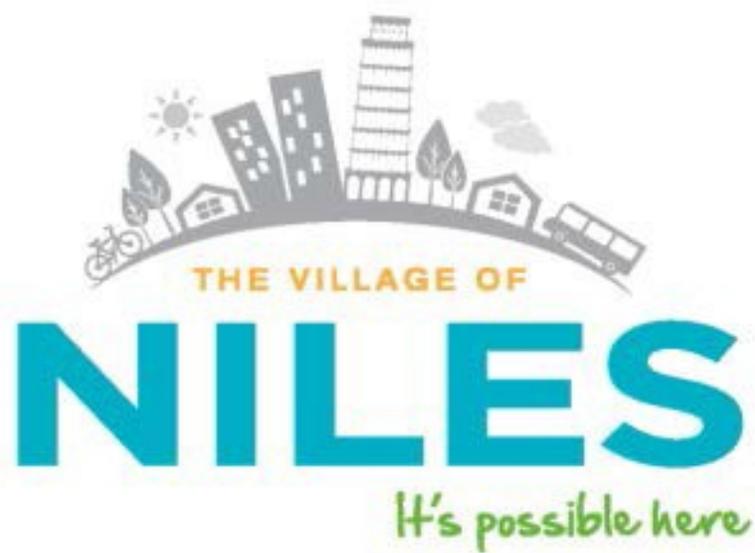


# Village of Niles



## Employee Handbook

REVISED November 2020 – EFFECTIVE IMMEDIATELY UPON VILLAGE BOARD APPROVAL

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# ARTICLE I - INTRODUCTION & EMPLOYMENT

## Section 1.1 General Introduction

The Village of Niles has always taken pride in the abilities and accomplishments of our employees. Our employees are our most valuable resources. We believe each employee contributes directly to the success of the Village and are confident you will find the Village a rewarding place in which to work. We look forward to a productive and successful association with you.

This Employee Handbook describes many of the current personnel policies which apply to the employees as members of the Village of Niles' work force. It is designed to introduce employees to the principle rules, regulations, benefits and conditions of employment that apply to Village employees. Employees are urged to carefully read this Employee Handbook and understand its application. It is important to remember that the contents of this Employee Handbook are presented for information purposes only.

**This Employee Handbook is not intended to create any contractual obligations between the Village and its employees. The information presented should not be interpreted as a contract, promise or guarantee of future or continued employment, compensation or benefits.**

### **Volunteers**

The Village appreciates the assistance and contributions of time offered by "volunteers" of the Village. However, every volunteer of the Village is required to sign and comply with an agreement confirming that he/she is not an employee, agent, or contractor of the Village. As volunteers (including unpaid interns), such individuals are not entitled to participate in the fringe benefit programs and they will not receive other privileges in the Handbook that apply to Village employees; the only exception is as required by law (i.e., Village policy against sexual harassment). However, volunteers will still be subject to the rules and policies contained in this Handbook.

Volunteers shall have no authority (implied or actual) to enter into contracts or other agreements on behalf of the Village for any purpose. Additionally, while volunteers are not employees, they do have control over their activities and time devoted to the Village, and volunteers are expected to conduct themselves in a manner so as to present a positive image of the Village. This includes being courteous and helpful. Volunteers serve at the will of the parties and either the Village or a volunteer may discontinue the volunteer relationship at any time or for any reason.

No employee handbook can anticipate every circumstance or question about policy. As the need may arise over time to change policies described in the Employee Handbook, the Village of Niles reserves the right to revise, supplement or rescind any policies, practices or portion of the Employee Handbook as it deems appropriate, in its sole and absolute discretion. Employees will be notified of such changes as they occur.

In order to make sure that the intent of this Employee Handbook is understood, all employees will be required to sign a statement acknowledging the purpose and intent of this

Employee Handbook. If you need assistance in understanding the issues that are covered in this Employee Handbook, you should address them with your Supervisor or Department Director. The Handbook is available on the Village intranet website: <https://my.vniles.com>.

## **Section 1.2 Organization**

The Mayor and six trustees comprise the Board of Trustees and govern the Village of Niles. The Board of Trustees establishes policy for the Village of Niles.

The Village Manager is appointed by the Mayor with the advice and consent of the Board of Trustees. The Village Manager is responsible for directing the day-to-day operations of the Village of Niles and for implementing all directives and policies as determined by the Board of Trustees.

Accordingly, all Departments within the Village of Niles report to the Village Manager. There are presently ten main operating departments: Administration, Community Development, Family Services, Finance, Fire, Fitness Center, I.T., Police, Public Services, and Senior Center.

Department Directors and Management personnel have the responsibility of implementing policy as directed by the Mayor and Board of Trustees within their respective Departments and managing day-to-day functions of their Departments.

## **Section 1.3 Collective Bargaining Agreements**

Certain employees of the Village of Niles are represented by a union for purposes of bargaining over the terms and conditions of their employment. At the time of hire, employees who are represented by the union will be provided with information regarding the union and the collective bargaining agreement (“CBA”) applicable to them. No employee will be required to contribute fair share fees to the union as a condition of employment with the Village.

Where this Employee Handbook and a collective bargaining agreement between the Village of Niles and any of its employees address the same or similar issues or conflict in any way, the provisions of the collective bargaining agreement shall prevail. The provisions of the Employee Handbook shall not apply with respect to any employee covered by the collective bargaining agreement with regards to terms and conditions of employment that are mandatory subjects of bargaining which conflict with the terms of this handbook.

## **Section 1.4 At Will Policy**

Your employment relationship with the Village of Niles is a voluntary “at will” relationship. This means that either you or the Village may end the relationship at any time and for any or no reason. Nothing in these policies shall be interpreted to be in conflict with your employment at- will status with the Village of Niles. This policy of employment-at-will may not be modified by any person for any reason; the only exception is pursuant to Village Ordinance

that is then in effect and/or pursuant to a collective bargaining agreement that is ratified and executed by authorized representatives of the Village Board of Trustees.

### **Section 1.5 Employee Relations**

The Village of Niles believes that the work conditions, wages, and benefits it offers to its employees are competitive with those offered by other employers in this area who perform similar work. If employees have concerns or questions about their working conditions, they are strongly encouraged to voice these concerns openly and directly to their supervisors.

Experience has shown that when employees deal openly and directly with supervisors, the work environment can be excellent, communications can be clear, and attitudes can be positive. We believe that the Village of Niles amply demonstrates its commitment to employees by responding effectively to employee concerns.

### **Section 1.6 Recruitment and Selection of Personnel**

When deemed appropriate by the Village Manager (or authorized designee), vacant positions that are budgeted for and approved by the Village Manager shall be posted internally and externally for at least fifteen (15) business days concurrently, or for the length of time specified in the collective bargaining agreement for a position. A Department Director may request that a position be posted internally only. Current employees may apply for posted positions. We reserve the right to select the most qualified employee in all cases. Where there is equality between an outside candidate and a current employee, the current employee will be given preference unless it is not practical to do so for any business reason.

In the event a position was filled and becomes vacant within 90 calendar days, it is not required that the position be re-posted if there is a qualified candidate from the pool of candidates who applied for the position initially.

Nothing in this Policy will preclude or limit the right of the Board of Trustees from performing a search of outside candidates in appropriate cases in order to identify the best candidate to fill a vacant position. The exception is sworn fire and police which are subject to Fire and Police Commission procedure rules.

Vacant positions that are open, including part-time positions paid under \$20 per hour, generally will be posted on Village bulletin boards in each department, on the Village of Niles website and in other publications as deemed appropriate.

In the event an open position requires that it be filled immediately, the position can temporarily be filled as an acting position with the approval of the Village Manager. The employee who fills the acting position must apply for the permanent position in the same manner as other interested candidates for the open position.

### **Section 1.7 Promotion of Personnel**

The Village of Niles may consider its qualified employees for promotion to any vacancy

within the Village. Promotion of current employees shall be based on factors which may include: past contributions, job evaluation, promise of future development, years of service, prior experience and job-related educational, technical and personal qualifications. Promotion criteria shall include any other relevant data that the Village deems appropriate in determining the best qualified employee for any vacancy.

A promotion shall be treated the same way as a new appointment insofar as it is necessary to successfully complete a new probationary period in the new position. If the promoted employee does not complete the probationary period successfully, the employee may be reinstated to the former position at the last-held status, provided: (1) that position is available; (2) the employee remains qualified to perform the work (with or without reasonable accommodation); and (3) only if agreed to by the Village Manager and the Department Director of the former position. Successful completion of a probationary period does not change an at-will employee's status. At-will employees may be terminated at any time during their employment with or without notice or cause.

### **Section 1.8 Equal Employment Opportunity**

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at the Village of Niles will be based on job related factors such as: merit, qualifications, skills and abilities. The Village prohibits discrimination based on an individual's actual or perceived race; color; religion; creed; sex; gender identity; national origin; age; disability; ancestry; marital status; sexual orientation or sexual preference; citizenship status, pregnancy or medical conditions related to pregnancy or childbirth; arrest record; unfavorable discharge from military service; genetic information; status as a recipient of an order of protection; military status; and/or any other characteristic protected by law. The exceptions provided by law to these employment practices also apply to the Village when applicable.

The Village of Niles will make reasonable accommodations for qualified individuals with known, protected disabilities in order to perform their essential job functions unless doing so would result in an undue hardship to the Village. This policy governs all aspects of employment, including, but not limited to, selection, job assignment, compensation, discipline, termination, and access to benefits and training. An employee with a disability in need of a reasonable accommodation should notify the Human Resources Department and/or the employee's immediate supervisor to discuss available reasonable accommodation ideas through an interactive process. Requests for reasonable accommodation by an employee who is pregnant or has a medical condition related to pregnancy or childbirth also should be addressed pursuant to this Policy. The Village will reasonably accommodate medical and common conditions relating to pregnancy and childbirth unless doing so would result in undue hardship.

Any employees with questions or concerns about any type of discrimination or harassment in the workplace are encouraged to bring these issues to the attention of their immediate supervisor or the Human Resources Department. Employees can raise concerns and make reports without fear of reprisal. Any employee found to be engaging in any type of unlawful discrimination, harassment or retaliation will be subject to disciplinary action, up to and

including termination of employment.

**Section 1.9 Employee Medical Examinations**

After an offer of employment has been made to an applicant for a designated full-time job category, a job related medical examination and drug test will be required. Employment and assignment to duties is contingent upon satisfactory completion of the exams to ensure the employee can safely perform all of his/her essential job functions (either with or without a reasonable accommodation when applicable). In addition to pre-placement physicals, employees may be required to undergo a post-offer physical evaluation under one or more of the following or similar reasons:

- Bus drivers and Mechanics must have annual physicals in accordance with the Department of Transportation guidelines and Pace's safety practices.
- Fire Department Sworn Personnel must have annual physicals in accordance with NFPA.
- 1582 Standards.
- Police Department Sworn Personnel must have annual physicals.
- Where job-related and consistent with business necessity.
- Where required as part of the interactive process to determine a reasonable accommodation under the Americans with Disabilities Act.
- Return from an extended absence because of a serious illness or an off-the-job injury when absence has exceeded 30 days.
- Return from an extended recovery after a serious on-the-job injury when absence has exceeded 30 days.
- Other instances in which the Village has reasonable suspicion that an employee is or may be under the influence of alcohol or drugs while at work or has reason to believe that the employee's use of alcohol or drugs may have contributed to cause an accident.

All medical examinations as stated above that are required by the Village as a condition of employment will be performed at the Village of Niles' expense by a health professional of the Village's choice. Information on an employee's medical condition or history will be kept separate from other employee information and maintained confidentially. Be assured that all medical tests will be based on business need and we will test only job-related information pursuant to the ADA and/or Illinois Human Rights Act.

**Section 1.10 Residency Requirements**

Residency within the specific area as stated below is a condition of continued employment.

- All Village of Niles employees shall have an actual full-time, primary residence within a fifty (50) mile radius from Niles Village Hall within the border of the State of Illinois.
- There is not a residency requirement for applicants for employment; however, within six months from the first date of employment, newly hired employees must comply with the provisions of sub-section (a) of this section. For the purposes of this subsection, persons in the classified service shall be deemed to be employed upon successful

completion of their probationary period.

- The Mayor and Village Board of Trustees may, in their discretion, from time to time by resolution, require Department Directors to be actual full-time permanent residents of and maintain their domicile within the corporate limits of the Village.
- The Mayor and Village Board of Trustees may, in their discretion, from time to time by resolution, exempt an employee from the residency requirement of this section if compliance would impose an undue hardship on such employee.
- Any employee who violates any provision of this section shall be deemed to have resigned from his/her position of employment with the Village of Niles.

### **Section 1.11 Ethical Conduct**

**The Niles Code of Ethics is incorporated by reference and is made a part of this Employee Handbook. The Niles' Code of Ethics can be found on the Village of Niles website under Government, Village Ordinance Sections 2-401 to 2-430.** This Code of Ethics was passed to ensure that all Niles employees and officers act at all times with integrity and honesty. This Code of Ethics further imposes an obligation on each employee and officer to act in an honest and proper manner at all times when representing the Village and further to avoid any possible conflict of interest or appearance of a conflict of interest. Each employee is required to read the Code of Ethics and to govern their conduct by the Code of Ethics. Employees are given instruction on the Code of Conduct each year or more often as needed to assure that all employees understand what is expected of them.

As an employee of the Village of Niles, you have an obligation to seek direction from your Department Director whenever you have a question as to conduct that you are about to undertake or that you are being asked to undertake on behalf of the Village. If you have any question about the accuracy of the answer that is given to you by your Department Director, you are expected to seek further guidance from the Village Compliance Officer. In addition, you have a further obligation to report to the Village Compliance Officer any conduct that you observe that is engaged in by another employee, Village Officer, or Board member that you believe may be improper. This obligation requires that you do this regardless of who is involved in the questionable conduct.

The materials, products, designs, plans, ideas, and data of the Village are the property of the Village of Niles and should never be given to an outside firm or individual except through normal channels and with appropriate authorization. Any improper transfer of material or disclosure of information, even though it is not apparent that an employee has personally gained by such action, constitutes unacceptable conduct. Any employee who participates in such a practice will be subject to disciplinary action, up to and including termination of employment. The Village will report to the appropriate law enforcement authorities any conduct of an employee which may contravene federal or state law. No retaliation will be taken or tolerated against any employee who reports an actual or potential violation of Code of Ethics.

## **Section 1.12 Outside Employment or Appointments**

Employees should consider the impact that outside employment may have on their well-being and attention level. All employees will be judged by the same performance standards and will be subject to the Village of Niles' scheduling demands regardless of any existing outside work requirements. Employees who hold outside jobs must complete the Outside Employment Form found on the Village's Intranet and submit the form to their supervisor.

Employees holding outside jobs shall not conduct any business or preparations concerning their outside jobs during their normal work schedule nor on the Village's premises. Village equipment, staff, or facilities shall not be utilized for any outside employment or work of any kind.

If an employee suffers an injury during or resulting from an outside employment activity, the Village will not be responsible for Workers' Compensation benefits, except as provided by law. Paid Sick Leave and Extended Leave will not be provided for an employee who suffers an occupational sickness, injury or disability as a direct result of outside employment except if required by law.

In the event an employee wishes to join an organization that meets during regular working hours, the approval to attend those meetings would be at the discretion of their supervisor. Non-exempt employees are required to use accrued paid time off to attend those meetings. Since work responsibilities are a priority, discussing this with your supervisor and getting permission is required.

If the Village determines that an employee's outside employment interferes with performance or the ability to meet the requirements of the Village as they are modified from time to time, or presents even the potential for a conflict of interest that the Village deems substantial, the employee may be asked to terminate the outside employment if he/she wishes to remain employed with the Village of Niles.

## **Section 1.13 Employment of Relatives**

The employment of related parties by the Village of Niles may cause serious potential conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships.

As a general rule, an employee who is involved in a personal relationship or is a related party with another employee shall not work directly for or supervise the employee with whom he or she is involved. Personal relationship is defined as a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. Related Party shall include spouse, same-sex spouse, child (including step child or legal custody), daughter or son-in-law, grandchild, grandparent, parent, step parent, spouse's parent, spouse's grandparent, sister, brother, step sister or brother, sister or brother-in-law, or legal guardian. If a related party relationship exists, or is later established, and a conflict or the potential for conflict arises, the Village Manager and the appropriate Department Director(s) will endeavor to resolve the

conflict by transfer or other appropriate action. The Village reserves the right to terminate one or both employees. These issues will be addressed on a case by case basis.

Any exception to this policy requires the approval of the Village Manager.

### **Section 1.14 Photography Consent/Disclaimer**

All Village of Niles employees are subject to the Village, its affiliates, agents or employees, recording, videotaping and photographing their image and/or voice and using such recording/the employee's likeness on the Village website, Village social media, Village newsletters, Village marketing materials and any other Village medium. Employees will be represented in the capacity of their position or to promote the Village in a positive manner. Should an employee wish to refrain from being photographed or recorded, the employee is expected to notify the person taking the picture or audio at that time or before the picture or audio is captured. The Village will comply with these requests as reasonably possible, along with requests to remove photographs/recordings of the individual from Village media, provided such requests are reasonable and do not present an undue hardship to the Village and are not otherwise detrimental to the Village.

Please note, this policy does not preclude employees from being photographed or recorded at public meetings or public events, including but not limited to the Village Board meetings, nor does it prevent employees from being photographed by third-party media sources. Employees and members of the public are subject to video surveillance by security cameras in Village facilities.

## **ARTICLE II – EMPLOYMENT STATUS & RECORDS**

### **Section 2.1 Employment Categories**

It is the intent of the Village of Niles to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Each employee is designated as either NON-EXEMPT or EXEMPT based on federal and state wage and hour laws.

**NON-EXEMPT** employees are employees who are subject to the minimum wage and overtime requirements of the Fair Labor Standards Act (FLSA).

**EXEMPT** employees are generally managers or professional, administrative or technical staff who ARE exempt from the minimum wage and overtime provisions of the FLSA. Exempt employees hold jobs that meet the standards and criteria established under the FLSA by the U.S. Department of Labor. Our exempt employees are paid on a salaried basis without regard to the number of hours worked per day or week (with few exceptions allowed by law).

In addition to the above categories, each employee will belong to one other employment

category:

**REGULAR FULL-TIME** employees are employees who are not in a temporary or probationary status and who are regularly scheduled to work the Village of Niles full-time schedule. Such employees are eligible for the Village's benefit package, subject to the terms, conditions, and limitations of each benefit program.

**PART-TIME** employees are employees who are not assigned a seasonal, temporary or probationary status and are scheduled to work in one or more departments and work less than 19 hours per week. While they do receive all legally mandated benefits (such as Social Security and workers' compensation insurance), they are ineligible for all other Village benefit programs except as provided by law. Part-time employees who are otherwise qualified and work over 1,000 hours per calendar year must participate in the Illinois Municipal Retirement Fund (IMRF) benefits. A full-time employee is not eligible to work part-time in any department of the Village of Niles; the only exception is for unanticipated business needs and with the approval of the Village Manager.

**SEASONAL** employees are employees who do not work regular hours. Seasonal employees are not eligible for a Service Award. Seasonal employees are not eligible for the fringe benefits described in the handbook except if required by law.

**TEMPORARY** employees are employees who are hired to perform a specific job or task. Temporary employees are not eligible for a Service Award. A full time employee may work in a temporary position as required in an emergency situation.

## **Section 2.2 Probationary Period**

The probationary period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The Village of Niles uses this period to evaluate employee on job related factors that may include: capabilities, work habits, skills and overall performance. For employees who are not covered by a collective bargaining agreement, the probation period for newly hired (and newly promoted) employees is generally twelve (12) months. This can be extended in the discretion of management with approval of the Department Director.

For all new employees, other than Fire and Police who are governed by Fire/Police Commission Rules, there shall be a probationary period of one year during which time the employee shall be evaluated by his/her supervisors as to ability, work habits, attendance, and other areas that are important for their particular job. At the end of one year, the Department Director shall make a recommendation to the Village Manager or designee as to whether the probationary employee has passed his/her probationary period successfully and can become a regular employee.

During the probationary period, new employees are eligible for those benefits that are required by law, such as workers' compensation insurance and Social Security. They may also be eligible for other Village of Niles provided benefits, subject to the terms and conditions of

each benefits program. Employees should read the information available from the Human Resources Department for each specific benefits program if there is a question about the plan details and/or eligibility requirements. Successful completion of the probationary period does not change the at-will status of an at-will employee. At-will employees may be terminated with or without notice or cause at any time during their employment, even after completion of the probationary period.

### **Section 2.3 Access to Personnel Files**

The Village of Niles maintains a personnel file on each employee. The personnel file includes such information that may include the employee's records of training, documentation of performance appraisals, wage and salary increases, and other documents used or relied on in making an employment decision about that employee.

Personnel files are the property of the Village of Niles, and access to the information they contain is restricted, subject to the provisions of the Freedom of Information Act and/or as provided in the Illinois Personnel Record Review Act. Generally, only Department Directors and management personnel of the Village who have a legitimate reason to review information in a file are allowed to do so. Accesses to an employee's medical files that are maintained by the Village are confidential with access only to those who have a business need to obtain access.

Employees have the right to review their own personnel file upon written request up to two (2) times per year. As provided by law, employees are permitted to inspect their personnel file within seven (7) days of the Village's receipt of a written request (or within fourteen (14) days if this is not practical to provide file sooner). To review their file, an employee should contact their supervisor or the Human Resources Department. This Policy will be construed in accordance with the law.

### **Section 2.4 Background and Reference Checks**

To ensure that individuals who join the Village of Niles are well qualified and to ensure that the Village maintains a safe and productive work environment, it is our policy to conduct job related pre-employment/post offer background checks on all applicants who accept an offer of employment. Background checks may include verification of any information on the applicant's resume or application form. You are not required to disclose a record of conviction that has been expunged or sealed, except as legally required due to the nature of your job duties and/or as requested on an individual basis for other job related purposes. Additionally, no applicant or employee will be rejected based on a record of conviction alone; we look at factors including: (a) the timing of the offense; (b) the nature of your duties; (c) the length of time since the sentence was completed; and (d) other relevant job related factors.

All offers of employment are conditioned on receipt of a background check report that is acceptable to the Village. All background checks are conducted in conformity with the Federal Fair Credit Reporting Act, the American with Disabilities Act, the Illinois Human Rights Act, and state and federal laws governing privacy, anti-discrimination and similar employment laws when applicable. Reports are confidential and are only viewed by individuals involved

in the hiring process and/or as otherwise required to comply with a legal obligation or business obligation.

Additional checks such as a driving record, fingerprinting, or credit report may be made on applicants for particular job categories if appropriate and job related.

The Human Resources Department will respond to all reference check inquiries from other employers for employment either concurrent with or subsequent to employment with the Village. Responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held.

### **Section 2.5 Personnel Data Changes**

It is the responsibility of each employee to promptly notify the Village of Niles of any changes in their personal data (ideally within five (5) working days of the change). Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of emergency, educational accomplishments, and other such status reports should be accurate and current at all times. The employee should notify their supervisor with any changes and the supervisor will forward the information to the Human Resources Department on the appropriate forms.

### **Section 2.6 Employment Applications**

The Village of Niles relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment, and employees and applicants are expected to provide accurate information. Any misrepresentations, falsifications, or material omissions (no matter when discovered) in any of this information may result in the exclusion of the individual from further consideration for Village employment or, if the person has been hired, termination of employment.

### **Section 2.7 Performance Evaluation**

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, on-going basis. Formal performance reviews also are conducted generally on an annual basis to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals. If an employee has not received an annual performance review, they are encouraged to notify their supervisor and/or H.R. so that the matter can be addressed when and if appropriate.

### **Section 2.8 Identity Protection**

This policy is intended to comply with the Illinois Identity Protection Act, 5 ILCS 179. In the event of an inconsistency between this Policy and the Act, the Act shall be controlling.

1. Employees are prohibited from:
  - a. Posting or displaying social security numbers;

- b. Printing the number on any card required to access products or services;
  - c. Requiring transmission of numbers over the internet, unless using a secure connection or an encrypted number;
  - d. Printing the number on any mailed materials;
  - e. Collecting, using or disclosing a social security number from an individual unless required to do so under State or Federal law, rules, regulations, or such use is necessary for the performance of an employee's duties and responsibilities;
  - f. Disclosing social security numbers in Freedom of Information Act responses;
  - g. Embedding or encoding social security numbers in cards or documents (including barcodes, chips, magnetic strips and other technology).
2. All employees who have access to social security numbers in the course of performing their duties shall be required to attend training on the protection of confidentiality of social security numbers. The training will include instructions on the proper handling of information containing social security numbers from the time of collection through the destruction of the information.
  3. Only employees who are required to use or handle information or documents containing social security numbers may access such information or documents.
  4. Any request for social security numbers from an individual shall be accomplished in a manner which allows the social security number to be easily redacted if a document is required to be released as part of a public records request.
  5. Any request for social security numbers from an individual shall include a statement of the purpose or purposes for which the social security number is being collected and used.
  6. This policy shall be part of the Village of Niles Personnel Policy and be made available to all employees.
  7. Violation of the provisions of this policy shall be grounds for discipline up to and including dismissal.
  8. This policy shall become effective upon resolution adoption by the Village of Niles Board of Trustees.

### **Section 2.9 Voluntary Employee Time Off Donations**

If a full time employee has exhausted all earned leave time and is faced with a life threatening or debilitating illness, injury or condition of the employee or his/her immediate family, he/she can request a time donation of vacation days, personal days or compensatory time from other Village employees on a voluntary basis. For purposes of this policy only, the phrase "Immediate Family Member" is defined as the employee's child (as defined by the FMLA), spouse, same-sex spouse or parent. A "parent" means the person who acted as the employee's parent when the employee was a child and that term does not include parent-in-law. This policy also allows regular full-time employees to donate earned vacation days, personal days or compensatory time to assist the requesting employee the ability to be off work and not lose compensation.

The following regular full-time employee shall be eligible to **request** donated vacation days, personal days or compensatory time if:

1. The full time employee is faced with or has an immediate family member (defined above) who is faced with a life threatening or debilitating illness, injury or condition;

2. The employee has exhausted all of his/her paid leave time;
3. The employee is in good standing; and
4. The employee completes and has received written approval of the Recipient Request Form from the Department Director, Human Resources Department, and the Village Manager.

The following regular full-time employee shall be eligible to donate vacation time, personal days, or compensatory time if:

1. The Request to Donate form is approved by the Department Director, Human Resources Department, and the Village Manager; and
2. The donation is made in half day or full day increments with a maximum of five (5) days.
  - a. The maximum number of donated days may be increased on a case-by-case basis with Village Manager approval.

In addition, the following applies to the Time Donation Policy:

1. Donated vacation days, personal days or compensatory time will be considered on an hour-for-hour basis, regardless of the pay level of the donor and recipient.
2. A maximum of twenty (20) days will be allowed to be used by the recipient in a calendar year. The maximum number of donated days may be increased on a case-by-case basis with Village Manager approval.
3. The employee requesting donated vacation leave time will be required to provide a physician's statement or other medical evidence necessary to establish the need for the time off.
4. Donated leave time may only be used for the duration of the employee or family member's illness, injury or condition.
5. Time off as the result of donated time will run concurrent with Family Medical Leave Act (FMLA) time.
6. In the event the recipient does not use all of the donated time, the remaining hours will be distributed back to the donors proportionately based upon the total number of hours donated.

## **Section 2.10 Disclosure of Confidential Information**

In the course of your employment, you may have access to information, including but not limited to, private or personal information about other employees or citizens of the Village of Niles that is confidential. "Confidential Information" generally includes information (in any form) that is exempt from disclosure under the Freedom of Information Act including but not limited to social security numbers, driver's license numbers, biometric identifiers, personal financial information, medical records, home and personal telephone numbers, personal email addresses, home addresses, personal license plate numbers, other information where the disclosure could or may constitute an unwarranted invasion of privacy or information which is specifically exempted or prohibited from disclosure by law. The disclosure of Confidential Information is strictly prohibited. Any questions regarding whether information is confidential or not should be referred to the Village Attorney's Office or the Human Resources

Department before being used or relied or disclosed to others for any purpose.

## **ARTICLE III – EMPLOYEE BENEFIT PROGRAMS**

### **Section 3.1 Vacation Benefits**

Vacation time off with pay is available to eligible full-time employees to provide opportunities for rest, relaxation, and personal pursuits. Regular full-time employees and full-time employees in their initial probationary period are eligible to earn and use vacation time as described in this policy.

1. After January 1, 2019, regular, full-time and probationary employees are eligible for paid vacation benefits as follows:
  - a. After hire date, an employee will accrue vacation time per pay period of service as set out in the Vacation Accrual Schedule below (or the applicable CBA). This accrued time is intended to be used the following calendar year but can be used upon earning/accruing after working for six months. (A full pay period is one in which the employee has worked three quarters or more of his/her regular work days.)
  - b. Employees will not be allowed to use vacation time which has not yet accrued or earned.

**Reminder:** Employees, whose terms and conditions of employment are governed by a collective bargaining agreement, should consult the agreement for details about their paid vacation benefits and time off conditions.

2. Upon an employee's fifth (5<sup>th</sup>), eleventh (11<sup>th</sup>), twelfth (12<sup>th</sup>), thirteenth (13<sup>th</sup>), fourteenth (14<sup>th</sup>), fifteenth (15<sup>th</sup>), and twenty-fifth (25<sup>th</sup>) anniversary dates, an employee will receive an additional lump sum of vacation day(s) per the chart below (with the exception of the Fire Union). Fire Union personnel will receive an additional lump sum of vacation day(s) per the chart below upon their fifth (5<sup>th</sup>), thirteenth (13<sup>th</sup>), fifteenth (15<sup>th</sup>), and twenty-fifth (25<sup>th</sup>) anniversary dates.
3. Any unused accrued vacation time earned in the current year will roll over to the next calendar year at the end of which those hours will be forfeited and cannot be rolled over any further years.
  - a. Hardship cases can be appealed by the employee to the Village Manager but appropriate efforts must be made to appeal two months prior to end of calendar year in order to be considered.
  - b. Any employee whose anniversary date falls in November or December may roll over earned but unused vacation days into the following year to be taken during the first quarter (January – March) of the year (time not taken in that window is lost).
4. Vacation schedules are determined by the Department Director and employees must request advance approval. While due consideration for individual employee

convenience may be given, requests are subject to the operational requirements of the department. It is the Department Director's responsibility to monitor employee's vacation time balances throughout the year and to remind them of the necessity to schedule and use vacation time. Employees, whose terms and conditions of employment are governed by a Collective Bargaining Agreement, should consult those agreements to determine their vacation benefits.

5. Employees will accrue vacation time if they are on an excused, paid leave of absence. If on an unexcused and/or unpaid leave of absence, vacation time is not accrued or earned except if required by law (or pursuant to the CBA).
6. In the event a recognized holiday occurs during an employee's scheduled vacation period, time for such holiday shall not be charged as vacation time.
7. Vacation time off is paid at the employee's base pay rate at the time of vacation and does not include overtime or any other special forms of compensation.
8. Salary payment is not made in lieu of vacation time except for accrued, but unused vacation which is paid upon termination of employment.
9. Upon termination of employment, the employee shall be paid for unused vacation allowances earned through the last day of work.
10. In the event of the employee's death, compensation for all unused vacation allowances for the year shall be paid to his/her beneficiary.
11. Employee may take earned vacation time in 15 minute increments, once approved.

**VACATION ACCRUAL SCHEDULE:**

**Employees working seventy-five (75) hours per pay period:**

Years of Service	Accrual Rates in Hours Per Bi-Weekly Pay Period	Annual Accrued Time Off	
		In Hours	In Days
0 Months – 6 Months	2.8846	As accrued – may be used after 6 month probation	As accrued – may be used after 6 month probation
6 Months – 1 Year	2.8846	37.5	5
1+ Year	2.8846	75	10
5+ Years	4.3270	112.5	15
11+	4.6154	120	16
12+	4.9038	127.5	17
13+	5.1923	135	18
14+	5.4808	142.5	19
15+	5.7692	150	20

25+	7.2115	187.5	25
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**Employees working eighty (80) hours per pay period:**

Years of Service	Accrual Rates in Hours Per Bi-Weekly Pay Period	Annual Accrued Time Off	
		In Hours	In Days
0 Months – 6 Months	3.0769	As accrued – may be used after 6 month probation	As accrued – may be used after 6 month probation
6 Months – 1 Year	3.0769	40	5
1+ Year	3.0769	80	10
5+ Years	4.6154	120	15
11+	4.9231	128	16
12+	5.2308	136	17
13+	5.5385	144	18
14+	5.8462	152	19
15+	6.1538	160	20
25+	7.6923	200	25

**Police Union, Sergeants, Commanders:**

Years of Service	Accrual Rates in Hours Per Bi-Weekly Pay Period	Annual Accrued Time Off	
		In Hours	In Days
0 Months – 6 Months	3.2692	As accrued – may be used after 6 month probation	As accrued – may be used after 6 month probation
6 Months – 1 Year	3.2692	42.5	5
1+ Year	3.2692	85	10
5+ Years	4.9038	127.5	15
11+	5.2308	136	16
12+	5.5577	144.5	17
13+	5.8846	153	18
14+	6.2115	161.5	19
15+	6.5384	170	20
25+	8.1731	212.5	25

**Fire Union:**

Years of Service	Accrual Rates in Hours Per Bi-Weekly Pay Period	Annual Accrued Time Off	
		In Hours	In Days
0 Months – 6 Months	4.6154	As accrued – may be used after 6 month probation	As accrued – may be used after 6 month probation
6 Months – 1 Year	4.6154	60	2.5
1+ Year	4.6154	120	5
5+ Years	6.4615	168	7
13+	8.3077	216	9
15+	9.2308	240	10
25+	11.0769	288	12

**Section 3.2 Holidays**

The Village of Niles will grant holiday time off to all full-time and probationary employees on the recognized holidays listed below. Holidays listed below are recognized by the Village as being a day that Village Hall offices are closed.

- New Year's Day (January 1)
- Presidents' Day (third Monday in February)
- Good Friday
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Veterans' Day (November 11)
- Thanksgiving (fourth Thursday in November)
- Day after Thanksgiving
- Christmas (December 25)

A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday. The Village provides reasonable accommodation for employees to celebrate other religious observances when appropriate, provided it does not pose an undue hardship on Village business operations.

Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the recognized holiday) multiplied by the number of hours the employee would otherwise have worked on that day. To be eligible for holiday pay, employees must work the last scheduled day immediately preceding and the first scheduled day immediately following the recognized holiday. In the event an employee does not work the day before or after a recognized holiday, proof of sickness or excusable absence must be established to the satisfaction of the Department Director.

With prior approval from a supervisor, an eligible employee may elect to work on a recognized

holiday, and he/she will have the choice to either receive their regular rate of pay or use it as a floating holiday, provided that the floating holiday is taken during the current calendar year. In the event an employee is scheduled to work on a recognized holiday but calls in sick, he/she will not receive holiday pay. Paid time off for holidays will be counted as hours worked for the purposes of determining whether overtime pay is owed.

Police sergeants and commanders shall receive:

- Ten (10) hours of straight pay at the regular rate for each Village observed holiday (100 hours per calendar year per employee) whether they work the holiday or not.
- Sergeants and Commanders must work the entire shift that he/she is scheduled to work prior to the holiday and his/her entire shift that he/she is scheduled to work after the holiday.
- In the event an employee does not work his/her entire scheduled shift before and/or his/her entire scheduled shift after the holiday, proof of sickness or excusable absence must be established to the satisfaction of the Police Chief or the Police Chiefs designee in order for that employee to be eligible to receive holiday pay.
- If an eligible employee works on an observed holiday, they will receive holiday pay (if the prior conditions are met) in addition to their regular pay (at applicable rates) for all hours actually worked on the day.
- In the event the employee is scheduled to work on an observed holiday but calls in sick, they will not receive holiday pay under this Section.

Employees whose terms and conditions of employment are governed by a collective bargaining agreement should consult those agreements to determine their holiday pay benefits.

### **Section 3.3 Personal Days**

The Village of Niles recognizes the fact that employees may need a day to pursue personal interests or take time off for a religious holiday that is not celebrated by the Village. All full-time and probationary employees are entitled to personal days based on the following criteria:

- If an employee is hired between January 1 and September 30, they are entitled to two (2) personal days to be used in that same calendar year.
- An employee hired after September 30, is entitled to one (1) personal day for that calendar year and would be eligible for two (2) days in the next year beginning January 1.
- Personal days must be scheduled in advance with the employee's supervisor. Exceptions may be made in an emergency situation.
- Employees are encouraged to use their personal days. In the event that the available personal days are not used by the end of the calendar year, employees will forfeit those unused days.
- Upon termination of employment, if the employee has not used his/her personal days, they will not be paid for those unused personal days.

### **Section 3.4 Longevity Bonus**

A longevity bonus is another benefit the Village of Niles provides to eligible employees for their continued dedication over the years.

1. Regular full-time employees, excluding Department Directors, Village Manager and the Village Attorney, are eligible for a longevity bonus as follows:
  - a. One weeks' pay less regular deductions, after eight years through fourteen years of service, if the anniversary date falls within the current fiscal year.
  - b. Two weeks' pay, less regular deductions, after fifteen years of service, if the anniversary date falls within the current fiscal year.
  - c. An employee who leaves Village employment in good standing within the current fiscal year and who is eligible for a longevity bonus, as stated, shall be paid the amount to which they are entitled.
2. The longevity bonus shall be given to all eligible employees at one time and at such time as designated by the Village Manager. The years of service shall be calculated based upon the most recent full time starting date with the Village of Niles.
3. Any employee hired after June 27, 2017 will not earn or be eligible to receive longevity pay pursuant to this Section 3.4 or any other Village policy.

### **Section 3.5 Service Awards**

Employee Service Awards are one method for the Village of Niles to show appreciation and recognize individuals for their continued dedication. All full-time employees are eligible to receive the same service award based upon five year increments of continuous service. If the employee left Village service at any point in time, then the most recent starting date will be used to calculate the years of service. The years of service are calculated based upon calendar years of service. (*i.e.* An employee hired on 12/31/12 would be eligible for an award in 2017. An employee hired 1/2/14 would be eligible for an award in 2019.) During the course of employment with the Village, an employee may change their status between full and part-time employment. The years of service will be calculated based upon the original starting date with the Village and will encompass total years (part-time and full-time).

Part Time, Seasonal and Temporary employees and members of a Board, Commission or Ad Hoc Committee of the Village of Niles are not eligible for a Service Award.

#### **AWARDS:**

The Village will provide Service Awards for full-time employees.

- 5 Year Award - \$ 25.00 Check
- 10 Year Award - \$ 50.00 Check
- 15 Year Award - \$100.00 Check
- 20 Year Award - \$200.00 Check
- 25 Year Award - \$250.00 Check
- 30 Year Award - \$300.00 Check
- 35 Year Award - \$350.00 Check
- 40 Year Award - \$400.00 Check
- 45 Year Award - \$450.00 Check

### **Section 3.6 Educational Assistance**

The Village of Niles promotes the professional growth of each employee by supporting educational opportunities to employees to further their knowledge and skill levels in their current occupations or by enhancing their potential for career advancement within the Village.

This program is available to all full-time employees and reimburses for previously approved course fees during a calendar year. Course fees include tuition costs, registration, matriculation fees, laboratory fees and textbook expenses. Maximum annual reimbursement for approved courses is \$3,050 per employee.

To be eligible for educational financial assistance, the employee must meet the following criteria:

- Be a full-time employee and in an active payroll status;
- Have one (1) year of continuous employment prior to the start of any course;
- Not be in any disciplinary status;
- Have Department Director and Village Manager prior written approval of the specific course(s).

If the employee meets the above criteria, he/she can enroll in job-related courses and programs offered by an accredited college or professional/trade school. The Village believes achievement of an undergraduate degree enables the employee to make a strong contribution to the Village in his/her daily responsibilities. Therefore, the Village will provide financial assistance for courses that are not job-related if the courses are needed to complete an undergraduate degree. Any courses relating to an advanced degree must also obtain prior Village Manager's written approval and must be related to employee's employment responsibilities.

Tuition and other reimbursable expenses must be approved in advance of the employee's commencement of the course. Educational financial assistance application forms are available from the Department Director. The completed application should be returned to the Department Director. All applications must have the final approval of the Village Manager.

If an employee is eligible for other educational financial assistance such as a scholarship or Veterans' Educational Benefits, the Village will pay up to the maximum annual benefit after the other tuition assistance has paid its maximum benefit amount.

In order to be reimbursed upon completing the course, the employee must still be working fulltime for the Village and must obtain a "C" or better grade in a letter-graded course or a "pass" grade in a pass/fail course. In addition, the employee must provide a copy of their transcript indicating the course grade and receipts for all reimbursable expenses.

An employee who accepts tuition reimbursement will be required to sign a consent form agreeing to refund the Village for all or some educational expenses received as a part of this program if an employee voluntarily terminates their employment for any reason within two (2) years after receipt of the reimbursement. Employees taking advantage of this program who voluntarily separate employment before two (2) years have expired must refund the Village one

hundred percent (100%) for all tuition reimbursements paid in the twelve (12) month period, and fifty percent (50%) for all tuition reimbursements paid thirteen (13) to twenty-four (24) months prior to the separation (SEE CHART BELOW). This two year period commences with the completion of the last course reimbursed under this program. In the event an employee voluntarily leaves his/her employment, the Village shall make arrangements to refund the Village prior to termination of employment.

Employees agree to refund tuition reimbursed as follows:

Employee Refund Owed to Village	If Separating Employment Within
100%	0-12 months
50%	13-24 months
0%	25 months or more

**Section 3.7 Life Insurance/Accidental Death**

In addition to any benefits payable under the Illinois Municipal Retirement Fund or Fire and Police Pension Funds, the Village currently provides all eligible regular, full-time employees with a life insurance policy covering natural death in the amount of \$50,000 and an additional \$50,000 covering accidental death. Eligible full-time Village personnel killed in the line of duty shall receive an additional \$50,000 and/or such amounts established by the applicable laws. Additional supplemental life insurance is available for purchase at the employee’s discretion. Information concerning this policy and the terms and eligibility requirements are available from the Human Resources Department and in the applicable Summary Plan Description.

For eligible employees, coverage shall become effective the first of the month following the month in which the employment starts. Coverage shall end on the day the employee's full-time employment ceases.

**Section 3.8 Flexible Spending Account Plan**

Regular full-time employees may participate in the voluntary Flexible Spending Account (FSA) Plan. Under this plan, employees can have deductions made from their paychecks on a pre-tax basis to pay for health related items not covered by health insurance and dependent care services. Employees must enroll in the FSA during the open enrollment period and can only make changes to their plan with a qualifying event.

**Section 3.9 Workers’ Compensation Insurance**

In accordance with the Workers’ Compensation Act (820 ILCS 305/1), the Village of Niles must provide a comprehensive workers' compensation insurance program at no cost to employees.

This program covers injury or illness sustained in the course and scope of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or, immediately if the employee is hospitalized.

Employees who sustain work-related injuries or illnesses should inform their supervisor immediately, no matter how minor an on-the-job injury may appear. This will enable an eligible employee to qualify for coverage as quickly as possible.

In compliance with the Public Employees Disability Act (PEDA), sworn police and fire personnel will be compensated at full salary for a period of up to one year for illness, disability or injury sustained in the line of duty.

In compliance with the Workers' Compensation Act, non-sworn personnel will be compensated at two-thirds (2/3 rd's) of their salary for a period of six (6) months for any work related illness, disability or injury. Coverage will be determined by our insurance carrier in accordance with the law.

At the end of the maximum allowed Workers' Compensation, if the employee who has sustained an injury or illness that is covered by workers' compensation is also a qualified individual with a disability for purposes of the ADA, the Village will work with the employee to identify reasonable accommodations that will permit the employee to perform the essential functions of his or her position unless doing so would result in undue hardship to the Village or would pose a direct threat. If the employee is unable to return to their old position (or another vacant position in the Village if the employee is disabled), the employee may apply for a disability pension or may be terminated. Any time taken for a work related injury or illness will run concurrently with applicable FMLA time off

Neither the Village nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity, even if sponsored by the Village of Niles.

### **Section 3.10 Niles Family Fitness Center Membership**

Niles Family Fitness Center memberships are provided to all full-time employees and their qualifying dependents. Membership will begin on the employee's first day of hire. Membership will terminate upon resignation of employment. Membership will continue for employees and their qualifying dependents who have terminated their employment but have retired and are eligible for a pension.

Part-time employees are also eligible for a Fitness Center Membership, at an applicable resident rate.

Qualifying dependents are defined as those who are eligible for employee health coverage, i.e. spouses, children under the age of 26, and disabled children beyond age 26.

## **ARTICLE IV – TIMEKEEPING/PAYROLL**

## **Section 4.1 Timekeeping**

Accurately recording time worked is the responsibility of every employee – this includes those paid on an hourly basis, members of the management team and others paid on the basis of a guaranteed weekly salary. This is legally required to accurately calculate employee pay and benefits and to comply with the applicable wage/hour laws in Illinois that apply to every employee of the Village. “Time worked” means all the time actually spent performing duties on behalf of the Village – regardless of the location where the work/services are performed. When a Village employee is required to engage in travel for business purposes, he/she will be compensated for travel time in accordance with the applicable wage/hour laws.

Even exempt employees are required to accurately record the time that they begin and end their work, as well as the beginning and ending time of each meal period. However, exempt employees are paid on a salaried basis for all hours of work performed in a week – without regard to the number of hours recorded or actually worked (with very few exceptions). All employees should record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work must always be approved before it is performed by any non- exempt employee; working overtime hours without authorization is grounds for disciplinary action including termination if justified by the facts involved.

Altering, falsifying, tampering with time records, or recording time on another employee's time record will result in disciplinary action, up to and including termination of employment (no matter when discovered).

It is the employee's responsibility to review their time record to certify the accuracy of all time recorded. The supervisor will review and then approve the time record before submitting it for payroll processing. In addition, if for any reason a correction or modification to a time record is necessary to create an accurate record of time worked, both the employee and the supervisor must verify the accuracy of the changes by approving the time record. Please be assured that the Village will not take or tolerate any retaliation against any employee who reports an error in a time record and/or improper payroll deduction for any reason. Any form of retaliation in violation of this policy will result in disciplinary action, up to and including discharge.

## **Section 4.2 Paydays**

Full-time employees are paid bi-weekly on every other Friday. Each paycheck will include earnings for all work performed through the end of that payroll period). Part-time employees are paid bi-weekly on every other Friday. Each paycheck will include earnings for all work performed through the end of the week preceding each payday.

Employees are offered the opportunity to utilize the Village's direct deposit program. Upon completing a registration form, the employee's paychecks are automatically deposited into a pre-specified account. An employee's request for direct deposit must be made through the Finance Department.

When a regularly scheduled payday falls on a day off (e.g., a recognized holiday), employees will receive their paycheck on the last day of work before the regularly scheduled payday.

**Section 4.3 Administrative Pay Corrections**

The Village of Niles takes all reasonable steps to assure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of his/her supervisor so that corrections can be made as quickly as possible.

Once underpayments are identified, they will be corrected immediately. Once overpayments are identified, they will also be corrected in the next regular paycheck unless this presents a burden to the employee (where there is a substantial amount owed). In that case, the Village will attempt to arrange a schedule of repayments with the employee to minimize the inconvenience to all involved. Be assured that no retaliation will be taken against any employee who reports a need for an administrative correction in a paycheck.

**Section 4.4 Pay Deductions**

The Village of Niles offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these programs. The employee agrees to hold harmless and indemnify the Village and its appointed and elected officers from any loss resulting from any voluntary paycheck deductions.

If you have questions concerning why deductions were made from your paycheck or how they were calculated, your supervisor can assist in having your questions answered.

**Section 4.5 Compensation Plan**

The Village of Niles presently maintains a Compensation Plan that is intended to be both internally equitable and externally competitive to enable the Village of Niles to attract, retain, reward and motivate employees. The salary grade for each position is determined by a number of factors, including the duties and responsibilities involved, prevailing wages for comparable work in the public sector and the financial situation of the Village government.

Full time positions not governed by a collective bargaining agreement are included in the Compensation Plan. Part-time, temporary or seasonal positions generally are paid on an hourly basis. With approval of Mayor and Board of Trustees, the Village of Niles may change, eliminate or alter any portion of the classification pay plan in its discretion, with or without notice.

General increases may be granted by the Board of Trustees to employees who are not covered by a collective bargaining agreement when the Board of Trustees determine it is necessary or desirable to compensate for changes in economic conditions, cost of living factors, the financial policies and economic condition of the Village and/or other factors deemed appropriate by the Board of Trustees.

Employees whose terms and conditions of employment are governed by a collective bargaining agreement should consult those agreements to determine their wage provisions benefits.

## **ARTICLE V – WORK CONDITIONS AND HOURS**

### **Section 5.1 Safety**

To help provide a safe and healthy work environment for employees and visitors, the Village of Niles has authorized each Department Director (or his/her designee) to take appropriate steps to implement and administer safety guidelines as appropriate for their department.

Each Village department provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, and other written communications. Safety is also emphasized in the employees' job descriptions. A safety committee within each department has been established to assist in these activities and to facilitate effective communication between employees and management about workplace safety and health issues.

Employees and supervisors receive periodic workplace safety training as appropriate. The training covers potential safety and health hazards and safe work practices and procedures to help eliminate or minimize hazards.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, cause hazardous or dangerous situations, or fail to report or remedy such situations (when appropriate), may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify the appropriate supervisor and complete the proper reports. Such reports are necessary to comply with applicable laws and initiate insurance and workers' compensation benefits procedures.

Each employee is responsible to familiarize themselves with the content of the Village of Niles Safety Manual for their department.

### **Section 5.2 Work Schedules**

Work schedules for employees vary throughout the Village. Supervisors will advise employees of their "regular" individual work schedules. Staffing needs and operational demands may necessitate variations in starting and ending times as well as variations in the total hours that may be scheduled each day and week. Nothing in this handbook or any work schedule should be considered a guarantee of a certain number of hours of work per day or week.

The Village does not allow non-exempt employees to work "off the clock" without compensation unless the employee is acting as a volunteer for a defined and scheduled period of time. Non-exempt employees are prohibited from using Village electronic communications and information technology equipment for work outside their normal work day unless such work has been approved in advance by their supervisor. Employees must record any and all work performed away from their assigned worksite or outside of assigned hours and, when reasonable, supervisors should approve all time employees request to work outside of assigned hours before the time is worked. Failure to accurately record all hours of work may result in disciplinary action, up to and including termination of employment.

### **Section 5.3 Overtime and Compensatory Time**

When operating requirements or other needs cannot be met during regular working hours, employees will be given the opportunity to volunteer for overtime work assignments. In some instances, it may be necessary to order employees back to work. All overtime work must receive the supervisor's prior authorization. Overtime assignments will be distributed as equitably as appropriate to all employees qualified to perform the available/required overtime work assignment. In general, priority for an overtime assignment will be given to the employee who is normally assigned to perform the work at issue during regular working hours.

Overtime compensation is paid to all non-exempt employees in accordance with federal and state wage and hour restrictions. As required by law, overtime pay is based on actual hours worked. Time off for approved sick leave, vacation leave or any other approved and paid leave of absence will be considered "hours worked" for purposes of performing overtime calculations. The phrase "regular rate of pay" means an employee's total non-discretionary remuneration including longevity pay. Employees will be compensated for hours worked in excess of their normal workweek at a rate of 1.5 times the regular rate of pay. Part-time and Seasonal employees are eligible for overtime at the rate of 1.5 times their regular rate of pay after working 40 hours in a work week. Work weeks are defined as Sunday through Saturday. Employees who work overtime without authorization may be subject to disciplinary action.

#### **Compensatory Time**

With the written approval of the Department Director and provided the operational demands of the Department require it, an employee may receive compensatory time off in lieu of monetary compensation for authorized overtime performed. Compensatory time off for authorized overtime performed shall be calculated at the rate as paid overtime. Compensatory time off must be taken within three (3) months or as soon after the overtime is performed as is consistent with good departmental operation; compensatory time not timely taken will be paid out by the Village at the discretion of the Village. Employees are encouraged to utilize earned compensatory time in a manner which will not result in additional overtime costs to the Village when practicable. No employee may earn or accrue in excess of 40 hours of compensatory time; all remaining time must be paid as overtime pay. The Village reserves the right to require an employee to use compensatory time if it exceeds this cap and/or for other operational reasons.

## **Section 5.4 Use of Phone, Mail Systems, Cellular Phone**

To assure effective telephone communications, employees should always speak in a courteous and professional manner in answering and placing calls. Every effort should be made to assist the caller by appropriately responding to the inquiry or by directing the caller to the appropriate department or person.

The Village's telephone system and equipment, including cellular phones, are designed for Village business use. However, the Village recognizes that employees will occasionally need to place and receive personal phone calls during the workday. Therefore, in all cases, personal calls should be minimal, and the employee should attempt to make personal calls during non-working hours (breaks or lunch).

Personal phone usage is a privilege and not a right and may be withdrawn by the supervisor if abused through excessive use or if personal telephoning causes interference with work duties.

Employees may be required to reimburse the Village of Niles for any charges resulting from their personal use of the telephone.

### **Cellular Phone Policy**

Where a job demands immediate access to an employee, the Village may issue a business cellular phone to an employee for work-related communications. Employees in possession of Village equipment such as cellular phones are expected to protect the equipment from loss, damage or theft. Employees will be required to sign an agreement form before issuance of a cellular phone. In case of loss or irreparable damage to the employee's mobile phone, the phone will be replaced with a loaner device, which may be of lesser quality, until the employee's device is eligible for an upgrade, typically two (2) to three (3) years from the original cellular phone purchase. It is the department of the employee's responsibility to budget for a replacement mobile phone.

Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the cellular phone for return or inspection. Employees unable to present the phone in good working condition may be charged the cost of a replacement if the damage is due to neglect or abuse. Employees may elect to retain their cellular phone (device); however, the employee must pay the current market value which is determined by the Village's service provider. All records on the device shall be preserved in accordance with the Local Records Retention Act prior to the buyback of the device. Employees requesting to buy back their device must provide a written request to the IT Director and Village Manager two weeks or more in advance of the employment termination date. Market value will be determined 5 business days prior to the employee's termination date and must be paid for prior to the termination date, or the device will not be issued to the employee.

If the device is at end of life (EOL) meaning it is no longer available through the current service provider, you will have the choice to buy the device at current market value found on a reputable cellular phone market value resource website.

In the event an employee does not want to retain their device upon termination of

employment, the employee will be required to produce the cellular phone for return and inspection to the IT Department. Employees unable to present the phone in good working condition may be charged the cost of a replacement if the damage is due to neglect or abuse.

A phone number which was ported into (transferred from the employee's service provider to the Village's service provider) may be ported out. The service transfer must be completed prior to your termination date to avoid service interruption. **Cellular phone numbers distributed by the Village are property of the Village of Niles and will not be ported out of the Village directory for personal use upon termination.**

While at work, employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of Village phones. Excessive personal calls during the work day, regardless of the phone used, can interfere with employee productivity and can be a distraction to other employees.

All employees are expected to follow applicable state and federal laws or regulations regarding the use of cell phone at all times.

#### **Compliance with Illinois Vehicle Code (625 ILCS 5/12-610.2)**

Employees must refrain from using an electronic communication device as defined by the Illinois Vehicle Code (625 ILCS 5/12-610.2).

#### **Mail System and Fax System**

The Village mail system and fax system are reserved for business purposes only. Employees should refrain from sending or receiving personal mail, package deliveries or faxes at the workplace. We reserve the right to monitor and inspect all communications, documents and deliveries made to or from Village property or with Village property or equipment to ensure compliance with our policies.

### **Section 5.5 Technology**

#### **Acceptable Use of Technology**

Employees have no expectation of privacy when using Village technology including, but not limited to phones, computers, email, voice mail, text messaging and internet access. The Village reserves the right to inspect and monitor employee use of Village technology.

The Village of Niles prohibits the unlicensed use, distribution or duplication of copyrighted software. At any time, the Village may only have as many copies of software in use as it has licenses. A license must exist for all software used.

Personal copies of software shall not be used with or loaded on Village equipment. No individual shall duplicate, distribute or pirate any Village software for their personal use or any non-Village use.

This policy shall be strictly enforced for all current and future acquisitions. Any employee who participates in a practice that is contrary to any of these policies will be subject to disciplinary action, up to and including termination of employment. Employees with knowledge of any

violation must report it immediately. Any employee who fails to do so will be subject to disciplinary action.

A periodic review of this policy shall be undertaken to keep the policy current with best practices and new technology. Employees should understand that the Village will inspect and monitor use of these systems and, therefore, you should not expect privacy when using the Village's technology.

### **Acquiring Technology**

All technology purchases must be approved and licensed by the IT Department. All hardware, software and software licenses must be purchased by IT, with the following exception: Technology approved by IT for specific departmental needs outside the operational control and support of the IT Department may be designated as department-specific or a luxury item (i.e. digital cameras, scanners, laptops, projectors, etc.) In this case the department requesting will be responsible for funding the purchase from their budget and possibly providing support for its operation.

Any department requesting technology should first identify what they are going to use it for (and the model they are interested in if they have a preference) and then forward the information to IT for review before purchase is made. IT will review the request and recommend a specific brand and model. IT may also provide pricing information for the recommended model. This information will be forwarded to the requesting department who must then complete the purchase from their department's budget if approved.

### **System Access**

All employees given computer access will be assigned appropriate access, including a username, by the IT Department. All requests must come from the Department Director and include full name with middle initial and proposed access (same as an existing employee, when possible). All employees given computer access will also be assigned an Exchange e-mail account by the IT Department unless explicitly requested otherwise. Each department is responsible for notifying IT immediately when an employee/user is no longer active or valid (and/or if the confidentiality of a password may have been compromised or shared with others).

### **Passwords Overview**

Passwords are an important aspect of computer security. They are the front line of protection for user accounts. A poorly chosen password may result in the compromise of the Village of Niles' entire network. You are responsible for that which your login gives you access to and all actions taken with it. As such, all the Village of Niles employees (including contractors and vendors with access to Village of Niles systems) are responsible for taking the appropriate steps, as outlined below, to select and secure their passwords. If you have reason to believe that another person has used or obtained access to your password, you must report it immediately and prior to the end of your scheduled workday.

### **Purpose**

The purpose of this policy is to establish a standard for creation of passwords, the protection of those passwords and that which your password gives you access to, and the frequency of

change.

### **Scope**

The scope of this policy includes all personnel who have or are responsible for a user account (or any form of access that supports or requires a password) on any system that resides at any Village of Niles facility, has access to the Village of Niles network, or stores any non-public Village of Niles information.

### **General Policy**

- All passwords must be part of the IT password management system.
- If a user has multiple accounts, their user-level (non-administrator) passwords cannot match their system-level (administrator) passwords.
- All system-level passwords should be changed on a quarterly basis.
- All user-level passwords should be changed at least every year. The recommended change interval is every six months.
- Passwords can only be reused after two years.
- Do not use the same password for the Village of Niles accounts as for other non-Village of Niles access (e.g., personal email account, online banking access, option trading, benefits, etc.)
- All passwords must conform to the guidelines below.

### **General Password Guidelines**

Passwords should be difficult to guess but easily remembered. One way to do this is create a password based on a song title, affirmation or other phrase. For example, the phrase might be: "This May Be One Way to Remember" and the password could be: "TmB1w2R!" or "~Tmb1W>r" or some other variation. **NOTE:** Do not use either of these examples as passwords!

### **Password Do:**

- Must be at least six alphanumeric characters long
- Recommended that a password contains characters from three of the following four categories:
- Uppercase letters (A through Z)
- Lowercase letters (a through z)
- Numbers (0 through 9)
- Punctuation characters such as: exclamation point (!), dollar sign (\$), number sign (#), or percent (%)

### **Password Don't:**

- Cannot contain the username
- Cannot contain the previous password
- Cannot be too similar to previously used passwords
- Should not be a word in any language, slang, dialect, jargon, etc.
- Should not be based on personal information
- Names of family, pets, friends, co-workers, fantasy characters, etc.
- Computer terms and names, commands, sites, companies, hardware, software
- The words "Village of Niles," "vniles," "niles," a department or division name or any

derivation

- Employee number, badge numbers, room numbers or any other identification number
- Birthdays and other personal information such as addresses and phone numbers
- Word or number patterns such as aaabbb, abc123, qwerty, zyxwvuts, 123321, 0000, etc.
- Any of the above spelled backwards
- Any of the above preceded or followed by a digit (e.g., secret1, 1secret)

### **Password Protection:**

#### **Don't**

- Share the Village of Niles passwords with anyone. All passwords are to be treated as sensitive, confidential Village of Niles information.
- Ask for anyone's password.
- Reveal a password over the phone to ANYONE.
- Reveal a password in an email message.
- Reveal a password to your manager or supervisor.
- Reveal a password to co-workers, even while on vacation.
- Share a password with family members.
- Talk about a password in front of others.
- Hint at the format of a password (e.g., "my family name").
- Reveal a password on questionnaires or security forms.
- Use the "Remember Password" feature of any application (e.g., Outlook, Internet Explorer).
- Display passwords where others can see them.
- Write passwords down.
- Store passwords in a file on ANY computer system (including smart phones) without encryption.

It is a violation of this policy to use someone else's security credentials (e.g., login and password). The IT Department can extend access to restricted information through individual application security systems. If a supervisor or other employee needs access to restricted information, a request must be submitted to the IT Director. Final authorization may require approval by the Village Manager. If someone demands a password, refer them to this document or have them call the IT Department.

If an account or password is suspected to have been compromised, immediately report the incident to IT and change all passwords.

Password strength testing including, but not limited to, cracking or guessing may be performed on a periodic or random basis by IT or its delegates. If a password is discovered during one of these scans, the user will be required to change it.

#### **Enforcement**

Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

#### **Third-Party Access**

The IT Department will take appropriate steps to screen all vendors who require access to

critical or sensitive systems. A non-disclosure agreement may be required and should be signed before any such access is granted. All vendors must be accompanied by IT personnel when accessing restricted systems areas.

### **Remote Access**

All remote access to Village systems requires special security. This access is only available from the IT Department with the explicit approval of the IT Director and the employee's Department Director (or his/her designee). This access is monitored regularly and may be taken away any time at the discretion of the IT Director. Consultants or vendors requiring electronic access must:

- Have an active executed contract in place
- Be an established business partner of the Village of Niles
- Have signed a non-disclosure agreement
- Be deemed trustworthy by the IT Department
- May be required to undertake a Police background check

Once given, electronic access is established for a limited amount of time and shall not be extended indefinitely.

### **Internet Access**

The IT Department provides Internet access at selected computers for selected users on the Village network. Internet access is a tool to be used for Village business only, occasional personal use may be allowed on non-working time if it is done in a manner that complies with all Village Policies and does not interrupt any employees and/or violate any Village policy, including, but not limited to the policy against harassment and discrimination.

Employees are required to refrain from any of the following prohibited uses on any Village owned computer, cellular telephone, tablet and/or other Village owned equipment or device:

- Do not access any internet sites containing illegal, defamatory, obscene, indecent or potentially offensive materials;
- Do not access any dating sites from any computer, cellular telephone and/or other device owned by the Village or made available to you for your business use while employed at the Village;
- Do not purchase goods and services for business use via the Internet from a personal or Village owned device unless the expense has been expressly authorized in advance by the Department Director.

The Village has a secured network perimeter designed to protect it from hackers and other unwanted access. The network keeps detailed records of email and Internet sites accessed by our employees. Employees who use the Village Internet services may be contacted to explain questionable or inappropriate accesses.

Employees who are found to have used the Village's Internet access inappropriately or for unauthorized or excessive personal use may be subject to disciplinary actions up to and including dismissal. Likewise, any use of a Village owned computer or other device for prohibited purposes (as defined above) may lose privileges or be subject to disciplinary action including termination if appropriate based on the facts and circumstances involved.

### **Village Equipment on Loan (for home use)**

On occasion, the Village agrees to loan equipment to an employee to work from home. This shall be done under the following terms:

- The Village of Niles, for reasons unspecified, can call for the equipment to be returned at any time.
- If the equipment is returned damaged (and it is determined to be the fault of the recipient) the recipient shall pay all repair and replacement costs.
- The equipment must not be modified in any way, shape, or form except by the IT staff.
- All problems or malfunctions must be reported to the IT staff within a reasonable period not to exceed two weeks.
- Upon termination of employment, all equipment must be returned to the Village of Niles in the same working condition as received by the recipient.

Employees who are found to have used the Village's equipment inappropriately may be subject to disciplinary actions up to and including dismissal.

### **E-Mail**

E-mail use within the municipality shall be for official business only. Office equipment, including computers, are property of the Village and should be used for business purposes only. Users should take note that the information generated on e-mail may be public records subject to public inspection. Employees have no expectation of privacy when using Village email. E-mail is not protected by the privacy law. All records created on Village computers are Village records. All work related e-mails, even those that are deleted, will be held in storage by the Village. Passwords that are needed to operate a Village computer and other security measures do not create any right to privacy or guarantee to access.

Selected employees are assigned Village e-mail addresses. All requests for e-mail access must come from the Department Director. Village e-mail is to be used for Village business only.

Employees may not use e-mail for personal or inappropriate reasons. Employees who are found to have violated the Village's e-mail policy may be subject to disciplinary actions up to and including dismissal.

All e-mails which pass through the Village e-mail system are captured and e-mails identified as work related e-mails will be archived as public record. All links and attachments for those e-mails are also archived. All e-mails, even those that are deleted, will be archived.

Users should take note that the information generated on e-mail may be deemed as public record and may be subject to public inspection. The decisions regarding public access will be made by the Village FOIA (Freedom of Information Act) officer and Village attorney. The Village does not guarantee the privacy of any e-mail and we will periodically review e-mail use to ensure compliance with our policies and the law.

If an employee violates this computer policy, they can be subject to discipline, up to and including termination. Information Technology ("IT") will remove internet access from any employee for violation of this policy after contacting the Department Director and Village Manager.

## **Social Media**

This is the official policy for social media use at the Village of Niles and provides guidance for employees and elected officials on their professional and personal use of social media.

All employees are responsible for knowing and understanding the policy.

### **Professional Use of Social Media**

Before engaging in social media as a representative of the Village of Niles you must be authorized to comment or generate content (“post”) by an elected official or Department Director. You may not comment as a representative of the Village of Niles unless you are authorized to do so.

Once authorized to comment (or post), you must:

- Disclose you are an employee or elected official of the Village, and use only your own identity, including your name and role.
- Disclose and comment only on non-confidential information.
- Ensure that all content published is accurate and not misleading and complies with all Village of Niles policies.
- Comment only on your area of expertise and authority.
- Ensure comments are respectful and refrain from posting or responding to material that is offensive, obscene, defamatory, threatening, harassing, bullying, and discriminatory, infringes copyright, breaches a Court order, or is otherwise unlawful.
- Refrain from making comments or posting material that might otherwise cause damage to the Village’s reputation or bring it into disrepute.
- Refrain from posting material that reflects partisan political views.
- Refrain from sharing commercial endorsements or spam.

Employees must not use official Village social media or social networking sites for political purposes, to conduct private commercial transactions, or to engage in private business activities.

Village employees should be mindful that inappropriate usage of official Village social media and social networking sites can be grounds for disciplinary action. If social media and social networking sites are used for official Village business, the entire Village site, regardless of any personal views, is subject to best practices guidelines, and standards.

Only individuals authorized by the Village may publish content to a Village Web site or Village social computing technologies.

Village employees recognize that the content and messages they post on social media websites are public, are archived, and may be cited as official Village statements. Social media should not be used to circumvent other Village communication policies, including news media policy requirements.

### **Personal Use of Social Media**

The Village recognizes that you may wish to use social media in your own personal life. This policy does not intend to discourage or unduly limit your personal expression or online activities.

However, you should recognize the potential for damage caused (either directly or indirectly) to the Village in certain circumstances via your personal use of social media when you can be identified as a Village of Niles employee. Accordingly, you should comply with this policy to ensure that risk of such damage is minimized.

You are personally responsible for the content you publish in a personal capacity on any form of social media platform. Remember that all posts are public and often permanent. When in doubt, you should seek guidance from your Department Director on how to comply with this policy. The Village of Niles reserves the right to read what you write or say publicly and make a determination if it meets this policy.

- Represent yourself accurately. Unless the Village Manager or his/her designee has designated you to speak officially for the Village of Niles, you should not state that you write or speak on behalf of the Village or that your viewpoints are the same as the Village government's, and you should make this clear to those reading or listening to your points of view, for example: "The opinions expressed on this site are my own and do not necessarily represent the views of the Village of Niles."
- Do not disclose private or confidential information about Village operations, employees, or about citizens that you obtained through your employment with the Village of Niles. Confidential information is information that is exempt from disclosure under Section 7 of the Illinois Freedom of Information Act, 5 ILCS 140/7.
- Even when using social media on a personal basis, employees may be disciplined for posting material that is, or might be construed as, vulgar, obscene, threatening, intimidating, harassing, or a violation of the Village's workplace policies against discrimination, harassment on account of age, race, religion, sex, sexual orientation, ethnicity, nationality, disability, or other protected class, status, or characteristic.
- If you chose to identify your work affiliation on a social network, you should regard all communication on that network as you would in a professional network. Ensure your profile, photographs and related content is consistent with how you wish to present yourself with colleagues and clients.
- Employees who access social media during work hours or on Village-owned equipment should still comply with the Village of Niles computer usage policy. There is no right to privacy on Village-owned equipment.
- The Village of Niles may discipline employees for making a comment or posting any material that might otherwise cause damage to the Village's reputation or bring it into disrepute. When the employee's comment is made as a citizen and not as an employee and is made on a matter of public concern, the Village of Niles may discipline the employee in situations where the interests of the Village of Niles in promoting efficient operations outweighs the interests of the employee in commenting on such matters of public concern.

Nothing in this policy shall be interpreted in a manner that unlawfully prohibits the right of employees to engage in protected concerted activity under the Illinois Public Labor Relations Act. The Village of Niles has and always will comply fully with the obligations under the Illinois Public Labor Relations Act. Likewise, nothing in this policy should be construed to violate an employee's rights under the federal or state constitutions. The employer has and always will comply with its

obligations under federal and state law.

A violation of this policy may subject an employee to discipline, up to and including termination. The Village requests and strongly urges employees to report any violations or possible or perceived violations to the Village Manager.

### **Section 5.6 Smoke-Free Workplace**

In compliance with the Smoke Free Illinois Act, smoking in the workplace is prohibited in all Village buildings or Village-owned vehicles except in designated smoking areas. Smoking is permitted in parking lots only in areas that are at least 15 feet from any entrance or exit, window that opens, or ventilation intake. This policy applies to all employees and visitors. This policy extends to all form of tobacco products including cigarettes, cigars, chewing tobacco, e-cigarettes, vaping devices, etc.

### **Section 5.7 Business Travel Expenses**

The Village of Niles will reimburse employees for authorized reasonable business travel expenses incurred while on assignments away from the normal work location in accordance with the Village of Niles Purchasing Manual rules and as provided for in the applicable IRS regulations. All business travel must be approved in advance by the Department Director.

Employees whose travel plans have been approved are responsible for making their own travel arrangements. When approved, the actual costs of travel, meals, lodging, and other expenses directly related to accomplishing business travel objectives will be reimbursed by the Village. Employees are expected to limit expenses to reasonable amounts. As outlined in the Village Expense Report Procedures.

Any employee who is involved in an accident while traveling on business must promptly report the incident to their immediate supervisor. Vehicles owned, leased, or rented by the Village of Niles may not be used for personal use without prior approval.

Cash advances to cover reasonable anticipated expenses may be made to employees, after travel has been approved. Employees must submit a written request to their supervisor when travel advances are needed.

When travel is completed, employees must submit a completed travel expense report within five (5) working days. Reports must be accompanied by original receipts for all individual expenses.

Employees should contact their supervisor for guidance and assistance on procedures related to travel arrangements, travel advances, expense reports, reimbursement for specific expenses, or any other business travel issues.

Abuse of this Business Travel Expenses policy, including falsifying expense reports to reflect costs not incurred by the employee, can be grounds for disciplinary action, up to and including termination of employment.

## **Section 5.8 Use of Village Vehicles**

When using Village vehicles, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines. Village vehicles shall not be used for unauthorized non-Village purposes (as described below) under any circumstances.

The supervisor should be notified immediately if any vehicles appear to be damaged, defective, or are in need of repair. Prompt reporting of damages, defects, and the need for repairs help prevent the deterioration of vehicles and the risk of possible injury to employees or others. Your supervisor or the Maintenance Garage staff can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

The use of Village vehicles for business purposes by any Village employee is restricted to the State of Illinois or 100 miles outside its borders. Any employee requesting to use a Village vehicle for business purposes outside of these boundaries must obtain written permission from the Village Manager.

Any employee who violates this policy or who is responsible for the improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, including excessive or avoidable traffic and parking violations, may be disciplined, up to and including termination of employment.

Only authorized Village employees are allowed to drive Village vehicles.

### **Permitted Uses of Village Vehicles**

1. If it is more efficient in terms of productive use of time to have authorized rest periods taken in the field or at the job site, it is permissible to use Village vehicles to pick up meals for employees.
2. If an employee is working in an area away from his or her base location and it is more efficient for the department and less time consuming for the employee to eat lunch in that area, the employee may take the Village vehicle to a nearby restaurant (or to his or her home if it is in the area) rather than returning to the base location, subject to the supervisor's approval.
3. A Village vehicle may be used for attending professional or governmental association meetings and luncheon meetings, which directly benefit the Village of Niles.

Under limited circumstances, an employee may be allowed to take a Village vehicle to his or her residence:

1. When, on occasion, an employee is leaving for official business or to respond directly to a specific work detail from his or her residence.

The following criteria will apply:

1. Justification must be based on the nature of an employee's duties. For example, an employee's duties must include a reasonable expectation and frequency that the employee will be required to respond to his or her duties outside of normal work hours.

2. The employee must complete the Vehicle Authorization Form which is approved by the respective Department Director and the Village Manager. Each year, in January, the Finance Department will update the list of employees who take Village vehicles home for appropriate payroll deductions.
3. In the event there has been a re-assignment of a Village vehicle to an authorized employee, or any changes to an employee's status making him/her ineligible to take home privileges, the Department Director must notify the Village Manager in writing. The Finance Department will be notified in order to maintain the list.
4. When permission is granted for a Village-owned vehicle to be driven home, the vehicle will be stored off the street.

Each employee authorized to drive a Village vehicle home will make the vehicle available for emergency use whenever he or she is out of the Village or unavailable for work for any other reason.

### **Assigned Vehicle Use**

1. Village employees may be assigned a take-home Village vehicle by the Village Manager as a matter of employment based on essential job functions.
2. Permitted Use of Assigned Village Vehicles:
  - a. To and from work – The assigned vehicle is primarily for travel to and from work and to meet the requirements of all work obligations, as well as limited personal use. The limited personal use of a vehicle is a taxable benefit for non-emergency personnel, calculated at the close of each calendar year by the Finance Department and appropriate compensation reported as taxable income.
  - b. Family Convenience – The employee is allowed to use the assigned Village vehicle for family convenience. This means that an employee who is authorized to use a Village vehicle may transport his or her family members, but a family member is prohibited from driving the Village's vehicle for any reason.
  - c. Use Limitations and Prohibitions – The following are limitations and prohibitions on the use of an assigned Village vehicle:
    - The primary driver is the assigned employee. Driving a Village vehicle is permissible by family members or any other person only in the case of an emergency situation when it cannot be avoided.
    - Travel is restricted to the State of Illinois or 100-miles outside the state border. Travel outside of these boundaries requires written permission from the Village Manager.
    - Use of the vehicle for towing or transport of commercial cargo is prohibited except for a specific Village related activity.
    - Reckless driving and abuse of the vehicle is prohibited.
    - Texting or cell phone use is prohibited while driving a Village vehicle.

### **Authorized Personal Vehicle Use Tax Withholding**

Authorized personal use of Village vehicles is subject to withholding tax in accordance with current federal and state tax laws and applicable federal and state revenue filings.

All miles driven to and from home are considered personal use except for those employees

driving “qualified non-personal use vehicles”. A qualified non-personal use vehicle is defined as a vehicle that is unlikely to be used for personal travel because of its special design. Specifically included are qualified utility repair vehicles and marked and unmarked police cars. An unmarked car is exempt from tax if the driver is a ‘law enforcement officer’ and authorized by law to carry firearms, execute search warrants, and to make arrests.

### **Operator Responsibilities**

In using a Village vehicle, the employee must keep in mind that they are a representative of the Village of Niles and their conduct in adhering to the rules of safety and courtesy on the road is expected. Vehicle use should reflect positively on the Village of Niles.

### **Valid Driver’s License**

All vehicle operators must possess a valid Illinois Driver’s License (and be eligible for necessary insurance coverage) of the appropriate classification for the vehicle assigned. An employee must report a change in their driver’s license status or any arrest or citation for a traffic-related criminal offense to their Department Director and/or the Village Manager within twenty-four (24) hours of the offense. Employees who have had their license revoked or suspended are prohibited from driving a Village vehicle or a personal vehicle for Village business. An employee who has been notified that their driving privileges will be suspended or revoked must immediately report this information to their Department Director and/or the Village Manager.

### **Smoking Prohibited**

Smoking, the use of tobacco, and the use of electronic cigarettes is strictly prohibited at all times in Village vehicles.

### **Cell Phone**

Employees are prohibited from using an electronic communication device while operating a vehicle in accordance with the Illinois Vehicle Code. Per state law, employees may not send or receive a text message while operating any Village vehicle except in the case of emergency personnel or in the case of an emergency.

### **Seat Belts**

The Village, as does State law, requires mandatory use of seat belts by the driver and all passengers. An employee is responsible for adherence to this regulation. Removal or disabling of seat belt mechanisms is specifically prohibited.

### **General Operation**

An employee assigned a Village vehicle must operate the vehicle in a safe, lawful, efficient and courteous manner and shall obey all traffic laws, parking regulations and rules of the road. An employee, who is determined to have operated any vehicle in an unsafe or illegal manner, including receipt of a moving or parking violation, may be subject to disciplinary action. Common sense, security precautions and safe driving habits must be observed. Vehicles are considered an extension of the work place and are subject to conditions of the Village of Niles Employee Handbook regarding smoking, consumption of alcoholic beverages and general behavior.

### **Maintenance and Cleanliness**

An employee should perform all required daily checks and inspections and should promptly report all operating or mechanical problems to the Maintenance Garage at 847-588-7960. Emergency road service may be coordinated through the Maintenance Garage if necessary. An employee is required to maintain a clean and presentable vehicle, inside and out.

### **Village Vehicle Fueling**

The Village provides a Village-owned fueling facility (gasoline and diesel) to be used for fueling Village vehicles and equipment, if authorized. The fueling facility is located at 6849 W. Touhy Avenue. Employees are prohibited from using any other fuel source unless authorized by the Maintenance Garage. However, in the instances that require trips beyond the typical fuel capacity of the vehicle for which the employee was authorized to take, using an alternative fueling station is permissible. After such fueling occurs, the employee must notify the Maintenance Garage upon the return of the trip so that vehicle records may be updated. Fuel is dispensed and closely monitored through a computerized key activated system. Only authorized personnel will be issued fuel keys.

### **Preventative Maintenance for Village Vehicles**

All Village vehicles are on a flexible preventative maintenance program. Employees are required to deliver vehicles to the Maintenance Garage as directed by the Fleet Manager.

### **Scheduling**

Preventative maintenance is scheduled by the Maintenance Garage. Every effort will be made to schedule preventative maintenance to minimize the impact on department operations or vehicle availability. Employees may call the Maintenance Garage to arrange for rescheduling if conflicts arise.

### **Vehicle Accidents and Damage to Village Vehicles**

Employees are required to report all accidents to their immediate supervisor immediately after the accident. It is the responsibility of the employee in the event of an accident to:

- Stop the vehicle and call an ambulance if necessary.
- Contact immediate supervisor.
- Contact the local Police Department so that a police report is made anytime the accident involves collision, property damage or personal injury.
- Refer to the Administrative Safety Manual for the Accident Reporting process and form.

Employees are required to notify their Department Director and/or the Village Manager within twenty-four (24) hours of notification of an accident.

It is the sole responsibility of the Maintenance Garage to authorize repairs and maintenance to Village vehicles (or to determine if alternate means are appropriate for completion of repair work). Unauthorized repairs or maintenance to Village vehicles will not be reimbursed by the Village.

Any employee violating this policy shall be subject to disciplinary action including possible termination (depending on the circumstances involved) and/or loss of privileges. Finally, please

understand that a vehicle will not be available to any Village employee who is not eligible for coverage under the Village's insurance policies (as determined in the discretion of our insurance carrier).

### **Section 5.9 Pregnancy and Post-Partum Accommodations**

As part of our family-friendly policies and benefits, the Village of Niles provides reasonable accommodations to pregnant employees and new mothers for medical or common conditions relating to pregnancy and childbirth. The Village also provides reasonable paid break time to employees who wish to express breast milk during her workday when separated from a newborn child.

For up to one year after the child's birth, any employee who is breastfeeding her child will be provided reasonable paid break times to express breast milk for her baby. The Village of Niles will accommodate by designating a specific room at the time of request. Any breast milk stored in the refrigerator must be labeled with the name of the employee and the date of expressing the breast milk. Any nonconforming products stored in the refrigerator may be disposed of. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration and tampering. Items dated one month old or more may be disposed of. Nursing mothers wishing to use designated rooms may request/reserve the room by contacting their supervisor.

#### **Expectant Mothers Parking**

The Village of Niles wants to ensure employees in their third trimester of pregnancy are provided safe access to Village facilities and their vehicles. These employees may elect to reserve an expectant mother space in their permitted lot. Each case is handled individually based on medical circumstances and the employee's destination on campus. For convenience, a spot may be selected by the expectant mother to provide a location with closer proximity to her primary destination, within the parameters of her previously assigned lot. Expectant mothers needing special parking accommodations (and/or other reasonable accommodations) during their pregnancy are encouraged to contact the Department Head or Human Resources to arrange an interactive discussion to review the available alternatives.

### **Section 5.10 Village Employees as Volunteers**

The Village accepts and encourages the services of its staff as volunteers. This service is accepted, provided the volunteer service is:

- a) Provided totally without a coercive nature;
- b) Involves tasks which are outside the scope of normal staff duties;
- c) Volunteer time is provided outside of usual working hours;
- d) The employee signs a waiver indicating that the decision to volunteer is entirely his or her own and no payment for the work will be rendered.

This Policy pertains to Village-sponsored events. These events or others require approval by the Village Manager or his/her designee. Additionally, the Village supports its employees in

volunteering with other community organizations outside of working hours.

## **ARTICLE VI – LEAVES OF ABSENCE**

### **Section 6.1 Sick Leave**

The purpose of sick leave is to provide full-time employees with limited protection against loss of income due to genuine personal sickness or non-duty injury, which disables the employee and prevents the employee from effectively performing their duties. Sick leave is not to be used as a means of obtaining additional paid time off. Sick leave shall not be used as personal days, additional holidays, extending vacation leave, or regular leave to be taken at the employee's discretion. Authorized sick leave will be utilized for an employee's own absence due to an illness or injury that does not qualify for Workers' Compensation or similar paid time off benefits. Time off that is covered under this policy will run concurrently with applicable unpaid FMLA time off. The employee must be on approved leave status to receive Sick Leave benefits or pay under this Article.

#### **Sick Days Allotment**

Each January 1, all full-time employees receive up to ten (10) days of sick leave. Employees entering the program after January 1 will receive a prorated amount of sick leave. Sick leave does not carry over annually and is not accumulated.

Seasonal, temporary and part-time employees do not qualify for sick leave and will receive no compensation for absences from work due to illness or disability.

#### **Sick Leave Usage**

Sick leave with pay shall be granted for the following reasons: an employee's personal illness or physical incapacity resulting from causes beyond the employee's control; well-care, special circumstances and medical and dental appointments that cannot be scheduled outside of working hours. Sick Leave may also be used for illness, injury, or medical appointments for an employee's covered immediate family member. "Immediate Family Member" is defined as the employee's child, spouse, same-sex spouse, parent, sibling, mother-in-law, father-in-law, grandchild, grandparent, or step parent. Other provisions such as the use of the "Family and Medical Leave Act" must be made if a dependent requires extended care. Medical and dental appointments must be pre-approved by the Department Directors 48 hours in advance for either the employee or a covered member of the employee's immediate family member (except if otherwise approved per FMLA). Department Directors may require that the employee provide proof that they or their immediate family member attended their medical or dental appointment.

The Department Director may authorize up to six (6) hours per calendar year for medical appointments associated with sick related absences that will not be charged to sick leave. The abuse of sick leave, including evidence of patterns of use around an employee's weekend, holidays, or vacation, as well as excessive use of sick leave on frequent and recurring basis shall constitute just cause for disciplinary action, including termination of employment.

### **Notification of Absence**

To be eligible for sick leave compensation, the employee must make a reasonable effort to notify their immediate supervisor of what illness or injury prevents them (or a covered member of the employee's immediate family) from reporting to work a minimum of one (1) hour prior to the beginning of their normal work time. Failure to provide this advance notice or failure to provide any notice at all may result in the sick leave compensation being denied.

Such notice shall include the general nature of the injury or illness, when they will be able to return to work, and the location at which the employee (or family member) is recovering. The Village retains the right to have a representative of management or approved physician contact the employee (or family member) at the location provided anytime during the employee's regular scheduled workday. Such contact may be made at the discretion of the Department Director. Failure of the employee to be available at the predetermined location, at which the employee is recovering, may result in the sick leave compensation being denied and or other disciplinary action, including termination of employment.

### **Medical Certificate Required**

A medical certificate from the employee's physician or a Village appointed physician may be required for the following reasons unless specifically excused by the Village Manager or Department Director: any use of sick leave of three (3) or more consecutive days; reasonable suspicion of abuse; or if the employee has a total of four or more occurrences in a calendar year. Such medical certificate may be ordered to determine the extent of the physical disability, prognosis, diagnosis, and possible date and ability to return to work. The failure or refusal by an employee to submit to such an examination is cause for disciplinary action, including the disallowance of any sick leave requested, cancellation of leave of absence and possible termination of employment.

### **Sick Leave Exceeded**

Employees who exceed their allotment of sick days will have any additional days of sick leave charged to leave without pay and will not receive compensation for those hours absent from the job. However, at the request of the employee and with the prior approval of the Department Director, absences that would have been charged to unpaid sick leave may be charged against the employee's accrued vacation (including vacation time earned during that current calendar year) or personal days. Employees with an extended disability or illness that does not qualify for Workers' Compensation Benefits may qualify for Extended Leave as defined below.

### **Extended Leave**

Employees that exhaust all of their sick leave and continue to be off may qualify for "Extended Leave". Employees qualifying for Extended Leave may have sick days reinstated back to the beginning of the subject illness, with approval of Village Manager. An employee that does not qualify for Extended Leave normally will be required to exhaust accrued vacation and/or personal day before applying for unpaid time off.

Extended Leave for non-job related illness or injury is up to six (6) months in a rolling 12 month period with full pay. This has not changed except it is limited to eighteen (18) months during

the term of your employment. The definition of Extended Leave is not cast in stone. Wherever possible, the Village will define Extended Leave in favor of the employee as long as there is medical documentation and medical need to back the decision and provided that the requested time off does not pose an undue hardship to the Village's operations. Any request for Extended Leave must be approved in advance by the Village Manager. Please understand that the Village reserves the right to deny Extended Leave in appropriate cases such as: where business operations will be disrupted by the absence, where there are multiple requests for Extended Leave taken at the same time in a particular department and/or where the Extended Leave request causes an undue hardship to the Village.

Eligible employees who return to work upon expiration of an Extended Leave (after FMLA or other job protected leave rights are exhausted) will be considered for return to his/her prior job held prior to the start of the employee's leave of absence if it remains available when the employee is deemed released to return to work (with or without a reasonable accommodation if applicable). If the prior job has been filled or is no longer available for other reasons, the employee returning from Extended Leave is encouraged to apply for other available openings for which she/he is qualified if any exist at the time.

**1. Definition:** An extended illness or injury is one that has caused the employee to be totally incapacitated and unable to report to work for an extended period of time. These are illnesses or injuries that normally require long-term recuperation periods or periods of extended treatment. Chronic illness and injuries, which result in intermittent absences from work, may be considered for Extended Leave (for example: cancer, stroke, major surgery). Employees suffering from short term illnesses including, but not limited to the common cold, influenza, or other minor injuries or illnesses, not likely to result in long term disability are not eligible for Extended Leave. Employees receiving Extended Leave pay shall not work outside their Village employment without prior written authorization from the Village Manager.

**2. Benefit:** An eligible employee will receive full pay during a period of approved Extended Leave provided the employee has presented written certification from a health care provider that confirms he/she cannot perform the essential functions of the available work. The employee will continue to be paid for up to a six (6) month period for a qualifying illness or disability that does not qualify for Workers' Compensation Benefits. A maximum of six (6) months of Extended Leave may be used per year. Employees may only use a career maximum of eighteen (18) months of Extended Leave. A disabled employee who needs time off as a form of a reasonable accommodation may seek additional unpaid time off for this purpose even after FMLA and Extended Leave periods end (if applicable); these issues will be addressed on a case-by-case basis.

**3. Application:** The receipt of Extended Leave is dependent upon the employee making written application, accompanied by a physician's medical certification as to the nature and extent of the injury or illness which has occurred and an indication that the illness or injury will extend beyond the available sick leave days. Failure to provide required documentation prior to Extended Leave will result in loss of pay.

The Village is entitled to take any and all reasonable steps to verify the legitimacy of the request for Extended Leave, the continuation, and/or extension thereof. A Progress Report to the

employee's Supervisor and Human Resources will be required within 48 hours of each appointment relating to the approved leave. The Village, at any time during an Extended Leave, may require an employee to appear for a physical examination at the office of a medical practitioner selected by the Village and paid for, at the Village's expense, to determine the extent of physical disability, prognosis, diagnosis, and possible date to return to work. The Village Manager must approve all Extended Leave.

**4. Return to Work:** It is the obligation of the employee on Extended Leave to make arrangements with the Village at least thirty (30) days prior to the end of the leave when practicable, at which time the employee shall be provided with information regarding options if it appears that the disability will extend beyond the allotted six (6) months (or a reasonable extension if approved for ADA purposes).

The employee is encouraged to contact the Human Resources Department for information about the availability of other disability income protection through the employee's retirement fund. Employees under the Illinois Municipal Retirement Fund (IMRF) must satisfy the eligibility requirements of IMRF. Non-work related disability leave benefits for Fire Fighters and Police Officers are governed by state law and their respective pension funds.

An employee off from work for Extended Leave requires a written certification of their medical release to return to work. This certification shall be from a licensed, health care provider who can confirm that the employee has the ability to resume his/her essential job functions (either with or without a reasonable accommodation if disabled). The Village may, at its discretion, require another evaluation as to an employee's fitness for duty by a licensed, practicing physician selected and paid for the Village. At the end of the maximum allowed by Extended Leave (or ADA authorized extensions, if applicable), this right to take additional time off will cease and the employee must be able to return to their old position, apply for a disability pension, or may be terminated. Note: If an employee is deemed to be unable to return to work even with the employer's offers of reasonable accommodation, the employee may be deemed to be no longer qualified for employment with the Village. These issues will be addressed on a case-by-case basis.

Eligible employees are free to apply for temporary/limited duty work assignments when released by their physician as per the Village's Light Duty Policy.

**5. FMLA:** All time off that is covered under this Policy and the FMLA will run concurrently in appropriate cases (whether paid or unpaid).

**6. ADA:** This Policy will be construed in accordance with our obligations under the ADA and the applicable state disability laws. If additional time off is necessary beyond the FMLA as a form of a reasonable accommodation for an individual with a disability (including pregnancy related disabilities or medical conditions), a request for additional unpaid time off will be considered on a case-by-case basis.

**7.** Employees taking extended time off for pregnancy, pregnancy related medical conditions and/or following the birth of the child are treated the same as other employees who need medical time off under this Policy for medical conditions that are not related to pregnancy or

childbirth.

### **Emergency Leave**

In the case of an extreme, unanticipated and unplanned emergency, a full-time employee may request up to three (3) days of emergency sick leave per calendar year. These three days are in addition to the ten (10) sick days provided under Section 6.1 Sick Leave. This emergency sick leave must have Department Director approval and may be granted only to fulfill family obligations relating to the birth of a child or a serious health condition of the employee's immediate family member. A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or as a condition that requires continuing care by a licensed health care provided. "Immediate Family Member" is defined earlier in this Section. Other provisions such as the use of the "Family and Medical Leave Act" must be made if an eligible employee and/or a covered family member requires extended care.

### **Section 6.2 Pregnancy-Related Absences**

The Village of Niles will not discriminate against any employee who requests an excused absence for medical disabilities associated with a pregnancy (including child birth). Such leave requests will be made and evaluated in accordance with the Sick Leave policy provisions outlined in this handbook. Requests for time off for pregnancy related reasons will be treated the same as requests for time off for non-pregnancy related short term medical conditions or disabilities.

Requests for time off associated with pregnancy and/or childbirth will be considered and approved in accordance with the Family and Medical Leave Act of 1993 as amended for eligible employees. Time off for this Policy and FMLA will run concurrently.

Eligible employees may receive up to six (6) weeks of paid leave of absence that must be taken within six (6) weeks after the date the child was born provided the employee remains unable to return to work due to a medical condition related to childbirth. The six weeks paid Maternity leave will be applied to the employee's career maximum of eighteen (18) months of Extended Leave. Any variations with respect to maternity leave are subject to the approval of the Village Manager.

### **Section 6.3 Family and Medical Leave Act (FMLA)**

1. If you have been employed by the Village for at least twelve (12) months (with no break in service of seven (7) or more years except if related to USERRA covered military obligations and/or as otherwise provided in a collective bargaining agreement or written agreement, if applicable, and have worked at least 1,250 hours during the 12-month period preceding the start of the leave, and you work at or report to a work site which has fifty (50) or more Village employees within a 75-mile radius of that work site, you are eligible for up to a total of twelve (12) workweeks of unpaid leave during any backward-looking rolling twelve (12) month period for one or more of the following reasons:

- a. Because of the birth of your child and in order to care for such child (within 12 months after the birth of the child);
  - b. Because of the placement of a child with you for adoption or foster care (within 12 months of the placement of the child);
  - c. In order to care for your spouse, same sex spouse, child, or parents if they have a “serious health condition;”
  - d. Because of a “serious health condition” that makes you unable to perform the functions of your job; or
  - e. Because of any “qualifying exigency” (as defined by the Secretary of Labor) arising out of the fact that your spouse, child, or parent is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces, National Guard or Reserves in support of a contingency operation.
2. **Serious Health Condition.** For purposes of this policy, “serious health condition” means an illness, injury, impairment or physical or mental condition that involves one of the following:
- a. **Hospital Care:** Inpatient care in a hospital, hospice or residential medical care facility, including any period of incapacity relating to the same condition;
  - b. **Absence Plus Treatment:** A period of incapacity of more than three full consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves either: (1) treatment two (2) or more times (within that same period of incapacity and provided the first visit takes place within seven (7) days of the first day of incapacity) by a health care provider, by a nurse or physician’s assistant under direct supervision of a health care provider, or by a provider of health care services under orders of, or on referral by, a health care provider; or (2) treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider (first visit to health care provider must take place within seven (7) days of the first day of incapacity);
  - c. **Pregnancy:** Any period of incapacity due to pregnancy, childbirth or for prenatal care;
  - d. **Chronic Conditions Requiring Treatment:** A chronic condition which: requires at least two (2) periodic visits for treatment per year by a health care provider, or by a nurse or physician’s assistant under direct supervision of a health care provider; which condition continues over an extended period of time; and may cause episodic rather than a continuing period of incapacity;
  - e. **Permanent/Long-term Conditions Requiring Supervision:** A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing

supervision of, but need not be receiving active treatment by, a health care provider;

- f. **Multiple Treatments (non-chronic conditions):** Any period of incapacity to receive multiple treatment (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) full consecutive calendar days in the absence of medical intervention or treatment.

- 3. **Qualifying Exigency Leave.** If you are an eligible employee (as defined above), you are entitled to take up to twelve (12) weeks of unpaid FMLA leave for any qualifying exigency arising out of the fact that a covered military member is on active duty or called to active duty status. The leave described in this paragraph is available during a single 12-month rolling period, and may be taken on an intermittent or reduced leave schedule basis. You will be required to provide a copy of the covered military member's active duty orders or other documentation issued by the military that indicates that the military member is on active duty or call to active duty status in support of a contingency operation and the dates of the covered military member's active duty service. Eligible employees may take all twelve (12) weeks of his/her FMLA leave entitlement as qualifying exigency leave or the employee may take a combination of twelve (12) weeks of leave for both qualifying exigency leave and leave for a serious health condition (as defined above).

With respect to a Qualifying Exigency Leave:

- a. A "covered military member" means your spouse, same-sex spouse, son, daughter or parent who is on active duty or called to active duty status.
  - b. A "qualifying exigency" includes the following categories as further defined in FMLA regulations: (a) short notice deployment; (b) military events and related activities; (c) childcare and school activities; (d) financial and legal arrangements; (e) counseling; (f) rest and recuperation; (g) post deployment activities, including reintegration activities, for a period of 90 days following the termination of active duty status; and, (h) additional reason that the employer and employee agree is a qualifying exigency.
  - c. The phrase "son or daughter" is defined as your biological, adopted, or foster child, stepchild, legal ward, or child for whom you stood in loco parentis, who is on active duty or called to active duty status who is of any age. (Note: This definition is different from other sections of this FMLA policy).
  - d. A "parent" means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to you when you were a son or daughter but it does not included "parents in law".
- 4. **Military Caregiver Leave.** If you have been employed by the Village for at least twelve

(12) months and have worked at least 1,250 hours during the 12-month period preceding the start of the leave, and you work at or report to a work site which has fifty (50) or more Village employees within a 75-mile radius of that work site, and you are a spouse, child (of any age for military caregiver leave), parent or next of kin of a Covered Service member, as defined below, you are entitled to a total of twenty-six (26) workweeks of unpaid leave during a forward looking rolling 12-month period to care for the Covered Service member. The leave described in this paragraph shall only be available during a single 12-month period beginning as of the date the leave commences and ending 12 months after that date (and any unused amounts are forfeited).

Military Caregiver Leave may be permitted more than once if necessary to care for a different Covered Service member (or the same Service member with multiple injuries or illnesses) up to a combined total of twenty six (26) workweeks in a rolling (forward-looking) twelve (12) month period. Nothing in this paragraph shall be construed to limit the availability of leave under paragraphs 1a. through 1e. during any other 12-month period and this twenty six (26) week period of Military Caregiver Leave is in addition to other types of approved FMLA leave. However, your total available leave time in any rolling 12-month period may not exceed a combined total of twenty-six (26) workweeks (including FMLA time off taken for any other reason). You will be required to timely submit the completed paperwork provided to you and available from our Human Resources Department as a condition of receiving approved Military Caregiver Leave.

With respect to Military Caregiver FMLA Leave:

- a. A "Covered Service member" means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy from an injury or illness occurring in the line of active duty and/or during active duty, who is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.
- b. "Outpatient status" means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.
- c. "Next of kin" means the nearest blood relative of that individual (regardless of age). You are required to provide confirmation of the relationship upon request. The Service member may designate the blood relative who is considered his/her next of kin; otherwise, the following order generally will apply: blood relatives granted custody by law, brother/sister, grandparents, aunts/uncles, and then first cousins.
- d. "Serious injury or illness" means an injury or illness incurred by the Service member in the line of duty on active duty in the Armed Forces that may render the Service member medically unfit to perform the duties of the member's office, grade, rank or rating.

5. **Spouses Employed by the Village.** If your spouse or same-sex spouse also works for the

Village and you both become eligible for a leave under paragraphs 1a. or 1b. above, or for the care of a sick parent under paragraph 1c. above, the two of you together will be limited to a combined total of twelve (12) workweeks of leave in any backward-looking rolling 12-month period. In addition, if you and your spouse or same-sex spouse both become eligible for a leave under the Service member Family Leave provision above or under a combination of the Service member Family Leave provision and paragraphs 1a. through 1e. above, the two of you together will be limited to a combined total of twenty-six (26) workweeks of leave in any forward-looking rolling 12-month period, but if the leave taken by you and your spouse or same-sex spouse includes leave described in paragraphs 1a. through 1e. above, that leave shall be limited to a combined total of twelve (12) workweeks of leave in any rolling 12- month period.

6. **Medical Certification.** Any request for a leave under paragraphs 1c., 1d. or under the Service member Family Leave provision above must be supported by certification issued by the applicable health care provider. You are required to submit this information on the forms provided to you and available from the Human Resources Department.

You will be required to submit a new medical certification form for each leave year for a medical condition(s) that last longer than one year. Additionally, you are required to submit a recertification of an ongoing condition every six (6) months in connection with an absence where the duration of the condition is described as “lifetime” or “unknown”.

At its discretion, the Village may require a second medical opinion and periodic recertification to support the continuation of a leave. If the 1<sup>st</sup> and 2<sup>nd</sup> opinions differ, a 3<sup>rd</sup> opinion can be obtained from a health care provider jointly approved by both you and the Village (unless you accept the second opinion as determinative).

7. **Intermittent Leave.** If certified as medically necessary for the serious health condition of either you, your spouse, your same-sex spouse, child or parent (Paragraphs 1c and 1d, above), or to care for a Covered Service member if you are a spouse, same-sex spouse, child, parent or next of kin to the Covered Service member (Paragraph 3, above), leave may be taken on an intermittent or reduced leave schedule. Intermittent leave also may be taken if you qualify for leave because of a qualifying exigency as described in Paragraph 1e, above, subject to the submission of a certification prescribed by the Secretary of Labor. If leave is requested on an intermittent basis, however, the Village may require that you transfer temporarily to an alternative position which better accommodates recurring periods of absence or to a part-time schedule, provided that the position offers equivalent pay and benefits.
8. **Notification and Reporting Requirements.** All requests for leaves of absence must be submitted to your supervisor or the Human Resources Department at least thirty (30) days in advance of the start of the leave, except when the leave is due to an emergency or is otherwise not foreseeable. If the leave is not foreseeable, you must provide notice as soon as “practicable”, which generally means either the same day or the next business day that you learn of the need for leave, in the absence of any unusual circumstances. A delay in submitting an FMLA leave request may result in a loss of FMLA protections and/or a delay of the start of your leave. Your supervisor will forward the request to the Human

Resources Department for approval.

You must respond to our questions relative to your leave request so that we can determine if the leave qualifies for FMLA protection; failure to do so may result in loss or delay of FMLA protections. If you are seeking leave due to an FMLA-qualifying reason for which the Village has previously granted you FMLA-protected leave, you must specifically reference the qualifying reason or need for FMLA leave at the time of your request to be away from work. It is not sufficient to simply "call in sick" without providing additional information which would enable the Village to determine if your absence/time away from work may qualify as an FMLA qualifying event. In all cases in which you are seeking leave under this policy, you shall provide such notice to the Village consistent with the Village's established call-in procedures so long as no unusual circumstances prevent you from doing so. Failure to comply with the call-in procedures may result in a delay or denial of FMLA protected leave.

You must make an effort to schedule a leave so as not to disrupt business operations. During the leave, you may be required to report periodically on your status and your intention to return to work. Any extension of time for your leave of absence must be requested in writing prior to your scheduled date of return to work, together with written certification to support the extension. Your failure to either return to work on the scheduled date of return or to apply in writing for an extension prior to that date will be considered to be a resignation of employment effective as of the last date of the approved leave. Employees on leaves for their own serious health condition must provide fitness-for-duty releases from their health care provider before they will be permitted to return to work. Your maximum time on an FMLA leave of absence, all types combined, and including all extensions, cannot exceed a total of twelve (12) weeks in a rolling twelve month period, unless you are a spouse, child, parent, or next of kin on leave to care for a Covered Service member, in which case your leave can last for up to twenty-six (26) workweeks in a rolling twelve (12) month period.

An Employee shall not be granted a leave of absence for the purpose of seeking or taking employment elsewhere or operating a private business. Unauthorized work while on a leave of absence will result in disciplinary action, up to and including discharge.

A leave of absence will not affect the continuity of your employment. Your original date of employment remains the same for seniority purposes. However, you will not accrue any benefits during any unpaid period of time that you are on an FMLA.

9. **Employee Benefits During Family and Medical Leave of Absence.** You will be permitted to maintain health and dental insurance coverage for the duration of the leave under the same conditions coverage would have been provided if you had remained actively at work. However, you must make arrangements for the continuation of and payment of insurance premiums before you go on leave status. If you do not return to work after the leave, or if you fail to pay your portion of the premiums, you will be required, under certain circumstances, to reimburse the Village for the costs and expenses associated with insuring you during the leave.

10. **Return From a Family and Medical Leave.** If the leave was due to your own serious health condition, you will be required to submit a fitness-for-duty certification from your health care provider in accordance with our normal policies and practices applicable to other leaves of absence, certifying that you are able to resume work and perform the essential functions of the job (either with or without a reasonable accommodation). A list of the essential job functions will be made available to you for compliance with this requirement. If a reasonable job safety concern exists, you also may be required to provide a fitness for duty certification up to once every 30 days before returning from an intermittent or reduced schedule FMLA leave related to your own serious health condition.

If you fail to return to work at the expiration of your approved Family and Medical Leave, it will be considered to be a resignation of your employment with us. Likewise, an employee on FMLA leave who provides notice of their intent not to return to work upon expiration of a leave will lose their entitlement to FMLA leave and related benefits.

11. **Key Employees.** Certain highly compensated key employees may be denied reinstatement when necessary to prevent “substantial and grievous economic injury” to the Village’s operations. A “key” employee is a salaried Employee who is among the highest paid 10% of Employees at that location, or any location within a 75-mile radius. Employees will be notified of their status as a key employee, when applicable, after they request a Family and Medical Leave.
12. **Coordination with Other Policies.** You are required to use any accrued paid vacation days, personal time, Extended Leave pay and sick days (if you otherwise qualify) concurrently with unpaid leave under this policy, and any such paid time off must be taken concurrently with your Family and Medical Leave. If you otherwise qualify for disability pay, you will collect it at the same time you are on unpaid Family and Medical Leave.

Further, if you otherwise qualify for any other type of leave of absence, you must take that leave at the same time as you are taking your Family and Medical Leave. All time missed from work that qualifies for both Family and Medical Leave, and for workers’ compensation, will be counted toward your Family and Medical Leave. To receive any type of paid time off benefit while on FMLA leave, you are required to meet the Village’s conditions for taking the paid leave (although the Village may in its discretion waive any procedural requirement for the paid Sick Leave or Extended Leave privileges in appropriate circumstances).

13. **Anti-Retaliation Provisions.** Be assured that no retaliation will be taken or tolerated against any employee who exercises his/her rights under our FMLA policy. If you feel that you have been the victim of any discrimination or retaliation under this Policy, you are encouraged to contact the Human Resources Department so that the matter can be promptly investigated and remedied as appropriate.
14. **FMLA Poster.** For remaining details about your rights and obligations under the FMLA, consult the FMLA poster that is located in areas where other government posters are

placed. As a reminder, employees who timely return from approved FMLA leave will be returned to the same position he/she held as if he/she had not been on leave of absence. If the job is eliminated and/or filled (after FMLA leave time is exhausted), the employee will be encouraged to apply for another job opening when released to return (if any exist). Consult Extended Leave policy for other details.

#### **Section 6.4 Personal Leave**

The Village of Niles may provide a leave of absence without pay to full-time and probationary employees who wish to take time off from work duties to fulfill personal obligations beyond those encompassed in the FMLA or another leave Policy (including those who do not qualify for FMLA time off, when appropriate).

Except in the case of an employee with a disability, eligible employees may request personal leave only after having completed six (6) consecutive months of service. As soon as eligible employees become aware of the need for a leave of absence, they should request a leave from their supervisor.

An original request for a personal leave of absence without pay shall be for a period not to exceed thirty (30) calendar days. The Village requires that the employee substitute their paid vacation, personal days or other paid leave benefits for any part or all of this leave (the time off runs concurrently). Any request for extension of leave shall be subject to all the requirements of the original request, and may not exceed a total of six months. The only exception is in the event of an employee with a disability where a reasonable extension is a form of a reasonable accommodation under the ADA.

The Department Director will evaluate requests for personal leave based on a number of factors, including anticipated work load requirements, staffing considerations, and hardship to the Village's operations during the proposed period of absence. All requests must be approved by the Village Manager. Requests that cannot be reasonably accommodated may be denied or deferred.

Subject to the terms, conditions, and limitations of the applicable plans, the Village will continue to pay health insurance benefits for the first thirty (30) days of the leave. If an extension is granted, the employee must pay for the health insurance beginning the month following the original 30 day leave of absence.

When a personal leave of absence ends, employee will be permitted to return to the same position if it is available, or to a similar available position for which the employee is qualified. Except when legally required, the Village cannot guarantee reinstatement upon a return from a personal leave of absence. If an employee's position is filled at the time the employee returns from a personal leave, it is the responsibility of the employee to apply for any other available openings that may exist in the Village if he/she is interested in the position.

If an employee fails to report to work promptly at the end of the approved leave period, the Village of Niles will take appropriate disciplinary action, up to and including discharge.

## **Section 6.5 Military Leave**

The Village will comply with all applicable federal, state and local laws providing military leave and benefit protections to eligible employees. Please direct any questions or requests for leave to Human Resources.

### **The Uniformed Services Employment and Reemployment Rights Act**

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

### **Reemployment Rights**

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

- you ensure that your employer receives advance written or verbal notice of your service;
- you have five years or less of cumulative service in the uniformed services while with that particular employer;
- you return to work or apply for reemployment in a timely manner after conclusion of service; and
- you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

### **Right to Be Free From Discrimination and Retaliation**

If you:

- are a past or present member of the uniformed service;
- have applied for membership in the uniformed service; or
- are obligated to serve in the uniformed service;

Then because of this status, an employer may not deny you

- initial employment;
- reemployment;
- retention in employment;
- promotion; or
- any benefit of employment

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

### **Health Insurance Protection**

If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months

while in the military. Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., preexisting condition exclusions) except for service-connected illnesses or injuries.

### **Enforcement**

The U.S. Department of Labor, Veterans' Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations. For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USADOL or visit its Web site at <http://www.dol.gov/vets>. An interactive online USERRA Advisor can be viewed at <http://www.dol.gov/elaws/userra.htm>. If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice for representation. You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

### **Rights under Illinois Law**

The Village complies with the Illinois Service Member Employment and Reemployment Rights Act, 330 ILCS 61. Employees may be eligible under the Act for differential compensation, military leave, concurrent compensation, employer-based health plan benefits, and other protections as enumerated in the Act. [Employer] prohibits discrimination against persons who serve in the uniformed services.

Employee eligibility under each of the referenced statutes is governed by all relevant statutory provisions.

## **Section 6.6 Bereavement**

### **1. Immediate Family Member Bereavement**

If an employee wishes to take time off due to the death of an immediate family member, the employee should notify his or her supervisor immediately so the request can be submitted to the Department Director for consideration.

In considering requests for leave, the Department Director shall take into account whether or not the occasion actually requires the employee to be absent from work for the requested period of time. This bereavement leave may be granted for up to three (3) working days and may be extended to a maximum of five (5) working days if travel time is necessary. Paid bereavement leave will be provided to regular full-time and probationary employees.

Sworn Fire personnel bereavement leave normally granted is one (1) tour of duty, (24 hrs.). If out of state travel is necessary, depending upon the location, one (1) additional tour of duty, (24 hrs.) may be added to either leave at the discretion of the District Chief. Covered employees should consult the collective bargaining agreement for details.

Bereavement pay is calculated based on the base pay rate at the time of absence and will not include overtime or any other special forms of compensation.

If management determines that the requested time off will result in an undue hardship to the business operations, the supervisor may reduce the amount of approved time off. Any employee may, with the supervisor's approval, use any available paid leave for additional time off as necessary.

For the purposes of this policy, the Village of Niles defines "immediate family" as: the employee's spouse, same-sex spouse, domestic partner, child, parent, sibling, grandparent, grandchild, mother or father-in-law, brother or sister-in-law, or grandparent-in-law, step parent(s) or step children, step sibling, aunt or uncle.

## **2. Child Bereavement**

Under the Illinois Child Bereavement Leave Act (CBLA), the Village of Niles will provide covered employees with five (5) paid days and five (5) unpaid days (up to ten total days) of leave. Time used in accordance with the CBLA will be unpaid after any and all paid bereavement leave is exhausted. All paid bereavement will be applied to time used in accordance with the CBLA. Reasonable documentation including; a death certificate, published obituary, or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or government agency may be requested at the discretion of the Village of Niles.

Employees may use child bereavement leave for the following purposes: (1) to attend the funeral, or an alternative to a funeral, of a child; (2) to make arrangements necessitated by the death of the child; or (3) to grieve the death of the child. The Village of Niles requires an employee requesting CBLA leave to provide at least 24 hours' notice of their intention.

Leave under the CBLA must be taken within 60 days after the employee receives notice of the death of a child. "Child" is defined as "an employee's son or daughter who is a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis." If an employee loses more than one child in any 12-month period, they are entitled to take up to six weeks of unpaid bereavement leave in that 12-month period.

## **Section 6.7 Domestic Violence Victims Leave (820 ILCS 180/)**

The Village will provide up to twelve (12) weeks of unpaid leave from work to an employee who is a victim of domestic or sexual violence (or who has a family or household member who is a victim of domestic or sexual violence) to address domestic or sexual violence if the employee is experiencing an incident of domestic violence or sexual violence or to address domestic violence or sexual violence by:

- (A) seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member;
- (B) obtaining services from a victim services organization for the employee or the employee's family or household member;
- (C) obtaining psychological or other counseling for the employee or the employee's family

or household member;

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

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

"Family or household member" means a spouse, parent, son, daughter, other person related by blood or by present or prior marriage, other person who shares a relationship through a son or daughter, and persons jointly residing in the same household whose interests are not adverse to the employee as it relates to the domestic or sexual violence.

"Parent" means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter. "Son or daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age, or is 18 years of age or older and incapable of self-care because of a mental or physical disability.

#### **Period of Leave**

Employee shall be entitled to a total of twelve (12) workweeks of unpaid leave during any 12-month period. (This policy does not create a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under, or is in addition to the unpaid leave time permitted by, the federal Family and Medical Leave Act.) Leave may be taken intermittently or on a reduced work schedule.

#### **Existing Leave**

The employee may use any available paid or unpaid leave (including family, medical, sick, annual, personal, etc.) from employment, pursuant to federal, State or local law, a collective bargaining agreement, or an employment benefits program or plan, in substitution for any period of such leave for an equivalent period of leave.

#### **Employee Notice Requirements**

The employee shall provide the Village with at least 48 hours' advance notice of the employee's intention to take the leave, unless providing such notice is not practicable.

When an unscheduled absence occurs, the Village will not take any action against the employee if the employee, within a reasonable period after the absence (generally defined herein as 15 days) provides certification as shown under the next section.

#### **Employee Certification**

The Village may require the employee to provide certification to the Village that:

- (A) the employee or the employee's family or household member is a victim of domestic or sexual violence; and
- (B) the leave is for one of the purposes enumerated in the first paragraph above.

The employee shall provide such certification to the Village within a reasonable period after the

Village requests certification.

An employee may satisfy the above certification requirement by providing to the Village a signed and dated statement of the employee, and upon obtaining such documents the employee shall provide:

- (A) documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee or the employee's family or household member has sought assistance in addressing domestic or sexual violence and the effects of the violence;
- (B) a police or court record; or
- (C) other corroborating evidence.

### **Confidentiality**

All information provided to the Village, including a statement of the employee or any other documentation, record, or corroborating evidence, and the fact that the employee has requested or obtained leave pursuant to this policy, shall be retained in the strictest confidence by the Village, except to the extent that disclosure is: (1) requested or consented to in writing by the employee; or (2) otherwise required by applicable Federal or State law.

### **Restoration to Position**

In general, an employee who takes leave under this policy shall be entitled, on return from such leave:

- to be restored by the Village to the position of employment held by the employee when the leave commenced; or
- to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

### **Loss of Benefits**

The taking of leave under this policy shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced. An employee may elect to substitute available paid leave any period of leave under this policy. An employee will not be required to substitute available paid for the leave provided under this policy.

An employee who takes leave under this policy for the intended purpose of the leave shall be entitled upon return from such leave to be restored to the same position or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

However, the employee is not entitled to:

- the accrual of any seniority or employment benefits during any period of leave; or
- any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

### **Reporting to the Village**

The Village may require an employee on leave under this policy to report periodically to the Village on the status and intention of the employee to return to work.

### **Maintenance of Health Benefits**

Except as provided under “Failure to Return from Leave,” during any period that an employee takes leave under this policy, the Village shall maintain coverage for the employee and any family or household member under any group health plan for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave.

### **Failure to Return From Leave**

The Village may recover the premium that the Village paid for maintaining coverage for the employee and the employee's family or household member under such group health plan during any period of leave under this policy if:

- A. the employee fails to return from leave under this policy after the period of leave to which the employee is entitled has expired; and
- B. the employee fails to return to work for a reason other than:
  - a. the continuation, recurrence, or onset of domestic or sexual violence that entitles the employee to leave; or
  - b. other circumstances beyond the control of the employee.

The Village may require an employee who claims that the employee is unable to return to work because of a reason described in (A) or (B) above to provide, within a reasonable period after making the claim, certification to the Village that the employee is unable to return to work because of that reason.

An employee may satisfy the certification requirement above by providing to the Village:

- a sworn statement of the employee;
- documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee has sought assistance in addressing domestic or sexual violence and the effects of that violence;
- a police or court record; or
- other corroborating evidence.

The Village will not fail to hire, refuse to hire, discharge, constructively discharge, or harass any individual exercising their rights under this policy or otherwise discriminate against any individual exercising their rights under this policy with respect to the compensation, terms, conditions, or privileges of employment of the individual, or retaliate against an individual in any form or manner for exercising their rights under this policy.

### **Leave Availability Calculation**

The Village has adopted a “rolling 12 month period” method of calculating available leave. In order to determine the amount of available leave, the calculation is made each time an employee commences leave. From that date, the preceding 12 month period is examined. Any leave used during that preceding 12 months is deducted from the total amount of leave under this policy. An employee is entitled to take no more than the remaining balance of leave.

### **Reasonable Accommodation**

The Village shall provide reasonable accommodations to the known limitations of an employee resulting from circumstances relating to being a victim of domestic or sexual violence or a family or household member being a victim of domestic or sexual violence, who is an otherwise qualified individual, unless doing so would impose undue hardship on the Village. Reasonable accommodation may include adjustment to a job structure, workplace facility, or work requirement, including a transfer, reassignment or modified schedule, leave, a changed telephone number or seating assignment, installation of a lock, implementation of a safety procedure, or assistance in documenting domestic or sexual violence that occurs at the workplace or in work-related settings, in response to actual or threatened domestic or sexual violence.

Undue hardship means an action requiring significant difficulty or expense, when considered in light of: (1) the nature and cost of the reasonable accommodation needed; (2) the overall financial resources of the facility, the number of persons employed by the facility, the effect on expenses and resources, or the impact otherwise of such accommodation on the operation of the facility; (3) the overall financial resources of the employer or public agency, the overall size of the business of the employer or public agency with respect to the number of employees of the employer or public agency, and the number, type and location of the facilities of an employer or public agency; (4) the type of operation of the employer or public agency, including the composition, structure, and functions of the workforce of the employer or public agency, the geographic separateness of the facility from the employer or public agency, and the administrative or fiscal relationship of the facility to the employer or public agency.

Employees who are seeking leave or another reasonable accommodation under this policy should contact Human Resources.

### **Reference to Required Posting**

The Village has posted in each department, a poster setting forth the relevant provisions of the Victims' Economic Security and Safety Act. The terms of that poster are incorporated in this policy document as if they were specifically set forth. Each employee is charged with familiarizing him/herself with the contents of that poster concerning all applicable employee rights and obligations under the Act.

### **Section 6.8 School Visitation Leave**

The Village complies with the Illinois School Visitation Rights Act by allowing employees to take up to eight (8) hours of unpaid leave per school year, with no more than four hours being taken in one day. An employee requesting leave under this Act must provide a written request for the leave at least seven (7) days in advance, except in the case of emergencies. This leave is intended to be used as a last resort by employees who have no other paid (vacation or personal) leave available and who have made every attempt to schedule the visit during non-working hours. The employee must provide his/her supervisor with documentation of the visit as provided by the school administrator within two working days of the school visitation. If notice is not provided within the required time frame, the employee is subject to the Village's standard disciplinary procedures for unexcused absences.

This is leave is unpaid; however, the Village will make an appropriate effort to accommodate an employee who wishes to make up the time, provided it is not disruptive to normal Village operations.

### **Section 6.9 Jury Duty**

The Village of Niles encourages employees to fulfill their civic responsibilities by serving jury duty when required. Regular full-time and probationary employees shall receive full pay while serving on jury duty.

Jury duty pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence up to a maximum of ten (10) working days. Employees may receive nominal compensation from the court system to cover incidental expenses related to jury duty.

Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. Employees are expected to report for work whenever the court schedule permits.

The Village of Niles will continue to provide health insurance benefits for the full term of the jury duty absence.

### **Section 6.10 Time Off To Vote**

The Village of Niles encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If employees are unable to vote in an election during their non-working hours, the Village will grant up to two hours of paid time off to vote according to state law (10 ILCS 5/17-15).

Employees should request time off to vote from their supervisor at least two working days prior to the Election Day. Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule.

### **Section 6.11 Light Duty**

Injured or ill employees returning to work as soon as they are able serve the best interests of the Village of Niles and its employees. When employees are on a sick leave of absence for an injury or illness, the Department Director may recommend and the Village Manager may approve light duty under the following specifications:

- a. An employee who is authorized and assigned light duty work shall continue in their status as an employee of the Village with the same wage and benefits that were assigned to their permanent position.
- b. The work the employee performs must have existed within the Department before the illness or injury occurred (i.e., the Village will not "make work" for an

employee).

- c. The work the employee performs must be within the physical limitations prescribed by the employee's and Village's physician.
- d. The performance of light duty work shall not otherwise disrupt the functioning of the Department.
- e. The length of a temporary light duty assignment shall be determined on a case-by-case basis, but shall not exceed six (6) months, taking into consideration all relevant factors. Such decision shall be made by the Village Manager and Department Director based on the circumstances of each specific case and in accordance with applicable laws. Qualified individuals with a disability who require a reasonable accommodation to perform the essential functions of their position should contact Human Resources to request a reasonable accommodation.

The Department Director of the Department to which the employee was assigned, in cooperation with the Village Manager's Office, shall review each case on an individual basis and shall determine if the employee's health status and the Department's work environment are such that the injured/ill employee could fill a light duty work status. The Department Director and/or Human Resources Department shall consult with the employee and such medical and/or professional personnel as may be appropriate. If light duty is recommended, the recommendation must include a written medical opinion signed by a qualified doctor stating the employee can perform the limited duties as specified by the Department Director. The Village reserves the right to require an employee to submit to an examination by a doctor(s) of the Village's choice. (If the Village requests an examination by a doctor of its choosing, the Village will pay for the examination.)

Failure to report for or to carry out the assignments of the light duty work status may result in disciplinary action, up to and including termination.

**IMPORTANT:** Nothing in this policy will require the Village to create work for any employee where there is no business need for the work to be performed. The Village will retain sole discretion in determining the length of a light duty assignment and the number of individuals who may be on light duty work assignments at any one time. These issues will be addressed on a case-by-case basis considering the circumstances involved and the business needs at the time.

## **ARTICLE VII – EMPLOYEE CONDUCT**

### **Section 7.1 Employee Conduct, Work Rules and Discipline**

In order to render the best possible service to the public, high standards of conduct are deemed necessary. All actions should be in the public interest as opposed to the individual or personal interest of the employee. It is expected that all employees will conduct themselves in a manner which will not discredit the Village. In order to assure orderly operations and provide the best

work environment, the Village of Niles expects employees to follow rules of conduct that will protect the interest and safety of the Village and of all employees.

It is not possible to list all forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of conduct that may result in disciplinary action, up to and including termination of employment. Disciplinary action will be handled in accordance with established procedures. In the case of Classified Fire and Police personnel, the procedures of the Fire and Police Commission shall apply. **THE FOLLOWING EXAMPLES ARE NOT ALL-INCLUSIVE.**

- Negligence or improper conduct leading to damage of Village-owned or resident-owned property;
- Violation of the criminal laws of the United States or any state thereof;
- Insubordination or other disrespectful conduct toward the public, Village officials or other employees;
- Violation of safety or health rules;
- Being under the influence of intoxicating beverages or illegal drugs or the use of alcohol, narcotics or illegal drugs at work;
- Smoking in prohibited areas;
- Sexual or other unlawful harassment or discrimination;
- Possession of dangerous or unauthorized materials, such as explosives or firearms in the workplace (or any violation of concealed carry laws or postings);
- Excessive absenteeism, tardiness, leaving early or any absence without notice and authorization of Department Director or his/her designee;
- Unauthorized or improper use of telephones, mail system, computers or any other Village-owned equipment, technology, supplies or facilities;
- Unauthorized disclosure of privileged or customer proprietary information, or confidential information;
- Violation of personnel policies or safety procedures;
- Unsatisfactory performance or conduct or inability to perform the requirements of the job classification;
- Improper or unauthorized use of Village vehicles, equipment or supplies;
- Disobedience or failure to comply with Village or departmental policies;
- Accepting or soliciting bribes;
- Sleeping while on duty (including extensive eye closing or resting which is not authorized in advance by management);
- Any action which reflects discredit upon the municipal service or is a direct hindrance to the effective performance of the governmental functions.

### **Progressive Discipline Policy and Procedures**

Outlined below are the steps of the types of progressive discipline that may apply in appropriate cases. The Village of Niles reserves the right to combine or skip steps depending on factors such as the circumstances of each situation, the nature of the offense, the impact of the offense and the employee's overall attendance or performance record. The level of disciplinary intervention may also vary.

## **Procedure**

### **Step 1: Verbal Warning and Coaching, Counseling and/or Training**

In appropriate cases, the immediate supervisor will schedule a meeting with the employee to bring attention to the existing performance, conduct or attendance issue. The supervisor will clearly outline expectations and steps the employee must take to improve performance or resolve the problem. The supervisor will prepare written documentation of the meeting and the offense.

### **Step 2: Written Warning**

An employee may receive a written warning for more serious or repeated violations. A written warning involves a more formal, written documentation of the performance, conduct or attendance issue, the actions needed to correct the problem, and further consequences that may result if the problem is not corrected.

### **Step 3: Suspension and Final Written Warning**

An employee may be suspended for serious performance, conduct or safety incidents. When immediate action is necessary to ensure the safety of the employee or others, the immediate supervisor may suspend the employee pending the results of an investigation and/or in other situations as deemed appropriate.

Depending upon the seriousness of the infraction, the employee may be suspended without pay in full-day increments consistent with federal, state and local wage-and-hour employment laws. Non-exempt/hourly employees may not substitute or use an accrued paid vacation or sick day in lieu of the unpaid suspension. Due to Fair Labor Standards Act (FLSA) compliance issues, unpaid suspension of salaried/exempt employees is reserved for serious workplace safety or conduct issues. The Human Resources Department will provide guidance so that the discipline is administered without jeopardizing the FLSA exemption status.

### **Step 4: Recommendation for Termination of Employment**

Employees may be terminated for serious or repeated performance, safety or conduct issues. Typically, termination is the last step in progressive discipline. The Village, however, reserves the right to terminate an employee even in situations where the employee has not received prior discipline. The Village reserves the right to combine and skip steps depending upon factors such as the circumstances or each situation and the nature of the offense, etc. Furthermore, the employee may be terminated without prior notice or disciplinary action.

Management's recommendation to terminate employment must be approved by the Village Manager.

**IMPORTANT NOTE:** Nothing in this policy provides any contractual rights regarding employee discipline or counseling nor should anything in this policy be read or construed as modifying or altering the employment-at-will relationship between the Village of Niles and its at-will employees.

## **Appeal Process**

The Appeal Process for Police and Fire is under the jurisdiction of the Fire and Police Commission or is subject to the employee's collective bargaining agreement.

At-will employees may not appeal a termination decision.

Employees will have the opportunity to present information that may challenge information Management has used to issue disciplinary action. The purpose of this process is to provide insight into extenuating circumstances that may have contributed to the employee performance and/or conduct issues while allowing for an equitable solution.

If the employee does not present this information during any of the Step meetings, he or she will have five (5) business days after that meeting to present information. If not submitted with five (5) business days, the employee will be deemed to have agreed with the disciplinary action. Of course, the employee is free to submit a written response to any disciplinary action that is imposed and the employee's written response will be included in the employee's personnel file.

### **Performance and Conduct Issues Not Subject to Progressive Discipline**

Behavior that is illegal is normally not subject to progressive discipline and may be reported to local law enforcement. The following is a non-exhaustive list of conduct for which the Village will not implement progressive discipline: theft, intoxication or being under the influence of illegal drugs at work, fighting, harassment, bullying, and other acts of violence and actions that violate safety rules and regulations that jeopardize the safety of the employee, others and the public are also not subject to progressive discipline and may be grounds for serious disciplinary action including immediate termination for even the first offense.

### **Section 7.2 Non-Discrimination, Anti-Harassment and Anti-Bullying**

It is the Village's policy to maintain a work environment free from all forms of harassment and discrimination and to insist that all employees be treated with dignity, respect, and courtesy. It is a violation of Village policy for any employee to harass or discriminate against another individual in the workplace based upon the person's actual or perceived race, color, religion, creed, sex, gender identity, national origin, age, mental or physical disability, ancestry, sexual orientation, veteran status, military status, marital status, order of protection status, pregnancy, childbirth, medical or common conditions relating to pregnancy or childbirth, arrest record, genetic information, citizenship status, unfavorable discharge from military service, or any other protected category as defined by applicable law. This policy forbids any employee, supervisor, manager, vendor, client, customer, or other person to discriminate against, harass, or retaliate against any employee or applicant of the Village. Violations of this policy will be considered grounds for corrective action, up to and including immediate discharge.

### **Equal Employment Opportunity Policy**

The Village is committed to providing equal employment opportunity to all qualified persons without regard to race, color, pregnancy, childbirth, medical or common conditions relating to pregnancy or childbirth, national origin, citizenship, ancestry, sex, gender-identity, sexual orientation, age, mental or physical disability, genetic information or background, religion, creed, marital status, military status, order of protection status, arrest record, dishonorable discharge from military service or any other legally protected status. The only exceptions are as allowed by law.

## **Reasonable Accommodations**

### **Disability**

The Village complies with the Americans with Disabilities Act (ADA) of 1990 as amended, Title VII, the Illinois Human Rights Act, and any other applicable laws which require reasonable accommodation in the workplace. The Village will provide reasonable accommodations to qualified individuals with a disability unless doing so will result in undue hardship to the Village. Applicants, or employees who require a reasonable accommodation in the workplace, should contact the Human Resources Department. We encourage you to participate in an interactive discussion to review accommodation ideas with management. These issues will be addressed on a case-by-case basis.

### **Other Accommodations**

In addition to providing reasonable accommodation to individuals with a disability, the Village will provide reasonable accommodation for medical or common conditions related to pregnancy or childbirth and for employees needing a religious accommodation as required under federal, state or local law so long as doing so does not cause the Village undue hardship. Applicants, or employees who require a reasonable accommodation in the workplace, should contact the Human Resources Department. We encourage you to participate in an interactive discussion to review accommodation ideas with management. These issues will be addressed on a case-by-case basis.

### **Prohibited Conduct**

This policy prohibits harassment or other workplace discrimination based on an employee or applicant's legally protected status. This includes a prohibition on conduct, whether verbal, physical, or visual, that denigrates or shows hostility or aversion toward an individual based upon that person's actual or perceived race, color, national origin, citizenship, ancestry, sex, sexual orientation, gender identity, age, disability, genetic information or background, religion, creed, marital status, military status, order of protection status, arrest record, unfavorable discharge from military service, or any other legally protected status. The Village will not tolerate harassing conduct that has the purpose or effect of interfering unreasonably with an individual's work performance, affecting an individual's tangible job benefits, or creating an intimidating, hostile, or offensive work environment.

Examples of the conduct forbidden by this Policy specifically include, but are not limited to:

- Epithets, slurs, negative stereotyping, or intimidating acts that are based on a person's protected status; and
- Written or graphic material circulated, available on the Village's computer systems, or posted or distributed within the workplace that shows hostility toward a person or persons because of their protected status.

The Village prohibits any such conduct in the workplace, and this policy prohibits harassment or other workplace discrimination based on an individual's protected status, even if it does not rise to the level of a legal violation. All employees are entitled to a comfortable working environment without harassment based on a legally protected status.

## **Anti-Bullying**

The Village defines bullying as repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment. All employees should be treated with respect and dignity and behavior that contradicts this is unacceptable. Bullying may be intentional or unintentional. However, as in harassment and/or discrimination, it is the effect of the behavior on the individual that is important

The Village prohibits bullying in the workplace and will not tolerate it under any circumstances. This policy against bullying applies to all employees, including but not limited to full-time, part-time, contract, temporary, supervisory, and department directors. It also applies to elected and appointed officials, and non-employees with whom the Village has a business, service or professional relationship.

This policy applies during working hours, at work-related functions, at on-site and off-site work locations, and during work-related travel. The Village prohibits retaliation against anyone who makes a complaint of bullying or who participates in any way in an investigation of bullying. Retaliation in violation of this policy is considered a separate offense, and complaints of retaliation will be promptly investigated and dealt with under this policy.

The following are examples of conduct that violate this policy against bullying. This list is non-exhaustive meaning that conduct not listed here may also constitute bullying. This list is meant to provide some examples of prohibited conduct, including:

- Addressing an individual in an abusive manner
- Exclusion or social isolation (i.e. socially or physically excluding or disregarding a person in work-related activities)
- Shouting or raising voice at an individual in public or in private
- Gesture bullying (i.e. nonverbal threatening gestures; glances that can convey threatening messages)
- Personal attacks
- Spreading rumor and innuendo
- Sabotage of another's work product
- Public humiliation
- Any conduct that a reasonable person would find hostile, offensive and unrelated to the employer's legitimate business interests

The Village encourages all employees to promptly report any instance of bullying behavior to either their supervisor or Human Resources. Reports of bullying will be treated seriously and will be investigated in a prompt and impartial manner.

Employees are to refrain from participation in or encouragement of any conduct that could be considered bullying in violation of this policy. Employees are also expected to immediately report any conduct in violation of this policy that they witness or experience regardless of the identity of the alleged offender (e.g. supervisor, co-worker, Department Director, elected official, appointed official, volunteer, outside contractor, etc.). Employees should encourage anyone who confides

that he or she has been the victim of conduct in violation of this policy to report it. Employees, if they feel comfortable doing so, are also encouraged to advise an alleged offender that the conduct in violation of this policy is unwelcome and must stop.

Supervisors are expected to monitor the workplace for signs of bullying, and to take immediate action to stop instances of bullying. Supervisors are also expected to immediately report any conduct in violation of this policy or complaint of conduct in violation of this policy to Human Resources. Supervisors are also expected to take appropriate action to limit workplace contact between an alleged victim and an alleged offender when a complaint of bullying has been made, pending investigation.

The Village will promptly and thoroughly investigate all complaints of bullying and will take appropriate action against any individual who violates this policy, up to and including termination of employment.

### **Sexual Harassment**

Sexual harassment deserves special attention. Sexual harassment can take several forms and the Village's prohibition against sexual harassment extends to all employees and contractors who do business with the Village. Sexual harassment includes any harassing conduct based on a person's actual or perceived sex, gender or sexual orientation, regardless of whether the conduct is sexual in nature. Any unwelcome conduct based on sex, gender or sexual orientation is also forbidden by this policy regardless of whether the individual who engaged in the harassment and the individual being harassed are of the same or different sexes or genders. Unwelcome sexual advances, requests for sexual favors, or other verbal, physical, or visual conduct based on sex or gender constitute sexual harassment when:

1. Submission to such conduct is made, either explicitly or implicitly, as 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 commonly considered to be sexual harassment includes, but is not limited to:

- Verbal – Sexual innuendos, suggestive comments and jokes, unwelcome sexual advances or propositions, or statements about other employees, even outside their presence, of a sexual nature, suggesting or demanding sexual involvement of another employee whether or not such suggestions or demand is accompanied by implicit or explicit threats concerning one's employment status.
- Non-verbal – Suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking", or "kissing" noises.
- Visual — Sexually explicit displays or publications anywhere in the village workplace by employees or others, including but not limited to emails, reading materials, posters, signs, pin-ups, slogans, or other materials of a sexual nature. Employees may not use any of the village's electronic systems or information technology tools to receive, send, distribute, or copy any such materials.

- Physical – Unwelcome touching, hugging or kissing, pinching, brushing the body in a sexual manner, coerced sexual activity, or actual sexual assault.

### **Responsibility of Employees**

Each individual employee has the responsibility to refrain from prohibited discrimination or harassment in the workplace. It is important that employees be sensitive to other employees' feelings. What may seem innocent behavior or a joke may not be perceived the same way by another employee. Every employee is expected to avoid any behavior or conduct that could be interpreted as prohibited conduct under this policy.

### **Reporting Complaints of a potential Policy Violation**

If an employee experiences or witnesses any conduct that he or she believes is inconsistent with any term of this Policy, the Village expects the employee to immediately report the conduct to his or her supervisor, Department Director or the Human Resources Department. If the employee believes that any person to whom such a report should be directed is involved in or associated in any way with the alleged conduct, then the report should be directed to another department director not involved in the conduct. Employees need not follow the chain of command to report a complaint or discuss offending behavior with the employee offender under this Policy.

Any supervisor or manager who has knowledge of suspected prohibited conduct, or to whom a complaint has been made, must promptly report the conduct to the Department Director, Human Resources Department and/or the Village Manager.

Employees are encouraged to use the above complaint procedure to report and resolve their complaints of discrimination, harassment, or retaliation. Employees also have the right to file formal charges with the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC). The Illinois Human Rights Act ("the Act") states that you have the right to be free from unlawful discrimination and sexual harassment. This means that employers may not treat people differently based on race, age, gender, pregnancy, disability, sexual orientation or any other protected class named in the Act. This applies to all employer actions including hiring, promotion, discipline and discharge.

You also have the right to reasonable accommodations based on pregnancy and disability. This means you can ask for reasonable changes to your job if needed because you are pregnant or disabled.

It is unlawful for employers to treat people differently because they have reported discrimination, participated in an investigation, or helped others exercise their right to complain about discrimination. Employees may contact the IDHR at 100 West Randolph Street, Suite 10-100, Chicago, Illinois 60601 (312-814-6245); employees may contact the EEOC at 500 West Madison Street, Suite 2800, Chicago, Illinois 60661-2506 (1-800-669-4000).

### **Village Investigation and Response**

All reports describing conduct that is or may be in violation of this policy will be investigated promptly. In appropriate cases, the Village may put reasonable interim measures in place, such as a leave of absence or a transfer, while the investigation takes place. The Village will preserve

confidentiality in accordance with the law and to the extent that the needs of the situation permit as long as this is consistent with a thorough investigation.

If an investigation reveals that a violation of this policy or other inappropriate conduct has occurred, then the Village will take appropriate action, including corrective action up to and including immediate discharge for even a first offense if justified. The level of penalty imposed for any violation will be as deemed to be appropriate under all of the circumstances presented and regardless of the job positions of the parties involved. The Village may discipline an employee for any inappropriate conduct discovered in investigating reports made under this policy, regardless of whether the conduct amounts to a violation of law or even a violation of this policy. If the person who engaged in conduct that violates this policy is not employed by the Village, then the Village will take whatever corrective action is reasonable and appropriate under the circumstances to remedy the situation.

If the complainant or the accused is not satisfied with the disposition of the Village's investigation into a complaint, he/she may submit a written appeal to the Village Manager or his/her designee, who will review the investigation and make a final decision in accordance with the Grievance Procedure of this Handbook. At the Village Manager's option, he/she or his/her designee may conduct further investigation, if necessary, to reach a final decision. Employees are permitted to submit a confidential reports of harassment; however, employees are encouraged to provide as much information as possible about the complaint allegations so that the Village can effectively investigate and remedy (if appropriate) any Policy violation(s).

### **Policy Against Retaliation**

The Village prohibits retaliation against any employee, former employee, or applicant for reporting discrimination or harassment, for assisting another employee or applicant in making a report, for cooperating in a discrimination or harassment investigation, or for filing an administrative claim with a governmental agency. Prohibited retaliation is considered a separate violation under this policy, and will be fully investigated. Any employee who retaliates against another for exercising their rights under this policy shall be subject to corrective action up to and including immediate discharge. All employees who experience or witness any conduct they believe to be retaliatory should immediately follow the complaint reporting procedures stated above.

Issues of harassment, discrimination, workplace violence, or retaliation of any kind should be immediately reported to your Department Director, the Village Manager's Office, or Human Resources Department regardless of the chain of command.

Under the Illinois Human Rights Act (775 ILCS 5/6), the Illinois Whistleblower Act (740 ILCS 174/5), and the State Employee Ethics Act (5 ILCS 430), it is a crime to retaliate, or to conspire to retaliate, against an employee because the employee has opposed an action that the employee reasonably believes to be unlawful discrimination or harassment or because the employee has participated in an investigation of harassment or discrimination. However, an employee who knowingly makes a false report of harassment will be subject to discipline including termination if justified for even a first offense.

### **Discipline, Fines and Penalties**

In addition to any and all other discipline that may be applicable pursuant to Village policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreement, any person who violates this policy or the Prohibition on Sexual Harassment contained in 5 ILCS 430/5-65, may be subject to a fine of up to \$5,000 per offense, applicable discipline or discharge by the Village and any applicable fines and penalties established pursuant to local ordinance, state law or federal law. Each violation may constitute a separate offense. Any discipline imposed by the Village 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.

### **False Reports Prohibited**

It is a violation of this policy for an employee to knowingly make a false report of discrimination, harassment, bullying, sexual misconduct, or retaliation. An employee who is found to have knowingly made a false report is subject to disciplinary action, up to and including termination.

### **NOTE:**

The prohibition against sexual harassment toward any employee described in this Policy also extends to acts, conduct or statements made by a Village official (elected or appointed), agent, lobbyist, attorney, vendor, and/or others who do business with the Village – even if such persons are not employed by the Village and/or compensated for their services by the Village (collectively referred to as the “Vendors”).

## **Section 7.3 Workplace Violence**

### **Policy Statement**

The Village of Niles maintains a zero tolerance policy toward workplace violence, bullying or the threat of violence, by any of its employees, residents, customers, or general public, and/or anyone who conducts business with the Village. It is the intent of the Village of Niles to provide a workplace which is free from intimidation, threats, and bullying and/or other violent acts.

### **Definitions**

Workplace violence includes, but is not limited to, harassment, threats, physical attack, bullying or property damage. A threat is the expression of intent to cause physical or mental harm regardless of whether the person communicating the threat has the present ability to carry out the threat and regardless of whether the threat is contingent, conditional, or future. Physical attack is unwanted or hostile physical contact with another person such as hitting, fighting, pushing, shoving, or throwing objects. Property damage is intentional damage to property which includes property owned by the Village, employees or others.

### **Prevention of Workplace Violence**

The Village subscribes to the concept of a safe work environment and supports the prevention of workplace violence. Prevention efforts include, but are not limited to, informing employees of this policy, instructing employees regarding the dangers of workplace violence, communicating the sanctions imposed for violating this policy, and providing a reporting procedure within which to report incidents of violence without fear of reprisal.

### **Reporting Threats - Internal and External**

Each incident or threat of violent behavior, whether the incident is committed by another employee or an external individual such as a customer, vendor or citizen, must be reported to a Department Director (or his/her designee). The Department Director (or his/her designee) will assess and investigate the incident and determine the appropriate action to be taken. In case of emergency, employees should call 9-1-1.

Any employee who reports actual or threatened violent behavior will not be subjected to any form of retaliation or harassment. Retaliation in violation of this policy must be reported to a supervisor or Department Director for investigation and decision regarding proper action.

### **Prohibited Actions and Sanctions**

It is a violation of this policy to engage in any act or threat of workplace violence. In appropriate cases, any person who makes threats, exhibits threatening behavior, or engages in violent acts on Village property shall be removed from the premises as quickly as safety permits, and shall remain off Village premises pending the outcome of an investigation. Any employee who has been determined to be in violation may be subject to disciplinary action up to and including termination of employment and, depending upon the violent act, may be subject to criminal sanctions. Any other person who has been determined to be in violation will be subject to suspension and/or termination of any business relationship, and/or criminal prosecution, if appropriate.

### **Security**

Generally on an annual basis or whenever the physical layout of the work space is significantly altered, the Department Director will examine the escape routes of the work area and communicate any changes to all department employees. On an as needed basis, the Department Director may request a security audit from the Police Department to determine whether any security measures, such as panic alarms, are necessary and effective. All employees should openly communicate with each other to be aware of any unusual activity that may identify the potential for or actual occurrence of a violent incident.

### **Concealed Weapon-IL Firearms Concealed Carry Act**

To ensure that the Village maintains a workplace safe and free of violence for all employees, the Village prohibits the possession or use of perilous weapons on Village property or job sites. Village sworn police officers may possess their work-issued weapons while engaged in official duties. A license to carry weapon concealed firearm does not supersede Village Policy. Any employee in violation of this Policy will be subject to prompt disciplinary action, up to and including termination. All Village officials, employees and consultants are subject to this provision, including contract, temporary employees and visitors on Village property.

All Village property, with the exception of parking lots, are "prohibited areas" under Section 65 of the Illinois Firearms Concealed Carry Act and thus concealed carrying in or on any Village property is not authorized by Illinois law. Accordingly, and in all events, concealed carry is not an exception to this Policy. "Village property" is defined as all Village owned or leased buildings and surrounding areas such as sidewalks, walkways, under the Village's ownership or control. This Policy applies to all Village-owned or leased vehicles

"Dangerous weapons" include, but are not limited to, firearms of all types and sizes whether loaded or unloaded, explosives, knives, electronic devices such as Taser, paint or stun guns and other weapons that might be considered dangerous or that could cause harm. Employees are responsible for making sure that any item possessed by the employee is not prohibited by this Policy.

The Village reserves the right at any time and at its discretion to search all Village-owned or leased vehicles and all vehicles, packages, containers, briefcases, purses, lockers, desks, enclosures and persons entering its property, for the purpose of determining whether any weapon has been brought onto its property or premises in violation of this Policy. Employees who fail or refuse to promptly permit a search under this Policy will be subject to discipline up to and including termination.

This Policy is administered and enforced by the Personnel Department. Anyone with questions or concerns specific to this Policy should contact the Personnel Department.

#### **Section 7.4 Attendance and Punctuality**

Regular and consistent attendance by all employees is critical to the operation of The Village of Niles. Attendance during scheduled work hours is an essential aspect of every position at the Village. Employees are expected to be present and ready to begin work at their work station at the scheduled start of their shift and are expected to diligently perform their work duties through the end of their shift, except during scheduled breaks or lunch periods. An employee who exhibits unsatisfactory attendance or repeated tardiness may be subject to discipline up to and including termination. Employees are expected to call their supervisors at least one (1) hour prior to the start of their shift (or as soon as possible in case of emergency) if they will be absent or late for work, advising the supervisor of the reason for the absence or late arrival, and (in the case of a late arrival) advising when the employee expects to arrive at work. Failure to properly report an absence or late arrival in accordance with this policy may result in disciplinary action up to and including termination.

This Policy does not apply to approved time off under the Village's various leave policies as long as the employee has satisfied his/her obligations under the applicable leave policy, including any applicable call-in guidelines.

#### **Section 7.5 Personal Appearance and Village ID**

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image the Village of Niles presents to customers and visitors.

During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, non-exempt employees normally will not be compensated for the time away from work. Consult your supervisor if you have questions as to what constitutes appropriate attire.

## **Section 7.6 Conduct While in Uniform**

Employees are not to purchase or drink alcoholic beverages or operate video gaming machines while wearing any part of the Village uniform, including the uniform pants, or Village ID, on or off duty.

As a vital part of our security system, the Village will provide all employees with a picture identification badge with their name, position and department to be issued on their first day of employment. The ID badge permits entrance into the building and other secured areas as needed. Employees are required to carry their Village ID at all times, and may not allow others to use their ID badge. Employees are expected to securely maintain their ID badge. If you lose your ID badge, you must report it to the Human Resources Office immediately to seek a replacement.

## **Section 7.7 Return of Property**

Employees are responsible for all property, materials, or written information issued to them by the Village for the performance of their work. This includes but is not limited to Village-issued uniforms, keys, and identification cards.

All Village of Niles property must be returned by employees on or before their last day of work. The Village may take all action deemed appropriate to recover or protect its property or recoup the cost of any items that are not returned when required.

## **Section 7.8 Employment Termination**

The Village reserves the right to terminate employees whenever it is determined that termination is in the best interests of the Village. Unless provided otherwise in a written collective bargaining agreement between the Village and the covered employee, all employees are employed without a specific term or duration and both the Village and the employee may end their relationship at any time and for any reason. Below are examples of some of the most common circumstances under which employment is terminated (the list is not all inclusive and this Policy does not alter our "At-Will" Policy for employees who are not covered by a CBA or civil service laws that addresses these issues):

**RESIGNATION** – employment termination initiated by an employee who chooses to leave the Village voluntarily. Unauthorized absence from work for a period of three working days may be considered by the Department Director as a resignation. (In this context, unauthorized absence is defined as failure to timely notify the Village of their absence.) We ask that employees notify management at least two (2) work weeks in advance of the effective resignation date.

**DISCHARGE** – employment termination initiated by the Village. Discharge or other disciplinary action involving members of the Police and Fire Department are conducted in accordance with the applicable state laws.

**LAYOFF** – involuntary employment termination initiated by the Village generally for non-disciplinary reasons to include elimination of position.

**RETIREMENT** – voluntary retirement from active employment status initiated by the employee. The Village of Niles may schedule exit interviews at the time of employment separation in appropriate cases. The exit interview will afford an opportunity to discuss such issues as benefits continuation privileges, repayment of outstanding debts to the Village, or return of Village-owned property. Suggestions, complaints, and questions can also be voiced.

Employee benefits will be affected by employment termination in the following manner. All benefits that are due and payable at termination will be paid in accordance with applicable state law. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

### **Section 7.9 Re-Employment**

An employee who resigns while in good standing and who subsequently applies for re-employment may be eligible for re-employment at a future time provided an opening is available and the employee has the present qualifications to perform the available work.

If any employee is re-employed, the individual will start as a new employee insofar as continuous service, sick leave, vacation, service awards and longevity pay, unless the approved re-employment occurs within 30 days of their previous resignation and provided the employee was not the subject of a pending investigation for possible discipline at the time of the resignation.

### **Section 7.10 Security Inspections**

The Village of Niles wishes to maintain a work environment that is free of illegal drugs, alcohol, explosives, or other improper materials. To this end, the Village prohibits the possession, transfer, sale, or use of such materials on its premises. The Village requires the cooperation of all employees in administering this policy. Therefore, no employee should expect privacy with respect to any items or bags brought in a Village office or work area as there may be a need to conduct an inspection for safety, security purposes or other business reasons.

Desks, lockers, other storage devices and offices are provided for the convenience of employees and may be inspected by the Village, (but only as provided by law), and remain the sole property of the Village of Niles. Keys shall be maintained by the individual assigned and by their Department Director.

### **Section 7.11 Solicitation**

In order to alleviate disruption of Village services during working hours, it is prohibited for employees to solicit (electronically or in-person) other employees for donations, charity, the sale of products or services, or any other purpose during working hours. Employees are also prohibited (electronically or in-person) from soliciting other employees for donations for a charity, or for the sale of product or services in in work areas or areas where it could

disturb other employees who are working. Employees are never permitted to sell personal items or services on Village property. Employees are permitted to solicit donations for charity and not for profit organizations during break and/or lunch periods. During working time, you may not distribute or circulate literature or printed materials, and you may not distribute or circulate literature or printed materials in work areas at any time, whether during working or non-working time. "Working time" refers to that portion of any workday during which an employee is supposed to be performing any actual job duties. It does not include meal or break periods. Activities that are sponsored or endorsed by the Village (such as participation in workplace charitable campaigns) are not subject to this policy.

Solicitation for donations, charities, the sale of products or services and/or the distribution of literature by non-employees on Village property is strictly prohibited, except vendors invited or authorized by the Village whose products or services directly relate to Village operations (for example, a department may invite a sales representative to give a presentation on products or services related to the department's operations).

### **Section 7.12 Grievance Procedure**

It is the policy of the Village of Niles to encourage employees to discuss with their supervisor or Department Director any problems they may have so that the grievance may be cleared up. If an employee who is not covered by a collective bargaining agreement has a complaint or grievance concerning classification, working conditions, salary or other matters relating to their job, they should act in accordance with the following procedure below. At-will employees do not have the right to grieve a termination decision.

#### **Step 1**

- a. The employee should first discuss the problem with their immediate supervisor within five (5) working days after the act or omission causing the grievance.
- b. The supervisor, after consultation with their immediate superior, will reach a decision and communicate it orally and in written form to the employee generally within five (5) working days of being told of the situation causing the grievance. Every possible effort should be made to settle grievances at this level. Additional time may be required to properly investigate and respond to the grievance.

#### **Step 2**

- a. If the grievance is not resolved at the first step, the employee may appeal to the Department Director. The appeal must be presented in writing within five (5) working days after receipt of the supervisor's response. The written grievance/appeal must summarize the facts relied upon to support the grievance and the action requested by the employee to resolve the grievance.
- b. The Department Director shall discuss the grievance with the employee generally within five (5) working days after the receipt of the appeal and answer the grievance in writing within three (3) working days after the discussion. Additional time may be required to properly investigate and respond to the grievance.

#### **Step 3**

- a. If the grievance is not resolved at the second step, the employee may appeal to the

Village Manager and Assistant Village Manager. The appeal must be presented in writing within five (5) working days of receipt of the Department Director's response. The Village Manager and Assistant Village Manager shall meet with the employee within fifteen (15) working days after receipt of the appeal and answer the grievance in writing within three (3) working days after the meeting. Additional time may be required to properly investigate and respond to the grievance.

Matters, for which formal procedures already exist, such as appeals to the Fire and Police Commission, will not be handled through this Grievance Procedure. Additionally, employees who are covered by a collective bargaining agreement are required to submit their grievance in accordance with the Policy stated in the agreement in lieu of this Policy.

The failure of an employee to present or advance a grievance within the time limits bars further processing of the grievance. Exceptions will only be considered on a case-by-case basis if approved by the Village Manager due to extraordinary circumstances.

### **Section 7.13 Employee Assistance Program**

The Village of Niles provides an Employee Assistance Program (EAP) for all Village employees, employee's spouse and dependent children. The purpose of the program is to provide employees and their immediate family members with a method of obtaining professional assistance to help resolve difficult personal problems such as family, marital, emotional, alcoholism, drug abuse, legal or financial difficulties.

The Village of Niles will provide an Employee Assistance Program under an agreement for services with an outside company. There are two guidelines for referral.

1. **Self-Referral** – An employee or family member who desires confidential assistance for a personal problem may at any time contact the Village's EAP provider. The counselor will provide the necessary information or assistance over the telephone or will arrange an appointment for further confidential consultation. All contacts, verbal or written communications or reports will be held in confidence unless the employee or family member requests, through a signed waiver, that the Village be notified. Referrals for in-patient treatment, drug/alcohol counseling, will be given to the employee or family member, if necessary. Those referrals will be considered as outside referrals and the employee will need to make contact with the insurance carrier to determine available benefits in each case.
2. **Supervisory Referral** – An employee's supervisor or Department Director may require the employee to report to the Employee Assistance Program for initial counseling or evaluation when it is job-related and consistent with business necessity. This option might be applicable when the supervisor has objective evidence that the employee's work performance has been adversely affected by personal problems or drug or alcohol abuse. These issues are addressed on a case-by-case basis with consideration of job related factors and business needs. Referral to the EAP does not excuse unacceptable conduct or performance, and it does not preclude disciplinary action based on that unacceptable conduct or performance.

In supervisory referral cases, reports from the service provider on the progress of such participant shall, at the Village's request, be made available to the Village Manager and the supervisor, as appropriate only if those individuals have a business need to have access to that information. The employee will be asked to sign a release for the Village to obtain access to necessary information for purposes of determining benefit eligibility, reasonable accommodations, etc. Please understand that an after the fact request for assistance from the EAP will not excuse a policy violation and/or other misconduct of the employee involved.

3. Like any benefit program, this Policy is subject to revision from time to time as deemed appropriate by the Village and/or to comply with changes in the law or revisions to a collective bargaining agreement. You are encouraged to speak with the Human Resources Department if you have questions about the scope of the Village's current EAP Program and any applicability guidelines that govern this benefit.

### **Section 7.14 Drug and Alcohol Policy**

The Village of Niles has a long-standing commitment to provide a safe and productive work environment. Alcohol and drug abuse pose a threat to the health and safety of employees and to the security of our equipment and facilities. For these reasons, the Village of Niles is committed to the elimination of drug and/or alcohol use and abuse in the workplace and on working time.

1. Definitions: For purposes of this Policy, the following definitions will apply:

- a. "Working Time" refers to time the employee is scheduled to be working, including break periods and periods when the employee has received prior notice (24 hours or more) that he/she is on call or on standby status.
- b. "Workplace" refers to all Village owned or leased buildings or other properties (used for business purposes), any Village owned vehicle and an employee's personal vehicle while engaged in Village business or while on Working Time.
- c. "Working Areas" refers including, but not limited to, work desks/stations, Village lockers assigned to employees and Village vehicles.
- d. "Safety Sensitive Position" refers to (a) all positions that require an employee to carry a valid CDL license for their performance of their job duties, (b) all positions that involve the performance of work activities that are governed by the Department of Transportation regulations (49 CFR 382), (c) all employees in sworn positions with the Village's Police Department, (d) all Firefighter and/or Paramedics employed by the Village's Fire Department, (e) all PACE drivers who perform services for the Village, and (f) employees whose job functions are fraught with such risks where even a momentary lapse in attention could cause injury to the employee (or others as determined on a case by case basis). Note: If an employee has any question as to whether their job position is Safety Sensitive, the employee should contact the Human Resources Department.

2. Employees are prohibited from consuming, using or possessing alcohol, cannabis or illegal drugs during Working Time and in the Workplace. In addition, employees are prohibited from using, selling, purchasing, delivering any illegal drug on Working Time or when off duty.
3. No employee may be under the influence of or impaired by alcohol, cannabis or illegal drugs while on Working Time. Any information about a possible violation of this Section should be immediately reported to Human Resources for investigation (and without fear of retaliation).
4. All Working Areas are subject to inspection to ensure compliance with the terms of this Policy.
5. The lawful use of prescribed drugs or over-the-counter drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner (either with or without a reasonable accommodation if disabled). Significantly, all employees who hold Safety Sensitive Position(s) who are using medication that may impair their ability to safely perform their job functions must inform their supervisor of such use before working (to determine if some accommodation may be necessary or any violation of this Policy, etc).
6. Law enforcement officers and firefighters are prohibited from consuming, possessing, purchasing or delivering cannabis or cannabis-infused absences while on or off duty.
7. An employee with a drug and/or alcohol use or abuse problem is urged to request approval to take a leave of absence to participate in a rehabilitation or treatment program. Eligible employees also may apply for time off under the FMLA for this purpose for up to twelve (12) work weeks; extensions will be considered on a case-by-case basis for individuals with a disability. An after the fact request for assistance or a leave of absence will not excuse a policy violation.
8. The Village of Niles will comply with all Federal, State, and local laws and regulations concerning any violations of criminal drug and alcohol use policies in the workplace. The Village of Niles also will comply with the applicable requirements of the Drug-Free Workplace Act of 1988, the Americans with Disabilities Act and its amendments, and the Family and Medical Leave Act.
9. Any questions concerning this policy or its administration should be directed to the Human Resources Department.
10. The Village will not penalize an employee or applicant solely for his/her status as a registered qualifying patient or registered designated caregiver under the Compassionate Use of Medical Cannabis Program Act, unless failing to do so would put the Village in violation of federal law or unless failing to do so would cause it to lose a monetary or licensing-related benefit under federal law or rules.

## **Drug and Alcohol Testing Policies and Procedures**

The Village of Niles is committed to providing a safe, efficient, and productive work environment for all employees. In keeping with this commitment, the Village will authorize drug or alcohol testing, which may include any or all of the following tests: breathalyzer, blood and/or urine for the presence of drugs and/or alcohol. For purposes of this Section, "drugs" for testing purposes include the following substances: cannabis, cocaine metabolite, phencyclidine, acetylmorphine, codeine, morphine, hydrocodone, hydromorphone, methylenedioxymethamphetamine (MDMA), oxycodone, amphetamines, methamphetamines, URN creatinine, tetrahydrocannabinol and Adulta-pH.

When Alcohol And Drug Tests Will Occur:

1. **Post-offer/pre-employment for safety-sensitive positions:** As a pre-qualification to assuming any Safety Sensitive Position (including jobs covered by DOT testing, law enforcement positions and firefighters). This occurs in connection with the pre-placement job related medical examination. These decisions are made based on the nature of the duties to be performed as determined at the time of hire.
2. **Good Faith Belief Testing:** The Village reserves the right to consider any employee suspected of being impaired by or under the influence of alcohol or drugs during working time to be in violation of this Policy. This determination will be based on when the employee manifests specific, articulable symptoms while working of decreased or lessened performance of the duties or tasks of the employee's job position, including symptoms of the employee's speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, or negligence or carelessness in operating equipment or machinery; or the disregard for the safety of the employee or others. Under such circumstances, the employee will be provided a reasonable opportunity to contest the basis of the Village's determination that an employee is impaired or under the influence of cannabis, but any final decision will be made by the Village.
3. **Post-Accident:** Employees who are involved in an accident while on Working Time, whether on or off the Village premises may be tested if the accident results in property damage or in an injury where it is reasonable to believe that the injury was caused by because the employee was impaired or under the influence of alcohol or drugs.
4. **Random:** Employees who are required to have a Commercial Driver's License (CDL) issued by the federal Department of Transportation and those employees serving in Safety Sensitive Positions will be subject to random drug and alcohol testing.
5. **Return to Duty and Follow-up:** An employee who is returning from an extended leave may be required to undergo a drug and/or alcohol test prior to returning to work if required by applicable DOT testing requirements. In addition, those employees who are returning to work after a leave of absence taken to seek alcohol or drug treatment may be required to take follow-up tests.

An employee's refusal to submit to a drug and/or alcohol test may result in disciplinary action, up to and including immediate discharge. Refusal includes refusing to report immediately to the testing location upon request, refusal to sign the drug testing facility's consent form, refusal to

provide specimens unless medically incapable of doing so due to a disability that cannot be reasonably accommodated, and/or attempts to falsify or interfere with the testing process, including failure to comply with instructions or attempting to substitute, dilute, or otherwise change specimens to be tested.

An employee's consent to testing under this Policy will not act as a waiver of disciplinary action, up to and including discharge.

While the Village awaits the results of a drug and/or alcohol test, the employee may be suspended without pay. In this situation, if the results of the test are negative, the employee will be reimbursed for regular working time lost due to taking the test(s).

If an initial test is positive, a second test will be conducted from the sample, or a second sample may be required. A confirmed positive drug and/or alcohol test may result in disciplinary action up to and including immediate discharge. The employee may also submit a written request for a confirmatory retest of the original sample at his or her own expense at an appropriately certified laboratory. Such written request must be received by the Village within five (5) working days of the date of the original test result notice. Any such retest would be in addition to the Village's confirmation test described above.

If an initial test is negative, but indicates the urine was diluted, the Village will require immediate retesting only if required pursuant to the DOT regulation testing requirements. In other cases, evidence of dilution or tampering with a test sample will be grounds for immediate termination.

An employee may be disciplined (up to and including discharge) for violation of the Village's Drug and Alcohol Policy, in the absence of a test, based on other evidence, including but not limited to observed conduct and symptoms. As noted, an employee will be provided an opportunity to contest the Village's determination that the employee violated the Drug and Alcohol Policy when the employee is suspected of being under the influence or impairment of cannabis based on observed conduct and symptoms.

Employees who are convicted for off-the-job drug-related activity may be considered to be in violation of this Policy. Employees shall notify the Village of any criminal drug statute conviction no later than five (5) days after such conviction. In deciding what action to take, the Village will conduct an individualized assessment of the situation and consider the nature of the charges, the nature of the employee's present job assignment, the employee's record with the Village, the impact of the employee's conviction on the Village and any other factor the Village may deem relevant. The Village will only take employment actions related to convictions which are job related and consistent with business necessity.

Alternatively, and in keeping with the Village's desire to encourage treatment and rehabilitation where possible, the Village may require a convicted employee to successfully complete an approved drug rehabilitation program in lieu of other disciplinary action.

Employees with substance abuse problems are encouraged to contact the Village's Employee Assistant Program for possible referral for treatment. The Village will not discipline an employee who voluntarily seeks treatment for a substance abuse problem if the employee is not in

violation of the Village's Drug and Alcohol Policy or other rules of conduct. The cost of such treatment is at the employee's expense (subject to possible coverage, if any, by group health insurance). Seeking such assistance will not be a defense for violating the Village's Drug and Alcohol Policy, nor will it excuse or limit the employee's obligation to meet the Village's policies, rules of conduct, and standards, including but not limited to those regarding attendance, job performance, and safe and sober behavior on the job.

**Off-Duty Alcohol and/or Drug Loss of Driving Privileges or Driver's License Suspension**

While the Village does not regulate the lawful activities of employees while they are not at work or on call, certain off-duty activities may have an impact on the ability of the employee to safely and legally perform his or her essential job functions. It is the intent of this policy to strike a fair balance between the rights of employees to conduct their personal lives while using lawful products off duty and still provide the public and their co-workers with protection from unsafe or illegal activities. In the event an employee's driver's license is suspended or revoked for any reason, he or she is required to provide notice to his or her immediate supervisor prior to the use of any Village vehicle or driving any vehicle in the scope of employment. Failure to notify his or her immediate supervisor of a change of license or insurance status 24 hours or prior to commencing driving, whichever is sooner, will result in disciplinary action, up to and including termination of employment no matter when discovered. An employee who loses driving privileges and is required to drive as part of the employee's job position maybe reassigned to an alternative position if such position exists. It will be in the Village's sole discretion as to whether an employee will be reassigned.

If an employee is required to have a certification issued by a third-party as part of the employee's job, the employee is responsible for notifying the Human Resources Department if the certification lapses, has been revoked, has been sanctioned or otherwise encumbered. Failure to disclose a change in status to a required certification may lead to discipline.

The employment of those who are covered by any applicable collective bargaining agreement (CBA) and any subsequent CBAs signed by the Village, shall be governed by the provisions of those CBAs to the extent that any of the terms of this Policy conflict with the CBAs.