

TITLE III: ADMINISTRATION - CONTINUEDCHAPTER 41: EMPLOYEE & PERSONNEL POLICY41-1: PURPOSE.

**(A) Preamble.** The purpose of the Employee Policy is to implement and maintain a uniform system of employment within all departments of the City of Red Bud (hereinafter "City"). The Employee Policy is designed to provide employees and management with information pertaining to the employment policies and procedures applicable to all City employees.

All employees will be required to adhere to the policies and procedures as they are outlined in this Employee Policy (hereinafter "Policy") and/or in other City ordinances such as Chapter 52 of the City's Revised Code of Ordinances (hereinafter "Code") which provides specific additional rules for police officers.

Upon adoption by the City Council, this Employee Policy shall be the nonexclusive policy of all departments of the City concerning terms and/or conditions of employment. The Employee Policy supersedes the City's prior general personnel policies and same are hereby terminated.

A Department Head may adopt a policy more restrictive than this Employee Policy, and may not be less restrictive, with approval of the City Council.

**(B) Not a Contract.** This Policy shall not be construed as and does not constitute a contract, express or implied, guaranteeing employment for any specific duration, and the City expressly reserves the right to terminate employment at any time consistent with the law. This Policy is subject to review and change at the sole discretion of the City. All City employees are employees at will, except those specifically exempted by specific contract and/or those appointed for a specific term, namely, Chief of Police, Police Officers, City Administrative Assistant, and City Superintendent.

41-2: DEFINITIONS.

**(A) City Council.** The terms "City Council", as used in this Employee Policy, shall mean the elected public office holders of the City Council.

**(B) City's Revised Code or City's Code.** These terms refer to the City's Revised Code of Ordinances as amended from time to time.

**(C) Department.** The term "department", as used in this Employee Policy, shall mean the governmental unit for whom the employee is directly working for and rendering services. (For example, streets, gas, water, administrative departments are all considered separate departments.)

**(D) Employer.** The term "Employer", as used in this Employee Policy, means the City of Red Bud.

**(E) Employee.** The term "Employee", as used in this Employee Policy, means a person working for remuneration for services rendered to the City of Red Bud. For purposes of this Policy, an Elected Official is not an employee whose personal rights are affected by the policy.

**(F) Elected Official/Department Head.** The term "Elected Official/ Department Head", as mentioned in this Employee Policy, means the one person who supervises the operations of the department. (For example, the City Administrative Assistant or City Superintendent would each be considered a Department Head). The term "Elected Official" includes City elected office holders such as City Clerk, Mayor, Treasurer and Aldermen. The term "Elected Official/Department Head" applies to individuals who are responsible for the operations of a department and to City elected office holders unless specifically indicated otherwise in this Policy. The Elected Official/Department Head may designate a representative as being responsible for carrying out the immediate functions as enumerated in this Policy, and that representative, upon designation, shall be considered the Elected Official/Department Head.

**(G) Full-Time Employee.** The term "Full-Time Employee" is any employee, other than a police officer, who is hired to fill a position for which it is required that the employee will work at least thirty-two (32) hours per week on average throughout the year. A "Full-Time Police Officer" is defined in Chapter 52 of the City's Revised Code.

**(H) Immediate Supervisor.** The term "immediate supervisor", as used in this Employee Policy, shall mean the individual to whom the employee shall immediately report and be responsible for his work. An immediate supervisor may be the Elected Official/Department Head. The term "immediate supervisor" may refer to an Elected Official/Department Head and an employee.

**(I) Immediate Family.** Spouse, children, mother, father, step-child, step-parent, brother, sister, grandparent, grandchild, mother-in-law, father-in-law, brother-in-law, sister-in-law, or any relative or person living in the employee's household for whom the employee has custodial responsibility or where such a person is financially and emotionally dependent on the employee and where the presence of the employee is needed.

**(J) Part-Time Employee.** The term "Part-Time Employee" is an employee who is hired to fill a position for which an employee is not required to work at least thirty-two (32) hours per week on average throughout the year. A "Part-Time Police Officer" is defined in Chapter 52 of the City's Revised Code.

**(K) Policy.** This term refers to the City of Red Bud's Employee Policy as declared in this document.

**(L) Professionals.** The term "professionals" includes attorneys, certified public accountants and engineers.

**(M) He/She; His/Her.** The masculine, feminine and neuter forms of the pronouns shall be interchangeable within this document and also the singular shall mean the plural, all as the context dictates.

**41-3: EQUAL EMPLOYMENT.** The City provides equal opportunities for all employees and applicants. No person shall be discriminated against in any aspect of employment on the basis of race, color, religion, sex, sexual orientation, genetic information, military status, national origin, age, handicap or disability, ancestry, marital status, political affiliation, or any prohibited form of discrimination under Federal or State law or government contract or grant regulations.

All employees shall adhere to the nondiscrimination policy as further stated in the City Code, Chapter 39 and 40.

**41-4: HIRING POLICY AND RESIDENCY.**

**(A) Requirements.** Employment is based on each applicant's qualifications as compared with the requirements of the available position. Consideration is given to ability, experience, education, training and character. Available positions are posted at City Hall, Utility Plant, Library, Police Department and newspaper(s) and/or magazine(s). All newly hired utility and street department employees, upon successful completion of the required probationary period, shall be required to live within a distance of the City Utility Plant that will enable the employee to report to the Utility Plant within fifteen (15) minutes of notification whenever the employee is receiving on call pay.

**(B) Application Forms.** Applications for positions with the City must be completed on forms furnished by the City unless otherwise stated. All successful applicants shall produce an original social security card. The City may require certificates of competency, licenses, post-offer medical examinations, drug and alcohol tests, background investigations, references, police checks, motor vehicle reports/driving history, oral interviews, or other evidence of special qualifications. The City may reject applications of persons who are found to lack any of the requirements established for the position. Appointed personnel shall be made by the Mayor with the advice and consent of the Council. A list of appointed positions shall be maintained by the City Administrative Assistant. The City Council shall hire all other personnel. No employee will be hired and placed on the payroll or receive fringe benefits until all employment related forms, including but not limited to the employment application form, are filled out and forwarded to the City Administrative Assistant.

**(C) Medical Exam Guidelines and Requirements.** As part of the City's employment procedures, an applicant is required to undergo a post-offer, pre-employment medical examination and alcohol and drug screenings that are conducted by a physician designated by the City (hereinafter referred to as "City Health Officer"). Any offer of employment is contingent upon satisfactory completion of this examination and screening and a determination by the physician that the applicant is physically, medically and mentally capable of performing the essential duties of the position that has been offered or can do so with reasonable accommodations.

As a condition of continued employment, employees who work in positions involving public safety may also be required to undergo periodic medical examinations and alcohol and drug screening at times specified by the City. All City required medical examination, alcohol and drug screening are paid for by the City.

Whenever an employee changes work assignments to a position involving public safety, the City may require the employee to undergo a medical examination to determine whether that employee is medically qualified for the new position.

An employee must submit to a drug and alcohol screening if they are involved in an accident while on the job. Any employee who fails a drug or alcohol screening test shall reimburse the City the cost of all subsequent drug or alcohol screenings that are required for the employee to return to work. Failing a drug or alcohol screening test shall mean a result which violates any of the City's drug or alcohol policies.

**(D) Criminal History Background Checks and Motor Vehicle Reports.** The Police Department is authorized to conduct criminal history background checks on applicants for hire to City employment where the Department Head has determined that conviction of a crime

may relate to the position for which appointment is sought. Criminal history background checks do not include contact with previous employers, references or any other person listed on the applicant's application. They do include checks with public records or systems regarding the applicant's criminal history. Criminal history background checks may be performed only for individuals who are deemed by the Department Head to be finalists for a paid or volunteer position. Prior to performing a criminal history background check, the Police Department shall receive from the Department Head a written consent from the applicant agreeing to the background check and to the release of information discovered by the background check to the Department Head and other City employees as determined by the Department Head for the purpose of determining the applicant's qualification for employment by the City. The failure by the applicant to provide such a consent may disqualify the applicant for the position sought. A background search conducted by the Illinois State Police may be required in the Department Head's discretion.

Full and part time police officers are required to undergo pre-employment psychiatric evaluations.

**(E) Promotions.** Employees are encouraged to apply for job openings in higher classifications and may be considered for promotion for job openings upon written application. All full-time employees may be considered for promotions. Probationary employees may apply, but do not have to be considered, depending upon the City's discretion.

When an employee is promoted, the employee will be on probation. At the end of the probationary period, the employee's performance will be formally evaluated and one of the following actions shall be taken by the City based on the employee's performance and conduct:

- (1) The employee may assume the new position having successfully completed the probationary period.
- (2) The probationary period may be extended.
- (3) The employee may be demoted to a position commensurate with the employee's ability if the lower position is available.
- (4) The employee may be terminated due to substandard performance and/or conduct as determined solely by the City.

**(F) Probationary Period.** A minimum of six (6) months of employment will be designated as a probationary period for all employees, except for police officers who shall refer to Chapter 52 of the Revised Code of Ordinances. To assure that new employees are aware of the expectations and functions of their job and to answer any questions the probationary employee may have, a formal evaluation should be made at the end of the probationary period by the employee's supervisor. The probationary period is tolled during periods of approved leave of absences.

The probationary period also applies to employees who are rehired after previously terminating their employment with the City. Completion of the probationary period is not to be construed as creating a contract of employment, guaranteeing employment for any specific duration, or as establishing a "just cause" standard of termination. All employees are hired and/or appointed at the will of the City.

An employee may be dismissed at any time during the probationary period. Probationary employees who are dismissed do not have redress through the grievance procedure except for discrimination and sexual harassment. In the event that employment is terminated during the probationary period, any accrued benefits, leave time, etc., with the exception of vacation, will be lost.

The probationary period may be extended by a majority vote of the City Council.

**(G) Performance Review - Employment.** Each employee, upon completion of this probationary period, shall have their performance reviewed, and thereafter their performance is generally reviewed on an annual basis. This review should be completed in writing by the employee's Department Head and discussed with the employee then signed by the Department Head and the employee. A copy of all reviews are generally maintained in the employee's personnel file.

**(H) Employee Training and Development.** The purpose of this procedure is to provide proper control in the area of special employee training. The City Council is responsible for this activity, as well as for setting policy on expenses that the City will cover for the employee's participation in the training.

**(1)** In order to provide a systematic method of controlling the City's participation in special training sessions, approval for attendance must be obtained from the City Council. No employee shall be scheduled to attend training courses of this kind without this approval. Training sessions are usually referred to as workshops, seminars, manufacturer's training programs, institutes, etc. The "Employee Special Training Request" form as maintained by the City Administrative Assistant.

**(2) Employee Special Training Request.** The "Employee Special Training Request" form should be initiated by the person or persons who are to attend the training session.

The original should then be submitted to the appropriate Department Head for approval or disapproval. If approved, the request should be forwarded to the respective Committee Chairman, for review and recommendation by his Committee and then forwarded to the City Council for final approval or disapproval.

A request to cover the cost of the program should accompany the "Employee Special Training Request" form and must likewise be approved by the City Council.

Documentation of this training should be placed in the employee's personnel file. Employee's Department Head is responsible to forward this information to the City Administrative Assistant's office for inclusion in personnel records.

Elected Officials are subject to the same guidelines as employees for Special Training and Development.

**(3) Miscellaneous Expense Guidelines.**

(a) The employee's immediate Supervisor should review all expense requests and ensure costs to the City are reasonable.

(b) Receipts are required for the reimbursement of all other than:

(i) Transportation charged directly to the City.

(ii) Mileage allowance for use of private automobile.

(c) Exception to this procedure will only be made with the approval of the City Council.

(4) **Distribution of Expenses.** Expenses as described above, including registration fees or tuition fees and transportation, should be distributed by the City Hall.

**(I) In-House Vacancy Notification Program.**

(1) Position openings throughout the City are generally posted on bulletin boards in City Hall, Library, Police Department, and the Utility Plant Office. Forms indicating an employee's interest in an open position must be turned in by the deadline on the job notification sheet. All job vacancies should be posted a minimum of ten (10) days.

(2) A job posting notice should have the following information:

(a) Job Title.

(b) Department.

(c) Status.

(d) Work Schedule.

(e) Shift.

(f) Brief job description.

(g) Pay Grade/Range/Rate.

**(J) Promotions, Transfers, Demotions, and Lay-Offs.**

(1) **Promotion.** Positions within the employment of the City may be filled by promotion to the extent deemed appropriate by the City.

(2) **Transfers.** Transfers from one position to another may be made as deemed appropriate by the City.

(3) **Demotions.** Demotions may be made as deemed appropriate by the City.

**(4) Lay-Offs.** Lay-offs may be made as deemed appropriate by the City.

**(K) Separation and Termination.**

**(1) Voluntary Separation.** An employee desiring to terminate the employment relationship with the City is urged to notify the City at least two (2) weeks in advance of his/her intended resignation. Such notice should be given in writing to the employee's Department Head. Proper notice allows the City sufficient time to calculate all accrued benefits and/or monies to which the employee may be entitled.

**(2) Retirement.** An employee who plans to retire is urged to provide the City with a minimum of six (6) months notice whenever possible. This will allow ample time for the processing of appropriate pension forms to ensure that any retirement benefit to which an employee may be entitled commences in a timely manner.

**(3) Involuntary Separation.** Although the City hopes its relationship with each employee is long-term and mutually rewarding, the City reserves the right to terminate the employment at will.

**(4) Death of an Employee.** Upon the death of an employee, the City will pay all accrued salary and benefits to the employee's beneficiary per Section 41-8 of this policy.

**(5) Return of City Property.** An employee leaving the City's employment shall return all City property in the employee's possession, including uniforms, tools and equipment, pagers, id cards, keys, and cellular phones. In addition, all employee discounts will terminate the day of employee termination.

**(6) Compensation on Termination of Employment.** In case of involuntary termination of employment, where the termination is caused by lack of work or the elimination of a job by the City, or upon retirement, the following table of compensation shall apply:

Employed on or before April 6, 1998:

Less than 2 years	None
For each 2 full years of service:	1 week's pay for each 2 full years for a Maximum of ten (10) Weeks.

Employed on or after April 7, 1998:	No compensation
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**41-5: WAGES AND CLASSIFICATIONS.**

**(A) Employment Classifications.** Employees are classified according to the following guidelines:

**Salaried Exempt.** This classification includes all Elected Officials and Department Heads and may include professional personnel. Salaried Exempt employees (excepting Police Officers) are exempt from overtime. Salaried Exempt employees are paid at a fixed salary rate with the expectation that the workload will dictate the number of hours worked.

**Full-Time.** Those employees scheduled to work full-time as defined above. Full-time employees are eligible for overtime pay.

**Part-Time.** Those employees scheduled to work part-time as defined above. A part-time employee (excepting Police officers) is eligible for overtime pay when, in any workday, the employee works more than eight (8) hours.

**Special Assignment.** Those employees hired for a specific project for a limited period and may include those hired to fill in summer vacations, illness and the like. Such employees are hired with the understanding that their employment is to terminate upon completion of the project or at the end of the period. Special Assignment may be either full-time or part-time as determined by the requirements of the job. They are entitled to overtime, but not to benefits.

**Volunteers.** Those individuals who accept, on an unpaid basis, or on a minimally paid basis such as members of the Planning Commission, various work assignments for the City. These individuals receive no benefits.

**(B) Work Week.** The City's workweek begins on Wednesday and ends on Tuesday.

**(C) Pay Period and Paychecks.** Employees shall receive their paycheck on a bi-weekly basis. The paycheck issued will be for the preceding pay period and will be issued on Friday for the previous pay period which ended on the previous Tuesday. Time sheets will be approved by each Elected Official/Department Head and turned into the City Assistant Administrator's office by Wednesday morning. Each pay period shall run for fourteen (14) consecutive days, beginning on Wednesday.

**(D) Compensation.** The basic rate of pay shall be as approved by the City Council at the first meeting in May.

**(E) Overtime.** The City will pay overtime beyond scheduled hours of regular work in any day. The supervisor has the right to change the work schedule the day prior to the end of the shift. Scheduled working hours is defined as "any work time scheduled prior to the end of a current shift on any given day." All time worked over scheduled hours in any one (1) day will be paid at the rate of time and one-half (1 1/2). Employees will not be regularly scheduled to work overtime hours. Except for emergency call-outs, all overtime hours worked as a necessity will be authorized in advance by the Supervisor of such Department. If a man is called out he will receive a minimum of one (1) hour of pay. If more than one (1) hour is needed, he shall be paid in fifteen (15) minute increments for the time worked. Holidays, Vacation and Sick Time are considered scheduled working hours.

**(F) On-Call Pay (Utility Department).** There will be one (1) employee on standby every week in the Utility Department. The standby workweek shall run concurrently with the regular pay period week (from Wednesday to Tuesday - seven (7) days). The employee on standby will be compensated as determined by the City Council. If an employee is called out he will receive a minimum of one (1) hour of pay. If more than one (1) hour is needed, he shall be paid in fifteen (15) minute increments for the time worked.



**(G) Salary Increases.** Salary increases lie within the sole discretion of the City Council.

**41-6: HOURS OF WORK.**

**(A) Schedule.**

**(1) Continuous Operation.** Each Department Head will determine the work schedule for his/her own department. Each Elected Official/Department Head must allow for continuous operation of the department or office for the hours which the department or office is required to be in operation.

**(2) Overtime.** Prior approval of the Department Head is necessary for any employee to work early, stay late, or to work hours beyond the employee's regular work schedule.

**(B) Time and Attendance.**

**(1) Attendance Record.** Each department shall maintain accurate daily attendance records. An employee shall be at his/her place of work in accordance with the attendance rules. Tardiness or other abuse of regular attendance will not be tolerated. The attendance will indicate information in order to properly pay employees for actual work performed.

**(2) Sick Leave.** The City expects each employee to assume diligent responsibility for attendance and promptness. Recognizing, however, that illness and injuries may occur, the City has established sick leave, including time off to secure necessary treatment for a disability.

**(3) Illness Notification.** Should an employee be unable to work for medical reasons, the employee shall notify the Department Head within reasonable time as determined by the Department Head/Elected Official at the beginning of his/her shift on each day of absence unless otherwise granted an authorized leave. Failure to properly notify the City will be deemed an unexcused absence.

**(4) Physician's Statement.** If an employee is absent for more than three (3) consecutive workdays, a statement from a physician may be required before the employee will be permitted to return to work. In such instances, the City also reserves the right to require the employee to submit to an examination by a physician designated by the City at the City's expense.

**(5) Absenteeism.** Absenteeism or tardiness that is unexcused or excessive in the judgment of the City may be grounds for disciplinary action, up to and including dismissal.

**(6) Inclement Weather.** When City offices and buildings are open, but inclement weather prevents employees from reaching the buildings, employees may account for such absences by using accrued time, such as vacation and compensatory time earned, or the employee may elect to be docked for time off. Sick leave may not be used to cover absence due to inclement weather.

**(C) Holiday Pay.** All full-time and salaried exempt employees, except those in the Utility Department and Police Department who are required to work on the holiday or who are on call on the holiday, shall have time off with full salary payment on the day designated as a holiday by the City Council.

**(1) Salaried Exempt.** Salaried exempt employees shall receive holiday pay from the beginning of employment.

**(2) Full-Time Employees.** All full-time employees from the beginning of their employment, will be eligible for ten (10) holidays with pay each year. These holidays are: New Year's Day, Good Friday, Memorial Day, July 4<sup>th</sup>, Labor Day, Veteran's Day (effective 11/07), Thanksgiving Day, Friday after Thanksgiving, Christmas Eve Day, and Christmas Day. All full-time employees will be eligible for three (3) personal days (twenty-four (24) hours), which shall be computed on January 1<sup>st</sup> of each year (effective January 1, 2008), and may be taken in increments of not less than one (1) hour. Personal days for newly hired employees will be prorated.

**(3) Working on Holiday.** Any employee who is required to work on a holiday as his/her regularly scheduled work shall receive regular pay and holiday pay.

**(4) Eligibility for Holiday Pay.** To be eligible for holiday pay, the employee must work both the day before and the day after the holiday, unless approved by the Department Head. Holiday pay is forfeited if the employee does not work the day before or after the holiday without the Department Head's approval.

**(5) Holiday Observance.** When a holiday falls on a Sunday, the following Monday shall be observed as that holiday. When a holiday falls on a Saturday, the preceding Friday shall be observed as the holiday. Any other circumstances will be approved by the City Council.

**(D) Training.**

**(1) Meetings and Seminars.** For meeting and seminars, employees may be granted leave with pay to attend meetings, seminars and conventions of professional and technical organizations, when such attendance would benefit the employee's ability to perform the job, and is approved in advance by the City Council.

**(2) Pay.** For any training program conducted after regular working hours and which would result in overtime pay, such training shall be approved by the City Council. Payment for travel time to and from training meetings and seminars shall be made under the federal Fair Labor Standards Act.

**(3) Transportation.** All employees will be reimbursed for mileage expenses incurred while attending assigned schools outside of Red Bud, Illinois. Upon receipt of a notice to attend the training school, the employee will request the use of a department vehicle to transport those attending to and from school. If a department vehicle is not available, reimbursement shall be made for the employee's use of his/her own personal vehicle. When two (2) or more persons

attend the same school at the same time only one (1) person will be eligible to receive reimbursement for travel. The rate of reimbursement shall be the applicable rate established by the federal Internal Revenue Service.

**(E) Administrative (Admin.) Time.** It shall be the City’s policy to accrue Administrative time (Admin. Time) in lieu of time worked beyond scheduled working hours to assist salaried employee’s productivity and effectiveness without extra cost to the City. Admin. Time is defined as time off granted to an entitled employee to offset hours worked by the employee beyond scheduled working hours. Violations of this policy may result in disciplinary action up to and including discharge. This policy does not create any contractual rights. Although the City intends that the policy will generally remain in effect, the City reserves the right to, at any time, amend, curtail, or otherwise revise the policy including the temporary suspension of the policy at the sole discretion of the City Council.

**(1) Entitled Salary Employees.** City Administrator, City Administrative Assistant, City Superintendent, City Code Administrator, Chief of Police, Assistant Chief of Police.

**(2) Accrual.** Admin. time is only applicable to the outlined salaried employees included above so the accrual rate of admin time is 1-1 where the employee has not accrued Admin. Time in excess of the limit applicable. Employees are expected to organize their projects and tasks appropriately to minimize Admin. Time accruals for pre-approved projects or seasonal demands that are substantial in nature and must be done by the employee. The applicable running balance limit is forty (40) hours of Admin. Time at any point in time. Employees should attempt to schedule the utilization of Admin. Time as it is accrued.

**(3) Utilization.** Admin. Time accrued should be utilized (redeemed) with the least amount of disruption to productivity and effectiveness to minimize departmental hardship.

**(4) Recordkeeping.** Each employee will assume the responsibility for maintaining adequate Admin. Time records. In addition to internal records, Admin. Time balances must be maintained and documented on a spreadsheet submitted monthly on or near the first of the month to the Mayor and Personnel Committee Chair. The spreadsheet submitted to the Mayor and Personnel Committee Chair will include the following columns:

**Employee name:**

Date	Purpose	Time	Hours Accrued	Hours Used	Balance
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**41-7: LEAVE.** For all types of leave, the Elected Official/Department Head may require employees to use vacation, sick leave, or any other type of accumulated or accrued benefits before the employee is placed on leave without pay status.

**(A) Vacation.** Full-time employees are entitled to annual vacation with pay. Vacation, unless otherwise agreed by separate employment contract, begins to accrue on the first (1<sup>st</sup>) day of employment and continues to accrue through the employment anniversary date provided

employment is continuous. The twelve (12) month vacation year begins on the employee's date of employment, and on succeeding employment dates.

(1) All full-time employees shall be entitled to the following vacations:

Less than 1 year	None
1 year but less than 2 years	40 hours
2 years but less than 5 years	80 hours
5 years but less than 10 years	96 hours
10 years but less than 15 years	120 hours
15 years but less than 20 years	136 hours
20 years and over	160 hours plus 4 hours each year completed over 20 years

(2) All vacation time taken by employees must be scheduled in advance and submitted on a request form, as maintained by the City Administrative Assistant, to their Department Head for approval, unless an emergency occurs which requires the use of that time without advance notice.

All vacation time taken by Department Heads must be scheduled in advance and submitted on a request form to the Mayor for approval, unless an emergency occurs which requires the use of that time without advance notice.

(3) **Accumulation.** Vacation cannot be accumulated and the use of vacation time shall be considered mandatory. Vacation shall be granted at the discretion and approval of each Department Head and any vacation day not taken before the anniversary date of employment shall be forfeited. Vacation shall be accumulated while an employee is off due to workman's compensation.

(4) **Pay.** Employees shall be entitled to full pay at the regular rate of compensation during the vacation period. No vacation pay shall be paid on the basis of overtime.

(5) **Termination.** On separation of employment, vacation shall be pro-rated according to months worked in current year.

(B) **Sick Leave.** All full-time employees shall accumulate sick leave at the rate of four (4) hours per pay period, effective September 26, 2007. Sick leave may be used for the employee's illness, disability, injury, quarantine, appointments with doctors, dentist, or other professional healthcare practitioners, and in case of death, illness, disability or injury, to a member of an employee's immediate family, or appointments with a doctor, dentist or other professional healthcare practitioners of a member of an employee's immediate family.

(1) Immediate Family is defined as:

(a) The employee's spouse;

(b) The employee's children;

- (c) The employee's mother;
- (d) The employee's father;
- (e) The employee's step-child;

(f) Any dependent person living in the employee's household for whom the employee has custodial responsibility and who needs the presence of the employee; or

(g) Any dependent person living in the employee's household who is financially and emotionally dependent on the employee and who needs the presence of the employee.

**(2) Payout of Sick Leave Accumulated Through September 25, 2007.** For Sick Leave accumulated through September 25, 2007, a payout shall be made to the employee at the rate of pay at the time of the payout in one of the following methods of payment as selected by the employee:

- (a) Equal annual installments over a maximum of three (3) years;
- (b) Equal bi-weekly payments added to the employee's paycheck over a specified period not to exceed three (3) years; and
- (c) Lump sum payment.

The period during which payments are made shall be between December 15, 2007 and December 14, 2010. Each employee shall make his or her choice of method of payout in writing, using a form maintained by the City Administrative Assistant. After a choice of payment has been selected, it cannot be changed. An employee may use sick leave days which payout is not complete, if needed, and an amount equal to the number of hours which the employee needs for this purpose, multiplied by the rate of pay at the time of the payout shall be deducted from the payout.

If an employee terminates employment with the City before the payout is completed, the balance of the payout will be paid with the employee's final paycheck.

**(3) Accumulation.** Effective September 26, 2007, all full time employees will earn sick leave at the rate of four (4) hours per pay period. Sick leave may accumulate indefinitely. On the pay date for the first full pay period in October of each year, the City will pay out to each employee at the rate of pay then in effect for that employee, the balance of any unused sick leave for the first forty (40) hours of sick leave accumulated but not used through the last full pay period of September of that year. For example, if an employee used sixteen (16) hours of sick leave, he would be paid for twenty-four (24) hours and will accumulate any additional unused sick leave. The remaining unused sick leave will be accumulated as unused sick leave and could be used by the employee for sick leave but if unused at the time of separation of employment, then it would be applied to the Illinois Municipal Retirement Fund pension as time of service, according to the Illinois State Statute. No payment for the first forty (40) hours

of sick leave as stated herein shall be made unless the employee is employed with the City of Red Bud at the time of accumulation period ends and they have actually accrued sick leave but any such accrued and unused sick leave in that situation would be applied to the Illinois Municipal Retirement Fund pension as time of service, according to Illinois State Statute.

**(4) Dismissal.** The obtaining of sick leave or the acceptance of sick leave benefits under false pretenses shall be grounds for immediate disciplinary action including dismissal from employment.

**(5) Insurance.** Employees on extended illness or injury absence, who are being compensated under the City's insurance carrier beyond the date of expiration of compensated sick leave hereunder, will have his/her hospitalization and medical insurance paid for by the City for one (1), two (2), or three (3) months as follows:

Employees with net credit service of:

Less than two years	1 month
2 years but less than 10 years	2 months
Over 10 years	3 months

Thereafter, an employee may continue this insurance if he/she pays for it during the remainder of his/her sick leave.

**(C) Other Absences for Full-Time Employees.** The following regulations shall apply to full-time employees. The following types of leave will be considered:

**(1) Jury Duty.** An employee shall be excused from work for days in which the employee serves on Jury Duty. A full time employee shall receive his regular pay for jury service. The employee must present proof of jury service and the amount of pay received is to be deposited in the City Treasury. Upon completion of service, the official court check of remuneration shall be signed over to the City. The employee will retain payment for mileage, according to applicable federal Internal Revenue Service rates. If an employee is given an early release from jury duty, the employee shall then report to his or her regular work assignment. All benefits shall continue to accrue.

**(2) Witness.** An employee shall be excused from work when lawfully subpoenaed to serve as witness or for election duty (City, County, State and Federal) as a judge or clerk. The employee must present written proof of the summons to testify to qualify for an excused absence. Notice to employee's supervisor should be made in advance. An employee's excused absence from work shall be on the same basis as jury duty. All benefits shall continue to accrue.

**(3) Family Bereavement Leave.** A full time employee will be paid for three (3) days (24 hours) of bereavement leave after the death of an immediate family member. Paid days shall be used in concurrence with the funeral. If any additional days are needed, sick or vacation days may be used, or the employee may use additional unpaid days for a total of ten (10) total days (80 hours) of bereavement leave.

Further, an employee, as defined by the federal Family and Medical Leave Act (FMLA), as amended, shall be allowed to use up to ten (10) days of unpaid bereavement leave to 1) attend the funeral or alternative to a funeral of an immediate family member, or 2) make arrangements necessitated by the death of an immediate family member, or 3) grieve the death of an immediate family member, or 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.

All unpaid bereavement leave must be completed within sixty (60) days after the date on which the employee receives notice of the death or covered event listed above and may be used the same as any other FMLA leave. The employee shall provide at least forty-eight (48) hours advance notice of their intention to use any bereavement leave, unless providing such notice is not reasonable and practicable. The City may require reasonable documentation for use of any bereavement leave.

In the event of the death of more than one immediate family member in a twelve (12) month period, the employee shall be entitled to up to six (6) total weeks of unpaid bereavement leave in the twelve (12) month period. Nevertheless, the bereavement leave stated herein shall not exceed the unpaid leave available to any employee under FMLA at the time of the bereavement leave. Also, the bereavement leave stated herein is not in addition to any unpaid leave available to any employee under FMLA but rather shall be included therein.

**\*Immediate Family.** Spouse, domestic partner, children, mother, father, step- child, step-parent, brother, sister, grandparent, grandchild, mother-in-law, father-in-law, brother-in-law, sister-in-law, or any relative or person living in the employee's household for whom the employee has custodial responsibility or where such a person is financially and emotionally dependent on the employee and where the presence of the employee is needed.

**(4) Administrative Leave.** In cases where the City deems it is in the best interest of the City to remove an individual from his/her position, the employee will be placed on an administrative leave either with or without pay. At the commencement of said leave, the employee will be advised as to whether or not the leave is with or without pay and benefits or, that while the employee will initially be removed from the payroll, the employee may be eligible for reinstatement with pay-back and benefits, or may have the leave converted to discipline up to and including termination, depending on the specific circumstances involved.

**(5) Military Leave of Absence.** All military leave guidelines will be followed by USERRA regulations.

**(6) Personal Leave of Absence.**

**(a)** Full-time and part-time employees are eligible for personal leaves of absence in emergency situations or under unusual circumstances

after they have completed their probationary period. Personal leaves of absence are normally granted for a period of thirty (30) days or less. Benefits shall not accrue during the leave period. Employees may be granted time off without pay for five (5) working days or less for an excused absence. This may be granted at the discretion of the employee's Elected Official/Department Head and must be in writing. It is necessary to review each request individually, and any request over two (2) weeks must be approved in writing by the Mayor.

**(b)** A written request submitted at least two (2) weeks in advance is required for consideration of personal leave of absence. The only exception is where circumstances obviously prohibit, such as an acute illness.

**(c)** An extension may be considered by the Elected Official/Department Head only upon written request giving specific reasons for such extension. Employees who fail to request an extension of leave will be considered to have voluntarily resigned. If an extension is granted, the length of service will be adjusted in time in excess of thirty (30) days.

#### **(7) Medical Leave of Absence.**

**(a)** In case of medical proven illness, or pregnancy, an unpaid medical leave of absence may be granted by the City Council to full-time and part-time employees for an initial period of up to three (3) months. Medical leaves may be granted only after the employee has used accrued sick time, vacation and holiday time.

**(b)** The maximum duration of a medical leave of absence, including any extension is six (6) months. Five (5) calendar days prior to the authorized or specified return to work date the employee is responsible for submitting to the City a physician's written release to return to work. A "general release" is unacceptable. The release must specify whether or not there are any medical restrictions on the employee's return to work. If there are no restrictions, the release must so state.

**(c)** Pregnancy is covered by these regulations.

**(d) Expiration of Leave.** When an employee returns from a leave, the employee shall return to the same position which the employee occupied prior to the leave, if available. An employee's same position will not be protected from reductions in force or elimination while they are on leave. An employee who is absent without permission of their supervisor from scheduled work after the expiration of their leave for two (2) working days will be considered to have voluntarily resigned their position. An employee who does not return or is unable to return to their position at the expiration of their leave may be terminated after the later of (i) expiration of health insurance coverage under Section 41-7(B)(5) or (ii) the end of a granted leave under Section 41-7.



**41-8: OTHER BENEFITS.**

(A) The City provides the following types of insurance for some or all of its employees:

(1) **Workmen's Compensation.** This insurance is provided for all employees pursuant to Illinois State Law.

(2) **Life Insurance.** A face value of Ten Thousand Dollars (\$10,000.00) life insurance policy is paid by the City for all full-time employees. An optional policy of Two Thousand Dollars (\$2,000.00) for dependents is available to employee at his expense on employment.

(3) **Pension, Disability and Death Benefit.** The City provides pension, disability, and death benefits to qualified, eligible employees pursuant to the Illinois Municipal Retirement Fund. IMRF presently requires one thousand (1,000) working hours per year to participate. Eligibility to participate is based on IMRF's requirements as amended from time to time.

(4) **Hospital/Medical Insurance.** The City currently provides health coverage for the full-time employees and their dependents.

(5) **Retirement Medical Benefit.** All full-time employees hired prior to August 1, 1997, who have retired shall be entitled to medical insurance under the City's Health Plan as follows:

(a) City pays percentage of retired employee's premium to age sixty-five (65) years based on three (3) times the number of completed years of full-time employment to the City, i.e. if employee worked twenty (20) years full-time, City would pay sixty percent (60%) of retired employee's medical insurance premium under the City's group plan.

(b) Retired employee, to age sixty-five (65) years, pays balance of medical insurance premium, i.e. forty percent (40%) based on above example in paragraph (8)(a).

(c) Retired employee pays all other medical insurance premiums for dependent(s) if a family policy is desired.

(d) Coverage under City's medical insurance plan may continue after the retired employee reaches age sixty-five (65) if the employee pays all of the cost of the insurance coverage. The City's participation in paying a portion of the premium ceases when the retired employee reaches age sixty-five (65).

(e) City shall notify retired employee as to the medical insurance premium as follows:

(i) Total premium cost based on plan selected by retired employee.

(ii) Total premium for retired employee.

- (iii) Percentage of premium to be paid by City.
- (iv) Cost to be paid by City.
- (v) Percentage of premium to be paid by retired employee.
- (vi) Cost to be paid by retired employee for himself or herself.
- (vii) Cost to be paid by retired employee for dependent(s).
- (viii) Total amount to be paid by retired employee.
- (ix) Date(s) retired employee's share is to be paid to City.

(f) Retired employee must send his or her share of the premium to the City Hall in a timely manner. If any retired employee's payment is late more than two (2) times in any twelve (12) month period or if payment is not received by the next payment date, the City Council shall have the right to terminate the retired employee's benefits under this Section.

**(B) Death Benefits.** Each employee shall fill out a designation of beneficiary form as maintained by the City Administrative Assistant. Upon the death of a City employee, the designated beneficiary shall be entitled to receive the employee's unpaid compensation, such sums for any accrued vacation period to which the employee was entitled to at the time of death. Such payment shall be computed by multiplying the employee's daily rate of pay by the number of days of accrued vacation at the time of death. Family members of deceased employees should contact the City Administrative Assistant for explanation of any further benefits the family members or the estate of the deceased employee may be entitled to.

**(C) Travel.**

**(1) Vehicles.** Staff vehicles are to be used only for activities directly related to the conduct of business. Unless otherwise stated the vehicles are not to be used for personal activities. Reimbursement is provided for the use of employee's private vehicles for official business at the rate designated by the City Council for actual mileage traveled. Private vehicles will only be used when City vehicles are not available and prior approval is given by the City Council. Use of staff vehicles are restricted to employees who have a valid driver's license with current liability insurance and proof of same shall be given to the City. Employees are not permitted to use City vehicles without the knowledge of their Elected Official/Department Head. All employees using staff or private vehicles must record mileage on the expense log along with the destination and purpose of the trip. The log is to be returned with the vehicle's keys. Expense claims for private vehicle usage will be honored only if the listed trip is initialed by the immediate supervisor. Any malfunctions or damages must be reported by the immediate supervisor. Travel in any vehicle will always be by the most direct route unless otherwise approved by the Elected Official/Department Head.

**(2) Plane or Train.** If the most economical means of travel available is by some type of transportation other than an automobile, the mode selected must be approved by the City Council before departure.

**(D) Reimbursement of Travel and Other Expenses.**

**(1) Definitions.**

**(a) "Entertainment"** includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless ancillary to the purpose of the program or event.

**(b) "Public Business"** means expenses incurred in the performance of a public purpose which is required or useful for the benefit of the City to carry out the responsibilities of City business.

**(c) "Travel"** means any expenditure directly incident to official travel by employees and officers of the City or by wards or charges of the City involving reimbursement to travelers or direct payment to private agencies providing transportation or related services.

**(2) Reimbursements.** The City shall only reimburse the following types of travel, meal or lodging incurred by its employees and officers up to the following maximum allowable amounts:

**(a) Travel.**

**(i)** Mileage charges at the allowable rate under IRS rules and regulations at the time of travel.

**(ii)** Other modes of transportation eligible for usage shall be paid at the lowest available rate for such transportation, including all taxes and fees.

**(b) Meals.** Allowable charges up to One Hundred Dollars (\$100.00) per person, per day, including all taxes but not including gratuity.

**(c) Lodging.** Allowable charges up to Three Hundred Fifty Dollars (\$350.00) per person, per day, including all taxes and fees.

**(d) Gratuities.** Expenses up to fifteen percent (15%) of the allowable charges, except for those department, programs, or projects which are prohibited by Federal and State rules or regulations from making reimbursements for gratuities.

**(e) Taxi, Parking and Toll Fees.** Expenses up to One Hundred Dollars (\$100.00) per person, per day for any combination of these fees.

**(3) Expense Reimbursement Form.** The City shall utilize a standard expense reimbursement form as maintained by the City Administrative Assistant.

No reimbursement of travel, meal, lodging, or other expenses incurred by a City employee or officer shall be authorized unless the expense reimbursement form is signed by the employee or officer, submitted and approved by the appropriate Elected Official/Department Head and City Council.

**(4) Documentation.** In order to be reimbursed for public business expenses, the City employee or officer shall submit written documentation along with the expense reimbursement form. All documentation and information submitted shall be subject to disclosure under the Illinois Freedom of Information Act. Minimum documentation includes:

**(a)** An estimate of the cost of travel, meals, lodging, or other expenses if expenses have not been incurred, or a receipt of the cost of the travel, meals, lodging or other expenses if the expenses have already been incurred;

**(b)** The name of the individual who received or is requesting the travel, meal, lodging, or other expense;

**(c)** The job title or office of the individual who received or is requesting the travel, meal, lodging, or other expense; and

**(d)** The date or dates and nature of the official business in which the travel, meal, lodging, or other expense was or will be expended.

**(5) Exceeding Limit and Expense Approval.** Expenses for travel, meals, or lodging of:

**(a)** any officer or employee that exceeds the maximum reimbursement allowed under Section 41-8(D), in the event of an emergency or other extraordinary circumstances, or

**(b)** any member of the corporate authorities of the City, may only be approved by roll call vote at an open meeting of the corporate authorities of the City.

**(6) Reimbursement Not Allowed.** The City shall not reimburse any member of the corporate authorities of the City, employee or officer for any activities which would be considered entertainment. Activities which would otherwise be considered entertainment, but which are excluded from the prohibition on reimbursement due to being ancillary to the purpose of the program or event, may be reimbursed in accordance with the provisions of Section 41-8(D). Further, alcohol, valet service, newspapers, magazines and personal services, including but not limited to phone calls, in-room movies and bars, are specifically excluded from reimbursement.

**(7) Other Expenses.** Other expenses allowed by the City for employees and officers include conference fees and other public business related activities, as approved by the Department Head/Elected Official and City Council, paid at the lowest available rate, including all taxes and fees.

**(E) Safety Award Program.** All full-time City employees and Department Heads are eligible to receive an annual safety award, as defined herein and under terms and conditions defined herein. Additionally, all full-time and part-time City employees and Department Heads are eligible to receive safety meals, as defined herein and under terms and conditions defined herein.

(1) The annual safety award shall be a non-cash One Hundred Dollar (\$100) reimbursement award to each eligible person to be use for safety clothing and/or equipment subject to the approval of the Department Head

(2) Each department will be considered separately for the safety award eligibility. Eligibility for the award requires no recorded or reportable accidents during each fiscal year of the City.

(3) Each Department Head, or their designee, may conduct a weekly safety meeting for their employees on duty.

(4) There may also be quarterly safety meetings to include a meal for each attendee who is on duty, not to exceed a cost of Twelve Dollars Fifty Cents (\$12.50) per person.

(a) In the first fiscal year quarter, there may be a group safety appreciation meal for all departments eligible to receive the safety award where the Mayor, Councilperson or Department Head will give a safety talk.

(b) In the second fiscal year quarter, there may be an individual department safety meal where a department employee will give a safety talk.

(c) In the third fiscal year quarter, there may be an individual department safety meal where a department employee will give a safety talk.

(d) In the fourth fiscal year quarter, there may be an individual department safety meal where a department employee will give a safety talk.

**(F) Retirement Award.** Each full-time City employee and Department Head is eligible to receive a retirement award upon their retirement from the City, as defined herein and under terms and conditions defined herein.

(1) Each full-time City employee and Department Head will be awarded a Fifty Dollar (\$50.00) credit per completed year of service based on their anniversary hire date to be applied only to their retirement award and calculated only at the time they provide notice of retirement to the City. All withholding and taxes in accordance with State and Federal laws will apply.

(2) The retiring employee will receive a retirement award consisting of a coin(s) valued at an amount up to their awarded credit or as close as can be done in the discretion of the City. No cash payments will be made to an employee if the value of the coin(s) is less than their awarded credit.

**(3)** For purposes of this Section, retirement is defined as (1) separation of employment from the City, completing at least fifteen (15) years of service with the City and participation in the Illinois Municipal Retirement Fund; or (2) separation of employment from the City, completing at least fifteen (15) years of service with the City and employee verifying intent not to work full time in the twelve (12) months after retirement from the City.

**(4)** The retiring employee may be presented with their retirement award at a meeting of the City Council occurring approximately thirty (30) days after their providing notice of retirement to the City. If the retiring employee cannot attend such a meeting, then they shall receive their award from City Hall no later than sixty (60) days from their notice of retirement. Failure to claim the retirement award shall result in a forfeiture of said award.

#### **41-9: REGULATIONS AND RESTRICTIONS.**

**(A) Accident/Injuries.** Any time an employee is involved in a vehicle accident with a City vehicle or in a personal vehicle while on City business, the employee shall notify his or her Elected Official/Department Head immediately with all pertinent information, including whether personal injury is involved and whether any traffic citations were issued. All Elected Officials/Department Heads shall, within twenty-four (24) hours, notify the Mayor of the accident. The City employee is obligated to cooperate with the City and any of the City's legal and/or insurance representatives regarding the accident. Additional policies regarding gas and CDL's must also be followed.

#### **(B) Appearance.**

**(1) Neatness.** Neatness and good taste in dress as well as care toward personal hygiene, are expected of all employees. For safety and hygienic purposes, employees may be required to comply with any appropriate dress code that is set forth by the Elected Official/Department Head during the performance of their duties.

**(2) Inappropriate Dress.** Employees may be requested to change inappropriate dress, and work lost while doing so will not be compensated by the department. The Elected Official/Department Head is the only individual of each department who may make exceptions to the dress code.

#### **(C) Use of Department Property.**

**(1) Replacement and Search of Property.** All department property and equipment entrusted to any employee will be used in accordance with the property's prescribed function. All damage through recklessness, gross negligence, intentional act, deliberate misuse, or theft shall be replaced and paid for by the employee committing the violation. Such replacement of property by the employee shall not be considered the exclusive remedy against the employee, and the employee may still be subject to discipline. Each employee shall give his consent to have such personal areas searched by executing a consent to search form as maintained by the Administrative Assistant. All department property, personal lockers, and personal offices and furniture are subject to search and seizure. All department property shall be inspected by the employee's immediate supervisor prior to issuance of the property.

**(2) Use and Return of Property.** No department property, except Police Department property as stated in Section 52-10 of the City Code, shall be used for private and unauthorized purposes. All employees are required to return all department property or equipment in their possession upon separation, promotion, and/or transfer.

**(3) Computer Use Policy.** That all City of Red Bud personnel use computers, computer applications, computer programs, Internet resources and network/Internet communications be utilized in a responsible, professional, ethical, and lawful manner.

**(a) Policy Guidelines; Prohibited Behavior/Material.**

**(i)** All City of Red Bud personnel are prohibited from using the department's computers (including personal computers connected to the network or telephone dial-up lines) by knowingly transmitting, receiving or storing any communication, data or file that is:

- a. in violation of any law;
- b. obscene, sexually explicit or pornographic.

**(ii)** All City of Red Bud personnel are expected to demonstrate responsibility and not abuse the limited use privilege of work related Internet use.

**(iii)** All City of Red Bud personnel are hereby informed that there is no expectation of privacy in the computer systems, files, directories, folders or other data storage areas in all of the properties belonging to the City of Red Bud.

**(b) Violations.** If the Department Head determines that an employee has violated the computer policy, the Department Head may proceed to discipline the employee under Section 41-11.

**(D) Dissemination of Information.**

**(1) Elected Officials and Department Heads.** Normally, the Elected Official/Department Head has the sole right to adopt and interpret the policies of the organization. If in doubt, it is always preferable to consult the Elected Official/Department Head before making any statement that might possibly be misinterpreted or misconstrued by the general public or press. The Elected Official/Department Head will make all news releases concerning the department.

**(2) Freedom of Information.** The City shall comply with the Illinois Freedom of Information Act, through designated employee(s). No other employee is allowed to disseminate information.

**(E) Ethics.**

**(1) Information and Records.** Employees, in the course of their work, may have access to information about employees or other individuals. This may be medical, legal or job related information. Such information is not to be repeated or discussed outside the department or with other personnel unless such information is a necessary part of the employee's assigned duty.

**(2) Conflict of Interest.** Employees shall inform the Elected Official/Department Head of any possible conflict of interest situations they may have.

**(3) Gifts and Consulting Fees.** Employees are prohibited from accepting gifts, gratuities, or any item of value for work performed on behalf of the department.

**(F) Other Employment.**

**(1) Outside Employment.** Employees are prohibited from having conflicting hours of employment while having a full-time position. An employee may not be paid by another employer for the same period employee is being paid by the department. If a full-time employee performs outside services or employment, such services or employment must be reported to the Department Head.

**(2) Lecture Fees.** Fees earned by an employee for serving as an instructor for a class during other than normal working hours which is not sponsored by the department, may be retained by the employee.

Fees earned by an employee serving as an instructor for a class during other than normal working hours, jointly sponsored by the department in another community agency, will be dealt with as follows, the choice of which shall be made by the Department Head:

**(a)** No overtime will be earned and the fee retained; or

**(b)** Overtime will be earned and the fee surrendered to the City Treasury and recorded as a miscellaneous income.

**(3) Injured Employee.** Employees who are injured while engaging in other employment must notify in writing the Department Head and the Personnel Department within twenty-four (24) hours of the injury, stating when and where the injury occurred. The Department Head will then forward this information to the City Administrative Assistant.

**(4) First Responders.** An employee may be a volunteer first responder while employed. Any such employee may leave work for official calls with notice given to their direct supervisor.

**(G) Drug and Alcohol Screens.**

**(1)** Drug screens can be conducted on a random basis for any security personnel employed by the City, for any employee authorized to carry and use a



gun while performing work related activities for the City and for any employee that is required to hold other than a Class A driver's license for work related purposes. Those employees working in the City Gas Department are also subject to random drug testing. A copy of any drug or alcohol test(s) results shall be kept in the employee's personnel file. As applicable, the City's ordinances, "Controlled Substance Use and Alcohol Abuse and Controlled Substance and Alcohol Testing for CDL Drivers", and "Controlled Substance Use and Alcohol Abuse and Controlled Substance and Alcohol Testing as Required by the Department of Transportation and Pipeline Safety Regulations" will apply to each employee and if applicable, the employee shall comply with the policies and requirements.

**(a)** The term "drug screens", as used throughout this Employee Policy, shall be interpreted not to mean screens for alcohol.

**(b)** Employees are encouraged to come forward and disclose to the Elected Official/Department Head, any drug problem that the employee may currently have.

**(2)** Drug screens as well as alcohol screens will be conducted by the City upon the employee in a post-accident situation.

**(H) Prescription Drug Use.** Any employee who is taking prescription or over-the-counter drugs or medication which may impact on abilities to perform work shall report the use of the drugs or medications to the immediate Elected Official/Department Head, along with the name and address of any medical doctors prescribing the medication.

**(I) Drug Free Workplace.** All employees, as a condition of employment, will comply with the City of Red Bud Drug Free Workplace Policy. Each employee shall sign an acknowledgement, as maintained by the City Administrative Assistant, stating that they have read and understands this policy.

**(J) Modified Work Program.**

**(1) Objective.** It is the City's policy to provide a Modified Work Program that will give eligible employees an opportunity to return as quickly as possible to meaningful, productive employment following an injury or illness. The Modified Work Program applies when an employee has recovered sufficiently to return to work, but is temporarily unable to return to his/her regular duties. This policy is designed to provide methods by which such an employee may return to work in a temporary, alternative assignment pending his/her expected full recovery.

This policy describes the general guidelines of the Modified Work Program. The City reserves the right to change, replace or eliminate all or any portion of the Modified Work Program at any time and in its sole discretion. Furthermore, the City reserves the right to determine whether and to what extent any employee is eligible to or may participate in the Modified Work Program, as well as the right to interpret and implement the Modified Work Program in its sole discretion.

**(2) Purpose.**

**(a)** To establish a program that enables an employee to continue using their skills, knowledge and abilities while temporarily restricted by an injury or illness.

**(b)** To ensure that employees who have incurred a disabling medical condition adhere to all therapeutic instructions of their physicians, chiropractor, or other attending medical authority for their own personal well-being and rehabilitation. To impose appropriate restrictions, which will minimize the risk of unnecessarily jeopardizing the safety of the employees, as well as the safety of the general public.

**(c)** To return the injured employee to work situation as soon as possible following an accident or injury.

**(d)** To establish guidelines for employees restricted to Temporary Alternative Duty (TAD) when they cannot perform their regularly assigned duties due to work-related injuries or illnesses.

**(3) Procedures.**

**(a)** An employee may request to participate in the modified work program. Due to the nature of certain injuries, Temporary Alternative Duty assignments are at the discretion of the City. The basis for consideration will be the extent to which the above purposes can be met by the

**Temporary Alternative Duty.** The decisions shall include consideration of the current availability of and need for Temporary Alternative Duty assignments. Other considerations such as the needs of each department with respect to personnel shortages and anticipated duration will be evaluated.

**(b)** The City reserves the right to request a physician or chiropractor statement and recommendation for Temporary Alternative Duty.

**(c)** The physician or chiropractor statement and recommendations for Temporary Alternative Duty shall include the nature of the disability; the probable length of disability; the prognosis for recovery; and the employee's physical restrictions.

**(d)** The appropriate Department Head shall review the information and review medical requirements with the Mayor.

**(e)** If the Department Head and Mayor determine that a Temporary Alternative Duty status should be granted, the Department Head will identify an actual duty assignment.

**(f)** Upon determination of the actual duty assignment, the employee shall receive a written notice of the proposed Temporary Alternative Duty assignment. The notice must be signed by both parties to

indicate agreement with the contents thereof. By signing the notice, both the employee and Department Head acknowledge they will not violate the medical restrictions as outlined in the Physician or Chiropractor Modified Work Recommendation Record form. Disciplinary action will be pursued when restrictions are violated.

**(g)** Each Temporary Alternative Duty assignment will be described in a Physical Requirement form and kept on file.

**(h)** Upon request, the employee may review the assignment with the appropriate Department Head.

**(i)** All Temporary Alternative Duty assignments shall be considered temporary and will be reviewed every thirty (30) days. Additional doctor or chiropractor statements consistent with Section 41-9(J)(3)(c) of this policy may be required, and the continued availability of the duty assignment and work needs of the position will be reviewed and considered. At the end of ninety (90) days, the Department Head will evaluate the employee's medical condition and progress in order to determine his/her ability to return to full duty. If a return to full duty is not possible, the Department Head will pursue other alternatives which may include return to inactive status or an extension of Temporary Alternative Duty based on medical projections for a point of permanency.

**(j)** The City Administrative Assistant shall create, maintain, and modify all forms stated herein and any other form necessary for the administration of this policy on behalf of the City.

#### **(4) Restrictions.**

**(a)** There shall be no restrictions on or denial of pay raises, promotions, or retirement benefits while on Temporary Alternative Duty status.

**(b)** While on Temporary Alternative Duty, secondary employment shall be in accordance with current City policy.

**(c)** The employee will normally be assigned to their regularly scheduled shift; however, the Department Head may assign an employee to a shift or work hours more consistent with accomplishing the tasks they will be performing while on Temporary Alternative Duty.

**(d)** The wearing of the department uniform by sworn personnel shall be at the discretion of the Police Chief, and shall be based on the employee's medical restrictions and concerns for safety.

**(e)** Restrictions of law enforcement powers by sworn personnel may be limited at the discretion of the Police Chief on the basis of the employee's medical restrictions and the employee's safety. These restrictions may include:

- (i) The withdrawal of the right to carry weapons.
- (ii) The right to carry or display police identification, etc.
- (iii) Uniforms worn outside of the Police Station. This should avoid any situation where an employee is seen in uniform and may be expected by the public to perform the full range of police duties, which functions the employee may be unable to perform properly.
- (iv) The right to use a City vehicle.
- (f) Applications for transfer will not be accepted until the physical status of the employee is fully resolved.
- (g) Employees on a Temporary Alternative Duty assignment will be subject to all City and Departmental policies, procedures, and regulations.
- (h) The City has the right to terminate the Temporary Alternative Duty based on performance issues or inability to do the job.
- (i) This policy does not limit or alter the rights of an employee under the Workers Compensation Act or the Americans with Disabilities Act.

**(K) Slip, Trip, and Fall Prevention Policy.** All employees, as a condition of employment, shall comply with the City of Red Bud Slip, Trip, and Fall Prevention Policy as maintained by the City Administrative Assistant and implemented by the appropriate Elected Official/Department Head.

**(L) Cell Phone Usage.** No employee shall use their personal cell phone for personal business while on duty. An employee's direct supervisor has the discretion to allow personal cell phones to be used for city business while on duty. No employee shall use any cell phone while driving a city vehicle or operating city equipment, unless it is an emergency or otherwise allowed by law.

**(M) Investigation Cooperation.** Any employee shall comply and cooperate with any investigation authorized by the City Council, the Mayor, or a Department Head. Further, any employee shall comply and cooperate with any request for a statement or interview, information, documents, or accessing city owned property except for any request that would violate the Illinois Right to Privacy in the Workplace Act or any other state or federal law.

#### **41-10: EMPLOYEE CONDUCT.**

**(A) Statement of Principle.** Each employee is expected to accept certain responsibilities, adhere to acceptable principles in matters of personal conduct, and exhibit a high degree of personal integrity. This not only involves sincere respect for the rights and feeling of others, but also demands that an employee refrain from any behavior that might be harmful to himself, his co-workers, the City, and its citizens.

**(B) Inappropriate Conduct.** Types of behavior and conduct that the City considers inappropriate include, but are not limited to, the following:

- (1) Falsifying employment or other City records;
- (2) Violating the City's nondiscrimination and/or sexual harassment policy;
- (3) Soliciting or accepting gratuities;
- (4) Absenteeism, tardiness or abuse of sick leave by misrepresentation of the leave request;
- (5) Unauthorized use of City supplies;
- (6) Reporting to work intoxicated or under the influence of nonprescription drugs, and illegal manufacturing, possession, use, sale, distribution or transportation of drugs;
- (7) Bringing or using alcoholic beverages on City property or using alcoholic beverages while engaged in City business off City premises, except where authorized;
- (8) Fighting or using obscene, abusive, or threatening language or gestures;
- (9) Violation of any federal or Illinois criminal law;
- (10) Unauthorized possession of firearm on City premises or while on City business;
- (11) Disregarding safety;
- (12) Insubordination;
- (13) Failing to maintain the confidentiality of City records or information;
- (14) Violation of any provision of this Code;
- (15) Violation of the Illinois Criminal Code;
- (16) Neglecting or failing to perform the job or doing the job inefficiently; and
- (17) Engaging in any conduct unbecoming of a City employee or that discredits the City.

**[NOTE: The above behaviors are only examples of inappropriate conduct. The City reserves the right to discipline and/or terminate employees for reasons not specifically identified**

herein. City police are also subject to their Code of Conduct as stated in Section 52-6 of the City Code.]

**41-11: DISCIPLINE.** The disciplinary process is a five (5) step procedure, but dismissal may occur at any step in the process. The disciplinary process may begin at any step and the City reserves the right to bypass any step. Elected Officials/Department Heads may use the Discipline Form, as maintained by the City Administrative Assistant, for documentation purposes. Nothing in this Section is meant to provide employees with any expectation of progressive discipline or expectation of due process. Police officers should refer to Chapter 52 of the Revised Code of Ordinances of the City of Red Bud for their discipline process. The City's employment relationship with employees remains at-will. These steps are as follows:

**(A) Verbal Reprimand.** A verbal reprimand informs an employee of unsatisfactory conduct, attitude or performance, and acknowledges that such continued actions may result in more severe disciplinary actions. The reprimand should be done in private by the Elected Official/Department Head and should be documented with the date and nature of the problem and placed in the employee's personnel file.

**(B) Written Reprimand.** A written reprimand, prepared by the Elected Official/Department Head, informs an employee of unsatisfactory conduct, attitude or performance. Written reprimand is more severe than a verbal reprimand, but serves the same purpose to acknowledge that further unsatisfactory conduct, attitude or performance will result in more severe disciplinary action. A copy of the written reprimand may be sent to the employee, the Elected Official/Department Head and put in the employee's personnel file.

**(C) Suspension Without Pay.** Suspension of an employee is at the discretion of the Department Head who may suspend the employee immediately. The Department Head shall report such suspension to the Mayor immediately. The Mayor shall report the suspension to the City Council who must meet to act upon the suspension within ten (10) days of the Department Head suspending the employee. The suspension will result in a loss of salary for the period of the suspension. Upon return to work the suspended employee will be placed on probationary status for a period not to exceed six (6) months. If the employee violates the conditions of the probation, the employee may be subject to termination. Removal from probationary status is based upon satisfactory completion of the probationary period, a recommendation from the employee's immediate supervisor, and the approval of the Department Head. The suspension may include demotion. Benefits shall continue to accrue.

**[NOTE: Notwithstanding the above, the Mayor, with the advice and consent of the City Council, may suspend an employee with pay when an employee is suspected of violating his/her duty owed to the City.]**

**(D) Dismissal.** Employees are subject to discharge by the Mayor (with advice and consent of the City Council, excepting appointed personnel) during any of the disciplinary steps and pursuant to the procedures stated in Section 32-19 of the City Code.

**41-12: GRIEVANCE AND APPEAL PROCEDURE.**

**(A) Purpose.** The purpose of a grievance procedure is to establish and maintain harmonious and cooperative working relationships between City and its employees, to assure equitable treatment of employees, and to provide expeditious means of resolving employee dissatisfaction over circumstances or conditions of employment.

**(B) Adherence to Procedure.** Strict adherence to the grievance procedures and time limits is mandatory, except that the time limits may be extended by the Mayor with the consent of the City Council for good cause.

**(C) Grievance Defined.** A grievance is defined as a dispute, disagreement, complaint, or any matter concerning any term or condition of employment, or concerning the application of any departmental policy, or concerning any employee relationship, or work related issue, including appeal from a disciplinary action.

**(D) Discrimination or Harassment.** If the grievance involves an allegation by the employee of discrimination or harassment, the employee should follow the complaint procedures listed in Section 39-5 of the City's Discrimination, Harassment and Sexual Misconduct policy of the City Code.

**(E) Day Defined.** As used in this Section, the term "day" shall mean working day.

**(F) Denial of Grievance.** At any step, if a written response is not provided to the grieving employee within the ten (10) day time frame, the grievance will be considered denied at that step, and the employee may proceed to the next step.

**(G) No Grievance Procedure.** If any employee is suspended or discharged by the Mayor pursuant to Section 32-19 of the City Code, the discipline and/or discharge shall constitute the final resolution of the matter and there shall be not access in this instance to the various steps of the grievance procedure.

**(1) Dispute Resolution Procedure.** To build effective working relationships with the City employees and to promote the efficient operation of the City, the following procedures are established for the resolution of disputes arising in the course of an employee's employment:

**(a) Step One.** Discussion of the problem with the Department Head within five (5) working days of the events giving rise to the dispute.

**(b) Step Two.** If the problem is not resolved after discussion with the Department Head or if the employee believes discussion with the Department Head is inappropriate, the employee may present the dispute in writing to the Mayor within ten (10) working days of the events giving rise to the dispute. The Mayor will respond within ten (10) working days.

**(c) Step Three.** If an employee is not satisfied with the Mayor's decision, the employee may prepare a written summary and request that the matter be reviewed by the Personnel Committee. A request to the Personnel Committee must be made in writing within five (5) working days of the Mayor's decision. The Committee, after a full examination of the facts (which may include a review of the written summary of the employee's statement, discussion with all individuals concerned, and a further investigation if necessary) will render its decision within ten (10) working days of the date the employee filed his request for review.

**(d) Step Four.** An employee may appeal the decision of the Personnel Committee to the City Council within five (5) working days of receipt of the decision of the Personnel Committee. The Council shall take

such action as it deems appropriate. The decision of the City Council shall be final and made within ten (10) working days of the date the appeal is filed.

(e) All requests to review and all appeals shall be in writing and shall be filed with the City Administrative Assistant who shall write the date of filing on each request to review or appeal.

**41-13: RESIGNATION.** Sick leave, vacation, retirement fund benefits, life insurance and health insurance cease at midnight on the date of resignation or termination. Employees may elect to continue participation in the health insurance plan on a self-pay basis as provided by Federal and State statutes. The employee will be paid for each hour of accrued and unused vacation time at the next pay period after resignation or termination. The employee will not be paid for any accrued and unused administrative time. The employee will be paid or credited for accrued and unused sick leave as provided in Section 32-19(B). Monies accumulated in the employee's retirement account may be refundable, according to IMRF Rules. Forms required to request this refund are available from the City Administrative Assistant.

**41-14 TO 41-15: RESERVED.**

**65 ILCS 5/10-4-1, et seq.**