

**VILLAGE OF DOWNERS GROVE**  
**REPORT FOR THE VILLAGE COUNCIL MEETING**  
**NOVEMBER 20, 2007 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Amending Official Village Policy on Employee Administrative Rules	✓ Resolution Ordinance Motion Discussion Only	Wesley J. Morgan Director of Human Resources

**SYNOPSIS**

A resolution has been prepared amending the official Village Policy on Employee Administrative Rules including Exhibit 1, the *Village of Downers Grove Personnel Manual*. Pursuant to §2.20 of the Municipal Code the Village Manager is required to issue or amend administrative regulations for the Village staff. In the case of the Personnel Manual, it has been traditionally adopted by the Village Council as an official policy.

An additional resolution has been prepared to repeal obsolete Village Council policies and resolutions concerning employee Administrative Rules and Regulations related to FMLA leave, VESSA and jury duty.

**STRATEGIC PLAN ALIGNMENT**

The Five Year plan and Goals for 2006-2011 identified *An Exceptional Municipal Organization* and a supporting goal is *High Performing Directors, Supervisors and Employees Accountable for the Task, Work Product and Goal Achievement*.

**FISCAL IMPACT**

N/A.

**UPDATE & RECOMMENDATION**

This item was discussed at the November 13, 2007 Council Workshop. Subsequent to the Workshop meeting, Commissioner Waldack requested that this agenda item be moved from the consent agenda to the active agenda.

Staff recommends approval at the November 20, 2007 Council Meeting.

**BACKGROUND**

This item was presented to the Village Council at October 23, 2007 Workshop meeting. Since that date, the Human Resources Director has received some feedback from the labor unions regarding questions or concerns related to the proposed changes.

Specifically, the Fraternal Order of Police expressed concern with the proposed Section 2.13.2 (C) *Non Exempt Employees* which addresses overtime compensation and defines hours works as “actual” hours worked, thereby excluded paid leave time. The FOP expressed concern that this could deter police officers from seeking a promotion to Sergeant. The FOP contract which covers police officer (as well as the definition of hours worked for employees covered by the Local 150 union and IAFF union) defines hours work to include paid leave time such as holiday, vacation or sick leave time for the purpose of computing overtime. The Fair Labor Standards Act allows for the Village to define hours worked for the purpose a computing overtime in the manner initially recommended in the Personnel Manual as only actual hours

worked as opposed to including paid leave time as well as in the manner contained in the collective bargaining agreement. By not including paid leave time in the definition of actual hours worked, the Village would, for example, pay an employee straight time for the 41<sup>st</sup> hour worked in a work week, in those cases where the employee were on sick leave the first 32 hours of a work week. Exempt employees are not eligible for overtime. Based upon the feedback of the FOP as well as consideration that implementing a new computation practice for overtime in the Personnel Manual would only impact approximately 20% of employees, the recommended manual has been modified to retain the existing language.

It should additionally be noted that staff has modified the recommended document to include a new Section 11 – Smoke-Free Workplace which prohibits Village employees from smoking in Village vehicles and within 15 feet of any facility entrances. Currently, smoking in Village vehicles is not prohibited.

The official Village Policy on Employee Administrative Rules including Exhibit 1, the *Village of Downers Grove Personnel Manual*, has updated to incorporate a number of personnel rules and regulations that have been adopted in recent years as either Council Policies or Administrative Regulations issued by the Village Manager. The proposed changes have been reviewed by all Department Directors. In addition, the Village has provided notice to each of the three collective bargaining units that represent Village employees.

The Personnel Manual is provided to all employees at the start of employment as part of a larger document entitled the Employee Handbook. The Personnel Manual outlines rules and regulations along with benefit information for Village employees. In the case of employees that fall under a collective bargaining agreement, the collective bargaining agreement supersedes the provisions of the Personnel Manual in the event of a conflict.

Due to the extensive review that has been completed, the recommended document tracks the changes being proposed. In limited cases, not all text changes are clearly delineated as deleted or added text; however, these omissions are primarily corrections to vocabulary or clarification language. Changes to personnel practices and employment conditions are clearly delineated. Staff will continue to review the document prior to the November 13, 2007 Workshop meeting and may submit further minor modifications and at that time provide a table of contents for the Manual.

The following is a listing of the primary modifications proposed in the Personnel Manual; it is important to note that the Village practices on a day-to-day basis the concepts outlined in these new rules but had not previously incorporated specific text in the Manual. In order words, each of the following provisions *incorporates current practice and establishes consistent vocabulary*. The following list notes the section of the document where the language has been added:

Section	Title	Description
2.2	Relatives of Village Elected Officials	Establishes further clarification of existing restrictions
2.6	Medical Examination	Incorporates current practice of pre-employment physicals
2.8	Positions Requiring a Driver's License	States current practice
2.9	Qualification Period	Clarifies distinction between new hires and promotional employees' qualification period
2.9.2	Qualification Period – Promotional and Transfer	Clarifies distinction between new hires and employees transferred to a new position in the organization during the qualification period

2.10	Regular Performance Reviews	States current practice
2.11.1	Work Schedule	Clarifies public hours of facilities and establishes a 40 hour work week
2.13.2	Non-Exempt Employees	States current practice
2.16.2	Limitations on Outside Employment	States current practice
2.18.1	Dress Code	States current practice
2.19	Search Policy	States current practice
2.21	Access to Personnel File	States current practice
2.25	Voluntary Resignation	States current practice
5.1	FMLA Leave	Provides for consistency in maternal and paternal leave for the birth of a child relative to usage of paid leave time
5.5.9	School Visitation Rights Act	States current practice
7	Political Activity	States current practice
8.2	Guideline for Unacceptable Behavior	Clarifies definitions relative to expectations for employee conduct
8.5.3	Suspension without Pay	States current practice
8.5.5	Procedures for Emergency Situations	States current practice
11	Smoke-Free Workplace	Prohibits smoking in Village vehicles and within 15 feet of facility entrances
13	Violence in the Workplace Policy	States current practice

The following existing Administrative Regulations has been incorporated into the Personnel Manual (the following list notes the section of the document where the language has been added):

Section	Title	Administrative Regulation	Effective Date
2.5	HIPAA	Health Insurance Portability and Accountability Act (HIPAA)	6/14/07
2.13.2	Overtime	General Employee Overtime Rules and Regulations as Referenced in Section 2.9.2(b) of the Personnel and Regulations	12/1/86
		Compensation for Secretarial Services—Board, Commission, and Task Force Meetings	11/1/91
2.16	Outside Employment	Outside Employment	5/1/97
2.20	Employee Identification Cards	Employee Identification Badge Policy	1/30/2006
2.22	Solicitation and Distribution	Solicitations	5/1/99
2.23	Bulletin Boards	Bulletin Board Designations	6/15/05
2.26	Reductions in Force; Layoff	Reduction in Force; Layoff Policy	2/19/02
3.5	Insurance Continuation—Retirees	Availability of Group Insurance to Village Retirees	5/1/95
3.6	Educational	Educational Assistance Program	5/1/99

	Assistance Program		
12	Drug and Alcohol Abuse Policy	Drug and Alcohol Abuse Policy	6/3/05

The proposed Manual additionally incorporates under Section 2 language to clarify current practices that significantly restrict the employment of relatives within the Village organization and as well as continues to prohibit the employment of relatives of elected Village officials. Under Section 7 the proposed Manual addresses restrictions on Village employees running for Village Council or serving on Village Boards/Commissions.

Finally, it is noteworthy that as a part of the approval of the document on November 20, 2007, the Village Council will also be asked to approve a resolution rescinding all existing policies that have been incorporated into the document (e.g. VESSA, FMLA, Administrative Leave, Jury Duty). It should also be noted that the application of the provisions of the updated Personnel Manual are currently the subject of collective bargaining negotiations with International Union of Operating Engineers Local 150. Therefore, all provisions of the Personnel Manual shall remain *status quo* or in other words the Village will follow the Personnel Manual, Administrative Regulations and Council Policies that are currently adopted until such time as the Village Council adopts a collective bargaining agreement with Local 150. From that point forward, consistent with other Village bargaining units, the collective bargaining agreement will supersede any conflict provisions between the Personnel Manual the collective bargaining agreement.

**ATTACHMENTS**

- Resolution
- Village of Downers Grove Personnel Manual

**VILLAGE OF DOWNERS GROVE**  
**COUNCIL ACTION SUMMARY**

**INITIATED:** Village Manager      **DATE:** November 20, 2007  
(Name)

**RECOMMENDATION FROM:** \_\_\_\_\_ **FILE REF:** \_\_\_\_\_  
(Board or Department)

**NATURE OF ACTION:**

**STEPS NEEDED TO IMPLEMENT ACTION:**

- Ordinance
- Resolution
- Motion
- Other

Motion to Adopt "A RESOLUTION AMENDING THE EMPLOYEE ADMINISTRATIVE RULES AND REGULATIONS OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS", as presented.

**SUMMARY OF ITEM:**

Adoption of the attached resolution will authorize adoption of the Village of Downers Grove Employee Administrative Rules and Regulations dated November 20, 2007.

**RECORD OF ACTION TAKEN:**

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# Village of Downers Grove

## Official Village Policy Approved by Village Council

Description:	<b>Employee Administrative Rules</b>		
Res. or Ord. #:	<b>Res.</b>	Effective Date:	<b>11/20/07</b>
Category:	<b>Human Resources</b>		
	<input type="checkbox"/> New Council Policy		
	<input checked="" type="checkbox"/>	Amends Previous Policy Dated:	<b>04/17/01; 11/29/93</b>
	Description of Previous Policy (if different from above): <hr/>		

### RESOLUTION

#### **A RESOLUTION AMENDING THE EMPLOYEE ADMINISTRATIVE RULES AND REGULATIONS OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS**

WHEREAS, the Village Manager has heretofore issued Employee Administrative Rules and Regulations; and

WHEREAS, the Village Council of the Village of Downers Grove, has heretofore approved these Employee Administrative Rules and Regulations; and

WHEREAS, it has been recommended by the Village Manager that a comprehensive amendment to these Employee Administrative Rules and Regulations be adopted by deleting the existing Rules and Regulations in their entirety and substituting in their place a new Village of Downers Grove Personnel Manual, dated November 20, 2007.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Downers Grove, DuPage County, Illinois, as follows:

1. That the existing Employee Administrative Rules and Regulations be and are hereby amended by substituting in their place, and in their entirety, the Village of Downers Grove Personnel Manual, dated November 20, 2007, a copy of which is attached hereto as Exhibit 1.
2. That all resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed.

3. That this Resolution shall be in full force and effect from and after its passage as provided by law.

Ronald L. Sandack, Mayor

Passed: November 20, 2007  
Attest: April Holden, Village Clerk

| 1\m\policy\Cou-Pol\HR Employee Administrative Rules – 11-20-07-final

## **DISCLAIMER**

Except for employees under the jurisdiction of the Board of Fire and Police Commissioners, employees of the Village are "at will" employees and may be removed at any time, with or without cause. This manual does not create, and shall not be construed as creating, any contract or offer to contract with the Village. No property or tenure rights in employment shall be created, or deemed to be created, by this manual or by any oral statements. All provisions of this manual are subject to change, at the sole discretion of the Village, at any time, with or without notice. 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. Employment and compensation may be terminated by the Village with or without notice at any time at the option of the Village. In the event any of the provisions of this manual conflict with the laws of the State of Illinois or the United States Government, the latter shall take precedence over this manual.

## **SECTION 1 - GENERAL**

### **1.1 Application and Administration**

This document shall be known as the Village of Downers Grove Personnel Manual ("Manual"). This Manual shall apply to employees of the Village of Downers Grove and is designed to assist employees in performing their duties and responsibilities. This Manual does not, and is not intended to, cover every aspect of Village operations. Rather, the intent 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. The Village retains flexibility in using and applying these general statements. The Manual may be amended at any time at the sole discretion of the Village. Res. 74-52 (10/21/74); Res. 76-51 (6/28/76); Res. 84-5 (1/9/84); Res. 86-35 (12/1/86); Res. 93-50 (11/29/93); Res. 97-5 (5/1/97).

#### **1.1.1 Precedence of Board of Fire and Police Commissioners**

Certain employees of the Fire and Police Departments are subject to the jurisdiction of the Downers Grove Board of Fire and Police Commissioners. In case of a conflict between this Manual and any ordinance, statute or rule of the Board of Fire and Police Commissioners, the latter shall take precedence over this Manual. Res. 74-52 (10/21/74); Res. 86-35 (12/1/86).

#### **1.1.2 Precedence of Collective Bargaining Agreement**

Certain employees of the Village are part of a recognized collective bargaining unit. In case of a conflict between this Manual and any collective bargaining agreement between the Village and a recognized bargaining unit the latter shall take precedence over this Manual. Res. 86-35 (12/1/86).

#### **1.1.3 Administration of Manual by Village Manager**

The Village Manager shall administer, or cause to be administered, the provisions of this Manual. Res. 74-52 (10/21/74); Res. 81-38 (6/8/81); Res. 86-35 (12/1/86).

#### **1.1.4 Manual Does Not Create Contract of Employment or Tenure Rights**

Except for employees under the jurisdiction of the Board of Fire and Police Commission, employees of the Village are "at will" employees and may be removed at any time, with or without cause. This manual does not create, and shall not be construed as creating, any contract or offer to contract with the Village. No property or tenure rights in employment shall be created, or deemed to be created, by this manual. All provisions of this manual are subject to change, at the sole discretion of the Village, at any time, with or without notice. 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. Employment and compensation may be terminated by the Village with or without notice at any time at the option of the Village. In the event any of the provisions of this manual conflict with the Laws of the State of Illinois or the United States Government, the latter shall take precedence over this manual. Further, any oral statements relating to the terms and conditions of employment that conflict with this Manual are not binding upon the Village.



Any oral statements promising permanent employment or other employment advantages are not binding upon the Village, unless set forth in a written document and signed by the Village Manager.

## **1.2 Definitions**

### **1.2.1 Administrative Leave**

"Administrative Leave" shall mean a temporary removal from job duties without loss of pay or benefits.

### **1.2.2 Appoint or Appointed**

"Appoint" or "appointed" shall mean that an employee is or has been duly and officially placed in an employment position of the Village through the processing of a Personnel Action Request ("PAR"), including all necessary approvals.

### **1.2.3 Appointee**

An "appointee" is a person who:

- a. Has been appointed to an employment position with the Village; and,
- b. Was not, on the day immediately prior to the effective date of such appointment, an employee of the Village; and,
- c. Has not completed the initial qualification period as provided under Section 1.2.25 of this Manual.

### **1.2.4 Appointee - Promotional**

A "promotional appointee" is an employee who has been promoted but has not completed his/her promotional qualification period as provided under Section 1.2.25 of this Manual.

### **1.2.5 Appointee – Transfer**

A "transfer appointee" is an employee who has been transferred but has not completed his/her transfer qualification period as provided under Section 1.2.25 of this Manual.

### **1.2.6 Demotion**

A "demotion" occurs when an employee with full employment status is appointed to a different employment position which is classified in a lower pay grade than the employee's prior position as shown on the Employment Classification Plan. A demotion must be approved by the Village Manager and can be either voluntary or involuntary on the part of the employee and may be imposed for disciplinary or non-disciplinary reasons.

### **1.2.7 Director**

The term "Director" means and includes the Village Manager, the Deputy Village Manager, the Assistant Village Manager, the Village Clerk, the Fire Chief, the Police Chief, the Community Development Director, the Finance Director, the Public Works Director, the Village Attorney, the Information Services Director, the Human Resources Director, Counseling and Social Services Director, the Community Events Director, and the Communications Director.

### **1.2.8 Discharge**

"Discharge" is the permanent removal from employment with the corresponding permanent loss of all privileges of employment. An employee may be discharged for the good of the Village, with or without cause.

### **1.2.9 Employee**

An "employee" is a person who has been appointed to, and currently holds and performs the duties of, an employment position with the Village of Downers Grove.

### **1.2.10 Employee - Hourly**

An "hourly employee" is an employee who is paid an hourly rate for the actual number of hours spent on duty during a specific pay period, also generally referred to as a non-exempt employee. Res. 74-52 (10/21/74); Res. 86-35 (12/1/86).

### **1.2.11 Employee - Salaried**

A "salaried employee" is an employee who is paid a fixed amount of money each pay period for service to the Village, also generally referred to as an exempt employee. Res. 74-52 (10/21/74); Res. 86-35 (12/1/86).

### **1.2.12 Employee - Shift**

A "shift employee" is an employee who is assigned to a shift position as designated by the Human Resources Director. Res. 94-22 (6/6/94).

### **1.2.13 Employee - Part-Time**

A "part-time employee" is an employee who has been appointed to a part-time employment position as from time to time designated by the Village within the Employment Classification Plan and works fewer than forty (40) hours per week. A part-time employee may from time to time work 40 hours per work or more, but may not work 40 hours per week for sixteen straight weeks without becoming a full-time employee. Res. 74-52 (10/21/74); Res. 86-35 (12/1/86); Res. 92-6 (2/10/92).

### **1.2.14 Employee - Full-Time**

A "full-time employee" is an employee who has been appointed to a full-time employment position as from time to time designated by the Village within the Employment Classification Plan. All full-time employees work forty (40) hours a week excluding employees that are sworn police or fire personnel.

### **1.2.15 Employee - Temporary**

A "temporary employee" is an employee who has been appointed to a temporary employment position and, as such, is employed and scheduled to work for a limited and defined period or project, generally but not always for periods of less than six months of the year. This term includes individuals commonly referred to as seasonal employees. Generally, temporary employees are not full-time employment status personnel and are not entitled to benefits associated therewith unless authorized by the Manager. Res. 74-52 (10/21/74); Res. 86-35 (12/1/86).

### **1.2.16 Employee - Exempt**

An "exempt employee" is an employee who has been appointed to an executive, administrative, or professional employment position as from time to time designated by the Village within the Employment Classification Plan. Exempt employees are paid on a salary basis, as provided by the Fair Labor Standards Act. Res. 74-52 (10/21/74); Res. 81-38 (6/8/81); Res. 86-35 (12/1/86).

### **1.2.17 Employee - Non-Exempt**

A "non-exempt employee" is an employee who has been appointed to an employment position, which is not an executive, administrative, or professional employment position as from time to time designated by the Village within the Employment Classification Plan. Non-exempt employees are eligible for overtime compensation in accordance with the provisions of the Fair Labor Standards Act as set forth in Section 2.13 of the Manual. Res. 74-52 (10/21/74); Res. 81-38 (6/8/81); Res. 86-35 (12/1/86).

### **1.2.18 Employment Classification Plan**

The "Employment Classification Plan" is the official program of the Village, as from time to time approved by the Manager with the consent of the Village Council, which identifies and groups employment positions in the Village, sets salary levels for such positions, and sets forth the Village's salary adjustment procedures. Res. 94-38 (10/17/94); Res. 95-40 (9/10/95); Res. 95-57 (11/10/95); Res. 96-73 (10/23/96).

### **1.2.19 Employment Position**

An "employment position" is a specific, budgeted job position with the Village.

**1.2.20 Full Employment Status**

"Full employment status" is defined as the status achieved by an employee eligible for benefits and remunerations afforded Village employees. To be on full employment status, an employee must have successfully completed the qualification period of employment and is either scheduled and working on a full-time basis as departmentally required, or is on approved paid holiday leave, paid vacation leave, paid sick leave, paid funeral leave or paid leave for jury or witness duty. An employee whose status is considered full employment is not hired for a definite period of time and remains an at-will employee. Res. 74-52 (10/21/74); Res. 86-35 (12/1/86); Res. 96-11 (2/13/96).

**1.2.21 Immediate Family Member**

"Immediate Family Member" shall mean husband, wife, children, father or mother, stepparents, brother, sister, or stepchild.

**1.2.22 Manager**

"Manager" shall mean the Village Manager of the Village of Downers Grove, or his/her designee.

**1.2.23 Personnel Action Request (PAR)**

"Personnel Action Request (PAR)" is the form used by the Village to process changes in employment status, or disciplinary action. Also commonly referred to as an ePAR due to its electronic format.

**1.2.24 Promotion**

A "promotion" occurs when an employee with full employment status is appointed to a different employment position, which is classified in a higher pay grade from the employee's prior position as shown on the Employment Classification Plan. A promotion must be approved by the Manager.

**1.2.25 Qualification Period**

A "qualification period" is a preliminary employment period during which an employee's ability to perform his/her duties is evaluated.

**a. Qualification Period – Promotional**

A "promotional qualification period" is a preliminary employment period during which an employee's ability to perform the duties of the promotional position is evaluated.

**b. Qualification Period - Transfer**

A "transfer qualification period" is a preliminary employment period during which an employee's ability to perform the duties of the transfer position is evaluated.

**1.2.26 Reflection Day**

A reflection day is the temporary removal of an employee from employment for one day or more, without loss of pay or benefits.

**1.2.27 Relatives**

"Relatives" shall mean husband, wife, children, father, mother, father-in-law, mother-in-law, brother, sister, brother-in-law, sister-in-law, daughter-in-law, son-in-law, stepchild, stepparent, grandparents, and grandchildren.

**1.2.28 Reprimand - Oral**

An "oral reprimand" consists 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.

**1.2.29 Reprimand - Written**

A “written reprimand” consists of a conference between the employee’s supervisor or other Village official issuing the reprimand and the employee; and of a written communication 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.

**1.2.30 Shift Position**

“Shift Position” shall mean a non-union employment position, as designated by the Human Resources Director, which has a designated work schedule in those Village operations which function on a twenty-four (24) hour basis every day of the year. Shift position shall not include any position that is exempt or on a 24/48 schedule or one covered in a collective bargaining agreement.

**1.2.31 Suspension**

A “suspension” is a temporary removal from employment, accompanied by a concurrent temporary loss of the privileges of employment, including, but not limited to salary, wages and benefits.

**1.2.32 Transfer**

A “transfer” occurs when an employee with full employment status is appointed to a different employment position, which is classified in the same pay grade as the employee’s prior position as shown on the Employment Classification Plan. A transfer can be either voluntary or involuntary on the part of the employee. Once an employee accepts the transfer, the employee forfeits all rights to the position previously held. A transfer must be approved by the Village Manager.

**1.2.33 Village**

“Village” shall mean the Village of Downers Grove.

**1.2.34 24/48 Schedule**

A “24/48 schedule” shall mean the schedule of a fire department employee, who is not covered by a collective bargaining agreement, of twenty-four (24) hours on duty followed by forty-eight (48) hours off duty, which results in an average normal work week of fifty-six (56) hours.

## **SECTION 2 - GENERAL PROVISIONS**

### **2.1 Equal Opportunity in Employment**

The Village is firmly committed to equality of opportunity in employment. It is the responsibility of the Manager to ensure that employment, training, compensation, promotion and other conditions of employment are provided without regard to race, color, religion, sex, national origin, ancestry, age, sexual orientation, marital or parental status or unfavorable discharge from military service, and mental or physical disability unrelated to the employee's ability to perform the job, except where it is determined to be a bona fide occupational qualification. Furthermore, it is the responsibility of the Village Manager to ensure that the Village does not deny equality of opportunity to any qualified individual who is able, with or without reasonable accommodation, to perform the essential functions of the employment position which he or she holds or for which he or she applies. Res. 86-35 (12/1/86); Res. 92-6 (2/10/92).

### **2.2 Relatives of Village Elected Officials**

It shall be the policy of the Village not to employ relatives of elected Village officials. Once elected, upon swearing in of office, a Village employee who is a relative as defined by this Manual, of the Village elected official, shall be deemed to have tendered his/her resignation effective upon the date of the swearing in.

#### **2.2.1 Relatives of Village Employees**

It shall be the policy of the Village not to employ relatives of Village employees. In the sole discretion of the Manager, relatives of Village employees may be considered for employment where the position could not otherwise be filled. Further, the Manager shall also establish that neither employee would be the direct supervisor of the other prior to consideration of an application for employment. Effective January 1, 2008, in the event that a marriage will create the determination that existing employees are relatives, the employee with the least full employment status tenure shall be deemed to have tendered their resignation effective upon the date of the marriage. In the sole discretion of the Manager, s/he may permit continued employment subject to the Manager's determination that no conflict of interest will result in the continued employment of both.

### **2.3 Sexual Harassment**

The Village shall provide employees an employment environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications constituting sexual harassment, as defined and otherwise prohibited by State and Federal Law. The Village will not tolerate sexual harassment of any of its employees and will take immediate steps to stop it when it occurs.

Village employees shall not make sexual advances or request sexual favors or engage in any conduct of a sexual nature when:

- a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; or when
- c. such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

The terms intimidating, hostile or offensive include, but are not limited to, conduct which has the effect of humiliation, embarrassment or discomfort. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal or physical conduct of a sexual nature. Sexual harassment may include, but is not limited to:

- a. Repeated uninvited sex oriented verbal "kidding," or demeaning sexual innuendoes;

- b. Unwelcome touching, such as patting, pinching, or constant brushing against another's body;
- c. Suggesting sexual involvement to or demanding sexual involvement of any other employee where such person has made it clear that such a suggestion or demand is unwelcome; or,
- d. Expressing humor or telling jokes about sex or gender specific traits.

A violation of this policy may result in discipline, up to and including discharge. Any person making a knowingly false accusation regarding sexual harassment will likewise be subject to disciplinary action, up to and including discharge.

Employees are encouraged to report claims of sexual harassment to their immediate supervisor. If an employee does not feel comfortable reporting claims of sexual harassment to his/her immediate supervisor or if the immediate supervisor is the alleged harasser, an employee may report claims to the Director of his/her department. If an employee does not feel comfortable reporting sexual harassment complaints to the Director of the department, or if the Director is the alleged harasser, then an employee may report a sexual harassment complaint directly to the Human Resources Director. Such complaints may be oral or written.

When a sexual harassment complaint is received by either an employee's immediate supervisor or Director that individual will attempt to conciliate the problem, provided that the problem can be resolved to the satisfaction of all parties involved. If a complaint is resolved internally by the department, the immediate supervisor or Director shall document the complaint and its resolution and forward a copy to the Human Resources Department. He/she will also have the parties involved verify in writing that they are satisfied with the actions taken in response to the complaint.

If the complaint cannot be resolved within the department or if it requires further investigation, the immediate supervisor or Director shall report the complaint to the Human Resources Department. The Human Resources Department shall promptly begin an internal sexual harassment investigation. This investigation shall include interviewing the complainant, the accused, and any and all other parties who may possess information relevant to the complaint. The investigator shall take into consideration all relevant circumstances relating to the sexual harassment complaint. Where the investigation confirms the allegations, the Village shall take prompt corrective actions, including but not limited to, disciplinary action, up to and including discharge.

The right to confidentiality, both of the complainant and the accused, will be respected consistent with the Village's legal obligations and with the necessity to investigate allegations of misconduct and to take corrective action when this conduct has occurred.

There shall be no retaliation against employees for good faith reporting of sexual harassment or assisting the Village in the investigation of the complaint. Res. 99-70 (11/2/99)

#### **2.4 Discrimination**

The Village shall provide employees an employment environment free from unlawful discrimination and/or harassment based on race, color, religion, national origin, age, gender, sexual orientation, marital status, or physical or mental disability. The Village will not tolerate discrimination and/or harassment of any of its employees and will take immediate positive steps to stop it when it occurs.

Village employees shall not engage in any conduct constituting discrimination and/or harassment on the basis of race, color, religion, national origin, age, gender, sexual orientation, marital status, or physical or mental disability.

Discrimination is any hostile or offensive act or expression against a person on the grounds of his/her

race, color, religion, national origin, age, gender, sexual orientation, marital status or disability. Harassment is conduct, verbal or physical, towards another person or identifiable group of persons that has the purpose or effect of:

- a. Creating an intimidating or hostile work environment;
- b. Unreasonably interfering with a person's work environment;
- c. Unreasonably affecting a person's work opportunities; or
- d. Causing an individual to feel intimidated, demeaned or abused.

Harassment may include display or circulation of written materials or pictures degrading to either gender or to racial, ethnic or religious groups; verbal abuse or insults directed at or made in the presence of members of a racial, ethnic or minority group.

A violation of this policy may result in discipline, up to and including discharge. Any person making a knowingly false accusation regarding discrimination and/or harassment will likewise be subject to disciplinary action, up to and including discharge.

Employees are encouraged to report claims of discrimination and/or harassment to their immediate supervisor. If an employee does not feel comfortable reporting claims of discrimination and/or harassment to his/her immediate supervisor or if the immediate supervisor is the alleged accused, an employee may report claims to the Director of his/her department. If an employee does not feel comfortable reporting discrimination and/or harassment complaints to the Director of the department or if the Director is the alleged accused, then an employee may report complaints directly to the Human Resources Department. Such complaints may be oral or written.

When a discrimination and/or harassment complaint is received by either an employee's immediate supervisor or Director, that individual will attempt to conciliate the problem, provided that the problem can be resolved to the satisfaction of all parties involved. If a complaint is resolved internally by the department, the immediate supervisor or the Director shall document the complaint and its resolution and forward a copy to the Human Resources Department. He/she will also have the parties involved verify in writing that they are satisfied with the actions taken in response to the complaint.

If the complaint cannot be resolved within the department or if it requires further investigation, the immediate supervisor or the Director shall report the complaint to the Human Resources Department. The Human Resources Department shall promptly begin an internal investigation. This investigation shall include interviewing the complainant, the accused, and any and all other parties who may possess information relevant to the complaint. The investigator shall take into consideration all relevant circumstances relating to the complaint. Where the investigations confirm the allegations, the Village shall take prompt corrective actions, including but not limited to, disciplinary action, up to and including discharge. Appeals of disciplinary actions may be requested in accordance with the provisions in Section 6 of this Manual.

The right to confidentiality, both of the complainant and the accused, will be respected consistent with the Village's legal obligations and with the necessity to investigate allegations of misconduct and to take corrective action when this conduct has occurred.

There shall be no retaliation against employees for good faith reporting of discrimination and/or harassment or assisting the Village in the investigation of such complaints. Res. 88-41 (8/29/88).

## **2.5 HIPAA**

The Village of Downers Grove strives to protect the privacy of its employees' medical information to the greatest possible extent. To accomplish this, the Village of Downers Grove and its employees are

required to follow these guidelines regarding the confidentiality of medical information:

- a. All medical information concerning employees will be maintained in separate, confidential medical files that are stored apart from regular personnel records. Only authorized employees will have access to such files, and access will be provided solely on a need-to-know basis. Furthermore, such access shall be granted only in accordance with applicable law, which includes (but is not limited to) the Americans with Disabilities Act, the Occupational Safety and Health Act, the Family and Medical Leave Act, the Federal Rehabilitation Act, state workers' compensation law and state privacy laws.
- b. Employees are hereby notified that medical information concerning employees is absolutely confidential under State and Federal laws and may not be discussed at any time with any person under any circumstances. Exceptions are if an employee needs to do so in order to carry out his or her job duties, or if the person discussing the information is talking with the subject of the information at that person's invitation. The Human Resource Director is the Privacy Official. S/He is responsible for ensuring compliance with this policy. If an employee is concerned about a co-worker's possible medical condition or if there is a complaint regarding possible improper disclosure of confidential medical information, the employee should direct these concerns only to the Human Resource Director and no one else. The Privacy Official will document any complaint or inquiry.
- c. Any employee who is found to have discussed medical information about another employee in violation of this policy, or who is found to have released such information without authorization, will be subject to disciplinary action, up to and including immediate termination from employment. In addition, employees who violate medical information confidentiality may be subject to civil and criminal liability under State and Federal laws. (For informational purposes, civil monetary penalties for each individual failure to comply is \$100/violation and is capped at \$25,000 for violations of the same provision. Federal criminal penalties for wrongful disclosure or receipt of individual identifiable health information can be \$50,000 - \$250,000 in fines and imprisonment from one (1) to ten (10) years.) However, in the event the employee, whose medical records are at issue, voluntarily discloses information to an employee or other person in a social setting, such self-disclosure shall act as a waiver to any liability.
- d. Employees are hereby notified that each individual employee has the following rights with regard to their personal and confidential medical information:
  1. to request restrictions on uses and disclosures of such information;
  2. to access, inspect or copy their own information from the Village's records;
  3. to request amendments to their own information;
  4. to receive an accounting of all disclosures of such protected information made for purposes other than treatment, payment or healthcare operations and authorizations.

The Department of Human Resources has forms for all of the above-stated types of requests.

- e. All access to medical records must be approved by the Human Resource Director. If an employee believes that this medical information confidentiality policy has been violated, he or she should contact the Human Resource Director as stated in paragraph 2. To appeal a decision made by the Director of Human Services, the employee should contact the Village Manager.
- f. Medical records will not be provided to outsiders, except when the Village is properly served with a valid subpoena. When possible, the Village will notify the employee of the proper service of a



subpoena upon it, in order to enable the employee to seek to quash the subpoena. This policy of disclosure is subject to the Freedom of Information Act and any other federal, state or local rules of law.

- g. The Village of Downers Grove maintains a long form of this document which states the privacy policies effective. This long form is titled Notice of Privacy Practices. Each employee is entitled to a copy of the long form.

The Village of Downers Grove will review this policy periodically to ensure compliance with State and Federal laws.

## **2.6 Medical Examination**

All appointees to employment positions with the Village must undergo a medical examination at Village expense, by a physician designated by the Village, prior to commencement of their employment. From time to time, employees may also be required to undergo a medical examination, at Village expense, by a physician designated by the Village. The purpose of these examinations is to determine whether the employee is medically able, with or without reasonable accommodation, to perform the essential functions of the position involved. The results of these tests shall be confidential and may only be used in compliance with the Americans with Disabilities Act. Res. 74-52 (10/21/74); Res. 86-35 (12/1/86).

## **2.7 Citizenship**

Except for those positions covered by the Board of Fire and Police Commissioners, United States citizenship is not a prerequisite for Village employment. However, proof of citizenship or alien's residency status or other proof of availability to work in the U.S. is required as mandated by Federal Law.

## **2.8 Positions Requiring a Driver's License**

Applicants must be able to demonstrate that they possess, or qualify to possess, a valid driver's license if the nature of their position or assignment requires them to operate Village owned vehicles. Driver's license status, along with the previous driver's license history, must be verified with the applicable Secretary of State's Office. If an employee loses his/her driving privileges and the employee's job description requires them to have a valid driver's license, that employee may be subject to discipline, up to and including termination. Failure to immediately notify your immediate supervisor of a suspended or revoked license will be cause for disciplinary action up to and including termination.

## **2.9 Qualification Period**

### **2.9.1 Qualification Period - Initial**

An appointee to a full-time or part-time employment position, prior to being accepted into full employment status, shall successfully complete an initial qualification period in accordance with the following schedule. Provided, the qualification period does not include time taken for sick leave or leaves of absence. Employees are not entitled to utilize vacation leave during the initial qualification period.

- a. Employees under the jurisdiction of the Board of Fire and Police Commission shall complete a qualification period as mandated by the ordinances of the Village. Res. 74-52 (10/21/74); Res. 92-6 (2/10/92).
- b. All other employees shall complete an initial qualification period of six (6) months. Res. 74-52 (10/21/74); 86-35 (12/1/86); Res. 92-6 (2/10/92).

### **2.9.2 Qualification Period – Promotional and Transfer**

A promotional or transfer appointee shall successfully complete a promotional or transfer qualification period in accordance with the following schedule, provided the promotional or transfer qualification period does not include time taken for vacation, sick leave or leaves of absence.

- a. Promotional appointees under the jurisdiction of the Board of Fire and Police Commission shall complete a promotional qualification period as mandated by the ordinances of the Village.
- b. All other promotional or transfer appointees shall complete a promotional or transfer qualification period of six (6) months.
- c. Employees are entitled to utilize vacation leave during the promotional and transfer qualification period.
- d. Once an employee accepts a promotion or a transfer, the employee forfeits all rights to the position previously held.
- e. Employees transferred or promoted from a full-time non-exempt position to another full-time non-exempt position shall see no change in accrual of benefits at the time of transfer/promotion.
- f. Employees transferred or promoted from a full-time non-exempt or exempt position to a full-time exempt position will be eligible for accrual of benefits at the time of transfer/promotion relative to their years of full-time service with the Village unless otherwise approved by the Manager.
- g. Employees transferred or promoted from a part-time position to a full-time position will start accrual of benefits consistent with a new employee and are not eligible to receive credit for years of service while employed with the Village on a part-time basis.

In the case of retirement of a Village employee and subsequent application for and hiring of that retired Village employee in a different position, the employee shall be considered a new employee relative to the accrual rate of all benefits and the employee may not receive credit for prior years of service.

### **2.9.3 Qualification Period - Performance Review**

During an initial, promotional or transfer qualification period, an employee's performance will be subject to a review based on performance, ability, attitude, and such other factors as may be deemed appropriate for such employment review. The qualification period is to be used in conjunction with other examinations to determine an employee's fitness for continued employment in the employment position. During the qualification period, a determination shall be made as to the employee's fitness for continued employment in the employment position. Res. 74-52 (10/21/74); Res. 81-38 (6/8/81); Res. 86-35 (12/1/86).

### **2.9.4 Qualification Period - Extension**

At the Manager's sole discretion, either an initial, promotional or transfer qualification period may be extended for an additional term not to exceed the original period. The qualification period shall be deemed to have been automatically extended by the Manager and the qualification period shall not be deemed completed until the Director submits a PAR, and the Manager approves said PAR.

### **2.9.5 Qualification Period - Status upon Completion**

An appointee to a full-time or part-time employment position who successfully completes his or her initial qualification period shall be considered on full employment status. A promotional or transfer appointee to a full-time employment position who successfully completes his or her promotional or transfer qualification period shall be considered upon full employment status within the new position.

### **2.10 Regular Performance Reviews**

All employees generally will have their performance reviewed no less frequently than annually. Additionally, an appointee to a full-time or part-time position, a promotional appointee, and a transfer appointee will have their performance reviewed as follows:

- a. Six (6) month performance review;

- b. Twelve (12) month performance review;
- c. Eighteen (18) month performance review; and,
- d. Twenty-four (24) month performance review. Res. 74-52 (10/21/74); Res. 86-35 (12/1/86).

## **2.11 Hours of Work**

This section is intended to define the hours of work within various Village departments and provide the basis for calculation and payment of overtime, and provisions for paid and unpaid leave. However, this shall not be construed as a guarantee of hours of work per day or per work period. The duration and/or composition of the work period may be amended or altered by the Manager, based upon the work requirements of the Village. Res. 86-35 (12/1/86).

### **2.11.1 Work Schedule**

The Manager shall provide for, and may from time to time amend by administrative regulation, the normal work schedule of each employment position within the Village. Village employees work a forty hour week unless otherwise approved in writing by the Manager for cases that necessitate otherwise.

Business Hours:

- a. Village Hall: Monday – Friday 8:00 a.m. to 5:00 p.m.
- b. Police Station: Monday – Friday 8:00 a.m. to 5:00 p.m.
- c. Fire Department: Monday – Friday 8:00 a.m. to 5:00 p.m.
- d. Counseling and Social Services: Monday – Friday 8:00 a.m. to 5:00 p.m.
- e. Public Works: Monday – Friday 8:00 a.m. to 5:00 p.m.

### **2.11.2 Pay Period**

- a. In general, the work period for employees is defined as a consecutive seven (7) day period commencing at 12:00 a.m. Sunday and ending at 11:59 p.m. Saturday, the seventh day, during which employees are generally scheduled for forty (40) hours of work per week. Res. 86-35 (12/1/86); Res. 88-41 (8/29/88).
- b. Except for the Chief, Deputy Chiefs and certain Battalion Chiefs, the work period for sworn personnel of the Fire Department is defined as a consecutive twenty-eight (28) day period commencing at 7:00 a.m. Sunday and ending at 6:59:59 a.m. on the Sunday twenty-eight (28) days thereafter.

## **2.12 Lunch and Rest Periods**

Lunch periods shall be at times and locations scheduled and designated by the Director. In the sole discretion of the Director, employees may also be permitted to take a 15 minute rest period generally for every four hours of work at times and locations scheduled and designated by the Director. Directors shall not provide such break periods at the start or end of an employees work day, nor are the 15 minute rest periods to be combined together or combined with lunch periods. Res. 74-52 (10/21/74); Res. 86-35 (12/1/86).

## **2.13 Overtime Compensation - Res. 86-35 (12/1/86); 92-31 (6/192).**

### **2.13.1 Exempt Employees**

- a. Exempt employees are not entitled to overtime compensation.

- b. If an emergency or special event is declared by the Manager, an exempt employee who works during such emergency or special event may be eligible for compensation at a rate of pay that is greater than the employee's present hourly rate as determined by the Manager.

### **2.13.2 Non-Exempt Employees**

- a. Any overtime work shall require advance approval of the Director or the Director's designee.
- b. All non-exempt employees of the Village of Downers Grove shall be compensated for overtime worked beyond their basic work period. The basic work period for such employees and the compensation for overtime worked in excess of such period shall be determined in accordance with this section. All eligible employees will be compensated for hours worked in excess of their standard forty (40) hour workweek in accordance with the Fair Labor Standards Act.
- c. For the purposes of the application of this section, hours worked shall include hours for which an employee receives compensation as a Village employee. Vacation time, sick days, holidays or any other paid time during which an employee did not actually work will count as hours worked.
- d. Non-exempt employees called in to work overtime and receive such notice outside of their normal work schedule shall receive, in addition to the applicable overtime rate, one additional hour's pay at the rate of time and one-half (1½) as compensation for the inconvenience of unscheduled work outside the employee's normal working hours, and not compensation for travel expense.
- e. Non-exempt personnel not subject to a collective bargaining agreement shall be compensated for all hours actually worked in excess of their regularly scheduled forty (40) hour work period at the rate of time and one-half (1½) the employee's regularly scheduled hourly rate for each hour worked in excess of the regularly scheduled forty (40) hour work period.
- f. An employee eligible to receive overtime compensation may, at the discretion of the his/her supervisor, elect to be compensated in paid time off from work in accordance with the Fair Labor Standards Act ("Compensatory Time"). Compensatory time off shall be accrued at a rate equal to time and one-half (1 ½) the number of hours actually worked in excess of forty (40) in any work week.
- g. The method of compensation selected and in the case of compensatory time, the scheduling of time off, shall be determined by the supervisor taking into account the budget and work load of the department.
- h. Annually as a part of the first pay period in January, all employees shall be paid out for all accumulated compensatory time. This is required as employees shall not be allowed to carry over accumulated compensatory time from one year to the next unless approval in writing is granted by the Manager no later than January 1 annually. In no event, may an employee accrue more than 240 hours of compensatory time (160 straight time hours).

### **2.14 Snow Plowing**

All non-Public Works employees who work in the snow plowing detail of the Public Works Department will be paid at a rate of pay as determined by the Village Manager.

### **2.15 Communication with Elected Officials**

The Managerial form of government requires that the Mayor and Village Council members deal with Village employees solely through the Manager. Therefore, all formal, official or business communication between employees and Village Council members shall occur through the Manager except as follows:

- a. At the request of any Village Council members, employees may provide information concerning

operation of their department. Provided that such communication shall comply with the following conditions:

1. Such information does not require special or extensive studies.
2. The employee reports such requests to his or her supervisor or the Manager within twenty-four (24) hours.
  - a. Informal, social, or casual communication (unrelated to Village business) between employees and Village council members elected officials shall be permitted and shall not be subject to the conditions established in sub-section (a) above. Res. 84-7 (1/98/84); Res. 86-35 (12/1/86).

## **2.16 Outside Employment**

### **2.16.1 Permitted Under Conditions**

All full-time employees must recognize that their primary duty and responsibility is to the Village of Downers Grove, and that employees may engage in other employment outside of official duty hours provided that approval is secured from their Director and that advanced written notice is given to the Director of Human Resources. Res. 74-52 (10/21/74).

### **2.16.2 Limitations on Outside Employment - Res. 80-38 (6/16/80).**

- a. Outside employment shall not interfere with his/her effectiveness as a Village employee. Res. 74-52 (10/21/74).
- b. Outside employment shall not interfere with an employee's regularly scheduled work days. Paid vacation leave time may be requested by an employee to work at an outside employer subject to:
  1. The vacation request notes that the employees needs time off to work for another employer.
  2. In the sole discretion of the Director, approval of such leave time does not interfere with Department operations.
- c. Outside employment shall not interfere with an employee's response to emergency calls. Res. 74-52 (10/21/74).
- d. Outside employment shall not create the appearance of impropriety or place an employee in a position of conflict of interest with his/her Village employment. Res. 74-52 (10/21/74).
- e. Outside employment shall not cause overtime costs to be incurred by the Village.
- f. No Village assets or property shall be used by an employee in the course of his/her outside employment. Activity pertaining to outside employment must not impose on Village time.
- g. No two Village employees, when one supervises the other, shall engage in outside employment which routinely places them in a direct supervisory relationship of any kind.
- h. If permission for outside employment is granted, such permission may, and shall be rescinded by the Director if experience indicates that continued outside employment would present a violation of the Village's Personnel Rules or interfere with Village employment. Notification to the Human Resources Director shall be provided.

## **2.17 Retirement**

Mandatory retirement for sworn personnel in the Police and Fire Departments shall be at the age of 70. Such retirement shall be effective on the first working day after the employee's seventieth (70) birthday.

Res. 75-6 (1/20/75); Res. 78-24 (5/8/78); Res. 86-35 (12/1/86).

## **2.18 Provision for Work Equipment**

The Manager shall periodically issue specific guidelines, which outline the policies of the Village in providing certain equipment, clothing, tools, and other necessary work items to Village employees. Res. 86-35 (12/1/86).

### **2.18.1 Dress Code**

Directors shall determine the proper attire for employees. Generally, sworn employees and employees assigned to work outdoors are required to wear uniforms. All employees that work in an office environment acknowledge that their Director in conjunction with the Human Resources Director may establish guidelines for proper office attire. Appropriate office attire in general shall include clean, pressed clothing that is free of advertisements or logos (unless official Village logos). Inappropriate office attire is generally characterized by worn or tattered material, ripped material, stained material, tank tops, or t-shirts that feature pictures/logos advertising alcohol, tobacco products, shorts or skirts that are more than four inches above knee. Common sense should prevail when employees chose clothing for the Village and take into account the professional business atmosphere that is expected of a municipal organization. It is also recognized that Fridays are commonly referred to in Village offices as a casual day and while denim clothing or shorts may be appropriate on this day in limited circumstances, Village employees should take care to wear casual clothing that is clean, pressed and free of visible wear.

### **2.19 Search Policy**

The Village reserves the right to search lockers, desks, filing cabinets, computer files, and emails at any time.

### **2.20 Employee Identification Cards**

All employees shall be issued identification cards by the Human Resources Department during their orientation process. Said cards are to be used with the public to identify the holder of the card as a Village employee. All cards are the property of the Village and shall, therefore, be returned to the Village upon termination of employment. If an employee's identification card is lost or damaged, the employee should contact the Human Resources Department to obtain a new one. Employees are encouraged to wear their identification card while visiting other departments and employees are required to have their identification card with them while conducting Village duties in public.

### **2.21 Access to personnel file**

The Village shall maintain an official personnel file for each employee with the Department of Human Resources. Employees may request to inspect their personnel file at any time by providing a written request to the employee's Director, who will then notify the Human Resource Directors. The Human Resources Director will determine a mutually-agreed-to place and time when access to the employee's personnel file will take place during regular business hours.

### **2.22 Solicitation and Distribution - Res. 84-29 (6/18/84).**

- a. Employees are expected to devote their full attention to their assigned work during their working time. Accordingly, except for requests for contributions for gifts or receptions, held only during breaks or lunch periods, specifically to honor employees on their retirement, resignation from Village employ, or other events of personal significance, the following rules shall be in effect:
  1. Except during authorized break periods, employees may not solicit for or distribute literature during such employee's working time on behalf of any organization, charity or cause.
  2. Employees who wish to solicit for any organization, charity or cause during such employee's off-duty time may not disturb other employees when such other employees are working.
  3. Employees may not distribute literature on behalf of any organization, charity or cause in

public areas of the Village. Employees may distribute literature on behalf of organizations, charities or causes in break room areas of the Village with authorization from their Director.

- b. Employees shall refrain from making referrals and/or recommendations for professional services to the public during work time. Professional services shall include, but not be limited to: legal services, medical services, engineering services, plumbing services, architectural services, etc.

### **2.23 Bulletin Boards**

- a. Certain bulletin boards in non-public areas, as designated by the Manager pursuant to an administrative regulation, are reserved for exclusive use by the Village for official communications to employees, and may not be used by employees to post notices. An official bulletin board will be designated as such in each facility by the Manager for the Village Hall, the Police Chief for the Police Department, the Fire Chief for each Fire Station, Counseling and Social Services Director for the Counseling and Social Services Facility and the Public Works Director for the Public Works Facility.
- b. Certain bulletin boards in public areas, as designated by the Manager pursuant to an administrative regulation, are reserved for exclusive use by the Village for official communications to the public, and may not be used by employees to post notices.
- c. Certain bulletin boards in non-public areas, as designated by the Manager pursuant to an administrative regulation, may be used by employees to post notices. Provided, that the material posted may be removed by the Village if it is scandalous or indecent in the sole determination of the Manager. Res. 84-29 (6/18/84); Res. 86-35 (12/1/86).

### **2.24 Abandonment of Position**

When an employee is absent from work three (3) days or longer without authorization for the absence from his/her Director or Manager as the case may be, this shall be construed as job abandonment and the employee shall be deemed to have resigned his/her employment position. Provided, in this event the Village shall send notice to the employee by registered or certified mail at the employee's address as shown on the records of the Human Resources Department. The notice shall advise the employee that the employee has been deemed to have resigned from his/her employment position with the Village, setting forth the basis therefore and advising the employee of his/her right to appeal pursuant to Section 6.4 of this manual.

### **2.25 Voluntary Resignation**

An employee may resign by submitting his or her resignation to the Human Resources Director on a form to be prescribed by the Human Resources Director. The form shall specify the date on which the resignation shall take effect; generally, this should be a minimum of two weeks from the submittal of the form. The resignation shall take effect on said effective date. Once this form is submitted, the resignation may not be withdrawn prior to taking effect unless the Human Resources Director, for reasons promoting the efficiency of the service, determines to allow such a withdrawal.

### **2.26 Reduction in Force; Layoff**

- a. A Director, with consent of the Manager, may layoff any employee without prejudice because of a reduction in force due to lack of funds, consolidation or re-organization of functions, curtailment of work or elimination of an employment position. Whenever layoffs are determined to be necessary, they shall be based upon the needs of the Village taking into consideration the ability and qualifications of the employees involved. All things being equal, layoffs will generally be in reverse order of total service within that employment position within the Village. Provided, this seniority based process shall only apply when the Director determines that, based upon the anticipated needs of the Village, the qualification of the employees to perform the available work and the past performance of the affected employees are substantially equal. Otherwise, the employees best

meeting the needs of the Village and best qualified to perform the work shall be retained and the reasons therefore shall be reported to the Human Resources Director and the Manager.

- b. In lieu of lay off, a Director may, with the consent of the Manager, offer an employee an alternative employment position, including a part-time position, provided one is vacant and the employee is qualified to perform the duties of the part time position. Provided, there shall be no right to such alternative position and the employee shall take such position subject to the pay and benefits in effect for such alternative position. Provided further, nothing herein shall be construed to confer any right to bump less senior employees, it being understood that the decision to offer an alternative position is within the sole and unfettered discretion of the Village.
- c. There shall be no bumping. In particular, and without limitation, employees laid off shall not have the right to bump employees with less employment seniority. For the purpose of this rule, bumping shall mean a more senior employee, in terms of employment time with the Village, who has been laid off being assigned to an equivalent or lower ranking position that results in the displacement of the incumbent employee in such equivalent or lower ranking position.
- d. Any employee laid off may appeal in writing directly to the Manager within seven calendar days of the receipt of the written notice of a reduction in force pursuant to Section 6.4 of the Downers Grove Personnel Manual, or such successor provision as may be adopted.
- e. The names of full-time employees who have been laid off shall be placed on an appropriate re-employment list maintained by the Human Resources Director. Regular employees with a satisfactory employment record who are involuntarily separated from the Village service through no fault of their own shall be placed on appropriate class re-employment lists in the order of their years of continuous service with the Village regardless of class. Employees with the same total years of service shall be placed on the list for the class in question in order of their final performance evaluation. The eligibility of all candidates on class re-employment lists shall expire two years from the date of their separation from the Village service. Candidates will be removed from the re-employment list if they fail to return to work within seven (7) business days after receiving notice by registered or certified mail of his or her recall.
- f. Recall rights. Whenever the Village fills a vacancy in a full-time position of employment it shall prior to offering the position to any other person, offer the position to the person of highest continuous service in the class with the Village who at that time is on layoff status. Persons who have been on layoff status for more than two years at the time the vacancy is filled are not entitled to this recall. If no such person entitled to the vacancy accepts the offer, the Village may proceed to fill the vacancy.
- g. This section does not create, and shall not be construed as creating, any contract or offer to contract with the Village. No property or tenure rights in employment shall be created, or deemed to be created, by this Section. All provisions of this section are subject to change, at the sole discretion of the Village, at any time, with or without notice. No policy, benefit or procedure set forth in this section implies or may be construed to imply that it or any portion thereof is an employment contract.

### **SECTION 3 - EMPLOYEE COMPENSATION**

#### **3.1 In General**

Except for employees covered by any collective bargaining agreement, or as otherwise provided in any written personal service agreement, the following provisions shall govern the pay practices of the Village. The Village's employment compensation program consists of the annualized salary or wage paid, plus all benefits granted, to an employee. Except as otherwise expressly provided herein, only employees on full



employment status are eligible to receive full benefits from the Village, or part-time employees who are budgeted to work beyond one thousand (1000) hours annually are eligible to receive part-time benefits. Res. 74-52 (10/21/74) Res. 98-46 (8/3/99).

### **3.2 Salaries**

Employee salaries are set, and from time to time adjusted, by the Village Council, upon recommendation of the Manager, as set forth in the Employment Classification Plan. Res. 74-52 (10/21/74); Res. 88-41 (8/29/88).

### **3.3 Benefits**

Employee benefits are established and from time to time amended by the Village Council, upon recommendation of the Manager. In addition, paid and unpaid leave benefits are described in Sections 4 and 5 of this Manual. Employees with questions regarding benefits should contact the Department of Human Resources.

### **3.4 Pension**

In addition to Social Security, employees are generally included in one of three (3) separate pension funds: Illinois Municipal Retirement Fund for general service employees who are employed prior to their sixtieth (60) birthday and work at least one thousand (1000) hours per year; Fire Pension Fund for sworn firefighters; and Police Pension Fund for sworn police officers. Eligibility, participation, payroll deductions and benefits are as mandated by State and Federal laws.

The Village additionally maintains a 457 Plan retirement program in which full-time and part-time employees may participate and contribute a portion of their wages in accordance with IRS regulations.

### **3.5 Insurance Continuation- Retirees**

#### **a. Health Insurance Benefits**

Individuals retiring from the Village of Downers Grove and receiving a retirement or disability pension may elect to continue their medical insurance coverage through the Village of Downers Grove. The Village of Downers Grove is required to offer this coverage to such individuals under Illinois State law (refer 215 ILCS 5/36 (f) (g) (j)).

A retired employee who wishes to continue coverage on himself/herself only, shall bear 100% of the single premium rate for this coverage. A retiree who wishes to continue coverage on himself/herself and spouse only, may do so by bearing 100% of the cost of two single premium rates. A retiree who wishes to continue coverage on multiple dependents would bear 100% of the cost of the family premium rate.

If primary medical insurance coverage is being provided through Medicare and secondary medical insurance coverage is being provided by the Village, the retired employee will pay a rate equal to 50% of the applicable medical insurance premium. A retiree's covered spouse will be eligible for a 50% rate if primary medical insurance coverage is through Medicare and secondary medical insurance coverage is being provided through the Village's group medical insurance policy.

#### **b. Life Insurance Benefits**

Effective May 1, 1995, an employee who qualifies for a retirement or disability pension may elect to continue his/her life insurance coverage as follows at a premium set by the Village:

An individual retiring prior to age 65 will receive \$15,000 of life insurance coverage, with a reduction of 35% at age 65 (benefit of \$9,750), 50% at age 70 (benefit of \$7,500) and termination of life insurance coverage at age 75.

#### **c. Dental and/or Vision Benefits**

Individuals interested in continuing his/her dental and/or vision insurance coverage after retirement should refer to the Consolidated Omnibus Budget Reconciliation Act (COBRA) which contains provisions for continuation of these overages.

### **3.6 Educational Assistance Program**

The Village of Downers Grove provides financial assistance for educational courses which are specifically job-related in accordance with the following rules and procedures. The Educational Assistance Program is subject to budget approval. Budget approval shall be based on the total funds available for tuition reimbursement and the number of educational assistance requests received.

- a. Courses covered: Educational courses must generally meet the following criteria:
  1. The courses must be designed to maintain or improve the skills required of the employee in his/her current job assignment or they must be necessary to meet expressed requirements of the Village.
  2. The employee must include an approved educational plan/goal that includes specifications for the attainment of an academic degree.
  3. Classes are scheduled on a regular basis over a period of time, either semester or quarter, normally at least several months.
  4. Classes are held after normal working hours.
  5. Course results are graded.
  6. Courses must be taken from an accredited College or University as determined by the Human Resources Director.
- b. Eligibility: Only employees in full employment status are eligible to participate in the Educational Assistance Program.
- c. Covered expenses: Costs such as tuition, fees and textbooks are reimbursable under the Educational Assistance Program. Other costs such as transportation, parking and meals are not reimbursable.
- d. Limitations: Reimbursement is limited to:
  1. Two courses per academic semester, with a maximum reimbursement of \$4,500 per fiscal year subject to available budgeted funds;
  2. Percent limited to grade achievement, i.e. A= 100%, B=80%, C=60%. (Any grade lower than "C" is non-reimbursable.)
- e. Approval: Advance approval of the Director, Finance Director, Human Resources Director, and Village Manager are required as a condition for payment of benefits under the program. An application is provided for this purpose and must be completed and approved before the course begins.
- f. Reimbursement of educational expenses: Copies of the grade report or certificate of completion, textbook receipts, and all other supporting documentation must be submitted before reimbursement can be made. A form is provided for this purpose. All educational reimbursements are taxable.
- g. Repayment upon leaving Village employment: If an employee voluntarily leaves the Village within two years of completing a course reimbursed under this Program, a percentage amount of

reimbursed expenses must be repaid to the Village according to the following schedule:

1. 0 to 6 months of completion of course – 100%
2. 7 to 12 months of completion of course – 75%
3. 13 to 18 months of completion of course - 50%
4. 19 to 24 months of completion of course - 25%

## SECTION 4 - PAID LEAVE

### **4.1 Holidays**

Except for employees covered by any collective bargaining agreement, or as otherwise provided in any written personal services agreement, the following provisions shall govern paid holidays by the Village. Holiday benefits for employees covered by any collective bargaining or written personal services agreement shall be as set forth in such agreements.

#### **4.1.2 Holidays - General - Res. 94-22 (6/6/94).**

The following holiday benefit program shall apply to all full-time employees, except temporary employees, and those employees in the employment positions described in sections 4.1.3, 4.1.4 and 4.1.5 below:

- a. Full-time employees are eligible for the following paid holidays - Res. 74-52 (10/21/74):
  1. New Year's Day
  2. Memorial Day
  3. Independence Day
  4. Labor Day
  5. Thanksgiving Day
  6. Day after Thanksgiving
  7. Christmas Day
  8. Floating Christmas Holiday
- b. All paid holidays shall be on the basis of eight (8) hours at such employee's regular rate of pay.
- c. In addition to the holidays listed in subsection (a) above, employees on full-time employment status are entitled to sixteen (16) hours of paid time off, which is referred to as floating holiday time. Provided, employees engaged in completing a qualification period for a full employment status position are not eligible to take annual floating holiday time until after six (6) months of continuous service. Actual use of the floating holiday time is subject to the scheduling approval of the employee's supervisor, and must be taken within the calendar year. Employees shall not be allowed to carry over the floating holiday time from one calendar year to the next. Res. 86-35 (12/1/86); Res. 88-41 (8/29/88).
- d. All non-exempt employees who work on a designated holiday shall be paid at the rate of time and one-half times their regular rate of pay for the day.
- e. Except for departments normally scheduled to work on Saturdays or Sundays, when a holiday falls on a Saturday, it shall be observed on the preceding Friday. When a holiday falls on a Sunday, it shall be observed on the following Monday. Res. 74-52 (10/21/74).
- f. When a holiday falls within an employee's vacation period, the employee shall be paid for the holiday and that day shall not be charged against the employee's vacation balance. Res. 74-52 (10/21/74).
- g. The floating Christmas holiday will be determined at the beginning of each calendar year by the Manager. Res. 86-35 (12/1/86).

#### **4.1.3 Holidays - 24/48 Schedule**

The following holiday benefit program shall apply to full-time, non-temporary employees on a 24/48 schedule - Res. 74-52 (10/21/74); Res. 79-35 (8/13/79); Res. 94-22 (6/6/94):

- a. An employee on a 24/48 schedule is entitled to twelve (12) hours of paid time off as their holiday time for each of the following holidays:
  1. New Year's Day
  2. Memorial Day
  3. Independence Day
  4. Labor Day
  5. Thanksgiving Day
  6. Day after Thanksgiving
  7. Christmas Day
  8. Floating Christmas Holiday
- b. In addition to the holidays listed in subsection (a) above, employees on a 24/48 schedule are entitled to twenty-four (24) hours of paid time off, which is referred to as floating holiday time. Provided, employees assigned to a 24/48 schedule after December 1 of any year shall not be entitled to such floating holiday time for that year.
- c. Holiday time as provided herein shall be available for use at any time in the calendar year. Actual use of holiday time under this section is subject to the scheduling approval of the Fire Chief.
- d. In the event an employee commences or ceases working a 24/48 schedule during a calendar year, such employee's holiday time shall be adjusted by deducting holiday time for any holiday listed in subsection (a) which precedes such commencement or follows such cessation. Appropriate credits and deductions shall be made for an employee who ceases working a 24/48 schedule during the calendar year.

#### **4.1.4 Holidays - Shift Position**

The following holiday benefit program shall apply to full-time, non-temporary employees who have been assigned to a shift position - Res. 74-52 (10/21/74); Res. 94-22 (6/6/94):

- a. An employee assigned to a shift position is entitled to eight (8) hours of paid time off as their holiday time for each of the following holidays:
  1. New Year's Day
  2. Memorial Day
  3. Independence Day
  4. Labor Day
  5. Thanksgiving Day

6. Day after Thanksgiving
  7. Christmas Day
  8. Floating Christmas Holiday
- b. In addition to the holidays listed in subsection (a) above, employees assigned to a shift position are entitled to sixteen (16) hours of paid time off, which is referred to as floating holiday time. Provided, employees assigned to a shift position after December 1 of any year shall not be entitled to such floating holiday time for that year.
  - c. Holiday time as provided herein shall be available for use at any time in the calendar year. Actual use of holiday time under this section is subject to the scheduling approval of the employee's Director or his/her designee.
  - d. In the event an employee commences or ceases working in a shift position during a calendar year, such employee's holiday time shall be adjusted by deducting holiday time for any holiday listed in subsection (a) which precedes such commencement or follows such cessation. Appropriate credits and deductions shall be made for an employee who ceases working in a shift position during the calendar year.

**4.1.5 Holidays - Part Time Employees - Res. 81-46 (7/6/81); Res. 94-22 (6/6/94); 98-46 (8/3/98)**

The following holiday benefit program shall apply to non-temporary, part time employees:

- a. Part time employees shall receive four (4) hours holiday compensation at such employee's regular rate of pay for the following paid holidays:
  1. New Year's Day
  2. Memorial Day
  3. Independence Day
  4. Labor Day
  5. Thanksgiving Day
  6. Day after Thanksgiving
  7. Christmas Day
  8. Floating Christmas Holiday
- b. In addition to the holiday compensation set forth in subsection (a) above, part-time employees shall be paid at a rate of one and one half (1½) times such employee's normal rate of pay for hours of actual work on the holidays.
- c. Except for departments normally scheduled to work on Saturdays or Sundays, when a holiday falls on Saturday, it shall be observed on the preceding Friday. When a holiday falls on a Sunday, it shall be observed the following Monday.
- d. The floating Christmas holiday will be determined at the beginning of each calendar year by the Manager.

## **4.2 Vacation**

Except for employees covered by any collective bargaining agreement, or as otherwise provided in any written personal services agreement, the following provisions shall govern paid vacation by the Village. Vacation benefits for employees covered by any collective bargaining or written personal services agreement shall be as set forth in such agreements. Res. 74-52 (10/21/74); Res. 79-35 (8/13/79); Res. 80-38 (6/16/80).

### **4.2.1 Eligibility for Vacation**

Except as noted below, only employees on full employment status are eligible for vacation time with pay. Employees completing the qualification period for a full employment status position may be eligible for vacation time with pay upon the approval of the Director or the Manager as the case may be. A promotional or transfer appointee shall be eligible for vacation time with pay regardless of the qualification period. Res. 86-35 (12/1/86).

### **4.2.2 Vacation Accrual Schedule**

Vacation shall be accrued each pay period based upon the following schedule:

Consecutive Employment	Vacation Accrual by Pay Period	Annualized Vacation Accrual	Fire Department 24/48 Schedule
Beginning Employment	3.08 hours	80 hours	120 hours
After four years	4.62 hours	120 hours	180 hours
After eleven years	5.54 hours	144 hours	216 hours
After twelve years	5.85 hours	152 hours	228 hours
After thirteen years	6.15 hours	160 hours	240 hours

Res. 74-52 (10/21/74); Res. 76-51 (6/28/76); Res. 80-38 (6/16/80); Res. 81-38 (6/8/81); Res. 92-6 (2/10/92).

### **4.2.3 Exempt Employee Vacation Bonus**

- a. Generally, it is anticipated that exempt employees will work in excess of eighty (80) hours (one hundred twelve (112) hours for exempt employees on 24/48 schedule) per bi-weekly pay period. When situations and events occur, planned or unplanned, which do not fit into the normal work day, it is expected that exempt employees work reasonable extra time to accomplish the task or assignment. Due to this expectation, exempt employees shall accrue five (5) days (40 hours for general exempt employees, 60 hours for exempt employees on 24/48 schedule) of additional vacation paid leave annually. This additional vacation leave shall be accrued each pay period on the same basis as regular vacation leave as provided in section 4.2.1. The time taken shall be scheduled and taken as vacation leave with the approval of the exempt employee's supervisor.
- b. Each calendar year, exempt employees may designate up to forty (40) hours of accrued vacation time (sixty (60) hours for exempt employees on a 24/48 schedule) to be exchanged for payment. Such designation for payment must be made in writing and received by the Human Resources Director no later than October 1 of each year. Any payment made shall be based on the then current bi-weekly salary.

### **4.2.4 Scheduling Vacations**

Vacation periods for employees shall be scheduled in advance by the Director or his/her designee, taking into consideration the departmental work load and the needs and demands of the Village. Vacation periods for Directors shall be scheduled in advance and approved by the Manager taking into consideration the needs and demands of the Village. Res. 74-52 (10/21/74); Res. 76-51 (6/28/76).

### **4.2.5 Accumulation of Vacation Time - Limitation**

Employees shall be allowed to carry over up to, but not more than, 160 hours (240 hours for Fire



Department employees on 24/48 schedule) of accumulated vacation from year to year, as time determined from the end of the first pay period of one year to the end of the first pay period of the following year. Res. 74-52 (10/21/74); 79-35 (8/13/79); Res. 82-22 (5/3/82); Res. 92-6 (2/10/92).

#### **4.2.6 Accumulated Vacation at Separation**

Except as otherwise provided for in a collective bargaining agreement, accumulated vacation time shall be paid at the time an eligible employee leaves Village employment. Provided, upon the death of an employee, such payment shall be made to the employee's designated life insurance beneficiary (ies) or, if none, to the estate.

#### **4.3 Sick Leave Privilege**

Except for employees covered by any collective bargaining agreement, or as otherwise provided in any written personal services agreement, the following provisions shall govern paid sick leave by the Village. Sick leave benefits for employees covered by any collective bargaining or written personal services agreement shall be as set forth in such agreements. Res. 90-6 (2/19/90).

##### **4.3.1 Sick Leave - Eligibility**

Except as expressly provided herein, only employees on full employment status are eligible for sick leave. Sick leave is a privilege, not a right, extended to full employment status employees. Employees engaged in completing the qualification period for a full employment status position may, upon approval of their Director, be granted sick leave privileges. Sick leave may not be used to obtain additional vacation time. Abuse of sick leave privileges is sufficient cause for termination.

##### **4.3.2 Sick Leave - Accumulation**

Sick leave is accumulated on the basis of eight (8) hours for each full month of service. For Battalion Chiefs in the Fire Department, sick leave is accumulated at 5.1 hours per pay period, 10.2 hours each month. Res. 74-52 (10/21/74); Res. 77-5 (3/14/77); Res. 81-38 (6/8/81); Res. 86-35 (12/1/86); Res. 90-6 (2/19/90).

##### **4.3.3 Sick Leave - Use**

Sick leave is to be used for periods of personal illness or injury. In addition to personal illness or injury, sick leave may be granted, at the discretion of the Director or Manager as the case may be, for the following reasons:

- a. medical appointments which cannot be scheduled outside of working hours;
- b. illness or injury of a member of the employee's immediate family, which necessitates the employee's absence from work.

##### **4.3.4 Sick Leave - Reporting of Absence**

Notice of absence due to illness or injury shall be given by the employee to the immediate supervisor as far as possible in advance of the starting time for the scheduled work day. In any event, the supervisor should be advised no later than one hour before the starting time on the day of the absence. Res. 74-52 (10/21/74); Res. 79-35 (8/13/79); Res. 86-35 (12/1/86).

##### **4.3.5 Sick Leave - Doctor's Certificate Required**

The Village may require a doctor's certificate from employees who are absent. Said certification is at the employee's expense and may be requested when an employee has been absent due to illness or injury for a period of three (3) or more days; has repeated illnesses of shorter periods; is absent due to illness or injury on the day of, before, or after a holiday; or in other circumstances as deemed appropriate by the Director or Manager as the case may be. Res. 74-52 (10/21/74); Res. 86-35 (12/1/86).

##### **4.3.6 Sick Leave - Separation of Employment - Res. 82-23 (5/17/82); Res. 86-35 (12/1/86); Res. 92-6 (2/10/92).**

- a. For Village employees with ten (10) or more consecutive years of full-time employment with the Village, and who were hired before December 1, 1993, the Village will pay for accumulated unused sick leave up to a maximum of 960 hours, in the following cases:
  1. When such person resigns or retires in good standing following two (2) weeks notice; or,
  2. When such person is subject to a non-disciplinary termination such as an economic lay off; or,
  3. Upon such person's death, provided such death did not arise out of any event which would be cause for a disciplinary termination.
- b. In the case of an employee's death, such accumulated sick time will be paid to the employee's designated life insurance beneficiary(ies), or if none, to the estate.
- c. At the employee's request, the dollar value of the sick day buy-back may be applied to payment of health insurance premiums upon separation, according to the provisions of the law.
- d. The following shall not be eligible for payment of unused sick leave:
  1. An employee who was hired or rehired by the Village after December 1, 1993; or,
  2. An employee who has previously separated from employment with the Village and received a pay out of sick leave benefits; or,
  3. An employee who is the subject of a disciplinary termination.

#### **4.4 Funeral Leave**

Except for employees covered by a collective bargaining agreement, or as otherwise provided in any written personal services agreement, employees in full employment status may, in the event of death of a relative as defined in Section 1.2.27 of the Personnel Manual and with approval from the Director or Manager as the case may be, be granted and compensated for up to three consecutive working days as funeral leave.

Paid leave for this purpose will not be applicable in cases where the funeral occurs on a paid holiday, or any other case which would result in paying twice for the same time off. No additional payment will be made if the employee is on leave of absence or is absent due to illness or injury.

#### **4.5 Jury or Witness Duty**

Except for employees covered by any collective bargaining agreement, or as otherwise provided in any written personal services agreement, employees in full employment status shall receive full pay for time not worked while serving on jury duty or testifying as a witness at the request of the Village, or testifying under subpoena to matters related to their employment with the Village. Employees participating in jury duty shall keep the payment received for jury duty service and shall provide a copy of the check to his/her supervisor to verify their absence from work. In addition, no employee shall receive pay for time not worked while testifying as a witness in a case filed by the employee against the Village, its officers or employees or for matters of a personal interest. Res. 74-52 (10/21/74).

#### **4.6 Disability Leave - Pension**

Employees may be eligible for disability leave and benefits under such employee's applicable pension program. Such eligibility and benefits are set forth in the Illinois laws regarding such programs and are administered by the relevant pension boards.

#### **4.7 Disability Leave - Worker' Compensation**

Employees may be eligible for disability leave and benefits under the Illinois Worker's Compensation Laws. Such eligibility and benefits are set forth in the Illinois laws regarding Worker's Compensation.

**4.8 Administrative Leave.**

An employee may be placed on administrative leave at the sole discretion of the Manager whenever the Manager determines that the employee's continued presence on the job is inappropriate or unduly disruptive. In such case, the employee shall be relieved from normal job duties but shall continue to be considered an employee of the Village and shall continue to receive all normal pay and benefits. Provided, Administrative Leave shall not be considered discipline; but is rather a temporary removal from duty. Administrative Leave shall be for such time as the Manager may direct. By way of example, but in no way as a limitation, Administrative Leave may be used such as during an internal investigation of personnel actions or alleged violations of these rules.

## **SECTION 5 - UNPAID LEAVE**

### **5.1 Leave of Absence - Family and Medical Leave Act - Res. 96-11 (2/26/96)**

- a. Employees who have worked for the Village for the past twelve (12) months and have worked for at least 1250 hours may request up to twelve (12) weeks in unpaid leave in accordance with the provisions of the Family and Medical Leave Act (FMLA leave) for the birth of a child, or related to a serious health condition of the employee, or the employee's spouse, parent or child.
- b. Application for FMLA leave shall be made in writing, stating the reasons for the request, the date desired for the start of the FMLA leave and probable date of return. Such request shall be directed to the Human Resources Director.
- c. For purpose of these rules, in computing the twelve (12) month period for FMLA leave privileges, the preceding (12) months from the date of the requested start of FMLA leave shall be used to determine the amount of available FMLA leave time for the employee.
- d. FMLA leave taken for any reason, including medical, family or child care leave, shall not exceed a maximum combined total of twelve (12) weeks in any twelve (12) month period.

### **5.1.1 FMLA Leave - Serious Health Condition**

- a. For purpose of FMLA leave, a serious health condition is a disabling physical or mental illness, injury, impairment, or condition, and requires:
  1. Inpatient care in a hospital, a nursing home, or a hospice; or
  2. Outpatient care requiring continuing treatment by a health care provider.
- b. A serious health condition is intended to cover conditions and illnesses that:
  1. affect an employee's health to the extent that he or she must be absent from work on a recurring basis or for more than a few days for treatment or recovery; or
  2. affect the health of the child, spouse or parent such that he or she is unable to participate in school or regular daily activities on a recurring or continuing basis.
- c. Examples of "serious health conditions" include heart attacks, heart bypass operations and procedures, most cancers, back conditions requiring extensive therapy or surgical procedures, strokes, severe respiratory conditions, spinal injuries, appendicitis, pneumonia, emphysema, severe arthritis, severe nervous disorder, injuries from serious accident, ongoing pregnancy, miscarriages, complications or illnesses related to pregnancy, such as severe morning sickness, the need for prenatal care, childbirth and recovery from childbirth.

### **5.1.2 FMLA Leave - Employee Health Condition**

Subject to the restriction set forth in Section 5.1(d), an employee with a serious health condition that renders the employee unable to work is entitled to up to twelve (12) weeks of FMLA medical leave in any twelve (12) month period.

### **5.1.3 FMLA Leave - Birth, Adoption or Foster Care**

- a. Subject to the restriction set forth in Section 5.1(d), an employee is entitled to up to twelve (12) weeks of FMLA family leave in any twelve (12) month period for any of the following events:
  1. Birth of the employee's child; or
  2. Placement of child for adoption or as precondition to adoption; or

3. Placement of a child in foster care.
- b. (b) Entitlement to FMLA family leave under this section expires twelve (12) months after birth, adoption or placement.
- c. Spouses who are employed by the same employer are only entitled to one (twelve) 12 week FMLA family leave. Provided, this time may be split between such employees.

**5.1.4 FMLA Leave - Care of Sick Child, Spouse or Parent**

- a. Subject to the restriction set forth in Section 5.1(d), an employee is entitled to up to a maximum of twelve (12) weeks of FMLA family leave in any twelve (12) month period to care for the employee's child, spouse, or parent who has a serious health condition.
- b. To "care for" includes caring for either physical or psychological needs.

**5.1.5 FMLA Leave - Medical Certification**

- a. When an employee requests FMLA medical leave or FMLA family leave to care for a child, spouse or parent, the Village may require an employee to provide medical certification from an appropriate health care provider. However, the only information the Village will require the employee to provide in this certification is:
  1. That the employee or family member has a serious health condition;
  2. The date the serious health condition commenced and its probable duration;
  3. The medical facts regarding the serious health condition; and
  4. If the family medical leave is for the employee's own medical condition, a description of the extent to which the employee is unable to perform his or her job duties; or
  5. If the family medical leave is not for the employee's own medical condition, a statement that the employee is needed to care for the child, spouse or parent and the amount of time needed to provide the care.
  6. If the employee is requesting partial or intermittent leave, the employer may request verification of the schedule of treatment.
- b. If the FMLA medical leave is for the employee's own medical condition, the Village may, at the Village's expense, require the employee to obtain the opinion of a second health care provider chosen by the Village. If the employee chosen and the Village's health care providers disagree about any of the information in the certification, the parties will mutually select a third medical provider at the Village's expense. The decision of the third provider shall be final and binding.

**5.1.6 FMLA Leave - Scheduling Leave**

- a. Advance notice is required for foreseeable or planned leave. An employee must provide the Village with at least thirty (30) days notice of the need for FMLA leave for birth, adoption, foster care or planned medical treatment when the need for the leave is foreseeable. In any case in which the need for FMLA leave is foreseeable based on planned treatment or supervision the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt the employer's operational needs.
- b. When the need for a FMLA leave request is unforeseeable, notice should be as soon as practicable.

#### **5.1.7 FMLA Leave - Partial Absences**

- a. Some FMLA leave can be taken intermittently or on a reduced schedule. By way of example, employees may take leave in noncontiguous increments, e.g. every afternoon, every Friday, one week each month, etc.
- b. Family leave for birth, adoption or foster care can only be taken on an intermittent or reduced leave basis with the approval of the Manager.
- c. Medical leave may be scheduled as medically necessary.
- d. The Village may temporarily transfer an employee after taking intermittent or reduced scheduled leave to an employment position more suitable for recurring periods of absence to better accommodate the leave. Employee wages and benefits will remain the same as though no transfer had occurred during the transfer period.

#### **5.1.8 FMLA Leave - Denial**

- a. The Manager may deny a requested FMLA leave if the employee fails to provide proper advance notice, unless the employee was unable to comply because of the need for emergency health care.
- b. The Village may deny a requested leave if the employee does not provide the required medical certification after being requested to do so unless the employee was unable to comply because of the need for emergency health care.

#### **5.1.9 FMLA Leave - Use of Available Paid Leave**

An employee shall utilize available paid sick, vacation, compensatory time, and holiday (including floating holiday time, earned time, etc.) leave benefits before unpaid FMLA leave is commenced. For purpose of this section, accumulated sick leave shall be utilized only to the extent that the sick leave privilege may be used pursuant to section 4.3.3 of this Manual. Res. 96-11 (2/13/96)(6/19/01).

Paid leave taken herein shall be counted as FMLA leave against the total FMLA leave permitted within any twelve (12) month period.

#### **5.1.10 FMLA Leave - Benefits - Res. 96-11 (2/13/96)**

- a. During the period an employee is on FMLA leave, the Village will continue to provide group health insurance coverage under the same conditions as it did before the leave began.
- b. Employees using accrued paid sick, vacation and holiday (including floating holiday time, earned time, etc.) leave benefits as part of their FMLA leave remain on full employment status and continue to accrue, and may utilize, benefits during such paid portion of their FMLA leave. Such accrual and use will cease if and when such employee goes on FMLA leave not covered by accrued paid sick, vacation and holiday (including floating holiday time, earned time, etc.) leave benefits.
- c. Except as provided herein, an employee is not entitled to accrue employment benefit while on FMLA leave. This includes, but is not necessarily limited to, sick, vacation and holiday leave benefits.

#### **5.1.11 FMLA Leave - Return from Leave**

- a. A return date shall be agreed to by the employee and the Village Manager at the time FMLA leave is granted. Generally, this will be the probable return date specified in the employee's application, but must always be within the permitted FMLA leave period.

- b. An employee may advance the designated return date by serving written notice on the Manager not less than thirty (30) days before the desired alternative return date. Provided, such alternative return date must be within the FMLA leave period available to the employee. The Manager may waive such thirty (30) day notice if the employee requests to promptly return and an employment position is available.
- c. An employee may request an extension of the FMLA leave by making application to the Village in the same manner as on the original application. Provided, such extension may not be granted in excess of the total FMLA leave period available to the employee.
- d. An employee returning from FMLA leave will be placed in the employment position held before the leave began, if the employment position is vacant. If the former employment position is not vacant, the employee will be returned to an equivalent employment position having equivalent employment benefits, pay, and other terms and conditions of employment.

#### **5.1.12 FMLA Leave - Resignation**

An employee who fails to return from a FMLA leave on the designated return date, either as originally agreed or as extended, or after the expiration of the twelve (12) weeks, shall be considered as having abandoned and resigned his/her employment position with the Village.

#### **5.2 General Leave of Absence**

Employees who have full employment status may request a general unpaid leave of absence for personal matters. The decision to grant such leave shall be at the sole discretion of the Manager. Such leave may be requested for:

- a. To recover from their own health condition or attend to family illness.
- b. To take care of other personal matters.

#### **5.2.1 General Leave of Absence - Procedure**

- a. Employees may submit a written request to their Director or his/her designee or the Manager as the case may be, asking for a leave of absence without pay. The request shall be in writing, stating the reasons for the request, the date desired for the start of the leave and probable date of return. The request along with the written recommendation of the Director shall be forwarded to the Manager for authorization.
- b. Authorization for such a leave shall be within the sole discretion of the Manager whose decision will be based upon the operational needs of the department, the work record of the individual and the reason for the request. Approval of such request shall not be deemed usual and customary.
- c. An employee is required to exhaust available paid vacation and holiday benefits leave before unpaid general leave of absence is commenced.

#### **5.2.2 General Leave of Absence - Benefits**

- a. For the remainder of the month during which a general leave begins, and for one (1) calendar month thereafter, the Village will continue to provide group health insurance coverage under the same conditions as it did before the leave began. Subsequently, such insurance coverage, if desired by the employee and otherwise available through the Village, shall be fully paid by the employee through the duration of the leave. Employee will be required to pay 100% of a calendar month health insurance cost.
- b. With the exception of group health coverage, an employee is not entitled to accrue any other employment benefit while on a general leave. This includes, but is not necessarily limited to,

vacation, sick and holiday leave.

**5.2.3 General Leave of Absence - Duration**

A general leave of absence may be granted for up to twelve (12) weeks. Extensions may be granted for additional periods of up to twelve (12) additional weeks, not to exceed a total of twenty-four (24) weeks. In addition, automatic extensions may be granted at the discretion of the Manager.

**5.2.4 General Leave of Absence - Return to Duty**

- a. A return date shall be agreed to by the employee and the Manager at the time the general leave is granted. Generally, this will be the probable return date specified in the employee's application.
- b. An employee may request to advance the designated return date by serving written notice on the Manager not less than thirty (30) days before the desired alternative return date. The Manager may waive such thirty-day notice if the employee requests to promptly return and an employment position is available.
- c. An employee may request an extension of the general leave by making application to the Village in the same manner as on original application. Provided, such extension may not be granted in excess of the limits set forth in Section 5.2.3.
- d. Prior to reinstatement after a general leave of absence for a medical condition, an employee must present to the Human Resources Department a physician's written statement certifying that the employee is capable of returning to work and performing, either with or without reasonable accommodations, the essential functions of the employment position involved.

**5.2.5 General Leave of Absence - Resignation**

An employee, who fails to return from a general leave on the designated return date, either as originally agreed or as extended, shall be considered as having abandoned and resigned their employment position with the Village.

**5.3 Leave of Absence - Military Service**

Military leave shall be granted in accordance with applicable law. Res. 74-52 (10/21/74); Res. 92-6 (2/10/92).

**5.4 Victims' Economic Security and Safety Act of 2003 (VESSA)**

It is the policy of the Village of Downers Grove to comply with the provisions of the Victims' Economic Security and Safety Act of 2003 (VESSA). Accordingly, all eligible Village employees shall be entitled to VESSA leave, on a gender neutral basis, provided the leave is taken in accordance with Sections 5.5 through 5.5.8 of this Manual. Eligible employees shall be allowed VESSA leave for one or more of the following:

- a. to seek medical attention for, or recovery from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member;
- b. to obtain services from a victim services organization for the employee or employee's family or household member;
- c. to obtain psychological or other counseling for the employee or the employee's family or household member;
- d. to participate in safety planning, temporarily or permanently relocating, or to take other action to increase the employee's safety.



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

#### **5.4.1 VESSA Leave-Eligible Employee**

"Eligible employee" for purposes of VESSA shall mean a part-time or full-time employee, who is a victim of domestic or sexual abuse or who has a family or household member who is a victim of domestic or sexual abuse (provided the employee is not the perpetrator). Eligible employees shall be entitled to twelve (12) weeks unpaid leave in a twelve (12) month period. The twelve (12) months during which the twelve (12) weeks of leave entitlement occurs shall be calculated based upon the twelve (12) months starting with the first day of the employee's previous leave under either the FMLA or this policy.

#### **5.4.2 VESSA Leave - Term of Leave**

Eligible employees shall be entitled to a total of twelve (12) weeks of unpaid leave during the twelve (12) month period, as set forth in Section 5.5.1, subject to the following:

- a. the employee must state a qualifying reason for the leave to allow the Village to determine whether the purpose for the leave is one permitted under the Act and this policy;
- b. the entitlement to leave under the Act and this policy is not in addition to the twelve (12) week leave period provided for under the Family Medical Leave Act ("FMLA") or the Village's FMLA policy;
- c. leave taken under this policy which also qualifies as FMLA leave shall run concurrently under both VESSA and FMLA, and shall be counted against the twelve week entitlement under both VESSA and FMLA;
- d. leave may be taken on an intermittent basis (in separate blocks of time) or on a reduced schedule (reducing the usual number of hours per week or per day).

#### **5.4.3 VESSA Leave-Notification of Leave and Certification Requirements**

When the leave is foreseeable, the employee is required to notify the Village of the intention to take leave pursuant to this policy not less than forty-eight (48) hours before the date the leave is to begin. If the circumstances require the leave to begin in less than forty-eight (48) hours, the employee shall notify the Village as soon as practicable. The Village may deny an employee's leave request should the employee fail to provide timely advance notice for foreseeable leave. The Village may require that employees seeking leave under this policy submit a certification stating that:

- a. the employee or a member of the employee's family or household is a victim of domestic or sexual violence; and
- b. the leave is for one of the purposes enumerated in section 5.5.

For foreseeable leaves the certification shall be provided to the Village within seven (7) calendar days from the date the Village requests such certification or as soon thereafter as practicable. For unforeseeable leaves, the employee is required to provide certification as soon as is practicable, under the particular circumstances, after the date the Village requests such certification. The certification shall contain a sworn statement of the employee, and upon receiving such documents, the employee shall provide the employer copies of:

- a. documentation from a representative of the victim services organization, an attorney, clergy member, physician or other professional from which assistance was sought in addressing domestic or sexual violence and its effects;

- b. a police or court record; or
- c. other corroborating evidence.

#### **5.4.4 VESSA Leave-May Use Available Paid Leave.**

- a. An employee may utilize available paid vacation, compensatory time and personal (floating holiday time) leave before unpaid VESSA leave is commenced. When an employee has exhausted all accrued paid vacation, compensatory time, and personal leave for a portion of the VESSA leave, an employee may utilize available paid sick leave for the remainder of the VESSA leave. Under no circumstances shall the VESSA leave exceed twelve (12) weeks.
- b. Paid leave taken as provided in sub-section (a) above, shall be counted as VESSA leave against the total VESSA leave permitted within any twelve (12) month period.

#### **5.4.5 VESSA Leave-Confidentiality**

All information provided to the Village under this policy, including any certifications or any other documentation, record or corroborating evidence, and the fact that the employee has requested or obtained leave pursuant to this policy, shall be maintained as confidential, except to the extent that disclosure is:

- a. requested or consented to in writing by the employee; or
- b. otherwise required by applicable law.

#### **5.4.6 VESSA Leave-Maintenance of Health Benefits**

The Village shall maintain the employee's group health plan coverage for the duration of leave taken pursuant to this policy on the same basis, at the same level and under the same conditions coverage would have been provided had the employee not taken the leave. The Village and the employee shall continue to pay their respective applicable shares of the health care premiums during the duration of the leave as if the leave had not been taken. The Village may recover its share of premium payments made on behalf of the employee during the period of leave if the employee fails to return to work after the leave entitlement has been exhausted; provided that the employee fails to return to work for reasons other than the continuation, recurrence or onset of domestic or sexual violence that entitles the employee to leave pursuant to this policy; or because of other circumstances beyond the control of the employee. Certification as described in Section 5.5.3 may be required for employees unable to return to work for the above-noted reasons. If the employee substitutes paid leave for unpaid leave under this policy, his/her share of the health care premiums shall be paid by the method the Village normally utilizes during any employee's paid leave. If the leave is unpaid, the employee shall pay his/her share of the premium, at the same time it would be made if it were made by payroll deduction.

#### **5.4.7 VESSA Leave-Return to Employment**

At the end of the leave period taken pursuant to this policy, the employee shall be returned to the position held immediately prior to taking the leave. If that position is unavailable, the Village shall return the employee to an available position the employee is qualified to hold with equivalent pay and benefits and other terms and conditions of employment. The right to reinstatement ceases and the employment relationship between the employee and the Village will be deemed terminated if the employee informs the Village of his/her intent not to return to his/her employment at the end of the leave period.

#### **5.4.8 VESSA Leave-Non-discrimination**

The Village will not fail to hire, refuse to hire, discharge or harass, retaliate against or otherwise discriminate against any individual in any form or manner, because:

- a. the individual:

1. is or is perceived to be a victim of domestic or sexual violence;
  2. attended, participated in, prepared for, or requested leave to attend, participate in or prepare for a criminal or civil court proceeding relating to an incident of domestic or sexual violence of which the individual or a family or household member of the individual was a victim; or
  3. requested an accommodation in the workplace in response to actual or threatened domestic or sexual violence, regardless of whether the request was granted;
  4. exercised any rights provided for in the Act or this policy, or opposed any practice made unlawful by the Act (including filing charges or proceedings under the Act, providing information in connection with any proceeding under the Act, or testifying - or is about to testify - in any proceeding under the Act).
- b. the workplace is disrupted or threatened by the action of a person whom the individual states has committed or threatened to commit domestic or sexual violence against the individual or the individual's family or household member.

Reference: Victims' Economic Security and Safety Act, 820 ILCS 180/1 *et seq.*

### **5.5 School Visitation Rights Act**

Employees scheduled to work full-time or part-time 20 hours per week or more are eligible to request school visitation leave after they have at least six consecutive months of service with the Village. Up to a total of eight (8) hours per year, but no more than four (4) hours on any given day, may be granted for school conference and activity leave if these activities cannot be scheduled during non-working hours. The employee must have exhausted all accrued vacation, holiday or any other leave except sick leave or disability leave, before requesting school visitation rights leave.

- a. The employee must provide written notice to the Village at least seven days in advance of the leave. In an emergency situation, no more than twenty-four (24) hours notice will be required.
- b. Upon completion of the school visitation rights leave, the school administrator must provide the parent/guardian documentation of the school visitation/activity. The employee must submit this verification to the Village within two (2) days.

An employee who utilizes or seeks to utilize the rights afforded by the School Visitation Rights Act may choose the opportunity to make up the time so taken as guaranteed by this Act on a different day or shift as directed by the Village. An employee who exercises his/her rights under the Act will not be required to make up the time taken, but if such employee does not make up the time taken, he/she will not be compensated for the time taken. Time made up will be paid at the same rate as paid for normal working time. If no reasonable opportunity exists for the employee to make up the time taken, the employee will not be paid for the time. A reasonable opportunity to make up the time taken does not include the scheduling of make-up time in a manner that would require the payment of overtime.

## **SECTION 6 - GRIEVANCES AND APPEALS**

### **6.1 Grievances and Appeals Procedure**

Employees are encouraged to promptly discuss with their supervisor any work-related problem. It is the policy of the Village of Downers Grove to endeavor to conduct personnel actions that are fair and to provide an open line of communication with all employees. Once identified, most problems can be resolved in a direct and open manner. However, it is recognized that certain issues may not be resolved in this manner, and, therefore, a formal written procedure has been established for employees to pursue an appeal. Res. 81/38 (6/8/81).

The Human Resources Director is available to the employee and the supervisor to discuss the problem and the appeal procedure. In any case, the Human Resources Director shall be notified of such appeal. In certain unusual circumstances it may be justified for the employee to talk to the Human Resources Director initially.

For the purpose of this section, calendar day shall not include a holiday as designated by the Village herein.

### **6.2 Step 1 - Written to Direct Supervisor**

An employee who wishes to appeal an action taken by his/her direct supervisor shall file a written statement with the direct supervisor within seven (7) calendar days from the effective date of the supervisor's action. Such written statement shall state:

- a. the action which is being appealed; and
- b. the reason(s) the action is being appealed.

The supervisor shall be responsible for making inquiry into the facts and circumstances of the appeal and providing the employee with a written decision within seven (7) calendar days after receipt of the statement. A copy of this decision is to be given to the Director, and the Human Resources Director. Res. 74-52 (10/21/74); Res. 81-38 (6/8/81).

### **6.3 Step 2 - Appeal to Director**

If an employee wishes to appeal an action taken by his/her supervisor, or if the employee has pursued an appeal under step 1 of this section and is not satisfied with the decision of his/her direct supervisor, the employee may appeal the action or decision to the Director as provided herein. The appeal shall be in writing and shall be filed within seven (7) calendar days from the effective date of the supervisor's decision. Such written statement shall state:

- a. the action which is being appealed; and
- b. the reason(s) the action is being appealed.

The Director shall make a separate investigation and provide the employee with a copy of the written findings and decision within seven (7) calendar days after receipt of the employee's appeal. A copy of the decision shall be provided to the Human Resources Director. Res. 74-52 (10/21/74); Res. 81-38 (6/8/81).

### **6.4 Step 3 - Final Appeal to the Village Manager**

If the employee has pursued an appeal under Step 2 of this section and is not satisfied with the decision of the Director, the employee may appeal the decision, in writing, within seven (7) calendar days of the Director's decision to the Manager. Such written statement shall state:

- a. the action which is being appealed; and

b. the reason(s) the action is being appealed.

The Manager, or the Manager's designee, shall consider the information provided and may, at the Manager's sole discretion, conduct an informal meeting with the employee and other involved individuals. The Manager will render in writing his/her findings and decision within fourteen (14) calendar days after receiving the request for review, or as otherwise extended with the consent of the employee. Copies of the finding and decision shall be provided to the employee, the Human Resources Director and Director. The Manager's decision shall be deemed final. Res. 74-52 (10/21/74); Res. 80-38 (6/16/80); Res.81-38 (6/8/81); Res. 86-35 (12/1/86).

## **SECTION 7 - POLITICAL ACTIVITY**

All employees are urged to exercise their individual right to vote as citizens. No employee may use his or her official position to coerce or inhibit others in the free exercise of their political rights. No employee shall engage in political activities while at work, or on duty, or while wearing or utilizing any equipment, wearing apparel or supplies owned or provided by the Village. Res. 74-52 (10/21/74); Res. 86-35 (12/1/86).

An employee of the Village shall not be allowed to serve as an elected official of the Village or be appointed to a Village Board or Commission, except in cases where the Village Board/Commission specifically calls for a seat to be held by a Village employee or a retired employee (e.g. Police Pension Board). Any employee seeking an elected office of the Village shall first apply to the Manager for a leave of absence before filing a petition for the elected office. Said leave of absence shall continue until the employee loses the election, withdraws from the election, or is elected. If elected, the employee shall be deemed to have resigned upon swearing into office.

## **SECTION 8 - DISCIPLINARY ACTIONS**

### **8.1 General**

- a. Except for employees under the jurisdiction of the Board of Fire and Police Commission, employees of the Village are "at will" employees and may be removed at any time, with or without cause. Adverse actions taken regarding an employee shall be classified as either disciplinary or non-disciplinary in nature.
- b. Employees are expected to maintain reasonable standards of conduct and performance, and display a proper regard for the welfare and rights of other employees and the citizens of Downers Grove. To insure that employees clearly understand the policies, rules, and procedures, and that disciplinary actions are applied on an equitable and consistent basis, certain guidelines have been established. Provided, nothing herein is intended, nor should it be interpreted as, requiring cause to discharge an employee.
- c. Although an employee may be discharged for the good of the service, with or without cause, in general, where a disciplinary action is considered, in determining the degree or type of discipline applicable to an offense, the decision maker shall take into account the seriousness of the offense, the employee's previous work record, and other such information related to the offense. It is the general policy of the Village to apply progressive discipline where possible. However, persons who commit serious first offenses will receive appropriate discipline, up to and including discharge. The Human Resources Director is available for any consultation on disciplinary action and shall be advised in writing by the appropriate Director of such in all cases that progress beyond oral reprimand.
- d. Nothing herein shall apply to reductions in force or job reassignments due to reorganization or economic decision of the Village. The Village reserves the sole right to determine staffing levels and organizational structure. Any demotion, reassignment or discharge arising out of such reorganization or economic decision shall not be considered discipline.

Res. 74-52 (10/21/74); Res. 86-35 (12/1/86).

### **8.2 Guide for Determining Unacceptable Behavior**

In addition to other guidelines outlined in this Manual, administrative regulations issued by the Manager, and relevant rules of the various departments, the Village has established certain minimum standards of conduct. The following are examples of acts and practices for which disciplinary action is appropriate. The illustrations of offenses listed are not intended to be all-inclusive; rather, the illustrations provide a general guide for determining unacceptable behavior.

- a. Incompetency, inefficiency, or negligence in the performance of duties.
- b. Any act which endangers the safety, health, or well-being of an employee or citizen, or which is of sufficient magnitude that the consequences cause or act to cause disruption of work or discredit the Village.
- c. Possession or being under the influence of intoxicating liquor or drugs on Village property, or while operating Village equipment, or while performing the duties associated with the employee's position.
- d. Possession of a weapon that is not deemed job related equipment by the employee's Director.
- e. Making disparaging remarks to the discredit of the Village or other Village employees or officials.

- f. Theft or willful destruction of Village property or the property of another employee.
- g. Use of Village equipment, property, or material for personal use or for any other inappropriate purpose.
- h. Falsification or alteration of time sheets, personnel records, employment applications or any other Village records, or providing any information known to be false.
- i. Repeated absences, tardiness, or leaving early; abuse of sick leave privileges; absence without leave.
- j. Refusal to comply with the instructions or directions of supervisors.
- k. Insubordination or breach of discipline.
- l. Discourteous treatment of the public or work associates, including abusive language.
- m. Failure to report a work-related accident, injury or illness.
- n. Violation of or failure to observe any of the requirements or provisions of this Personnel Manual.
- o. Receipt of two or more moving violations or involvement as the at fault vehicle in two or more traffic accidents within a twelve month time frame with a city-owned vehicle.
- p. Seeking payment or contributions of money or distributing non-work related materials or literature during work hours.
- q. Engaging in sexual conduct while on duty.
- r. Committing, attempting or threatening physical violence against another employee or a member of the public while on the work site or while on duty except in self defense.
- s. Not cooperating in any disciplinary investigation or proceeding involving job-related misconduct or alleged violation of a Village ordinance, directive, regulation or law or not
- t. providing truthful information during said investigation.
- u. Any other act or failure to act which is deemed to show the employee to be an unsuitable or unfit person to be employed in the public service.

Res. 86-35 (12/1/86).

### **8.3 Demotion**

A disciplinary demotion will be used to punish serious misconduct, which does not warrant discharge and may be used in lieu of, or in addition to, other forms of discipline. A disciplinary demotion must be approved by the Manager. Res. 86-35 (12/1/86).

### **8.4 Discharge**

In general, discharge as a form of discipline will be used for serious misconduct or performance problems and/or repeated misconduct or performance problems of a less severe nature. Provided, an employee may be discharged for the good of the Village, with or without cause, which discharge shall be considered non-disciplinary. Discharge must be approved by the Manager. Res. 74-52 (10/21/74); Res. 810-38 (6/8/81); Res. 86-35 (12/1/86).



## **8.5 Forms of Discipline**

### **8.5.1 Oral Reprimands**

Oral reprimands will 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. An oral reprimand is the lowest level of discipline.

### **8.5.2 Written Performance Reprimands**

Written reprimands will be used for repeated misconduct of a minor nature or for more serious misconduct which does not warrant suspension, a reflection day, dismissal or demotion. A written reprimand is considered more serious than an oral reprimand, but less serious than a suspension, reflection day or demotion. Copies of written reprimands shall be maintained in employee personnel files Res. 74-52 (10/21/74).

#### Written Reprimand Procedure

- a. STEP 1: Any immediate supervisor may initiate a written reprimand by completing a Written Reprimand Form, as prescribed by the Human Resources Director. This form will follow the chain of command to the supervisor's Department Director.
- b. STEP 2: If the Director approves the written reprimand, the form will be returned to the immediate supervisor. The immediate supervisor will present the reprimand form to the employee in question and will obtain the employee's signature acknowledging receipt. If the employee refuses to sign, the immediate supervisor will note such refusal on the form

### **8.5.3 Suspensions - Without Pay**

- a. A suspension is used to discipline employees for serious misconduct or performance problems or for repeated misconduct or performance problems of a more minor nature. A suspension is considered more serious than a written reprimand, but less serious than a discharge. The rules set forth herein shall apply only to the extent they do not conflict with the Fair Labor Standards Act and regulations adopted relevant thereto.

- b. Except as provided herein, a Director or the Manager as the case may be, may suspend an employee for a maximum of three days without pay. Such order of suspension shall be in writing with a copy to the employee, and Human Resources Director, no later than three business days before commencement of the suspension. For suspension periods longer than three (3) days, approval of the Manager must be obtained prior to commencement of the suspension. Res. 74-52 (10/21/74).
- c. In order to formally suspend an employee without pay or to discharge him or her, the following procedures apply:
  1. STEP 1: Any immediate supervisor may propose suspending or discharging an employee under his/her supervision by completing procedures through the chain of command to the supervisor's Department Director.
  2. STEP 2: If the Department Director decides to act upon the suspension or discharge proposal, the Department Director will submit the matter to the Human Resource Director for review and comment. The Human Resource Director or designee functioning in an advisory capacity to the Department Director will assist the Department Director in preparing for a Pre-Discipline Meeting.
  3. STEP 3: Pre-Discipline Notice will be provided to the employee outlining the alleged employee misconduct or performance problems and identify the Village rules and regulations that have been violated. Except where necessary (see Section 8.3.5 below), all proposed suspension or discharges must be processed through a Pre-Discipline Meeting.
  4. STEP 4: A Pre-Discipline Meeting will be held at a time, date and location stipulated in the notice. The Department Director or his/her designee and the relevant supervisor, the employee, and the Human Resources Director will attend. The purpose of the Pre-Discipline Meeting is to give the employee an informal opportunity to respond to the charges before any decision to impose disciplinary action is made.
  5. STEP 5: After evaluating the information obtained in the Pre-Discipline Meeting, the Department Director in consultation with the Human Resource Director will decide what disciplinary action, if any, will be imposed.
  6. STEP 6: The Human Resource Director will approve and execute the decision of the Department Director.
  7. STEP 7: If the employee is being suspended or discharged, he or she will be notified of the suspension or discharge and his/her appeal rights pursuant to Section 6 of this Manual. The employee will be suspended without pay or terminated pending that appeal. If the employee is being suspended, he or she will be notified of the period of suspension as determined by the Department Director.

Res. 86-35 (12/1/86).

#### **8.5.4 Reflection Day.**

- a. A reflection day is used to discipline employees for serious misconduct or performance problems or for repeated misconduct or performance problems of a more minor nature. A reflection day is considered equivalent to a suspension, more serious than a written reprimand, but less serious than a demotion or discharge. A reflection day is to be used by an employee to evaluate the events giving rise to this action and their desire for, and commitment to, continued employment with the Village of Downers Grove.
- b. Prior to consideration of a Reflection Day, a Director or the Manager, as the case may

be, will convene a Pre-Discipline Meeting. A Pre-Discipline Notice will be provided to the employee outlining the alleged employee misconduct or performance problems and identify the Village rules and regulations that have been violated. The Manager shall be provided a copy of the written notice. The Director or his/her designee and the relevant supervisor, the employee, and the Human Resources Director will attend. The meeting is an opportunity for the employee to offer their side of the events that are deemed misconduct or poor performance. Following the meeting, the Director will consider the employee's perspective prior to making a decision with regard to discipline. It shall be appropriate for the employee to be placed on Administrative Leave or suspended without pay during the time between the pre-disciplinary meeting and a decision regarding disciplinary action. Subsequent to an employee receiving notice that disciplinary action is under consideration, the employee shall not contact, intimidate or retaliate in any manner against the persons named in relative to the pending discipline.

- c. Immediately upon return to active duty following a reflection day, the employee shall provide his/her Director with a written notice that:
  1. The employee has elected to resign from employment with the Village of Downers Grove; or
  2. The employee will address and rectify the specific problem or issue, which gave rise to the reflection day and will make a bona fide and good faith commitment to cause future performance to meet Village standards. This notice shall set forth, in general terms, the steps to be taken by the employee to address these problems or issues, and implement this commitment.

The failure to provide any written notice or a frivolous or bad faith notice shall be treated as an election to resign employment.

- d. In the event the employee provides a bona fide good faith notice under subsection (c)(2) above of their desire to continue employment with the Village, the employee and the employee's Director and supervisor shall meet with the Human Resources Director and prepare an employee action plan. This employee action plan will include the following, when appropriate:
  1. The specific steps to address and rectify the problem or issue which gave rise to the reflection day, and,
  2. Future performance standards and expectation; and,
  3. Such other actions, steps, information and commitments as may be appropriate.
  4. The time frame for the employee action plan, or any particular part thereof.
- e. In the case of any disagreement, the Director shall have the final authority to establish the specific terms of the employee action plan.
- f. An employee who fails to substantially fulfill and meet the terms and conditions of the employee action plan shall be subject to discharge.
- g. A copy of the action plan, signed by the employee, supervisor, and Director shall be placed in the employee's personnel file.

#### **8.5.5 Procedures for Emergency Situations**

In emergency situations requiring the immediate removal of an employee from the job site, the designated supervisor of the Village operation, with the approval of the Director and Manager, or

his or her designee, may summarily place an employee on Administrative Leave prior to holding a Pre-Discipline Meeting. This authority will be used only in responding to those emergency situations where it is deemed to be in the best interest of the employee and the organization in the sole discretion of the Manager. The supervisor will document the immediate suspension and will instruct the employee to report to the appropriate Director the next working day or such other date and time as deemed appropriate. After meeting with the employee, the Director may:

- a. order that the employee remain on Administrative Leave or be suspended without pay pending further disciplinary action (i.e. formal suspension or termination)
- b. order the employee to return to the job site and face further disciplinary action (i.e. suspension or termination) through the established channels. The Director should then decide on suspension or discharge and follow the appropriate procedure.
- c. order the employee return to the job site and face no further disciplinary action.
- d. place the employee on Administrative Leave for further duration to be determined.

The disciplinary procedures outlined herein are guidelines and may be modified at the sole discretion of the Manager when it is to be in the best interest and benefit of the Village.

#### **8.6 Appeals**

An employee with full employment status may appeal any disciplinary action, other than an oral or written reprimand, in accordance with the provisions of Section 6 of this Manual. Res. 74-52 (10/21/74); Res. 86-35 (12/1/86).

## **SECTION 9 - CRIMINAL CHARGES**

An employee charged with any criminal offense is expected to continue attending all his/her employment duties with the Village, unless a leave of absence has been granted. At the sole discretion of the Manager, as determined necessary for the good of the Village an employee charged with a criminal offense may be placed on administrative leave with pay pending resolution of the criminal proceeding or for such other time period as the Manager may direct. The Manager may terminate such leave period at any time. Nothing herein shall bar disciplinary action against such employees, up to and including discharge, based upon the acts or omissions of the employee that gave rise or are related to the pending criminal charge. Res. 74-52 (10/21/74).

## **SECTION 10 - CLAIMS AND CIVIL SUITS**

Employees who receive notice of any suit or claim against an employee for injury and damages suffered by another, arising out of acts or omissions of the employee while acting within the scope of such employee's employment, shall serve notice of such claim or suit by delivering a copy to the office of the Village Attorney, with a copy to their Director, on the next business day following receipt. All employees shall cooperate and assist in the processing and defense of such claims and suits, as well as any claim or suit against the Village in general, as requested by the Village Attorney or his or her designee. Employees shall not discuss or provide information regarding any claim or suit involving the Village, or its employees acting within the scope of their employment, except as authorized by the Village Attorney or his or her designee.

## **SECTION 11 - SMOKE-FREE WORKPLACE**

All Village of Downers Grove buildings and vehicles are designated as non-smoking pursuant to the Smoke Free Illinois Act (P.A. 95-0017, effective January 1, 2008). Employees are prohibited from smoking within 15 feet of all entrances as defined in the Smoke Free Illinois Act, and all Village vehicles.

## **SECTION 12 - EMPLOYEE DRUG AND ALCOHOL USE**

The Village of Downers Grove is committed to maintaining a drug-free workplace in compliance with applicable laws. In order to protect the public and to ensure a safe, healthful and drug-free work place, the Village requires compliance with the following procedures and guidelines:

- a. The Village prohibits the unlawful use, consumption, manufacturing, dispensing, distribution, or possession of a controlled substance or alcohol while on Village premises, in Village vehicles or while performing work for the Village.
- b. For purposes of this policy a controlled substance:
  1. Includes cannabis;
  2. Is a substance that is not legally obtainable;
  3. Is a substance that is being used in a manner different than prescribed;
  4. Is a substance that is legally obtainable, but has not been legally obtained, or
  5. Is a substance that is defined as such by federal or State law.
- c. Any employee found using, possessing, manufacturing, dispensing or distributing a controlled substance or alcoholic beverage on Village premises, Village vehicles or while performing work for the Village shall be subject to disciplinary action up to and including

discharge. Any disciplinary sanction imposed may also include the completion of an appropriate rehabilitation program as a condition of reinstatement or continued employment.

- d. The Village may require employees to submit to a urinalysis and/or other appropriate drug and alcohol testing prior to hiring or promotion or subsequent to any on-the-job injury or accident.
- e. Employees will not be permitted to work while under the influence of drugs or alcohol. Employees who appear to be unfit for duty will be relieved from duty and may be required to submit to a urinalysis and/or other appropriate drug and alcohol testing. The Village may also test an employee whenever there is a reasonable suspicion of drug or alcohol abuse. Refusal to submit to such testing or the failure to pass the test shall be cause for discipline, up to and including discharge.
- f. The results of any drug or alcohol testing shall be sent to the Village Human Resources Department but shall remain confidential to the extent possible under applicable law. If the results of the test are positive, the employee may be advised confidentially to seek the assistance of drug counseling or the employee assistance programs, and may be provided a reasonable period of time for rehabilitation. Provided, nothing herein shall be interpreted to prohibit the imposition of discipline up to and including discharge. In addition to any discipline which may be imposed, if an employee tests positive, the employee will be subject to random testing for the following year. If an employee subject to such random test again tests positive, the employee will be subject to further disciplinary action up to and including discharge.
- g. As a condition of employment, each employee will notify his or her supervisor if he or she is convicted of a criminal drug offense involving the workplace within five (5) calendar days of the conviction. In the event any such conviction involves an employee working on a federal or State contract or federal or State grant, the Village will notify the granting or contracting agency within ten (10) days of receiving notice of a conviction.
- h. Employees are encouraged to request assistance through the Village's employee assistance program or other reputable sources in the community in dealing with a personal alcohol or drug-related problem.
- i. Employees who wish to report drug and alcohol use in violation of this policy should contact their supervisor or the Human Resources Department. The Village will make every effort to protect anonymity, and such information will be treated in confidence.

### **SECTION 13 -VIOLENCE IN THE WORKPLACE POLICY**

The Village of Downers Grove is committed to providing a safe workplace for the benefit of its employees and the public. To ensure a safe workplace and to reduce the risk of violence, all employees should review and understand all provisions of this workplace violence policy.

#### **13.1 Prohibited Conduct**

The Village of Downers Grove does not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities.

This is a list of behaviors, while not inclusive, provides examples of conduct that is prohibited.

- a. Causing physical injury to another person;

- b. Making threatening remarks, including swearing or yelling;
- c. Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- d. Intentionally damaging Village of Downers Grove property or property of another employee;
- e. Possession of a weapon while on Village of Downers Grove property or while on Village of Downers Grove business;
- f. Committing acts motivated by, or related to, sexual harassment or domestic violence.

### **13.2 Reporting Procedures**

Any potentially dangerous situations must be reported immediately to your supervisor or the Human Resources Director and, where appropriate, to law enforcement authorities. Reports can be made anonymously and all reported incidents will be investigated. All employees, including directors, managers, and supervisors, must notify their supervisor and the Human Resources Director when an order of protection has been obtained naming Village of Downers Grove premises, and when an order of protection is obtained which does not name Village of Downers Grove premises. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis. All parties involved in a situation will be counseled and the results of investigations will be discussed with them. The Village of Downers Grove will actively intervene at any indication of a possibly hostile or violent situation.

### **13.3 Risk Reduction Measures**

While the Village of Downers Grove does not expect employees to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and to inform your supervisor or the Human Resources Director if any employee exhibits behavior, which could be a sign of a potentially dangerous situation. Such behavior includes:

- a. Discussing weapons or bringing them to the workplace;
- b. Displaying overt signs of extreme stress, resentment, hostility, or anger;
- c. Making threatening remarks;
- d. Sudden or significant deterioration of performance;
- e. Displaying irrational or inappropriate behavior.

### **13.4 Dangerous/Emergency Situations**

Employees who confront or encounter an armed or dangerous person should not attempt to challenge or disarm the individual. If a supervisor or 911 can be safely notified of the need for assistance without endangering the safety of the employee or others, such notice should be given. Employees, including managers and supervisors, should assist persons injured as a result of workplace violence, including summoning Emergency Medical Services (EMS) personnel, staying with the injured person(s) until EMS personnel arrive and assisting Village of Downers Grove officials in reaching the emergency contact(s) of any injured person(s).

### **13.5 Enforcement**

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination. Non-employees engaged in violent acts on

the employer's premises will be reported to the proper authorities and fully prosecuted.