



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 that 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, but it does not include all of the rules that govern our organization. Familiarity with this material will be to your advantage and is also your responsibility. Many of the questions that may come up during your employment are answered here. Your supervisor will also be able to answer other questions that are not addressed in this document. If you do not understand a Village policy, please contact the Human Resources Director or the Village Manager's Office.

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 towards accomplishing this goal.

Sincerely,

Tim Schloneger
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 operation. 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. 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 EITHER THE VILLAGE OR AN EMPLOYEE MAY TERMINATE THE EMPLOYMENT RELATIONSHIP AT ANY TIME, WITH OR WITHOUT CAUSE, AND WITH OR WITHOUT NOTICE. NO SECTION OF THIS MANUAL NOR ANY OTHER VILLAGE POLICY, PROCEDURE, OR PRACTICE SHALL BE INTERPRETED AS A LIMIT ON EITHER PARTY'S ABILITY TO TERMINATE THE EMPLOYMENT RELATIONSHIP AT ANY TIME.

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. EMPLOYMENT AND POLICY DEFINITIONS

Full-Time Employee:	An employee who is normally scheduled to work forty (40) or more hours per week and who is not an intern, seasonal, or part-time employee.
Part-Time Employee:	An employee who is employed in a position that normally requires the performance of duty for less than One thousand five hundred sixty (1,560) hours per calendar year. An employee who is hired for a specific position with no specific date upon which employment ends.
Intern:	An employee hired or assigned to work for a particular department to enhance their studies, either paid or unpaid. This is typically a partnership between a school and a sponsoring organization.
Seasonal Employee:	A temporary employee hired for a specific job and/or for a specified period of time not to exceed 1,000 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 workweek.
Non-Exempt Employee:	An employee who is entitled to overtime compensation at the rate of one and one-half (1.5) times their regular rate of pay for all hours worked in excess of forty (40) hours in any given workweek.
Health Care Provider:	A doctor of medicine or osteopathy, or any other person determined by the 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.

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 their 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.

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 non-union 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 that 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. 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 are sworn officers, but exempt employees. 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 rate of pay for all hours worked in excess of forty (40) in any given workweek.

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 workweek used for vacation, holiday, personal day, jury/witness duty, comp time, bereavement leave, and verified FMLA. The following types of leave do not qualify for and are not included in the calculation of overtime compensation: leaves of absence, as well as hours of the workweek used for sick leave absence without a written health care provider's note approving the absence, 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 employee's 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 and the Illinois Minimum Wage Law and, therefore, are not entitled to overtime compensation for hours worked over forty (40) in any given workweek. The classification of positions that are exempt or non-exempt is available in position descriptions or in the Fair Labor Standards Act and the Illinois Minimum Wage Law.

C. **Workweek:** For payroll purposes in determining overtime, the standard workweek of Village employees shall be from 12:00 a.m. Monday to 11:59 p.m. the following Sunday.

D. **Overtime Scheduling:** Non-exempt employees must obtain prior approval to work scheduled and/or unscheduled overtime from their supervisor. Overtime work shall not be performed without express approval of 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 any "Emergency Declaration" (e.g., severe weather conditions, utility system breakdowns, or situations requiring unusual public safety measures) declared by the Village President, Village Manager or Board of Trustees.

2.3.6. Compensatory Time

Overtime worked will be paid to the non-exempt employee unless the non-exempt employee has requested approval for compensatory time in lieu of overtime from their supervisor prior to the work being performed. Department heads have the right to restrict the accrual of compensatory time and require the employee to be paid out according to the Act.

Compensatory time, if requested by the non-exempt employee in lieu of overtime pay and if approved by the employee's supervisor and the applicable department head, will be accrued at a rate of 1 ½ hours of compensatory time off for every hour of overtime worked. Non-exempt employees may accrue up to a total of forty (40) hours of compensatory time. Compensatory time shall be taken in not less than 15-minute increments.

All compensatory time in excess of forty (40) hours will be paid out at 1 ½ times the employee's regular rate of pay in the next pay period.

2.3.7. Payroll

A. **Pay Period:** The payroll period is semimonthly. Checks are distributed (or processed for direct deposit) by the Finance Department on or around the 15th and the last day of the month. There are twenty-four (24) 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 workdays and hours accumulated by the employee as reported to the Finance Department. If a payday falls on a holiday, Saturday, or Sunday, checks (or direct deposit) will be distributed on the preceding workday. If a payday falls during an employee's scheduled vacation, the employee may not receive their paycheck in advance.

B. **Final Paycheck:** When leaving the Village's employment, all employees will be paid any salary or wages that have been earned and all vacation 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.

2.3.8. Wage Notifications

Each pay period, employees will receive written/digital notification of their hours worked, rate of pay, overtime pay and overtime hours, gross wages, an itemization of all deductions, wages, and deductions year to date.

2.3.9. Method of Payment

Employees will not be paid in cash. Employees will be paid by check unless they elect to be paid by direct deposit.

2.3.10. Recordkeeping

Regardless of an employee's status as either an exempt employee executive, the Village makes and maintains, for a period of not less than three (3) years, the following true and accurate records for each employee: the name and address, the hours worked each day in each workweek, the rate of pay, copies of all notices provided to the employee under this policy, the amount paid each pay period, all deductions made from wages or final compensation, and the number of vacation days earned for each year and the dates on which vacation days were taken and paid.

2.3.11. Notice of Rate of Pay and Changes in Pay

The Village will notify an employee in writing, at the time of hiring, of the rate of pay. An employee commencing work shall reflect mutual assent to the rate of pay, i.e., a description of all wages and compensation of any kind.

The Village shall not change an agreement regarding the payment of wages and compensation and will endeavor to notify the employee prior to the effective date of the change. The Village shall place the arrangement in writing at the time of the change and present the change to the employee unless impossible to do so, but in any event, such written notice shall be provided as soon as practicable.

ARTICLE 3. EMPLOYEE BENEFITS

SECTION 3.1. ELIGIBILITY POLICY

Full-time employees are eligible for full benefits as described herein unless specific exclusions are stated. Part-time employees and interns are eligible for partial benefits, as described herein. Seasonal employees are not eligible for benefits, except as specifically provided for herein.

Each benefit category in this Article describes more specific eligibility requirements. There is no benefit pyramiding; that is, an applicable benefit shall not be used more than once for the same period of time under any provision of this manual. The Village Manager has the authority to adjust benefits from time to time for individuals or small groups as business necessity requires.

SECTION 3.2. VACATION POLICY

All full-time employees earn vacation hours determined by length of service according to the table in Subsection 3.2.1. Vacation hours are earned with each pay period, based on the employee's hire date.

Part-time, interns, and seasonal employees are not eligible for paid vacation.

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 their 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. Vacation benefits are designed for employees to have occasional rest and recreation away from the workplace. Therefore, employees should take their vacations; pay in lieu of vacation shall not be permitted (except when an employee is leaving the employment 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 shall be as follows:

Years of Service	Accrual Per Pay Period (24 Per Year)
At hire to 4 years	4.00 hours
At 4 years	5.67 hours
At 10 years	7.33 hours
At 17 years	8.67 hours

All employees with 4 years or greater service are required to schedule and take 5 consecutive vacation days off within every calendar year. 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 employment of the Village. Vacation accrues proportionally each pay period, not in one lump sum.

3.2.3. *Vacation Scheduling*

Vacation time must 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-served" basis; however, employees with the greater seniority may be given additional consideration in selecting vacation schedules if there is a conflict.

To ensure staffing needs, employees are encouraged to submit vacation requests of more than two (2) days to their supervisor no later than fifteen (15) days prior to the requested vacation. Department heads are encouraged to submit their vacation requests to the Village Manager no later than fifteen (15) days prior to the requested vacation. Absent these advanced notices, your vacation time may be denied.

Vacation time must be taken in no less than fifteen (15) minute increments.

Should extenuating circumstances prevent employees from taking all of their earned vacation within the one-year time period, employees may request to carry over the remaining vacation time 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 their 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.

On or around October 15, the Village Manager or their designee will post a schedule of days off for the Village observed holidays that fall in the next calendar year. Where applicable, the actual calendar holiday will serve as the official day for benefits and compensation (i.e., if July 4th is on Sunday, and the Village is off on Monday the 5th, Holiday overtime will be paid on Sunday the 4th for eligible non-exempt employees. All employees will receive 8 hours' regular pay on Monday the 5th, and those who are called in to work overtime on Monday the 5th will be paid at 1 ½ at their regular rate of pay). However, in no event shall the Village schedule any holiday on a Saturday or Sunday.

All full-time employees shall receive a full day's pay for the holiday when it is a day off. All part-time employees shall receive eight (8) hours of pay for the holiday when it is a day off. Additionally, a full-time or part-time non-exempt employee required to work on a recognized holiday will be paid at the rate of 1½ times the employee's regular rate of pay for those hours actually worked on the recognized holiday, in addition to the employee's holiday pay. Seasonal employees and interns 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.

SECTION 3.4. PERSONAL HOURS

Full-time employees will receive 24 hours of personal time immediately upon hire to be utilized prior to their one-year anniversary. After an employees' first anniversary date, 24 personal hours are awarded at the beginning of every fiscal year (May 1). All employees must use their personal hours within the fiscal year they are made available or the time off is forfeited.

Part-time, interns, and seasonal employees are not eligible for paid personal hours.

Personal hours 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 they have given prior notice to their supervisor and department head.

Personal hours must be taken in no less than fifteen (15) minute increments.

Upon separation of employment, any accrued but unused personal hours will not be paid to the employee. In the event of death, any accrued but unused personal hours shall be paid to the designated beneficiary of the deceased employee.

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 full-time employees who have completed ninety (90) days of their initial employment.

Part-time, interns, and seasonal employees are not eligible for paid sick leave.

3.5.2. Accruals

Sick leave may be accrued on the basis of four (4) hours per pay period. Sick leave is not earned and does not accrue while an employee is on leave without pay.

3.5.3. Use

Sick leave may be used with the approval of the employee's immediate supervisor and/or department head for personal illness or injury, disability, emergency medical care, dental care, or physician's appointments that cannot be scheduled during an employee's non-work hours. This does not include absences from work in which other compensation is provided. The term "physician" means any similar licensed medical care provider. Employees should, however, schedule physicians' appointments or other appointments for medical care during their nonworking hours, whenever 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. In the event of any conflicting language, the Village's FMLA policy supersedes the use of sick time utilization under this policy. For purposes of this section, *"family member" is defined as spouse, domestic partner, child, stepchild, foster child, brother, sister, parent, parent-in-law, grandchild, grandparent, step-brother, step-sister, or step-parent. "Care for" is defined as providing either physical or psychological assistance to a family member who, because of a health condition, is unable to care for their own basic medical, hygienic, or nutritional needs, and would endanger the family member's safety or recovery without the presence of the employee. This term includes feeding, administering medicines or treatments, or transporting the family member to or from medical appointments if they are unable.*

The use of paid sick leave benefits for absences due to an illness, injury, or medical appointment of the employee's child, stepchild, spouse, domestic partner, sibling, parent, parent-in-law, grandchild, grandparent, or stepparent is limited to the personal sick leave that would be accrued during 6 months at the employee's then current rate of entitlement. In other words, only half of an employee's accrued sick days are available to use to take care of relatives.

The term, "paid sick leave benefits" means time accrued and available to an employee to be used as a result of absence from work due to personal illness, injury, or medical appointment, but does not include other absences from work for which compensation is provided by the Village.

Abuse of sick leave privileges may result in disciplinary action, up to and including immediate termination of employment.

Sick leave must be taken in no less than fifteen (15) minute increments.

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 workday or shift. An employee whose job requires a substitute for a particular shift must give notice at least two (2) hours in advance of their 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 denial of sick leave and/or 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 an employee returning to work after using sick leave to provide a physician's or equivalent medical certificate. Said verification is at the employee's expense and may be requested after an employee has used three sick day instances (an instance is one illness or one event, whether 2 hours or one week in duration, as long as it consists of consecutive days. Any sick time use where a physician's certificate is provided, or is pursuant to FMLA leave, will not be counted against these instances) in any rolling 12-month period; has repeated illnesses of shorter periods; is absent due to illness or injury on the day of, before, or after a holiday; or abuses a combination of sick time and scheduled or unscheduled overtime during the same workweek or payroll period. A physician's certificate may be requested if an employee is suspected of taking unauthorized sick leave absences. The request will be made at, or as reasonably close to, the sick time call-in as possible. 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 32 hours of sick leave in the one (1) year period between January 1 and December 31 may receive (at the employee's option) payment (at the hourly rate when the payment is made, minus employee deductions) for the difference between 32 hours and the amount actually used. The number of hours for which payment is received will be subtracted from the employee's accumulated sick leave. Employees hired after January 1 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 their employment one-half of the employee's accrued but unused sick days in excess of sixty (60) days, up to a maximum of 300 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 the Village's deferred compensation program.

SECTION 3.6. FAMILY BEREAVEMENT LEAVE

Full-time and part-time employees may, in the event of the death of an immediate family member (as described herein), be granted a paid leave of up to three (3) workdays for bereavement. This paid leave operates coextensively with unpaid bereavement for which certain employees may be eligible under the Illinois Family Bereavement Leave Act, 820 ILCS 154. In other words, employees that are eligible for up to 10 workdays of unpaid time off under this policy are not entitled to 13 days of bereavement leave; rather, the maximum bereavement leave benefit is 10 days. 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, "workday" 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, domestic partner, 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, aunt, uncle, niece, nephew, cousin, or spouse's grandparent. 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.

As used in this policy, "family member" means an employee's child who is a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, spouse, domestic partner, sibling, parent or stepparent, mother-in-law, father-in-law, grandchild or grandparent. This policy shall only apply to employees who are also eligible to take leave by the Family and Medical Leave Act (FMLA). For example, an employee may be eligible for bereavement leave after 1,250 hours of service with the Village during the prior 12-month period. Leave may not be taken in addition to unpaid leave permitted under the FMLA and may not exceed unpaid leave time allowed under the FMLA.

Eligible employees may use a maximum of 2 weeks (10 work days) of unpaid bereavement leave to: (1) attend the funeral or alternative to a funeral of a covered family member; (2) make arrangements necessitated by the death of the covered family member; (3) grieve the death of the covered family member; (4) be absent from work due to (i) a miscarriage; (ii) an unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure; (iii) a failed adoption match or an adoption that is not finalized because it is contested by another party; (iv) a failed surrogacy agreement; (v) a diagnosis that negatively impacts pregnancy or fertility; or (vi) a stillbirth.

This unpaid bereavement leave must be completed within 60 days after the date on which the employee receives notice of the death of the family member or the date on which the event occurs. The employee must provide the Village with at least 48 hours' advance notice of the employee's intention to take bereavement leave, or as soon as possible if 48 hours is not practicable and reasonable under the circumstances.

The Village may require reasonable documentation demonstrating eligibility for leave, such as a death certificate, a published obituary, or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or government agency. For leave resulting from an event listed in the subparagraph (4) above, reasonable documentation shall include a form to be provided upon request from Human Resources, to be filled out by a health care practitioner who has treated the employee or the employee's spouse or domestic partner, or surrogate, for the event, or documentation from the adoption or surrogacy organization that the employee worked with related to the event, certifying that the employee or their spouse or domestic partner has experienced the event. While the Village will not prevent bereavement leave on the basis of documentation being unavailable immediately after the death, the Village may require such documentation before, during or after the leave.

In the event of the death of more than one child in a 12-month period, an employee is entitled to up to a total of 6 weeks of unpaid bereavement leave during that 12-month period.

Employees may choose to substitute any number of days of other paid or unpaid leave (which they may have accrued or to which they may be entitled) for the equivalent number of days of bereavement leave to which they may be entitled under this section. Employees electing to substitute other leave in this manner must notify the Village prior to taking bereavement leave.

SECTION 3.7. JURY/WITNESS DUTY

Full-time or part-time employees shall receive full pay for time not worked while serving on jury duty for the term of the jury service. To receive full pay, employees must submit proof of their attendance from the County Jury Commission. The employee will then receive their 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 an employee against the Village, its officers or employees, or in a case that 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. In accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA), and the Illinois Service Member Employment and Reemployment Rights Act (ISERRA), reemployment rights generally extend to persons who have been absent from a position of employment because of service in the uniformed services. Service in the uniformed services means the performance of duty on a voluntary or involuntary basis in a uniformed service, including, but not limited to:

1. Active-Duty and Active Service (See 330 ILCS 61/1-10);
2. Active-Duty Training;
3. Inactive Duty Training;
4. Funeral Honors Duty (See 10 U.S.C. 12503: 32 U.S.C. 115); and
5. Reserve Component Active Service (See 330 ILCS 61/1-10).

Procedures

1. As soon as an employee is aware they will be absent because of service in the uniformed services, the employee must notify their supervisor. Notification in writing is preferred, but verbal notification is acceptable. This is only for purposes of notice, and not to seek permission. No permission is required to take military leave, but advance notice is required to secure the employee's rights under this policy and the related laws.
2. Under Illinois law, an employee who will be absent because of service in the uniformed services may, in some circumstances, be eligible to receive "differential pay," (i.e., their regular compensation minus their base pay for military services). Illinois law controls in the event of any conflict between it and this policy. Employees may also be entitled to concurrent compensation under ISERRA. Differential pay and concurrent pay will be provided according to ISERRA and any implementing regulations.
3. During leaves for annual training, where applicable under Illinois law, an employee can continue to receive their regular compensation. Further, during leaves for basic training, active service or inactive duty as defined in ISERRA, and for any other training or duty required by the United States Armed Forces, if the employee's compensation for military activities is less than their compensation as an employee, they can be eligible under Illinois law to receive their regular compensation as an employee

minus the amount of their base pay for military activities. Illinois law controls in the event of any conflict between it and this policy.

4. An employee who is a member of any reserve component of the United States Armed Services, including the Illinois National Guard, who is mobilized to active military duty as a result of an order of the President of the United States, can be eligible under Illinois law to continue to receive the same regular compensation that they receive as an employee at the time they are mobilized to active military duty, plus any health insurance and other benefits they are receiving or accruing at that time, minus the amount of their base pay for military service, for the duration of their active military service. Illinois law controls in the event of any conflict between it and this policy.
5. Except as otherwise provided by law, if military service is for 30 or fewer days, the employee can continue coverage at their normal monthly premiums. For military leave lasting 31 days and up to 24 months, employees may be eligible to continue health benefits under USERRA and will be required to pay up to 102% of the total cost of their monthly premiums if they wish to continue benefits. The employee may opt to discontinue participation in the group health insurance program but is entitled to re-enroll upon the return to active employment. Please contact Human Resources for further information. Illinois law controls in the event of any conflict between it and this policy.
6. For the time spent on military leave, the employee's performance evaluation or rating shall be no less than the average rating or evaluation over the three years immediately preceding the military leave.

Re-employment

In general, to be eligible for reemployment:

1. The Village must have advance notice of the employee's service;
2. The employee must timely return to work or apply for reemployment; and
3. The employee must not be separated from service with a disqualifying discharge or under other than honorable conditions.

Return to Work

1. Generally, employees returning from military leave service are eligible to be reemployed in the job that they would have attained had they not been absent for military service, with the same seniority status and pay, as well as other rights and benefits determined by seniority. The Village follows reemployment requirements and obligations as provided for in state and federal law.
3. Employees are obligated to inform the Village of their return from military service within certain timeframes. For absences of 31 days or less, the service member must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an eight-hour rest period. For absences of 31-180 days, the service member must submit an application for reemployment within 14 days of release from service. For absences of more than 180 days (up to 5 years), an application for reemployment must be submitted within 90 days of release from service.

IMRF Continuation

Participation in IMRF will continue with the IMRF employee contribution being deducted from the Village-issued compensation. The employee will be responsible for paying the required contribution on the difference (applicable military pay) between the Village-issued compensation and their normal Village compensation.

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 further details, please refer to **Appendix A** of this Manual.

SECTION 3.11. EMPLOYEE VOTING LEAVE

In accordance with the Illinois Employee Voting Leave Act, 10 ILCS 5/17-15, eligible employees may receive up to two (2) hours of paid leave to vote if the polls are not open for at least two (2) consecutive hours before or after the employee's shift. The employee's Department Head or designee will decide when the employee takes voting leave during their work shift.

SECTION 3.12. EMPLOYEE BLOOD DONATION LEAVE

In accordance with the Illinois Employee Blood Donation Leave Act, 820 ILCS 149/1, eligible employees may receive up to one (1) hour of paid leave every 56 days for the purpose of donating blood after obtaining approval from their Department Head.

To be eligible for this benefit, the employee must be full-time who has been employed for a period of six (6) months or more.

SECTION 3.13. EMPLOYEE SCHOOL VISITATION LEAVE

In accordance with the Illinois the School Visitation Rights Act, 820 ILCS 147/1, eligible employees may receive up to eight (8) hours of unpaid leave during the school year to attend necessary educational or behavioral conferences at the school their children attend after obtaining approval from their Department Head.

To be eligible for this benefit, the employee must be full-time who has been employed for a period of six (6) months or more and has exhausted all accrued paid off-time and holiday time. The employee must also present the Village with a verification statement from the school of the need for leave within two (2) working days of the unpaid leave to be eligible for the benefit.

SECTION 3.14. LEAVES OF ABSENCE (PERSONAL LEAVES)

All 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 that considers the needs of the employee, the department and 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 their group life and health insurance and retirement plans (if applicable) in full force during their 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 under this policy must be aware that the Village will not guarantee to hold their job open for them during the period of the leave. Unless otherwise required by law, 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 their 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 their job and having voluntarily terminated employment.

SECTION 3.15. MEDICAL LEAVES OF ABSENCE (AFTER EXPIRATION OF APPROVED FMLA ONLY)

All full-time employees may be granted a medical leave of absence after they have been employed for five (5) years. For the purpose of this section, a "medical leave of absence" is defined as time taken off from work due to the employee's own serious medical condition that were approved for by the provisions of the Family and Medical Leave Act.

The employee will be required to utilize benefit time in the same order as under FMLA for the employee's own serious medical condition (e.g., Sick, Vacation, Comp, Personal).

Requests for a medical leave of absence must be presented in writing to the Human Resources Director at least fifteen (15) business days 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. A physician's note can also be provided in this case. Employees may request the exact nature of the personal reason be kept confidential. Requests will be reviewed and a decision will be made that considers the needs of the employee, the department, and the Village. Due to varying staffing and operational needs, each request is considered independently. Approval is not guaranteed.

Requests for a medical leave of absence may be granted for periods not to exceed your accrued but unused benefit time with the approval of the department head, Human Resources Director, and the Village Manager.

Any employee granted a paid medical leave of absence will keep all insurance and retirement plans (if applicable) in full force during their leave as if they were working and all benefit accruals will continue.

Employees considering a medical leave of absence under this policy must be aware that the Village will not guarantee to hold their job open for them during the period of the leave. Unless otherwise required by law, 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 their leave, the employee, along with all other qualified candidates, may be considered for the position. If, at the conclusion of an approved medical leave of absence, the employee fails to return to work, that employee shall be considered as having abandoned their job and having voluntarily terminated employment.

SECTION 3.16. ABSENCE WITHOUT LEAVE, JOB ABANDONMENT

Employees are not permitted to be absent without authorized leave. If you are absent without leave for three or more consecutive days, the Village may consider you to have abandoned your job and resigned.

SECTION 3.17. FURLOUGHS

The use of approved unpaid furloughs will not jeopardize an employee's employment classification and benefits should the employee be returned to work.

SECTION 3.18. HEALTH/DENTAL INSURANCE

3.18.1 Health/Dental Insurance Plan

All 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.

The current insurance coverage includes medical (including a vision discount program) and dental coverage. Coverage is available for employees and dependents according to eligibility requirements of the carrier.

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

The Village may fund the costs for health insurance coverage at different rates from time to time. 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.

Part-time, intern, and seasonal employees are not eligible for health or dental insurance coverage.

3.18.2 Health/Dental Insurance Plan Participation

If desired, new employees must sign up for (or waive) insurance coverage within 30 days of the date of hire. Any employee must amend their coverage to add dependents, if desired, within 30 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.

If an employee or an employee's dependent is not enrolled in health or dental insurance coverage, the employee may re-enroll into coverage only in the case of a qualifying life event (also called a change in family status or lifestyle change) 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 their health insurance coverage (loss of coverage does not include changes in carriers);

- A court order of dissolution or support.

Employees who wish to re-enroll into 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 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 stipend each pay period (this incentive does not apply to the dental insurance plan). All applicable payroll deductions will apply to this incentive payment. This stipend will be paid each pay period for as long as you choose to decline the Village of Algonquin's health insurance coverage. This incentive program was effective July 1, 2000, and is ongoing.

3.18.3 Continuation of Health Insurance (COBRA)

For further details, see **Appendix B** of this manual.

SECTION 3.19. LIFE INSURANCE

Group term life insurance is currently provided for all 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 may be converted to an individual policy dependent on vendor policy and rules. Part-time, intern, and seasonal employees are not eligible for life insurance coverage.

The Village also offers optional group term life insurance that employees may purchase through payroll deductions for which the employee pays the full premium. Such insurance may be convertible to whole life insurance when an employee leaves the Village, dependent on vendor policy and rules. 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 3.20. PENSION PROGRAMS

The Village currently offers several various pension and voluntary investment options. Due to the complexity of these documents, the information and details are published by the Village under separate cover and are made available to all employees.

SECTION 3.21. WORKERS' COMPENSATION

Work-related illness or injury is an illness or injury that arises in and out of the course of employment. The determination of compensability for a 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.

Any time lost for a 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 3.22. 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 Program. The program 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 their immediate family include, but are not limited to, immunizations, 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. 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, the Human Resources Director, or via the online document management system (PowerDMS).

SECTION 3.23. TRAINING AND TUITION REIMBURSEMENT

3.23.1 Training

The Village recognizes that attendance at and participation in seminars or conferences are valuable methods 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. Pay, if any, for time spent traveling to and from training sessions shall be as governed by the Fair Labor Standards Act.

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 they were 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.

3.23.2 Tuition Reimbursement

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 their 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, a "pass" grade shall be reimbursed at the 50% level and a "failure" 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 that an educational institution requires to be taken to satisfy general degree requirements and that 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 for which they are eligible to apply 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 dollars (\$1,500.00) for undergraduate work or three thousand dollars (\$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 resubmit 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 3.24. 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 has a standard practice of recruiting candidates, both externally and/or internally, for vacant positions at all levels except as otherwise provided for by state statutes.

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

All applications for employment must be on a form that has been 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 or on the Village's website.

SECTION 4.2. HIRING AND PLACEMENT

Except as provided by Village Code, all employees, shall be hired by the Human Resources Department with advance approval of the Village Manager based on the Village Code. 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 all employees are "at will." "At-will employment" means either an employee or the Village may terminate the individual's 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.

All applicants who are offered employment with the Village may be required to undergo, and successfully pass, a physical examination by an approved physician and/or 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

Employee performance is regularly evaluated on an as needed basis as determined by their supervisor(s).

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 that 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 their evaluation, they 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 their decision is final. If the employee still disagrees with the Village Manager's final decision, they can ask that the written dispute be added to the employee's personnel file, as provided in Section 9.1, 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.

Promotions of sworn police officers are under the jurisdiction of Police Commission rules and regulations.

ARTICLE 5. EMPLOYMENT TERMS AND CONDITIONS

SECTION 5.1. HOURS OF WORK

The Village Manager may grant a variance, in writing, to deviate work hours based on business needs. This would include hours, days of the week, or telecommuting from home.

Currently, the Ganek Municipal Center normal working hours are 8:00am to 5:00pm but may be subject to change at the discretion of the Village Manager. 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 Supervisor, 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. While non-exempt full-time employees are expected to normally work a 40-hour workweek, the Village does not guarantee an employee will actually work that many hours in any given week, or be paid for such hours if an employee does not work that many hours. The Village Manager may grant a variance, in writing, to deviate work hours based on business needs. This would include hours, days of the week, or telecommuting from home.

Certain 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.

Part-time employees are expected to work the hours they are scheduled each week and to report for work on time. A part-time employee who is scheduled to work five (5) or more consecutive work hours on any one day is entitled to one 30-minute unpaid lunch, which should be taken within the first five (5) hours.

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.

The Village is committed to helping employees face the demands of juggling work, family, and life related issues. Therefore, employees may request a "flextime schedule" from their supervisor. Flexible work schedules are adjustments to the employee's regular work schedule on a recurring basis, for an extended period of time, to respond to work/life needs of an employee. Examples of potential situations are:

1. Attending classes for a degree program or academic enrichment.
2. Transporting children to/from day care or school.
3. Accommodating an illness (employee or family member) that would require an employee to be unable to work their regular shift.
4. Matching employee work hours to peak productivity time periods.
5. Increasing flexible use or time-sharing or to offset peak use of centralized offices or equipment.
6. Extending customer service hours.

A “flextime schedule” provides employees with increased flexibility with their work schedule while allowing the Village to maintain a progressive and productive work environment. Flextime schedules are not appropriate for all employees or positions and are not a universal employee benefit, rather, such schedules may be approved on a case-by-case basis. Mandatory conditions must be met for a flextime schedule to be approved:

1. The employee must have a satisfactory attendance record.
2. The employee must be meeting all performance expectations in their current role.
3. The employee must be consistently demonstrating the ability to complete tasks and assignments on a timely basis.
4. The nature of the employee's work and responsibilities must be conducive to a flexible work arrangement without causing significant disruption to performance and/or customer service.
5. Employees schedules should cover a portion of their workday between the core hours of 9:00 a.m. to 3:00 p.m.

The revised schedule must continue to support the operational needs of the Village and allow for appropriate oversight of the employee's work. Supervisors may also consider their department's needs, seasonal activities, and other obligations when considering flextime schedules.

The use of flextime is a privilege and not an entitlement; its use may be revised or 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 their 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 that positively reflects 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 the Human Resources Department any changes in their name, address, telephone number, emergency telephone number(s), and other relevant personal 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 that 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 items must be returned in acceptable condition. A charge will be made for returnable uniform items that 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, offices, desks, and vehicles 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 AND TECHNOLOGY

A separate policy on Communication and Technology can be found in PowerDMS (the Village's online document management system).

SECTION 5.10. PERSONAL BUSINESS TRANSACTIONS

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.

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 their campaign, to vote for him or her, or to engage in any other political activities on their 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 nonworking 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 their 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, printers, 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 Manager, designated PIO, 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.

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 the knowledge of their department head or designee.

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

SECTION 5.13. OUTSIDE EMPLOYMENT

All 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 by employees during work time is prohibited, and is prohibited during non-work time in areas where it will disturb other employees who are working. "Work time" is defined as time during which the employee is scheduled to be working, exclusive of established break periods, meal times, and time before and after work hours.

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 must have approval by a Department Head or Village Manager.

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 Department.

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 their supervisor prior to commencing work.

All employees are expected to abide by basic safety rules including, but not limited to, obeying all safety rules and using all safety and protective equipment provided to the employees, and 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

Human Resources maintains detailed work-related procedures as well as injury and accident reports in PowerDMS (an online document management system) for all supervisors to access.

SECTION 6.3. TOBACCO USE

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

Smoking, or the use of any form of tobacco, is strictly prohibited to anyone (e.g., staff, other employees, contractors, subcontractors, volunteers, visitors, and members of the public) on designated Village campuses, both indoors and outdoors, in Village-owned vehicles and in privately-owned vehicles parked on campus property at any time, including non-working hours. Designated Village campuses consist of the William J. Ganek Municipal Center, Historic Village Hall, Public Works Facility, Wastewater Treatment Plant, Water Treatment Plants, and Pumping Stations. Leaving the remains of tobacco products or any other related waste product on Village property is further prohibited. Failure to comply with these rules may result in disciplinary action, up to and including immediate termination of employment. See Tobacco-Free Campus Policy.

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 prohibited conduct which employees should be familiar with are listed below. Participating or engaging in such conduct 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, Village Trustee, 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 operational or management 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 without proper notification to the Village. Excessive, unreported, or unexcused absences from work. Trends and/or abuse of sick leave privileges or policy.
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, Anti-Harassment, Americans with Disabilities Act Policies, and/or Drug Free Workplace Act.
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 that 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 Tobacco-Free Campus policy.
24. Any act that endangers the safety, health, or well-being of an employee or citizen, or that 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. Other violations of Village policies and/or procedures or other misconduct as determined by the Village.

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 retains the sole discretion to determine the appropriate form of discipline warranted on a case-by-case basis and 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 understands 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 that 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 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) Demotions 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) Discharges 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 their department head by submitting to the Village Manager or their 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 their designee should, within seven (7) working days after receiving a written appeal and after conducting any investigation which in their sole discretion is deemed appropriate, respond in writing. The Village Manager or their designee's response should include an explanation of why the appeal is being granted, modified, or denied. The Village Manager's, or their designee's 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 that all employees can use to improve communication in the workplace.

ARTICLE 9. EMPLOYEE PERSONNEL FILES

SECTION 9.1. INSPECTIONS

An employee can inspect their 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 their 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 their personnel file at the Ganek Municipal Center during normal working hours unless other arrangements are agreed upon. No employee can remove their personnel file from the Ganek Municipal Center, but the employee may request the Village to mail a copy of their personnel file if the employee is unable to inspect it at the Ganek Municipal Center. Employees may request copies of any documents in their file. The Village will furnish copies upon payment by the employee for the cost of copying them.
4. By law, there are some items that might be kept in an employee's personnel file that 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 that 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 their 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 their position, which the Village will attach to the disputed record.

SECTION 9.2. 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 that address performance issues of a current or former employee should not be answered by coworkers, 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 an employee's actual or perceived race, traits associated with race (including, but not limited to hair texture and protective hair styles such as braids, locks, and twists), color, creed, religion, ancestry, national origin, age, physical or mental disability, sex, marital status, order of protection status, arrest record, pregnancy, unfavorable discharge from military service, citizenship status, military status, genetic information, sexual orientation including gender-related identity whether or not traditionally associated with the person's designated sex at birth, or any other protected status 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 that 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 they have been discriminated against because of their actual or perceived race, traits associated with race (including, but not limited to hair texture and protective hair styles such as braids, locks, and twists), color, creed, religion, ancestry, national origin, age, physical or mental disability, sex, marital status, order of protection status, arrest record, pregnancy, unfavorable discharge from military

service, citizenship status, military status, genetic information, sexual orientation including gender-related identity whether or not traditionally associated with the person's designated sex at birth, or any other protected status prohibited by applicable federal, state, or local fair employment laws or regulations should immediately submit a written report of the incident to their department head. Department heads should immediately report the situation to the EEO Officer. If an employee believes that they have been treated unfairly in any of these areas by their department head, the employee should immediately submit a written report to the attention of the EEO Officer.

All written complaints of discrimination in this regard 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 under this policy nor will the Village tolerate any other Village official or employee doing 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 TESTING 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 any employee holding a Commercial Driver's License (CDL) and 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. ANTI-DISCRIMINATION, ANTI-HARASSMENT, ANTI-RETALIATION POLICY

SECTION 14.1. STATEMENT OF POLICY

The Village has a zero tolerance for discrimination, harassment, or retaliation. The Village is committed to maintaining a work environment that encourages and fosters appropriate conduct among and towards employees and respect for individual values and sensibilities. Accordingly, the Village intends to enforce this policy in all aspects of the Village's operations in order to create an environment free from discrimination, harassment, and retaliation of any kind, including but not limited to sexual harassment.

The Village's procedures dealing with allegations of discrimination, harassment, and retaliation are contained in **Appendix F** of this manual.

ARTICLE 15. EMPLOYEE ETHICS

Employees are expected to conduct themselves in a professional and businesslike 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 their 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 their 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 their official duties and responsibilities, confidential or other nonpublic information gained in the course of employment, or by reason of their position or employment that 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 their 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 who is a relative of said official, employee, or appointee, or 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 part-time, interns, or 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 intentionally omit material facts in the conduct of their 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 that the employee knows or reasonably suspects is fraudulent or criminal in nature, or that may expose the Village to liability shall immediately report such knowledge to their immediate supervisor, the Village Manager or their 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. Village employees are required to abide by the Illinois Gift Ban Act.

ARTICLE 16. FAMILY MILITARY LEAVE

It is the policy of the Village to comply with all provisions of the Family Military Leave Act. For further information, please refer to **Appendix G** of this Manual.

ARTICLE 17. VICTIMS' ECONOMIC SECURITY AND SAFETY ACT

It is the policy of the Village to comply with all provisions of the Victims' Economic Security and Safety Act. For further information, please refer to **Appendix H** of this Manual.

ARTICLE 18. ANTI-WHISTLEBLOWER RETALIATION

It is the policy of the Village to comply with all provisions of the Public Officers Prohibited Activities Act (50 ILCS 105/4.1). For further information, please refer to **Appendix I** of this Manual.

ARTICLE 19. PREGNANCY ACCOMMODATION AND NURSING MOTHERS ACT

It is the policy of the Village to comply with all provisions of state and federal pregnancy accommodation and nursing mothers act. For further information, please refer to **Appendix J** of this Manual.

ARTICLE 20. RESIGNATIONS, LAYOFFS, TERMINATIONS, AND TRANSFERS

SECTION 20.1. 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 their 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 their previous resignation.

SECTION 20.2. 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 20.3. TERMINATIONS

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

SECTION 20.4. 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 20.5. 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 will be discussed with the affected employee in order to explain reasons for the transfer.

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

SECTION 20.6. 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, identification cards, and other materials and equipment. The Village may enforce this by written agreement or other lawful means.

APPENDIXES

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 permitted to take only a combined total of twelve (12) weeks leave during any twelve (12) month period.)
- 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 their position.

*As a female, you are eligible for 12 weeks of leave, described as follows: the initial six weeks of leave following the birth of your child (or during pregnancy as a result of complications) is considered leave for your own serious health condition. Once the six weeks have lapsed (after the birth of your child) you are able to remain off work for an additional six weeks (12 weeks total) however, your benefit usage would then qualify for the care of and bonding with a newborn child. If, after the initial six weeks, your doctor qualifies you for additional leave due to a "serious health condition" you must provide the appropriate Federal FMLA documentation (provided by H.R.) from your doctor.

Section 3.10.2. Definitions.

"Twelve-month period" means measured forward from the first date of the employee's FMLA leave (the employee's leave eligibility year begins on the first date of leave, with each day taken subtracted from the remaining weeks of leave).

"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. To be eligible for FMLA, an employee must:

1. Have worked for the Village at least 12 months; and,
2. Have worked at least 1250 hours during the 12-months preceding the start of the leave.

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 for an FMLA-qualifying reason for the first time. 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. However, if the employee seeks leave for an FMLA-qualifying reason for which the Village has previously provided the employee FMLA-protected leave, the employee must specifically reference either the qualifying reason for the leave or the need for FMLA leave.

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 a 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.

Leave classified as Workers’ Compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA.

Section 3.10.5. Notice Requirement

A. Foreseeable Leave

1. An employee must give 30 days' notice if the need for leave is foreseeable and such notice is practicable. 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 may be denied until 30 days after the employee provides the notice. If leave is foreseeable less than 30 days in advance, the employee must provide notice as soon as practicable - generally, either the same or the next business day.

B. Unforeseeable Leave

1. 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.

Section 3.10.6. Medical Certification

A. Time Frame to Submit Form

For leaves 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. (Note: an employee requesting leave to bond for a newborn child or a child placed for adoption or foster care will need not produce a medical certification). If the Village doubts the validity of the employee's medical certification, the Village may require the employee to obtain a second medical certification, at the Village's expense, from the Village's chosen health care provider (said provider will not be one that the Village employs on a regular or routine basis). If the second opinion differs from the original certification, the Village may require the employee to obtain a third certification from a health care provider selected by both the employee and the Village, again at the Village's expense. The opinion of the third provider will be considered the final determination.

B. Recertifications

The Village may require a recertification for leave involving the employee's own serious health condition. Said request for a recertification will be no more than every 30 days except in certain instances allowed by the FMLA. However, if the original medical certification listed a leave duration for longer than 30 days, the Village will not require a recertification until after that minimum leave time has expired.

C. Return to Work

The employee must furnish a fitness for duty report, to be completed by their own health care provider, in order to return from FMLA leave taken because of the employee's own serious health condition that should confirm the employee's ability to perform the essential functions of the job. A fitness for duty will not be required for intermittent leave or a reduced leave schedule unless otherwise allowed per the FMLA.

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. Military Family Leave

A. Qualifying Exigency Leave

An eligible employee may take FMLA leave for any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is on (or has been notified of an impending call to) "covered active duty" in the Armed Forces. "Covered active duty" for members of a regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country. If in the reserves (U.S. National Guard or Reserves), "covered active duty" means duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation. FMLA leave can be used for the following "qualifying exigencies":

- 1) Short notice deployment;
- 2) Military events and related activities;
- 3) Child care and school activities;
- 4) Financial and legal arrangements;
- 5) Counseling;
- 6) Rest and recuperation;
- 7) Post-deployment activities; and
- 8) Additional activities agreed to by the Village and employee.

B. Military Caregiver Leave

Eligible employees who are a spouse, son, daughter, parent or next of kin of a covered service member are eligible to take up to 26 workweeks of leave in a single 12-month period to care for the covered service member suffering from a serious illness or injury incurred in the line of duty on active duty.

“Covered Service Member” also includes veterans who are undergoing medical treatment, recuperation, or therapy for a serious injury or illness so long as the veteran was a member of the Armed Forces at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

“Serious injury or illness” means for a current member of the Armed Forces includes both serious injury or illness that was incurred by the member in the line of duty on active duty but also a pre-existing serious injury or illness that was aggravated by service in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member’s office, grade, rank or rating. For a veteran, serious injury or illness means a qualifying injury or illness that was incurred in the line of duty on active duty in the Armed Forces or preexisting condition aggravated by service in line of duty on active duty in the Armed Forces and that manifested itself before or after the member became a veteran.

Section 3.10.9. 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, Comp, Personal, Sick.
2. To care for an employee’s immediate family member: Vacation, Comp, Personal, Sick.
3. The employee’s own serious health condition: Sick, Vacation, Comp, Personal.

B. Combination of Paid/Unpaid Leave

When an employee has exhausted all paid benefit time, any remaining FMLA leave will be unpaid.

C. Right of Substitution

An employee has the right to substitute all of their 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 3.10.10. Effect on Benefits

A. Group Insurance

The employee’s group health insurance and life insurance plan continue 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 3.10.11. Job Protection

A. Same or Equivalent Position

If employees return from leave by the end of twelve (12) weeks, or before, they are 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 an exempt employee and is among the 10% highest paid of all 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

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 and other members of your family when group health coverage would otherwise end. For more information about your rights and obligations under the group health plan (the Plan) and under federal law, you should review the Plan's Summary Plan Description or contact the Plan Administrator.

If you have gained coverage under a group health plan, you have rights under COBRA. This notice has important information about your right to COBRA continuation coverage, which is a temporary extension of coverage under the Plan. **This notice generally explains COBRA continuation coverage, when it may become available to you and your family, and what you need to do to protect your right to receive it.** When you become eligible for COBRA, you may also become eligible for other coverage options that may cost less than COBRA continuation coverage.

You may have other options available to you when you lose group health coverage. For example, you may be eligible to buy an individual plan through the Health Insurance Marketplace. By enrolling in coverage through the Marketplace, you may qualify for lower costs on your monthly premiums and lower out-of-pocket costs. Additionally, you may qualify for a 30-day special enrollment period for another group health plan for which you are eligible (such as a spouse's plan), even if that plan generally doesn't accept late enrollees.

What is COBRA continuation coverage?

COBRA continuation coverage is a continuation of Plan coverage when it would otherwise end because of a life event. This is also called 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're an employee, you'll become a qualified beneficiary if you lose your coverage under the Plan because of the following qualifying events:

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

If you're the spouse of an employee, you'll become a qualified beneficiary if you lose your coverage under the Plan because of the following qualifying events:

- Your spouse dies;
- Your spouse's hours of employment are reduced;
- Your spouse's employment ends for any reason other than their 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 of the following qualifying events:

- The parent-employee dies;
- The parent-employee's hours of employment are reduced;
- The parent-employee's employment ends for any reason other than their 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 continuation 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. The employer must notify the Plan Administrator of the following qualifying events:

- The end of employment or reduction of hours of employment;
- Death of the employee;
- Commencement of a proceeding in bankruptcy with respect to the employer; or
- The employee's becoming entitled to Medicare benefits (under Part A, Part B, or both).

For all 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 60 days after the qualifying event occurs. You must provide this notice to: Human Resources Director, Village of Algonquin, 2200 Harnish Drive, Algonquin, IL 60102 and complete the appropriate form(s) required by the Village's health care providers.

How is COBRA continuation 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 that generally lasts for 18 months due to employment termination or reduction of hours of work. Certain qualifying events, or a second qualifying event during the initial period of coverage, may permit a beneficiary to receive a maximum of 36 months of coverage.

There are also ways in which this 18-month period of COBRA continuation coverage can be extended:

Disability extension of 18-month period of COBRA continuation coverage

If you or anyone in your family covered under the Plan is determined by Social Security to be disabled and you notify the Plan Administrator in a timely fashion, you and your entire family may be entitled to get up to an additional 11 months of COBRA continuation coverage, for a 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 COBRA continuation coverage.

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

If your family experiences another qualifying event during the 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 the Plan is properly notified about the second qualifying event. This extension may be available to the spouse and any dependent children getting COBRA continuation coverage if the employee or former employee dies; becomes entitled to Medicare benefits (under Part A, Part B, or both); gets divorced or legally separated; or if the dependent child stops being eligible under the Plan as a dependent child. This extension is only available if the second qualifying event would have caused the spouse or dependent child to lose coverage under the Plan had the first qualifying event not occurred.

Are there other coverage options besides COBRA Continuation Coverage?

Yes. Instead of enrolling in COBRA continuation coverage, there may be other coverage options for you and your family through the Health Insurance Marketplace, Medicare, Medicaid, Children's Health Insurance Program (CHIP), or other group health plan coverage options (such as a spouse's plan) through what is called

a “special enrollment period.” Some of these options may cost less than COBRA continuation coverage. You can learn more about many of these options at www.healthcare.gov.

Can I enroll in Medicare instead of COBRA continuation coverage after my group health plan coverage ends?

In general, if you don’t enroll in Medicare Part A or B when you are first eligible because you are still employed, after the Medicare initial enrollment period, you have an 8-month special enrollment period to sign up for Medicare Part A or B, beginning on the earlier of:

- The month after your employment ends; or
- The month after group health plan coverage based on current employment ends.

If you don’t enroll in Medicare and elect COBRA continuation coverage instead, you may have to pay a Part B late enrollment penalty and you may have a gap in coverage if you decide you want Part B later. If you elect COBRA continuation coverage and later enroll in Medicare Part A or B before the COBRA continuation coverage ends, the Plan may terminate your continuation coverage. However, if Medicare Part A or B is effective on or before the date of the COBRA election, COBRA coverage may not be discontinued on account of Medicare entitlement, even if you enroll in the other part of Medicare after the date of the election of COBRA coverage.

If you are enrolled in both COBRA continuation coverage and Medicare, Medicare will generally pay first (primary payer) and COBRA continuation coverage will pay second. Certain plans may pay as if secondary to Medicare, even if you are not enrolled in Medicare.

For more information visit <https://www.medicare.gov/medicare-and-you>.

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 the Employee Retirement Income Security Act (ERISA), including COBRA, the Patient Protection and Affordable Care Act, 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 www.dol.gov/ebsa. (Addresses and phone numbers of Regional and District EBSA Offices are available through EBSA’s website.) For more information about the Marketplace, visit www.HealthCare.gov.

Keep your Plan informed of address changes

To protect your family’s rights, let the Plan Administrator know about 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 Director, Village of Algonquin, 2200 Harnish Drive, Algonquin, IL 60102; (847) 658-2700.

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 for any known physical or mental disabilities as necessary for applicants and employees, provided that such accommodations do not pose a direct threat to safety or cause an undue hardship to the Village.

Section 11.2. Procedures

If an employee has a disability and requires accommodation in order to perform the essential functions of their job, the employee should contact Human Resources to request such an accommodation. The Village will engage in an interactive process with the employee to identify the barriers, if any, that are interfering with the employee’s ability to perform the essential job functions and whether any reasonable accommodations exist to help the employee perform their essential job functions. As part of the interactive process, the Village may request that the individual provide certain information from their health care provider related to their ability to perform the essential job functions, with or without reasonable accommodation. The ADA prohibits an employer from retaliating against any applicant or employee for asserting their rights under the ADA. The Act also makes it unlawful to discriminate against an applicant or employee whether disabled or not, because of the individual’s family, business, social, or other relationship or association with an individual with a disability. The Village maintains all medical information confidentially.

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 Ganek Municipal Center.

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 notify the Village may result in disciplinary action, up to and including immediate termination of employment. Employees are also expected to disclose arrests and/or charges of violations of drug statutes no later than that employee's next working day.

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; and/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) 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.
- B) 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.
- C) 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 their drug-abuse problem.
- D) An employee who voluntarily seeks assistance under the Village's EAP should not be subject to disciplinary action because of their drug-abuse problem if, in the opinion of the Program Administrator: 1) the employee can satisfactorily continue to perform their 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.
- E) 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.
- F) 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.
- G) 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 all employees acknowledge 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 (including THC and THC metabolites), cocaine, opiates, amphetamines, phencyclidine (PCP), and other controlled substances 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 driver's 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 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 suspicion: If the Village has reasonable suspicion 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 suspicion" 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 suspicion" 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 D.O.T. 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 under for reasonable suspicion 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 the employee 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 - ANTI-DISCRIMINATION, ANTI-HARASSMENT, ANTI-RETALIATION POLICY

Section 14.1. Introduction.

The Village is committed to providing a workplace free from all forms of discrimination, harassment, and retaliation, including sexual harassment. The Village desires to have a professional working environment for its employees so they may carry out their duties in productive and positive surroundings. Although some conduct may not rise to the level of unlawful discrimination, harassment, or retaliation from a legal perspective, the Village wants to protect its employees from abuse and to prevent conduct from becoming so severe or pervasive as to alter the conditions of an employee's employment, create an abusive, intimidating or hostile working environment, or result in a tangible employment action. Accordingly, the Village has adopted a "zero tolerance" policy against discrimination, harassment, and retaliation.

The Village prohibits any form of discrimination, harassment, or retaliation actual or perceived race, traits associated with race (including, but not limited to hair texture and protective hair styles such as braids, locks, and twists), color, creed, religion, ancestry, national origin, age, handicap, physical or mental disability, sex, marital status, order of protection status, arrest record, pregnancy, unfavorable discharge from military service, citizenship status, veteran military status, genetic information, sexual orientation including gender-related identity whether or not traditionally associated with the person's designated sex at birth, or any other protected status basis prohibited by applicable federal, state, or local fair employment laws or regulations.

Harassment is unwarranted and unwanted verbal or nonverbal conduct that threatens, intimidates, annoys or insults another person where such conduct has the purpose or effect of creating an offensive, intimidating, degrading and/or hostile working environment and/or interferes with and/or adversely affects a person's performance.

Section 14.2. Sexual Harassment.

With respect to sexual harassment, the Village prohibits any unwelcome sexual advances, request for sexual favors, and other verbal or physical 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; or
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 may have the purpose or effect of unreasonably interfering with an individual's work performance; or
4. such conduct may create an intimidating, hostile, or offensive working environment.

Examples of the types of conduct that would violate the Village's policy including the following:

- Verbal: sexual innuendos, suggestive comments, insults, humor, and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside of their presence, of a sexual nature.
- Non-verbal: suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking" or "kissing" noises.
- Visual: posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.

- Physical: touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.
- Textual/Electronic: “sexting” (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and X).
- Stalking: a course of conduct directed at a specific person that involves repeated (two or more occasions) visual or physical proximity, nonconsensual communication, or verbal, written, or implied threats, or a combination thereof, that would cause a reasonable person fear.

The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends, to some extent, on individual perception and interpretation. The courts will assess sexual harassment by a standard of what would offend a “reasonable person.”

Both opposite sex and same sex harassment are prohibited under this policy.

Section 14.3. Other Forms of Harassment.

With respect to other forms of harassment, the Village prohibits slurs or other verbal or physical conduct relating to matters such as an individual’s actual or perceived race, traits associated with race (including, but not limited to hair texture and protective hair styles such as braids, locks, and twists), color, creed, religion, ancestry, national origin, age, handicap, physical or mental disability, sex, marital status, order of protection status, arrest record, pregnancy, unfavorable discharge from military service, citizenship status, veteran military status, genetic information, sexual orientation including gender-related identity whether or not traditionally associated with the person’s designated sex at birth, or any other protected status basis prohibited by applicable federal, state, or local fair employment laws or regulations when this conduct:

1. may have the purpose or effect of creating an intimidating, hostile, or offensive working environment; or
2. may have the purpose or effect of unreasonably interfering with an individual’s work performance; or
3. otherwise, may adversely affect an individual’s employment opportunities.

Section 14.4. Coverage of the Policy.

1. The Village’s “zero-tolerance” policy with respect to discrimination, harassment, and retaliation applies to conduct in or connected to the workplace, whether it is physical or verbal, and whether it is committed by Department Head or Supervisor, fellow employees or non-employees (such as customers, vendors, suppliers, or business invitees). The conduct prohibited by this policy is not only unacceptable in the workplace itself but also at any other work-related setting such as holiday parties, gatherings, or other work-related social events, on business trips, and at conferences, seminars, educational gatherings, and other meetings. Each Department Head or Supervisor is responsible for creating an atmosphere free of harassment, whether it is sexual or another form of harassment. In addition, all employees are responsible for respecting the rights of their fellow employees and for cooperating in any investigation of alleged harassment.
2. Responsibilities:
Each employee is responsible for assisting in prevention of discrimination, harassment, and retaliation through the following acts:

- Refraining from participation in, or encouragement of, actions that could be perceived as harassment;
- Reporting such acts; and
- Encouraging any employee, who confides that the employee is being harassed, to report these acts of harassment.

Each department supervisor shall be responsible for preventing acts of harassment. These responsibilities include:

- Monitoring the workplace environment on a daily basis for signs that harassment may be occurring.
- Counseling all employees on the types of behavior prohibited and the Village's procedures for reporting and resolving complaints of harassment.
- Stopping any observed acts that may be considered harassment and taking appropriate steps to intervene, whether or not the involved employees are within their line of supervision.
- Taking immediate action to limit the work contact between employees where there has been a complaint of harassment, pending investigation.

Any Supervisor or Department Head who receives a complaint or observes conduct which may violate this policy, must immediately report the complaint or observation to the Human Resources Director.

Failure to take action to stop known discrimination, harassment, or retaliation will result in disciplinary action up to and including termination of employment.

Section 14.5. Complaint Procedures.

While the Village encourages individuals who believe they are being harassed to firmly and promptly notify the offender their behavior is unwelcome; the Village also recognizes power and status disparities between an alleged harasser and a target may make such a confrontation impossible. In the event 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 harassment complaint:

1. **Reporting of the Incident:** All Village employees and officials are urged to report any suspected 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 Assistant 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 Village Manager, Village President, or Village Attorney. 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 or Assistant Village Manager reviewing the complaint will initiate an investigation of the suspected harassment. The investigation may 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 harassment may also be interviewed.

3. Preparation of a Written Report: The person responsible for investigating the complaint shall prepare a written report. The report shall include a finding that harassment occurred, harassment did not occur, or there is inconclusive evidence as to whether harassment occurred. A copy of the report may 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.

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.

4. Keeping of Records and the Confidentiality of Such Records: Employees or other persons who report incidents of 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.

If any Department Head or Supervisor learns of an incident of alleged discrimination, harassment, or retaliation, it is that individual's responsibility to immediately report the incident to the appropriate person under this policy. An investigation of the allegations of all complaints will be made as soon as practicable and, to the extent practicable and appropriate under the circumstances, confidentiality will be maintained. If the investigation leads to a determination that a complaint is well grounded and true, appropriate corrective action shall be taken. In determining whether alleged conduct constitutes discrimination, harassment, or retaliation in violation of this policy and the appropriate steps to redress any such violations or avoid the possibility of a future occurrence, factors such as the nature of the alleged discrimination, harassment, or retaliation, the context in which the alleged conduct occurred, and the totality of the facts and circumstances will be investigated and considered.

Section 14.6. Discrimination, Harassment, or Retaliation Allegations by Elected Officials Against Other Elected Officials.

Alleged discrimination, harassment, or retaliation by one elected official against another can be reported to the Village President. If the Village President is the person reporting such acts or is implicated by the allegation, the report can be made to any other Trustee. If a complaint is made against an elected official of the Village by another elected official of the Village under this Section, the matter must be referred to the Village's legal counsel. The allegations of the complaint will be thoroughly investigated through an independent review, which may include referring the matter to a qualified, independent attorney or consultant to review and investigate the allegations. Further, reasonable remedial measures will be taken as determined by the other Trustees who are not the complainant or the official who is the subject of the complaint.

Section 14.7. Time Frame for Reporting.

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. Delayed reporting of complaints will not, in and of itself, preclude the Village from taking remedial action.

Section 14.8. No Retaliation.

No Village official or employee shall take any retaliatory action against any Village employee due to a Village employee's:

1. Disclosure or threatened disclosure of any violation of this policy; or
2. The provision of information related to or testimony before any public body conducting an investigation, hearing or inquiry into any violation of this policy; or
3. Assistance or participation in a proceeding to enforce the provisions of this policy.

For the purposes of this policy, retaliatory action means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any Village employee that is taken in retaliation for a Village employee's involvement in protected activity pursuant to this policy.

No individual making a report will be retaliated against even if a report made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

Similar to the prohibition against retaliation contained herein, the State Officials and Employees Ethics Act (5 ILCS 430/15-10) provides whistleblower protection from retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for an employee who does any of the following:

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

Pursuant to the Whistleblower Act (740 ILCS 174/15(a)), an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. In addition, an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation (740 ILCS 174/15(b)).

According to the Illinois Human Rights Act (775 ILCS 5/6-101), it is a civil rights violation for a person, or for two or more people to conspire, to retaliate against a person because the employee has opposed that which the employee reasonably and in good faith believes to be sexual harassment in employment, because the employee has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under the Illinois Human Rights Act.

An employee who is suddenly transferred to a lower paying job or passed over for a promotion after filing a complaint with IDHR or EEOC, may file a retaliation charge – due within 300 days (IDHR) or 300 days (EEOC) of the alleged retaliation.

Section 14.9. Importance of Reporting.

It is a core value of the Village that maintaining a professional working environment for its employees is central to its long-term success. The Village believes that only by having a professional working environment can employees carry out their duties in a productive and positive surrounding. When that environment is threatened by harassment, it threatens the stability of the Village to the detriment of all of its employees. Harassment often follows a pattern, and when it goes unreported by those who experience it, it may encourage the perpetrator to harass others. By failing to report harassment as required by this policy, an employee not only endangers himself or herself, but also others as well.

By enforcing this zero-tolerance policy and appropriately investigating all reports of harassment, the Village seeks to protect all employees and maintain a harassment free, professional working environment. It is for these reasons, among others, that the Village's policy requires that, if an employee who suffers or

experiences, or believes they will suffer or experience, any job-related harassment prohibited by this policy, the employee promptly report the incident.

Section 14.10. Disciplinary Action.

If any employee of the Village engages in conduct that violates this policy, or other conduct that the Village believes is unprofessional, that employee will be subject to discipline up to and including discharge.

Section 14.11. Consequences for Knowingly Making a False Report of Sexual Harassment Pursuant to 5 ILCS 430/70-5

A false report is a report of sexual harassment made by an accuser using the sexual harassment report to accomplish some end other than stopping sexual harassment or retaliation for reporting sexual harassment. A false report of sexual harassment is not defined as a report made in good faith but which cannot be proven. Rather, a false complaint of sexual harassment is defined as an intentionally made false or frivolous report or bad faith allegation. Given the seriousness of the consequences for the accused, any person who intentionally makes a false report alleging sexual harassment shall be subject to discipline up to and including termination of employment.

In addition, any person who intentionally makes a false report alleging a violation of any provision of the State Officials and Employees Ethics Act to an ethics commission, an inspector general, the State Police, a State’s Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor. An ethics commission may levy an administrative fine of up to \$5,000 against any person who intentionally makes a false, frivolous or bad faith allegation.

Section 14.12. External Procedures.

The Village hopes that any incident of harassment can be resolved through the internal procedures outlined above. Employees of the Village, however, have the right to file formal harassment charges with the Illinois Department of Human Rights (the “IDHR”) and/or with the Equal Employment Opportunity Commission (the “EEOC”). A charge with the IDHR must be filed within 300 days of the harassing incident. A charge with the EEOC must be filed within 300 days of the incident. It is unlawful for an employer to retaliate against an employee for filing a charge of harassment with the IDHR or the EEOC.

Illinois Department of Human Rights
555 W. Monroe St., Ste. 700
Chicago, IL 60601
(312) 814-6200

Equal Employment Opportunity Commission
230 S. Dearborn St., Ste. 1866
Chicago, Illinois 60604
(312) 353-2713

Illinois Human Rights Commission
100 W. Randolph Street, Suite 5-100
Chicago, Illinois 60601
312.814.6269

APPENDIX G - FAMILY MILITARY LEAVE

Employees who have been employed with the Village for at least 12 months and for at least 1250 hours of service during the previous 12-month period may be eligible for Family Military Leave. Family Military Leave is leave requested by an employee who is the spouse, parent, child or grandparent of a person called to military service lasting longer than 30 days with the State of Illinois or the United States pursuant to the orders of the Governor or the President of the United States.

Eligible employees will be granted up to 30 days of unpaid family military leave during the time federal or State of Illinois deployment orders are in effect subject to the conditions of this Section. The number of days of leave provided to an eligible employee because the employee's spouse or child is called to military service shall be reduced by the number of days of leave provided to the employee under Appendix A of this Manual regarding the Federal Family and Medical Leave Act because of any qualifying exigency arising out of the fact that the employee's spouse or child is on covered active duty in the Armed Forces as defined above in **Appendix A**.

Employees wishing to take said leave shall give at least 14 days' notice if the leave will be 5 consecutive work days or longer. The employee shall consult with the Village to schedule the leave so as to not unduly disrupt the operations of the Village. Employees taking less than 5 days leave should give advanced notice where practicable. The Village may require certification from the proper military authority to verify that the employee is eligible for said leave.

Employees shall not take Family Military Leave until they have first exhausted all accrued vacation, personal and all other paid benefit time except for sick or disability leave.

Job Protection: Employees taking said leave will be restored to their position or to a position with equivalent seniority status, employee benefits, pay and other terms and conditions of employment and shall retain all employee benefits accrued before the date on which the leave commenced. Employees should arrange for the payment of their health insurance benefits during their leave.

APPENDIX H - VICTIMS' ECONOMIC SECURITY AND SAFETY ACT

A. Statement of Policy.

In accordance with the Victims' Economic Security and Safety Act (VESSA) and subject to the conditions stated below, the Village will grant eligible employees' reasonable accommodation, including job-protected leave during which health insurance will be maintained as if the employee were working full-time and after which the employee will be reinstated to the same or equivalent position.

B. VESSA Leave.

If an employee, or a household or family member of the employee, is a victim of domestic or sexual violence as defined by VESSA, the employee may take leave in accordance with VESSA for the purposes below.

1. Permissible purposes for leave:
 - a. seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member;
 - b. obtaining services from a victim services organization for the employee or the employee's family or household member;
 - c. obtaining psychological or other counseling for the employee or the employee's family or household member;
 - d. participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic or sexual violence or to ensure economic security; or
 - e. seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic, or sexual violence.
2. **Period and Schedule.** An employee shall be entitled to a total of 12 weeks of unpaid leave during any 12-month period. The leave may be taken consecutively, intermittently, or on a reduced work schedule.
3. **Notice.** The employee must give at least 48 hours advance notice of their intention to take VESSA leave unless such notice is not practical. If the employee takes an unscheduled absence, the Village will require certification pursuant to the following section.
4. **Certification.** The Village may, in its sole discretion, require the employee seeking VESSA leave to provide certification that the employee or family or household member is a victim of domestic or sexual violence as defined by VESSA, and that the leave sought is for one of the permitted purposes. The employee shall provide such certification as soon as practicable after the Village requests certification. To the extent permitted by law, any certification provided to the Village will be in the strictest confidence except to the extent that disclosure is required by applicable federal or state law. The employee is required to provide a sworn statement and one of the following documents only if they have possession of such document.

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

C. Maintenance of Benefits.

1. Returning to work. An employee returning to work after taking VESSA leave shall be entitled to their current position or an equivalent position, with no loss of benefits accrued prior to the date of leave. However, employees are not entitled to accrue seniority, benefits, rights, or positions during any period of leave, even if such leave is intermittent or on a reduced work schedule. Further, the Village shall be entitled to require the employee to report periodically on the employee's status and intention to return to regular employment.
2. Health benefits. Health insurance for the employee and any family or household members will be maintained in full during any VESSA leave. The Village may recover premiums paid during leave if the employee fails to return to work after the allotted leave expires in certain circumstances.

D. Other Leave.

This policy does not create a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under, or is in addition to the unpaid leave time permitted by the Family and Medical Leave Act. Employees may substitute paid benefit time off for the unpaid leave allowed under VESSA.

E. Employment Sustainability.

The Village will not refuse to hire an applicant, discriminate, discharge, or retaliate against an employee based on the employee's having been a victim of domestic, sexual, or gender abuse, the employee's request for or taking of VESSA leave, or the employee's request for a reasonable job-related accommodation based on actual or threatened domestic, or sexual violence. The Village will endeavor to provide qualified employees subject to VESSA a reasonable accommodation so as to allow employee to continue working for the Village so long as it does not pose an undue hardship for the Village.

APPENDIX I - ANTI-WHISTLEBLOWER RETALIATION

A. Introduction.

In accordance with the Public Officers Prohibited Activities Act (50 ILCS 105/4.1), the Village prohibits retaliation against an employee who (1) reports an “improper governmental” action as defined in this policy; (2) cooperates with an investigation by the “auditing official” related to a report of improper governmental action; or (3) testifies in a proceeding or prosecution arising out of an improper governmental action.

B. Definitions.

“Auditing official” for the Village is the Village’s Attorney or the Village Attorney’s designee whose duties include but are not limited to receiving, registering, and investigating complaints and information concerning misconduct, inefficiency, and waste within the Village; investigating the performance of officers, employees, functions, and programs; and promoting economy, efficiency, effectiveness and integrity in the administration of the programs and operations of the Village.

“Employee” means anyone employed by the Village, whether in a permanent or temporary position, including full-time, part-time, and intermittent workers. “Employee” also includes members of appointed or elected boards or commissions, whether or not paid. “Employee” also includes persons who have been terminated because of any report or complaint submitted under this policy.

“Improper governmental action” means any action by a Village employee, an appointed member of a board, commission, or committee, or an elected official of the unit of local government that is undertaken in violation of a federal, State, or unit of local government law or rule; is an abuse of authority; violates the public’s trust or expectation of their conduct; is of substantial and specific danger to the public’s health or safety; or is a gross waste of public funds. The action need not be within the scope of the employee’s, elected official’s, board member’s, commission member’s, or committee member’s official duties to be subject to a claim of “improper governmental action”. “Improper governmental action” does not include a unit of local government personnel actions, including, but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, reprimands, or violations of collective bargaining agreements, except to the extent that the action amounts to retaliation.

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

C. Reporting Alleged Retaliation.

To invoke the protections of this policy, an employee shall make a written report of improper governmental action to the auditing official. An employee who believes they have been retaliated against in violation of this policy must submit a written report to the auditing official within 60 days of gaining knowledge of the retaliatory action. If the auditing official is the individual doing the improper governmental action, then a report under this subsection may be submitted to the State’s Attorney.

D. Investigating Alleged Retaliation.

The auditing official shall investigate all reports of improper governmental action as set forth herein. To the extent allowed by law, the identity of an employee reporting information about an improper governmental action shall be kept confidential unless the employee waives confidentiality in writing. The auditing official shall take reasonable measures to protect employees who reasonably believe they may be subject to bodily harm for reporting improper government action. If the auditing official concludes that an improper governmental action has taken place or concludes that anyone has hindered the auditing official's investigation into the report, the auditing official shall notify in writing the Village President and any other individual or entity the auditing official deems necessary in the circumstances. If the auditing official deems it appropriate, the auditing official may transfer a report of improper governmental action to the appropriate State's Attorney.

1. After receipt of a written report from an employee who believes they have been retaliated against in violation of the anti-retaliation provisions of 50 ILCS 105/4.1 to the auditing official within 60 days of gaining knowledge of the retaliatory action, the auditing official will investigate said report. If the auditing official is the individual committing the improper action, then a report may be submitted to the State's Attorney's Office.
2. The identity of an individual reporting improper governmental action will be kept confidential, unless waived in writing or otherwise required by law.
3. All witnesses with possible knowledge identified by the reporting employee will be interviewed, as well as anyone identified by the auditing official during the investigation process who may have knowledge. The auditing official may also request and/or review records available through the Village or other verifiable sources.
4. The auditing official will take written notes for each interview. Both the question and the response shall be written down as verbatim as possible.
5. The auditing official shall reach conclusions as to whether a violation of anti-retaliation occurred.
6. Notes and records related to an investigation are to be stored separate from a complaining employee's personnel records and secured to maintain privacy.
7. Notes shall be stored for a period of at least one year or until the matter is resolved.
8. If improper governmental action is found, then the auditing official shall create a typed written report and provide such to the Village President and/or any other individual or entity the auditing official deems necessary in the circumstances.
9. The auditing official shall administer remedies, as provided by statute for violations, and otherwise address and redress related concerns.

E. Remedies Available to an Employee Subject to Retaliation for Reports of Improper Governmental Action.

If an auditing official finds that an employee has been retaliated against for reporting improper governmental action, the auditing official may on behalf of the Village reinstate the employee, reimburse the employee for lost wages or expenses incurred, promote the employee, or provide the employee some other form of restitution. In instances where an auditing official determines that restitution will not suffice, the auditing official may make their investigation findings available for the purposes of aiding in that employee or the employee's attorney's effort to make the employee whole.

F. Dissemination of the Anti-Retaliation Policy.

Every employee shall receive a complete copy of Section 4.1 of the Public Officers Prohibited Activities Act upon commencement of employment and at least once each year of employment. At the same time, the employee shall also receive a copy of the written process created by the auditing official for investigating complaints of improper governmental actions.

APPENDIX J - PREGNANCY ACCOMODATION AND NURSING MOTHERS ACT

The Village supports employees who are pregnant, have recently given birth, or who have a medical or common condition related to their pregnancy or childbirth. The Village will not discriminate against any qualified employee or job applicant with respect to any term or condition of employment based on their pregnancy or medical condition related to pregnancy or childbirth. If an individual is qualified to perform all of the essential and fundamental functions associated with a job, the Village will make reasonable accommodations as necessary for employees or applicants, provided that such accommodations do not pose a threat to safety or cause an undue hardship to the Village. In addition, the Village will not force pregnant employees to accept unrequested accommodations; will not force a pregnant employee to take leave if reasonable accommodations can be provided for; and will reinstate the employee to an original or equivalent position, pay, seniority, and benefits upon their return from work.

Requesting a Reasonable Accommodation

Employees may request reasonable accommodations when they know there is a work place barrier that may prevent them, due to pregnancy or a medical condition related to pregnancy or childbirth, from effectively competing for a position, performing a job, or gaining equal access to a benefit of employment. A request for reasonable accommodation is the first step in an informal, interactive process between the employee and the Village. All requests for a reasonable accommodation shall be made to the Human Resources Director. If the employee wishes to discuss the accommodation with someone other than the Human Resources Director, they can also contact a member of the Village Board. In some instances, before addressing the merits of the accommodation request, the Village will need to determine if the individual's medical condition meets the definition of disability under the Illinois Pregnancy Accommodation Act.

If it is determined that a disability does not exist, the Human Resources Director will so notify the complaining party in writing as soon as practical after 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. A reasonable accommodation is a reasonable modification or adjustment to the job application process or work environment or job functions that enable an applicant or employee to be considered for the position or to perform the essential functions of the job. Some examples include:

- More frequent or longer bathroom breaks;
- Breaks for increased water intake;
- Breaks for periodic rests;
- Private non-bathroom space for expressing breast milk and breast feeding and paid break time to express breast milk for the first 12 months after birth;
- Seating;
- Assistance with manual labor;
- Light duty;
- Temporary transfer to a less strenuous or hazardous position;
- The provision of an accessible worksite;
- Acquisition or modification of equipment;
- Job restructuring;
- A part-time or modified work schedule;
- Appropriate adjustment or modifications of examination, training materials, or policies;
- Reassignment to a vacant position;
- Time off to recover from pregnancy; and
- Leave necessitated by pregnancy.

The Village is not required to create a position specifically for the pregnant employee that the Village would not otherwise have created. The Village is also not required to bump another employee from their position to accommodate the pregnant employee nor is the Village required to promote any employee who is not qualified to perform the job.

Reporting the Incident

Any applicant or employee who believes that they have been discriminated against based on the condition of pregnancy or medical condition related to pregnancy or childbirth or as a nursing mother, should take the following steps:

Make a report of any suspected violation of this Policy 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. If the employee believes the Human Resources Director is the individual accused of the discrimination, or if the employee wishes to discuss the complaint with a female supervisor, the employee can make their report to the Village Manager, Village President, or Village Attorney.

Investigation of the Complaint

When a complaint has been reduced to writing, the Human Resources Director, or the person receiving the complaint, as the case may be, will, as soon as practical, meet with the complaining party to determine the nature of the complaint.

If it is determined that an incident of discrimination did occur, the Human Resources Director, or the person receiving the complaint, will so notify the complaining party in writing as soon as practical after their meeting of how the situation will be rectified.

Keeping of Records and the Confidentiality of Such Records

Applicants or employees who submit a written complaint of a violation of the Act 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. The Village will maintain written records for two years after the date of the resolution, unless new circumstances dictate that the records should be kept for a longer period of time.

Time Frame for Reporting Complaints

The Village encourages prompt reporting of complaints so that rapid response and appropriate action may be taken, therefore employees should make a report of a violation within six (6) months from the time of the incident. However, delayed reporting of complaints will not, in and of itself, preclude the Village from taking remedial action.