



# **PERSONNEL MANUAL FOR THE VILLAGE OF ALGONQUIN**

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## **WELCOME TO YOUR EMPLOYMENT WITH THE VILLAGE OF ALGONQUIN**

Congratulations on your selection as an employee with the Village of Algonquin. While there are many things which make the Village of Algonquin a good place to live and work; the warm, friendly, and neighborly people who live here are one of its greatest assets.

This Manual is your reference guide on Village employment policies and benefits. Familiarity with this material will be to your advantage and is also your responsibility. Many of the questions, which may come up during your employment, are answered here. Your supervisor will also be able to answer other questions which are not addressed in this document. If any policy is still unclear and you would like further explanation, please contact the Human Resources Director or the Village Manager's Office.

From time to time you will receive updated pages reflecting the changes made to policies, procedures, or benefits. Please keep your Manual current by inserting the new pages and destroying the outdated pages.

Always keep in mind that the citizens of Algonquin are your ultimate employer. As local public officials and employees, we are the primary service organization for the Village's residents. Customer service must be our first priority and every citizen is our best customer. Each public contact is an opportunity for excellent performance -- whether it is handling a complaint, a request for service, or an occasional thank you. Our primary goal is always to provide the citizens of the Village with quality service in a prompt, fair, and courteous manner. I hope that you will enjoy working with us toward accomplishing this goal.

Sincerely,

William J. Ganek  
Village Manager

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**ARTICLE 1**  
**GENERAL PROVISIONS**

**Section 1.1. Application and Scope**

This document shall be known as the Village of Algonquin Personnel Policy Manual. This Manual is designed to assist employees in performing their duties and responsibilities. This Manual does not, and is not intended to, cover every aspect of Village operations. The purpose is to enable employees to gain a better understanding of their role as a member of the Village staff and to provide general guidelines and procedures in relation to their employment.

This manual applies to all Village employees. This Manual also applies to sworn police officers. However, it is recognized that all sworn employees of the Police Department with the exception of the Police Chief are under the jurisdiction of the Police Commission. Therefore, where any provision herein conflicts with Police Commission Rules and Regulations, the Police Commission Rules and Regulations shall control to the extent of that specific conflict only.

**Section 1.2. Precedence of Collective Bargaining Agreement**

Where any provision in this Manual conflicts with a valid collective bargaining agreement between the Village and a recognized bargaining unit, the collective bargaining agreement shall take precedence over this Manual to the extent of that specific conflict only.

**Section 1.3. At-Will Employment**

**EXCEPT FOR EMPLOYEES UNDER THE JURISDICTION OF POLICE COMMISSION RULES AND REGULATIONS, EMPLOYEES OF THE VILLAGE ARE "AT WILL" EMPLOYEES. IN THE STATE OF ILLINOIS, IT IS PRESUMED BY CASE LAW THAT ALL EMPLOYEES ARE "AT WILL". "AT WILL EMPLOYMENT" MEANS THAT AN EMPLOYEE MAY TERMINATE HIS OR HER EMPLOYMENT AT ANY TIME, WITH OR WITHOUT CAUSE, AND WITH OR WITHOUT NOTICE. THE VILLAGE MAY ALSO TERMINATE THE EMPLOYMENT AND COMPENSATION OF ANY EMPLOYEE AT ANY TIME, WITH OR WITHOUT CAUSE, AND WITH OR WITHOUT NOTICE. NO SECTION OF THIS MANUAL SHALL BE INTERPRETED AS GIVING UP THIS RIGHT BY THE VILLAGE OR ANY EMPLOYEE.**

**THIS MANUAL IS NOT INTENDED TO, DOES NOT CREATE, AND SHALL NOT BE CONSTRUED AS CREATING, ANY CONTRACT OR OFFER OF EMPLOYMENT WITH THE VILLAGE, EXPRESS OR IMPLIED. FURTHERMORE, NO POLICY, BENEFIT, OR PROCEDURE SET FORTH IN THIS MANUAL IMPLIES OR MAY BE CONSTRUED TO IMPLY THAT IT OR ANY PORTION THEREOF IS AN EMPLOYMENT CONTRACT. NO PROPERTY OR TENURE RIGHTS IN EMPLOYMENT SHALL BE CREATED, OR DEEMED TO BE CREATED, BY THIS MANUAL. THE TEXT OF THIS MANUAL IS INTENDED ONLY TO DESCRIBE THE POLICIES AND PROCEDURES OF THE VILLAGE. NO CONTRACT OF EMPLOYMENT EXISTS BETWEEN THE VILLAGE AND ANY EMPLOYEE UNLESS THERE IS A SEPARATE WRITTEN AGREEMENT SIGNED BY BOTH THE EMPLOYEE AND THE VILLAGE PRESIDENT OR THE VILLAGE MANAGER. THIS MANUAL SHALL GOVERN ALL PERSONNEL ISSUES THAT ARE NOT OTHERWISE ADDRESSED BY THE TERMS OF ANY SUCH AGREEMENT.**

**UPON FORMAL ADOPTION BY THE VILLAGE, THIS MANUAL SUPERSEDES ALL OTHER PREVIOUS PERSONNEL RULES, REGULATIONS, POLICIES, AND PROCEDURES, WRITTEN OR ORAL. THE VILLAGE OF ALGONQUIN, AT ITS SOLE DISCRETION,**

**RESERVES THE RIGHT TO AMEND AT ANY TIME, WITH OR WITHOUT ADVANCE NOTICE, ANY TERM OR PROVISION OF THIS MANUAL.**

**IN THE EVENT ANY PROVISIONS OF THIS MANUAL CONFLICT WITH THE LAWS OF THE STATE OF ILLINOIS OR THE UNITED STATES GOVERNMENT, THE APPLICABLE STATE OR FEDERAL PROVISION SHALL TAKE PRECEDENCE.**

**THE TERM "MANUAL" SHALL MEAN THIS MANUAL AND ALL OF ITS APPENDICES COLLECTIVELY.**

**Section 1.4. Gender and Singular/Plural**

Whenever the male pronoun is used in this Manual, it is intended to refer to all employees, male or female. Words used in the singular also apply to the plural, and vice versa.

**Section 1.5. Employment Definition**

**Full-Time Employee:** An employee who is normally scheduled to work forty (40) or more hours per week and who is not a temporary, seasonal or part-time employee.

**Regular Part-Time Employee:** An employee who is employed in a position which normally requires the performance of duty for less than one thousand (1,000) hours per year. An employee who is hired for a specific position with no specific date upon which employment ends.

**Temporary Employee:** An employee who is hired for a specific position not to exceed a four (4) month period. A temporary employee may be employed on either a full-time or part-time basis, The Human Resources Director can re-appoint the employee for up to two (2) four (4) month periods.

**Seasonal Employee:** An employee who is hired for a specific job and/or for a specified period of time not to exceed 1000 hours in a calendar year.

**Hourly Employee:** An employee who is paid by the hour. An hourly employee is generally paid overtime for hours worked in excess of forty (40) hours per workweek. Such an employee receives a "wage".

**Salaried Employee:** An employee who is paid a set rate for the pay period. Such an employee receives a "salary".

**Exempt Employee:** An employee who is not entitled to overtime compensation for hours worked in excess of forty (40) hours in any given work week.

**Non-Exempt Employee:** An employee who is entitled to compensation at the rate of one and one half (1.5) times his regular hourly pay for all hours worked in excess of forty (40) hours in any given work week (except as provided otherwise in this Manual).

**ARTICLE 2**  
**EMPLOYEE CLASSIFICATION AND COMPENSATION**

**Section 2.1. Development of the Classification Plan**

The Human Resources Director shall prepare a job classification plan containing an inventory of all jobs within the various classifications existing in the Village, and develop position descriptions, titles, grades, and salary ranges for all positions.

**Section 2.2. Composition of the Classification Plan**

The job classification plan shall consist of:

- A. A grouping of similar positions into classes of substantially similar complexity and responsibility that require the same general qualifications, offer substantially similar working conditions, and are compensated equitably within the same pay range.
- B. Position titles that identify each class of jobs.
- C. Position descriptions for all positions in the Village. Position descriptions will contain a summary description of the position and examples of essential duties performed by incumbents; identify the requirements of the position; and list the knowledge, skills, and abilities an employee who is expected to succeed in the position should have.
- D. Availability of Position Descriptions. The Human Resources Director will develop and maintain copies of each position description. Department Heads have copies of position descriptions of the positions that exist in their departments. Each employee can obtain a copy of his/her position description from the Department Head. The Village reserves the right to amend position descriptions at any time on an as-needed basis, after which employees will have an opportunity to review any changes made to their position description.

**Section 2.3. Compensation**

*2.3.1. Policy*

The Village's merit compensation program shall consist of the salary or wage paid, plus all benefits granted, to an employee.

*2.3.2. Salary and Wage Ranges*

As part of the Village's merit compensation program, the Human Resources Director shall establish salary and wage ranges for all positions based on knowledge, skills, and abilities required for each position. Salary and wage ranges may be adjusted from time to time based on compensation surveys, labor market conditions, cost of living conditions, or other relevant factors.

*2.3.3. Compensation*

Employees of the Village receive a salary or wage commensurate with the relevant labor market value of their position, their experience, skills, and qualifications, and their individual performance. The compensation plan is a performance-based system, which allows salary or wage adjustments to be made in regard to individual performance on the job. Employees may be eligible for salary or wage adjustments according to merit based on the results of the



employee's performance appraisal. Salary or wage adjustments coincide with the employee evaluations. The Village Manager may make salary or wage adjustments within a given fiscal year based upon such factors as, but not limited to; grade changes, promotions, reclassification of positions, or job performance, consistent with the staffing levels authorized and funds available within the approved Village budget. There is no pay pyramiding; that is, the appropriate compensation shall not be made more than once for the same hours worked under any provision of this Manual.

Employees covered by valid collective bargaining agreements may be eligible for salary or wage increases pursuant to the terms of such agreements. Such employees will still receive performance appraisals. For further details on performance appraisals, see Section 4.3.

2.3.4. *Benefits*

Employee benefits are established and amended from time to time, when necessary. For further details on benefits, see Article 3.

2.3.5. *Overtime*

A. Non-exempt Employees: All non-exempt employees are eligible for overtime compensation as provided herein, except for sworn police officers, who will be paid overtime compensation pursuant to § 553.230 of Title 29 of the Code of Federal Regulations, or pursuant to the terms of a valid collective bargaining agreement, whichever is applicable. This clause does not apply to the Police Chief and Deputy Chiefs, who is a sworn officer, but is an exempt employee. Unless otherwise provided for in a valid collective bargaining agreement with a recognized bargaining unit, employees are compensated at time and one-half of their regular hourly or base pay rate for all hours worked in excess of forty (40) in any given work week. These employees are subject to the provisions of the Fair Labor Standards Act.

In determining overtime compensation, the hours worked shall be considered as only the hours an employee is on Village duty performing Village work, as well as hours of the work week used for vacation, holiday, personal day, jury/witness duty, bereavement leave, and verified sick leave. The following types of leave do not qualify for and are not included in the calculation of overtime compensation: leave of absence, absence without authorization, or workers' compensation (except workers' compensation situations where employees are receiving medical attention on Village premises, or at the direction of the Village, during normal working hours). An exception to this applies to employees subject to unscheduled callouts, who shall be paid a minimum of two (2) hours of overtime pay for each callout.

B. Exempt Employees: Exempt employees are those employees who are assigned to executive, administrative, or professional positions within the meaning of the Fair Labor Standards Act. They are exempt from the provisions of the Fair Labor Standards Act and therefore are not entitled to overtime compensation for hours worked over forty (40) in any given workweek. The classification of positions, which are exempt or non-exempt, is available in position descriptions or in the Fair Labor Standards Act.

- C. **Work Week:** For payroll purposes in determining overtime, the standard work week of Village employees shall be from 12:00 a.m. Monday to 11:59 p.m. the following Sunday.
- D. **Overtime Scheduling:** Overtime scheduling in all Village departments must be approved by the employee's supervisor. Scheduled overtime must be approved in writing prior to the scheduling of such overtime. Unscheduled overtime must be approved by the employee's supervisor. Exceptions can be made by the Village Manager and/or the Department Head of any affected department to account for emergency service. Emergency service is defined as severe weather conditions, utility system breakdowns, or situations requiring unusual public safety measures. Overtime worked under the emergency service provision must be reported to the Village Manager no later than two (2) business days following the overtime. No employee will be paid overtime compensation for attending school, training sessions, seminars, or department meetings unless attendance is required by the Village and such attendance cannot be scheduled during work hours. See also Section 3.17.

2.3.6. *Compensatory Time*

Regular full-time non-exempt employees may elect compensatory time off in lieu of overtime compensation. The election of compensatory time off in lieu of overtime compensation must be agreed to between the employee and his supervisor prior to the working being performed; otherwise overtime compensation shall be made.

Compensatory time, if elected and approved by the employee's supervisor and the applicable Department Head, will be granted at a rate of one and one-half hours of compensatory time off for every hour of overtime worked.

An employee who is entitled to time and one-half pay under this Agreement may elect compensatory time at time and one-half rate, in lieu of pay, to a maximum of forty (40) hours, by giving advance notice to the Village. No more than forty (40) hours of compensatory time can be accumulated at any one time. All compensatory time in excess of forty (40) hours will be paid in the next pay period at the rate of straight time. Compensatory time shall be taken in not less than 1 hour increments and must have the prior approval of the direct supervisor, which shall not be unreasonably denied.

2.3.7. *Payroll*

- A. **Pay Period:** The payroll period is semi-monthly. Checks are distributed by the Finance Director or Administration Department on the 15th and the last day of the month. There are twenty-four pay periods in a calendar year. For payroll purposes, the employee is paid on the 15th and the last day of the month based on a previous designation or assumption of the number of work days and hours accumulated by the employee, as reported on time sheets in accordance with administrative procedures for payroll reporting issued by the Finance Director. If a payday falls on a holiday, Saturday or Sunday, checks will be distributed on the preceding workday.

- B. Final Paycheck: When leaving the Village's employment, all employees will be paid any salary or wages which have been earned, all vacation hours earned or accrued but not used, and all personal day hours earned or accrued but not used. Payment will be made by check at the regularly scheduled pay period. Sick leave cash-out payments will be made in accordance with Section 3.5.6.

### **ARTICLE 3** **EMPLOYEE BENEFITS**

#### **Section 3.1. Eligibility Policy**

Regular full-time employees normally scheduled to work forty (40) or more hours per week are eligible for full benefits as described herein, unless specific exclusions are stated. Regular Part-time employees are eligible for partial benefits, as described herein. Temporary and seasonal employees are not eligible for benefits, except as specifically provided for herein.

Each benefit category in this Article describes more specific eligibility requirements. New employees do not receive certain benefits until they have worked for the applicable amount of time. There is no benefit pyramiding; that is, the appropriate benefit shall not be used more than once for the same period of time under any provision of this Manual.

#### **Section 3.2. Vacation Policy**

All regular full-time employees of the Village earn vacation hours which are determined by length of service according to the following parameters: a lump-sum vacation benefit is earned at the completion of one (1) full continuous year of service according to the table in Subsection 3.2.1., and thereafter vacation hours are earned at the end of each month of full service, based on the employee's hire date. Part-time, temporary, and seasonal employees are not eligible for paid vacation. No vacation can be taken during the first year of employment. Other than during the first year of employment, one-twelfth of the vacation benefit for a given year is earned each month. Beginning with and during the second year of employment, the vacation hours earned by an employee for having completed the first year of service are available for use, as well as the vacation hours as they are earned monthly during the second year. Subsequent years of service follow the same pattern as shown in the table in Subsection 3.2.1. For example: An employee hired on 1/6/07 will receive 6 days (48 hours) of vacation on 1/6/08. He/she then begins to accrue 7.33 hours of vacation each month (totaling 11 days by 1/6/09) to be used by 1/6/10. The vacation that he/she earns between 1/6/09 and 1/6/10 should be used by 1/6/11.

Vacation time that has been earned and/or accrued may be taken during the anniversary year in which it is available. The term "anniversary year" means the period of twelve (12) months following each annual anniversary of the employee's hire date. The Village recognizes that in some instances employees may not be able to use all of their available vacation during their anniversary year. The Village Manager may therefore authorize an employee to carry over vacation time from one anniversary year to the next, which shall be limited to a maximum of five (5) days, and which must be used within the next anniversary year. No carry-over vacation may be accumulated to a subsequent year. An employee must submit a written request for carry-over, no later than thirty (30) days prior to his anniversary date, explaining the special conditions that should be considered as to why the carry-over should be granted.

Failure to use earned vacation time as permitted herein will result in forfeiture of that vacation time and pay. No paid vacation time may be taken in excess of or in advance of earned vacation time without advance written approval of the Village Manager. Vacation time is not earned and does not accrue while an employee is on a leave without pay. If a payday falls during an employee's scheduled vacation, he may not receive his paycheck in advance. Vacation benefits are designed for employees to have occasional rest and recreation away from the workplace. Therefore employees should take their vacations, and pay in lieu of vacation shall not be permitted (except when an employee is leaving the employ of the Village and has or will have unused earned vacation time by the time of their final day of work), unless evidence of extenuating circumstances is presented to the satisfaction of the Department Head and the Village Manager.

3.2.1. *Vacation Availability Table*

Vacation time available to be used, consistent with the policy stated in Section 3.2 as to how it is earned, shall be as follows:

<u>YEARS OF SERVICE</u>	<u>VACATION AVAILABLE PER YEAR</u>
Less than 1 year	None
After 1 year	6 days
At 2 years, but less than 5 years	11 days
At 5 years, but less than 11 years	17 days
At 11 years, but less than 18 years	22 days
After 18 years but less than 24 years	26 days

After 24 years one additional day of vacation will be accumulated every year until the thirtieth year of employment.

The term "year" used in this table means "anniversary year" as defined in Section 3.2. All uses of the word "year" means completed years

3.2.2. *Accumulated Vacation at Separation*

Earned vacation time that has been accumulated but not used shall be paid at the time a departing employee leaves the employ of the Village. Payment for current year vacation will be pro-rated based on the number of full months worked in the anniversary year.

3.2.3. *Vacation Scheduling*

Vacation time should be scheduled and taken with the approval of the employee's supervisor. In approving vacation schedules, supervisors consider employee preference and Village needs. Individual employee convenience will be honored to the greatest extent possible, but the Village may dictate actual dates based upon overall departmental and Village needs. A supervisor's decision regarding scheduling is appealable to the Department Head and thereafter to the Village Manager, whose decision is final. Vacations will be scheduled on a "first-come, first-serve" basis; however, employees with the greater seniority may be given additional consideration in selecting vacation schedules if there is a conflict.

Employees must submit vacation requests of more than two (2) days to their Department Heads no later than fifteen (15) days prior to the requested vacation. Vacation requests of two (2) or less days require a 48-hour advance notice. Department Heads and other exempt executive employees must submit their

vacation requests to the Village Manager no later than fifteen (15) days prior to the requested vacation.

Vacation time must be taken in blocks of time of no less than one (1) hour.

Should extenuating circumstances prevent employees from taking all of their earned vacation within the one-year time period, employees may request to carry the remaining vacation time over into the next year. The Village is not obligated to grant such requests. If an employee's scheduled vacation is canceled or an employee is recalled from a vacation in progress because his services are required by the Village, the employee will be allowed to carry over those vacation days to the following anniversary year if necessary. Any vacation time carried over to the next anniversary year must be used by the end of that anniversary year, or it shall be forfeited. In the event of a canceled or recalled vacation where carryover has occurred, not more than one year's permitted vacation period shall be taken at one time without the prior written approval of the Village Manager.

### **Section 3.3. Designated Holidays**

The Village provides for nine (9) paid holidays each year. They are:

New Year's Day	Thanksgiving Day
Friday before Easter	Day after Thanksgiving Day
Memorial Day	Christmas Eve
Independence Day	Christmas Day
Labor Day	

Unless otherwise indicated, the Village observes these holidays on the nationally designated date of celebration. If a holiday falls on a Saturday, the holiday is observed the Friday before; if a holiday falls on a Sunday, the holiday is observed the Monday after.

All regular full-time employees shall receive a full day's pay for the holiday. All regular part-time employees shall receive the pay for the number of hours or portion of the day that they would normally have worked. Temporary and seasonal employees are not eligible to receive holiday pay.

To be eligible for holiday pay, employees must work their regularly scheduled hours on the workday immediately preceding the holiday and the workday immediately following the holiday, unless previously approved by the Department Head. However, if a recognized holiday falls during an employee's approved vacation leave, the employee shall be entitled to the holiday pay and will retain a vacation day for use on a subsequent date during that fiscal year only, on a date approved by the employee's supervisor.

A regular full-time employee required to work on a recognized holiday will be paid at the rate of one and one-half times the employee's regular hourly rate for those hours actually worked on the recognized holiday, in addition to the employee's holiday pay.

### **Section 3.4. Personal Days**

Newly hired regular full-time employees will receive one personal day on the completion of their third month, sixth month and ninth month of service to be utilized prior to their one-year anniversary. Thereafter, regular full-time employees who have completed one (1) full year of

employment receive three (3) paid personal days\* to be absent from work. These three days must be used by the end of the fiscal year they are provided in. \*After your first anniversary date, personnel days are awarded at the beginning of every fiscal year (May 1). Part-time and temporary/seasonal employees are not eligible for paid personal days. All employees must use the personal days within the fiscal year they are made available, or the time off is forfeited. Personal days may not be carried over.

Personal days may be used by employees at their discretion, subject, however, to scheduling approval by their supervisor.

Any employee who wishes to take a day off in order to conform with that employee's religious beliefs, in addition to the holidays listed in Section 3.3, may without prejudice, take the day off as a vacation day, a personal day, or as a day without pay, provided that he has given prior notice to his supervisor and Department Head.

Personal days must be taken in blocks of time of no less than fifteen (15) minute intervals.

### **Section 3.5. Sick Leave**

The Village recognizes that employees may on occasion become ill or injured. Accordingly, the Village may grant employees paid sick leave privileges in case they are unable to work because of illness or injury.

#### **3.5.1. Eligibility**

Sick leave is a privilege, not a right. It is extended to regular full-time employees who have completed ninety (90) days of their initial employment. Temporary part-time, temporary and seasonal employees are not eligible for paid sick leave.

#### **3.5.2. Accumulation**

Sick leave may be granted on the basis of eight (8) hours, or one (1) day, for each full month of service, equal to twelve (12) full-time workdays per year. To be credited with a full month of service, the employee must work a minimum of one-half of the employee's regular workdays for that month. Employees may accrue a maximum of 240 days or 1920 hours of sick leave.

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

#### **3.5.3. Use**

Sick leave may be used for personal illness or injury, disability, emergency medical care, dental care, or physician's appointments, which cannot be scheduled during an employee's non-work hours. The term "physician" means any similar licensed medical care provider. Employees should, however, schedule physician's appointments or other appointments for medical care during their non-working hours, when possible. Sick leave may also be used for the medical care of a member of the employee's immediate family when it can be shown that the employee's presence is necessary. For purposes of this section, the term "immediate family" shall mean the employee's spouse, child, stepchild, foster child, legal guardian, parent, step-parent or parent-in-law. Abuse of sick leave privileges when the above conditions are not met may result in disciplinary action, up to and including immediate termination of employment.

Sick leave must be used in no less than fifteen (15) minute intervals.

Sick leave may be used with the approval of the employee's immediate supervisor and Department Head.

**3.5.4. *Reporting of Absence***

Initial notice of illness or injury requiring absence from work must be reported to the employee's immediate supervisor prior to the employee's scheduled work day or shift. An employee whose job requires a substitute for a particular shift must give notice at least two (2) hours in advance of his or her assigned starting time. Three (3) consecutive days' absence from work without notice to the employee's supervisor will be considered voluntary termination of employment by the employee. Failure to provide proper notice may result in disciplinary action, up to and including immediate termination of employment.

For absence due to illness or injury that will have a longer duration than one (1) day, employees should provide reasonable reporting of the status of their condition. The Village may check on the employee's progress towards recuperation from time to time.

**3.5.5. *Physician's Certificate***

The Village may require a physician's or equivalent medical certificate from employees who are absent due to sick leave. Said verification is at the employee's expense and may be requested when an employee has been absent due to sick leave for a period of three (3) or more days; has repeated illnesses of shorter periods; is absent due to illness or injury on the day of, before, or after a holiday; trends and/or abuse of usage, or abuses a combination of sick time and scheduled or unscheduled overtime during the same work week or payroll period. A physician's certificate may be requested if an employee is suspected of taking unauthorized sick leave absences. Failure to provide a proper medical certificate upon request may result in disciplinary action, up to and including immediate termination of employment. In addition, failure to return to work after being released by a physician to do so may result in disciplinary action, up to and including immediate termination of employment.

**3.5.6. *Sick Leave Buy-Back / Cash-Out***

An employee who uses less than four (4) days sick leave in the one (1) year period between January 1<sup>st</sup> and December 31<sup>st</sup> may receive (at the employee's option) payment (at the hourly rate as of December 31<sup>st</sup>, minus employee deductions) for the difference between four (4) days and the amount actually used. Partial days off for sick leave will be rounded up to the nearest day (i.e., if an employee uses 12 hours of sick time, this would count for two days use). The number of hours for which payment is received will be subtracted from the employee's accumulated sick leave. Employees hired after January 1<sup>st</sup> of any year are not eligible for this payment in the year in which they are hired. An employee must work the entire year to receive any payment under this program, excluding usage under the FMLA. In addition, upon separation, the Village may pay to the employee who is voluntarily leaving his employment one half of the employee's accrued but unused sick days in excess of sixty (60) days, up to a maximum of 240 hours of pay. For example, if an employee retires with 86

accrued but unused sick days, the employee will be paid for 13 sick days (i.e. one half of the 26 days that are in excess of the 60 days). At the employee's option, this payment may be made to the employee through the payroll process or applied to one of the Village's deferred compensation programs.

### **Section 3.6. Bereavement Leave (Funeral Leave)**

Regular full-time and regular part-time employees may, in the event of the death of an immediate family member, be granted a paid leave of up to three (3) workdays for bereavement. In the event of the death of an extended family member, employees may utilize their benefit hours as approved by their supervisor. For the purposes of this section, "work day," means the number of hours or portion of a day that the employee would normally have worked. Vacation or personal days may be used if additional time off is needed. For the purpose of this section, immediate family is defined as spouse, child, stepchild, foster child, legal guardian, brother, sister, parent, grandparent, grandchild, mother and father-in-law, step-brother, step-sister, step-parent. Extended family member is defined as, brother and sister-in-law, son and daughter-in-law, or spouse's grandparent, aunt, uncle, niece, nephew, or cousin. The employee's Department Head must approve all requests for leave with pay because of a death in the family and will determine the number of days of leave to be granted to the employee based on the circumstances, including but not limited to any travel distance.

### **Section 3.7. Jury/Witness Duty**

Regular full-time or regular part-time employees shall receive full pay for time not worked while serving on jury duty for the term of the jury service, or testifying as a witness on behalf of the Village, or testifying pursuant to a subpoena regarding matters related to their employment with the Village. To receive full pay, employees shall endorse or turn over to the Village any payment received for such jury or witness duty, such as jury pay vouchers and checks, or other forms of compensation for witness fees. The employee will then receive his regular paycheck at the regular time.

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

Employees serving on jury duty or as a witness on behalf of the Village will continue to accrue vacation, sick leave, and other similar benefits.

No employee shall receive pay for time not worked while testifying as a witness in a case filed by the employee against the Village, its officers or employees, or in a case which is personal and not related to Village operations or the employee's employment with the Village.

### **Section 3.8. Military Leave**

Military leave and re-employment rights will conform to applicable federal and state law.

### **Section 3.9. Disability Leave**

Employees may be eligible for disability leave and benefits under such employee's applicable pension program or the Illinois Workers' Compensation Act. Such eligibility and benefits are set forth in the statutes governing such programs, and are administered by the relevant pension boards or the Human Resources Department.



### **Section 3.10. Family and Medical Leave Act (FMLA)**

It is the policy of the Village of Algonquin to comply with all provisions of the Family and Medical Leave Act (FMLA). For benefit coverage and procedures under this program, please refer to **Appendix A** of this Manual.

### **Section 3.11. Leaves of Absence (Personal Leaves)**

All regular full-time employees may be granted leaves of absence after they have been employed for six (6) full months. For the purpose of this section, "leaves of absence" or "personal leaves" are defined as time taken off from work for personal reasons, such as educational purposes, travel, or other personal circumstances, that are not covered by the provisions of the Family and Medical Leave Act.

Leaves of absence shall be without pay.

Requests for leaves of absence must be presented in writing to the Human Resources Director at least one (1) month in advance of the date the requested leave is to begin in order to be considered. The written request for leave must include the reason for the request, the anticipated length of the leave, and the employee's address and phone number while on leave. Employees may request that the exact nature of the personal reason be kept confidential. Requests will be reviewed and a decision will be made which considers the needs of the employee and of the department and of the Village. Due to varying staffing and operational needs, each request is considered independently. Approval is not guaranteed.

Requests for leaves of absence without pay may be granted for periods of up to one (1) year with the approval of the Department Head, Human Resources Director and the Village Manager. Extensions of a leave of absence already being taken must be requested in writing to the Village Manager no later than sixty (60) days before the current leave will expire, and may not be for a period of time longer than the original leave granted, the combination being subject, however, to the one (1) year limit.

Approval of extensions is not guaranteed.

Any employee granted a leave of absence may keep his or her group life and health insurance, and retirement plans (if applicable) in full force during his or her leave by arranging for payment of the entire premiums/deductions and any additional surcharges permitted by law during the absence. Such arrangements must be made with the Human Resources Director prior to going on leave. Failure to make such arrangements, or failure to make the required payments in a timely manner, will result in cancellation of the benefits. If a benefit is so canceled, the rules and regulations of the carrier or provider will be observed if the employee returns and seeks reinstatement of coverage. No other benefits shall accrue during a leave of absence. However, seniority rights are maintained as of the date the leave began.

Employees considering a leave of absence must be aware that the Village will not guarantee to hold their job open for them during the period of the leave. There is NO assurance of reinstatement to employment in any capacity at the conclusion of the leave. If there is an open position for which the employee is qualified at the conclusion of his or her leave, the employee, along with all other qualified candidates, may be considered for the position. If, at the conclusion of an approved leave of absence, the employee fails to return to work, that employee shall be considered as having abandoned his job and having voluntarily terminated his employment.

## **Section 3.12. Health Insurance (Medical and Dental Insurance)**

### **3.12.1. Health Insurance Plan**

All regular full-time employees may participate in the comprehensive group health insurance plan provided by the Village. Each employee will receive a packet explaining in detail the benefits provided. Part-time and temporary/seasonal employees are not eligible for health insurance coverage.

The current health insurance coverage includes medical, hospitalization, dental, and vision care coverage as more specifically described in the plan documents. Coverage is available for employees and dependents according to eligibility requirements of the carrier.

Health insurance plans are amended from time to time by the carrier. Details of the plans are fully described in the Master Plan Document, which is available in the Human Resources Department.

The Village may fund the costs for health insurance coverage at different rates from time to time. Currently the monthly premium is fully funded by the Village at the single-level rate, and is shared by the Village and by the employee for single-plus-spouse, single-plus-child(ren), and family coverage. Since the current plan provides for separate medical and dental premiums, an employee may select different coverage for medical and for dental care. The employee share of the monthly premium may change from time to time and is determined by actual cost, employee group experience, economic indicators, and other factors. The current rates and cost sharing amounts are published by the Village under separate cover and made available to all employees.

### **3.12.2. Health Insurance Plan Participation**

If desired, new employees must sign up for insurance coverage within 31 days of the date of hire. Any employee must amend their coverage to add dependents, if desired, within 31 days of the occurrence of a qualifying life event for themselves or their dependents in order to avoid a requirement to demonstrate evidence of insurability.

Employees may opt to drop their health insurance coverage with the Village, either the medical portion or the dental portion or both. The Village offers this option in recognition of the needs of its diverse work force by providing flexibility in health care choices available to employees and their families.

Employees may opt out of or drop dependents from the health insurance program at any time during the plan year. After an employee has dropped health insurance coverage for himself or a dependent, the employee may buy back coverage only in the case of a qualifying life event (also called a change in family status) or during the open enrollment period. A qualifying life event is one of the following:

Marriage of the employee;

Divorce or legal separation of the employee;

Birth or adoption of a child by an employee or an employee's spouse;

An employee's spouse involuntarily loses his health insurance coverage (loss of coverage does not include changes in carriers);

A previously ineligible dependent becomes eligible (e.g. a dependent returns to school full-time);

A court order of dissolution or support.

Employees who wish to buy back health insurance coverage will have to meet any evidence of insurability requirements or pre-existing condition clause in effect at the time they opt in to the health insurance plan.

New employees are not required to participate in the health insurance plan and may designate such at the time of hire. For any employee who chooses to cancel or decline the Village of Algonquin's health insurance option, the Village in exchange will give that employee an additional \$50.00 each pay period. As with the initial program, all applicable payroll deductions will apply to this incentive payment. This \$50.00 incentive will continue to be paid each pay period for as long as you choose to decline the Village of Algonquin's health insurance coverage. This incentive program will begin effective July 1, 2000 and will be on going.

### 3.12.3. *Continuation of Health Insurance (COBRA)*

It is the policy of the Village of Algonquin to comply with all provisions of the Consolidated Omnibus Reconciliation Act, enacted by the Federal Government on April 7, 1986. Under COBRA, employees or their dependents covered by a group health insurance plan are entitled to certain rights for an extension of health insurance coverage (called "continuation coverage") at group rates in certain instances where coverage under the plan would otherwise end. For further details, see **Appendix B** of this Manual.

## **Section 3.13. Life Insurance**

Group term life insurance is currently provided for all regular full-time Village employees in an amount that is determined from time to time. The Village may fund the costs of life insurance coverage at different rates from time to time. The monthly premium is currently fully paid by the Village. This coverage ceases upon an employee leaving the employ of the Village and is neither portable nor convertible. Part-time and temporary/seasonal employees are not eligible for life insurance coverage.

The Village also offers optional group term life insurance which employees may purchase through payroll deductions, for which the employee pays the full premium. Such insurance is convertible to whole life insurance when an employee leaves the employ of the Village.

Optional life insurance benefits are also available through participating vendors on a voluntary basis. Additional information on these programs is available from the Human Resources Department.

The terms of the life insurance plans are exclusively controlled by the plan documents issued by the respective carriers.

## **Section 3.14. Pension Programs**

### **3.14.1. Eligibility**

Retirement benefits are provided for all regular full-time employees, except that all employees are covered by Social Security.

### **3.14.2. Social Security and Medicare**

Both the employee and the Village contribute on the employee's behalf for Social Security and Medicare benefits. Social Security benefit estimates may be obtained by contacting the Social Security Administration. Forms for verification of earnings records may also be obtained from the Social Security Administration.

### **3.14.3. Illinois Municipal Retirement Fund (IMRF)**

All employees except sworn police officers who are expected to work 1000 hours or more in a year are required to contribute to the Illinois Municipal Retirement Fund (IMRF), a statewide pension fund. Participation costs are through payroll deductions. The amount contributed is determined by State statutes. In addition, the Village contributes an amount on behalf of each participating employee in accordance with State statutes. Employee contributions are not taxed at the time of contribution.

The IMRF also provides disability and death benefits to its members. Information regarding the IMRF and pension qualification requirements is available from the Human Resources Department and the Finance Director.

### **3.14.4. Police Pension Fund**

Sworn police officers may apply for participation in the Police Pension Fund. Only employees who are accepted into the Fund may participate in it. The Fund is managed, in accordance with Illinois law, by a local Police Pension Board. Both the Village and Fund members contribute to the Fund.

Participation in this pension program is subject to the rules and regulations of the Fund. Information regarding membership information about the Fund, qualification for pension benefits, and the value of pension benefits is available from the Police Pension Board.

### **3.14.5. Deferred Compensation**

The Village offers optional deferred compensation programs administered through various vendors, used primarily for additional retirement savings. These programs are offered in accordance with appropriate State and Federal laws. Participation is voluntary. Employees may opt to participate at any time during their employment as long as their participation is in compliance with the applicable laws. Contributions may be made through payroll deductions.

### **3.14.6. Pre-Tax Flexible Spending Account Plan**

The Village offers on a voluntary basis a Flexible Spending Account Plan. This tax-advantaged plan allows employees to use pre-tax dollars to pay for certain benefit costs, which allows you the opportunity to increase take-home pay. Information regarding this plan is available from the Human Resources Department.

### **Section 3.15. Workers' Compensation**

Work-related illness or injury is an illness or injury, which arises in and out of the course of employment. The determination of compensability for work-related injury or illness shall be made by the Village's workers' compensation insurance administrator in consultation with medical providers, and if necessary, with Village management.

The first three (3) days of lost time resulting from a work-related injury shall be paid by the Village and the time so lost shall not be deducted from the injured employee's accrued sick leave. Any additional time lost for the same work-related illness or injury shall be compensated as provided for under the Illinois Workers' Compensation Act and the Illinois Occupational Disease Act, whichever is applicable.

### **Section 3.16. Employee Health and Wellness**

The Village is concerned with employee health and well-being. In recognition of this concern the Village has an Employee Wellness policy. The policy is designed to assist employees and their families in maintaining optimal physical and mental well-being. The services that may be required or desired by the employee and/or his immediate family include but are not limited to: inoculations, blood pressure screening, short-term counseling, or other similar preventative medical procedures. Referrals may also be made. Employees may bring confidential requests for help to the attention of their supervisor, Department Head, Human Resources Director or the Village Manager. Specific steps will be arranged through the Human Resources Department. The cost of such programs is borne by the employee. However, the Human Resources Department may work with employees to find effective and affordable services. These arrangements are made confidentially. In addition, the Village has an Employee Assistance Program established to assist the needs of its employees and their families. The plan description is distributed to all new employees and periodically to all current employees. Information can also be obtained through your supervisor, Department Head, or the Human Resources Director.

### **Section 3.17. Training and Tuition Reimbursement**

#### *3.17.1. Training*

The Village recognizes that attendance at and participation in seminars or conferences is a valuable method for updating job knowledge, skills, and abilities. Requests by employees to attend seminars, conferences, workshops, conventions, and the like should be submitted through their immediate supervisor for review and approval.

Expenses for Village-required or permitted training sessions, including fees, supplies, and books, may be reimbursed by the Village. Travel, lodging, meals, and other related costs may be reimbursed pursuant to the Village's travel expense policy, which is contained in Article 16. Only the actual time spent in such training shall be included in the hours of work for the purposes of calculating an employee's compensation during the period of training. Overtime pay for time spent traveling to and from training sessions shall be as governed by the Fair Labor Standards Act.

Employees attending Village-required training conferences, seminars, and the like are required to submit a report to their Department Head, or in the case of a Department Head, to the Village Manager, summarizing and reviewing the topics and information received, including a recommendation on the value of the training

for Village service programs, along with any additional information requested by the Department Head, Village Manager, or Village Board.

Any employee attending any conference, meeting, class, seminar, convention, or similar occasion as a representative of the Village of Algonquin is expected to conduct himself in a manner as if he was still at work. Any improper conduct will be treated as if it occurred during regular working hours and may be subject to disciplinary action, up to and including immediate termination of employment.

**3.17.2. Tuition Reimbursement**

Regular full-time employees enrolled in a degree program or a course directly related to municipal business or to the employee's position may request tuition reimbursement from the Village. Before reimbursement may be granted, the employee must notify and receive written approval from his Department Head and the Village Manager no later than two (2) months prior to the beginning of the fiscal year in which the employee wishes to attend the training. The Village Manager shall make the final determination regarding whether a course or degree program is job-related and may deny any request for reimbursement that is not classified as such.

Reimbursement may be made for tuition, required books, or required class materials, upon submission of written receipts for same, according to the following schedule, only after completion of the course or training session:

Grade A	90% reimbursement
Grade B	70% reimbursement
Grade C	50% reimbursement
Grade D or F	no reimbursement

If a course is graded as Pass/Fail, then a "Pass" grade shall be reimbursed at the 50% level and a "Fail" grade shall receive no reimbursement.

Certification of completion of the class and a grade report must be submitted.

Tuition reimbursement does not include mileage, activity or student fees, meals, lodging, parking, tolls, general supplies, or other incidental expenses. Reimbursement of tuition and/or completion of such training shall not be construed as guaranteeing that an employee will be retained, promoted, or advanced.

Courses or programs that may be eligible for reimbursement include classes offered by an accredited college, university, or technical school, courses offered as part of an adult continuing education program, and courses offered by a professional educational or training company or facility.

Training or classes which an educational institution requires to be taken to satisfy general degree requirements and which are not directly related to the specialization or major of a degree program will not be considered for reimbursement.

Employees enrolling in educational courses are encouraged to take advantage of and pursue other financial sources, such as grants, scholarships, G.I. benefits, and fellowships that they are eligible to apply for or receive. The Village will consider the difference between any financial aid awarded and the actual cost of tuition for reimbursement.

The maximum amount of tuition or training reimbursement that may be paid to any employee is one thousand, five hundred (\$1,500.00) for undergraduate work or three thousand (\$3,000.00) for postgraduate courses in any one fiscal year. In the event that funding is not available in the budget or has already been expended for any fiscal year, but all other requirements are met, employees are encouraged to re-submit the request during the following fiscal year.

Employees wishing to participate in our Tuition Reimbursement Program will be required to sign a Tuition Reimbursement Refund Agreement. This agreement will be provided when your request is granted.

### **Section 3.18. Other Benefits**

The Village may from time to time offer other miscellaneous benefits to its employees. These will be described in a benefits summary that is published under separate cover from time to time. Employees will be notified when new benefits are offered.

The Village Manager is authorized to make exceptions to the benefits policy for unusual circumstances.

## **ARTICLE 4 EMPLOYEE RECRUITMENT, HIRING, AND APPRAISAL**

### **Section 4.1. Recruitment**

The Village recruits candidates, both externally and internally, for vacant positions at all levels, except as otherwise provided for by State statutes.

Recruitment for positions shall be under the supervision of the Village Manager by the Human Resources Director, unless otherwise provided for by State statutes.

Candidates for sworn positions within the Police Department are also recruited according to Police Commission Rules and Regulations. Applications for employment will be accepted only at the Village Hall Administrative Offices when there is a position available. All applications must be on an application form approved by the Village Manager, but may be supplemented by letters, resumes, and other credentials. For additional information regarding recruitment, refer to the Village's Employment Outreach Program available through the Human Resources Department.

### **Section 4.2. Hiring and Placement**

All employees shall be hired by the Human Resources Department with advance approval of the Village Manager. Notification of hiring is made in writing by the Human Resources Department and specifically indicates the position, wage or salary, starting date, conditions of employment, and other appropriate information. If the Village Manager position is vacant,

hiring shall be approved and notification made by the Village Board in consultation with the Human Resources Director.

As expressed in Section 1.3, At-Will Employment, except for employees under the jurisdiction of police commission rules and regulations, employees of the village are "at will" employees. In the state of Illinois, it is presumed by case law that all employees are "at will." "At will employment" means that an employee may terminate his or her employment at any time, with or without cause, and with or without notice. The village may also terminate the employment and compensation of any employee at any time, with or without cause, and with or without notice. No section of this manual shall be interpreted as giving up this right by the village or any employee.

Sworn police officers shall be hired, disciplined, and discharged pursuant to Police Commission Rules and Regulations, and, if applicable, pursuant to the terms of a valid collective bargaining agreement, including successful completion of applicable tests and physical examinations. Notification of placement on an eligibility list and appointments shall be made in writing. Sworn police officers are subject to a probationary period.

All applicants who are offered employment with the Village who serve in a safety sensitive function and/or are required to hold CDL drivers licenses will be required to undergo a physical examination by an approved physician, which will include a drug and alcohol use screening test, with results satisfactory to the Village, as a condition of employment. The Village will pay the cost of the required physical examination and testing.

### **Section 4.3. Performance Appraisals**

#### *4.3.1. Purpose*

The performance evaluation program is intended to do one or more of the following:

1. Provide employees with formal feedback about their performance;
2. Commend employees for good or excellent performance;
3. Set job specific expectations for each employee and job description.
4. Provide recommendations for improving performance;
5. Identify areas where employees might benefit from training;
6. Review previously set goals and objectives and establish new goals and objectives.

#### *4.3.2. Evaluation Periods*

An individual employee's performance should be formally appraised at the end of six months beginning from the first date of employment with the Village or from the start date in a new position. A new employee's performance may be reviewed earlier than six months or more often if needed for developmental or performance-related reasons. A second appraisal of a new employee is generally conducted after the employee's anniversary date is reached. Evaluations shall be done at or before the employee's anniversary date. Thereafter, performance is regularly evaluated according to our Merit Compensation Program. An employee whose salary falls below control point will be reviewed every six months from their date of hire. An employee whose salary is equal to or above control point will be reviewed on their anniversary date.



When determined necessary by a Department Head, the Human Resources Director, or the Village Manager, an employee's performance may be evaluated more or less frequently than the regularly scheduled evaluation. The Village Manager may make salary adjustments at the time of performance appraisals based upon the nature of the performance.

Sworn police officers (with the exception of the Police Chief) have a longer initial evaluation period which is of at least one year's duration, according to Police Commission Rules and Regulations.

#### 4.3.3. *Evaluation Procedures*

Employee evaluations in accordance with the merit compensation program shall be in writing.

All employees should meet individually with their supervisor or Department Head at the end of each review period to discuss the results of their performance evaluations. Employees shall have the opportunity to comment in writing on the evaluation form prior to signing it. The evaluation shall be retained by the Village and become part of the employee's personnel file.

If an employee wishes to dispute his evaluation, he may do so within thirty (30) days of the evaluation. Such disputes must be in writing and transmitted through the proper administrative channels (i.e. following the chain of command, such as immediate supervisor, next supervisor, Department Head, Human Resources Director, and Village Manager). The Village Manager shall be the final review authority in all disputes, and his decision is final. If the employee still disagrees with the Village Manager's final decision, he/she can ask that the written dispute be added to the employee's personnel file, as provided in Section 9.2, paragraph 5.

### **Section 4.4. Promotions**

The Village may promote from within whenever practical and when it is in the best interests of the Village to do so. Employees may prepare for and seek promotional opportunities. When practical, all positions are posted within the Village prior to the start of the external recruitment process. In some cases, external and internal recruitment are conducted simultaneously.

Promotions of sworn police officers are under the jurisdiction of Police Commission Rules and Regulations and State of Illinois statutes.

## **ARTICLE 5 EMPLOYMENT TERMS AND CONDITIONS**

### **Section 5.1. Hours of Work**

The regular Village Hall office hours are Monday through Friday, 8:00 a.m. to 5:00 p.m. Regular full-time employees working in the Village Hall are expected to work these hours unless revisions are authorized by the Village Manager, and to report for work promptly. Regular full-time employees are entitled to one unpaid hour for lunch, which should generally be taken between 11:00 a.m. and 2:00 p.m., unless previously approved by the appropriate

Department Head or the Village Manager, based on characteristics of a specific job assignment or responsibility. The standard workweek and/or lunch hours of individual employees may vary as a result of the operational demands of each department. Scheduling of lunch periods will be with the approval of the employee's supervisor, Department Head, or Village Manager. The total regular hours in the workweek will be 40 hours.

Certain regular full-time personnel in the Police Department and Public Works may be assigned different starting and ending times based upon needs of the department and the services provided. Scheduling of meals and breaks may also be different, as approved by the Department Head and Village Manager. However, all other parameters shall apply to these departments.

Regular part-time employees are expected to work the hours they are scheduled each week and to report for work promptly. A regular part-time employee who is scheduled to work five (5) or more consecutive work hours on any one day is entitled to one unpaid lunch hour, which should be taken close to the middle of the employee's work day.

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

Employees may request a "flex-time schedule" from their Department Heads. If and when a flextime schedule is established, Department Heads may consider their department's needs, accessibility and service to the public, seasonal activities, and other obligations. In accommodating a flextime schedule, employees must work part of their workday between the core hours of 9:00 a.m. to 3:00 p.m. The use of flextime is a privilege and not an entitlement; its use may be withdrawn at any time if its use creates an obstacle to providing Village services. All flextime is to be approved by the Human Resources Director.

### **Section 5.2. Work Attendance**

Excessive absenteeism, tardiness, or early departure may result in disciplinary action, up to and including immediate termination of employment.

### **Section 5.3. Assignment and Performance of Duties**

All employees are subject to the general rules and regulations of the Village as promulgated in this Manual and in other Village procedures. Nothing in this Manual precludes or shall be construed as precluding the establishment of written departmental rules and regulations setting forth internal departmental operational policies and procedures. If a conflict occurs between the policies of the Village and the rules of any department, the policy or procedure as identified in this Manual shall govern. This Manual is intended to delineate generally significant aspects of policy of the Village of Algonquin affecting employees of the Village. However, this Manual cannot be all-inclusive of other policies or regulations that may have relationship in some manner to employment conditions and/or obligations.

Employees shall perform the duties that are assigned to them by their immediate supervisor or Department Head, or as directed by the Village Manager or his designated representative.

The Village Manager shall decide all disputes or questions relating to the respective powers, duties, or obligations of all employees.

Employees under the jurisdiction of the Police Commission are also subject to the Commission's Rules and Regulations.

#### **Section 5.4. Conduct, Work Habits, and Attitudes**

Employees are expected to remember that as employees of the Village of Algonquin, they are its representatives. They are expected always to conduct themselves in a manner, which is a credit to the Village. As a public institution, the ultimate employers are the citizens of Algonquin.

Therefore, all employees should keep in mind that they are public relations officers for the Village and have an important part to play in developing and maintaining good public relations. All residents shall be treated with courtesy and fairness.

All employees are expected to maintain high standards of conduct, cooperation, efficiency, pride, productivity, and economy of public funds in their work for the Village.

#### **Section 5.5. Change of Address, Telephone Number, or Other Personnel Data**

Employees must immediately report to Human Resources Department any changes in their name, address, telephone number, emergency telephone number(s), and other relevant personnel information so that the information can be entered into personnel records. Personal information such as marital status, dependents, beneficiaries, and so forth may be required to be reported for benefits or tax withholding purposes. The Village cannot be responsible for insurance, tax, financial, or other personal problems, misdirected mail, and the like because of failure by the employee to give proper and timely notification of changes in personal status or revised information, whether to the Village or to other agencies or organizations that require such information which the Village may transmit to them on the employee's behalf.

#### **Section 5.6. Employee Identification**

When necessary, Village employees will be issued proper identification to assist them in gaining necessary access while on routine or emergency Village business. Employees shall courteously and without hesitation show such identification to anyone who requests it.

#### **Section 5.7. Appearance and Uniforms**

Employees are expected to maintain a neat, clean appearance at all times. Inappropriate clothing shall not be worn while on duty. The Village may define appropriate dress and cleanliness at any time.

Uniforms or a uniform allowance may be furnished to certain Village employees. Such uniforms must be kept clean, neat, and in good condition, and must be worn while performing duties for the Village. At the time an employee leaves the employ of the Village, any returnable uniform must be returned in acceptable condition. A charge will be made for returnable uniforms which are lost, damaged, returned in unacceptably soiled condition, or not otherwise returned.

#### **Section 5.8. Village Vehicles, Equipment, Supplies, and Tools**

Village vehicles, equipment, supplies, and tools are provided for Village employees in order to properly perform their assigned job responsibilities. Operation and use of Village vehicles, equipment, supplies, and tools must be related to specific Village service programs and departmental operating policies and procedures.

Breakdown or malfunction of any Village vehicle, equipment, supply, or tool shall be promptly reported to the employee's immediate supervisor or Department Head.

Village employees shall not permit unauthorized personnel to enter Village vehicles or equipment, and shall not permit unauthorized personnel to use Village vehicles, equipment, supplies, or tools.

When using Village equipment or operating Village vehicles, employees shall use proper care and caution. No Village vehicles, equipment, supplies, or tools may be used by any Village employee for personal or private purposes. Failure to properly use such property or failure to demonstrate such care and caution may result in disciplinary action, up to and including immediate termination of employment.

All Village of Algonquin-owned property, including lockers used by employees, may be subject to examination and inspection at any time by an employee's immediate supervisor, Department Head, Human Resources Director, or the Village Manager. Office supplies and stationery may be used only for Village business. Misuse of official Village letterhead is a serious offense which may result in disciplinary action, up to and including immediate termination of employment.

When safety equipment is issued to employees, it is mandatory that it be worn or used in an appropriate manner when performing tasks for which such equipment is provided. The immediate supervisor should enforce this policy.

Except in situations specifically authorized by the employee's supervisor, employees may not take Village equipment or supplies home.

Personal equipment, tools, or supplies may not be brought to the Village and used for Village purposes without prior authorization by the employee's immediate supervisor.

### **Section 5.9. Communication Device Use Policy**

Employee contact with family members and other personal communications must be held to an absolute minimum. Communication devices (Village or private) shall be used for personal reasons only in cases of absolute necessity\*. All personal communications, other than those of absolute necessity, shall be performed from personal communication devices and only during scheduled or approved lunch and break periods. However, exempt employees who are assigned Village communication devices in order to insure 24-hour per day accessibility may utilize the devices for nominal personal use, provided that the costs incurred do not exceed standard Village contract charges for the device. Communication device use for personal reasons is a privilege and not a right, and shall not interfere with the performance of any employee's normal work duties.

#### ***\*Definition of Absolute Necessity Communications***

*The definition of Absolute Necessity Communications is personal communications of minimal duration and frequency, which cannot be made at another time, and are emergencies or are essential to allowing the employee to continue working. Examples of absolute necessity communications are contacts to arrange for unscheduled or immediate care of a dependent, a family emergency, or to alert others of an unexpected delay due to a change in work or travel schedule.*

Under no circumstance should any communication device be used while operating machinery or performing a work-related duty where the use of the device could create a safety hazard or disrupt the performance of work-related duties, except in emergency situations. However, all

employees must follow any national, state, local, or regulatory agency mandates governing this issue (i.e. no texting while driving) that applies to the city, county, or state that you are driving or working in. Under no circumstances will the use of a camera on a cell phone be permitted by any employee on Village property or while performing job duties for the Village unless the use is for official business. All employees are expected to respect the privacy rights of other employees and to treat job-related documents and information with an appropriate level of security and confidentiality. Any employee who violates these principles through the inappropriate use of a camera cell phone may be disciplined up to and including termination. The Village will not be liable for the loss or damage of a personal communication device brought into the workplace.

Abuse of communication device privileges interferes with an employee's ability to conduct Village business and reflects negatively on the Village. Excessive personal business on Village time (whether that is communication device use or other personal business) is considered inefficient and a dereliction of duty, and is subject to the progressive disciplinary process, up to and including immediate termination, as determined by the department head's and/or village manager's discretion.

Employee activity with personal interests during work hours must be limited to emergency occasions or for circumstances where there is no other practical alternative. Transacting personal business, including that related to outside employment, during working hours is otherwise prohibited. This would include the use of any Village equipment for personal use and/or the use of personal phones while on Village time.

Employees are also responsible for their conduct and compliance to any other policies that apply to this issue that are governed in our Village Personnel Policy Manual, departmental policies, and/or contracts.

**Section 5.10. This section has been intentionally left blank.**

#### **Section 5.11. Political Activities**

Employees of the Village serve all Village residents equally and have certain responsibilities to residents. A Village employee also has rights as a citizen and is allowed to participate in political activities subject to the conditions listed herein. The political opinions or affiliations of any resident shall in no way affect the amount or quality of services received from or provided by the Village.

An individual's political affiliation, preference, opinion, or activities will not, in any way, influence the selection, hiring or any other term or condition of employment of a Village employee. Such will not be considered in employee promotion or assignment. The following guidelines will be used in defining political activity within the community:

1. No employee who is a candidate for an elective office shall engage in any campaign activities while at work or while performing work-related duties, or in any other way coerce or influence, or attempt to coerce or influence, others to endorse his or her campaign, to vote for him or her, or to engage in any other political activities on his or her behalf while the employee is at work or performing work-related duties.
2. No employee shall engage in any campaign activities, or in any other way coerce or influence, or attempt to coerce or influence, others to endorse a candidate, to vote for the candidate, or to engage in any other political activities on the candidate's behalf, or

relative to a referendum question while at work or while performing work-related duties. Political activities are not prohibited, but must be confined to non-working hours.

3. Employees of the Village shall not, during working hours or while on duty, directly or indirectly, demand, solicit, collect, or receive any assessment, subscription, or contribution, whether voluntary or involuntary, intended for any election, referendum, or political purpose whatsoever from fellow employees or from the general public.
4. No employee of the Village shall use his position as a Village employee to attempt to solicit votes for any candidate for elected office or to lend credence to any such solicitation for any candidate for elected office, or relative to a local referendum.
5. No employee shall use Village facilities, including the telephone, copy machines, or any other Village equipment or supplies for the purpose of preparing or promoting any political campaign. Employees may not invite political candidates to campaign on Village property.
6. No Village employee is required or expected to contribute money to any candidate or political party, or referendum supporters or opponents except on a purely voluntary basis.

#### **Section 5.12. Media Relations**

The Village President and members of the Board of Trustees shall be the primary spokespersons of the Village on all official actions of the Village. If they are not readily available, the Village Manager or an authorized designee shall be the primary spokesperson on all official matters of the Village.

However, in order to provide for the practical need for reasonable accessibility to staff and dissemination of information, the Village Manager's designated representative(s) and Department Heads may also furnish information to the media, consistent with their knowledge of the subject at hand and ability to act as a spokesperson for the Village.

Prudence should be followed in making statements to the media, and respecting protocol within the organization. Any comments on proposed changes to established policy or procedures must be stated as a recommendation. Comments to the media or general public on decisions made by the Village Board should be factual in nature when speaking as an employee of the Village.

In order to prevent misinformation or inappropriate information from being distributed to the media, other employees should not speak for the Village regarding Village business with members of the media without knowledge of their supervisor.

All news releases must be approved by the Village Manager prior to being released.

#### **Section 5.13. Outside Employment**

All regular full-time employees, including Department Heads, who desire to engage in outside employment with an employer other than the Village of Algonquin, must obtain the prior written consent of the Village Manager.

**Section 5.14. No Solicitation/No Distribution**

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

Solicitation of Village employees and residents or members of the general public who are on Village property, or the distribution of literature, pamphlets, or other materials by individuals not employed by the Village is prohibited on all Village property.

No employee shall solicit a contribution, construed to mean either an overt or covert request or demand, or any action that implies that a contribution is necessary or advisable in order for public business to be transacted.

**Section 5.15. Residency Requirements**

Unless required by statute or ordinance, employees are not required to live within the corporate boundaries of the Village of Algonquin. However, Village employees are encouraged to do so.

**Section 5.16. Restitution of Damage to Public Property or Village Funds**

Employees are expected to respect and treat with care all public property and funds to which they are entrusted. Should any loss or damage occur to public property or funds owned or leased by the Village of Algonquin by willful, negligent or careless acts of any employee, such occurrences may result in disciplinary action, up to and including immediate termination of employment. The action which caused damage or loss to public property or funds may also result in a requirement for restitution. If restitution is required, immediate arrangements for payment shall be initiated.

**Section 5.17. Contractual Services and Purchases**

Employees must follow Village purchasing procedures for any purchases made on behalf of the Village. The correct purchasing procedure is available from each employee's supervisor, Department Head, or the Finance Director.

**ARTICLE 6**  
**EMPLOYEE HEALTH AND SAFETY**

**Section 6.1. Safe Work Practices and Equipment Usage**

The health and safety of employees is of utmost importance and concern to the Village. As such, the Village has established an employee safety program for all village employees. The safety program contains policies, practices, objectives, and exceptions, related to safety, of all employees.

The objectives of the employee safety program are to reduce employee injuries, property damage, and work interruptions resulting from unsafe conditions and work habits, and to promote safety and accident prevention. Employees are expected to engage in safe work practices and equipment usage at all times. If an employee is not sure of a safe work practice

or how to operate a vehicle, tool, or piece of equipment safely, he should obtain proper training from his supervisor prior to commencing work.

All employees are expected to abide by basic safety rules, including but not limited to: 1) obeying all safety rules and using all safety and protective equipment provided to the employees; and 2) following all safety instructions when using Village equipment, machinery, or vehicles.

Safety rules are contained in Village procedures, which are available as separate publications within the various departments and through the Human Resources Department.

### **Section 6.2. Reporting Work-Related Injuries**

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

- 1) Make a full written report on his or her condition and the circumstances surrounding the injury, including all witnesses, as soon as possible after its occurrence. The Village will provide reporting forms and the employee may obtain the form (Illinois Form 45: First Report of Injury and/or any other required forms) from his or her Department Head or the Human Resources Director;
- 2) Submit the Illinois Form 45: First Report of Injury to their Department Head as soon as possible after the injury or illness, but in no event later than the completion of that business day. The Department Head will immediately forward said form along with the Supervisor's Injury Accident Report (and/or any other required forms) to the Human Resources Director;
- 3) Failure of the employee to report the injury or illness or to report for any physical examination as required or scheduled by the Village or its Workers' Compensation insurance carrier, or submission of a false report, may result in disciplinary action, up to and including immediate termination of employment.

Human Resources will provide the departments with a detailed procedure for handling all work-related injuries and accidents.

### **Section 6.3. Smoking**

It is the Village's goal to provide a healthy, comfortable, productive, and safe place to work. There is indisputable evidence that smoking is detrimental to good health; therefore, the Village's policy is that it will regulate smoking in the workplace. The Village strives to provide a smoke free work environment for employees and for the public who use its facilities.

Employees (as well as all other persons, such as vendors, private contractors, citizens, or visitors) are prohibited from smoking in Village buildings and facilities at any time, including non-working hours. Employees may not smoke in Village vehicles. Failure to comply with these rules may result in disciplinary action, up to and including immediate termination of employment.



## **ARTICLE 7**

### **EMPLOYEE DISCIPLINE**

#### **Section 7.1. Policy**

Employees are expected to maintain reasonable standards of conduct, behavior, and performance, and display a proper regard for the welfare and rights of other employees and the residents of the Village. When employees fail to meet the standards of performance or violate the reasonable rules of conduct, they may be dismissed, demoted, suspended, reprimanded, or otherwise disciplined as the circumstances warrant. An employee may be subject to disciplinary action for improper or inappropriate conduct, including, but not limited to: violations of work rules and general rules and regulations, unacceptable behavior, misconduct, poor performance, or unacceptable attendance.

The Village may apply progressive discipline. However, an employee may still be immediately terminated, instead of receiving progressive discipline, for inappropriate conduct, including but not limited to: violation of work rules, unacceptable behavior, misconduct, or poor performance. The Human Resources Director and/or the Village Manager is available for consultation on disciplinary action and shall be advised in writing by a Department Head of all discipline issued.

#### **Section 7.2. Guide for Determining Unacceptable Behavior**

In addition to other guidelines outlined in this Manual, administrative procedures, and relevant rules of the various departments, the Village has established certain minimum standards of conduct. Some of the work rules which employees should be familiar with are listed below. Violations of such rules will subject an employee to disciplinary action, ranging from an oral reprimand to immediate termination of employment, as deemed appropriate by the Department Head, and/or the Human Resources Director and Village Manager. The illustrations of offenses listed are by way of example and are not intended to be all-inclusive; rather, the illustrations provide a general guide for determining unacceptable behavior. These rules do not limit the right of the Village to discipline or terminate an employee for any other reason. The Village may revise or change these rules as it deems necessary without prior notice.

1. Engaging in fighting, horseplay, or reckless conduct on Village premises or while on Village business.
2. Physically abusing, intimidating, offending, or coercing through verbal threats any resident, citizen, municipal official, fellow employee, or member of the general public. Using vile, intemperate, offensive, or abusive language, or acting in a disrespectful manner to any resident, citizen, municipal official, fellow employee, or any member of the general public.
3. Falsification or alteration of time sheets, personnel records, employment applications, attendance, or any other municipal records or documents.
4. Providing false information or information the employee should have known to be false to a Department Head, Human Resources Director, Village Manager, Member of the Board of Trustees, Village President, or any other Village representative during an investigation of a Village or employment related incident.

5. Refusing to cooperate with the Village during an investigation of a Village or employment-related incident.
6. Removing from Village premises, being in the unauthorized possession of, or using for personal or any other inappropriate use, any Village vehicle, equipment, supplies, tool, material, or property, or the vehicle, equipment, supplies, tool, or property of a resident, citizen, municipal official, or fellow employee.
7. Destroying, damaging, defacing, abusing, wasting, or misusing Village property, equipment, supplies, or materials, or the property, equipment, supplies, or materials of a resident, citizen, municipal official, or fellow employee.
8. Creating or contributing to an unsafe condition on Village premises or failing to adhere to safe operating practices.
9. Insubordination or refusal of a direct work order or assignment or other breach of discipline.
10. Leaving the assigned place of work during work hours when not authorized to do so.
11. Selling, distributing, using, consuming, being in possession of, or being under the influence of alcohol, unprescribed drugs, illegally prescribed drugs, or illegal drugs while on Village premises, while conducting Village business, while operating Village equipment, or while in the performance of any other assigned duties.
12. After an employee assistance program referral has been made, selling, distributing, using, consuming, being in possession of, or being under the influence of alcohol, unprescribed drugs, illegally prescribed drugs, or illegal drugs while on Village premises, while conducting Village business, while operating Village equipment, or while in the performance of any other assigned duties, or exhibiting behavior that indicates a problem exists with such drugs or alcohol.
13. Revealing confidential Village information without proper authorization.
14. Being absent for three (3) consecutive days without proper notification to the Village. Excessive, unreported, or unexcused absences from work. Trends and/or abuse of sick leave privileges.
15. Unauthorized possession of a weapon of any kind on Village premises or while on Village business. This rule does not apply to sworn police officers carrying weapons pursuant to Police Department policy.
16. Violating the Equal Employment Opportunity, Sexual Harassment, or Americans with Disabilities Act Policies.
17. Sleeping, loitering, or loafing on duty.
18. Any conduct that threatens to breach the duty of care of the Village to its residents or to the community.
19. Incompetent, inefficient, negligent, or unsatisfactory performance of assigned work.

20. Disruptive attitude or abusive language, which is detrimental to the service, programs, and operation of the Village.
21. Excessive tardiness or early departures from work.
22. Allowing the political affiliation of the employee or of a resident or member of the general public to affect or in any other way influence whether a resident or member of the general public receives Village services, or allowing the political affiliation of the employee or of a resident or member of the general public to affect or in any other way influence the type or quality of Village services available or provided to that resident or member of the general public.
23. Violating the Village smoking policy.
24. Any act which endangers the safety, health, or well-being of an employee or citizen, or which is of sufficient magnitude that the consequences cause or act to cause disruption of work or discredit the Village.
25. Violation of any of the provisions of the ethics standards listed in Section 15.
26. Being found guilty of misconduct or impropriety of similar seriousness to those items listed above.

### **Section 7.3. Forms of Discipline**

The following forms of discipline are considered progressive and are listed in order of increasing severity. However, the Village may skip any level of discipline.

#### *7.3.1. Oral Reprimands*

- A) Oral reprimands consist of a conference between the employee's supervisor or other Village official issuing the reprimand and the employee for the purpose of expressing disapproval of misconduct or poor work performance, clarifying applicable rules or standards of performance, policies and procedures, and warning that repetition of the misconduct or failure to improve work performance may result in more severe discipline.
- B) Records of oral reprimands will be maintained in the employee's personnel file.
- C) Oral reprimands may be used for minor misconduct or performance problems or for first offenses where the offense is not of a sufficiently serious nature to warrant more severe disciplinary action. Generally, oral reprimands may be given ONLY for the first instance of misconduct.

#### *7.3.2. Written Reprimands*

- A) Written reprimands consist of a conference between the employee's supervisor or other Village official issuing the reprimand and the employee and of a letter or notice expressing disapproval of the misconduct or poor work performance, clarifying applicable rules, policies or procedures, and warning that repetition of the misconduct or failure to improve work performance may result in more severe discipline.

- B) The employee will be given an opportunity to review the written disciplinary letter or notice and to respond to it. The employee is required to sign the letter or notice, which means only that the employee has read the notice and understand what it means, not that the employee necessarily agrees with the discipline. An employee's refusal or failure to sign a disciplinary notice will constitute separate grounds for disciplinary action, up to and including immediate termination of employment. An employee will receive a copy of said notice. Copies of written reprimands shall be maintained in the employee's personnel file.
- C) Written reprimands may be used for repeated misconduct of a minor nature or for more serious misconduct, which does not warrant suspension, dismissal or demotion.

#### 7.3.3. *Suspensions*

- A) Suspensions are a temporary removal from employment, accompanied by a concurrent temporary loss of the privileges of employment, including, but not limited to wages or salary. Suspensions without pay may only be used for nonexempt employees. Suspensions may be used to discipline employees for serious misconduct or performance problems or for repeated misconduct or performance problems of a less severe nature.
- B) Suspensions may be imposed for not less than one (1) but not more than five (5) days. Written notice of the suspension shall be placed in the employee's personnel file.
- C) In the event any order of suspension is reversed or reduced, the employee shall be paid any lost wages, salary, or benefits.

#### 7.3.4. *Reduction in Pay*

- A) A "Reduction in Pay" is a temporary or permanent reduction in salary or hourly wage. "Permanent" means that the employee's base compensation is reduced and is not brought up to the previous level at the time of the next performance appraisal. It does not mean that the employee's compensation is frozen permanently.
- B) Reductions in pay may be used to discipline serious misconduct and may be used in addition to other forms of discipline.
- C) All other conditions of regular ongoing performance appraisal expectations must be met by the employee.
- D) Reductions in pay must be approved by the Village Manager.
- E) Written documentation of the reduction in pay shall be placed in the employee's personnel file.

#### 7.3.5. *Demotion*

- A) Demotion is the reduction in grade or class of employment or assignment to a position of less responsibility, with a corresponding reduction in wage or salary.

- B) All demotions shall be in writing, and written notice of a demotion shall be placed in the employee's personnel file.
- C) Demotion may be used to punish serious misconduct and may be used in addition to other forms of discipline.
- D) Demotions must be approved by the Village Manager.

**7.3.6. Discharge (Termination)**

- A) Discharge, or termination of employment, is the permanent removal from employment with the corresponding permanent loss of all privileges of employment.
- B) Discharge must be approved by the Village Manager.
- C) An employee may be immediately discharged for any improper or inappropriate conduct including, but not limited to: violation of work rules and general rules and regulations, unacceptable behavior, misconduct, poor performance, or unacceptable attendance, without ever having received an oral reprimand, a written disciplinary notice, a suspension, a reduction in pay, or a demotion.
- D) Written documentation of the discharge shall be placed in the employee's personnel file.

**Section 7.4. Appeals**

An employee may appeal any disciplinary action imposed by his/her Department Head by submitting to the Village Manager or his designee within ten (10) business days after receiving the discipline, a written request for review of the disciplinary action, clearly setting forth the basis for disputing the discipline imposed. The Village Manager or his designee should, within seven (7) working days after receiving a written appeal, and after conducting any investigation, which in his/her sole discretion is deemed appropriate, respond in writing. The Village Manager or his designees' response should include an explanation of why the appeal is being granted, modified, or denied. The Village Manager or his designee decision shall be final.

**ARTICLE 8**  
**EMPLOYEE COMMUNICATION PROCEDURE**

**Section 8.1. Policy and Definition**

The Village recognizes that, as in any organization, frustration or dissatisfaction may occur because an employee might not know, understand, or agree with certain policies or decisions. In addition, the Village recognizes that differences arise out of the employment relationship in all organizations. In most cases, these differences can be settled quickly and informally between supervisors and employees. However, some differences cannot be resolved through the informal process of discussion and can be resolved only through a more formal process. As such, the Village has established an employee communication procedure to help facilitate the communication process.

## **Section 8.2. Procedure**

All Village employees are encouraged to use the following employee communication procedure to bring any concerns or problems they might have to the attention of Village officials:

### **Step 1:**

Experience has shown that many problems can be satisfactorily resolved by an informal discussion between employees and their immediate supervisors. Thus, employees should, within three (3) working days of the occurrence of the situation concerning the employee, informally discuss their concerns with their immediate supervisor. The supervisor should provide a verbal response within three (3) working days. If the immediate supervisor does not or cannot provide the employee with an acceptable response, the employee should go to Step 2 of this employee communication procedure. If the concern or problem involves an employee's immediate supervisor, the employee may begin the procedure by contacting the Department Head, Human Resources Director or the Village Manager.

### **Step 2:**

If a problem or concern is not adequately resolved under Step 1, the employee should put the concern or question in writing and submit it to their Department Head within seven (7) working days of the date of the occurrence of the situation concerning the employee. This writing should include an explanation of the incident or matter causing the concern or problem, the date and time of the occurrence of the incident or matter, and the relief or specific action sought by the employee. This procedure should be followed even if the immediate supervisor is the employee's Department Head.

The Department Head should investigate the incident or matter and provide a written response to the employee within five (5) working days after receipt of the employee's written complaint. This response should specifically identify the concern or problem and what actions, if any, the Department Head has taken to respond to or resolve the concern. The Department Head shall also provide the Human Resources Director with a copy of the written complaint and the Department Head's written response.

### **Step 3:**

If the employee is not satisfied with the response of the Department Head, the written complaint may be submitted to the Human Resources Director within five (5) working days of the date of the Department Head's written response. The Human Resources Director shall review the entire issue and make a final decision on the matter within ten (10) working days of receiving the written complaint. The Human Resources Director's decision shall be final and the employee shall be advised of the Human Resources Director's decision, and the reasons for that decision, in writing.

To be effective, this employee communication procedure will require the cooperation of employees, supervisors, Department Heads, and the Human Resources Director. The Village hopes that this procedure will be a tool, which all employees can use to improve communication in the workplace.

**ARTICLE 9**  
**EMPLOYEE PERSONNEL FILES**

**Section 9.1. General Contents**

The following are examples of items, which might be kept in an employee's personnel file:

1. Employment application/resume
2. Tax forms
3. Registration/certification/degree
4. Orientation materials
5. Performance appraisals
6. Disciplinary notices
7. Commendation forms and letters
8. Incident reports
9. Vacation requests
10. Individual daily time sheets
11. Overtime records
12. Sick time records

Employment Eligibility (I-9) forms and copies of supporting documentation will be kept in a separate file. Medical records pertaining to work and any drug/alcohol test results will also be kept in a separate file.

**Section 9.2. Inspections**

An employee can inspect his or her own personnel file twice a year. To inspect your personnel file, you should take the following steps:

1. Submit a written request to inspect your personnel file to the Human Resources Director.
2. Every employee will normally be allowed to inspect his or her personnel file within seven days from the date of the written request. If the Village cannot reasonably meet this seven-day time period, it may request a seven-day extension.
3. Every employee will be allowed to inspect his or her personnel file at the Village Hall during normal working hours, unless other arrangements are agreed upon. No employee can remove his or her personnel file from the Village Hall, but the employee may request the Village to mail a copy of his or her personnel file if the employee is unable to inspect it at the Village Hall. Employees may request copies of any documents in their file. The Village will furnish copies upon payment by the employee of the cost of copying them.
4. By law, there are some items, which might be kept in an employee's personnel file, which the employee has no right to inspect. Such items include, but are not limited to: letters of reference, test documents, materials relating to the Village's staff planning, information about other people if allowing inspection of those documents would invade the privacy of the people referred to, records involving the employee which are relevant to a judicial proceeding between the Village and the employee, and any records alleging criminal activity.
5. If an employee disagrees with any information contained in his or her personnel file, the information may be removed or corrected by mutual agreement of the Village

and the employee. If an agreement cannot be reached, the employee may submit a written statement of his or her position, which the Village will attach to the disputed record.

**Section 9.3. Verification of Employment Records**

In order to prevent misinformation, confidential information, or invalid information from being disseminated, calls from employers, creditors, financial institutions, or other inquiries seeking employment information about current or former employees should be referred to the Human Resources Director who maintains the personnel records. Questions which address performance issues of a current or former employee should not be answered by co-workers, supervisors, or Department Heads; instead, all contacts of this nature should be directed to the Human Resources Director.

**ARTICLE 10**  
**EQUAL EMPLOYMENT OPPORTUNITY (EEO)**

**Section 10.1. Statement of Policy**

The Village assures Equal Employment Opportunity (EEO) in all of its employment practices, including those pertaining to:

Recruitment	Compensation
Hiring	Benefits
Placement	Training
Transfers	Layoff and Recall
Promotions	Discipline
Practices	Demotions
Evaluations	Terminations

These will be administered without regard to race, color, creed, religion, ancestry, national origin, age, handicap, sex, marital status, veteran status, or any other basis prohibited by applicable federal, state, or local fair employment laws or regulations.

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

Overall responsibility for the direction and enforcement of this Equal Employment Opportunity Policy has been assigned to the Human Resources Director, who will serve as the EEO Officer.

Any employee who believes that he or she has been treated unfairly because of his or her race, color, creed, religion, ancestry, national origin, age, handicap, sex, marital status, veteran status, or any other basis prohibited by applicable federal, state, or local fair employment laws or regulations, should immediately submit a written report of the incident to his or her Department Head. Department Heads should immediately report the situation to the EEO Officer. If an employee believes that he or she has been treated unfairly in any of these areas by his or her Department Head, the employee should immediately submit a written report to the attention of the EEO Officer.



All written complaints of discrimination or unfair treatment based on race, color, creed, religion, ancestry, national origin, age, handicap, sex, marital status, veteran status, or any other basis prohibited by applicable federal, state, or local fair employment laws or regulations, will be promptly investigated and the appropriate corrective action taken. After investigation, any Department Head or other employee found to have violated the Village's policy may be subject to appropriate disciplinary action, up to and including immediate termination of employment. If an investigation results in a finding that a complainant has falsely accused another of discrimination or unfair treatment, the complainant may be subject to appropriate disciplinary action, up to and including immediate termination of employment.

The Village will not in any way retaliate against an individual who makes a report of discrimination or unfair treatment based on race, color, creed, religion, ancestry, national origin, age, handicap, sex, marital status, veteran status, or any other basis prohibited by applicable federal, state, or local fair employment laws or regulations, nor will the Village permit any other Village official or employee to do so. Retaliation is a serious violation of this policy and should be reported immediately. Any person found to have retaliated against another individual for reporting discrimination or unfair treatment may be subject to appropriate disciplinary action, up to and including immediate termination of employment. For additional information regarding recruitment, refer to the Village's Employment Outreach Program.

## **ARTICLE 11**

### **AMERICANS WITH DISABILITIES ACT (ADA)**

#### **Section 11.1. Statement of Policy**

It is the policy of the Village of Algonquin to comply with all provisions of the Americans with Disabilities Act ("ADA"). The Village will not discriminate against any qualified employee or job applicant with respect to any term or condition of employment based on a physical or mental disability or the perception of a physical or mental disability. If an individual is qualified to perform the essential and fundamental functions and duties associated with a job, the Village will make reasonable accommodations as necessary for applicants and employees with disabilities, provided that such accommodations do not pose a threat to safety or cause an undue hardship to the Village. The Village's public notice relating to the Americans with Disabilities Act is available through the Human Resources Department.

The Village's ADA procedures are contained in **Appendix C** of this Manual.

## **ARTICLE 12**

### **DRUG FREE WORK PLACE ACT**

#### **Section 12.1. Statement of Policy**

Pursuant to the Drug Free Work Place Act of 1988, an Illinois state law, the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, including cannabis (i.e. marijuana, hashish), is prohibited in the Village's workplace or at any work site where Village work is performed.

The provisions of the Drug Free Work Place Act are detailed in **Appendix D** of this Manual.

**ARTICLE 13**  
**DRUG AND ALCOHOL USE POLICY**

**Section 13.1. Statement of Policy**

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

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

The Village's procedures dealing with drug and alcohol use are contained in **Appendix E** of this Manual.

**ARTICLE 14**  
**SEXUAL HARASSMENT POLICY**

**Section 14.1. Statement of Policy**

Sexual harassment is illegal. The Village of Algonquin is committed to maintaining a work environment that encourages and fosters appropriate conduct among employees and respect for individual values and sensibilities. Accordingly, this Village intends to enforce its Sexual Harassment Policy in all aspects of the Village's operations in order to create an environment free from discrimination of any kind, including sexual harassment.

The Village's procedures dealing with sexual harassment issues are contained in **Appendix F** of this Manual.

**ARTICLE 15**  
**EMPLOYEE ETHICS**

Employees are expected to conduct themselves in a professional and business-like manner without any appearance of impropriety. As in any organization, Village employees are ambassadors for the Village and represent the values and accepted practices of the Village.

Employees should avoid any possible conflict of interest and are required to abide by the following rules:

- A) **Fiduciary Duty.** Employees, officials, and appointees shall at all times in the performance of their public duties owe a fiduciary duty to the Village of Algonquin. This means that the funds they are authorized to spend or the reimbursements they receive for expenditures that they incur are public moneys, and should be spent in a prudent, conservative fashion consistent with appropriate accounting and reporting, budget approval, supervisor authorizations, and other good internal controls.
- B) **Improper Influence.** No employee, official, or appointee shall make, participate in making, or in any way attempt to use his position to influence any governmental decision or action in which he knows or has reason to know that he has a financial interest. An official, appointee, or employee has a financial interest in a governmental decision or action when it is reasonably foreseeable that said decision or action will have a material effect on said official, appointee, or employee distinguishable from its effect on the public generally. Said person shall refrain from all official activity and discussion respecting such a matter, and shall publicly state the nature and extent of his interest in the matter prior to any deliberation conducted thereon. However, such an interested member or employee may be considered present for the purpose of establishing a quorum.
- C) **Criminal Misconduct.** An official, employee, or appointee shall not commit the act of bribery, intimidation, official misconduct, or perjury. Proof of such offenses shall be evidenced by a certified record of conviction in any court of jurisdiction.
- D) **Use or Disclosure of Confidential and Personal Information.** No current or former public official, appointee, or employee shall use or disclose, other than in the appropriate performance of his official duties and responsibilities, confidential or other non-public information gained in the course of employment, or by reason of his position or employment, which has been identified to such official, employee, or appointee as a confidential matter by the Village Manager, Village Attorney, or Village Board. Information about the personal or business affairs of other employees or Village officials should be treated with the same standard of confidentiality.
- E) **Gifts, Gratuities, and Favors.** No Village official, appointee, or employee shall solicit or accept anything of value, including, but not limited to: a gift, gratuity, favor, service, fee, reward, entertainment, or promise of future employment, in connection with his or her municipal employment, or for providing any municipal or other official services, or based upon any understanding, either explicit or implicit, that the official actions, decisions, or judgments of any official or employee would be influenced thereby. Any gift or other thing of value received in violation of these provisions shall be refused and/or returned to the sender. If gifts of food or candy of nominal value are offered during holiday seasons, they may be accepted but shall be made available to all employees to consume on Village premises only.
- F) **Employee Economic Interests Disclosures.** All employees required by State Statute to file an annual economic interest report shall do so. Evidence of the proper filing of these disclosures must be filed with the Human Resources Department.
- G) **Employment of Relatives.** No official, appointee, or employee shall employ or advocate for employment, in any department or area over which said official, appointee, or Employee either serves or exercises jurisdiction or control, any person (1) who is a relative of said official, employee, or appointee, or (2) in exchange for or in

consideration of the employment of any of said official's, employee's, or appointee's relatives by any other official, appointee, or employee. The Village Manager may grant exceptions to this policy for temporary or part-time seasonal positions. This policy does not preclude the hiring of employees' relatives, but the hiring decision shall not be made by the employee who is related. No employee shall serve as the direct supervisor of a relative of said employee nor serve in the same department as the relative without the consent of the Village Manager.

- H) Honoraria and Payment for Appearances. From time to time, employees may be asked to appear before civic, charitable, political, church, or other groups in an official capacity as a representative of the Village. Employees should channel all such requests through their supervisors and receive appropriate permission for such appearances. Employees may be reimbursed for expenses only, or may accept a meal if their presentation is at a meeting where food is served. Personal fees, tips, gifts, or other favors of any kind in return for such an appearance may not be accepted.
- I) Endorsements. No employee shall explicitly or implicitly endorse or recommend to the general public or media a product, service, firm, developer, or other organization, which conducts, seeks, or could conduct business with the Village.
- J) False Information. No employee shall make any intentionally false statement, or any statement that is intentionally misleading, or shall intentionally omit material facts in the conduct of his work, or record any false information in the books, records, accounts, or files of the Village, including but not limited to, expense accounts, vouchers, bills, invoices, time sheets, payroll and service records, permits, and computer entries. Employees who become aware of any transaction or item of information that has been falsely or improperly recorded, or who knows of any conduct or activity engaged in by any Village employee or one of its agents which the employee knows or reasonably suspects is fraudulent or criminal in nature, or which may expose the Village to liability shall immediately report such knowledge to their immediate supervisor, or to the Village Manager or his designee.
- K) Collusion. No employee shall assist any other employee(s) in the violation of these policies. Such collusion shall be deemed to be as serious an offense as that is being committed by the first employee(s).
- L) Gift Ban Act. No employee shall violate the Village Gift Ban Act as required by State of Illinois.

## **ARTICLE 16**

### **EMPLOYEE TRAVEL**

#### **Section 16.1. Statement of Policy**

Employees are expected to exercise reasonable judgment and a proper regard for economy when incurring travel expenses. All employees must receive prior approval from the Department Head for travel and are required to submit the appropriate itemized expense report, as well as receipts or other appropriate documentation for expenses, to the Finance Director to be eligible for reimbursement.

16.1.1. *Use of Village-Owned Vehicles*

When possible, employees should use Village-owned vehicles when transportation for job purposes is required. Use of Village-owned vehicles must be approved in advance by the employee's supervisor. Acquisition of gasoline and other automobile needs shall be from Village facilities, at least at the outset of the trip. If cash or credit cards are used for subsequent fuel purchases on the road, receipts must be obtained for reimbursement. Maintenance needs of Village vehicles shall be completed within Village facilities, except in urgent situations. Village vehicles are to be used only for Village business. Consumption of alcohol is prohibited if the employee is utilizing a municipal vehicle.

16.1.2. *Use of Personal Vehicles*

When a Village vehicle is not available for individual use for job purposes, employees may use their personal vehicles with prior approval of the Village Manager. Employees may be reimbursed at a rate set by the Village Manager from time to time. No reimbursements will be approved without the prior approval from the Village Manager. When employees use their own vehicles for job purposes, their automobile insurance will be the primary insurer and the Village's insurance will be the secondary insurance.

16.1.3. *Other Means of Transportation*

Air, train, or bus travel reimbursement is limited to coach or economy fares. Out of town local travel must be by the most economical means to qualify for reimbursement.

16.1.4. *Lodging*

Hotel and motel reservations will be made in advance whenever possible. Reimbursement for lodging shall be limited to the minimum number of nights required to conduct Village business. No lodging expense shall be reimbursed for meetings or training sessions held in the Chicago metropolitan area unless it can be demonstrated that it is impractical for an employee to commute due to late evening and/or early morning sessions.

If an employee's spouse shares lodging, reimbursement will be limited to the single rate applicable to the room so occupied.

16.1.5. *Meals*

When an employee is required to stay overnight for training, a \*reimbursement to cover meals will be provided at the actual cost, or up to \$32.00 dollars per day to be used for breakfast, lunch and dinner. There are no limits on the amount allocated per meal(s), as long as receipts are provided and it does not exceed the \$32.00 total for all meals combined\*\*.

When an employee is not required to stay overnight for training, that employee is allowed a maximum of \*\$10.00 for lunch\*\*.

\*Receipts are required for all meals and/or reimbursement.

\*\*Training where meals are provided as part of the fee will not be reimbursed (i.e. if lunch is offered, no reimbursement will be paid for lunch). In addition, if a meal is provided for an overnight stay, the maximum reimbursement will be reduced by

the value of the meal provided (i.e. \$32.00 minus the \$10.00 for lunch = \$22.00 maximum reimbursement).

The Village Manager may make an exception to this, provided that appropriate documentation is furnished.

**16.1.6. *Other Expenses and Procedures***

Other expenses, such as parking, tolls, tips, and the like at a reasonable and generally accepted rate will be reimbursed. Receipts shall be provided wherever possible, or the expense separately itemized on the expense report.

Travel advances may be obtained in the Administration Department according to departmental policy. Other procedures to effectuate and administer the above travel policy are issued by the Village Manager or Finance Director from time to time.

**ARTICLE 17**  
**RESIGNATIONS, LAYOFFS, TERMINATIONS, AND TRANSFERS**

**Section 17.1. Resignations**

An employee may resign at any time with or without prior notice to the Village. However, if possible, the Village would ask that departing employees submit a written resignation to their Department Head not less than two weeks prior to the date of the intended departure. Employees in supervisory or executive positions are encouraged to give longer notice, if possible.

Sworn officers who resign should submit written resignations to the Police Commission as well.

An employee who resigns in good standing may be eligible for reappointment at a future time, providing an opening is available and his qualifications for that position are satisfactory. If reappointed, the employee starts as a new employee insofar as continuous service, accumulated sick leave, and benefits are concerned, unless the reappointment occurs within five (5) working days of his previous resignation.

**Section 17.2. Layoffs**

If it becomes necessary to eliminate certain positions or reduce payroll because of changing requirements, employees may be laid off. Laid-off employees do not accrue and are not eligible to receive benefits, except for COBRA insurance coverage. Employees who have been laid off will, if rehired within one (1) year, be reinstated with full seniority and restoration of benefits.

**Section 17.3. Terminations**

Termination of an employee's employment shall be in accordance with Article 7.

**Section 17.4. Exit Interviews**

Prior to the issuance of the final paycheck for departing employees, the Human Resources Director and/or the Village Manager may conduct an exit interview with the employee. If an exit interview is conducted, a report of that interview shall be placed in the employee's personnel file.

**Section 17.5. Transfers**

A lateral transfer consists of a reassignment of an employee to another job of similar pay, status, classification, and responsibility. Transfers are made whenever feasible or necessary to meet the needs of the Village.

Transfers, when possible, will be discussed in advance with the affected employee in order to explain reasons for the transfer and when possible, to give consideration to the employee's wishes.

Reassignments due to reorganization can, however, result in a downgrade in job classification, based on responsibilities, workload, or other relevant factors.

**Section 17.6. Reimbursements and Return of Village Property**

Departing employees are expected to reimburse the Village for any moneys, debts, or obligations owed to the Village, and/or to return any Village-owned property that may have been assigned to them, including but not limited to: advances for expenses, tuition reimbursement, restitution, keys, uniforms, pagers, identification cards, and other materials and equipment. The Village may enforce this by written agreement or other lawful means.

**APPENDIX A**  
**FAMILY AND MEDICAL LEAVE ACT POLICY AND PROCEDURES**

**Section 3.10.1. Provisions**

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

- A. The birth of an employee's child, to care for such child or the placement of a child with the employee for adoption or foster care. (Leave for this reason must be taken within the twelve month period following the child's birth or placement with the employee. If both spouses work for the Village, each is eligible for up to twelve (12) weeks' leave).
- B. To care for the employee's immediate family member, if the immediate family member has a serious health condition; or
- C. The employee's own serious health condition that makes the employee unable to perform the essential functions of his or her position.

**Section 3.10.2. Definitions**

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

"Spouse" means married domestic partner.

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

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

"Immediate Family" means the employee's spouse, child, or parent.

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

- 1. Inpatient care; or
- 2. Any period of incapacity requiring absence from work for more than three calendar days, that also involves continuing treatment by (or being under the supervision of) a health care provider; or



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

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

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

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

### **Section 3.10.3. Eligible Employee**

A. All Employees

To be eligible for FMLA, an employee must:

1. Have worked for the Village at least 12 months (meaning the employee was maintained on the payroll); and
2. Have worked at least 1250 hours during the year preceding the start of the leave. Hours worked are determined by applying the principles of the Fair Labor Standards Act (FLSA).

B. Exempt Employees

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

### **Section 3.10.4. Request for Leave**

A. No Need to Assert FMLA Rights

Employees need not expressly assert their rights under the FMLA, or even mention the FMLA when applying for leave. It is enough to state that leave is needed for one or more of the covered reasons, listed under the heading "Family and Medical Leave Provisions" above.

B. Leave for Medical Condition

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

C. Planning Treatment

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

**Section 3.10.5. Notice Requirement**

A. Foreseeable Leave

1. Unpaid leave: An employee must give 30 days' notice if the leave is foreseeable and unpaid. The request for leave must be accompanied by the "Employee Leave Request Form" furnished by the Human Resources Director. If the employee fails to give 30 days' notice without having a reasonable excuse for the delay, the leave will be denied until 30 days after the employee provides the notice.
2. Paid leave: The notice period for a foreseeable paid leave is the same which the employee is required to give to use vacation, sick leave or whatever applicable paid benefit time the employee requests, and is determined either by the Village Personnel Policy Manual, a departmental or Village-wide procedure, or the relevant section of a collective bargaining agreement applicable to that employee. The substitution of paid leave for the otherwise unpaid leave provided by the FMLA is described below.

B. Unforeseeable Leave

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

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

2. Paid leave: The provisions described under 3.10.5.A-2 above apply.

**Section 3.10.6. Medical Certification**

A. Time-frame to Submit Form

For leaves (unpaid) taken because of the employee's or a covered family member's serious health condition, the employee must submit a completed "Medical Certification" form available from the Human Resources Director within 15 days after the Village requests completion of the form, or as soon as reasonably possible.

B. Subsequent Medical Opinion/Reports

The Village may require a second or third opinion, at the Village's expense, and periodic reports on the employee's status and intent to return to work. The employee must furnish a fitness for duty report to return from a leave taken because of the employee's own serious health condition.

### **Section 3.10.7. Intermittent or Reduced Leave**

#### **A. Serious Health Condition**

If it is medically necessary, leave may be taken intermittently (a few days/hours at a time), or on a reduced leave schedule to care for an immediate family member with a serious health condition, or because of the employee's own serious health condition.

1. **Medical Necessity:** The treatment regimen and other information given on the "Medical Certification" form is enough to certify the medical necessity of intermittent or reduced leave. However, the employee must schedule such leave so as not to disrupt the Village's operations. Upon request, the employee shall provide the Village with the reasons why the intermittent/reduced leave schedule is necessary, and furnish a schedule of the treatment. The Village and the employee will work out a mutually agreeable schedule, subject to the approval of the health care provider.
2. **Temporary Transfer:** The employee may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodates recurring periods of leave, when the leave is planned for scheduled medical treatment.

#### **B. Department's Consent**

A leave taken intermittently or on a reduced leave schedule for the birth of the employee's child, or the child's placement with the employee for adoption or foster care, requires the department head's consent.

#### **C. Part-time/Variable Hours Employees**

For part-time employees and those working variable hours, the FMLA leave entitlement is calculated on a pro-rata basis whereby the 12 weeks worked immediately prior to the start of the leave are used to calculate the employee's normal workweek.

#### **D. Exempt Employees**

Exempt employees' salaries will be reduced by the hours taken as intermittent or reduced leave during the workweek, without affecting their exempt status.

### **Section 3.10.8. Substitution of Paid Leave**

#### **A. Required Substitution**

Employees are required to substitute accrued paid benefit time for any part of an FMLA leave taken. Substitution of accrued benefit time for unpaid leave will occur in the following order for the three qualified reasons indicated in Section 3.10.1 of this Appendix:

1. The birth of an employee's child:  
Vacation Time, Comp Time, Personal Days, Sick Time.
2. To care for an employee's immediate family member:  
Vacation Time, Comp Time, Personal Days, Sick Time.
3. The employee's own serious health condition:  
Sick Time, Vacation Time, Comp Time, Personal Days.

- B. **Combination of Paid/Unpaid Leave**  
When an employee has used accrued paid benefit time for a portion of FMLA leave, the employee may request an additional period of unpaid leave for a total combined leave of 12 weeks.
- C. **Right of Substitution**  
An employee has the right to substitute all of his/her accrued paid benefit time, so long as the Village Personnel Policy Manual or the relevant collective bargaining agreement permits the use of paid benefit time for the type of FMLA leave requested.

### **Section 3.10.9. Effect on Benefits**

- A. **Group Insurance**  
The employee's group health insurance and life insurance plan continues under the same conditions as coverage would have been provided if the employee had continuously been employed during the leave period.
- B. **Insurance Contributions**  
Employees' contributions to premiums continue at the same level as if they were actively employed. If there is a change in the employee's share of premium costs, they are notified of the change and expected to pay the premium they would have paid had they not been on leave.
  1. **Paid leave:** Employees who are on paid leave will have their premium payments withheld through payroll deduction.
  2. **Unpaid leave:** Employees who are on unpaid leave will be advised in writing at the beginning of the leave period of the amount, method, and due date of their premium payments.
  3. **Late payment:** If an employee's premium payment is more than thirty (30) days late, the Village may terminate the health coverage. However, the coverage will be restored immediately upon the employee's return from leave.
  4. **Reimbursement:** If the Village pays the employee's share of the premium which the employee missed during the leave, the Village may require that the employee reimburse it upon return from leave. The employee will be required to sign a written statement, at the beginning of the leave, authorizing payroll deductions for delinquent payments.
  5. **Premium conversion:** If applicable, the paying of insurance premiums with pre-tax dollars by employees enrolled in a premium conversion plan is described in the FMLA Administrative Procedure.
  6. **Employee does not return from leave:** If the employee fails to return from leave for reasons other than the continuation of the employee's serious health condition, or the serious health condition of a covered family member, or circumstances beyond the employee's control, or the employee returns to work for less than 30 days, the

Village may seek reimbursement for the employer's share of the premiums paid on behalf of the employee during the period of the leave.

C. Other Benefits

An employee is not entitled to seniority or benefit accrual during periods of unpaid leave, unless otherwise stated in the Village Personnel Policy Manual, collective bargaining agreement, or law. However, the employee will not lose any benefit accrued prior to the leave.

**Section 3.10.10. Job Protection**

A. Same or Equivalent Position

If the employee returns from leave by the end of twelve (12) weeks, or before, he/she is reinstated to the former position or an equivalent one, with equivalent pay, benefits, status, authority, and other conditions of employment as they held before going on leave.

B. Restoration Rights

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

C. Late Return

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

D. Key Employee

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

## **APPENDIX B**

### **COBRA PROCEDURES**

#### **Introduction**

**This document generally explains COBRA continuation coverage, when it may become available to you and your family, and what you need to do to protect the right to receive it.**

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

#### **What is COBRA Continuation Coverage?**

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

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

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

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

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

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

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

### **When is COBRA Coverage Available?**

The Plan will offer COBRA continuation coverage to qualified beneficiaries only after the Plan Administrator has been notified that a qualifying event has occurred. When the qualifying event is the end of employment or reduction of hours of employment, death of the employee, retirement, or if the employee will become eligible for Medicare benefits (under Part A, Part B, or both), the employer must notify the Plan Administrator of the qualifying event.

### **You Must Give Notice of Some Qualifying Events**

**For the other qualifying events (divorce or legal separation of the employee and spouse or a dependent child's losing eligibility for coverage as a dependent child), you must notify the Plan Administrator within 30 days after the qualifying event occurs. You must provide this notice to the Human Resource Department.**

### **How is COBRA Coverage Provided?**

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

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

#### ***Disability extension of 18-month period of continuation coverage***

If you or anyone in your family covered under the Plan is determined by the Social Security Administration to be disabled and you notify the Plan Administrator in a timely fashion, you and your entire family may be entitled to receive up to an additional 11 months of COBRA continuation coverage, for a total maximum of 29 months. The disability would have to have started at some time before the 60th day of COBRA continuation coverage and must last at least until the end of the 18-month period of continuation coverage.

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

If your family experiences another qualifying event while receiving 18 months of COBRA continuation coverage, the spouse and dependent children in your family can get up to 18

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

### **If You Have Questions**

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

### **Keep Your Plan Informed of Address Changes**

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

### **Plan Contact Information:**

Human Resources Department  
Village of Algonquin  
2200 Harnish Drive  
Algonquin, IL 60102

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**APPENDIX C**  
**AMERICANS WITH DISABILITIES ACT POLICY AND PROCEDURES**

**Section 11.1 Statement of Policy**

It is the policy of the Village of Algonquin to comply with all provisions of the Americans with Disabilities Act ("ADA"). The Village will not discriminate against any qualified employee or job applicant with respect to any term or condition of employment based on a physical or mental disability or the perception of a physical or mental disability. If an individual is qualified to perform the essential and fundamental functions and duties associated with a job, the Village will make reasonable accommodations as necessary for applicants and employees with disabilities, provided that such accommodations do not pose a threat to safety or cause an undue hardship to the Village.

**Section 11.2 Procedures**

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

1. Reporting of the Incident: Make a report of any suspected violation of the ADA to the Human Resources Director. The report may be made initially either orally or in writing, but reports made orally must be reduced to writing before an investigation can be initiated and a resolution achieved.
2. Investigation of the Complaint: When a complaint has been reduced to writing, the Human Resources Director will, within three (3) working days, meet with the complaining party to determine the nature of the complaint. If it is determined that a disability does not exist, the Human Resources Director will so notify the complaining party in writing within three (3) working days of their meeting. If it is determined that a disability does exist, the Human Resources Director will determine whether a reasonable accommodation can be made and, if so, what that reasonable accommodation is. Within seven (7) working days from the date of the meeting, the Human Resources Director will advise the complaining party in writing of the proposed resolution of the complaint.
3. Keeping of Records and the Confidentiality of Such Records: Applicants or employees who submit a written complaint of a violation of the ADA are encouraged to keep written notes in order to accurately record the chain of events. Every effort shall be made to keep all matters related to the investigation and various reports confidential. In the event of a lawsuit, however, the Village advises that those records maintained by the Village and any records maintained by the complainant may not be considered privileged from disclosure. Written records will be maintained by the Village for two (2) years from the date of the resolution, unless circumstances dictate that the records should be kept for a longer period of time.
4. Timeframe for Reporting Complaints: The Village encourages prompt reporting of complaints so that rapid response and appropriate action may be taken. However, due to the potential sensitivity of these types of issues, no

specific timeframe is established for submitting ADA complaints. Delayed reporting of complaints will not, in and of itself, preclude the Village from taking remedial action.

5. Appeal Process: If an applicant or employee is dissatisfied with the outcome or resolution of an ADA complaint, that individual has the right to appeal the decision. Within seven (7) working days from receipt of the Human Resources Director's response, the applicant or employee should submit his or her written comments to the Human Resources Committee for review. The Human Resources Committee may then refer the matter to staff and the Village Attorney for further steps, or make a recommendation to be forwarded to the Village Board for its adoption, or take any other action as is deemed appropriate.

**APPENDIX D**  
**DRUG FREE WORK PLACE ACT POLICY AND PROCEDURES**

**Section 12.1. Statement of Policy**

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

**Section 12.2. Employees to Whom this Policy Applies**

This policy applies to every Village employee engaged in the performance of their employment with the Village.

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

A copy of this policy statement will be posted in the Village Hall.

**Section 12.3. Penalties for Violation of this Policy**

Any employee who violates this prohibition may be subject to disciplinary action as set forth in Article 7 or as provided by State statute, whichever is applicable, up to and including immediate termination of employment or may be referred for counseling or rehabilitation and satisfactory treatment.

**Section 12.4. What the Employee is Required To Do**

Every employee who is convicted of a violation of a criminal drug statute as the result of conduct occurring in the workplace or at a Village worksite must notify the Village no later than five (5) days after the conviction. Failure to so notify the Village may result in disciplinary action, up to and including immediate termination of employment.

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

**Section 12.5. Penalties for Conviction of Criminal Drug Statute**

Within thirty (30) days of receiving notice that an employee has been convicted of a violation of a criminal drug statute, the Village will:

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

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

**Section 12.6. Employee Assistance Program**

In the event drug counseling, treatment, and rehabilitation are required, the Village has established an Employee Assistance Program to assist employees in selecting a course of

action and to refer employees to qualified treatment facilities or agencies. The following is the Village's policy for the Employee Assistance Program:

### **EMPLOYEE ASSISTANCE PROGRAM**

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

The Village will conduct an educational and training program for CDL drivers, other employees, supervisory personnel, and Village officials, which program shall address drugs and alcohol, including the effects and consequences of drugs and alcohol use on personal health, safety, and work environment, and the manifestations and behavioral changes that may indicate drug or alcohol use or abuse. Each driver, other employee, supervisory personnel, and Village official will receive a certificate indicating attendance at and participation in the training program. Each certificate will be signed by the training program participant and will be placed in a participant's personnel file.

- A) The Village of Algonquin recognizes that drug abuse is an illness. This illness may affect an employee's job performance, health, or personal relationships. Fortunately, this is an illness which can be successfully treated.
- B) To assist employees in seeking treatment for drug abuse problems, the Village has created the position of Program Administrator of the Drug Free Workplace Act. The Program Administrator is the Human Resources Director.
- C) Employees who believe they have a drug-abuse problem are encouraged to voluntarily seek confidential assistance by contacting the Program Administrator. The Program Administrator will place the employee in contact with the Village's EAP.
- D) Through the EAP, the employee will be provided a referral coordinator. The referral coordinator is part of a trained referral team who can refer the employee to a specific professional counselor or treatment program that can help the employee deal with his or her drug-abuse problem.
- E) An employee who voluntarily seeks assistance under the Village's EAP should not be subject to disciplinary action because of his or her drug-abuse problem if, in the opinion of the Program Administrator: 1) the employee can satisfactorily continue to perform his or her job duties; 2) the employee is not a danger to himself or herself or to others; and 3) the integrity of the Village of Algonquin is not adversely affected.
- F) If an employee violates the Drug Free Workplace Act, the Village may require the employee to satisfactorily participate in an approved drug abuse assistance or treatment program, at the employee's expense. If the employee refuses to participate in such a program, the employee may be subject to disciplinary action as set forth in the Village's personnel policies or as provided by State statute, whichever is applicable.

- G) The decision to contact the EAP and to request diagnosis or to undertake treatment is the sole responsibility of the employee. The employee may also seek help directly from any approved individual or agency. All treatment expenses are the sole responsibility of the employee.
- H) The relationship among the employee, the Program Administrator, and the EAP referral coordinator is confidential. When an employee voluntarily contacts the EAP through the Program Administrator, only the Program Administrator will be aware of the contact. When an employee is required to contact the EAP or to participate in a drug abuse assistance or rehabilitation program as the result of a violation of the Drug Free Workplace Act, only the Program Administrator and those Village officials responsible for determining compliance with the Drug Free Workplace Act will be aware of the contact. No one in the Village will be aware of any treatment recommendations unless the employee specifically authorizes disclosure to a specific person. When an employee is required to contact the EAP or to participate in a drug abuse assistance or rehabilitation program as the result of a violation of the Drug Free Workplace Act, however, the employee will be required to provide the Village with proof of satisfactory participation in and completion of the program.

#### **Section 12.7. Drug Free Awareness Program**

To assist employees in complying with the Village's policies and procedures that have been adopted to comply with the Drug Free Workplace Act, the Village has established a drug free awareness program to inform employees about:

- A) The dangers of drug abuse in the workplace.
- B) The Village's policy of maintaining a drug-free workplace.
- C) Any available drug counseling, rehabilitation, and employee assistance programs.
- D) The penalties that may be imposed upon an employee for violations of the Village's policies and procedures that have been adopted to comply with the Drug Free Workplace Act.

#### **Section 12.8. Acceptance of This Policy**

The Village requires that all employees acknowledge that they:

- A) Have received the Policy Statement of the Village of Algonquin Compliance with the Drug Free Workplace Act (which is this Appendix D).
- B) Will abide by the terms of this Policy Statement.
- C) Will notify the Village of any criminal drug statute conviction for a violation occurring in the workplace or at a Village worksite no later than five (5) days after the conviction.
- D) Will, if convicted of a criminal drug statute violation as the result of conduct occurring in the workplace or at a Village worksite and given the opportunity to do so, satisfactorily participate in a drug abuse assistance or rehabilitation program and provide the Village with proof of satisfactory participation and completion of such a program.

**APPENDIX E**  
**DRUG AND ALCOHOL TESTING POLICY AND PROCEDURES**

**Section 13.1. Statement of Policy**

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

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

The procedures described below that implement this policy are general in nature, and do not necessarily describe every action that may be taken or every document that may be used, generated, or executed, whether by the Village, its insurance carriers, any testing facility, or other entity responsible for or authorized to effectuate any aspect of this policy.

**Section 13.2. CDL Employees**

Pursuant to the U.S. and Illinois Department of Transportation Regulations requiring drug and alcohol testing on all employees holding a commercial drivers license (CDL), all CDL employees will be tested in the following situations:

- A. Pre-employment testing: All applicants for employment in positions covered under the U.S. and Illinois Department of Transportation Regulations must successfully complete a drug and alcohol test before performing any safety-sensitive function.
- B. Random testing: CDL employees will be subject to random drug and alcohol testing throughout the year. These employees will have no advance warnings of the random tests.
- C. Post-accident/incident testing: Drug testing will be required immediately after serious accidents or rule violations, but should be done no later than within 8 hours after said accident or rule violation. No employee may consume alcohol for 8 hours following the accident or until they undergo a post-accident alcohol test, whichever occurs first.
  - (a) This municipality will require post-accident urine drug and breath alcohol testing of all employees covered by this policy.

(b) Post-accident urine drug and breath alcohol testing will be required of each surviving driver:

(1) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or

(2) Who receives a citation under state or local law for a moving traffic violation arising from the accident, if the accident involved:

(i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

(ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

(c) For purposes of this section, disabling damage means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner after simple repairs:

(1) Inclusions:

Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.

(2) Exclusions:

(i) Damage which can be remedied temporarily at the scene of the accident without special tools or parts.

(ii) Tire disablement without other damage even if no spare tire is available.

(iii) Headlight or taillight damage.

(iv) Damage to turn signals, horn, or windshield wipers which make them inoperative.

D. Reasonable cause: If the Village has reasonable cause to believe that an employee is under the influence of drugs or alcohol, the Village may require the employee to submit to a drug or alcohol test. "Reasonable cause" means that the Village believes that the actions, appearance, or the conduct of the employee are indicative of the use of drugs or alcohol. "Reasonable cause" shall be based on documented observations by a trained supervisor who should be able to articulate and substantiate specific behavioral, performance, or contemporaneous physical indicators of probable drug use and/or alcohol misuse.

E. Employees required to hold CDL licenses shall be subject to the McHenry County Municipal Risk Management Agency policy and program for drug and alcohol testing in compliance with Federal regulations as may be adopted from time to time. Such policy and program is published under separate cover and may contain regulations and standards not listed herein.

### **Section 13.3. Non-CDL Employees**

All other employees, other than CDL employees, may be tested for drug or alcohol use for reasonable cause as outlined in Section 13.2 D. above.

### **Section 13.4. Testing Procedures/Drugs**

All testing for drugs will be done only by federally certified laboratories. Testing for the presence of drugs will be done with two urine samples provided by the employee. The urine sample that is submitted will be tested for marijuana, cocaine, opiates, amphetamines and PCP. The collection of the urine specimen, submission of the urine specimen to the drug testing facility, and testing of the urine specimen will be conducted in accordance with the U.S. or Illinois Department of Transportation regulations. There will be two urine samples gathered so that the second urine specimen can be used by the employee and/or applicant for testing by another federally certified laboratory of the employee's choice and at the employee's expense.

All urine samples which are identified as positive on the initial test will be tested again using Chromatography/Mass Spectrometry. All urine samples which test negative on either the initial or the second test will be reported as negative.

### **Section 13.5. Testing Procedures/Alcohol**

Testing for the presence of alcohol will be a breath test performed by a trained technician using evidential breath testing devices. The Federal Department of Transportation regulations have adopted the cutoffs of .02 for temporary removal from performing safety sensitive functions, and .04 for long-term removal, pending a return to duty test, completion of an assessment for chemical dependency, and certification by a substance abuse professional that the employee is successfully following a prescribed treatment.

### **Section 13.6. Medical Review Officer**

If a drug test has been confirmed to be positive, the results of the test shall be reviewed by a Medical Review Officer (MRO). The MRO is a licensed physician with knowledge of substance abuse disorders. The MRO will review and interpret confirmed positive test results obtained through the testing program. For all confirmed positive results, the MRO shall examine possible alternate medical explanations for the positive test result. This action may include conducting a medical interview and review of the employee's medical history, or review of any other relevant biomedical factors. The MRO shall review all medical records made available by the tested employee when a confirmed positive test could have results from legally prescribed medication.

The MRO will discuss all positive results with the tested driver pursuant to U.S. or Illinois Department of Transportation Regulations. The MRO will then report the test results to the Village.

The MRO shall not disclose to any third party any medical information provided by the employee to the MRO that is part of the testing verification process except as required by U.S. or Illinois Department of Transportation regulations or as authorized in writing by the tested employee. The MRO may not release individual drug test results of any employee to anyone other than the Village, except as required by U.S. or Illinois Department of Transportation Regulations, without first obtaining written authorization from the tested employee.



### **Section 13.7. Confidentiality of Drug and Alcohol Test Results**

If an employee submits to a drug or alcohol test at the request of the Village, the medical facility may not release the individual medical, drug or alcohol test results of that employee to anyone other than the Village without first obtaining written authorization from the tested employee unless required to do so by the U.S. and/or Illinois Department of Transportation Regulations or by court order.

If an employee submits to a drug or alcohol test at the request of the Village, the Village will not release the individual medical, drug or alcohol test results of that employee without first obtaining written authorization from the tested employee unless required to do so by the U.S. and/or Illinois Department of Transportation Regulations or by court order.

### **Section 13.8. Consequences of a Positive Drug or Alcohol Test Result**

An employee who tests positive for drugs as reported to the Village by the MRO will be immediately removed from a safety-sensitive function and may be subject to disciplinary action up to and including immediate termination of employment. A CDL driver whose blood alcohol concentration is .04 or more will be immediately removed from a safety sensitive function and may be subject to disciplinary action up to and including immediate termination of employment.

### **Section 13.9. Effect of a Refusal to Submit to Drug or Alcohol Testing**

Prior to testing, the employee must sign a written consent to the testing. Failure to sign the consent may result in disciplinary action up to and including immediate termination of employment.

Any employee who refuses or fails to be tested under the Village's Drug or Alcohol Testing Policy shall be treated as if he/she has received a positive drug test finding or a blood alcohol concentration of .04 or more. Upon refusal or failure to submit to the testing procedure, the employee's employment shall be immediately terminated. The employee's refusal shall be documented in writing.

### **Section 13.10. Eligibility for Re-employment**

Any employee who has been terminated as a result of a positive test or blood alcohol concentration of .04 or more, is eligible for re-employment on a one-time basis if the employee successfully completes a program of evaluation and, if necessary, treatment. For CDL employees, the treatment must medically re-qualify the driver to operate a commercial vehicle or other equipment.

All costs of treatment shall be borne by the employee. While undergoing treatment, the employee will not receive any of the benefits normally provided by the Village.

If an employee is re-employed after testing positive for drugs, the employee will be subject to additional tests for drugs without prior notice for up to five (5) years. If any of these additional tests are positive for a CDL employee, the driver will be terminated and that termination will be final and irreversible. A CDL driver who tests positive for drugs or who is found to have a blood alcohol concentration of .04 or more, after being involved in a fatal accident, shall not be eligible for re-employment under any circumstances.

### **Section 13.11. Employee Assistance Program**

The Village will conduct an educational and training program for CDL drivers, other employees, supervisory personnel, and Village officials, which shall address drugs and alcohol, including the effects and consequences of drug and alcohol use on personal health, safety, and work environment, and the manifestations and behavioral changes that may indicate drug or alcohol use or abuse. The drug training portion of the program will be a minimum of 60 minutes. Each driver, other employee, supervisory personnel, and Village official will receive a certificate indicating attendance at and participation in the training program. Each certificate will be signed by the training program participant and will be placed in a participant's personnel file.

**APPENDIX F**  
**SEXUAL HARASSMENT POLICY AND PROCEDURES**

**Section 14.1. Statement of Policy**

Sexual harassment is illegal. The Village is committed to maintaining a work environment that encourages and fosters appropriate conduct among employees and respect for individual values and sensibilities. Accordingly, this Village intends to enforce its Sexual Harassment Policy in all aspects of the Village's operations in order to create an environment free from discrimination of any kind, including sexual harassment.

**Section 14.2. Definition of Sexual Harassment**

Under Illinois law, sexual harassment is any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

**Section 14.3. Description of Sexual Harassment**

Sexual harassment can occur between men and women, or between members of the same sex. This behavior is unacceptable in the workplace itself and in other work-related settings, such as meetings, hearings, and Village-related or sponsored social events.

Sexual harassment affects the victim and other Village employees as well. Each incident of harassment contributes to a general atmosphere in which everyone suffers the consequences. Sexually oriented acts or sex-based conduct have no legitimate business purpose. Where such conduct is engaged in by a supervisor or someone in a management position, the former will be held to a higher standard of accountability because of the degree of control and influence he or she has or is perceived to have over the employment conditions and benefits of the subordinate.

Prohibited acts of sexual harassment can take a variety of forms ranging from subtle pressure for sexual activity or contact to physical contact. At times, the offender may be unaware that his or her conduct is offensive or harassing to others. Examples of conduct which could be considered sexual harassment include:

- a. persistent or repeated unwelcome flirting, pressure for dates, sexual comments, or touching;
- b. sexually suggestive jokes, gestures, or sounds directed toward another, or sexually oriented or degrading comments about another;
- c. preferential treatment of an employee, or a promise of preferential treatment to an employee, in exchange for dates or sexual conduct; or the denial or threat of denial of employment, benefits, or advancement for refusal to consent to sexual advances or activity;

- d. the open display of sexually oriented pictures, posters, calendars, or other material offensive to others; and
- e. retaliation against an individual for reporting or complaining about sexually harassing conduct.

#### **Section 14.4. The Village's Complaint Process**

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

- a. **Reporting of the Incident.** All Village employees and officials are urged to report any suspected sexual harassment by another employee or official to the Human Resources Director except where the Human Resources Director is the individual accused of harassment. In that case, the complaint should be reported to the Village Manager. If the victim prefers to report the suspected harassment to someone of the opposite sex from that of the Human Resources Director, the complaint can be reported to the Executive Secretary to the Village Manager, Village President, the Village Clerk, or a member of the Board of Trustees. The report may be made initially either orally or in writing, but reports made orally must be reduced to writing before an investigation can be initiated and a resolution achieved.
- b. **Investigation of the Complaint.** When a complaint has been reduced to writing, the Human Resources Director, or the individual informed pursuant to paragraph a. above, will initiate an investigation of the suspected harassment within five (5) working days of receiving the written notification. If necessary, the Village representative receiving the complaint may designate another supervisory or management employee to assist him or her in the investigation. The investigation will include an interview with the individual(s) who made the initial report, the person(s) toward whom the suspected harassment was directed, and the individual(s) accused of the harassment. Any other person who may have information regarding the alleged sexual harassment may also be interviewed.
- c. **Preparation of a Written Report.** The person responsible for investigating the complaint shall prepare a written report within ten (10) working days of his or her notification of the suspected harassment, unless extenuating circumstances prevent him or her from doing so. The report shall include a finding that sexual harassment occurred, sexual harassment did not occur, or there is inconclusive evidence as to whether sexual harassment occurred. A copy of the report will be given to the individual(s) who made the initial report, the person(s) to whom the suspected harassment was directed, and the individual(s) accused of the harassment.
- d. **Keeping of Records and the Confidentiality of Such Records.** Employees or other persons who report incidents of sexual harassment are encouraged to keep written notes in order to accurately record the offensive conduct. Every effort shall be made to keep all matters related to the investigation and various reports confidential. In the

event of a lawsuit, however, the Village advises that those records maintained by the Village and any records maintained by the complainant may not be considered privileged from disclosure. Written records will be maintained by the Village for two (2) years from the date of the resolution, unless new circumstances dictate that the records should be kept for a longer period of time.

- e. **Time Frame for Reporting Complaints.** The Village encourages prompt reporting of complaints so that rapid response and appropriate action may be taken. Thus, all complaints should be reported within six months of the alleged harassment.
- f. **Appeal Process.** If either party directly involved in a sexual harassment investigation is dissatisfied with the outcome or resolution of the matter, that individual has the right to appeal the decision. The dissatisfied party should submit his or her written comments in a timely manner to the Village Manager or Village Attorney (if the claim included the Village Manager).

#### **Section 14.5. Disciplinary Action**

Disciplinary action will be taken against any employee found to have engaged in sexual harassment of any other employee. The extent of such sanctions may depend in part upon the length and conditions of employment of the particular employee and the nature of the offense. The Village has the right to impose any sanction, or any combination of sanctions, up to and including immediate termination, to deal with unreasonable conduct or discrimination.

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

#### **Section 14.6. Legal Remedies Available Through the Illinois Department of Human Rights and the Illinois Human Rights Commission**

In addition to the Village's complaint process, any Village employee who believes that he or she has been the subject of sexual harassment may file a charge with the Illinois Department of Human Rights ("IDHR"). The IDHR has responsibility for accepting or initiating charges of sexual harassment and for investigating and attempting to resolve those charges.

A charge of sexual harassment must be filed with the IDHR within 180 days after the alleged harassment. A charge may be filed with the IDHR in person, by mail, or by telephone. The Chicago office of the IDHR is located at 100 West Randolph, Suite #10-100, Chicago, Illinois 60601. Complaint forms can be requested or charges may be filed by telephone by calling (312) 814-6200, TTY (217) 785-5125. A charge of sexual harassment may also be filed with the United States Equal Employment Opportunity Commission (EEOC). The claim must be filed with the EEOC within 300 days from the date of the alleged harassment. The EEOC's Chicago office is located at 500 W. Madison Street, Suite 2000, Chicago, IL 60661 and its phone number is (800) 669-4000, TTY (800) 669-6820.

#### **Section 14.7. Protection Against Retaliation**

The Village will not in any way retaliate against an individual who makes a report of sexual harassment, an individual who assists or who cooperates in the investigation, nor will the Village permit any other Village employee to do so. Retaliation is a serious violation of this Sexual Harassment Policy and should be reported immediately. Any person found to have

retaliated against another individual for reporting sexual harassment or who assists or who cooperates in the investigation will be subject to the same disciplinary action provided for sexual harassment offenders.

**APPENDIX G**  
**HARASSMENT IN THE WORK PLACE**

**I. PURPOSE**

The purpose of this policy is to maintain a healthy work environment and to provide procedures for reporting, investigating, and resolving complaints of harassment.

**Note:** For complaints involving incidents of sexual harassment, please refer to the Village's Sexual Harassment Policy contained in Appendix F of this manual.

**II. DISCUSSION**

**A. Prohibited Activity**

1. No employee shall either explicitly or implicitly ridicule, mock, deride, or belittle any other employee.
2. Employees shall not make offensive or derogatory comments based upon race, creed, color, religion, sex, age, mental or physical disability, national origin or any other legally protected characteristics, either directly or indirectly to another employee. Such harassment is a prohibited form of discrimination under state and federal employment law and is considered misconduct subject to disciplinary action.
3. Such conduct that has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

**B. Responsibilities**

1. Each employee is responsible for assisting in prevention of harassment through the following acts:
  - a. Refraining from participation in, or encouragement of, actions that could be perceived as harassment.
  - b. Reporting acts of harassment to a supervisor or department head.
  - c. Encouraging any employee, who confides that he/she is being harassed, to report these acts to a supervisor or department head.
2. Each supervisor and department head shall be responsible for preventing acts of harassment. These responsibilities include:
  - a. Monitoring the workplace environment on a daily basis for signs that harassment may be occurring.
  - b. Counseling all employees on the types of behavior prohibited and the Village's procedures for reporting and resolving complaints of harassment.

- c. Stopping any observed acts that may be considered harassment and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision.
  - d. Taking immediate action to limit the work contact between employees where there has been a complaint of harassment, pending investigation.
3. Each supervisor and department head has the responsibility to assist any employee, who comes to that individual with a complaint of harassment, in documenting and filing a complaint.
  4. Failure to take action to stop known harassment will result in disciplinary action up to and including termination of employment.

**C. Complaint Procedures**

The employee shall document all incidents of harassment in order to provide an adequate record for investigation. Employees encountering harassment should, if possible, tell the person that his or her actions are unwelcome and offensive; however, the Village recognizes that power and status disparities between an alleged harasser and a target may make such a confrontation impossible. In the event that such informal, direct communication between individuals is either ineffective or impossible, or even when such communication between the individuals has occurred, the complaint reporting procedures outlined herein should be followed.

1. Any employee who believes that he/she is being harassed shall report the incident(s) to the Human Resources Director as soon as possible so that steps may be taken to protect the employee from further harassment and so that appropriate investigative and disciplinary measures may be initiated. In the event the Human Resources Director is the person accused of the alleged harassment, the report should be made to the Village Manager.
2. The Human Resources Director or the Village Manager, as the case may be, shall meet with the employee and document the incident(s) complained of, the person(s) accused of performing or participating in the harassment, and the date(s) on which the harassment allegedly occurred.
3. A file of the harassment complaint shall be maintained in a secure location.

**D. Time Frame for Reporting Complaints**

The Village encourages prompt reporting of complaints so that rapid response and appropriate action may be taken. Thus, all complaints should be reported within six months of the alleged harassment.



**E. Disciplinary Action**

Disciplinary action will be taken against any employee found to have engaged in harassment of any other employee. The extent of such sanctions may depend in part upon the length and conditions of employment of the particular employee and the nature of the offense. The Village has the right to impose any sanction, or any combination of sanctions, up to and including immediate termination, to deal with unreasonable conduct or discrimination.

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

**F. Protection Against Retaliation**

The Village will not in any way retaliate against an individual who makes a report of harassment, an individual who assists or who cooperates in the investigation, nor will the Village permit any other Village employee to do so. Retaliation is a serious violation of this Harassment Policy and should be reported immediately. Any person found to have retaliated against another individual for reporting harassment or an individual who assists or who cooperates in the investigation will be subject to the same disciplinary action provided for harassment offenders.

**G. Appeal**

Complainants or employees accused of harassment may file an appeal in accordance with proper procedures when they disagree with the investigation or disposition of a harassment claim. Appeals must be in writing and directed to the Village Manager or Village Attorney (if the claim included the Village Manager