatory Time-Off

##### ~~a. Exempt Employees~~

~~It is implicit in the nature of exempt positions that time beyond the normal work schedule may be spent on the job.~~

- ~~1) In recognition of this, the City Manager, at his sole discretion, may award compensatory time off. In addition, the Department Head may, at his/her sole discretion, award compensatory time off to exempt employees within his/her department.~~
- ~~2) Compensatory time for exempt employees is not intended to be an hour for hour trade off. Exempt employees do not "book" overtime, nor should there be an expectation that compensatory time will be awarded when time worked is performed beyond forty (40) hours.~~

##### ~~b. Non-Exempt Employees~~

Non-exempt employees shall receive pay for any approved overtime work performed. In lieu of cash payment, however, the employee may elect to receive compensatory time-off for overtime work performed in excess of the employee's normal work week in accordance with the provisions of this Paragraph J.

##### ~~General~~

The following ~~rules shall~~rules apply to the administration of the compensatory time-off policy.

- 1) Non-exempt employees whose normal work period is less than forty (40) hours per week may receive compensatory time-off, on an hour for hour basis, for hours worked up to a maximum of 40 hours worked in the work period.

- 2) Any non-exempt employee, whose normal work period is forty (40) hours per week or less, and performs work in excess of forty (40) hours per week, may receive compensatory time-off at a rate of one and one-half hours for each overtime hour worked.
- 3) Non-exempt employees shall not accumulate more than sixty-three (63) hours of compensatory time-off.
- 4) Under no circumstances will compensatory time be granted where it is unduly disruptive to the operations of the City, as determined by the Department Head or City Manager.
- 5) The Department Head may request the employee to utilize any earned compensatory time in instances where, in the opinion of the Department Head, the efficient operation of the Department and the City would be served.
- 6) Compensatory time must be used in the fiscal year the 12-month period of (May 1 – April 30) in which that it is earned and may not be rolled over into the next 12-month period. ~~year.~~ All unused compensatory time will be paid out ~~on after~~ April 30<sup>th</sup> of each ~~fiscal year~~ 12-month period.

**K. Acting Supervisor Assignment/Rate of Pay:**

The City retains the sole discretion to assign acting supervisors in the absence of a supervisor. Employees who are designated as acting supervisors shall receive a stipend, in addition to the employee's normal rate or the minimum of the range for the position if assignment is one (1) month or more. The Director of Human Resources will determine the stipend amount.

**L. Pay Periods:**

1. Pay periods are bi-weekly.
2. Holidays. If a payday falls on a holiday, i.e. Friday after Thanksgiving, the day of pay shall be the last working day preceding the normal holiday.
3. ~~Salaried persons~~Exempt Employees employed or terminating their employment in the middle of a pay period are paid at a rate of one-tenth of the total bi-weekly salary for each day worked.
4. ~~Employees will be paid for accrued overtime on the payroll date following the completion of their work period.~~Employees will be paid on the payroll date for overtime earned in the two (2) weeks prior to the pay week.

**M. Payroll Deductions:**

1. Required Deductions. The following deductions are required by law from each employee's paycheck:
  - a. Federal and state income tax withholding.
  - b. Social Security (except police officers and firefighters).

- c. Medicare (certain police officers and firefighters may not qualify).
  - d. Retirement contributions (eligible employees only).
  - e. Health insurance premiums (where appropriate).
  - f. Deductions authorized by law, such as garnishments.
2. Optional Deductions. Other optional deductions, as approved by the City Manager, may also be arranged for at the employee's request in accordance with the Illinois Wage Payment and Collection Act, 820 ILCS 115/9.
  3. Statement of Earnings. With each paycheck, the City employee receives a statement of deductions and earnings, which itemizes the various deductions made. It is the employee's responsibility to maintain current payroll deduction information with the Payroll and AP Supervisor.
  4. Changes to Deductions. Employees wishing to add or change their payroll deductions should contact the Payroll and AP Supervisor.
  5. Direct Deposit. The City provides the opportunity to deposit payroll funds directly into personal bank accounts. Direct deposit is a service benefit strongly encouraged for all employees.

**N. Pay Advances:**

The City does not provide pay advances.

**O. Garnishment:**

1. Any notice of garnishment will be received and signed for by the Payroll and AP Supervisor.
2. Administrative Processing.
  - a. The notice of garnishment will be forwarded immediately to the Finance Department, who will process the paperwork and enter it in the payroll system.
  - b. The check for the garnished amount will be written and forwarded to the Creditor as directed. The Payroll ~~Services Coordinator~~ and AP Supervisor will notify the employee that the garnishment has been received and the processing date.

**P. Total Compensation:**

1. Pensionable compensation shall be determined by the applicable pension statute and/or pension plan document. Where not specified by statute or the plan, pensionable compensation shall be the base pay rate established for an employee, excluding overtime, non-taxable benefits such as medical or surgical insurance protection, flexible spending accounts and life insurance, and reimbursement for expenses such as travel, meals, uniforms and any other reimbursement or stipend.

2. Except as authorized by the City Manager, no employee shall receive pay from the City in addition to the salary or wage authorized under the pay ranges provided in the Pay Compensation Plan.
3. The pay provided by the Pay Compensation Plan is in exchange for all services rendered by the employee either in the discharge of ordinary duties and/or any additional duties which may be imposed or which the employee may undertake or volunteer to perform.
4. Employees may not accept special rewards, gifts or other compensation from outside individuals or organizations in exchange for providing City services. (For further details see Chapter 5, Section H).

**Q. Service to City Award:**

1. The City ~~of Wheaton~~ provides a performance-based service award to all eligible non-union employees. This award allows eligible employees to buy back accumulated sick leave days or accumulated vacation days according to the following schedule:

<u>Years of Service</u>	<u># of Days Eligible for Buy-Back</u>
12 Years	5 Sick Leave Days or 5 Vacation Days
17 Years	10 Sick Leave Days or 10 Vacation Days
22 Years	15 Sick Leave Days or 15 Vacation Days
27 Years	20 Sick Leave Days or 20 Vacation Days
32 Years	25 Sick Leave Days or 25 Vacation Days
37 Years	25 Sick Leave Days or 25 Vacation Days

2. Eligibility. Employees are considered eligible after 12, 17, 22, 27, 32 and 37 years of service. The employee must have received at least a “meets standards” on the annual performance evaluation for both the current year and the year previous to be eligible. If an otherwise eligible employee fails to attain the necessary score, he/she will not receive the award. Missing the award at one service year does not necessarily preclude the employee from being awarded at the next service year. However, once an employee misses one service year, they will not be eligible for that specific service year award again.
3. The award date will be in relation to an employee’s evaluation date. If the evaluation date and hire date are the same, then an employee will be eligible for the service award after their evaluation following 12, 17, 22, 27, 32 and 37 completed years of service, assuming the

appropriate score. If the evaluation date and hire date differ, then the employee will become eligible for a service award at their next evaluation following the specific service year.

4. Eligible employees must return the Service to City Request form to Payroll no later than thirty (30) days after the performance evaluation occurs. Forms received after this deadline will not be allowed. Employees electing to decline participation in the program should also return forms to ~~P~~Payroll.
5. Tier 2 employees are not eligible for the Service to City Award.

**R. Reservation of Rights:**

The City reserves the right to amend, modify or terminate this Compensation Plan at any time without advance notice. This is a material term on which the City relied in preparing this Compensation Plan. The City has complete discretion to interpret, apply and alter the Compensation Plan. The Compensation Plan is not a contract, and does not give employees vested rights.



## CHAPTER 4

### ~~FRINGE~~ BENEFIT PACKAGE

#### A. Sick Leave:

##### 1. Sick Leave Program

###### a. Tier 1

Full-time employees shall be credited with one (1) paid sick leave day for each full month of service. Such days may accumulate to a maximum of one hundred (100) sick days. Sick days will not accrue beyond one hundred (100) days, except for the purpose of IMRF accrual (i.e., the days cannot be used for sick leave, but may be accrued only for IMRF service time credit upon retirement). Regarding IMRF service time accrual, employees will accrue ½ day per month for any months in which the employee has over one hundred (100) days accrued. For employees with a sick leave accumulation in excess of one hundred (100) days as of March 31, 2012:

- 1) Sick leave balances as of March 31, 2012, will become the individual employee's accumulation maximum.
- 2) As sick leave balance is reduced; individual accumulation maximum shall also be reduced until the accumulation reaches one hundred (100) days.

###### b. Tier 2

Full-time employees under Tier 2 shall be credited with two-thirds (2/3) paid sick leave day for each full month of service. Such days may accumulate to a maximum of seventy-five (75) sick days; thereafter, days will accumulate at a rate of one-half day per month to a maximum of one hundred (100) days.

- c. Sick leave shall not be considered a privilege which an employee may use at the employee's discretion, but shall be allowed only in the event of actual sickness or disability of the employee. Sick leave may also be granted to meet health or dental appointments which cannot be reasonably scheduled during non-working hours, and in the event of an illness or injury of an immediate family member which requires the presence of the employee. For the purpose of this section, immediate family includes the employee's sibling, child (adopted, step, biological), grandchild, spouse or domestic partner, mother/father-in-law and the employee's parents, grandparents, or stepparents.

If a pattern of sick leave abuse occurs, the City reserves the right to impose any discipline, up to and including termination. discharge.

- d. Employees off on sick leave for five (5) consecutive or intermittent eight or twelve-hour work days, or three (3) twenty-four hour shift days, due to the same serious health condition within one year will be required to submit a note from their health care provider which indicates when the employee is able to return to work or provide a prognosis as to the earliest date

when the employee will be able to return to work. The employee will also be placed on FMLA leave. The Human Resources Department may require an employee to have the physician's certificate updated. Any costs associated with providing a physician's certificate are the responsibility of the employee.

- e. Department Heads or their designee may send an employee home on sick leave if, in the opinion of the Department Head or designee, the employee appears ill and threatens the health of other employees, or the employee is unable to properly or safely perform the essential functions of their job. Employees who are eligible for sick leave, but do not have any accrued sick days available, will be required to use other accrued paid time off (personal days, vacation days, PTO compensatory time) before being allowed to take their time unpaid.
- f. Sick leave may be advanced to employees by the Director of Human Resources. The Department Head shall provide the Director of Human Resources with a memorandum describing in reasonable detail the rationale for approval.

#### **B. Employee Sick Leave Bank:**

The purpose of the Sick Leave Bank is to provide for the voluntary transfer of accrued sick leave to eligible full-time employees who are suffering from a nonwork related severe or life-threatening illness, injury, impairment or physical or mental condition and will have exhausted their own paid time off.

##### **1. Eligibility**

- a. A qualified employee may be eligible to receive donated sick leave if all of the following criteria are met:
  - 1) The recipient is a full-time employee with a minimum of one year (12 months) of service ~~and~~ at the time of the first sick day taken associated with the illness or injury and has not been disciplined for sick leave abuse or attendance. All sick leave must be exhausted, as well as all other paid leave, including but not limited to compensatory time, vacation, and personal leave, before bank participation can commence. Paid leave will not accrue while using donated time.
  - 2) The recipient is suffering from a non-work related severe or life-threatening illness, injury, impairment or physical or mental condition which has caused or would cause the employee to be unable to perform the essential functions of his/her position as documented by a mandatory physician's written certification. The City reserves the right to require a second opinion by a physician of the City's choosing and at the City's expense.
  - 3) The request to receive donated sick leave is submitted to the Director of Human Resources in writing and is approved by the City Manager or the City Manager's designee.
- b. A qualified employee may be eligible to donate sick leave if all of the following criteria are met:

- 1) The donation of such sick leave will not cause the accrued sick leave balance of the donor to be less than eighty (80) hours at the time the donation is made. The maximum donation is eighty (80) hours per donor per incident.
- 2) The request to donate is submitted in writing to the Human Resources Department.
- 3) The donation is made in increments of eight (8) hours.
- 4) Donors will remain confidential.
- 5) Donation of sick leave for Leave Bank purposes will not affect the Sick Leave Buy Back eligibility for the donor.

## 2. Criteria for Usage

- a. Donated sick leave may only be used for the duration of the current illness, injury, impairment or physical or mental condition of the employee for whom it was donated. (See exception under "Unused Donations" below.)
- b. Donated sick leave shall not be transferable to any other employee but may be applied retroactively for a period not to exceed thirty (30) calendar days on behalf of the employee for whom it was donated.
- c. Eligible employees who request sick leave donations understand that the City will announce the requesting employee's name, and, with the employee's consent, the general nature of his/her injury or illness. This will allow the City to make notice of the employee's need.
- d. A written physician's statement must be submitted to the Director of Human Resources at least once every thirty (30) days, or as requested by the City. Failure to comply with this requirement may be grounds for termination of the use of this benefit.
- e. Eligible employees are limited to receiving a maximum of ninety (90) donated sick leave days (or 720 hours) in a twelve-month period. This period is defined as twelve (12) calendar months from the date of application for bank participation.
- f. Eligible employees may not receive any disability benefits from their respective pension plan at the same time as receiving donated sick leave.
- g. Employees may not donate sick leave to their immediate supervisor.

## 3. Rate of Pay

Donated sick leave shall be compensated according to the receiving employee's regular rate of pay at the time of the request approval. The rate of pay of the donating employee shall have no bearing on determining the amount of compensation received by the recipient of the donated sick leave.

## 4. Unused Donations

Any unused portion of the donated sick leave shall be forfeited by the donating employee. Any remaining time will be kept in the Health Sick Leave Bank for use by eligible employees as approved by the City Manager or ~~the City Manager's~~ designee.

#### 5. Termination of Usage

Use and acceptance of donated sick leave shall terminate upon:

- a. Medical certification that the illness, injury, impairment or physical or mental condition is no longer severe or life threatening; or
- b. The employee is able to return to work with a physician's written approval; or
- c. The employee terminates, retires, or goes on disability.
- d. Any non-compliance with the requirements set forth in this policy may be grounds for discipline, up to and including termination.

#### 6. Additional Participation Requests

An employee must return to work for a minimum of six (6) months after utilizing the Health Sick Leave Bank before making a request to utilize the Health Sick Leave Bank for a new illness or injury.

#### C. Sick Leave Buy Back Program:

If an employee desires, a maximum of 2-sixteen (16) sick leave days-hours (maximum ~~one (1)~~twenty-four (24) sick leave day-hours for Firefighters and Fire Lieutenants) can be bought back in any calendar year according to the schedule below. Payment shall be at the employee's present rate of pay. Eligible employees have the option of requesting personal days in lieu of a cash payment.

The personal days must be taken prior to May 1<sup>st</sup> ~~and may be taken in full or half day increments~~. The number of days the employee buys back or takes as a personal day will then be deducted from the unused sick leave earned and any remaining days will accumulate with those of previous years.

# of Sick Hours Used in a 12-month Period		# of Hours Eligible for Buy-Back
Operational Employee	Office Employee	
0 - 24	0 - 8	16
24.01 - 32	8.01 - 16	12
32.01 - 40	16.01 - 24	8
40.01 - 48	24.01 - 32	4
48.01 - 96	32.01 - 96	0

<del># Of Sick Leave Days Used in a 12-month period</del>		<del># of Days Eligible for Buy Back</del>
<del>Operational Employee</del>	<del>Office Employee</del>	
<del>—0—3</del>	<del>—0—1</del>	2
<del>3.01—4</del>	<del>1.01—2</del>	1.50
<del>4.01—5</del>	<del>2.01—3</del>	1
<del>5.01—6</del>	<del>3.01—4</del>	0.50
<del>6.01—12</del>	<del>4.01—12</del>	0

For purposes of determining the number of sick leave days used in a year, the 12-month period will run from November 1 to October 31-. Sick leave days used for an FMLA-approved leave of absence will not count as sick leave days used for the Sick Leave Buy Back Program.

Newly hired employees are required to wait until November 1 to begin eligibility for this program. Employees must be on the eCity's active payroll for the entire plan year to be considered eligible.

#### D. Vacation Leave:

##### 1. Tier 1 Vacation Program

- a. Full-time employees under Tier 1 shall earn paid vacation days on a monthly basis, in accordance with the following schedule:

<u>Service Time</u>	<u>Vacation Available (max accrual)</u>
First Four Years	10 work days per year
Fifth Year	15 work days per year
Sixth Year	16 work days per year
Seventh Year	17 work days per year
Eighth Year	18 work days per year
Ninth Year	19 work days per year
Tenth Year	20 work days per year
Eleventh Year	21 work days per year
Twelfth Year	22 work days per year
Thirteenth Year	23 work days per year
Fourteenth Year	24 work days per year
Fifteenth Year and after	25 work days per year

- b. Employees may roll over up to one (1) year of accrued vacation leave (at their specific eligibility rate) according to the schedule in Section D.1. Accumulation of additional time must be approved in writing by the City Manager
- c. For the purposes of determining vacation eligibility, the employee's date of employmenthire, and not the calendar year, is controlling.

- d. Recognizing that every employee's anniversary date is different for the purpose of earning vacation time, Department Heads are authorized to advance an employee vacation days not yet earned with the approval of the Director of Human Resources.
- e. Vacation time can be used for any reason, and employees do not need to disclose the reason for their time off request.

2. Tier 2 Vacation Program

- a. Full-time employees under Tier 2 shall earn paid vacation days on a monthly basis in accordance with the following schedule.

<u>Service Time</u>	<u>Vacation Available (max accrual)</u>
First Four Years	10 work days per year
Fifth Year	15 work days per year
Sixth Year	16 work days per year
Seventh Year	17 work days per year
Eighth Year	18 work days per year
Ninth Year	19 work days per year
Tenth Year and after	20 work days per year

- b. Employees under Tier 2 may not roll over more than five (5) vacation days from one year to the next.
- c. For the purposes of determining vacation eligibility, the employee's date of employmenthire, and not the calendar year, is controlling.
- d. Recognizing that every employee's anniversary date is different for the purpose of earning vacation time, Department Heads are authorized to advance an employee vacation days not yet earned with the approval of the Director of Human Resources.
- e. Vacation time can be used for any reason, and employees do not need to disclose the reason for their time off request.

**E. Part-Time Employees**

- 1. Effective January 1, 2024, all part-time employees, except Crossing Guards, will earn one (1) hour of paid time off (PTO) for every forty (40) hours worked. These part-time employees can carry over up to twenty (20) hours of PTO into the next year.
- 2. Effective January 1, 2024, part-time Crossing Guards will receive five (5) hours of PTO at the beginning of each school year. PTO will not be carried over into the next school year.
- 3. ~~Paid time off (PTO)~~ can be used for any reason, and employees do not need to disclose the reason for the time off request.
- 4. PTO will not be paid out at the end of employment.

## F. Holidays:

1. Except as otherwise provided in this Chapter, full-time employees are given the following days off with pay:
  - a. New Year's Day
  - b. Presidents' Day
  - c. The Friday before Easter
  - d. Memorial Day
  - e. Independence Day
  - f. Labor Day
  - g. Thanksgiving Day
  - h. The Friday following Thanksgiving
  - i. Christmas Day
  - j. Two (2) personal days (all newly hired, full-time employees must work three months before taking a personal day off). A newly hired employee who works less than 6 months (but more than 4 months) in the fiscal year shall earn one (1) personal day, while a newly hired employee who works more than six (6) months in the fiscal year shall earn two (2) personal days. The scheduling of all personal days is subject to the prior approval of the supervisor who will pass the request to the Department Head.

All employees who are eligible to take personal days off must do so in the ~~fiscal year~~ 12-month period from {May 1 – April 30} in which the personal days are earned. Personal days may not be accrued.

Assistant Fire Chiefs (Shift Commanders), the Police Services Supervisor, and Community Service Officers ~~and Police Services Representatives~~ are eligible for one personal day taken as paid time off. (The second personal day is included in their Holiday pay.)

2. Full-time employees who attained ed twenty-five (25) or more years of service by March 31, 2012, shall receive three (3) personal days. Full-time employees who attain twenty-five (25) or more years of service on/after April 1, 2012 shall continue to receive a maximum of two (2) personal days.
3. Holiday Pay: Assistant Fire Chiefs (Shift Commanders), the Police Services Supervisor, and Full-Time Community Service Officers ~~and Full-Time Police Services Representatives~~ receive a lump sum of 4% of their annual base salary as holiday pay, computed and paid out as follows:
  - a. ~~For employees with one (1) year of service at the time of the regular holiday pay out, the employee~~ Employees shall receive payment on or about Thanksgiving Day, for all authorized holidays falling ~~during the course of the fiscal year~~ between May 1<sup>st</sup> of the current year and April 30<sup>th</sup> of the following year.
  - b. ~~For employees with less than one (1) year of service at the time of the regular holiday pay out, who start after November the employee~~ shall receive payment on or about April 30<sup>th</sup> for those authorized holidays falling during the course of their employment.



Holiday pay for employees with less than one (1) year of service is based on the number of holidays falling during the employee's employment. ~~Thereupon, the employee will fall under the provisions governing employees with one year or more service.~~

4. If a holiday falls on a Sunday, the following Monday will be observed as the holiday and, if a holiday falls on Saturday, the preceding Friday will be observed as the holiday.
5. In the event an employee other than an Assistant Fire Chief (Shift Commander), Police Services Supervisor or Community Service Officer ~~or Police Services Representative~~ is required to work on a holiday because their presence is essential, that employee ~~shall~~ may be entitled to additional pay computed on the basis of actual time worked ~~and in accordance with the overtime provisions applicable to the employee's department.~~
6. If an employee is on vacation when a holiday occurs, that day shall either be added to the regularly scheduled vacation (if approved in advance by the Department Head) or not charged against the employee's vacation time.
7. In the event an employee does not work the scheduled day before or scheduled day after a holiday and is not on a previously authorized absence, that employee shall not receive holiday pay until proof of illness, or an otherwise excusable absence is established to the satisfaction of the Department Head.

#### **G. Family and Medical Leave:**

This section is an effort to summarize aspects of the Family and Medical Leave Act (the "Act"). It is not a comprehensive explanation of the Act, or the regulations adopted in furtherance of the Act. It is not intended to provide legal advice. The text of the FMLA may be found in the United States Code. The detailed regulations related to the FMLA may be found at 29 CFR Part 825. These are both available online. The City also has posted required written notice at City buildings; Appendix C to Part 285 entitled: "EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER FAMILY AND MEDICAL LEAVE ACT", which provides basic information to employees regarding FMLA.

1. FMLA allows eligible employees a maximum of twelve (12) workweeks, and in limited cases for military servicepersons up to twenty-six (26) workweeks, of unpaid leave during a twelve-month period with job protection and no loss of service.
2. Eligible employees must have been employed with the City for at least twelve (12) months and have worked at least 1,250 hours during the twelve (12) months before the commencement of the leave. For purpose of these rules, the twelve (12) months an employee must have worked for the City need not be consecutive months. Employment periods prior to a break in service of seven (7) years or more need not be counted unless said break in service was due to USERRA-covered military service obligations or there is a written agreement setting forth the City's intention to rehire the employee after such a break in service.
3. Eligible ~~Eligible~~ employees are entitled to a maximum of twelve (12) workweeks unpaid leave during a rolling twelve-month period measured backward from the date the employee uses any FMLA leave. ~~Part time employees who work at least 1,250 hours in a 12-month period are eligible to use FMLA Leave.~~

4. ~~If an employee is eligible, the~~ Eligible employees may take family/medical leave for any of the following reasons as defined by the Act: (1) the birth of a child and in order to care for such child; (2) the placement of a child with the employee for adoption or foster care; (3) to care for an immediate family member (as defined by the Act) with a serious health condition; or (4) because of the employee's own serious health condition which renders the employee unable to perform the functions of the employee's position. Leave because of reasons ~~one (1)~~ and ~~(2) two~~ above must be completed within the 12-month period beginning on the date of birth or placement and must be taken as a continuous block of leave.
5. ~~a. If an employee is eligible, the~~ Eligible employees may use the ~~12~~twelve-week FMLA entitlement to take military family leave. This leave may be used to address certain qualifying exigencies related to the active duty or call to active-duty status in the Regular or Reserve Component of the Armed Forces National Guard or Reserves in support of a contingency operation of a spouse, child, son, daughter or parent. Qualifying exigencies may include (1) attending certain military events; (2) arranging for alternative childcare; (3) addressing certain financial and legal arrangements; (4) attending certain counseling sessions; (5) addressing issues related to short-notice deployment; (6) spending time with a covered family member who is resting and recuperating; and (7) attending post-deployment briefings.

b. An eligible employee, who is the spouse, child, parent, or next of kin (nearest blood relative other than spouse, child or parent) of a member of the Armed Forces, including a member of the National Guard or Reserves, or a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the commencement of leave, who has a serious injury or illness, for which he or she is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, shall be entitled to a total of twenty-six (26) weeks of leave during a single twelve-month period to care for the service member. During this single twelve-month period, an employee shall be entitled to a combined total of twenty-six (26) weeks of leave under paragraphs 5.a. and 5.b. herein. This paragraph does not limit the availability of leave under 5.a. during any other twelve-month period. The aggregate number of work weeks of leave to which both spouses working for the same employer may be entitled may be limited to twenty-six (26) work weeks during the single twelve-month period described in this Section 5.b. if the leave is taken under 5.b. or a combination of 5.a. and 5.b.

~~An employee may also be eligible for up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. This single 12-month period begins with the first day the employee takes the leave. A covered service member includes: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy or is in outpatient status; or (2) is on the temporary disability retired list.~~

6. FMLA does not alter any existing programs providing for paid leave including disability leave, Workers' Compensation leave, paid vacation, personal leave, and unused compensatory time leave. If existing leave programs provide paid benefits coverage (i.e., paid leave of any type), those benefits shall be applied first, and the paid leave shall run concurrently with FMLA leave.

7. Employees are required to exhaust all eligible paid leave and unused compensatory time before using unpaid leave.
8. Employees shall be required to take eligible leave in the following order: sick or statutory (such as Workers' Compensation) leave, vacation, personal day leave, unused compensatory time, and unpaid time off leave. Employees shall not have the option of altering this order.

9. Application for FMLA leave shall be made in writing to the Human Resources Director/Department, stating the reasons for the request, the date desired for the start of the FMLA leave and probable date of return. Absent an employee request for FMLA leave, the City may still designate an employee's leave toward FMLA leave where the circumstances otherwise qualify.

9.10. A "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either:

- a. Inpatient care (*i.e.*, an overnight stay) in a hospital, hospice, or residential medical-care facility, including any period of incapacity (*i.e.*, inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care; or
- b. Continuing treatment by a health care provider, which includes:
  - 1) A period of incapacity lasting more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also includes:
    - i. treatment two or more times by or under the supervision of a health care provider (*i.e.*, in-person visits, the first within 7 days and both within 30 days of the first day of incapacity); or
    - ii. one treatment by a health care provider (*i.e.*, an in-person visit within 7 days of the first day of incapacity) with a continuing regimen of treatment (*e.g.*, prescription medication, physical therapy); or
  - 2) Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence; or
  - 3) Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence; or
  - 4) A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; or
  - 5) Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

Ordinarily, unless complications arise, the common cold, the flu, earaches, upset stomach, minor ulcers, headaches other than migraine, routine dental problems, and similar afflictions are not a "serious health condition"; and therefore, do not qualify for FMLA leave.

With regard to substance abuse (including alcohol abuse), FMLA leave may only be taken for treatment of substance abuse by (or on referral from) a health care provider. Absence caused by the employee's use of the substance, rather than for treatment, does not qualify for FMLA leave.

~~10.~~11. An employee on an FMLA qualifying leave may continue in the City's health and dental plans. Coverage in the health and dental plans will remain on the same terms as if the employee had continued to work for a period of up to twelve (12) weeks. While the employee is active on the City's payroll, premiums will continue to be deducted from the employee's paycheck. If any portion of the FMLA-approved leave is unpaid, the employee has the option to manually pay their premiums to the City, or upon return, they may double their premium deductions until the premium is paid in full for the length of their unpaid leave.

Employees who fail to return to work from an FMLA qualifying leave will be required to pay the full cost of the COBRA premium rate for the twelve-week period unless the failure to return to work was due to the recurrence or onset of a serious health condition or was otherwise beyond the employee's control. After twelve (12) weeks, the employee can purchase continued coverage at COBRA rates for the period permitted by COBRA.

12. Upon return from FMLA qualifying leave, an employee will be restored to their original job or to a job with equivalent pay, benefits, and employment conditions unless the employee would no longer be employed had the employee not taken the leave. Certain "key" employees may not be entitled to reinstatement. A "key" employee is a salaried eligible employee who is among the highest paid ten percent of all employees. Fitness for duty verification may be required upon return to work following a leave for an employee's own illness specifying that the employee is fit to perform the essential functions of the job or where a leave is intermittent when reasonable safety concerns exist. Employees failing to provide the certification will not be permitted to resume work until it is provided.

~~11.~~13. Employees seeking to use FMLA leave are required to provide:

- a. Thirty (30) days advance notice when the need is foreseeable;
- b. Complete a "Request for Family/Medical Leave Form";
- c. Medical certification(s) supporting the need for leave; and
- d. Medical recertification(s) and status report(s) as reasonably requested during the leave.

~~12. Fitness for duty verification may be required upon return to work following a leave for employee's own illness specifying that the employee is fit to perform the essential functions of the job or where a leave is intermittent when reasonable safety concerns exist. Employees failing to provide the certification will not be permitted to resume work until it is provided.~~

13. If the employee is requesting leave because of the employee's own or a family member's serious health condition, the employee and the relevant health care provider shall supply appropriate medical certification. The medical certification shall be provided within fifteen (15) days after it is requested, unless good cause is stated in writing by the employee within the fifteen (15) day ~~ors-and-thereafteror~~ as soon as reasonably possible based on specifically identified circumstances. Failure to provide requested medical certification in a timely manner may result in denial of leave and absences will be considered unexcused. The City, at its expense, may require an examination by a second health care provider designated by the City, if it has reason to doubt the medical certification. If the second health care provider's opinion conflicts with the original medical certification, the City, at its expense, may require a third, mutually agreeable health care provider to conduct an examination and provide a final and binding opinion.
14. If the employee is requesting leave because of a qualifying exigency arising out of a covered family member's active duty or call to active duty status, the employee shall supply a copy of the covered military family member's active duty orders or other documentation issued by the military indicating that the covered military member is on active duty or call to active duty status in support of a contingency operation (including the dates of the active duty service). The City may also request additional information pertaining to the leave.
15. If an employee is requesting leave because of the need to care for a covered service member with a serious injury or illness, the City may require the employee to supply certification completed by an authorized health care provider of the covered service member. In addition, the City may also request additional information pertaining to the leave.
16. Spouses who are both employed by the City are entitled to a combined total of twelve (12) workweeks during any twelve-month period when both are eligible for the same leave (e.g., when the leave is for the birth and care of a child, the placement of a child for adoption or foster care, or to care for a parent with a serious health condition).
17. Employees are not eligible, from the date of their last appearance on the City payroll, to accrue seniority, sick leave, personal days, vacation time nor are they eligible for funeral leave pay while on FMLA leave.
18. For eligible employees, total FMLA leave hours are determined by computing the average number of regular hours worked per week in the twelve (12) weeks preceding the leave times twelve.
19. Reduced or Intermittent Leave:
  - a. An eligible employee who requests medical leave based upon the serious health condition of the employee, or the employee's family member, or to care for a servicemember with a serious injury or illness or because of a qualifying exigency may request that such leave be taken on an intermittent or a reduced leave schedule. "Intermittent leave" is leave of one hour or more that is taken during any nonconsecutive time period (e.g., one week on, one week off). "Reduced leave" is leave that is taken by reducing the employee's normal working hours (e.g., from eight hours to four hours per day). If the leave is unpaid, the City will reduce the employee's salary based on the amount of time ~~actually-not~~ worked. A request for either intermittent or reduced leave will be granted only where medically necessary, as established by information requested in the City's FMLA medical certification form.

- b. If such intermittent or reduced leave is foreseeable, the City may alter the employee's existing job (while maintaining existing pay and benefits), or may temporarily transfer the employee to a different position with equivalent pay and benefits, in order to best serve the City's operational needs during the leave.
- c. The City may consider requests for intermittent or reduced leave in conjunction with the birth, adoption, or foster placement of a child, but the City is not obligated to grant such requests under any circumstances and will do so only at its sole discretion.

#### H. Other Leaves of Absence:

Full-time, non-introductory period employees may be granted a leave of absence in accordance with the following:

##### 1. Military Leave

Full-time, non-introductory employees who, as a member of any reserve component of the United States Armed Forces, including the Illinois National Guard, are ordered for training, shall be paid in accordance with the Illinois Service Member Employment and Reemployment Act (ISERRA)(330 ILCS 61/5-5 *et seq*). During leaves for annual training, the employee is entitled to receive his/her regular compensation for up to thirty (30) days per calendar year. ~~During leaves for basic training and up to sixty (60) days for advanced or special training, the employee's usual compensation must be continued but can be reduced by the base pay of military service.~~

During periods of military leave for active service, employees shall continue to receive health plan benefits and also shall receive differential compensation as calculated in accordance with the provisions in ISERRA. Employees mobilized to active duty, as a result of an order from the Illinois State Governor or the President of the United States, shall continue to receive compensation and other benefits in accordance with the Illinois Service Member Employment and Reemployment Act (ISERRA). The City also follows the provisions set forth in the Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA).

##### 2. Jury Duty

Full-time employees shall be granted a leave of absence with pay ~~pursuant to a notice for~~ to report for and/or while serving on jury duty. If an employee receives compensation from the Court for jury duty, the employee is not required to return any compensation to the City and will continue to receive his/her regular City paycheck.

##### 3. Funeral Leave

For purposes of this section, "covered family member" is defined as spouse, domestic partner, biological, adopted, foster, or step ~~child son or daughter~~, sibling, parent, grandparent, grandchild, aunt, uncle, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent-in-law, niece, or nephew of the employee or any other person dependent upon the employee's care.

- a. ~~Paid~~ Funeral leave of up to twenty-four (24) hours per incident may be granted with pay due to a death of an employee's covered family member. ~~It is important to note that depending on the incident, employees are not automatically entitled to twenty-four (24) hours funeral leave.~~ The granting of funeral leave requires the approval of the employee's Department Head. Paid leave for this purpose will not be applicable in cases where the funeral occurs on a paid holiday, or any other case which would result in paying twice for the same time off. No additional payment will be made if the employee is on leave of absence or is absent due to illness or injury.
- b. In accordance with the Family Bereavement Leave Act (820 ILCS 154/1 et seq.), employees who suffer the loss of a "covered family member" will receive 2 weeks (10 workdays) of unpaid Family Bereavement Leave so that they may attend the family member's funeral or funeral alternative, make arrangements necessitated by the family member's death, and/or grieve.
  - 1) Other qualifying reasons for unpaid Family Bereavement Leave include miscarriage, stillbirth, failed adoption match, an adoption not finalized because it is contested by another party, failed surrogacy agreement, unsuccessful intrauterine insemination, unsuccessful assisted reproductive technology procedure, and any diagnosis that negatively impacts pregnancy/fertility.

Any employee requesting Family Bereavement Leave for reasons relating to fertility or adoption shall fill out and file with the ~~City's~~ Human Resources Department, the Illinois Department of Labor Family Leave Act 10(a)(4) Form; and further provide any other reasonable information requested by the City and allowed by the Act.

- c. Employees ~~will~~ must exhaust all paid funeral leave, if applicable, then other accrued time off before taking time unpaid.
4. Unpaid Leave of Absence - Non-Medical
    - a. Any employee who has exhausted all vacation, personal days, and sick leave days (if applicable) may request an unpaid leave of absence from the employee's Department Head.
    - b. An unpaid leave of absence totaling less than thirty (30) days will have no effect on seniority, vacation accrual, sick leave accrual and any other benefit which is based on seniority. An employee may continue in the life and health insurance programs provided arrangements are made by the employee to pay the full premium cost for the period the employee is absent from work.
    - c. An unpaid leave of absence longer than thirty (30) calendar days will result in the termination of all ~~fringe~~ benefits (as outlined in Chapter 4), unless otherwise approved by the City Manager.
    - d. The City may determine the unpaid leave of absence to be permanent if after thirty (30) days the employee does not return to work.

5. Unpaid Leave of Absence – Medical



a. Employees on an unpaid medical leave of absence may be eligible for temporary disability benefits provided by their respective pension plan.

~~a.b.~~ Temporary Disability ~~is~~ may be provided by the Illinois Municipal Retirement Fund (IMRF), when an employee is off payroll for thirty (30) days or more, at 50% of the last earnings when he/she went on disability. IMRF will certify permanent disability after thirty (30) months.

~~b.~~ IMRF will certify permanent disability after thirty (30) months. Police Officers and Firefighters may also be eligible for temporary disability benefits under the Illinois Pension Code.

#### 6. School Visitation Leave

Employees who have been employed for at least six (6) consecutive months and work a minimum of twenty (20) hours per week are entitled to a maximum of eight (8) hours unpaid leave per school year to attend school conferences or activities related to the employee's child if the conference or activity cannot be scheduled during non-work hours.

a. Employees must exhaust all paid personal days, vacation, PTO and unpaid compensatory time before being eligible for this leave.

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

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

1) Up to thirty (30) days in any twelve (12) month period for bone marrow or organ donations.

2) One hour every fifty-six (56) days to donate blood.

3) Two hours not more than twenty-four (24) times in a twelve (12) month period to donate platelets.

b. The time must be approved by ~~the employee's~~ 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.

### I. Workers' Compensation Insurance:

## Eligibility

The City provides Workers' Compensation insurance for employees in the event of a work-related injury or illness. Employees ~~may be eligible for benefits will be paid for lost wages~~ due to a Workers' Compensation injury. ~~(See Chapter 8 Workers' Compensation Policy for details.) 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.~~

### ~~1. 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.~~
- ~~b. In addition to the benefits required by the Workers' Compensation Act, the City continues the injured full time employee's full salary and benefits for four (4) consecutive months from the date of the job-related injury. Any Workers' Compensation insurance payments received by the employee shall revert to the City during the time for which continuing compensation is paid.~~
- ~~c. FMLA shall run concurrently with any leave of absence associated with a work-related injury.~~
- ~~d. If, because of a work-related illness or injury, an employee is unable to return to work at the expiration of the four (4) month period, the employee may, at their option, use all accumulated paid leave before being removed from the payroll and before being transferred for disability benefits available under the pension or retirement plan which has jurisdiction.~~
- ~~e. Employees while on Workers' Compensation disability (and no longer on the City payroll), have the option of continuing their coverage in the City's life and health insurance programs by reimbursing the City the full cost of the coverage from the date the employee is permanently separated from the active payroll. If the separated employee becomes eligible for similar health and life benefits under another group or government plan, participation in the City plan will terminate.~~
- ~~f. Employees while on a job-related disability will receive any accrued vacation leave credit and severance pay as outlined in Chapter 8 if the disability is determined to be of a permanent nature.~~

## J. Termination of Leave:

An employee who is unable to return to work due to an illness or injury after all paid leave and FMLA leave is exhausted shall be placed in inactive unpaid leave status. Such employees shall not be entitled to any additional benefits or accrue any additional benefits from the City. Employees in inactive unpaid leave status who wish to return to active service must notify the City in writing and provide any medical information required by the City to assess their ability to return to work. Such employees ~~will~~may be considered for vacant positions that the City is actively seeking to fill

for a period of one year. The City will explore other reasonable accommodations for a qualified individual with a disability upon request.

#### **K. Health and Life Insurance:**

1. Under the Affordable Care Act (ACA), for purposes of providing an employee with health benefits, full-time is defined as an average of thirty (30) hours a week or more than one hundred thirty (130) hours a month. To be considered full-time, the employee must work more than one hundred twenty (120) days in a year. The City provides a comprehensive health plan for full-time employees and eligible dependents. Full-time employees become eligible for health insurance coverage immediately upon the first day of their employment. Information and Summary Plan Descriptions regarding these plans are available on the City's Intranet and in the Human Resources Department. This insurance is provided under the terms of the City's group hospitalization and major medical plans and is subject to change.
2. The City provides all full-time employees group life insurance. Full-time employees become eligible for life insurance coverage after ninety (90) continuous days of employment. The life insurance policy may change from time to time. Benefits and requirements of the plans vary and are described in the policy booklet provided to the employee. Policy booklets are available on the City's Intranet and in the Human Resources ~~d~~Department.

Full-time employees over the age of 70 will continue to receive ~~City-sponsored~~City-sponsored life insurance benefits, but at reduced amounts. Full-time employees will not be eligible for City sponsored life insurance benefits upon reaching the age of 75.

3. This ~~Employee~~ manual contains an outline of some City benefits. In the event of discrepancies between this manual and insurance documents, the insurance documents supersede this manual.

#### **L. Dental Program:**

~~To be eligible for this benefit, an employee must be considered full-time as described in the section above. Under the Affordable Care Act (ACA), for purposes of providing an employee with health benefits, full time is defined as an average of 30 hours a week or more than 130 hours a month. To be considered full-time, the employee must work more than 120~~ days in a year. The City will make available to employees participation in a dental program(s) as may be offered from time to time.

#### **M. COBRA:**

Under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), all employers, including state and local governments, are required to extend continuing health care coverage to employees and dependents following termination, a reduction in hours (full-time to part-time), retirement, divorce, or death. If an employee terminates employment for any reason, other than gross misconduct, or reduced hours, and such employee was covered under the City's Group Insurance Plan on the day preceding termination or reduction, then such employee may continue health/dental coverage for himself/herself and any eligible dependents who were also covered during such time by making payment for the full cost of such coverage.

1. If an employee dies, or becomes legally separated or divorced, the employee's spouse and dependent children, if they are then also receiving coverage under the Plan, can elect to purchase continued health and dental coverage under the Plan for up to thirty-six (36) months. ~~—(In the event of an employee's death, see Chapter 4, M.4-3.)~~
2. If an employee is terminated (for a reason other than gross misconduct), or is reduced to a part-time status, the employee and their employee's family members, if they are then covered under the Plan, can elect to purchase continued health coverage under the Plan for up to eighteen (18) months. If an employee and/or other eligible family members do not choose to continue in the City's health and dental insurance programs, coverage will end on the employee's termination date.
3. If the employee has a covered dependent child who ceases to be eligible for dependent coverage under the Plan, the employee's child can elect to purchase continued health coverage for up to thirty-six (36) months.
4. Under the law, a participant or family member has the responsibility to inform the City of a divorce, legal separation, or a child losing dependent status under the Plan within sixty (60) days of the event. If the Plan Administrator is not notified within sixty (60) days of the event, the right to continue coverage is forfeited, and the employee shall reimburse the City for any premiums paid by the City if the employee's spouse or dependent remains on the Plan after the occurrence of the event.

#### **N. Retiree Health Benefits:**

Eligible employees may continue health, dental and life insurance upon retirement by paying the full cost of the premium as required by state law. If an employee does not elect to continue in the City's health, dental and life insurance programs, coverage will end on the last day of the month in which the employee retires.

Employees, who are enrolled in any pension plan, who the Illinois Municipal Retirement Fund (IMRF) retire, and their spouse, and/or dependents as the case may be, may continue health insurance, dental and life insurance by paying the full cost of the premium in accordance with state law pursuant to the following provisions:

1. Employees who retire from active service and are immediately eligible for to receive benefits from their respective 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 theirthe IMRF pension benefits, but must be eligible to immediately receive the pension benefits on the date of resignation-separation. termination.
2. Employees who become disabled and are eligible to receive an IMRF disability benefit through their pension plan. may continue health insurance, dental and life insurance by paying the full cost, per state law (40 ILCS 5/7-101).
3. A surviving spouse and covered dependents ~~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).

#### **~~O. 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.~~

#### **P.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, sexual or gender violence, or any other crime of violence, or who has a family or household member who is a victim of domestic, sexual or gender violence, or any other crime of violence, with up to twelve (12) weeks of unpaid leave per any twelve (12) month period to address issues arising from the ~~domestic or sexual~~ violence.
2. Coverage and eligibility.
  - a. Any employee who has been subjected to domestic, ~~or~~ sexual or gender violence or any other crime of violence shall be provided leave during work hours for any of the following:
    - 1) To seek medical attention for, or recover from, physical or psychological injuries;~~;~~
    - 2) To obtain services from victim service organizations;
    - 3) To obtain psychological or other counseling;
    - 4) To participate in safety planning to temporarily or permanently relocate or to take other actions to increase safety; ~~from future domestic or sexual violence;~~
    - 5) To seek legal assistance or remedies to ensure health and safety, including preparing for or participating in any civil or criminal legal proceeding;~~;~~
    - 6) To make arrangements for, attend the funeral of, and grieve for a family member who was killed in a crime of violence.

- i. Leave under this subparagraph 6) is limited to ten (10) workdays, which must be completed within sixty (60) days after the date of death of the victim;
- ii. This leave is not intended to confer a right to leave beyond unpaid leave allowed under the Family Bereavement Leave Act.

- b. 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 shares a relationship with the victim through a son or daughter) who is a victim of domestic, ~~or~~ sexual or gender violence or any other crime of violence.

### 3. Notification and Verification

Qualifying employees must notify the Human Resources Director ~~as soon as possible~~ at least forty-eight (48) hours in advance, where practicable, 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 or gender violence or any other crime of 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.



# CHAPTER 5

## ADMINISTRATIVE POLICIES

### A. Hours of Work:

#### 1. Work Periods, Hours of Work, Punctuality, and Rest Periods

- a. Department Heads determine the working hours for their staff. They will also approve time sheets (where applicable) and/or approve timecards in the City's timekeeping software for each assigned employee, indicating the following information:

- 1) Hours worked each day, and total hours worked each work week.

- ~~2) Hours not worked and the appropriate code for the type of time used/taken. Each day the employee was absent due to sick or vacation time.~~

- ~~3) Each regular day off for the employee.~~

~~Department Heads will receive a payroll earnings report showing hours worked for each employee in that period. Within one week of receiving the report, it must be signed and returned to the Finance Department.~~

- b. Department Heads are authorized to establish reasonable lunch and rest periods during each workday. The granting of periods and the determination of the time and length is entirely discretionary with the Department Head and may be arranged as the Department Head feels is most consistent with departmental operation.

### B. Review of Personnel File:

1. Employees may submit a written request to the Human Resources Department no more than two times a year to inspect, copy, and receive copies of their main personnel file in accordance with the Illinois Personnel Record Review Act (820 ILCS 40/1, et seq.). located in the Human Resources Department by requesting an appointment with the Human Resources Department. The written request must comply with the requirements set forth in the Act. The Human Resources Department will determine a mutually-agreed-to place and time when ~~for~~ access to the employee's personnel file will take place during regular business hours.
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~~ The employee must keep the I.D. card ~~must be kept~~ secured, and ~~is 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 the employee's ~~your~~ responsibility to report the loss immediately to the Human Resources Department. The City will provide two (2) ~~a reasonable number of~~ replacement I.D. cards

at the City's cost. If additional replacement I.D. cards are required, the employee will be responsible for the cost of ~~any such all additional~~ replacement I.D. cards. The I.D. card is the property of the City and shall be returned upon ~~the employee's year~~ 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 within thirty (30) days of the date of change to the Human Resources Department. Changes can be made via Employee Self-Service. Documentation must be provided to the Human Resources Department to show proof of the certain status changes.

#### **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. ~~Fulltime Employees.~~ Current ~~fulltime~~ employees will be recognized for ~~continuous~~ years of ~~fulltime~~ service with the City at five-year increments. Recognition will be based on their ~~current fulltime~~ hire date.
  - b. ~~Parttime 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 fulltime, temporary to fulltime) will be recognized for years of continuous service in their current status only.~~
  - e. ~~b. Re-hired Employees.~~ Employees who voluntarily leave the City's employment and are subsequently rehired will be recognized based ~~on their most current hire date, unless their leave was for thirty (30) days or less.~~ on their total time with the City.

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

1. City vehicles (unless specifically authorized by the City Manager), equipment, supplies and tools shall not be used for an employee's personal use, or for any other unauthorized purpose.
2. Employees shall properly care for City vehicles, equipment, supplies, or tools they operate or use.
3. Employees who take home a City vehicle shall maintain a log of vehicle use, in accordance with IRS regulations. Log forms are provided by the Finance Department.
4. City-owned vehicles may be taken home only in cases where authorized by the City Manager in writing.

- a. Such use must be authorized by the Department Head and reported to the City Manager for final approval.
- b. ~~Relatives of~~Only 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~~Electronic Devices:**

- 1. Employees are prohibited from using telephones or electronic devices 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 use of electronic devices. 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; or
    - 5) checking for phone messages.
  - b. This prohibition applies to:
    - 1) the use of City and personal ~~telephones~~electronic devices while operating City-owned vehicles or machinery;
    - 2) the use of City and personal ~~telephones~~electronic devices while on City time or conducting City business, even when operating personal vehicles or machinery; and
    - 3) the use of City ~~telephones~~electronic devices 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~~ speakerphones, are allowed in accordance with Section ~~Y-G-2~~ of this chapter.
  - 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; and
  - 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 and electronic devices 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; or
  - d. must not burden the City with measurable incremental costs.

#### **H. 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 ~~e~~Department ~~h~~Head.
2. Employees shall not use the City mail system to mail items not associated with their official duties.

#### **I. Gifts and Rewards:**

1. The City requires employees to follow the provisions of the State Officials and Employee's Ethics Act (5 ILCS 430).
  - a. The Act prohibits officers and employees of intentionally performing any prohibited political activity, or intentionally using any property or resources of the City ~~of Wheaton~~ in connection with any prohibited political activity.
  - b. The Act prohibits officers and government employees and their spouses and immediate family living with them from receiving any gratuity, monetary value from a prohibited source, with certain exceptions. The Act also provides a detailed process for the investigation of allegations of violations of the Act and for the hearing(s) held to determine whether a violation has occurred. The definition of "prohibited source" is any person or entity who:
    - 1) Is seeking official action by the recipient or the City,
    - 2) Does business with or seeks to do business with the recipient or the City,
    - 3) Conducts activities regulated by the recipient or the City, or

- 4) Has interests that may be affected by the performance or non-performance of the official duties of the recipient.
- c. The Act was intended to improve government ethics by greatly restricting the flow of gratuities in government. Further information may be found by reviewing the State Officials and Employee's Ethics Act (5 ILCS 430).
2. The City requires employees to follow the provisions of Chapter 2, Article VIII, Sections 2-526~~7~~86, and Chapter 42, Article V, Sections 42-125~~7~~42-129 of the Wheaton City Code.
  - a. These sections of the City Code ~~sets~~ forth certain financial disclosure requirements and also contain provisions relating to conflicts of interest, representing private interests before the City, other policy requirements relating to ethical behavior, political activities and strict limitations related to the acceptance of gifts.
  - b. Further information may be obtained by reviewing these chapters of the City Code.

**J. Outside Employment:**

1. Full-time employees of the City may not be employed in any other capacity without the approval of the Department Head.
  - a. Employees wishing to hold outside jobs must apply in writing to the Department Head for approval.
  - b. Outside work is defined as any gainful employment other than the performance of official duties including, but not limited to self-employment, working for another, employment in the management, operation, or direction of a private business for pay, including, any direct or indirect financial interest in any such business.
2. Outside work is permitted to the extent that it does not prevent employees from devoting their primary interest to the accomplishment of their work for the City or tend to create a conflict between the private interests of the employee and the employee's official responsibility.
  - a. An employee shall not perform outside work:
    - 1) Which is of such nature that it may be reasonably construed by the public to be an official act of the City, or Department thereof; ~~or~~
    - 2) Which involves the City facilities, equipment and supplies of whatever kinds; ~~or~~
    - 3) Which involves the use of official information not available to the public; or
    - 4) Which might encourage on the part of members of the general public a reasonable belief of a conflict of interest.

- b. While an employee is not prohibited from performing outside work solely because the work is of the same general nature as the work the employee performs for the City, no employee may perform outside work:
  - 1) If the ~~work is~~duties are such that the employee would be expected to do it as part of his or her regular duties; ~~or~~
  - 2) If the work involves management of a business closely related to the official work duties of the employee; or
  - 3) If the work would tend to influence the exercise of impartial judgment on any matter coming before the employee in the course of the employee's official duties.
- c. All requests for outside employment, whether approved or disapproved, shall be forwarded to the Director of Human Resources to be placed in the employee's Personnel File.
- d. Violation of the regulations governing outside employment by an employee may be cause for ~~termination or other~~ disciplinary action, up to and including termination.

**K. Political Activity:**

- 1. In accordance with the state and federal constitutions and with 65 ILCS 5/10-1-27.1, City employees have a right to engage in political activity through voluntary political contributions or voluntary political activities. However, while at work or on duty, employees may not participate in political activities on City property. Additionally, no employee may use or threaten to use the influence of the ~~city's~~employee's position to coerce or to persuade any person to follow any course of political action or to contribute or lend anything of value to a political organization or candidate for political office.
- 2. ~~Fulltime and part-time e~~Employees of the City who run for partisan or nonpartisan elective office in the City ~~of Wheaton~~ may be required to take a leave of absence. The leave of absence would commence upon the filing of the candidate's petition for office. The leave would end upon the completion of all activities associated with seeking or obtaining the office. If elected, an additional ~~Full time and part-time employees of the City who are elected to partisan or non-partisan political office by means of an election conducted in the City may be required to take a leave of absence.~~ ~~The~~ leave of absence would commence at the time the individual is sworn into office and would end upon the completion of all activities associated with the office.

**L. Solicitation, Distribution of Printed Materials, Selling and Peddling Among Employees:**

- 1. Unless authorized by the Department Head and approved by the Director of Human Resources, all solicitations among ~~the~~ City employees during working hours for charitable or any other purposes, and the selling of tickets, magazines, or merchandise of any kind are prohibited.
  - a. Solicitation by employees, such as seeking payments, contributions, memberships, signatures, funds and other similar solicitations, or the distribution of non-work-related literature by employees will not be permitted during working time or in working ~~areas in a manner which disturbs other employees performing work or is otherwise disruptive of the~~

~~performance of office work.~~ Distribution or circulation of printed material by any City employee is not permitted in any work area during any work time.

- b. Solicitation or distribution by non-employees will not be permitted during the working time of any employee receiving the solicitation or distribution, at any time in areas not open to the public, or in public areas where such activity is inconsistent with the intended and normal use of the area, disturbs employee who are working, or interferes with the use of City property by other members of the general public.
  - c. "Working time" does not include break time, lunch periods or other periods where employees are not required to be performing their job functions. "Working time" does include the time when employees are required to be engaged in work tasks and covers both the employee engaged in solicitation or distribution and the employee to whom the solicitation or distribution is directed.
  - d. The failure of any employee to comply with these rules will result in disciplinary action, up to and including termination.
2. Solicitation by City employees after working hours shall be in accordance with the following guidelines:

~~a. Administrative and operational departments of the City are precluded from initiating or promoting any type of solicitation or fundraising event.~~

~~b. Auxiliary or supportive groups may sponsor a solicitation or fundraising activity.~~

~~e.a.~~ Any solicitations or fundraising programs must be reviewed by the sponsoring ~~organization~~ Department with the City Manager before it is initiated.

~~d.b.~~ The following types of solicitation or fundraising procedures are discouraged:

- 1) Solicitation using telephones;~~;~~
- 2) Solicitation by securing the services of any professional fundraising organization;~~;~~
- 3) Door to door soliciting throughout the community;~~;~~ or
- 4) Solicitation of any business.

~~e.c.~~ The following types of solicitation or fundraising procedures are specifically prohibited:

- 1) The use of the "City of Wheaton" name either directly or by inference.
- 2) Any representation, either directly or by inference, that the City is encouraging or supporting the solicitation;~~;~~
- 3) Use of any City facilities in the preparation or conduct of the solicitation. City facilities include buildings and/or equipment; or.

- 4) Conducting ~~of~~ any solicitation or fundraising activity during the employee's working hours.

#### **M. Professional Development/Travel Policy:**

##### **1. General Policies**

- a. It is the intent of the City ~~of Wheaton~~ to encourage the professional development of its staff, appointed officials, and elected officials (hereafter referred to jointly as employees) through attendance at schools, seminars, conferences, and other professional meetings. Expenditures which may occur in the pursuit of these activities shall be paid for by the City in accordance with these policies and within the budgetary constraints established by the City Council.
- b. Control of travel authorization is the responsibility of each ~~d~~Department ~~h~~Head and must be approved, in advance, by the City Manager.
- c. Travel authorization is a two-part process: 1) Approval of travel in advance; and 2) Expense reporting following trip completion. Travel approvals and expense reporting shall be made on the forms provided by the Director of Finance.

##### **2. Reimbursable Expenses**

- a. Air Travel: Employees are required to obtain the lowest available fare at the time of ticketing. First Class travel is not permitted.
- b. City Vehicle: Use of City cars is encouraged and may be used to travel to destinations up to 300 miles from the City ~~of Wheaton~~. Special approval for longer trips may be granted by the City Manager.
- c. Airport Transportation: Taxicab, airport limousine and airport bus fares ~~are reimbursable~~. In all cases, the traveler shall attempt to secure the lowest fare available, given scheduling requirements.
- d. Taxicabs or Rideshares: Taxicab or rideshare fares ~~are reimbursable~~. If free van, bus, or shuttle service is available and convenient, it should be used instead of taxicabs or rideshares.
- e. Rental Vehicles: Rental automobiles may be used, as required; but must be approved in advance by the City Manager.
- f. Rail Travel: ~~Reimbursement shall be limited to c~~Coach fare for trips not involving overnight travel. First Class, Pullman or Roomette fares ~~are reimbursable~~ for overnight travel.
- g. Lodging: ~~Reimbursement for lodging will be p~~rovided for the number of nights necessary to conduct City business. Special seminar, conference or government rates should be obtained, if available.



- h. Registration Fees: Registration fees for school, meetings, conferences, seminars, etc. ~~are reimbursable.~~
- i. Meals: Meals and other living expenses ~~shall be reimbursable~~ as identified in Paragraph 3.
- j. Parking: ~~Reimbursement for f~~ees associated with the parking of a vehicle while on City business. ~~is reimbursable.~~
- k. Private Cars: When used for travel on City business, with Department Head approval, reimbursement for mileage at the IRS authorized rate and for toll fees. ~~of reimbursement. Toll fees are also eligible for reimbursement.~~

### 3. Reimbursement Policy

#### ~~a. Mayor, City Council, and City Manager:~~

- ~~1) Registration costs for employee and spouse.~~
- ~~2) All necessary transportation for employee and spouse.~~
- ~~3) Lodging accommodations for employee and spouse.~~
- ~~4) Per Diem reimbursement at a rate of \$40 per day when traveling alone and \$60 per day when accompanied by spouse or actual itemized expenses.~~
- ~~5) Any other itemized business expenses associated with travel.~~

#### ~~b. Appointed Officials, Department Heads, and Assistant City Manager:~~

- ~~1) Registration costs for employee only.~~
- ~~2) All necessary transportation costs for employee only.~~
- ~~3) Lodging accommodations for employee only.~~
- ~~4) Per Diem reimbursement at a rate of \$40 per day when traveling alone, and \$60 per day when accompanied by spouse (when approved by the City Manager).~~
- ~~5) Any other itemized business expense associated with travel.~~

#### ~~6) Reimbursement for spouse:~~

- ~~i. Reimbursement of registration, transportation, lodging when program includes spouse participation in a non social manner. Non social programs are those that deal with the spouse and his/her relationship to the employee's job. Prior approval, based upon program documents, must be received from the City Manager.~~
- ~~ii. Lodging and meals if program does not include non social spouse participation.~~

~~c.a. All Other Employees:~~ Covered Expenses for All Employees and Elected Officials:

- 1) Registration costs for employee only.
- 2) All necessary transportation costs for employee only.
- 3) Lodging accommodations for employee only.
- 4) ~~Per Diem Meal~~ reimbursement not to exceed ~~\$40 per day~~ the per diem amount set by the General Services Administration for meals and incidental expenses based on the location of the training event. When the cost of the meal(s) is included as a portion of the registration fee, the employee shall not request meal reimbursement. In addition, if the training does not require an overnight stay, no meal reimbursement will be provided. The Department Head will require receipts for reimbursement rather than applying a flat per diem rate.
- 5) Any other itemized business expense associated with travel.

~~d.b.~~ Special Circumstances: In a situation where extraordinary travel expenses are to be incurred, or where this section does not cover the situation or places a hardship on an employee if strictly enforced, the City Manager may authorize exceptions, as needed.

~~e. Meals Included in Registration: When the cost of a meal(s) is included as a portion of the Registration Fee, the employee shall not request meal reimbursement.~~

4. Reimbursement Process

~~a. Advances: Travel advances may be issued to employees. The advance will be established at an amount that is reasonable based upon anticipated expenses. Advance requests must be completed and submitted to the Director of Finance at least thirty (30) days before payment is needed.~~

~~Expense Reporting:~~ The travel expense form should be filled out and submitted to the Finance Department within fourteen (14) days of travel completion. Employees shall provide as much detailed information of expenses as possible. Receipts must be included, except when it is impractical to do so (e.g. per diem allowances – unless requested by Department Head; cost of transportation – bus, subway, parking, meters, group dining where individual receipts may not be available; etc.). Where it is impractical to provide receipts, expenses should be documented separately to clearly show spending details. ~~Unused per Diem for meals must be returned.~~

5. Hours Worked and Off-site Training, Lectures, Seminars

Attendance at lectures, meetings, training programs and similar activities will be compensated as hours worked if all of the following criteria are met:

- a. Attendance is not voluntary, ~~and~~ but at the request of the City.

- b. The lecture, meeting, training program or similar activity is directly related to the employee's job.
- c. The employee has the prior written approval of their immediate Supervisor and Department Head.
- d. Attendance at lectures, meetings, training programs and similar activities is subject to the availability of funds.

#### 6. Travel Time

- a. ONE DAY TRIPS: Travel time by non-exempt personnel to a nearby locale (within 30 miles of Wheaton) is not compensable and is considered ordinary commuting time. Travel time beyond thirty (30) miles of Wheaton City Limits is compensable and considered hours worked.
- b. OUT OF TOWN OR OVERNIGHT TRIPS: A non-exempt employee required to travel as a passenger on public transportation (airplane, train, bus) or as a driver or passenger in an automobile is considered to be working (except for regular meal periods and sleep time) for all travel time that cuts across the employee's normal working hours, whether or not the employee travels on an otherwise day off. Thus, if an employee regularly works from 8:00 a.m. to 5:00 p.m. Monday through Friday, travel time during those hours on Saturday is considered hours worked.

### N. Tuition Reimbursement:

The purpose of the Tuition Reimbursement Program is to encourage employees to pursue continued education which will benefit both the employee and the City ~~of Wheaton~~. Participation in the program is subject to the availability of funds, and the authorization of the Department Head, Director of Human Resources, and City Manager.

#### 1. Eligibility

- a. Employee must have completed either 6 months of service or his/her introductory appointment period, whichever is longer.
- b. Employee must be in good standing in his/her present position as determined by the Department Head and Director of Human Resources.
- c. Employee should seek to exhaust all other sources of assistance (Veteran's benefits, scholarships, and grants), with the exception of student loans. The City's share shall not exceed the difference between a tuition bill and the amount of coverage from all other sources.
- d. Requests should be submitted no earlier than sixty (60) days and no later than thirty (30) days prior to the first meeting of a course. The thirty (30) day notice may be waived with the Department Head and the Director of Human Resources approval.

- e. In addition to providing the Human Resources Department with a certified transcript, ~~P~~olice ~~O~~fficers and ~~F~~irefighters must meet the following criteria in order to be eligible for educational incentive pay.

- 1) Firefighters must have successfully completed the necessary introductory period and be certified as a Firefighter II.
- 2) Police Officers must have successfully completed Basic Recruit Training.

## 2. Completion of Forms

- a. Before signing up for any courses, an employee must complete a "Request to Participate in the Tuition Reimbursement Program" form and return it to their Department Head at least thirty (30) days prior to the first meeting of the class.

Employees should contact the institution to estimate the cost of tuition. In addition to the request, employees requesting ~~c~~ourse ~~t~~uition reimbursement should also provide sufficient course information to assist the approving authority in understanding the scope of the course. Request forms are located on the Human Resources intranet site.

- b. After a course has been completed, the employee must complete a "Request for Tuition Reimbursement" form. The following items must be returned with this form: approved "Request to Participate in the Tuition Reimbursement Program" form, tuition bill, grade report, class syllabus which contains the names of required textbooks, and a receipt for the cost of required textbooks. Requests for reimbursement should be forwarded to the ~~H~~R ~~H~~uman Resources ~~d~~Department no later than ninety (90) days following the completion of the course. Requests received after ninety (90) days will be reimbursed at the City Manager's discretion. Forms are located on the Human Resources intranet site.

## 3. Institutions

- a. Employee may be required to furnish information about the accreditation of the particular educational institution.
- b. If the same or similar course is available at both a private and public institution, the public institution should be utilized.

## 4. Eligible Courses

- a. The program is available for college level courses that are generally job-related.
- b. Employee may be reimbursed for the cost of tuition, laboratory fees and books for job-related courses, including those courses which are part of a job-related college degree program.
- c. Post-Graduate courses are not eligible unless specifically approved by the City Manager. Post-Graduate courses will be approved on a course-by-course basis.
- d. Courses are to be taken on employee's own time.

- e. The number of courses an employee may enroll in during a given semester or quarter shall be reviewed during the pre-approval process and shall in no way interfere with the employee's job duties and responsibilities. Employees may not work on course work during City time unless specifically authorized by the Department Head.

## 5. Eligible Expenses

Upon ~~successful~~ completion of a class, the following expenses will be reimbursed:

- a. For public schools, 100% of tuition and laboratory fees for a grade of "A," 90% of tuition and laboratory fees for a grade of "B," and 80% of tuition and laboratory fees for a grade of "C."
- b. For private schools, 100% of tuition and laboratory fees for a grade of "A," 90% of tuition and laboratory fees for a grade of "B," and 80% of tuition and laboratory fees for a grade of "C." Reimbursement shall not exceed the rates charged by Northern Illinois University (NIU). Should the tuition rate be higher than the NIU rate, the employee shall be responsible for such costs. The employee requesting reimbursement is responsible to provide the comparative NIU rates. Failure to provide this required information may cause the request to be disapproved. If NIU does not have a reasonably similar course, the Director of Human Resources will select another State of Illinois Educational Institution for comparison purposes.
- c. 100% of the cost of required textbooks only. The cost of supplies (i.e., notebooks, writing utensils, and other school related items) will not be reimbursed.
- d. In all cases, courses which provide only "passing" grades will be reimbursed at the grade of "C" level.

~~d.e.~~ The City shall not be required to provide reimbursement for any grade below a "C", if the employee withdraws from any course, or if the employee is involuntarily removed from a course.

## 6. Obligation Period

If an employee voluntarily leaves the City within two years of completing a reimbursed course, or training paid for by the City, a percentage amount of reimbursed expenses will be due the City according to the following schedule:

Less than 6 months      100%

~~Less than 6~~-12 months      75%

~~Less than 12~~-18 months      50%

~~Less than 18~~-24 months      25%

~~0. Suggestion System:~~

~~Employees who have suggestions for the improvement of City services are encouraged to discuss their suggestions with their immediate supervisor who will submit a written report to the Department Head and the City Manager.~~

- ~~1. It is the responsibility of the Department Head to consider and, when warranted, implement the suggestion.~~
- ~~2. The employee will generally be notified in writing of the suggestion's disposition and a copy sent to the Director of Human Resources for the employee's personnel file.~~

#### **P.O. \_\_\_\_\_ Restricted Duty Policy**

It is the policy of the City to offer restricted~~ed~~ duty work, if available, to employees with work-related or non-work-related injuries or illnesses of a temporary nature, as an option to assist in the recovery process.

1. The determination of whether a restricted duty assignment exists shall be made by the Department Head upon consultation with the Director of Human Resources.
  - a. Under no circumstances will an employee perform restricted duty without a written medical opinion from a physician stating that the employee is able to return to work and perform the essential functions of that restricted duty without significant risk that such return to work will aggravate an ~~pre~~-existing injury or illness. Employees must abide by any such medical restrictions both on and off duty.
  - ~~a.b.~~ Under no circumstances will an employee perform restricted duty longer than a ninety (90) day period without approval of the City Manager.
2. Nothing in this policy shall be construed to require the City to create restricted duty assignments for an employee. Employees will only be assigned to restricted duty assignments when the City determines that the need exists and only as long as such need exists.
3. An employee on Restricted Duty shall not be allowed to work overtime.
4. If an employee is unable to perform his/her regular duties or restricted duty for the City, the employee shall not be employed in any other manner with or without monetary compensation.
- ~~3. The employee must make every reasonable effort to schedule appointments related to the illness or injury outside of work hours.~~

#### **P. Disclosure Requirements:**

~~Employees so notified are required to comply with the annual disclosure requirements as outlined in the Wheaton City Code, Chapter 2, Article VIII, Section 2-528 and by Statute.~~

All employees shall report to their Department Head all criminal arrests for any misdemeanor or felony offense, and/or any ordinance violation for driving while under the influence of intoxicating

beverages or drugs, and/or driving while license suspended or revoked, and/or possession of drugs, within forty-eight (48) hours of receiving the charge.

**Q. Toxic Substances Information:**

1. In accordance with the Toxic Substances Disclosure to Employees Act (820 ILCS 255/1 et seq.), the City will require all suppliers to identify whether any substances, mixtures, or compounds purchased and used by the City are considered a “toxic substance” as determined by the Illinois Department of Labor.
2. In accordance with the Toxic Substances Disclosure Act, the City will attempt to ensure 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 “Safety Data Sheet (SDS)” 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, SDS information, and a summary of employee rights under the Toxic Substances Disclosure to Employees Act.
4. Any employee may obtain a copy of an SDS 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 SDS.
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 ~~Safety Data Sheet~~ SDS to the employee with the time limits and process as specified in the Act.

**R. Drug-Free Workplace:**

The City is committed to maintaining a drug-free workplace in compliance with applicable laws. In order to protect the public and to ensure a safe, healthy and drug-free workplace, the City requires compliance with the following procedures and guidelines.

1. The City prohibits the unlawful use, consumption, manufacturing, dispensing, distribution, storing or possession of a controlled substance or alcohol while on City premises, in City vehicles or while performing work for the City.
2. For purposes of this policy a controlled substance is a substance that:
  - a. is not legally obtainable;
  - b. is being used in a manner different than prescribed;
  - c. is legally obtainable, but has not been legally obtained;; or
  - d. is defined as such by federal or State law.

- ~~1-3.~~ The possession, use, or being under the influence of alcohol or the manufacture, distribution, possession, use, or being under the influence of marijuana or any illicit or illegal drug while on

duty is strictly prohibited. Additionally, the consumption of ~~medical~~ cannabis, ~~medical or recreational~~, on City property is prohibited. Further, nothing in the *Compassionate Use of Medical Cannabis Act* or the *Cannabis Regulation and Tax 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.~~

~~2.4.~~ 4. While taking legally obtained prescription drugs, an employee at work must be able to safely operate equipment and safely perform the essential functions of their job without endangering themselves, others, or property.

~~3.5.~~

~~4.—~~5. The City may require employees to submit to a urinalysis and/or other appropriate drug and alcohol testing subsequent to any on-the-job injury or accident.

a. 6. Employees will not be permitted to work while under the influence of drugs or alcohol. Employees who appear to be unfit for duty will be relieved from duty and may be required to submit to a urinalysis and/or other appropriate drug and alcohol testing. The City may also test an employee whenever there is a reasonable suspicion of drug or alcohol abuse. Refusal to submit to such testing or the failure to pass the test shall be cause for discipline, up to and including discharge. Notwithstanding, if the City elects to discipline an employee on the basis that the employee is under the influence or impaired by cannabis, the employee shall have a reasonable opportunity to contest the basis of the determination.

b. 7. The results of any drug or alcohol testing shall be sent to the Director of Human Resources, but shall remain confidential to the extent possible under applicable law. If the results of the test are positive, the employee may be advised confidentially to seek the assistance of drug counseling or the employee assistance programs, and may be provided a reasonable period of time for rehabilitation. Provided, nothing herein shall be interpreted to prohibit the imposition of discipline up to and including termination. In addition to any discipline which may be imposed, if an employee tests positive, the employee will be subject to random testing for the following year. If an employee subject to such random test again tests positive, the employee will be subject to further disciplinary action, up to and including termination.

c. 8. As a condition of employment, each employee will notify his or her supervisor if he or she is convicted of a criminal drug offense involving the workplace within five (5) calendar days of the conviction. In the event any such conviction involves an employee working on a federal or State contract or federal or State grant, the City will notify the granting or contracting agency within ten (10) days of receiving notice of a conviction.

d. 9. Employees who wish to report drug and alcohol use in violation of this policy should contact their supervisor or the Director of Human Resources. The City will make every effort to protect anonymity, and such information will be treated in confidence.



e. 10. All sworn employees in the Fire or Police Department and all employees whose employment position requires a valid commercial driver's license are prohibited from the use, possession, manufacture, distribution or sale of cannabis while on or off duty. In case of a conflict between this policy and any collective bargaining agreement, the latter shall take precedence.

11. Any violation of this policy is grounds for disciplinary action, up to and including 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 up to and including termination of employment, that would otherwise be appropriate under the circumstances.

#### **S. Prescription Drug Use:**

Employees who use a prescription medication that may cause adverse side effects (i.e., drowsiness or impaired reflexes or reaction time) shall inform their supervisor that they are taking such medication if it prevents them from performing the essential functions of the job, or presents a probable threat of harm to the employee, ~~or others~~ or property. The employee shall not be required to identify any specific medication. Employees shall inform their supervisor of the possible effects of the medication 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. All employees shall use the physicians "Return to Work Release" form provided by the City's Human Resources Department for this purpose. Medical information provided in conformance with this section is confidential to the extent required by the Federal Rehabilitation Act and the City shall comply with Section 20 of the "Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation", in handling these records.

#### **T. 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 workloads 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 unapproved absenteeism rate in excess of 5% of their scheduled working hours over a period of twelve (12) 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.

#### **U. Smoke Free Workplace:**

In accordance with the City of Wheaton Smoke- and Vape-Free Air Regulations Ordinance and Smoke Free Illinois Act (410 ILCS 82/1 et seq.) 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.

## V. 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.

## W. Fraud Policy

1. The City ~~of Wheaton~~ is committed to protecting the City, its taxpayers, its employees and its revenue, property, information, and other assets from any attempt, either by members of the public, contractors, vendors, agents or its own employees, to gain by fraudulent and dishonest conduct, financial or other benefits at the expense of the City taxpayers. The City shall not condone the activities of City officials or employees who achieve results through violation of the law or unethical business dealings.

This policy sets out specific guidelines and responsibilities regarding appropriate actions that must be followed for the investigation of fraudulent conduct and other similar irregularities.

The impact of fraudulent conduct and dishonesty may include, but is not limited to:

- a. The actual financial loss incurred
- b. Damage to the reputation of the City and its employees
- c. The cost of investigation
- d. Loss of employees
- e. Loss of public confidence
- f. Damaged relationships with City contractors and suppliers
- g. Litigation
- h. Damages employee morale

The goal of this policy is to establish and maintain an environment of fairness, ethics and honesty for City employees, the citizens, City vendors and anyone else with whom the City has a relationship. To maintain such an environment requires the diligence of each City employee while in the performance of their duties.

The City is committed to the deterrence, detection and correction of fraudulent conduct, misconduct, and dishonesty. The discovery, reporting and documentation of such acts provide a sound foundation for the protection of innocent parties, the taking of disciplinary action against offenders, up to and including termination ~~dismissal~~ where appropriate, the referral to law enforcement agencies when warranted by facts and the recovery of assets.

2. This policy applies to all employees of the City ~~of Wheaton~~.
3. *Fraud* is defined as an intentional deception, misappropriation of resources or manipulation of data ~~to~~ for the purpose of inducing another to act upon it to his or her injury. *Fraudulent Conduct* is defined as the use of one's occupation or position for personal enrichment through the

deliberate misuse or misapplication of the City's resources or assets, or for the personal enrichment of others. There are three major categories of fraudulent conduct:

a. Asset misappropriations: Theft or misuse of the City's assets.

1) Cash

- i. Fraudulent Disbursements. The perpetrator causes the City to disburse funds through some trick or device (e.g., submitting false invoices/timecards/sheets, expense reimbursement schemes, check tampering etc.) or prevents the timeliness of the disbursement of funds.
- ii. Embezzlement. The perpetrator appropriates City monies fraudulently to one's own use, as money or property entrusted in one's own care.
- iii. Skimming. Cash is stolen from the City before it has been recorded on the City's books and records.
- iv. Cash Larceny. Cash is stolen from the City after it has been recorded on the City's books and records.

2) Inventory and all other assets.

- i. Misuse. Improper use, misappropriation, misapplication, destruction, removal or concealment of the City's inventory or assets for personal use (e.g., City vehicles, computers, supplies, etc.)
- ii. Larceny. Inventory or other assets are stolen from the City.

b. Corruption: The wrongful use of influence in a business transaction in order to procure some personal benefit, or a benefit for another person, contrary to the individual's duty to the City or to the rights of another.

- 1) Conflicts of interest. An undisclosed economic or personal interest in a transaction that adversely affects the City.
- 2) Bribery. The offering, giving, receiving or soliciting of anything of value to influence an official act or a business decision.
- 3) Illegal gratuities. Benefitting from an official act or a business decision in ~~giving-a~~ giving a gift to a person who made the decision. An illegal gratuity does not require proof of intent to influence.
- 4) Economic Extortion. Demanding that a vendor/contractor etc. pay to influence an official act or a business decision.

c. Fraudulent Statements: Falsification of City financial statements.

4. All elected officials, appointed committee/board members and employees of the City are prohibited from engaging in fraudulent conduct in the course of their employment, duties or business relations with the City. Any evidence supporting fraudulent conduct may be subject to

the following actions including but not limited to: suspension, termination, restitution, and criminal charges.

5. Reporting of Fraud/Fraudulent Conduct

- a. Employees shall read and understand this policy. Additionally, suspected or known fraudulent acts by employees shall be reported to their respective Department Head. If the employee has reason to believe that the Department Head may be involved, the employee shall notify the Police Department directly. Employees (other than the appropriate members of the ~~P~~Police ~~d~~Department charged with the duty of investigating the fraud allegation) shall not attempt to personally conduct investigations or interviews/interrogations related to any suspected fraudulent act, unless specifically requested to do so by the individual in charge of conducting the investigation.
- b. Department Heads shall communicate any suspected or known fraudulent act to the Police Department and shall not attempt to personally conduct investigations or interviews/interrogations related to any suspected fraudulent act, unless specifically requested to do so by the individual in charge of conducting the investigation. The Police Department shall notify the City Manager of each reported incident and shall keep the City Manager informed of the progress of the investigation.
- c. All participants in the fraud investigation shall keep the details and results of the investigation confidential. This means that the investigation and its results shall not be disclosed or discussed with anyone other than those who have a legitimate need to know. This is important in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct and to protect the City from potential liability.
- d. Any employee reporting or threatening to report an act of fraud; or assisting, testifying or participating in a fraud investigation, acting in accordance with this policy, shall not be subject to any adverse employment action unless it is determined that the employee is culpable for such action and/or made an allegation knowing it was false. Examples of adverse employment action include, but are not limited to: discipline, suspension, threatening to discipline or suspend, coercion, acts of intimidation, imposing any penalty upon the reporting employee, and ~~termination. firing.~~ Violation of this section shall result in discipline up to and ~~dy~~ including ~~dismissal~~ termination in accordance with applicable federal, state and local laws.

6. False allegations of suspected fraud with the intent to disrupt or cause harm to another may be subject to disciplinary action, up to and including termination. ~~of employment.~~

7. The final determination regarding action against an employee, vendor, recipient, or other person found to have engaged in fraudulent conduct will be made by the City Manager. If the City Manager is accused of fraud, determination regarding action against the City Manager shall be made by the Mayor and City Council. Offenders at all levels of the City will be treated equally regardless of their position or years of service with the City. Determination will be made based upon a finding of facts basis in each case, actual or potential damage to the City, cooperation by the offender and legal requirements. Depending on the seriousness of the offense and the facts of each individual case, action against an employee can range from written reprimand and a

probationary period to legal action—either civil or criminal. In all cases involving monetary loss to the City, the City will pursue recovery of the loss.

8. Violations of this Fraud Policy by an employee will be handled in accordance with Chapter 7 Transfers, Reductions in Force, Complaints, and Disciplinary Action.
9. There shall be no exceptions to this policy unless provided and approved by the City Council.

#### **X. Search Policy**

The City reserves the right to search lockers, desks, filing cabinets, computer files, emails, cellular phones and any other City property at any time. Employees should maintain no expectation of privacy in these items.

#### **Y. Conflicting Employment Relationships Policy (Nepotism and Consensual Romantic Personal Relationships)**

1. Purpose . The purpose of this policy is to ensure equal opportunity and effective employment practices, while maintaining positive morale by avoiding actual or perceived favoritism, discrimination, or other actual or potential conflicts of interest by or between employees of the City.

##### 2. Definitions:

- a. Nepotism - The practice of showing favoritism to relatives over others in appointment, employment, promotion, or advancement by any public official in a position to influence these personnel decisions.
- b. Personal relationship - Includes marriage, cohabitation, dating, or any other intimate relationship beyond mere friendship.
- c. Public official - A supervisor, officer or employee who is vested with the authority by law, rule or regulation or to whom authority has been delegated.
- d. Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling, grandchild, or grandparent.
- e. Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.
- f. Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation, and/or performance of a subordinate employee.

##### 3. Policy

- a. The City will not prohibit all personal relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts the following reasonable restrictions shall apply:
  - i. Relatives of current City 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. This restriction does not apply to individuals applying for positions under the jurisdiction of the BFPC.
  - ii. Permanent assignments that place a supervisor in the chain of command over a relative must be approved by the City Manager.

- iii. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to reassign matters pertaining to the involved employee to an uninvolved supervisor.
- iv. The City reserves the right to transfer or reassign any employee to another position within the same classification to avoid conflicts with any provision of this policy.
- v. Employees are prohibited from participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative.
- vi. Employees may be prohibited from participating in or contributing to any supervisory review, internal investigation, complaint and/or disciplinary action of an employee who is a relative.
- vii. Employees who are in direct or indirect supervisor/subordinate positions are prohibited from engaging in any type of personal relationship, as defined above. This restriction does not apply to individuals applying for positions under the jurisdiction of the BFPC.

b. Employee's Responsibility

In the event employees of the City are involved in a supervisor/subordinate relationship or enter into a relationship which gives rise to an actual, perceived or potential conflict of interest between professional duties and the relationship, the involved employees must notify the Director of Human Resources.

c. Supervisor's Responsibility

- i. Upon being notified of or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall promptly notify the Director of Human Resources of such actual or potential violations.

## **CHAPTER 6**

# **EMPLOYEE PERFORMANCE EVALUATIONS**

### **A. Uses:**

1. By the Employee
  - a. As a constructive printed guide outlining what the City thinks about the employee's work and how the employee fits into the overall organizational structure.
  - b. As a record of past performance.
  - c. As an opportunity to objectively discuss with the supervisor such items as job expectations, personal performance, and methods of improvement.
2. By the Supervisor
  - a. As a consistent method of evaluating and discussing what is expected of an employee.
  - b. As a method of commending the employee for good performance.
  - c. As a constructive critique of areas needing improvement, along with advice as to how to improve in these low performance areas.
3. By the Human Resources Department
  - a. As a means of indicating successful completion of the introductory period.
  - b. As a record of job performance.
  - c. As a basis for the granting or denying of merit salary or step increases.
  - d. As a method of monitoring consistency and timeliness in evaluations City-wide.

### **B. Rules of Procedure:**

1. Required Evaluation Periods
  - a. The tenure of every employee is contingent upon acceptable conduct and satisfactory performance of duties.
  - b. Department Heads must ensure that employees are evaluated whenever one or more of the following conditions are present:
    - 1) Before granting an introductory employee non-introductory status.

- i. Department Heads should meet with new employees and employees who have been promoted, in order to set goals for the future.
- ii. A performance evaluation form or review must be prepared prior to the end of the introductory period.
- iii. If, in the opinion of the supervisor or Department Head, an employee's performance, or progress in their duties so warrants, several performance evaluations may be completed during the introductory period.

~~2)~~ Before granting a promotion. ~~For bonus information, refer to Chapter 3, Section R.~~

~~3)2)~~

~~4)3)~~ Before ~~granting~~ implementing a change in pay.

~~5)4)~~ On the employee's annual review date, or after 12 months of active employment on the City payroll.

~~6)5)~~ Whenever practical, the supervisor and employee should meet to discuss current progress in achieving established goals.

## 2. Employee Evaluation Procedure

- a. Formal performance evaluations must be prepared only on the forms provided or approved from time to time by the Director of Human Resources. Nothing herein prohibits informal evaluation and observation of an employee's job performance or conduct by the employee's supervisor or the appropriate Department Head. Supervisors may conduct informal evaluations of employees at any time and by any means which they deem appropriate.

~~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 job performance, attitude and/or conduct 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.~~



~~e.b.~~ 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 (2) weeks of the review due date.

~~d.c.~~ 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.d.~~ After the employee signs the evaluation form, it shall then be submitted to the Director of Human Resources.

- 1) The original copy is to be forwarded to the Director of Human Resources to be inserted in the City's official personnel file. All such forms are to be kept strictly confidential, in accordance with state law, ~~distributing them as follows:~~

- ~~i. The original copy is to be forwarded to the Director of Human Resources to be inserted in the City's official personnel file.~~

- ~~ii. A copy may be filed in the Department's personnel file.~~

- 2) If the evaluated employee refuses to sign the form, the Department Head will ~~attach a memorandum~~ note this on the performance evaluation form. ~~to the evaluation stating that fact.~~

1. Department Heads are rated solely in accordance with the procedures outlined by the City Manager. Regardless of the format employed by the City Manager, copies of Department Head rating forms shall not, under any circumstances, be distributed outside the office of the City Manager.

## CHAPTER 7 TRANSFERS, REDUCTIONS IN FORCE, COMPLAINTS AND DISCIPLINARY ACTION

### A. Transfers:

1. Transfers of employees between departments, on either a permanent or temporary basis, may be made upon the recommendations of the Department Heads and with the approval of the Director of Human Resources.
  - a. Employees so transferred shall conform to the working policies of the department to which transferred. Employees shall be subject to the introductory appointment period for the new position as described in Chapter 2.
  - b. Transfers between departments shall not affect eligibility for ~~fringe~~ benefits.
2. Salary or hourly wage adjustments shall be made according to the ~~Compensation Plan~~ then in effect for that position.
  - a. No initial salary or wage adjustment will be made in those cases where the employee transferred from one department to another without a change in pay grade.
  - b. Salary or hourly wage adjustments for those transfers involving a pay grade change shall be made in accordance with the guidelines established for new employees.

### B. Reductions in Force:

1. Whenever it becomes necessary to reduce the number of employees in any given ~~class~~ position, the Department Head affected shall prepare for the City Manager's approval a list of those employees to be laid off or reassigned. Every reasonable effort will be made to transfer qualified employees to any available vacant position in another department, rather than lay them off.
2. When a lay-off is going to occur, the Department Head must use the following criteria in making ~~his~~ recommendations:
  - a. Seniority of each employee in the position; and
  - b. An evaluation of each employee's skills, abilities, qualifications, and work performance in relation to other employees in the position. Seniority is controlling where skills, abilities, qualifications, and performance factors are substantially equal.
3. Employees laid off due to a reduction in force will be given preference in filling positions which are open and for which the employee is qualified.
4. In order to allow for an orderly and easy transition into other employment, affected employees will be given at least thirty (30) days' notice of an impending reduction ~~of~~ in force.

5. Seniority shall be defined as an employee's length of continuous full-time service with the City of ~~Wheaton~~, excluding any unexcused unpaid leaves of absence.

### C. Disciplinary Action:

The steps listed below will guide corrective actions in most cases. They are progressive in nature, applying an increasingly severe penalty each time an employee is disciplined. The steps emphasize continual interaction between the employee and the Department Head and should provide sufficient opportunity for correction of the inappropriate conduct or shortcoming while making the employee sufficiently aware of the consequences of the violations and job responsibilities.

This procedure does not preclude a Department Head from by-passing steps when disciplining an employee nor does it prohibit a Department Head from ~~dismissing~~ terminating an employee after consultation with the Director of Human Resources. The nature, extent, and seriousness of the offense, as well as past job performance, will determine the appropriate disciplinary action.

#### 1. Verbal Warning

When a less formal means of handling a disciplinary incident is warranted, a verbal warning will be issued. A "Verbal Warning Notice" will be completed and placed in the employee's personnel file kept by the ~~Department Head~~ Human Resources Department. A copy of this notice will be given to the employee.

#### 2. Written Warning

- a. When a more formalized means of handling a disciplinary incident is warranted, a written warning or reprimand will be issued. An "Employee Incident Notice" or other written document will be completed and placed in the employee's personnel file kept by the Human Resources Department and a copy will be given to the employee. The supervisor will meet with the employee and inform the employee of the action taken, and expected employee behavior change.
- b. Written warnings may also be issued when an employee has failed to correct actions disciplined via verbal warnings.

#### 3. Suspension

- a. Violations which are serious in nature but not serious enough to warrant termination ~~dismissal~~ will be disciplined by a suspension without pay. An employee's refusal to adequately correct previously disciplined actions may also result in suspension.
- b. Department Heads, after consulting with the Director of Human Resources, have the authority to suspend an employee for a period no longer than five (5) days. If a situation arises that necessitates immediate disciplinary action for safety and protection of life and public property, in the opinion of the supervisor, and if the Department Head is not available, the supervisor has the authority to suspend the employee until review of the situation is completed by the Department Head and/or the Director of Human Resources.

- c. A Department Head will document the rationale for the suspension and its duration. This document will be presented to the employee during a meeting with the supervisor and Department Head. A copy of the form will be placed in the employee's personnel file.
- d. A Department Head or the Director of Human Resources must also, within one working day, notify the City Manager in writing of the action, outlining the reason for the extent of the suspension. A suspension issued by the Department Head will not prohibit the City Manager from ~~dismissing~~ terminating the employee if the City Manager feels ~~a dismissal~~ termination is justified.

#### 4. ~~Dismissal~~ Termination

- a. Except for those employee's subject to the Board of Fire & Police Commissioner's rules, the Department Head, after consultation with the Director of Human Resources, may terminate ~~dismiss~~ any employee with or without cause, either with or without notice.
- b. The Department Head may prepare a written ~~dismissal~~ termination notice enumerating the reasons for the ~~dismissal~~ termination action. The notice may be discussed with the employee during a ~~dismissal~~ conference with the Department Head.
- c. In the event termination ~~dismissal~~ is for unsatisfactory performance, a report with written notification stating the details of the unsatisfactory performance must be filed by the Department Head with the City Manager prior to the issuance of a ~~dismissal~~ termination notice.

#### 5. Causes for Termination ~~Dismissal~~

Evidence of the following, though not all-inclusive, may be cause for ~~dismissal~~ termination:

- a. Unsatisfactory work performance as determined by the employee's supervisor through formal and informal evaluation;<sub>ij</sub>
- b. Incompetence, negligence, or inefficiency in the performance of assigned duties;<sub>ij</sub>
- c. Abusive attitude and language to another employee or the public, or abusive conduct resulting in physical harm or injury to another employee or the public;<sub>ij</sub>
- d. Violation of any lawful or official regulation, order or rule, or failure to obey any lawful and reasonable direction given by an employee's superior, provided that such violation or failure to obey amounts to insubordination or a serious breach of discipline which may reasonably be expected to result in lower morale in the organization or to result in loss, inconvenience, or injury to the City or public;<sub>ij</sub>
- e. Taking for personal use a fee, gift, or other valuable item during the course of the employee's work or in connection with it;<sub>ij</sub>
- f. Illegal or indecent conduct;<sub>ij</sub>

~~g.~~ Culpable negligence or willful misconduct causing damage to public property or waste of public ~~supplies~~funds or resources;~~;~~

~~g.h.~~ Absence without an authorized leave or failure to report after an authorized leave of absence;~~;~~

~~h.i.~~ Feigning illness or injury, fraudulent use or misuse of funeral, disability, Workers' Compensation, or sick leave;~~;~~

~~h.j.~~ Direct or indirect solicitation and/or receipt during working hours of any assessment, subscription, or contribution for the purpose of electing any candidate to any City ~~of Wheaton~~ public office;~~;~~

~~j.k.~~ Violation of the City's e-mail or internet policy;~~;~~

~~k.l.~~ Engaging in any act which endangers the safety, health or well-being of themselves or others, or which is of sufficient magnitude that the consequences cause or act to cause disruption of work or gross discredit to the City~~;~~ ~~organization~~;

~~l.m.~~ Violation of any rule, procedure or regulation pertaining to conduct of a City employee;~~;~~

~~m.n.~~ Theft or unauthorized possession, use or removal of City ~~of Wheaton~~ property, or property of a City employee or resident;~~;~~

~~n.o.~~ Falsification of personnel records, including the falsification of any material fact on an employment application;~~;~~

~~o.p.~~ Under the influence of, possession, or use of alcohol or illicit drugs while performing duties for the City ~~of Wheaton~~ or being under the influence of prescription drugs to the extent that it impairs the employee's ability to safely operate job-related equipment and vehicles or safely perform the essential functions of their job as not to endanger themselves, others, or property;~~;~~

~~p.q.~~ Engaging in excessive absenteeism or tardiness;~~;~~

~~q.r.~~ Involvement in a job-related accident resulting in any property damage or injury to a third person or fellow employee where the employee is found at fault;~~;~~

~~r.~~ ~~Display of other misconduct comparable in seriousness to the offenses enumerated above,~~

s. Misuse of ~~the~~ a City ~~of Wheaton~~ purchasing card;~~;~~ ~~or~~

t. Any conduct on or off the job which reflects adversely on the City ~~of Wheaton~~ or is inconsistent with the mission and business of the City;~~;~~ ~~or of Wheaton.~~

u. Display of other misconduct comparable in seriousness to the offenses enumerated above.

#### D. Appeal from Suspension:

Full-time non-introductory period employees may appeal a suspension by a Department Head in the following manner:

1. Within three (3) working days after being notified of the suspension, the employee must submit to the Department Head, in writing, the reason for appealing the action.
2. Within two (2) working days of receipt, the Department Head shall forward the material along with the employee's personnel file and appropriate comments to the City Manager. The City Manager may request the Director of Human Resources to conduct an investigation regarding the suspension. The City Manager's decision on the matter is final and the employee will be so notified in writing.

#### E. Complaints:

Unless a different procedure is set forth in a collective bargaining agreement, if an employee has any complaint concerning classification, working conditions, earnings or other matters relating to the employee's job, that employee must act as follows:

1. The employee must first discuss the problem with their immediate supervisor.
2. If the supervisor cannot offer a satisfactory solution to the employee, the supervisor, ~~must make an appointment with the~~ Department Head and the employee must have for a meeting ~~conference so that the employee, the supervisor, and the Department Head can~~ to discuss the complaint.
3. If the ~~conference meeting~~ with the Department Head does not give the employee satisfaction, the Department Head, upon the request of the employee, shall send a memorandum to the City Manager wherein the employee's complaint and the action taken to date are set forth.
4. The City Manager ~~or his designee~~ may request the Director of Human Resources to conduct an investigation regarding the complaint. The City Manager's decision in the matter is final and the employee will be so notified in writing.

# CHAPTER 8

## WORKERS' COMPENSATION POLICY

### A. Purpose:

This policy sets forth guidelines for adherence and administration of the Illinois Workers' Compensation Act ("Act") for the employees of the City. In the event of any inconsistencies between this policy and the Act, the provisions of the Act will control.

### B. Applicability

This policy is applicable to all employees of the City, including full-time, part-time, and temporary hires. Contractors, sub-contractors, volunteers, etc., are not covered by this policy and do not receive workers' compensation benefits from the City.

Injuries or illnesses that arise "out of and in the course of one's employment" are work-related injuries or illnesses as defined under the Act. The location of the employee when he/she is injured does not determine whether the injury/illness is work-related. Additionally, just because an employee is injured "while on duty" does not necessarily mean it is covered as a work-related injury/illness under the Act. Each incident will be decided on a case-by-case basis.

### C. Notification

All work-related injuries/illnesses must immediately be reported to the employee's direct supervisor, who shall then notify the Director of Human Resources or designee. Applicable forms are to be completed for every personal injury sustained while in the course of employment with the City even if no time is lost. The forms shall be submitted to the Human Resources Department within 24 hours of the injury/illness.

### D. Benefits

1. 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.
  2. In addition to the benefits required by the Act, the City continues the injured full-time employee's full salary and benefits for four (4) consecutive months from the date of the job-related injury. Any Workers' Compensation insurance payments received by the employee shall revert to the City during the time for which continuing compensation is paid.
  3. FMLA shall run concurrently with any leave of absence associated with a work-related injury.
- ~~— If, because of a work-related illness or injury, an employee is unable to return to work at the expiration of the four (4) month period, the employee may, at his/her option, use all accumulated paid leave before being removed from the payroll and before being transferred for disability benefits available under the pension or retirement plan which has jurisdiction.~~

4. Employees, while on a work-related disability (and no longer on the City payroll), have the option of continuing their coverage in the City's life and health insurance programs by reimbursing the City the full cost of the coverage from the date the employee is permanently separated from the active payroll. If the separated employee becomes eligible for similar health and life benefits under another group or government plan, participation in the City plan will terminate.
5. Employees while on a work-related disability will receive any accrued vacation leave credit and severance pay as outlined in Chapter 9 if the disability is determined to be of a permanent nature.

#### **E. Medical Treatment**

The City has formed a relationship with Good Samaritan Occupational Health, 3551 Highland Ave, Suite 200, Downers Grove (630-275-2900) to treat work-related injuries/illnesses. Their physicians and nurses are aware of the City's workers' compensation policies, procedures and job descriptions/demands. Supervisors should refer all primary care and follow-up visits regarding work-related injuries/illnesses to Good Samaritan Occupational Health. Additionally, the City may require the employee to submit to an Independent Medical Evaluation with a physician of the City's choosing at the City's expense.

If an employee is unable to work, the employee must maintain weekly contact with the immediate supervisor and/or Human Resources Generalist, as determined by individual department policy.

When an employee returns to work, either to normal job duties or restricted duty, the employee may need periodic medical treatment or physical therapy. In such cases, all appointments are to be scheduled during non-work hours if possible. These visits are not eligible for overtime compensation.

If the employee is unable to schedule an appointment during non-work hours, it is expected that the appointment will be made to interfere with the work schedule as little as possible. The supervisor may require that appointments be taken as sick leave, or without pay if it is determined that these appointments unnecessarily conflict with the work schedule.

#### **F. Restricted Duty**

If a physician determines that an employee is able to perform some, but not all, job duties, the employee shall return to work on Restricted Duty. (See Section 5.O. above for details of the Restricted Duty Policy.)

#### **G. Termination of Benefits**

If employees choose not to accept Restricted Duty or fail to abide by their physicians' restrictions, they must use personal sick leave for their absence, and benefits under the Act may be terminated.

## **~~WHISTLEBLOWER PROTECTIONS POLICY~~**

~~It is the policy of the City of Wheaton to act in accordance with section 105/4.1 of the Public Officer Prohibited Activities Act (50-ILCS 105/4.1)~~



#### **~~A. General Policy:~~**

~~The City, any agent or representative of the City, and employees are prohibited from retaliating against an employee or an independent contractor who:~~

- ~~1. reports an improper governmental action;~~
- ~~2. cooperates with an investigation related to an improper governmental action; or~~
- ~~3. testifies in a proceeding or prosecution arising out of an improper governmental action.~~

~~An “employee” means anyone employed by the City, whether in a permanent or temporary position, including full-time, part-time, and intermittent workers; members of appointed boards, commissions, and committees; and persons who have been terminated because of any report or complaint submitted under this policy.~~

~~An “improper governmental action” includes any action by an employee, an appointed member of a board, commission, or committee, or an elected official of the City of Wheaton that is undertaken in violation of a federal, State, or local government law or rule; is an abuse of authority; violates the public’s trust or expectation of his or her conduct; is of substantial and specific danger to the public’s health or safety; or is a gross waste of public funds. The action may not be within the scope of a covered individual’s official duties to be subject to a claim of improper governmental action. “Improper governmental action” does not include nor does this policy prohibit, City personnel actions, including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, reprimands, or violations of collective bargaining agreements, unless the personnel action is taken in retaliation for a report, testimony, or cooperation in an investigation of an improper governmental activity.~~

~~“Retaliate,” “retaliation,” “retaliating,” or “retaliatory action” means any adverse change in an employee’s employment status or the terms and conditions of employment that results from an employee’s protected activity of reporting improper governmental action, cooperating in the investigation of an improper governmental activity, or testifying in a proceeding or prosecution of an improper governmental action.~~

#### **~~B. Appointed Auditing Official:~~**

~~An Auditing Official is an individual appointed by the City whose duties are to receive, register, investigate, and make conclusions about complaints and information concerning misconduct, inefficiency, and waste within the City based upon the prohibitions set forth above in Section A of this Chapter 10 and consistent with the provisions of this policy. The Auditing Official may also carry out such other duties and responsibilities that pertain to auditing officials as set forth in 50 ILCS 105/4.1. The Auditing Official may take any steps necessary to protect employees who reasonably believe they may be subject to bodily harm for reporting improper governmental action. The City designates the Director of Human Resources, or her/his designee, to serve as the City’s Auditing Official.~~

#### **~~C. Procedure for Reporting & Investigating Improper Governmental Action~~**

- ~~1. Reporting an “Improper Governmental Action” or Retaliation~~

- ~~a. If an employee or other persons covered by this policy believes that he or she has witnessed or experienced an improper governmental action, as defined in this policy above, the employee must submit a detailed written report (complaint) of the improper governmental action to the Auditing Official.~~
- ~~b. If an employee or other persons covered by this policy believes that he or she has been retaliated against in violation of this policy, he or she must submit a written report (complaint) of such alleged retaliation to the Auditing Official within sixty (60) days of gaining knowledge of the retaliatory action.~~
- ~~c. The Auditing Official may transfer a report of improper governmental action to the DuPage County State's Attorney or another auditing official, as defined under 50 ILCS 105/4.1 for investigation if the Auditing Official deems it appropriate.~~
- ~~d. If the Auditing Official is also the subject of the complaint, the complainant may file the complaint with any State's Attorney.~~

## ~~2. Investigation of Complaint~~

- ~~a. To the extent allowed by law, the Auditing Official will keep the identity of the complainant confidential. The complainant may waive confidentiality by providing the Auditing Official with a written waiver of confidentiality.~~
- ~~b. The Auditing Official shall investigate the complaint promptly and thoroughly. The investigation by the Auditing Official may include: interviews of the complainant and witnesses; interviews of governmental officials and employees who may have knowledge about the complaint or may be the subject of the complaint; inspection of documentation (in written, printed, or electronic format) relevant to the complaint; retaining outside investigators; and other measures to ensure that the complaint has been thoroughly investigated.~~
- ~~c. The Auditing Official shall make a conclusion as to whether or not the evidence gathered through the Auditing Official's investigation warrants a finding that either an improper governmental action, or retaliation for reporting, testifying or cooperating with an investigation about an improper governmental action occurred.~~

## **~~D. Determination and Remedial Action If Necessary~~**

- ~~1. If the Auditing Official determines that the complaint has no merit, the Auditing Official may dismiss the complaint. The Auditing Official is responsible for taking appropriate remedial measure if a written report (complaint) is determined to be false, fraudulent, or submitted for purposes other than reporting improper governmental actions or retaliation.~~
- ~~2. If the Auditing Official determines that the complaint has merit, the Auditing Official may take remedial action on behalf of the complainant, including reinstatement, reimbursement for lost wages or expenses, promotion, or other remedial action that the Auditing Official deems appropriate. The Auditing Official may also make his or her investigation findings available to the complainant's attorney if the Auditing Official finds that restitution is not sufficient.~~

- ~~3. Any person who engages in prohibited retaliatory action, as defined in Section A of this Chapter 10, is subject to the following penalties: a fine of no less than \$500 and no more than \$5,000, suspension without pay, demotion, discharge, civil or criminal prosecution, or any combination of these penalties.~~

#### **~~E. Training Requirement~~**

~~The City shall provide a complete copy of 50 ILCS 105/4.1 and a copy of this policy to every employee upon commencement of employment and on an annual basis to ensure employees understand their rights and the process in which they can report retaliation based on this policy.~~

## CHAPTER 9 RETIREMENT AND RESIGNATION

### A. Retirement:

~~Definition: An employee will be eligible to receive Retirement-related benefits described in this chapter after having served for a total of twenty (20) or more years with the City, and having reached pensionable age as defined by IMRF or the applicable pension plan for sworn employees.~~

1. An employee intending to retire ~~should~~shall provide a written notice to his/her immediate supervisor at least two (2) months prior to the effective date of retirement.
2. Use of time-off by departing employees: Departing employees may only take up to two (2) days of paid time off (e.g. personal days, vacation days, compensatory time) during the last two (2) weeks of employment, unless otherwise approved by the Director of Human Resources.
3. Retirement Programs

Depending on the employee's position, the City participates in and contributes towards the employee's retirement program. Questions regarding eligibility should be directed to the Human Resources Department.

- a. Eligible City employees participate in a combination of Social Security and the Illinois Municipal Retirement Fund.
  - 1) All eligible employees hired after May 1, 1992 will be covered by the Illinois Municipal Retirement Fund as of their date of hire.
  - 2) Part-time employees who work more than 1000 hours per year are required to be included in the Illinois Municipal Retirement Fund. An employee must be in a position normally requiring performance of duty for more than 1,000 hours in the next 12-month period in order to be able to participate in IMRF. It is the *expected* annual hourly requirements that control. The actual hours worked may be more or less than the hours expected.
- b. Full-time sworn Police Officers and Firefighters participate in their respective service's pension plan as required by State Statute and applicable collective bargaining agreements.

~~c. All employees are eligible to participate in 457 Deferred Compensation Plans through the City's chosen provider, as provided by Nationwide and ICMA-RC from time to time.~~

4. Sick Leave Pay:

- a. Tier 1

Employees under Tier 1 may receive a cash payment of unused accrued sick leave if the following conditions are met:

- 1) An employee attains twenty (20) years of full-time service and meets pensionable age requirements as defined by IMRF or the applicable pension plan for sworn employees, or
- 2) An employee attains ten (10) years of full-time service and age 62 and meets pensionable age requirements as defined by IMRF or the applicable pension plan for sworn employees.

Sick leave payment will be at the rate of one-half day per accrued day of sick leave with up to 50 total days being paid out.

- 1) At no time will greater than fifty (50) days be paid out at retirement, unless such employee is grandfathered under Chapter 4.A.1.a.
- 2) Any remaining sick leave balance will be applied to IMRF pension credits under the applicable IMRF rules and regulations (where applicable).

b. Tier 2

Upon retirement, employees under Tier 2 will not be eligible for payment of unused accrued sick leave. Unused sick leave balance may be applied to IMRF pension credits as determined by applicable IMRF rules and regulations.

5. Retirement Pay:

a. Tier 1

Employees under Tier 1 who terminate service in good standing (voluntarily and with appropriate notice) with the City are eligible for retirement pay as follows:

- 1) Employees who attain 15 years of service and are at pensionable age will be eligible to receive (two) 2 months' retirement pay.
- 2) Employees who do not meet pensionable age but attain 20 years of total service with the City will be eligible for (two) 2 months' retirement pay.

b. Tier 2

Employees under Tier 2 are not eligible for Retirement Pay.

6. Retirement pay and cash payment of unused accrued sick ~~leave time~~ shall be paid out only once during the employee's lifetime. Retirement pay and payment of unused accrued sick ~~leave time~~ shall be based on the rate of pay at retirement.
7. Health, dental and life insurance programs will terminate on the last day of the month in which the employee retires. Retirees (employees who have reached the age and years of service to collect their respective pension) may elect to pensionable age and Election to continue in the City's insurance programs, but it is limited as follows:

- a. It must be exercised immediately upon retirement, with the employee forfeiting any future participation upon cancellation.
- b. Retirees are responsible for the full cost of the insurance program. Premium payments are due by the last day of the month preceding the month of coverage (e.g., March 31 for April). Retirees receiving their pension distribution are required to have continued health insurance premiums deducted directly from the applicable monthly pension checks.
- c. Retirees may purchase City sponsored life insurance benefits up to the age of 70.
- d. Individuals 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 retirement termination (40 ILCS 5/7-101).

## B. Resignation:

**Definition:** The official date of resignation ~~or termination~~ will be the last full day the employee reports for work.

1. Use of time-off by departing employees: Departing employees may only take up to two (2) days of paid time off (e.g. personal days, vacation days, compensatory time) during the last two (2) weeks of employment, unless otherwise approved by the Director of Human Resources.
2. Unless due to emergency circumstances beyond their control, employees who are absent for more than three (3) consecutive workdays and fail to notify their immediate supervisor of their absence, shall be deemed to have resigned.
3. An employee wishing to leave the City service in good standing shall complete an Employee Resignation Notice, which is available in their department or on the City's intranet, and submit to their Department Head. The Resignation Notice should state the reason for leaving and provide as much notice as possible, but no less than ten (10) working days' notice. For Firefighters, Fire Lieutenants, and Fire Captains, a written resignation stating the reason for leaving should be submitted with at least five (5) duty days' notice.
  - a. The Department Head may consent to the employee leaving sooner.
  - b. A copy of the Employee Resignation Notice must be forwarded to the Director of Human Resources for placement in the personnel file.
4. Employees will receive payment for unused vacation time, ~~provided the employee has been employed for a minimum of six (6) consecutive months.~~ The rate of pay for unused vacation time shall be the rate of pay paid to the employee at the time of resignation. ~~termination.~~
5. Upon resignation, the City cancels, without compensation, unused accrued sick leave time or paid time off (PTO). An employee who is reinstated to full-time employment within thirty (30) days from resignation will be allowed the accrued sick leave time earned while previously employed, and will accrue vacation time at their previous rate.

6. Upon resignation, health, dental and life insurance coverage will cease on the employee's ~~resignation~~ termination date, except as described in paragraph B.7 below.
7. Eligible employees who have resigned may elect to continue in the City's health and dental insurance programs under the Consolidated Omnibus Budget Reconciliation Act (COBRA) or as required by applicable State Statute (215 ILCS 5/367 *et seq.* or Public Safety Employee Benefits Act 820 ILCS 320). This option is limited as follows:
  - a. It may be exercised only once (and in accordance with COBRA), with the employee forfeiting any future participation upon cancellation.
  - b. Employees will be responsible for the full cost of the insurance program plus a 2% administrative fee unless otherwise required by law. Premium payments are due by the last day of the month preceding the month of coverage (e.g., March 31 for April).

**C. Exit Interviews:**

1. Anytime an employee permanently separates employment with the City, whether by retirement, resignation or otherwise, the employee is encouraged to schedule an Exit Interview ~~between the employee and~~ with a member of the Human Resources Department.

## CHAPTER 10 EMPLOYEE SAFETY PROGRAM

### A. Objectives:

The objectives of the City's Employee Safety Program are to prevent injury to employees, ~~prevent~~ damage to property, and ~~prevent~~ lost time accidents which reduce employee productivity. The end result of these objectives will contribute directly to better employee relations, greater productivity, and improved housekeeping. To accomplish these objectives, the following guidelines and responsibilities have been set forth.

### B. Safety Responsibilities:

#### 1. Director of Human Resources

The Director of Human Resources will be responsible for the implementation and ongoing operation of the City's safety program and related policies. The Directors of Human Resources and Finance will work with the City's insurance representative to coordinate the City's safety training program, and to work with the insurance representative and Department Heads in developing and implementing employee safety-related programs. The Director of Human Resources will also be responsible for assisting Department Heads and ~~d~~Departmental ~~s~~Safety ~~e~~Committees in enforcing safety rules and procedures, ~~accident investigation~~, and safety education.

#### 2. Department Head

The Department Head is directly responsible for the safe operation of his/her respective department. Although employee exposure to safety hazards varies widely among the various City departments, the Department Head is responsible for providing a clean, safe, and healthy work environment for all employees. Other responsibilities include:

- a. Become familiar with the City's safety program and policies, and coordinate efforts among Division Heads and Supervisors to ensure the City's safety program is applied within his/her department.
- b. Personally review all accidents to ensure that accident causes are being investigated and proper corrective action is being taken. This includes the Department Head reviewing and signing all Supervisor's Accident Investigation Reports (see accident reporting procedures).
- c. When new operations, tools, equipment, or materials are introduced within the department, the Department Head shall see that all safety precautions are provided to employees for their safe use.

d. Periodically make safety inspections of various department facilities and operations.

~~d~~.e. Review and identify unsafe working conditions and practices, and make corrections thereto.

f. Work with the Departmental Safety Committee in order to improve the department's accident and safety record.



g. Work with the Director of Human Resources to continually develop and conduct job safety training programs, and improve the overall employee safety program (safety education and training, incentive programs, safety equipment, etc.).

### 3. Division Heads and Supervisors

A Division Head/Supervisor is the key person in the City's safety program, and is responsible for the aggressive enforcement of safety policies that apply to his/her area of operation. In order to ensure the safety of each employee as well as the effective operation of the department, the Division Head/Supervisor is required to:

- a. Become familiar with the City's safety program and his/her responsibilities in regard to the program.
- b. Train all employees thoroughly, informing them of the hazards of the job, and the necessary safety precautions that should be taken to minimize and avoid those hazards.
- c. Promptly investigate and report all accidents, and see that all injuries are treated in a proper manner. The Supervisor is responsible for completing the "Supervisor's Accident Investigation Report" as soon as possible, and then reviewing the report with his/her Department Head.
- d. Insure that all tools, equipment, and protective devices are properly maintained and properly utilized.
- e. Conduct frequent safety inspections and surveys of all work areas and operations in order to eliminate unsafe conditions, improve general housekeeping, and encourage safe work practices.
- f. Coordinate the Departmental Safety Committee, and continually observe and evaluate work conditions and work procedures, and correct any observed unsafe conditions and practices.

### 4. City Employees

All City Employees have an individual responsibility for the prevention of accidents, and are required to develop and exercise safe work habits in order to prevent injuries to themselves and others. Every employee is responsible for compliance with the safety procedures outlined in this safety program and all other applicable department directives concerning safety. Other employee responsibilities include:

- a. Report all accidents and injuries immediately to your Supervisor, regardless of severity. If injured, obtain medical treatment. Failure to notify your supervisor within twenty-four (24) hours of an accident is subject to discipline.
- b. Keep work areas clean and orderly at all times, and wear required protective equipment when working.
- c. Use only the designated equipment for the job and utilize it properly.
- d. Operate only the equipment that you have been trained and authorized to operate.

- e. Promptly report any unsafe practices or conditions you have observed to your immediate supervisor.
- f. Follow proper instructions and policies when conducting a specific job. If any doubt exists concerning the safety of performing a job, **STOP** and get proper instructions from your supervisor before continuing work.
- g. Cooperate with and take an active part in the departmental safety program.

#### 5. City Attorney

The City Attorney will be responsible for assisting the Department Heads with accident investigation and providing legal advice on safety policies and procedures.

#### ~~C. Employee Safety:~~

~~Department Heads have overall responsibility to create and maintain a safe working environment for their department. Some safety functions of the Department Head include:~~

- ~~1. Review any job-related accidents in the department, and make corrective action to avoid a similar occurrence in the future.~~
- ~~2. Periodically make safety inspections of various department facilities and operations.~~
- ~~3. Review and identify unsafe working conditions and practices, and make corrections of those unsafe conditions or practices.~~
- ~~4. Work with the Director of Human Resources to continually develop and conduct job safety training programs.~~
- ~~5. Work with the Director of Human Resources and continually develop and improve the overall employee safety program (safety education and training, incentive programs, safety equipment, etc.).~~

#### ~~D.C.~~ Safety Education:

##### 1. Safety Orientation of New Employees

New employees will be introduced to the City's safety program during his/her department orientation. The new employee will be acquainted with the program, the importance of safety, and will be informed that they are expected to perform their job with safety in mind.

##### 2. On-the-Job-Training

All employees will receive instruction from their supervisors in the proper operational procedures of their respective department, in conjunction with safety rules and policies.

##### 3. Safety Program Follow-up

Continual program follow-up will occur at Safety Committee Meetings, supervisor and employee daily interaction and attendance at appropriate safety-related programs. Follow-up will be utilized to ensure continued interest in safety and safety-related education.

**E.D. Safety Inspections:**

Safety inspections should be made periodically in each City department. These inspections will be coordinated by the Department Head, and will be conducted by the Department Head or ~~his/her~~ designee. The date, time, and results shall be recorded and kept ~~in~~ on file in the Department Head's office. In conducting an inspection, special note is made of general housekeeping, unsafe conditions and unsafe practices. The purpose of the inspections will be to identify unsafe conditions and unsafe practices and, where possible, develop recommendations for their correction.

**F.E. Employee Injury and Accident Reporting Procedures:**

1. Notification. Employees ~~should~~ shall report any accident or injury to their supervisor immediately and absolutely no later than twenty-four (24) hours after the incident.
2. Accidents Involving Employee Injury. If an employee is injured while working, the following steps shall be taken:
  - a. The injured employee's supervisor shall complete a A Workers' Compensation Form #45 ~~should be completed~~ within twenty-four (24) hours of the accident or injury and send ~~it~~ it to a member of the Human Resources Department. This report is required ~~by the Illinois Compensation Commission as part of~~ under the Workers' Compensation Act. The supervisor shall also complete the "Supervisor's Accident Investigation Report" as soon as possible after notification of the accident or injury.
  - ~~b. A designated departmental representative will provide the injured employee with a copy of the Illinois Workers' Compensation Commission's "Handbook on Workers' Compensation and Occupational Diseases."~~
  - ~~c. b. The injured employee shall complete A~~ an "Employee Injury Statement" must be completed by the employee at the time of notification, if possible.
  - ~~d. c. The injured employee's immediate supervisor must complete the "Supervisor's Accident Investigation Report" as soon as possible after notification of the accident or injury. The sSupervisor's aAccident iInvestigation fReport, along with a copy of the Form #45, and the "Employee Injury Statement," and any witness statements, sh~~all~~ould be submitted to the Department Head for review and signature. In addition to establishing the causes of accidents and recommendations for correcting them, information on the sSupervisor's aAccident iInvestigation fReport will be used for continuing a positive accident prevention program.~~
  - ~~e. d. Once the Department Head reviews the accident or injury information and signs all necessary reports, all of the above information sh~~all~~ould be forwarded to the Human Resources Department.~~