



Personnel Policy & Procedures Manual

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**THE CITY OF OAKBROOK TERRACE
PERSONNEL POLICY & PROCEDURES MANUAL**

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CHAPTER 1 GENERAL INFORMATION

SECTION 1.1 PURPOSE

It is the purpose of the rules and regulations set forth in this Personnel Policy and Procedures Manual of the City of Oakbrook Terrace to establish general policies and procedures which will serve as guidelines for action concerning various personnel administrative activities.

This manual should be viewed as both a management tool and an informational resource. All employees shall familiarize themselves with its contents, and shall refer to the manual whenever specific questions or problems arise.

This manual does not, and is not intended to, cover every aspect of City operations. Nothing in this manual is intended to or shall create any contractual obligations of any kind. No policy, benefit or procedure set forth in this manual is intended to imply, nor may it be construed to imply, any obligation of the City or any employment contract. No promise of employment or employment-related benefit(s) is offered, established or implied for any specified period of time, in or from anything in this manual, and no representative of the City other than the City Council, has any authority to enter into any agreement for employment or any agreement for remuneration or any other benefit of employment for any specified period of time. Any oral or written statements or promises to the contrary are expressly disavowed, and should not be relied upon by any existing or prospective employee. **Employees are at-will, and both the City and the employees are free to terminate the employment at any time.**

The contents of this manual may be periodically amended to insure compliance with evolving state and federal law and consistency with changing operational requirements in the City. The City reserves the rights to change, interpret, withdraw or add to any of the policies, benefits or terms and conditions of employment at its sole discretion, and without prior notice or consideration to any employee. None of the policies, benefits or terms and conditions of employment has been or is required to be approved by an employee or any employee group. This manual supersedes all prior policies and practices.

All employees shall be required to sign an acknowledgement that they have read and understand these provisions of this manual, on a form which is included in this manual as Appendix A.

In the event any of the provisions of this manual conflict with the laws of the State of Illinois or the Federal Government, such laws shall take precedence. Any questions regarding these policies and benefits should be discussed with the employee's supervisor, Department Head, Personnel Officer or the City Manager.

INTRODUCTORY EMPLOYEE:

An at-will employee, regardless of designation, who is newly hired/promoted for a stated period of time on a contingent basis, dependent on satisfactory performance.

TEMPORARY EMPLOYEE:

An at-will employee who will be employed and scheduled to work for a limited and defined period or project, generally, but not always, less than two consecutive calendar quarters, and who is not likely to be rehired in subsequent periods. Temporary employees do not qualify for benefits other than Social Security and Worker's Compensation. A Temporary Employee may also be referred to as a seasonal employee.

SECTION 1.3 POSITIONS COVERED

This manual shall apply to all positions in the City now existing or hereafter created. Persons affected by the provisions of this manual will generally be referred to as "employees." This manual shall not preclude the establishment of Administrative Policies setting forth more detailed policies and procedures for the implementation of this manual or for the work force of any specific department. In the event of a conflict, the provisions of this manual shall govern.

For classified service employees who are subject to the provisions of the rules and regulations of the Police Commission, the provisions of this manual shall apply when not inconsistent or contrary to the provisions of the rules and regulations of the Police Commission. For employees who have entered a separate employment agreement or who are covered by a collective bargaining agreement, the provisions of such agreements shall apply in the event of a conflict with the provisions of this manual.

SECTION 1.4 MANAGEMENT STRUCTURE

To carry out the day-to-day activities of the City, several levels of supervisory authority exist. The City Manager manages the overall operation of the City with direct supervisory responsibility over Department Heads. Employees within each Department either report directly to the Department Head, or to a line supervisor who may be responsible for day-to-day supervision.

SECTION 1.5 ADMINISTRATION OF MANUAL

The City Manager or the Personnel Officer, as designee, shall be responsible for administration of this manual within the City organization, and may, from time to time, develop and promulgate procedural rules, interpretations, and administrative and/or technical changes or modifications. If the position of Personnel Officer is vacant, the responsibility falls to the City Manager. In addition, the Personnel Officer may recommend amendments to this manual for consideration by the City Council, and may review, approve, and amend actions taken pursuant to this manual. Changes to this manual may be made with or without prior notice, but the City will provide written notification to all employees after the change is approved.

SECTION 1.6 EQUAL EMPLOYMENT OPPORTUNITY

The City is committed to providing equal employment opportunity for all persons. In keeping with this goal, it is the express policy of the City to make all employment decisions without regard to race, color, religion, national origin, ancestry, age, sex, marital status, handicap or disability, political affiliation, or unfavorable discharge from military service, except where age and physical requirements constitute a bona fide occupational qualification for proper and efficient functioning on the job.

CHAPTER 2 EMPLOYMENT PRACTICES AND REGULATIONS

SECTION 2.1 INTRODUCTORY PERIOD

2.1.1 Purpose.

The introductory period shall be utilized to observe an employee's work, to evaluate the employee's skills, to train the employee, and/or to reject any employee whose work performance fails to meet required work standards. An introductory employee may be terminated at any time for any reason during the introductory period. Successful completion of the introductory period does not grant an employee a right to the position, nor does completion of the introductory period create any contract or right to future employment.

2.1.2 Appointments Subject to Introduction Period.

The following appointments are subject to an introductory period of six (6) months, except as noted in Section 2.1.6.

- A. Initial employment.
- B. Transfer (as may be recommended by the Department Head and approved by the City Manager).
- C. Re-employment (following minimum thirty (30) days separation).
- D. Promotion.

2.1.3 Supervision of Performance.

The Supervisor and/or Department Head shall observe the employee's work performance and may counsel an introductory employee whose work is marginal or inadequate.

2.1.4 Completion of Introductory Period.

Prior to the completion of the employee's introductory period, the Department Head shall recommend one of the following actions to the Personnel Officer:

- A. That the employee be removed from introductory status.
- B. That the employee's introductory period be extended for a period not to exceed three (3) months, at which time the employee may not receive a pay increase until performance is deemed satisfactory.
- C. That the employee be terminated.
- D. That the employee be demoted or returned to a former position.

The foregoing actions shall not be subject to review or appeal by the employee. When the employee completes the introductory period, the relationship with the city is still one of employment-at-will.

2.1.5 Classified Service Employees.

In the event of an unfavorable review of a classified service employee prior to completion of the introductory period, the classified service employee shall be subject to action in accordance with applicable provisions of State statute and the Rules and Regulations of the Police Commission.

2.1.6 Exceptions.

Notwithstanding Section 2.1.2, the initial introductory appointment for classified service employees is twelve (12) months, commencing after the successful completion of police training pursuant to the Illinois Police Training Act.

SECTION 2.2 HOURS OF WORK

2.2.1 Work Schedule.

Subject to review and final approval by the City Manager, each Department Head shall be responsible for establishing the specific work schedule for that Department to best

serve the City. Current work schedules for each department shall be included in the Administrative Policies promulgated by the City Manager.

2.2.2 Break Periods

Each Department Head shall establish reasonable lunch periods and two (2) break periods of no more than fifteen (15) minutes each during the workday, and shall arrange them in the most appropriate manner for maintaining departmental operations. Employees shall not combine breaks, extend mealtimes, or shorten the workday by use of break time. No employee shall receive additional compensation for lunch or other breaks that are not taken, except in extraordinary circumstances, and subject to approval by the Department Head.

2.2.3 Reporting for Work

Employees shall report promptly at their designated starting time, at their designated working place, and shall devote their entire efforts during working hours to assigned duties. In the event that an employee is unable to report for work as scheduled, the employee shall make his/her best effort to notify the supervisor by telephone at least sixty (60) minutes before the designated starting time for an absence due to illness or a non-duty related injury, or thirty (30) minutes before the designated starting time for any other reason. Failure to notify the supervisor as provided herein may result in disciplinary action up to and including discharge.

SECTION 2.3 WORK WEEK

In general, the workweek is defined as a consecutive seven (7) day period commencing at 12:00 a.m. on Sunday, and ending at 12:00 midnight on Saturday, the seventh day.

SECTION 2.4 PAY PERIODS

Employees are paid bi-weekly for a total of twenty-six (26) pay periods per year. When a payday falls on a holiday, checks shall be issued on the workday preceding the holiday.

SECTION 2.5 PAY ADVANCE

If a payday falls during an employee's authorized vacation, the employee may request a pay advance for the check that is due to be paid to the employee during the authorized period of absence, not to exceed one pay period advance. Such a request shall be made using the Paycheck Advance Request Form that has been included in this manual as Appendix B.

SECTION 2.6 PERFORMANCE EVALUATION

Generally, each employee's performance will be evaluated at least annually in accordance with the procedures for performance evaluations as provided in the Administrative Policies promulgated by the City Manager.

SECTION 2.7 PERSONNEL FILES

2.7.1 In General

The personnel files of all employees shall be maintained by the Personnel Officer and shall be kept confidential. Each personnel file shall include the employee's original application for employment and all subsequent records developed while employed by the City. An employee may have access to his/her file in accordance with the Illinois Personnel Records Act.

An employee who disagrees with anything contained within his/her personnel file may submit in writing a report providing the employee's viewpoint, which shall then become a permanent part of the file.

Persons having authorized access to personnel files will generally be limited to the City Manager, Personnel Officer, an employee's immediate supervisor and/or Department Head, and those who have reason to review the information contained in an employee's personnel file, because of any promotion, transfer, or other contemplated change in an employee's status.

2.7.2 Medical Records.

Medical records, including the results of the initial physical examination, any retest(s), and other data deemed an important factor in determining the employee's ability to satisfactorily perform the assigned tasks, shall be maintained in a separate file and shall be classified as "Restricted". Access to these files will be strictly limited and will be available only with the approval of the City Manager or Personnel Officer. These files will be kept in accordance with the Health Insurance Portability and Accountability Act of 1996, as amended (HIPAA).

2.7.3 Changes in Information.

It is the responsibility of each employee to keep his/her personnel records current. Changes of address, telephone number, marital status, beneficiary for insurance purposes, emergency contact, outside training and educational achievements, and similar matters should be reported as soon after such changes take place as possible.

SECTION 2.8 POST-EMPLOYMENT PHYSICAL EXAMINATIONS

Employees may be required to undergo a medical examination at the discretion of the City, when an employee's ability to satisfactorily perform job functions is in question or when an injured or sick employee returns to work from an injury or illness. A physician designated by the City shall perform such physical examinations at the expense of the City.

SECTION 2.9 NON-HARASSMENT

It is the policy of the City that discrimination or harassment on the basis of race, color, creed, religion, sex, national origin, age, disability or handicap, sexual orientation, marital status or any other protected category, whether verbal, physical or environmental, is unacceptable and will not be tolerated. This non-harassment policy covers all employees. The City will not tolerate, condone or allow harassment, whether engaged in by fellow employees, supervisors, or other non-employees who conduct business with the City.

2.9.1 Harassment Defined.

A. Sexual Harassment

While in some cases individuals may make sexual comments or jokes or personal advances without intending harm, such actions can be unwanted, threatening and perceived as harassment. For purposes of this policy, sexual harassment is defined as any type of sexually-oriented conduct, whether intentional or not, that is unwelcome and either:

- is implied or stated to be a term or condition of employment or a factor in evaluating the individual's job performance, eligibility for promotion or any other component of employment, or**
- interferes directly or indirectly with an individual's work performance by creating a hostile, offensive or intimidating environment.**

The following is a partial list of unwelcome behavior, which will generally be considered sexual harassment:

- Sexual jokes, language, epithets, advances or propositions;**
- The display of sexually suggestive objects, pictures, magazines, posters or cartoons;**
- Comments about an individual's body, sexual orientation, sexual prowess or sexual deficiencies;**
- Asking questions about sexual conduct;**
- Touching, leering, whistling, brushing against the body, or suggestive, insulting, or obscene comments or gestures; and**
- Demanding sexual favors in exchange for favorable reviews, assignments, promotions, continued employment or promises of the same.**

Conduct of this sort is prohibited by this policy without regard to whether the conduct

would violate applicable laws.

B. Other Harassment

While in some cases individuals may make comments or jokes or personal advances without intending harm, such actions can be unwanted, threatening and perceived as harassment. For purposes of this policy, harassment is defined as verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, creed, religion, sex, national origin, age, disability or handicap, sexual orientation, marital status, or any other legally protected category or that of his/her relatives, friends, or associates, and that has the purpose or effect of:

- creating an intimidating, hostile or offensive environment;
- otherwise adversely affects an individual's employment opportunities;
- unreasonably interfering with an individual's work performance;

Harassing conduct includes, but is not limited to the following:

- epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts that relate to race, color, religion, gender, national origin, age, disability or any other legally protected category;
- written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of an individual's protected classification that is placed on walls, bulletin boards, or elsewhere on the employer's premises or circulated in the workplace.

Conduct of this sort is prohibited by this policy without regard to whether the conduct would violate applicable laws.

2.9.2 The City's Procedures

A. Reporting a Complaint

The City encourages prompt reporting of complaints so that a rapid response and appropriate action may be taken. Individuals who believe they are being harassed should firmly and promptly notify the offender that his or her behavior is unwelcome. In the event that direct communication between individuals is either ineffective or impossible, individuals who believe they have been subjected to harassment should immediately report the incident to his or her immediate supervisor, Department Head, or the City Manager. If the alleged harasser is the City Manager, the employee may also complain to the Mayor.

If the City has reason to believe (other than as a result of a complaint made under this policy) that harassment has occurred, it may independently initiate investigation.

The City hopes that any incident of sexual or other harassment can be resolved through the internal process outlined above. All employees, however, have the right to file formal charges with the Illinois Department of Human Rights (IDHR) and/or the United States Equal Employment Opportunity Commission (EEOC). A charge with IDHR must be filed within 180 days of the incident of sexual harassment. A charge with EEOC must be filed within 300 days of the incident. If a charge is filed with the IDHR, that charge will be investigated and, if there is substantial evidence that sexual harassment has occurred, a complaint will be issued with the Illinois Human Rights Commission.

The Illinois Department of Human Rights can be contacted at:

State of Illinois
Department of Human Rights
State of Illinois Center
100 West Randolph, Suite 10-100
Chicago, Illinois 60601
(312) 814-6200

The Illinois Human Rights Commission can be contacted at:

State of Illinois
Human Rights Commission
State of Illinois Center
100 West Randolph, Suite 5-100
Chicago, Illinois 60601
(312) 814-6269

The EEOC can be contacted as follows:

United States Equal Employment Opportunity Commission
Chicago District Office
500 West Madison Street
Suite 2000
Chicago, Illinois 60661
1-800-669-4000

B. Investigating the Complaint

Any allegation of harassment brought to the attention of the City will be promptly investigated in a confidential manner so as to protect the privacy of the persons involved.

C. Confidentiality

All parties involved in the investigation of a harassment complaint shall maintain information in the strictest confidence to the extent permitted by law. The disclosure of allegations of harassment will be limited only to those individuals who have a need to know for an adequate investigation to be conducted.

D. Resolving the Complaint

Upon completing the investigation of a harassment complaint, the City will communicate its findings and intended actions to the complainant and the alleged harasser. If the investigator finds that harassment has occurred, the harasser will be subject to appropriate disciplinary action, up to and including termination.

Although the City's ability to discipline a non-employee harasser is limited by the degree of control, if any, that the City has over the alleged harasser, any employee who has been subjected to harassment should file a complaint. The City assures the complainant that it will take appropriate action. Possible remedial steps available include, but are not limited to, letters of objection, discussing the issue and requesting that the harassment cease, or refusal to continue the business relationship.

2.9.3 Protection Against Retaliation

Retaliation is a very serious violation of this policy and should be reported immediately to any of the persons listed in this policy. Retaliation against any individual for reporting discrimination or harassment will not be tolerated and will be treated as a separate and independent violation of this policy. Each offense will be investigated and sanctioned separately. Individuals who are not themselves complainants, but who assist in a harassment investigation, will also be protected from retaliation under the policy.

SECTION 2.10 DRUG FREE WORKPLACE POLICY

2.10.1 General Policy Statement

The City will not tolerate any illegal drug use or the abuse of alcohol or prescription drugs, which can imperil the health and well-being of its employees or threaten the City's operations. The City is a Drug Free Workplace under the laws of the United States of America and the State of Illinois. This policy is applicable to all employees at all City locations.

2.10.2 Implementation

The implementation of this Policy shall be in accordance with the Administrative Policies promulgated by the City Manager, and in accordance with the following:

- A. All employees are absolutely prohibited from unlawfully manufacturing, distributing, dispensing, possessing, or using controlled substances in the**

workplace or during their work.

- B. Any employee violating this policy as it pertains to illegal drugs or the abuse of alcohol will be subject to disciplinary action up to and including discharge.
- C. Employees may be required to submit to a drug/alcohol screening test after a work-related injury or accident, or upon other reasonable cause. Details as to when a drug/alcohol screening is required are as provided in the Administrative Policies promulgated by the City Manager. If an employee refuses to take a drug/alcohol test after there is a determination that reasonable cause exists or after a work-related injury or accident, the employee will be subject to disciplinary action up to and including termination
- D. The City reserves the right to offer any employee who violates this policy, as it pertains to the abuse of alcohol or prescription drugs in the workplace, the opportunity to seek professional counseling and/or participation in an approved rehabilitation or abuse assistance program as an alternative to disciplinary action. The rehabilitation program for illegal drug use will be offered only if the employee asks for assistance before an accident occurs or before a drug test reveals an abuse problem. If such a program is offered and accepted by the employee, then the employee must satisfactorily participate in such program as a condition of continued employment.

SECTION 2.11 SMOKE-FREE ENVIRONMENT POLICY

The City has designated all municipal facilities as smoke-free areas, in accordance with the requirements of the Section of the City's Code of Ordinances that serve to prohibit smoking. The City abides by the State of Illinois law prohibiting smoking indoors and within 15 feet from entrances, exits, windows that open and ventilation intakes.

SECTION 2.12 MEDIA CONTACT

The City Manager and Department Heads shall be responsible for all official contacts with the news media during working hours, including answering of questions from the media. The City Manager may designate specific employees to provide procedural, factual or historical information on particular subjects or issues.

SECTION 2.13 CODE OF ETHICS

All employees of the City shall maintain the highest standards of professionalism in the performance of their jobs, and shall follow the guidelines and requirements of the Sections of the City's Code of Ordinances that serve to regulate ethical conduct.

SECTION 2.14 CITY VEHICLE USE

The Administrative Policies promulgated by the City Manager shall govern the use of City vehicles.

SECTION 2.15 USE OF PERSONAL VEHICLE FOR CITY BUSINESS

Any employee utilizing his/her personal vehicle for City business, as approved by the respective Department Head or City Manager, shall be entitled to reimbursement in accordance with the mileage rate established by the Internal Revenue Service. All employees utilizing their personal vehicles for City business shall be required to supply their driver's licenses and proof of automobile insurance to their Department Heads for verification on an annual basis.

SECTION 2.16 USE OF CITY TELEPHONE: PERSONAL CALLS

Employees are permitted to use the City's telephones and cellular telephones for personal local calls only in cases of necessity. Phone usage may be monitored and employees will be invoiced if repeated personal use of the phone is detected.

SECTION 2.17 USE OF CITY BULLETIN BOARDS

Employees are prohibited from posting non-work-related materials or literature on City bulletin boards or in or on other City equipment or facilities. City premises, equipment and facilities are limited to City business.

SECTION 2.18 COMPUTER USE AND ELECTRONIC MEDIA ACCESS

Use of computers and access to any other electronic media is governed by the Administrative Policies promulgated by the City Manager. Such policy establishes basic rules and procedures to be used by all departments regarding the appropriate use of computer technology; and regarding privacy, security and legal issues concerning the Internet and other forms of electronic media including e-mail, voice-mail, electronic fax, bulletin boards, and any other electronic communication forums. City employees with access to these electronic devices and communication tools are required to review and abide by this policy to protect the organization and themselves.

SECTION 2.19 OUTSIDE EMPLOYMENT

Employees may engage in employment outside of their official working hours for the City only with the approval of their Department Head and the City Manager. Any employee seeking approval of outside employment shall apply for permission on the form included in this manual as Appendix C.

The City reserves the right to prohibit outside employment where the outside employment:

- A. Is conducted on City time;
- B. Interferes with working hours or overtime requirements of the employee's position with the City;
- C. Involves the use of City uniforms, facilities, equipment or supplies of any kind;

- D. Involves the use of official information not available to the public;
- E. May reasonably be construed by the public to be an official act of the City;
- F. Reflects adversely upon the employee or the City; or
- G. Is in conflict with the employee's position with the City, including work which an employee would be expected to do as part of his/her normal duties for the City, work requiring approval or review of the City, or work which would tend to influence the exercise of judgment on any matter coming before the employee in the course of his/her City employment.

SECTION 2.20 SOLICITATION AND DISTRIBUTION

To eliminate interference with work, and to promote the productivity of City employees, it is the City's policy that solicitation of employees and the distribution of non-work-related materials or literature during working hours or in non-public working areas of the City shall be prohibited. Any solicitation or distribution in public areas shall be incidental to the normal use of the area, shall not disrupt employees who are working, and shall not interfere with the use of the area by members of the general public.

For purposes of this policy, "working hours" includes the working time of both the employee doing the solicitation or distribution and the employee or other person to whom such conduct is directed, but does not include any break, lunch, or other duty-free periods of time.

SECTION 2.21 POLITICAL ACTIVITY

City employees are encouraged to exercise their individual right to vote as citizens; however, except as provided by law, employees shall not engage in political activity under the following circumstances:

- A. Employees may express their private views as citizens, but shall not, in any manner, use their authority, position or title as a City employee as a means of influencing a City election, or inhibit others in the free exercise of their political rights.
- B. Employees shall not take an active part in any political campaign or take part in the management of political activity on any level while on duty for the City or while wearing or utilizing any equipment, supplies, wearing apparel, uniforms or identification owned or provided by the City. Employees engaging in political activity shall not represent that such activity is on behalf of the City, or otherwise represent themselves to be employees or agents of the City.
- C. Employees shall not demand, solicit, collect, or receive any voluntary or involuntary contribution, assessment or subscription for any political purpose whatsoever, from fellow employees or the public, while on duty for the City.

- D. Any employee who wishes to serve in an elected City office after being duly elected shall first resign his position with the City or seek a leave of absence there from. Such resignation or leave of absence shall commence with the first day the employee's first day in office for the elected position.
- E. Employees shall not post or display any campaign literature or posters on City property or vehicles.
- F. An employee's political affiliation shall not, in any way, influence appointment, retention or promotion as a City employee.

SECTION 2.22 SAFETY

Every employee is required to comply with all safety or health policies as provided in the Administrative Policies promulgated by the City Manager, including reporting any observed health or safety violation or any accident resulting in injuries to an employee or others, and the wearing of any safety clothing or equipment, such as ear protection, safety glasses or protective footwear as provided by the City without cost to the employee. The City as needed shall replace such equipment, so long as the damage to any such equipment was not the result of the employee's negligence. Every employee is required to comply with policies and direction as given in the Loss Prevention Safety Manual, attached as Appendix D.

SECTION 2.23 OTHER STANDARDS OF CONDUCT

It is the policy of the City that all employees shall follow certain rules and regulations for the benefit and protection of the rights and safety of all. Employee behavior that interferes with operations, brings discredit to the City, or is offensive to fellow employees will not be tolerated.

All employees are expected to conduct themselves and behave in a manner that is conducive to the efficient operations of the City. For the protection of City property, community interests and other employees, the City has established standards for exemplary behavior and prohibited conduct.

- A. Each employee shall perform assigned duties with competence, care and efficiency.
- B. All employees shall treat one another and visitors with respect. No employee shall display any abusive or offensive attitude, conduct or language in a public place, or towards the public, City officials, or other employees. No employee shall engage in any conduct, either on or off duty, which is likely to or does result in physical harm or injury to other employees or to the public.
- C. Each employee shall comply with all regulations, orders or rules of the City or such employee's department, shall obey any lawful and reasonable direction given by a superior, and shall refrain from any insubordination or conduct which may cause any loss, inconvenience, or injury to the public or the City.

- D. No employee shall accept any gift, fee or other valuable thing for personal use, or otherwise behave in any manner that would conflict with the provisions of the City's Municipal Code of Ethics that serve to regulate ethical conduct.
- E. No employee shall be convicted of a criminal offense involving moral turpitude.
- F. No employee shall, through carelessness, negligence, or willful misconduct, cause any damage to public property or waste of public supplies or money.
- G. No employee shall be absent from work without cause, or without the timely reporting of the absence to and permission from the employee's supervisor, and no employee shall establish a pattern of excessive absences without cause that result in the inability of the employee or the department to accomplish required work.
- H. No employee shall display an antagonistic attitude towards his/her superiors or toward other employees, or criticize orders or policies issued and adopted in public, disorderly or disrespectful manner, or act in any manner to the detriment of efficient public service or so as to interfere with proper cooperation of City employees.
- I. No employee shall falsely claim any disability due to sickness or injury.
- J. No employee shall engage in unauthorized personal business during work hours or use any City equipment, property, or material for personal use or for any other inappropriate use.
- K. No employee shall use, threaten or attempt to use, personal or political influence in securing any promotion, leave of absence, transfer, change of pay or other favorable condition of work.
- L. No employee shall induce, or attempt to induce, any officer or employee of the City to commit an unlawful act or to act in violation of any departmental or official regulation or order.
- M. No employee shall falsify or alter time sheets, personnel records, employment applications or any other City records.
- N. No employee shall sleep during working hours.
- O. During working hours, all employees shall carry and, upon request, show their official employee identification, as provided by the City.
- P. All employees shall be well-groomed and dressed in the appropriate business attire or uniform for the work performed.
- Q. All employees shall maintain City equipment, vehicles, supplies and tool as may be necessary for their care and conservation.
- R. No employee shall engage in theft of any property belonging to the City or any other employee.

- S. No employee other than a police officer shall possess any firearm or other weapon on City property.
- T. No employee shall engage in gambling on City property or elsewhere while on duty.

SECTION 2.24 COMPLAINT REPORTING PROCEDURE

Employees are encouraged to discuss any work-related problem with their supervisors or Department Heads, including but not limited to any complaint concerning job classifications, working conditions, salaries or other matters relating to employees' jobs. An employee with any such a complaint shall follow the following grievance procedure:

2.24.1 Oral Report

The employee should first discuss the concern with the immediate supervisor.

2.24.2 Written Report – See Appendix E for Form

If the oral discussion fails to resolve the concern, the employee may submit a written report of the complaint to the immediate supervisor. Within five (5) working days after receiving the complaint form, the supervisor shall furnish the employee with a written reply. The supervisor may meet with the employee to discuss the matter.

2.24.3 Appeal to Department Head

The employee may, within five (5) working days after receiving the Employee Complaint Form from the supervisor, appeal the decision to the Department Head by providing a copy of the same form to the Department Head. Within five (5) working days after receiving such appeal, the Department Head shall furnish the employee with a written response on the form.

2.24.4 Appeal to the City Manager.

The employee may, within five (5) working days after receiving the Employee Complaint Form from the Department Head, appeal the decision to the City Manager by providing a copy of the same form to the City Manager. A copy must be sent to the Personnel Officer at the same time. The City Manager may conduct an investigation regarding the complaint. Within five (5) working days of receipt of the appeal, the City Manager shall furnish the employee with a written reply. The City Manager's decision in the matter will be final.

**SECTION 2.25 HEALTH INSURANCE PORTABILITY AND
ACCOUNTABILITY ACT - HIPAA PRIVACY RULES**

A. The General Rule

The City as a “Covered Entity” as defined by Federal law may not use or disclose “Protected Health Information (PHI)” as defined by Federal law to its employee workforce or outside vendors, except as allowed by the HIPAA Privacy Rules. The primary reasons for disclosure are treatment, payment, or healthcare operations or a specific authorization from the individual who is the subject of the PHI.

B. The Minimum Necessary Rules

1. Even where permitted, only the minimum necessary amount of PHI necessary to accomplish the intended purpose will be provided by the City.
2. For the purposes of insurance renewals, measures will be utilized by the City to reduce and/or eliminate PHI to accomplish the desired outcomes.

C. Additional information, including your rights under the privacy rules, discipline and complaint/resolution procedures, can be found in Appendix F or this manual.

CHAPTER 3 PAY PLAN

SECTION 3.1 SCOPE AND DEVELOPMENT OF PAY PLAN

The City’s Pay Plan includes the minimum and maximum range of pay for each position based on the work performed and length of service with the City, excluding positions covered under collective bargaining or other employment agreements. Development and implementation of the Pay Plan shall be as provided in the Administrative Policies promulgated by the City Manager.

SECTION 3.2 OVERTIME PAY

- A. The appropriate Department Head or Supervisor must approve in advance all overtime worked, except in those instances where the overtime worked could not have been reasonably anticipated (e.g., repair of water main break).**
- B. With the exception of non-exempt Police employees, non-exempt employees are scheduled for thirty-seven and one-half (37-1/2) hours of work on a weekly basis. They shall be entitled to overtime pay for any hours actually worked, as defined, below, in excess of forty (40) hours per week.**

Hours worked shall include holidays, personal days, compensatory time, vacation time,

bereavement leave and jury duty, but shall not include lunch breaks, sick time, or unpaid leaves of absence.

- C. Police patrol officers and sergeants are entitled to overtime pay in accordance with the terms of their collective bargaining agreement.
- D. Other non-exempt Police personnel are entitled to overtime pay in accordance with the standards specified in Section Number 7 (k) of the Federal Labor Standards Act in that lunch periods are considered to be hours worked as it pertains to the calculation of overtime.

Hours worked shall include holidays, floating holidays, personal days, compensatory time, vacation time, bereavement leave and jury duty, but shall not include sick time, or unpaid leaves of absence.

- E. This section shall not apply to exempt employees.

SECTION 3.3 COMPENSATORY TIME

Non-exempt employees, other than police patrol officers and sergeants, who are entitled to overtime pay under Section 3.2 shall have the option of accruing compensatory time in lieu of overtime pay, subject to the provisions and limitations of this Section, at the rate of one and one-half (1-1/2) times the hours in excess of forty (40) hours in a work week. The use of compensatory time shall require the prior approval of the Department Head or designee, and shall be subject to the service and operational demands of the department and the need to ensure a minimum disruption of coverage and departmental activities. For this purpose, Department Heads may consider extenuating circumstances such as personnel shortages.

Non-exempt employees, other than police patrol officers and sergeants, may accrue a maximum of one hundred (100) hours of compensatory time at any time, and any accrued compensatory time in excess of one hundred (100) shall be forfeited.

Police patrol officers and sergeants shall be entitled to accrue and use compensatory time in accordance with the terms of their collective bargaining agreement.

SECTION 3.4 CALL BACK PAY

Public Services Department personnel who are "called back" to work outside of the hours of their assigned shift shall be guaranteed a minimum of two (2) hours at their straight time or at overtime rates, depending upon if the employee works over forty (40) hours during the week. If call back hours are greater than two (2) hours, the employee shall be compensated for the actual hours worked at straight time or overtime rates, whichever is applicable.

CHAPTER 4 BENEFITS

Benefits are offered as part of a comprehensive compensation package, contingent upon the availability of funds.

SECTION 4.1 HEALTH AND LIFE INSURANCE

All full-time employees who are regularly scheduled to work a minimum of thirty-five (35) hours per week are eligible to participate in the City's group health and life insurance program. Insurance coverage(s) shall commence on the first day of the month following the date of employment and shall cease on the last day of employment. If the separation occurs prior to the 15th of the month, the City will refund the employee contribution paid up front for that month. A brochure describing the provisions of each insurance plan offered by the City shall be furnished to each employee.

SECTION 4.2 RETIREMENT/PENSION FUNDS

Full-time and certain part-time employees are included in one (1) of two (2) separate pension funds: the Illinois Municipal Retirement Fund (IMRF) for employees who are not classified service employees and are employed at least six hundred (600) hours per year; and the Police Pension Fund for sworn police officers. Both the City and the employee contribute a percentage of earnings to these programs. Eligibility, participation, payroll deductions and benefits are as mandated by State and Federal laws.

SECTION 4.3 DEFERRED COMPENSATION

Employees may participate in any deferred compensation plan offered by the City. Such a deferred compensation plan is a voluntary, tax-sheltered retirement plan available to both full-time and part-time employees, based on a deduction of a portion of the employee's salary and a transfer of the money deducted to an investment fund selected by the employee from those sponsored by the City. Information describing any deferred compensation plan offered by the City shall be furnished to each employee.

SECTION 4.4 INSURANCE CONTINUATION (COBRA AND OTHERS)

In accordance with State and Federal law, an employee who is enrolled in the any group health care plan maintained by the City at the time of the employee's separation may be eligible for a continuation of any coverage which the employee is then receiving. Such continuation of coverage shall be at the employee's expense. Certain employees may be eligible for continuation of such coverage upon placement on a disability status under the applicable pension plan, subject to their meeting the requirements for eligibility for continuation of such coverage. An employee who is eligible for continuation of such coverage, and who chooses to remain in the City's group health care plan, will be required to pay the premium rate currently in effect for his/her particular class of membership (individual, family, etc.).

SECTION 4.5 WORKER'S COMPENSATION

4.5.1 Any employee injured during the course of employment with the City shall be eligible for Worker's Compensation benefits in accordance with State Statutes.

4.5.2 Classified service employees are provided additional benefits under 5 ILCS 345/1 and 820 ILCS 314/1, *et seq.* of the Illinois State Statutes.

SECTION 4.6 TRAVEL, TRAINING AND CONFERENCES

Approval of any travel, training or conference request is conditioned upon the availability of funds in the appropriate department budget, and on the approval of the Department Head as provided in the Administrative Policies promulgated by the City Manager.

SECTION 4.7 TUITION REIMBURSEMENT

Full-time employees of the City are encouraged to enroll in college, university or technical school courses, or to participate in other types of studies that are designed to improve job skills. As an incentive for employees seeking to improve their education, the City may budget training funds and make tuition reimbursement available to such employees as provided in the Administrative Policies promulgated by the City Manager.

SECTION 4.8 REPLACEMENT OF PERSONAL ITEMS

The City agrees to repair or replace, as necessary, an employee's eyeglasses or contact lenses at their replacement cost not to exceed \$250.00, or wristwatch at its replacement cost not to exceed \$75.00, if any or all of these items are damaged during the performance of the employee's duties; provided that the employee's negligence, improper performance of duties, or failure to wear required safety equipment is not the cause of the damage. Any damage shall be immediately documented with the employee's supervisor.

CHAPTER 5 PAID LEAVE

SECTION 5.1 EMPLOYMENT SERVICE DATE

The first day of employment is the employee's employment service date which may be utilized for scheduling employment evaluations, however, vacation and personal days, are issued as of January 1st of each year of employment and sick days are issued as earned.

SECTION 5.2 VACATION POLICY

Vacation time shall be scheduled and approved by the Department Head subject to the departmental workload and the needs and demands of the City. Department Heads shall schedule and have vacation time approved by the City Manager.

5.2.1 Except as otherwise provided in this section, eligible employees shall earn vacation time in accordance with the length of continuous service. Vacation days are earned on a monthly basis according to the following accrual schedule:

Length of Service

Vacation

Less than 6 months
(typical probationary period)

No vacation earned

More than 6 months, up to 1 Year *

.833 days monthly from first date of
employment or Ten (10) working days
per year

**Please see Section 5.2.4 E for when earned vacation can be utilized prior to
completing the first year of employment.*

More than 1 year, less than 5 years

.833 days monthly or
Ten (10) working days per year

More than 5 years, less than 10 years

1.25 days monthly or
Fifteen (15) working days per year

More than 10 years, less than 20 years

1.667 days monthly or
Twenty (20) working days per year

More than 20 years

2.083 days monthly or
Twenty-five (25) working days per year

At six (6) years through nine (9) years of continuous employment, employees will earn one (1) additional vacation day for each year worked, however, these added days are not in addition to the twenty (20) days of vacation earned after ten (10) years of continuous service.

5.2.2 Department Heads and other salaried personnel shall earn vacation time according to the following schedule:

Length of Service

Vacation

Less than 6 months
(typical probationary period)

No vacation earned

More than 6 months, up to 1 Year *

.833 days monthly from first date of
employment or Ten (10) working days
per year

**Please see Section 5.2.4 E for when earned vacation can be utilized prior to
completing the first year of employment.*

More than 1 year, less than 5 years

.833 days monthly or
Ten (10) working days per year

More than 5 years, less than 10 years	1.25 days monthly or Fifteen (15) working days per year
More than 10 years, less than 15 years	1.667 days monthly or Twenty (20) working days per year
More than 15 years	2.083 days monthly or Twenty-five (25) working days per year

At six (6) years through nine (9) years of continuous employment, employees will earn one (1) additional vacation day for each year worked, however, these added days are not in addition to the twenty (20) days of vacation earned after ten (10) years of continuous service.

5.2.3 Part-time Employees

Part-time employees working a minimum of one thousand forty (1040) hours annually (twenty (20) hours per week) shall be entitled to vacation time on a pro-rata basis.

5.2.4 Other Requirements/Regulations

A. Accumulation During Leave

Vacation time shall not accrue during any leave of absence without pay or during any lay-off or disciplinary suspension. Vacation time shall continue to accrue during a leave of absence with pay, during lost time due to an on-the-job injury, or during authorized vacation or sick leave.

B. Holidays During Vacation Leave

Whenever a paid holiday falls during an authorized vacation leave, the employee's vacation leave on the date of the paid holiday shall be considered a holiday for payroll purposes, and shall not be charged to the employee's accumulated vacation time.

C. Payment of Accrued Vacation Time Upon Termination

Any employee leaving the City shall be compensated for vacation time earned and unused at the date of termination of employment, at the employee's current pay rate. Payment for accrued vacation time shall be calculated based upon allowable limits as defined in this manual.

D. Minimum Leave

Vacation leave shall be taken in increments of not less than one-half (1/2) day.

E. Utilizing and Scheduling of Vacation Leave

A non-probationary employee may request use of accrued vacation after six (6) months of consecutive service, but no more than five (5) days before one (1) year of consecutive service.

An employee with more than one (1) year of service may utilize vacation as it is earned subject to departmental scheduling requirements and other requirements as set out in other sections of the policy.

Vacation requests for more than ten (10) consecutive workdays will not generally be permitted. Any such request must be justified to the Department Head, and will be subject to the approval of the Department Head and the City Manager. Requests for vacation leave of five (5) or more consecutive days shall be made no later than thirty (30) days in advance to allow for proper departmental planning. The resolution of any vacation scheduling conflicts shall be based upon employee seniority.

F. Carryover of Vacation Time

All vacation time must be taken during the calendar year after it is accrued. If employees know that a vacation balance will exist as of December 31st, employees may request a carryover of accrued vacation time of no more than five (5) days into the next calendar year. All carryover vacation time must be utilized during the first one hundred eighty (180) days of the calendar year or it will be forfeited. A carryover request shall be subject to the approval of the Department Head and approved by the City Manager.

G. Vacation Time Buy Back

In unusual or extraordinary circumstances concerning the City's ability to schedule adequate levels of personnel, the City may offer to buy back one (1) week of vacation from employees who earn at least three (3) weeks of vacation per year and buy back two (2) weeks of vacation from employees who earn at least four (4) weeks. The request for buy back must be submitted by a Department Head and approved by the City Manager.

SECTION 5.3 HOLIDAYS

5.3.1 Paid Holidays

Except for non-exempt Police personnel, the following provisions shall govern paid holidays by the City. In general, when a holiday falls on a Saturday, it will be celebrated on the preceding Friday; when a holiday falls on a Sunday, it will be celebrated on the following Monday. In December of each calendar year, the Office of the City Manager shall issue a schedule of paid holidays and the dates to be celebrated

for the following calendar year.

New Year's Day	January 1
President's Day	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 th
Labor Day	1 st Monday in September
Thanksgiving Day	4 th Thursday in November
The Friday after Thanksgiving	
Christmas Eve	December 24 th
Christmas Day	December 25 th

Holiday benefits for Police Patrol Officers and Sergeants are set forth in a collective bargaining agreement.

For other non-exempt Police employees, holidays will be considered regularly scheduled workdays and the employees who are scheduled to work the holiday will be paid according to the provisions of Section 5.3.2.

5.3.2 Working Holidays

Where a holiday falls on a normally scheduled workday, the employee will receive the day off with pay at the employee's straight time hourly pay. If an hourly employee is scheduled to work on a holiday, the employee will be paid at the rate of time and one-half for hours worked and will also receive the holiday pay. A salaried employee, who is required to work a holiday, will be compensated through administrative leave as written in Administrative Policy # 05-05.

The specific day celebrated as the City holiday is the day that overtime is earned if applicable. It may not be the actual holiday.

5.3.3 Holiday During Vacation

Where a holiday occurs during an employee's scheduled vacation, the employee shall be paid for the holiday and that day shall not be charged against the employee's vacation time balance.

5.3.4 Absence Before or After Holiday

If an employee is absent from work on the workday before or after a holiday, the employee will not receive holiday pay unless vacation, personal or compensatory leave has been pre-approved or, if due to an illness, the illness is established in a manner satisfactory to the employee's Department Head or the City Manager.

5.3.5 Holidays for Part-time Employees

Part-time employees working a minimum of one thousand forty (1,040) hours annually (twenty (20) hours per week) shall be entitled to holiday pay if the holiday falls on the employee's regularly scheduled work day.

SECTION 5.4 PERSONAL DAYS

After three (3) months of continuous employment, full-time employees are entitled to use up to three (3) personal days per calendar year, and part-time employees who are scheduled to work twenty (20) hours or more per week annually, are entitled to use personal days on a pro rata basis. Eligibility for full-time employees to use personal days after the first calendar year of employment shall commence with one (1) personal day available between January 1 and April 30, one (1) personal day between May 1 and August 31, and one (1) personal day between September 1 and December 31; provided that such personal days need not be used within the specific time period during which the employee becomes eligible to use them, and may be used anytime during the calendar year thereafter. For the first year of employment, the following example represents a full-time employee's rights to use personal days after three (3) months of continuous employment: an employee hired on June 1 would earn and be eligible to use one (1) personal day between September 1st and December 31st of that year. These rules concerning use of personal days during specific time periods shall also be applicable to eligible part-time employees; however, the number of days shall be on a pro rata basis as provided herein.

Full-time employees shall use personal days in not less than one-half (1/2) day increments. Part-time employees earning on a pro rata basis an amount not equal to a full day or one-half (1/2) day, shall use the time as close to a full day as possible.

The use of a personal day is subject to the scheduling approval of the Department Head. Personal days will be forfeited if not used within the calendar year they are earned.

SECTION 5.5 FLOATING HOLIDAY

Full-time employees are entitled to use (1) floating holiday per calendar year, and part-time employees who are scheduled to work twenty (20) hours or more per week annually, are entitled to use the floating holiday on a pro-rata basis; provided that the employee has completed three (3) months of continuous employment. The use of a floating holiday is subject to the scheduling approval of the Department Head. The floating holiday shall be taken in full day increment and must be taken within the calendar year or it is forfeited.

SECTION 5.6 SICK LEAVE

5.6.1 Accumulation of Sick Leave

Sick leave is accumulated at a rate of one day of sick leave credit each month. Sick leave accrual may reach a maximum of one hundred twenty (120) working days. Part-

time employees working a minimum of one thousand forty (1,040) hours annually (twenty (20) hours per week) shall be entitled to sick leave on a pro-rata basis.

Sick leave is a privilege, not a right, extended to full-time employees and qualified part-time employees. Sick leave shall be allowed only when the employee is actually sick or disabled (from a non-duty injury), for family illness up to a maximum of ten (10) days per year, or for medical appointments that cannot be scheduled outside of working hours. For purposes of this Section, members of the immediate family shall include: spouse, parent (step), sibling (step), son, daughter (step), parent-in-law, grandfather, grandmother, and grandchildren.

Employees who utilize sick leave for purposes other than those stipulated in this regulation shall be in violation of City policy and shall be subject to disciplinary action up to and including discharge.

5.6.2 Authorization of Sick Leave

Each Department Head will have primary discretion for granting sick leave in the respective department. Sick leave may not be used before it is earned.

5.6.3 Accumulation During Leave

Credit for sick leave shall not accumulate during any leave of absence without pay or during any lay-off or disciplinary suspension. Sick leave shall continue to accumulate during a leave of absence with pay due to an on-the-job injury and during an authorized vacation or sick leave.

5.6.4 Reporting of Absence

Notice of absence due to illness or non-duty related injury shall be given by the employee to his/her Department Head as far as possible in advance of the starting time for the scheduled workday. In no case shall the Department Head be advised less than sixty (60) minutes before the starting time on the day of absence. The employee shall detail the reasons for and the anticipated duration of the absence. Failure to provide such notice may constitute absence without leave and may result in the loss of sick leave compensation, or other disciplinary action up to and including discharge.

5.6.5 Medical Certificate Required

A doctor's statement or other viable documentation shall be provided to the Department Head for any use of sick leave of three (3) or more consecutive days unless specifically excused by the City Manager. If the employee does not supply the required statement or it is not deemed satisfactory, the request for sick leave shall be denied and the time off shall be without pay. If the Department Head reasonably suspects abuse or a pattern of improper or unnecessary sick leave use, the request for sick leave shall be denied and the time off shall be without pay. Failure to report absence because of

illness will result in time off without pay and/or disciplinary action up to and including discharge. Any costs associated with providing a doctor's statement are the responsibility of the employee. If the City requires a second medical opinion from its own physician, the exam will be at the City's expense.

5.6.6 Sick Leave Award

The purpose of the sick leave award is to recognize those employees who have exemplary attendance records. A sick leave incentive plan is hereby established as follows:

- A. Full-time employee who has not used any sick leave during the preceding calendar year will be given a one-time bonus payment for that year of \$250.00.
- B. An employee who uses only one (1) day of sick leave during the preceding calendar year will be given a one-time bonus payment for that year of \$150.00.
- C. A part-time employee that receives the sick leave benefit who has not used any sick leave during the preceding calendar year will be given a one-time bonus payment for that year of \$150.00.

5.5.7 Other Conditions

Paid sick leave shall be based on the employee's straight-time pay rate for regularly scheduled weekly hours. Sick leave hours will not be included as hours worked in the workweek for purposes of calculating overtime.

5.5.8 Resignation or Separation from Service

No payment will be made for any accrued, but unused, sick leave upon an employee's resignation or separation.

SECTION 5.7 BEREAVEMENT LEAVE

The Department Head or City Manager may grant an employee an emergency leave of absence up to four (4) days without loss of pay in cases of death of a member of the employee's immediate family. For purposes of this Section, members of the immediate family shall include: spouse, parent (step), sibling, son, daughter (step), parents-in-law, grandfather, grandmother, and grandchildren. For other relatives, the Department Head or City Manager may grant an employee an emergency leave of absence for the day of the funeral without loss of pay.

The purpose of such leave shall be to attend the funeral, including making arrangements for the funeral. The City Manager or Department Head reserves the right to request documentation of the death.

SECTION 5.8 JURY DUTY

A full-time or a part-time employee working at least an average of twenty-two and one half (22.5) hours per week shall receive full pay or pro-rated pay at the straight-time hourly rate for time not worked while serving on jury duty. The employee is required to notify his/her Department Head as soon as notice is received. The employee will be allowed to keep the full juror payment. Employees are expected to return to work whenever possible during the time of jury duty and carry out as many of their job responsibilities as time permits during regularly scheduled hours.

SECTION 5.9 NO PYRAMIDING

Compensation shall not be paid (nor compensatory time taken) more than once for the same hours under any provision of this Chapter.

CHAPTER 6 UNPAID LEAVE

SECTION 6.1 FAMILY MEDICAL LEAVE ACT (FMLA)

Up to 12 weeks leave:

6.1.1 Circumstances

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

- A. The birth and/or care of the employee's child (within 12 months of the child's birth);
- B. The placement of a child with the employee for adoption or foster care (within 12 months of the placement);
- C. To care for the employee's spouse, child, or parent if they have a "serious health condition;"
- D. Due to a "serious health condition" of the employee that makes the employee unable to perform the functions of his/her job; or
- E. Due to any "qualifying exigency" (as defined by the Secretary of Labor) arising out of the fact that the employee's spouse, child, or parent is on active duty (or has been notified of an impending call or order to active duty) in the National Guard or Reserves or as a retired member of the Regular Armed Forces or Reserves in support of a contingency operation.

Up to 26 weeks leave:

- F. **Military Caregiver Leave (Service Member Family Leave Provision)**
An eligible employee who is a spouse, child, parent or 'next of kin' of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness may receive up to a total of 26 workweeks of unpaid leave during a "single 12-month period" to care for the service member.

6.1.2 Definitions

- A. **CHILD.** A child is a person under the age of 18, who is a biological, adopted or foster child; stepchild; legal ward or a child for whom an employee has daily responsibility for care and financial support (i.e., in loco parentis).
Additionally, a child, as defined above, includes one who is over eighteen (18) years old and is either mentally and/or physically impaired to the extent that he or she requires active assistance with activities of daily living.
- B. **PARENT.** A parent is a biological parent or an individual who stands or stood in loco parentis to an employee when the employee was the child. This does not include grandparents or in-laws.
- C. **SPOUSE.** The legal spouse.
- D. **NEXT OF KIN.** The nearest blood relative of that individual (regardless of service member's age). The employee is required to provide confirmation of the relationship upon request.
- E. **SERIOUS HEALTH CONDITION.** A serious health condition is an illness, injury, impairment, or physical or mental condition that involves:
- 1) in-patient care
 - 2) any period of incapacity requiring absence from work for more than three (3) consecutive calendar days AND that involves continuing treatment by a health care provider; or
 - 3) continuing treatment by a health care provider for a chronic or long term health condition that is incurable or which, if left untreated, would likely result in a period of incapacity of more than three (3) calendar days; or
 - 4) prenatal care by a health provider. Conditions or medical procedures that would not normally be covered include minor illnesses that last only a few days and surgical procedures that typically do not involve hospitalization and require only a brief recovery period.

F. CONTINUING TREATMENT. Continuing Treatment is:

1. A period of incapacity lasting more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also includes:
 - treatment by a health care provider at least two (2) times for the same injury or illness (in-person visits, the first within seven (7) days and both within 30 days of the first day of incapacity); or
 - one treatment by a health care provider (i.e. an in-person visit within seven (7) days of the first day of incapacity) with a continuing regimen of treatment (e.g. prescription medication, physical therapy); or
2. Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence; or
3. Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes or incapacity. A visit to the health care provider is not necessary for each absence; or
4. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; or
5. Any absence to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three (3) days if not treated.

G. TWELVE MONTH PERIOD. A rolling 12-month period measured backwards from the date leave is taken and continuous with each additional leave day taken.

6.1.3 Eligibility

To qualify for a FMLA leave, an employee must have accumulated twelve (12) months of employment by the date the requested leave is to start and must have worked one thousand two hundred and fifty (1,250) hours according to the Fair Labor Standards Act (FLSA) during the prior twelve (12) months. The twelve (12) months of employment do not have to be consecutive.

For eligible part-time employees and those who work variable hours, the FMLA entitlement is calculated on a pro-rata basis in determining the amount of time off available. A weekly

average of the hours worked over the twelve (12) weeks prior to the commencement date of the leave should be used for calculating the employee's normal workweek.

6.1.4 FMLA Effective Conditions (both parents are employees of the City)

- A. The arrival of a new child by birth, adoption or foster care placement. If the biological, adoptive, or foster parents(s), the stepparent, legal guardian(s) or parents in loco parentis are both employees, the total combined leave shall be twelve (12) weeks. Leave for this purpose expires twelve (12) months from the arrival of the child.
- B. The care of a child, parent or spouse who has a serious health condition if it is medically determined that the care given by an employee is necessary. The term "parent" does not include in-laws for the purpose of this policy. Twelve (12) weeks leave for this purpose is available to each of the employee parents of the child or the employee children of the parent.
- C. If both parents become eligible for FMLA leave, then the two (2) employees together are limited to a combined total of twelve (12) workweeks of leave in any rolling 12-month period. In addition, if the parent employees both become eligible for leave under the Service Member Family Leave Provision above or under a combination of the Service Member Family Leave Provision and under FMLA, the two (2) together are limited to a combined total of twenty-six (26) workweeks of leave in any rolling 12-month period (with some exceptions for multiple service members (more than one person) or multiple illnesses/injuries).

6.1.5 Notification Requirements

- A. When requesting leave for the birth, adoption or foster care placement of a child, an employee must give thirty (30) days notice or, if not possible due to unforeseen circumstances, the maximum notice practicable. The employee will be required to take all twelve (12) weeks consecutively.
- B. For care of a seriously ill child, spouse or parent, or for an employee's own serious health condition, the employee must give thirty (30) days notice, or if not possible due to unforeseen circumstances, the maximum notice practicable. In any event, the employee must provide medical certification of the need for the employee to provide such care for another or of the employee's serious health condition within fifteen (15) days of the commencement of the leave.
- C. If the employee requests and the request is medically certified as necessary, the City will arrange an intermittent or reduced leave schedule for taking all or part of the twelve (12) week leave. An intermittent or reduced leave for regular part-time employees will translate to the number of hours in their regular workweek times twelve (12). The alternative schedule must be the least disruptive to City

operations and may include transfer to another position that has equivalent pay and benefits.

- D. For the birth of a child, the employee is required to use all paid sick leave, personal days, floating holiday and vacations time as part of the FMLA leave. If the employee applies for and is granted disability benefits under the provisions of the Police Pension Fund or Illinois Municipal Retirement Fund (IMRF), the requirement to utilize paid leaves as stated above is not in effect during the time of disability.
- E. For the adoption or foster care placement of a child, the employee is required to use all paid personal days, floating holiday and vacation time as part of the FMLA leave.
- F. For care of a spouse, child or parent with a serious health condition, the employee is required to use all personal days and vacation time as part of the FMLA leave. The employee may use up to a maximum of ten (10) days of paid sick leave per year.
- G. For a personal non-job-related illness or accident, the employee is required to use all paid sick leave, personal days, floating holiday and vacation time as part of the FMLA leave. If the employee applies for and is granted disability benefits under the provisions of the Police Pension Fund or IMRF, the requirement to utilize paid leave as stated above is not in effect during the time of disability.
- H. For an employee's job-related illness or accident, paid benefits during this time will be according to Worker's Compensation requirements; however, leave time shall be designated as a FMLA leave, including any time off for required therapy or doctor visits.

6.1.6 Health Care and Other Benefits

- A. The employee must discuss payment arrangements for the continuation of health care and other benefits before the FMLA leave begins. To maintain the health plan in effect, the employee will be required to pay the City a contributing share either:
 - 1. Through payroll deductions, if the employee is eligible for paid-time substitutions during the FMLA leave; or
 - 2. In advance of the leave; or
 - 3. At certain agreed-upon intervals during the leave.

If not practical to discuss such continuation of benefits before going on leave, the employee must do so within fifteen (15) days after the commencement of

the leave. Failure to make timely arrangements or to make the required payments may result in the interruption of health benefits.

- B. Holiday pay will not be paid during the FMLA leave, except in those instances where the employee is on an intermittent or reduced schedule which makes the employee eligible for holiday pay or where the employee is utilizing paid leave during the FMLA leave when the holiday occurs.
- C. If the employee is required to serve on a jury or in the military while on a designated FMLA leave, no make up pay will be granted. No bereavement leave benefits will be paid while on a designated FMLA leave.
- D. For the purpose of calculating benefits, any employee on FMLA leave should verify with the representatives of the Police and IMRF pension funds, as applicable, whether or not he/she will continue to be credited with service time without loss during the period of such FMLA leave.
- E. If the employee is on an intermittent or reduced schedule, the effective hourly rate of pay will be continued for hours worked for both hourly and salaried employees, as if leave had not been taken. For any hours lost, paid leave time may be substituted.

6.1.7 Returning to Work

- A. Upon return from a FMLA leave for the employee's own serious health condition, the employee will be required to furnish a certification from the attending physician that the employee is fit for duty and can perform the essential function(s) of the regular job (or of the job to which the employee is restored, if different) together with any restrictions and the reasons for the restrictions.
- B. Upon the expiration of the designated FMLA leave the employee will be restored to his/her position prior to the FMLA leave, or to an equivalent position in pay, benefits and other terms and conditions of employment. The designated FMLA leave does not guarantee a restoration of employment if the employee would have been terminated during the period of leave because of general economic conditions of employment or due to a restructuring of the department or a reduction in force. The employee will be treated the same as any other employee similarly positioned and actively at work on the date of any such reduction in force and/or restructuring.
- C. All benefits, increases, general wage increases or other terms and conditions of employment generally applicable to the position will be restored to the employee as if the employee had not been on FMLA leave.
- D. If the employee fails to return to work upon expiration of the designated FMLA leave, the employee shall lose the right to restoration to the job. If the reason for

not returning to work from the FMLA leave is a reason within the employee's control, the City will recoup from employee the City's cost of health care premium cost paid on the employee's behalf during the FMLA leave.

6.1.8 Overview

This section is intended to be an overview of the FMLA and its key features. To the extent that this policy is inconsistent with the FMLA, the Act and its Rules shall supersede. The U.S. Wage and Hour Division publication titled "Employee Rights and Responsibilities Under the Family and Medical Leave Act (FMLA)" is posted on the employee bulletin boards. Further details about FMLA may be obtained from the Personnel Officer.

SECTION 6.2 GENERAL LEAVE OF ABSENCE

Employees may request an unpaid general leave of absence for personal matters. The decision to grant such leave shall be at the sole discretion of the City Manager. Such leave may be requested for:

6.2.1 Purposes

- A. The continuation of or completion of the employee's pursuit of a degree for the purpose of receiving training in subjects which relate to and are of benefit to the work of the employee and to the City.
- B. To recover an employee's own health or to attend to a family illness that extends beyond family leave as provided for in Section 6.1.2 (B).
- C. Personal business which will require an employee's attention for an extended period, such as a settlement of an estate, liquidating a business, attending court as a witness on non-City related cases, and for purposes other than the above, if such leave is not deemed detrimental to the City's operations.

6.2.2 Procedure

- A. An employee may submit a written request asking for an unpaid general leave of absence to his/her Department Head. 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, together with the written recommendation of the Department Head, shall be forwarded to the City Manager for authorization.
- B. Authorization for an unpaid general leave of absence shall be within the sole discretion of the City 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.

- C. An employee requesting an unpaid general leave of absence is required to exhaust available paid vacation and personal leave and unpaid family leave, if applicable, before any unpaid general leave of absence is commenced.

6.2.3 Benefits

- A. For the remainder of the month during which a general leave of absence begins, and for one (1) calendar month thereafter, the City 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 City, shall be fully paid by the employee through the duration of the leave.
- B. With the exception of group health insurance, an employee is not entitled to accrue any other employment benefit while on a general leave of absence.

6.2.4 Duration

A general leave of absence may be granted for up to twelve (12) workweeks.

Extensions may be granted for additional periods of up to twelve (12) workweeks, not to exceed a total of twenty-four (24) workweeks.

- A. The employee and the City Manager shall agree to a return date at the time the general leave of absence is granted. Generally, this will be the probable return date specified in the employee's application.
- B. An employee may request an extension of the general leave of absence by making application to the City in the same manner as on the original application; provided, however, that such extension may not be granted in excess of the limit set forth in Section 6.2.4.
- C. An employee returning from a general 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 may be returned to the most equivalent, available employment position with the City for which the employee is qualified, with the right of the employee to transfer to the employee's former employment position if and when it becomes available and if the employee remains qualified. If the former employment position is not vacant, and no alternative employment position is available, the leave period shall be automatically extended and the employee shall be given the next available employment position for which the employee is qualified, with the right of the employee to transfer to the employee's former employment position if and when it becomes available.

- D. Prior to reinstatement after a general leave of absence for an illness, an employee must present to the City Manager a physician's written statement certifying that the employee is capable of returning to work and performing, either with or without reasonable accommodation, the essential functions of the employment position involved.

6.2.5 Implicit Resignation During General Leave of Absence

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

SECTION 6.3 MILITARY SERVICE

Military leave shall be granted in accordance with applicable Federal and State law.

SECTION 6.4 VICTIMS' ECONOMIC SAFETY AND SECURITY ACT (VESSA)

City employees may take unpaid leave under the Victims' Economic Security and Safety Act ("VESSA") in order to seek assistance in response to an act or threat of domestic violence, sexual assault, or stalking. An employee may take this leave to seek services for someone who is a victim of domestic or sexual violence if the victim is: 1) the employee; 2) a covered family member (spouse, child, parent); or 3) a household member (who is currently residing with the employee). Further information on VESSA can be found in Appendix G of this manual.

CHAPTER 7 DISCIPLINARY ACTION AND SEPARATION FROM EMPLOYMENT

SECTION 7.1 DISCIPLINE

It shall be the duty of all employees to maintain high standards of conduct, cooperation, efficiency, and economy in their work for the City.

Discipline may include counseling with an employee, as well as special training for the employee's job. Discipline may also include imposing a penalty for breaking rules or for actions that are detrimental and/or disruptive to the effective discharge of City functions. Corrective disciplinary action shall be applied in cases involving unacceptable job performance or misconduct. This section shall not limit in any way the ability of the City to take disciplinary action, up to and including discharge, against employees, as it deems appropriate.

7.1.1 Forms of Discipline

The City has the right and authority to impose any form of discipline, up to and including discharge, that it determines to be appropriate, in its sole discretion, based upon the facts of any given situation. No employee is guaranteed that disciplinary action will be progressive, or that disciplinary action will be taken in any specified sequence. The City retains the right to discipline and/or discharge an employee with or without cause or notice.

Possible disciplinary action includes the following:

- A. An oral or written reprimand may be given when an employee's performance or conduct does not meet acceptable minimum standards or for any other purpose in the discretion of the Department Head or supervisor. An oral or written reprimand may include criteria for improvement of performance and time limits may be set for accomplishment of acceptable performance.
- B. Suspension without pay for up to three (3) working days may be imposed by a Department Head when an employee's action violates a supervisor's order or is contrary to Departmental or City rules, but the employee's action is not serious enough to warrant discharge, or for any other purpose in the discretion of the Department Head. Whenever possible, the Department Head shall notify the City Manager, in writing, at least forty-eight (48) hours prior to the scheduled suspension. The Department Head may impose a suspension of more than three (3) days, but not more than thirty (30) days, but only with the approval of the City Manager. When the City Manager suspends a Department Head, the Manager shall notify the Mayor and City Council in writing.
- C. A Department Head may discharge any employee, but only with the approval of the City Manager. The notice of discharge shall be in writing. When a Department Head is discharged, the City Manager shall notify the Mayor and City Council in writing.

SECTION 7.2 REDUCTION IN FORCE

The City Manager may lay off an employee whenever lack of work or funds, abolishment of a position, or other material changes in duties or organization makes a reduction in force necessary. The Department Head(s) shall prepare, for the City Manager's approval, a list of those employees to be laid off, and employees to be laid off shall be notified of the effective date of the lay off.

SECTION 7.3 RESIGNATION OR SEPARATION OF SERVICE

An employee separating from City employment shall submit to his/her Department Head a written resignation at least ten (10) working days prior to the termination date. The

Department Head may consent to an employee's leaving sooner than the scheduled termination date when appropriate. A copy of the employee's letter of resignation shall be forwarded to the City Manager and to the Personnel Officer. The employee shall not be penalized for failing to provide notice.

SECTION 7.4 ABANDONMENT OF POSITION

When an employee is absent from work three (3) days or longer without communicating the cause for the absence to his/her Department Head, the lack of notice shall be construed as job abandonment, and the employee shall be deemed to have resigned his/her employment position. In this event, the Department Head shall send notice to the employee by regular mail, at the employee's address as shown in the employee's personnel file, advising the employee that he/she is deemed to have resigned from employment with the City.

SECTION 7.5 RETURN OF CITY PROPERTY

An employee leaving City employment, whether through resignation, lay-off, retirement or discharge, shall return any City property in his/her possession. Failure to return all City property in the employee's possession may result in a delay in the employee's final check until the subject property is returned, or in criminal prosecution. The Department Head of the employee leaving City service will be responsible for seeing that the return of material is completed.

SECTION 7.6 FINAL PAY

The final compensation for any employee shall be paid on the next regular pay period following the effective date of said employee's termination, unless the employee has failed to return City property.

If requested by any retiring full-time employee, the City will assist in developing a final pay schedule that maximizes pension benefits within IMRF guidelines.

SECTION 7.7 REINSTATEMENT

After an employee has been separated from employment with the City for at least thirty (30) days, the City may rehire such employee as a new employee if he/she resigned in good standing. An employee who is rehired shall not be eligible to carry forward any accrued service time. An employee who resigns while awaiting disciplinary action or who is discharged shall not be eligible for re-employment.

File Name = Personnel Code Final Adopted 7/28/09

EMPLOYEE ACKNOWLEDGEMENT FORM

The City of Oakbrook Terrace (the "City") has made available a copy of the "City of Oakbrook Terrace Personnel Policy and Procedures Manual" (the "Manual").

I understand that the Manual is **NOT AN EXPRESS OR IMPLIED CONTRACT OF EMPLOYMENT** or a legal document of any kind, that it does not create any rights in the nature of an employment contract, and that it does not serve as a statement of specific employment terms and conditions for any employee. I acknowledge that my employment with the City is on an at-will basis, and that nothing contained in the Manual creates any promise of continued employment or restricts either the right of the City, or my right, to terminate my employment at any time.

I acknowledge that the provisions of the Manual are subject to change, that the City may unilaterally amend it at any time at its sole discretion, that revisions to the Manual may supersede or eliminate one or more existing policies, and that any changes to the Manual will be communicated through official notices.

I have received, read and understood the provisions contained in the Manual and, in consideration of additional compensation provided to me by the City, agree to such provisions, and with any revisions made to them at any future date. I further understand that, upon request, my supervisor can provide further information on any subject contained in the Manual.

Signature

Print Name

Date

Attest

City of Oakbrook Terrace

Request for Approval of Outside Employment

Name of Employee: _____

I hereby request the approval of the City of Oakbrook Terrace (the "City") for my outside employment at the place(s) listed below, for the duties and hours described. I understand that my outside employment may not conflict with my duties for the City, and that I am subject to call at any time. I further understand and agree that I will be obligated to abandon my outside employment responsibilities when called for duty by the City.

Job Location: _____

Description of Duties: _____

Hours of Outside Work (AM or PM): _____

SIGNATURE: _____ DATE: _____

APPROVED
DISAPPROVED

By: _____ / _____ / City Manager
DATE: _____

COMPLAINT REPORTING PROCEDURE

Instructions: This procedure is designed to insure that every employee is provided with the opportunity to have a question, concern and/or problem responded to within a reasonable time. Any employee may use this procedure for any matter which pertains to, or has an effect on, their employment with the City, including job classification, supervisors, rules, regulations, policies, job safety, working conditions, salary and benefits.

Before using this form, the employee should informally discuss the question/problem with an immediate supervisor. Your supervisor will listen to your question/problem, and, if possible provide a response within a reasonable time frame.

If your immediate supervisor does not or cannot provide an acceptable response, this formal employee communication procedure, as defined in section 2.24 of the Personnel Policy & Procedures Manual should be followed.

Employee's Name

Supervisor's Name

Date form was submitted to employee's supervisor

EMPLOYEE: Briefly state your question, concern or problem in the space provided. Be as specific and precise as possible. Upon completing this form, submit to your supervisor.

SUPERVISOR: Briefly identify the response you made to the question, concern or problem identified above. Write your comments below and send to the employee within five (5) working days from the date you received this form.

Continued...

DEPARTMENT HEAD: If the requesting employee did not have the question, concern or problem resolved, the employee has the right to appeal to you on this form. Within five (5) working days after receiving this form, the Department Head shall furnish the employee with a response written below. The Department Head may meet with the employee and all supervisory personnel that have been involved in the issue. The meeting should be set up within five (5) working days of your receipt of this form. You should review the entire issue and identify, in the space provided below, exactly what action (if any) will be taken to resolve this situation. If, in your opinion, the employee's concern or problem is legitimate but cannot be properly resolved because of an established City rule or policy, you should submit (in a separate memorandum) as recommendation to the City Manager that certain revisions be made. The form should be attached to such recommendation.

The employee may, within five (5) working days after receipt of this form with reply from the Department Head, appeal the decision to the City Manager by providing the City Manager with a copy of this form with all previous responses. A copy must be sent to the Personnel Officer at the same time. The City Manager may conduct an investigation regarding the complaint. Within five (5) working days of receipt of the appeal, the City Manager shall furnish the employee with a reply written below. The City Manager's decision in the matter will be final.

Personnel Policy and Procedures Manual

HEALTH INSURANCE PORTABILITY AND PRIVACY ACT

HIPAA Privacy Rules

City of Oakbrook Terrace

The General Rule

A Covered Entity may not use or disclose Protected Health Information (PHI) to its employee workforce or outside vendors (Business Associates), except as allowed by the HIPAA Privacy Rules (the primary reasons being treatment, payment, or healthcare operations or a specific authorization from the individual who is the subject of the PHI).

The Minimum Necessary Rule

- Even where permitted, only the minimum necessary amount of PHI necessary to accomplish the intended purpose must be provided.
- For the purposes of insurance renewals, measures must be utilized to reduce and/or eliminate PHI to accomplish the desired outcome.

Additional Information

Following are the privacy practices regarding HIPAA for the City of Oakbrook Terrace which outline your rights under the new privacy rules. Additional information, including discipline and complaint/resolution procedures, can be found in the City of Oakbrook Terrace's HIPAA Manual. Employees of the City of Oakbrook Terrace may view this manual by contacting the Privacy Officer listed below.

Privacy Officer: Kathy Katz
City of Oakbrook Terrace
17 W 275 Butterfield Road
Oakbrook Terrace, IL 60181
(630) 941-8300

Notice of Privacy Practices

City of Oakbrook Terrace

HIPAA Notice of Privacy Practices

THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

Our Company's Pledge to You

This notice is intended to inform you of the privacy practices followed by the City of Oakbrook Terrace Group Benefit Plan. It also explains the federal privacy rights afforded to you and the members of your family as plan participants covered under a group health plan.

As a plan sponsor, the City of Oakbrook Terrace often needs access to health information in order to perform plan administrator functions. We want to assure the plan participants covered under our group health plan that we comply with federal privacy laws and respect your right to privacy. We require all members of our workforce and third parties that are provided access to health information comply with the privacy practices outlined below.

Uses and Disclosures of Health Information

Health Care Operations. We use and disclose health information about you in order to perform plan administration functions such as quality assurance activities, resolution of internal grievances, and evaluating plan performance. For example, we review claims experience in order to understand participant utilization and to make plan design changes that are intended to control health care costs.

Payment. We may also use or disclose identifiable health information about you without your written authorization in order to determine eligibility for benefits, seek reimbursement from a third party, or coordinate benefits with another health plan under which you are covered. For example, a health care provider that provided treatment to you will provide us with your health information. We use that information in order to determine whether those services are eligible for payment under our group health plan.

Treatment. Although the law allows use and disclosure of your health information for purposes of treatment, as a plan sponsor we generally do not need to disclose your information for treatment purposes. Your physician or health care provider is required to provide you with an explanation of how they use and share your health information for purposes of treatment, payment, and health care operations.

As permitted or required by law. We may also use or disclose your health information without your written authorization for other reasons as permitted by law. We are permitted by law to share information, subject to certain requirements, in order to communicate information on health-related benefits or services that may be of interest to you, respond to a court order, or provide information

to further public health activities (e.g. preventing the spread of disease) without your written authorization. We are also *permitted* to share health information during a corporate restructuring such as a merger, sale, or acquisition. We will also disclose health information about you when *required* by law, for example, in order to prevent serious harm to you or others.

Pursuant to your Authorization. When required by law, we will ask for your written authorization before using or disclosing your identifiable health information. If you choose to sign an authorization to disclose information, you can later revoke that authorization to cease any future uses or disclosures.

Right to Inspect and Copy. In most cases, you have a right to inspect and copy the health information we maintain about you. If you request copies, we will charge you \$0.05 (5 cents) for each page. Your request to inspect or review your health information must be submitted in writing to the person listed below.

Right to an Accounting of Disclosures. You have a right to receive a list of instances where we have disclosed health information about you for reasons other than treatment, payment, or related administrative purposes, except for information disclosed in conjunction with an investigation for law enforcement purposes.

Right to Amend. If you believe that information within your records is incorrect or if important information is missing, you have a right to request that we correct the existing information or add the missing information.

Right to Request Restrictions. You may request in writing that we not use or disclose information for treatment, payment, or other administrative purposes except when specifically authorized by you, when required by law, or in emergency circumstances. We will consider your request, but are not legally obligated to agree to those restrictions.

Right to Request Confidential Communications. You have a right to receive confidential communications containing your health information. We are required to accommodate reasonable requests. For example, you may ask that we contact you at your place of employment or send communications regarding treatment to an alternate address.

Right to Receive a Paper Copy of this Notice. If you have agreed to accept this notice electronically, you also have a right to obtain a paper copy of this notice from us upon request. To obtain a paper copy of this notice, please contact the person listed below.

Our Legal Duties

We are required by law to protect the privacy of your information, provide this notice about information practices, and follow the information practices that are described in this notice.

We may change our policies at any time. Before we make a significant change in our policies, we will provide you with a revised copy of this notice. You can also request a copy of our notice at any time. For more information about our privacy practices, contact the person listed below.

If you have any questions or complaints, please contact:

Privacy Officer: Kathy Katz
City of Oakbrook Terrace
17 W 275 Butterfield Road
Oakbrook Terrace, IL 60181
(630) 941-8300
www.oakbrookterrace.net

Complaints

If you are concerned that we have violated your privacy rights, or you disagree with a decision we made about access to your records, you may contact the person listed above. You may also send a written complaint to the U.S. Department of Health and Human Services — Office of Civil Rights. The person listed above can provide you with the appropriate address upon request or you may visit www.hhs.gov/ocr for further information.

Procedures for Handling PHI under the Authorization Form.

When the Company is asked to aid in the investigation of a disputed item with regards to your group medical, dental, vision, prescription drug, and/or FSA benefits the participant and "privacy officer" will require a signed "Authorization Form" before any work can begin.

APPENDIX F

SECTION 6.4 VICTIMS' ECONOMIC SECURITY AND SAFETY ACT POLICY.

City employees may take unpaid leave under the Victims' Economic Security and Safety Act ("VESSA") in order to seek assistance in response to an act or threat of domestic or sexual violence. An employee may take this leave to seek services for someone who is a victim of domestic or sexual violence if the victim is: 1) the employee; 2) a covered family member (spouse, child, parent); 3) a household member (who is currently residing with the employee); or 4) person related by blood or by present or prior marriage and persons who share a relationship through a son or daughter. VESSA leave is not allowed, however, if the employee's interests regarding the violent act are adverse to the victim's interests, and the City's Personnel Officer or City Manager may request a copy of a police report concerning the act or threat of domestic or sexual violence if there is any question concerning the adverse interests of the employee and the victim. Employees are eligible to take up to twelve (12) weeks of unpaid VESSA leave within any twelve (12) month period and shall be restored to the same or an equivalent position upon their return from leave.

6.4.1 Reasons For Leave.

An employee may take VESSA leave to obtain assistance or services for a victim for the following purposes: (1) to seek medical attention for, or to recover from, physical or psychological injuries caused by domestic or sexual violence; (2) to obtain services from a victim services organization; (3) to obtain psychological or other counseling; (4) to participate in safety planning, to seek temporary or permanent relocation, to take other actions to increase the safety of the victim from future domestic or sexual violence, or to ensure economic security; or (5) to seek legal assistance or remedies to ensure the health and safety of the victim, including preparing for or participating in any legal proceeding related to or resulting from domestic or sexual violence. If an employee misrepresents the facts in order to be granted a VESSA leave, such employee will be subject to disciplinary action, up to and including discharge.

6.4.2 Notice Of Leave.

An employee must give the City's Personnel Officer or City Manager at least forty-eight (48) hours prior notice, unless providing advance notice is not practicable under the particular circumstances. If an employee is unable to provide advance notice, upon the request of the City's Personnel Officer or City Manager, such employee must provide notice when able to do so but, in any event, within a reasonable period of time after the absence. Failure to provide the required notice may result in treatment of the absences as unexcused.

6.4.3 Reporting While On Leave.

An employee on VESSA leave shall be required to contact such employee's supervisor on a regular basis regarding the status of such leave and such employee's intention to return to work.

6.4.4 Certification.

Employees requesting VESSA leave must provide proper certification for all absences. The certification must show that: (1) the victim for whom the leave is requested is the employee, a covered family member, a covered household member, a person related by blood or by present or prior marriage, or a person who shares a relationship through a son or daughter; (2) the victim was subjected to an act or threat of domestic or sexual violence; and (3) the leave is to seek assistance for a purpose covered by the Act as stated in the provisions of this Code. The employee must provide two (2) types of written documentation as certification: (1) a sworn statement by the employee showing that the leave qualifies for a purpose covered by VESSA, and; (2) written documentation from the source from whom assistance was sought or who could otherwise verify the nature of the leave, such as documentation from: (a) a representative of a victim services organization, an attorney, member of the clergy, or a medical or other professional, from whom the employee has sought services on behalf of a covered victim to address domestic or sexual violence or the effects of the violence; (b) a police or court record; or (c) other corroborating evidence.

It is the employee's responsibility to ensure that the City receives the proper certification. If the City does not receive adequate certification within a reasonable time period after leave is requested, or if the certification does not confirm a VESSA-qualifying purpose, the employee's absences may instead be processed under other applicable leave policies, and the employee will be held accountable for time taken under the City's attendance requirements.

6.4.5 Leave Is Unpaid.

VESSA leave is unpaid leave. An employee on VESSA leave may elect to substitute any period of unpaid leave for which the employee is eligible under federal, State or local law, or a collective bargaining agreement for an equivalent period of leave under VESSA. An employee on VESSA leave may also elect to use any accrued paid time off which would otherwise apply to the circumstances of the leave, including any accrued vacation time, compensatory time or other personal time. For instance, if VESSA leave is required because the employee is temporarily disabled due to domestic or sexual violence, the employee may use any accrued sick time for that portion of the leave. The substitution of any such paid or unpaid leave time shall not extend the maximum twelve (12) week VESSA leave period.

6.4.6 Medical And Other Benefits. During an approved VESSA leave, the City will maintain the employee's health benefits, as if the employee continued to be actively employed and, if the employee elects to take paid leave, shall deduct the employee's portion of the health plan premium as a regular payroll deduction. If the employee's leave is unpaid, the employee shall pay the employee's portion of the premium during the leave. The group health care coverage may cease if the employee fails to make timely payments of the employee's share of the premiums. If the employee does not return to work at the end of the leave period, the employee may be required to reimburse the City for the cost of the premiums paid by the City for maintaining health care coverage during the employee's unpaid leave, unless the employee can not return to work because of the continuance, onset or recurrence of domestic or sexual violence, or other circumstances beyond the employee's control. In such a case, the employee will be required to produce written certification to confirm the circumstances beyond the

employee's control, as provided in Section 6.4.4. Vacation, sick time, or other benefits shall not accrue while an employee is on unpaid VESSA leave; however, the employee will retain the right to all of the benefits that were accrued prior to the leave.

6.4.7 Intermittent And Reduced Schedule Leave.

VESSA leave may be taken intermittently (in separate blocks of time) or on a reduced leave schedule (reducing the usual number of hours the employee works per workweek or workday). If leave is unpaid, the City will determine the employee's salary based on the amount of time actually worked.

6.4.8 Other Applicable Leaves.

VESSA leave will run concurrently with any other applicable leave. For instance, leave taken under VESSA which also qualifies under the Family and Medical Leave Act ("FMLA") will be simultaneously designated as both VESSA and FMLA leave. Likewise, absences for which an employee receives sick time or short-term disability benefits for a purpose covered under VESSA will also be designated as VESSA leave.

6.4.9 Returning From Leave.

If the employee wishes and is able to return to work at the expiration of the leave, the employee is entitled to return to the same position or to an equivalent position with equal pay, benefits and other terms and conditions of employment, subject to any applicable exceptions; however, the employee has no greater right to reinstatement or other benefits and conditions of employment than if the employee had not taken the leave. The employee must return to work immediately after the expiration of the approved VESSA leave in order to be reinstated to the same position or an equivalent position.

If the employee takes leave because of the employee's own medical or psychological condition, the employee is required to provide medical certification that the employee is fit to resume work, according to the City's usual policies.

6.4.10 Reasonable Accommodation In The Workplace.

The City will consider making reasonable accommodations to an employee or job applicant for a known limitation resulting from domestic or sexual violence, unless the accommodation would cause the City an undue hardship. If the employee is an otherwise qualified individual who can perform the essential functions of the job, but needs such an accommodation, the City may provide an adjustment to the job structure, workplace facility, or work requirements, including a change in the employee's telephone number or seating assignment, or installation of a lock or implementation of a safety procedure in the employee's work area in response to a need covered by VESSA. The City will also consider a request for transfer, reassignment, or modified schedule if needed due to a known limitation caused by an act or threat of domestic or sexual violence. Other safety measures or assistance in documenting domestic or sexual violence that occurs at the City's workplace or in a work-related setting may also be appropriate. Any employee covered by VESSA may make a request for leave or for a reasonable accommodation to the Personnel Officer or the City Manager. If a reasonable accommodation is to be provided,

it shall be provided in a timely fashion, and any exigent circumstances or dangers facing the employee or his or her family, a household member, a person related by blood or by present or prior marriage, or a person who shares a relationship through a son or daughter, shall be considered in determining whether the accommodation is reasonable.

6.4.11 Confidentiality.

The City will maintain the employee's written certifications and other documentation regarding any requests for VESSA leave in a confidential file. The City will not disclose the nature of the leave other than to those specific persons who need to know in order to ensure the employee receives the appropriate VESSA rights, except as requested or consented to in writing by the employee or as otherwise required by applicable federal or State law.

6.4.12 No Retaliation.

The City strictly forbids any of its elected or appointed officials, employees, supervisors, or other representatives from discriminating, retaliating, harassing, interfering with, restraining or otherwise treating an employee unfavorably, with respect to compensation, terms, conditions or privileges of employment, for requesting or taking VESSA leave or exercising any other rights under VESSA. If the employee believes he or she has been denied VESSA rights, or if the employee believes he or she has been treated unfavorably for having exercised any VESSA rights, the employee should immediately report such action to the Personnel Officer or the City Manager.

The City will investigate the employee's concerns and take corrective action if it determines that any of its elected or appointed officials or employees has violated the City's VESSA policy.

Updated per PA 096-0635

