



ACKNOWLEDGMENT FOR RECEIPT OF CITY OF EDWARDSVILLE PERSONNEL CODE

This is to acknowledge that I have received my copy of the City of Edwardsville Personnel Code. I understand that I am to become familiar with the contents of the handbook, as it outlines my responsibilities, benefits, and City employment policies. I have had the opportunity to ask questions about its content.

I understand that this Code represents only current policies, regulations and benefits, and that the City may make changes in the Code at any time. I understand that this handbook is not all-inclusive, and that depending on my position within the City, other additional policies and regulations may apply to my employment.

The City retains the sole right to modify, suspend, interpret, or cancel in whole or in part, at any time, and with or without any notice, any of the published or unpublished policies or practices.

I understand that this Code does not create a contract of employment. Unless I am an elected official, or have a separate, individual employment contract, my employment is on an at-will basis. As an at-will employee, the City may terminate my employment at any time, for any reason, with or without advance notice or cause. As an at-will employee, I also have the right to end my work relationship with the City, with or without advance notice or cause. Unless I am an elected official, or have signed an individual employment contract stating otherwise, my employment is not for any definite term. It is my responsibility to read and abide by all rules and regulations, policies and procedures in the Code.

In the event of a contradiction between this Personnel Code and any statement made to me by a supervisor or other authorized representative of the City, the provisions of the Personnel Code shall govern.

Print Full Name: _____

Signature: _____

Date: _____

Department: _____

Director of HR (Print): _____

Director of HR Signature: _____



CITY OF
EDWARDSVILLE
ILLINOIS

PERSONNEL CODE
(Employee Handbook)

January 2014

TABLE OF CONTENTS

Introduction.....	1
1 Diversity	
1.1 Equal Employment Opportunity Policy.....	2
1.2 Equal Pay Act	
1.3 Americans with Disabilities Act (ADA) and the ADA Amendments Act (ADAAA)	
2 Applications, Examinations and Selection.....	4
2.1 Applications from External Applicants	
2.2 Internal Job Postings	
2.3 Examinations	
2.4 Selection	
2.5 Disqualification	
2.6 Anti-nepotism	
2.7 Probationary Period	
3 Fair Labor Standards Act.....	7
3.1 Minimum Wage	
3.2 Overtime Compensation	
3.3 Exemptions	
3.4 Non-Exempt Employee Working Two Positions	
3.5 Recordkeeping Requirements	
4 Pay Administration.....	9
4.1 Compensation	
4.2 Hours of Work	
4.3 Temporary Job Assignment	
4.4 Overtime	
4.5 Compensatory Time Off	
5 Special Allowances.....	11
5.1 Uniform	
5.2 City Property	
5.3 Trainings and Conferences	
5.4 Travel Allowance	
6 Records and Reports.....	13
6.1 Identification Card	
6.2 Personnel Forms	
6.3 Official Roster	
6.4 Personnel Records	
6.5 Employee Performance Evaluations	
6.6 Confidential Records	
6.7 Handling of Records and Confidential Documentation	
7 Communications.....	18
7.1 Correspondence	
7.2 Forms, Letterhead, Equipment	

7.3	City Mailing Address	
7.4	Reporting and Testifying	
7.5	Confidentiality	
8	Employee Associations and Affiliations.....	19
8.1	Employee's Organizational Rights	
8.2	Confidential Employees	
8.3	Administrative Status in Employee Organizations	
8.4	City's Negotiating Agent	
8.5	City Administration's Rights	
8.6	Political Activity	
9	Employee Conduct and Relations.....	21
9.1	Appearance and Conduct	
9.2	No Smoking in City Buildings, City Vehicles	
9.3	Tardiness	
9.4	Essential Job Function Requirements	
9.5	Outside Employment	
9.6	Pecuniary Interests	
9.7	Personal Business During Working Hours	
9.8	Payment Due to the City	
9.9	State Officials and Employees Ethics Act	
9.10	Anti-Harassment Policy	
9.11	Violence in the Workplace	
9.12	Workplace Bullying	
10	Employee Safety.....	29
10.1	General Provisions	
10.2	Reporting of Accidents / Incidents	
10.3	Lost Keys to City Owned Property	
10.4	Use of City Vehicles	
10.5	Medications	
11	Vehicle Use and Maintenance Policy.....	30
11.1	Municipal Vehicles	
11.2	Expense Reimbursement	
11.3	Procedure	
11.4	Special Circumstances	
11.5	Sanctions	
12	Drug Free Workplace Policy.....	36
12.1	Notice Requirements	
12.2	Drug Free Awareness Program	
12.3	Employee Copy of Statement	
12.4	City Notification to Agency	
12.5	Employee Participation in Assistance of Rehabilitation Program	
12.6	Drug Testing Policy	
12.7	Good Faith Effort	
13	Electronic Communications Policies and Procedures.....	39
13.1	Use of Electronic Communications	

13.2	Prohibited Communications and Activities	
13.3	No Presumption of Privacy	
13.4	The City's Right to Monitor Use	
13.5	Licensing Fees	
13.6	Encryption	
13.7	Viruses and Tampering	
13.8	Disclaimer of Liability for Use of the Internet	
13.9	Duty Not to Waste Electronic Communications Resources	
13.10	E-mail Addresses	
13.11	Violations	
13.12	City Administration's Rights	
13.13	Definitions	
13.14	E-mail Retention Policy	
13.15	Exemptions	
14	Social Media Policy.....	46
14.1	Guidelines	
14.2	Using Social Media at Work	
14.3	Retaliation is Prohibited	
14.4	Media Contacts	
15	Cellular Device Policy.....	48
15.1	Purpose	
15.2	Obtaining Equipment and Service	
15.3	Network Connectivity and Data Synchronization	
15.4	Personal Use	
15.5	Safety	
15.6	Personal Cell Phones / Wireless Devices	
15.7	Employee Responsibility	
16	Disciplinary Actions.....	50
16.1	Working Relationships	
16.2	Forms of Disciplinary Action	
16.3	Causes for Disciplinary Action	
16.4	Suspensions	
16.5	Termination of Employment	
17	Appeals and Grievances.....	54
17.1	Appeal from Demotion, Suspension or Discharge	
17.2	Grievance Defined	
17.3	Grievance Procedure	
18	Benefits.....	55
18.1	Benefits	
18.2	Workers' Compensation	
18.3	Health Insurance	
18.4	Pensions	
18.5	457(b) Plan	
18.6	Longevity	
18.7	Employee Assistance Program (EAP)	
18.8	Tuition Reimbursement	

19	Time Off.....	60
19.1	Absences	
19.2	City-Observed Holidays	
19.3	Vacation Leave	
19.4	Sick Leave	
20	Other Types of Leave.....	65
20.1	Jury Duty	
20.2	Military Leave	
20.3	Illinois Family Military Leave Act	
20.4	Leave of Absence Without Pay	
20.5	Bereavement Leave	
20.6	Personal Leave	
20.7	Family and Medical Leave Act Policy	
20.8	Domestic Abuse Leave	
21	Promotions, Transfers and Demotions.....	78
21.1	Promotions	
21.2	Transfers	
21.3	Demotions	
22	Separation.....	80
22.1	Payment of Money Due to Employee	
22.2	Payment of Money Due to City / Return of Equipment	
22.3	Benefits Upon Separation	
22.4	Resignations	
22.5	Lay-Offs	
22.6	Dismissals	
22.7	Death of an Employee	
22.8	Disability	
22.9	Retirement	
23	Conformity and Severability.....	84

INTRODUCTION

This Personnel Code is a statement of policies and procedures to be followed by employees of the City of Edwardsville. It is not intended to form a written or implied employment contract.

This Personnel Code applies to all employees of the City of Edwardsville. It applies to employees who are elected officials to the extent that it is permitted by state and federal law. This Code applies to employees who are members of a collective bargaining unit, to the extent that their collective bargaining agreement is silent regarding any particular issue. If any section of this Code is in conflict with a section of a collective bargaining agreement, the terms of the employee's collective bargaining agreement shall prevail.

This Code applies to part-time employees. However, employee benefits apply only to full-time employees, unless otherwise provided by separate writing.

This Code applies to full-time and part-time Edwardsville Public Library employees. The Edwardsville Library Board shall have responsibility for establishing and implementing additional personnel policies for the Library. If any section of this Code is in conflict with a section of the *Edwardsville Public Library Policy Manual*, the terms of the *Edwardsville Public Library Policy Manual* shall prevail.

Unless an individual is an elected official, or has entered into a separate contract providing the contrary, all employees are employees-at-will. The City may discharge an at-will employee at any time, for any reason, with or without advance notice or cause. An at-will employee also has the right to end his or her work relationship with the City, with or without advance notice or cause. Unless an individual is an elected official, or has signed an individual employment contract stating otherwise, no employment is for any definite term.

The City reserves the right to interpret policies when applying the Code. The City recognizes that, due to the fundamental differences within each department, each department head must be given a certain discretion in determining how to effectively implement the following policies for his or her department.

The City reserves its right to make unilateral changes and amendments to this Personnel Code. In the event that an oral statement is made, or an oral agreement is entered into that conflicts with the terms of this Code, the terms of this Code shall prevail. Supervisor shall not issue directives in violations of this Code unless authorized. Any agreements or assurances governing the terms and conditions during an employee's tenure of employment must be in writing and signed by a authorized agent of the City as directed by the Mayor. It is each employee's responsibility to read and abide by all rules and regulations, policies and procedures in the Code.

1 DIVERSITY

1.1 Equal Employment Opportunity Policy

The City of Edwardsville is committed to the principles of equal employment opportunity in all areas of its employment process, including but not limited to recruitment, hiring, promotions, discipline, discharge, and the awarding of benefits for all qualified applicants. Therefore, race, color, religion, gender, sexual orientation, marital status, national origin, citizenship, disability, genetic identity, veteran's status, and age will be excluded from any employment decision or service provided by the City of Edwardsville.

The City of Edwardsville is an Equal Opportunity Employer and provides reasonable accommodation to applicants and employees with disabilities.

- 1) The City is committed to a policy of equal opportunity for all persons. Each department shall adhere to procedures that promote equal opportunity in all areas of City government, including employment.
- 2) Each City employee shall remain mindful of the City's citizens of legally protected groups.
- 3) All positions of employment with the City shall be advertised openly for a length of time sufficient to allow interested individuals to apply. Advertisements shall be placed in media likely to reach members of legally protected groups, including, but not limited to, a publication of general circulation in Edwardsville.

1.2 Equal Pay Act

The Illinois Equal Pay Act of 2003 prohibits any employer from paying unequal wages to men and women for doing the same or substantially similar work, requiring equal skill, effort, and responsibility, under similar working conditions for the same employer in the same county, solely on the basis of gender. City employees may be paid different wages based upon a seniority system, a merit system, or factors other than gender.

1.3 Americans with Disabilities Act (ADA) and the ADA Amendments Act (ADAAA)

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act, known as the ADAAA, are federal laws that prohibit employers with 15 or more employees from discriminating against applicants and individuals with disabilities and that, when needed, provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

It is the policy of the City of Edwardsville to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is the City's policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

The City will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these

individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation and/or if the accommodation creates an undue hardship to the City of Edwardsville. The Human Resources Department should be contacted with any questions or requests for accommodation.

2 APPLICATIONS, EXAMINATIONS AND SELECTION

2.1 Applications from External Applicants

An application for employment must be completed by all persons seeking employment with the City. Applications may be obtained at the Human Resources Department or on the City's website for all positions, except for police officer and firefighter positions. Police officer applicants shall receive employment applications from the Southwestern Illinois Joint Fire and Police Recruitment and Testing Consortium. Firefighter applicants shall receive employment applications from the City's website or the Human Resources Department (who maintains said applications on behalf of the Edwardsville Board of Fire and Police Commissioners) during the open application period which occurs every two years.

Employment applications may require personal information, including but not limited to: education, experience, references, and information regarding skills or certifications required for specific positions. Discovery of false information on an employment application is grounds for disqualification and termination at any time, regardless of length of time the employee has been employed with the City.

2.2 Internal Job Postings

The City supports the opportunity for current employees to develop and advance a career through internal job transfers / promotions. Job openings will be advertised internally with a one (1) week application window. Employees will be eligible to take advantage of the internal posting process after completion of twelve (12) months of continuous service in the employee's current position. The City reserves the right to grant exceptions based on operational needs.

After a job opening has been posted internally, an interested employee must complete the internal job posting application and submit the form to his/her Supervisor and Department Head for signature. The application must then be submitted to the Human Resources Department prior to the posted application deadline.

Internal applicants must meet the experience and educational requirements as outlined in the job posting announcement to be considered for an interview. The Director of Human Resources and the Hiring Manager are responsible for filling the position with the most qualified candidate and while preferential consideration is given to qualified internal applicants, meeting the *minimum* requirements does not guarantee an offer of the position. The City reserves the right to review resumes from external applicants, in addition to internal applications, prior to making a final hiring decision.

2.3 Examinations

Examinations may be given to fairly test the abilities and aptitudes of candidates for the duties to be performed.

Candidates for positions in the Fire and Police Departments must take and pass all tests and inquiries as established by the Edwardsville Board of Fire and Police Commissioners.

After an offer for employment has been extended, employees may be required to complete a pre-employment physical exam, drug screen, and background check. Some positions may require successful completion of a pre-employment psychological assessment and polygraph exam. The physical exam will be given by a physician and/or occupational health clinic chosen

by the City. The extent of the physical is to be determined by the Department Head and Human Resources, and may vary as necessary for the position for which he or she is a candidate.

2.4 Selection

Applicants must be able to perform the essential functions of the position, as outlined in the position's job description, for which they have been hired. Unless otherwise regulated by statute or other legal provisions, positions will be filled with a candidate based upon merit, experience, training, performance in testing (where applicable), and an interview for employment.

Applicants for the positions of firefighters and law enforcement officers must meet all requirements and examinations as established by the Board of Fire and Police Commissioners.

Residents of the City of Edwardsville may receive preferential consideration for employment, if all other employment qualifications are equal.

2.5 Disqualification

Applicants may be disqualified from employment with the City for reasons including, but not limited to, the following:

- A. Applicant is found lacking in any of the established preliminary requirements for employment.
- B. Applicant is physically unable to perform the essential functions of the position.
- C. Applicant has been convicted of a felony, or of a misdemeanor involving moral turpitude, or convicted of a number of minor violations that indicate a pattern of conduct raising safety concerns for the prospective employee, his colleagues, or the public with whom the prospective employee will have contact.
- D. Applicant has practiced any deception or fraud in the employment application.
- E. Applicant's character and/or employment verification and professional/personal references are found to be unsatisfactory.

2.6 Anti-nepotism

It is the general policy of the City of Edwardsville to restrict the employment, promotion, or transfer of an employee where an employee would be under the direct supervision of a family member. This policy shall encompass any relationship that could create unfair favoritism, personal conflict, or nepotism in the workplace.

The Mayor, in cooperation with the City Administrator and the Director of Human Resources, will review any decisions regarding employment, promotion, and transfers of employees that may create the appearance of impropriety, or the potential of unfair favoritism, personal conflict, or nepotism. Such determinations shall be made on a case-by-case basis.

2.7 Probationary Period

There shall be no probationary period for employees of the City of Edwardsville. Unless employee is an elected official, or governed by a collective bargaining agreement or other

statute or agreement expressly providing the contrary, all employees are at-will employees. Employment with the City of Edwardsville may be terminated at any time, for any reason, with or without advance notice or cause. Employees also have the right to end the work relationship with the City, with or without advance notice or cause. Unless provided by express contract, no employee is hired for a definite term.

3 FAIR LABOR STANDARDS ACT

The Fair Labor Standards Act (FLSA) establishes minimum wage, overtime compensation, recordkeeping, and child labor standards affecting certain full-time and part-time workers in the private sector, as well as in Federal, State, and local governments. Due to the nature of their duties, certain positions are exempt from the provisions of the FLSA. See Section 3.3 below.

Special rules apply to State and local government employment involving fire service and law enforcement activities, volunteer services, and compensatory time. These special rules are addressed below and also in respective collective bargaining agreements.

3.1 Minimum Wage

The City complies in all respects with the minimum wage and prevailing wage laws prescribed by Federal and State laws.

3.2 Overtime Compensation

See Section 4.4 Overtime and Section 4.5 Compensatory Time Off

3.3 Exemptions

The Fair Labor Standards Act provides an exemption from both minimum wage and overtime pay for employees employed as bona fide executive, administrative, professional, computer, or in a highly compensated position. To qualify for exemption, employees generally must meet certain tests regarding their job duties and be paid on a salary basis at not less than what is currently set by law per week. Job titles do not determine exempt status. In order for an exemption to apply, an employee's specific job duties and salary must meet all the requirements of the Department of Labor's regulations. Based on FLSA regulations, a position's FLSA status shall be determined by the City Administrator and the Director of Human Resources in consultation with the City Attorney.

3.4 Non-Exempt Employee Working Two Positions

If a non-exempt employee in a single workweek has been approved to work in two different non-exempt positions doing two or more different types of work for which different straight-time rates have been established, when the employee works more than 40 hours in the calendar week, the overtime rate of pay for that week is the weighted average of the two straight-time rates. That is, the earnings from all such rates are added together and this total is then divided by the total number of hours worked at all jobs.

3.5 Recordkeeping Requirements

The Act requires the City to maintain certain records for employees. It is required that each employee keep his or her Department Head and Human Resources apprised of the following current, accurate information:

- a. Employee's full name and Social Security Number (inform of changes upon marriage, divorce, or other legal name change);
- b. Home address, including zip code;
- c. Birth date;
- d. Time and day of week when employee's work week begins;
- e. Hours worked each day;
- f. Total hours worked each week;

- g. Total daily or weekly straight-time earnings;
- h. Total overtime earnings for the work week;
- i. Any additions to/deductions from employee's wages;

Employees must advise Human Resources of a current, active phone number and emergency contact information. Employees are required to update Human Resources when phone numbers or emergency contact information changes.

4 PAY ADMINISTRATION

4.1 Compensation

Salaries and rates of pay of all City officers and employees shall be established by the corporate authorities.

4.2 Hours of Work

Unless otherwise provided in writing, all positions that are regularly scheduled for less than 40 hours per week are considered part-time positions. A standard full-time position will require 40 hours of regularly scheduled work per week.

Unless otherwise provided by separate agreement, the following guidelines shall apply to the standard work day:

- A. The standard work day for all full-time employees is eight (8) hours. Work schedules shall be established by each Department Head.
- B. Each full-time employee is authorized to take not more than one (1) hour for a lunch break. Lunch break will be taken at a time convenient to the Department.
- C. The Department Head shall provide a work schedule for shift workers and part-time employees.
- D. Unless otherwise allowed by departmental policy, any non-exempt employee required to use a time clock shall stamp his or her own time card. Employees may not use another employee's time card to clock in or clock out for another employee. A record of hours worked shall be maintained for each employee. Falsification of any record, including a time card, shall be cause for discipline, up to and including termination.

4.3 Temporary Job Assignment

If a Department Head temporarily assigns a nonexempt employee to a higher paying position for one full work week or longer, the employee shall be paid the base rate of pay for the higher paying position.

In no event shall an employee assigned to a position of superior responsibility be authorized to hear or rule upon grievances, or alter any policies and procedures.

If an employee is assigned to an exempt position, which is temporarily vacant, the employee may receive additional compensation for the additional responsibility, as determined by the City Council.

4.4 Overtime

Unless otherwise expressly provided by separate writing, all time worked in excess of a normal, 40-hour calendar week work week will be compensated at the overtime rate of one and one-half (1 ½) times the employee's regular rate of pay. This section applies only to non-exempt employees under the Fair Labor Standards Act. Special rules are applied for certain Fire & Police Department employees as outlined in respective collective bargaining agreements.

If an employee is called back to work after regular working hours, the employee shall be paid at the rate of time and one-half (1 ½). The employee shall be paid for a minimum of two (2) hours. Department Heads are encouraged to monitor overtime use closely and keep it at a minimum.

4.5 Compensatory Time Off

Pursuant to the FLSA, and if approved by the employee's Department Head, a non-exempt employee may be allowed to accumulate compensatory time in lieu of monetary compensation for overtime hours worked. When approved, the employee will receive compensatory time off on an overtime hour for a compensatory time bank hour-and-one-half basis subject to the request of the employee. An employee may not accrue more than 40 hours of compensatory time off in his/her compensatory time off bank. After the maximum hours have been accrued, the non-exempt employee must receive monetary compensation for any overtime hours worked. Employees shall claim compensatory time on the payroll sheet for the time period in which the overtime was worked. Utilization of compensatory time may be taken in time increments approved by the employee's Department Head.

5 SPECIAL ALLOWANCES

5.1 Uniform

The City will provide uniform and accessory allowances for an employee whose position requires the use of same. The City will provide uniform and accessory allowances for a union employee, as specified in his or her collective bargaining agreement.

5.2 City Property

An employee in possession or control of City property shall be personally responsible for its proper care, use and security. Damage or loss resulting from negligence may be chargeable to the employee, and may subject the employee to disciplinary action.

5.3 Training and Conferences

Upon approval of attendance by a Department Head and the Director of Human Resources, an employee will be paid under the requirements of the FLSA for attending a professional conference or training workshop. A written request for attendance must be submitted to the Department Head and Director of Human Resources.

5.4 Travel Allowance

To attend a professional conference or training workshop, an employee must submit a written application to his or her Department Head for approval. The Department Head must then send the request to the Director of Human Resources for final approval. Each application shall include the conference schedule, registration information, and all anticipated costs including travel and hotel if applicable. In the event an employee is required to travel outside the City on official business, reimbursement shall be approved as follows:

- 1) Registration fee;
- 2) Hotel/Lodging cost;
- 3) Round trip transportation. Employees shall use a vehicle owned by the City when possible. If a personal vehicle is approved for use by the Department Head, the employee will be reimbursed at the current rate per mile allowed by the IRS. When claiming mileage, reimbursement will be allowed for the most direct route;
- 4) Per diem meal allowance for extended trips; see Section A below.

Any request for advance travel allowance shall be in the initial application to the Department Head. A detailed account of funds expended including all invoices and receipts from areas 1), 2), and 3) above will be submitted to the Director of Human Resources by the Department Head within ten (10) days of the employee's return from the conference / training session.

Exempt employees will be paid their regular salary for weeks in which they travel. Nonexempt employees will be paid for travel time in accordance with federal and state wage payment laws.

A. Per-Diem Rates for Meals for Extended Trips

Per diem will be paid when a training / conference trip includes an overnight stay. The employee receives per-diem based on how many quarters of each day he/she is

in travel status. Travel status begins at the time the employee leaves home/work to depart for the training or conference. Time added onto a trip for personal business at the beginning or end of the travel days is not eligible for per-diem reimbursement.

- | | |
|-------------------------|--------|
| 1) Midnight to 6:00a.m. | \$7.00 |
| 2) 6:00a.m. to Noon | \$7.00 |
| 3) Noon to 6:00p.m. | \$7.00 |
| 4) 6:00p.m. to Midnight | \$7.00 |

Total	<u>\$28.00</u>
-------	----------------

If any meals are being provided during the travel status by a hotel or training facility or through other means, the following amounts will be deducted from that particular day's per diem rates:

\$6.00 for breakfast; \$8.00 for lunch; and \$14.00 for dinner

For example, when breakfast has been provided during a full per diem-eligible day of training, per diem is adjusted to \$22.00 (\$28.00 - \$6.00 = \$22.00).

When an employee makes the initial request for approval for the training / conference trip, the employee should submit the schedule of events and the expected provision for meals for the entire length of the trip.

Incidental expenses and tips will be included as a part of the daily per diem rate and will not be reimbursed as a separate item.

Employees are not eligible for per diem when an overnight stay is not needed as a part of the training / conference trip.

6 RECORDS AND REPORTS

6.1 Identification Card

Each employee shall have an identification card, issued by the Human Resources Department, identifying the individual as a City employee. Each employee shall have this card in his or her possession during work hours. The identification card is the property of the City. It shall be returned to the employee's Department Head or designate upon separation of employment.

Police Officers may continue to carry an Edwardsville Police Department issued "Retired Police Officer Identification Card" upon separation of City employment due to retirement.

6.2 Personnel Forms

The Director of Human Resources shall approve all personnel forms to be used and properly maintained by all City departments. The Director of Human Resources shall also review and approve those forms unique to the operation of particular departments.

6.3 Official Roster

The Human Resources Department shall maintain a record of all employees showing name, address, phone number, emergency contact information, employment date, title of position, salary rate, transfers, paid time off bank balances and usage, and other pertinent data. In order that this roster may be properly maintained, all personnel actions (disciplinary actions, demotions, promotions, lateral transfers, etc.) and other changes in status of employment are to be reported to the Human Resources Department by the Department Head.

Leave information from all City departments will be submitted to the Human Resources Department bi-weekly with the payroll departmental batch report.

A. Public Records

The City will comply with all aspects of the Illinois Freedom of Information Act (FOIA). Personnel records pertaining to date of employment, present and past job classifications, rates of pay, and total compensation shall be considered public records. These may be inspected to verify employment upon written request to the Human Resources Department during normal working hours. Other information shall not be released to any person other than the employee, the head of employee's department of employment, the City Attorney, the City Administrator or the Mayor, without written permission from the employee.

The FOIA law has a presumption that all information is public, unless the public body proves otherwise. There are several exceptions to public disclosure that include but are not limited to:

- Private information – "Private information" is exempt from disclosure under FOIA. FOIA defines "private information" as "unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal e-mail addresses." Under FOIA, "private information also includes home addresses and personal license plate numbers, except as otherwise provided by law or when compiled without possibility of attribution to any person."

- Personal information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the person who is the subject of the information. Under FOIA, the “unwarranted invasion of personal privacy” means the “disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject’s right to privacy outweighs any legitimate public interest in obtaining the information.” Disclosing information that relates to the public duties of public employees is not considered an invasion of personal privacy.
- Law enforcement records that, if disclosed, would interfere with a pending or reasonably contemplated proceeding or that would disclose the identity of a confidential source. It is the position of the City that this includes case file information that has been forwarded to the State’s Attorney for consideration toward prosecution or opinion.

Effective January 1, 2012, Illinois Public Act 97-0609, amended the Illinois Open Meetings Act and the Illinois Pension Code and established new posting requirements for Illinois public bodies.

- All IMRF employers must post, within 6 days of the approval of a budget, the total compensation package for each employee having a total compensation package that exceeds \$75,000 per year; and
- Any IMRF employer that approves an employee’s total compensation package equal to or in excess of \$150,000 per year must post on its website, at least 6 days before the approval, the total compensation package for that employee.

“Total compensation package” for purposes of the Act means “payment by the employer to the employee for salary, health insurance, a housing allowance, a vehicle allowance, a clothing allowance, bonuses, loans, vacation days granted, and sick days granted.” The City of Edwardsville has elected to provide employee compensation information for all of its employees regardless of salary level.

B. Update of Information Required

It is the responsibility of each employee to provide both his or her Department Head and the Human Resources Department with a current address and telephone number. This applies even if the address and telephone number are temporary.

6.4 Personnel Records

This section is governed by the Illinois Personnel Record Review Act. 820 ILCS 40/1, et seq.

A. Confidential Personnel Records

Confidential personnel records will be maintained by the Human Resources Department. The following personnel records shall be confidential, and separate from public records, available to the employee, his or her designated representative, his or her Department Head, the City Attorney, the City Administrator and the Mayor:

- 1) Files, statements, reports, and other data in connection with and related to investigation of personnel policy violations;

- 2) Correspondence and documentation concerning commendations and criticisms;
- 3) Employee Performance Evaluations;

Employee medical information will also be kept confidential and in a separate file secured in the Human Resources Department.

The Edwardsville Police Department will perform any background checks for prospective or current employees. The results of such checks will be maintained at the police department. Information resulting from the background checks will be shared with the Director of Human Resources. The Human Resources Department will initiate credit checks for applicable positions when required. The results of the credit checks will be maintained in the Human Resources Department.

B. Inspection of Records

Upon a written request to the Director of Human Resources, an employee may inspect his or her personnel records. The City will allow the employee to inspect his or her records within seven (7) working days after the request is submitted. If the City determines that a seven (7) day deadline cannot be met, it will be allowed an additional seven (7) days to make the records available for review. The inspection will take place during normal business hours.

An employee will be allowed to obtain a copy of the information in his or her personnel record. If time does not permit copies to be made during the inspection, the City may make copies and give them to the employee after the review time. No employee will be permitted to remove any part of any record from the place of inspection.

An employee who is involved in a current grievance against the City may designate in writing a representative of his or her union, collective bargaining unit, or other representative to inspect his or her personnel records, in accordance with this section, which may have a bearing on the resolution of the grievance.

C. Exceptions

An employee or representative does not have the right to inspect the following:

- 1) Letters of reference;
- 2) Any portion of a test document, except for a cumulative test score;
- 3) Materials relating to the City's staff and/or succession planning, where the materials relate to, or affect more than, one employee. This exception does not apply to materials which have been, or are intended to be, used by the City to determine the individual employee's qualifications for employment, promotion, transfer, or additional compensation, discharge, or discipline.
- 4) Information of a personal nature about a person other than the employee, if disclosure would constitute a clearly unwarranted invasion of the other person's privacy.

- 5) Records relevant to any other pending claim between the City and an employee which may be discovered in a judicial proceeding.
- 6) Investigatory or security records maintained by the City to investigate criminal conduct by an employee, or activity by the employee which could reasonably be expected to harm the City's property, operations, or business, or could cause the City financial liability, unless and until the City takes adverse personnel action based on information in such records.

D. Disciplinary Records

The City will not divulge a disciplinary report, letter of reprimand, or other disciplinary action to a third party, a party not employed by the City, or a party who is not a part of a labor organization representing the employee without written notice to the employee. The written notice to the employee shall be by first-class mail or through electronic mail on or before the day the information is divulged.

6.5 Employee Performance Evaluations

Each employee shall receive a performance evaluation once a year. The Human Resources Department will provide, or approve of, an Employee Performance Evaluation form to be used by Department Heads and supervisors. The immediate supervisor of an employee will be responsible for the evaluation. Immediate supervisors are strongly encouraged to confer with other supervisors who are aware of the employee's relevant behaviors or aptitudes to ensure objectivity and accuracy. Each employee will be given an opportunity to review the evaluation with his or her immediate supervisor. Both the supervisor and employee will be required to sign the completed evaluation. An employee signature on his or her evaluation does not indicate agreement with the assessment, but indicates receipt and review thereof.

A copy of all evaluations will be maintained in the employee's confidential personnel file. Under the Illinois Personnel Record Review Act and the Freedom of Information Act, disclosure of performance reviews to a third party, a party who is not a part of the employer's organization, or a party who is not a part of a labor organization representing the employee, shall be prohibited.

6.6 Confidential Records

A. IRS Documentation, Grievances, Medical Records

A confidential file, separate and apart from the employee's personnel file, will be kept for each active employee and maintained in a secure place in the Human Resources Department. This file will include the following type of information:

- 1) Department of Homeland Security Form I-9, Employment Eligibility Verification document.
- 2) Grievances, discrimination complaints, and responses.
- 3) Medical Records. Federal law provides that the City may make inquiries into the ability of an employee to perform essential job-related functions. . Employees should be aware of the following:

- a) Supervisors may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations;
- b) First aid and safety personnel may be informed, when appropriate, if the disability may require emergency treatment; and
- c) Government officials may investigate the City's compliance with this law, and will be provided relevant information on request.

B. Internal Investigations

A confidential file will be maintained in the Human Resources Department containing any internal investigations. A file may also be maintained at the Edwardsville Police Department when the Police Department has been involved in an internal affairs investigation.

These are investigatory documents, and the employee will not have the right to inspect the records unless and until the City takes adverse personnel action based on information in these records.

C. External Investigations

Investigatory or security records maintained by the City to investigate criminal conduct by an employee will be maintained by the Police Department of the City of Edwardsville, and will not be available for inspection by an employee unless and until the City takes adverse personnel action based on information in these records.

6.7 Handling of Records and Confidential Documentation

No employee shall steal, alter, forge or tamper with any employee record. No record or other confidential documentation shall be removed from its respective department without express permission from the Department Head.

Only authorized personnel may duplicate any record or other confidential documentation. Only authorized personnel shall have access to such information and be permitted to disseminate same.

Violation of this section shall subject an employee to discipline, up to and including the possibility of discharge.

7 COMMUNICATIONS

It is essential that all City employees communicate and cooperate with one another to maintain efficiency both within and outside of their respective departments, so that the intent and goals of the Corporate Authorities remain clear.

For example, Department Heads must keep the Mayor and City Administrator apprised of departmental functions and activities. Department Heads and departmental employees must share information with one another, such that the Department Heads will know about all major activities proceeding within his or her department. Likewise, Department Heads must keep employees within their respective departments aware of departmental policies, ordinances, City policies, state and federal laws. Department Heads are encouraged to meet with employees periodically to ensure that their departments are adhering to such regulations.

Department Heads shall also encourage employees to cooperate and interact with other departments.

7.1 Correspondence

Department Heads shall be furnished with copies of any and all official correspondence directed from their department's staff to any person, agency, or organization outside the department.

7.2 Forms, Letterhead, Equipment

Use of City or departmental forms and letterhead shall be reserved for official business.

7.3 City Mailing Address

The use of any official City mailing address for personal business is prohibited, without prior authorization.

7.4 Reporting and Testifying

Any report involving City business, whether given in person or by writing, by a City employee shall contain accurate, honest information.

City employees shall testify, respond to inquiries, and conduct City business in a credible and cooperative manner.

Any subpoena fee received by the employee, as it relates to their City employment, must be signed over to the City.

7.5 Confidentiality

Employees shall refrain from discussing or disclosing confidential operations, business or records of the City without first obtaining the necessary authorization or permission of their Department Head. Employees are encouraged to be cognizant of conversations in public regarding confidential City business.

8 EMPLOYEE ASSOCIATIONS AND AFFILIATIONS

8.1 Employee's Organizational Rights

The City acknowledges the right of certain City employees to join and/or belong to professional organizations, unions or employee associations. Both City Administration and employee organizations are prohibited from restraining or coercing an employee in the exercise of his or her right to join or not to join, and to maintain or terminate membership in any employee organization.

8.2 Confidential Employees

Under the Illinois Public Labor Relations Act, certain employees can be excluded from a bargaining unit. Such individuals, "confidential employees," are excluded from the bargaining unit because in the regular course of his or her duties, assists and acts in a confidential capacity to persons who formulate, determine, and effectuate management policies with regard to labor relations or who, in the regular course of his or her duties, has authorized access to information relating to the effectuation or review of the employer's collective bargaining policies.

A City employee may be regarded as a "confidential employee" if he/she has access to confidential information specific to the collective bargaining relationship between labor and management, encompassing ongoing or future collective bargaining negotiations. For example, Department Heads assist in a confidential capacity, in the regular course of duties formulate, determine and effectuate labor relations policies. As such, Department Heads may be properly excluded from the bargaining unit. Also, an office assistant who has authorized access to strategy, bargaining proposals, and information relating to matters dealing with contract administration may be properly excluded from the bargaining unit. This includes any assistant whose duties include typing and proofreading of bargaining proposals prior to their presentation to the Union.

8.3 Administrative Status in Employee Organizations

City Officials and Department Heads may maintain membership in employee organizations. City Officials and Department Heads may not be represented by those organizations, and may not serve on an employee negotiating or grievance committees.

8.4 City's Negotiating Agent

The Mayor and/or the Mayor's designated representative(s) shall be the sole negotiating agents for the City.

8.5 City Administration's Rights

The City Administration's rights shall include, but not be limited to, the following:

- (a) determining the City's missions, policies, and standards of service offered to the public;
- (b) determining services to be rendered, operations to be performed, technology to be utilized, matters to be budgeted, and priorities of same;
- (c) maintaining and improving the efficiency and effectiveness of the services of the City;
- (d) determining the overall methods, means, and number of personnel by which the City's operations will be conducted;

- (e) directing, supervising, and hiring of employees;
- (f) suspending, disciplining, or discharging of employees;
- (g) relieving employees from duties because of lack of work or funds, or under conditions where the City determines continued work would be inefficient or non-productive;
- (h) taking action to carry out the needs and missions of the City in situations of emergency;
- (i) adopting rules, regulations, educational and safety programs necessary to effectuate the efficient and effective operations of the City;
- (j) promoting, transferring, assigning, scheduling, retaining, and/or laying-off employees; and
- (k) making, publishing, and enforcing reasonable rules and regulations.

The City Administration reasserts that all City employees are employees at will, except where policy conflicts with a collective bargaining agreement provision, and may be discharged for any reason, as provided by Illinois law or state statute.

8.6 Political Activity

- A. Employees are prohibited from utilizing employment with the City for political purposes.
- B. No employee shall be influenced in the performance of responsibilities due to the political positions or affiliations of another.
- C. No employee shall be denied the right to perform the following political activities as a private citizen in an off-duty capacity:
 - 1) Exercising the right to vote;
 - 2) Privately expressing political opinions;
 - 3) Acting as a delegate to or a member of a political caucus;
 - 4) Participating in a political canvass; or
 - 5) Becoming a candidate or nominee for an elective or appointive office.
- D. Unless otherwise exempted by law, employees are prohibited from simultaneously holding an employment position with the City, and an elective or appointive position with the City, or any other political subdivision where a conflict of interest may arise or the scheduling priorities of the primary employment prevent uninterrupted attention to both responsibilities.

9 EMPLOYEE CONDUCT AND RELATIONS

9.1 Appearance and Conduct

Discretion and good judgment on the part of employees in their style of dress and personal appearance are essential to the professional image and the safe operation of the City. Employees are expected to dress in a professional manner appropriate to their working environment and to the type of work performed. The City reserves the right to establish and enforce standards relating to acceptable dress and appearance. Individual departments also reserve the right to have their own policy or dress code appropriate to the nature of the work done within that department. Employees should consult their Department Head regarding any dress code requirement specific to their department.

Employees are discouraged from engaging in conduct which adversely affects the morale or efficiency of an individual department or the City, or which tends to diminish public respect for another employee or representative of the City, and/or diminish confidence in the operation of municipal services. If an employee engages in such conduct, he or she will be subject to disciplinary action, up to and including the possibility of termination.

Employees who are required to wear a uniform as set forth in a department policy will report to work with the uniform being clean and neat in appearance. A clothing allowance or maintenance stipend for uniforms may be established and administered per the employee's collective bargaining agreement, or for non-union employees, per an employee or position agreement when needed.

9.2 No Smoking in City Buildings, City Vehicles

Pursuant to the Smoke-free Illinois Act, smoking in City buildings and City vehicles is prohibited. No person or employee shall smoke within 15 feet of any entrance to a City building. Smoking areas outside of City buildings, and in compliance with the Act, may be designated by the Mayor or authorized City officials.

Employees found to be in violation of the Act may be subject to disciplinary action.

9.3 Tardiness

A non-exempt employee who arrives late for work shall not be paid for any time he or she has been absent. A Department Head may authorize an employee to extend his or her work period to compensate for time missed. All employees are expected to be punctual and to arrive to work on time to begin their workday.

Tardiness may be grounds for disciplinary action. A pattern of tardiness shall be grounds for disciplinary action, up to and including the possibility of termination.

9.4 Essential Job Function Requirements

An employee must be able to perform the required essential job functions of his/her position.

Under the Americans with Disabilities Act (ADA) and the ADA Amendments Act (ADAAA), the City will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation

and/or if the accommodation creates an undue hardship to the City of Edwardsville. The Human Resources Department should be contacted with any questions or requests for accommodation.

The City may require an employee to be periodically interviewed by a supervisor or examined by a physician concerning the nature or extent of any claimed physical or mental incapacity. A Department Head may require an employee to submit to medical or psychological examination by a City approved physician. The City may require an employee to attend an additional physician for a secondary opinion, during normal working hours. This is permissible at any time that a Department Head suspects that an employee's physical or mental condition may cause danger to the employee or others, or impairs the employee's performance of the essential functions of his or her professional duties. Reasonable efforts shall be made to schedule appointments during normal working hours.

The cost of any such examination that is made at the City's request shall be paid by the City, and shall be used only for the purpose of ascertaining an employee's condition relative to employment or continued employment with the City.

An employee shall provide a medical or psychological work release from a licensed physician or provider (i.e. certified psychologist), as may be requested by his or her Department Head, the Director of Human Resources or the City Administrator.

9.5 Outside Employment

Any employee's position with the City shall have priority over other occupational interests of the employee.

An employee engaged in outside employment, must provide in writing to the Department Head the name of the employer, and a description of the work performed. The documentation of secondary employment is to then be placed in the employee's personnel file in Human Resources. If the Department Head, in consultation with the Director of Human Resources, determines that outside employment is a potential conflict with the employee's position with the City, it shall be reported to the City Administrator.

An employee may not perform any outside work which is, or can be perceived to be, in conflict with the best interests of the City. A determination of whether outside employment is deemed to be detrimental to the best interests of the City shall be made by a Department Head, in consultation with the Director of Human Resources, and reported to the City Administrator. The employee will be notified in writing if the employee's secondary employment will not be allowed by the Department Head and City Administration.

An employee should also be careful to avoid appearances of impropriety, and consider whether the individual's engagement in an outside activity may reflect upon the City's goodwill.

Employees placed on an unpaid leave of absence due to an injury incurred at an outside job shall be ineligible for the accrual of vacation and sick leave during the duration of time absent from employment per Section 20.4 Leave of Absence Without Pay.

9.6 Pecuniary Interests

- A. No employee shall have a financial interest, directly or indirectly, in any contract or business with the City. Special circumstance may warrant specific approval of the City Council.

- B. No employee shall utilize any prestige, influence, position, time, facilities, equipment or supplies of the City for private gain or advantage.
- C. Employees are prohibited from holding two separate positions of employment where separate and distinct compensation is received from the City of Edwardsville, without the prior approval from the City Administrator.
- D. No employee shall accept any fee or reward from any source for any services rendered in the performance of City duties without the knowledge of his or her Department Head and the City Administrator.
- E. No employee shall alter his or her performance in any manner whatsoever in recognition of a promised, offered, and/or received gift or gratuity including discounted or cost-free goods or services.

9.7 Personal Business During Working Hours

Every attempt shall be made to confine personal business to off-duty hours. Visitors and personal telephone calls, personal text messages and personal emails are discouraged. Employees engaged in an excessive amount of personal business during working hours may be subject to disciplinary action.

Employees may not engage in outside business activities while on duty. City property may not be used for non-City business unless authorized by an employee's Department Head, after proper notification, and approval from, the City Administrator.

9.8 Payment Due the City

All employees are expected to make prompt payments for money due to the City. Failure to make timely payments may result in disciplinary action.

9.9 State Officials and Employees Ethics Act

This section adopts by reference the Illinois State Officials and Employees Ethics Act (5 ILCS 430/1-1 et seq.). The State officials and Employees Ethics Act has also been adopted by reference by the Corporate Authorities as Chapter 215 of the Codified Ordinances of the City of Edwardsville.

All employees shall adhere to the requirements of the Act. Any amendment of the Act shall be incorporated into this Section by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. Any amendment that is adopted by the City through Chapter 215 of the Codified Ordinances shall also be adopted herein by reference.

A violation of this section will result in disciplinary action, up to and including the possibility of termination. Any violation of the Act may also subject an employee to prosecution pursuant to state statute.

9.10 Anti-Harassment Policy

The City of Edwardsville is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices,

including harassment. Therefore, the City of Edwardsville expects that all relationships in the workplace will be professional at all times and free of bias, prejudice and harassment.

It is the policy of the City of Edwardsville that its employees will be free from any harassment based on race, color, religion, gender, sexual orientation, marital status, national origin, citizenship, disability, genetic identity, veteran's status or age. The City of Edwardsville prohibits any such discrimination or harassment.

The City of Edwardsville requires reporting of all perceived incidents of discrimination or harassment. It is the policy of the City to promptly and thoroughly investigate such reports. The City prohibits retaliation against any individual who reports discrimination or harassment or who participates in an investigation of such reports.

A. Definitions of Harassment.

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. Under the Illinois Human Rights Act, sexual harassment is defined as any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

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

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Examples of prohibited conduct include, but are not limited to the following:

- 1) Supervisors or managers explicitly or implicitly suggesting sex in return for a hiring, compensation, promotion or retention decision;
- 2) Verbal or written sexually suggestive or obscene comments, jokes, or propositions;
- 3) Unwanted physical contact, such as touching, grabbing, or pinching;
- 4) Displaying sexually suggestive objects, pictures, or magazines in the workplace;
- 5) Continual expression of sexual or social interest after an indication that such interest is not desired;
- 6) Conduct with sexual implications when such conduct interferes with the employee's work performance or creates an intimidating work environment;
- 7) Suggesting or implying that failure to accept a request for a date or sex would adversely affect the employee in respect to a performance evaluation or promotion;

Harassment on the basis of any other protected characteristic is also prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her

race, color, religion, gender, sexual orientation, marital status, national origin, citizenship, disability, genetic identity, veteran's status, age or any other characteristic protected by law and that:

- 1) Has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- 2) Has the purpose or effect of unreasonably interfering with an individual's work performance; or
- 3) Otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on company time or using company equipment via e-mail, phone (including voice messages), text messages, social media (tweets, blogs, social networking sites) or other published means.

B. Individuals and Conduct Covered

These policies apply to all applicants and employees, whether related to conduct engaged in by fellow employees or someone not directly connected to the City of Edwardsville (e.g., an outside vendor, consultant or customer).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

C. Complaint Process

Individuals who believe they have been the victims of conduct prohibited by this policy statement or who believe they have witnessed such conduct are required to discuss their concerns with their Department Head, the Director of Human Resources, or the City Administrator.

- 1) Direct Communication with Offender and Documentation
When possible, the City of Edwardsville encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and request that it be discontinued. Often this action alone will resolve the problem. The initial message may be verbal. If subsequent messages are needed, they should be put in writing, and a copy given to the supervisor. Each incident should be documented, including what was said or done, the date, time, and place, even if not taken immediately to a supervisor. The City recognizes, however, that an individual may prefer to pursue the matter through complaint procedures. It is not necessary for harassment to be directed at the person making a complaint.

2) Communication with Department Head, Director of Human Resources or City Administrator

If direct communication is not possible with the offender, or if communication with the offender was not successful, the situation should be taken to the employee's Department Head, the Director of Human Resources or City Administrator. If the harasser is a Department Head, communication should be made directly with the Director of Human Resources or the City Administrator. Department Heads receiving a complaint should ask the complainant to put in writing the details of the incident(s) that initiated the complaint which should also include date, time, and possible witnesses. Department Heads receiving the complaint will then also advise the Director of Human Resources so that the process of working towards a resolution will begin promptly.

The City encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken. Therefore, although no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately.

False and malicious complaints of harassment, discrimination or retaliation may be the subject of appropriate disciplinary action.

3) Resolution Outside Department

The City encourages the internal resolution of most harassment complaints and incidents. However, an employee has the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) about filing a formal complaint.

D. False and Frivolous Complaints

False and frivolous charges refer to cases where the accuser is using a harassment complaint to accomplish some end other than stopping harassment. It does not refer to charges made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false and frivolous charge is a severe offense that can itself result in disciplinary action.

9.11 Violence in the Workplace

The City of Edwardsville will not tolerate workplace violence. The City reserves the right to take steps to prevent such conduct. Any act of violence within the workplace shall be grounds for discipline, up to and including termination.

All employees, customers, vendors and business associates must be treated with courtesy and respect at all times. Employees are expected to refrain from conduct that may be dangerous to others.

Conduct that threatens, intimidates or coerces another employee, customer, vendor or business associate, to include hazing, will not be tolerated. The City of Edwardsville resources may not be used to threaten, stalk or harass anyone at the workplace or outside the workplace. The City treats threats coming from an abusive personal relationship as it does other forms of violence.

Indirect or direct threats of violence, incidents of actual violence and suspicious individuals or activities should be reported as soon as possible to a supervisor or Department Head, the Human Resources Department, the Edwardsville Police Department or City Administrator. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident.

Employees shall promptly inform the Human Resource Department of any protective or restraining order that they have obtained that lists the workplace as a protected area. Employees are encouraged to report safety concerns with regard to intimate partner violence. The City will not retaliate against employees making good-faith reports. The City is committed to supporting victims of intimate partner violence by providing referrals to the City's Employee Assistance Program (EAP) and community resources and providing time off for reasons related to intimate partner violence.

The City, with the assistance of the Edwardsville Police Department, will promptly and thoroughly investigate all reports of threats of violence or incidents of actual violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as possible. The City will not retaliate against employees making good-faith reports of violence, threats or suspicious individuals or activities. In order to maintain workplace safety and the integrity of its investigation, the City may suspend employees suspected of workplace violence or threats of violence, either with or without pay, pending investigation.

Anyone found to be responsible for threats or actual violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment, in addition to possible pursuit of criminal prosecution.

The City encourages employees to bring their disputes to the attention of their supervisor/Department Head or the Human Resources Department before the situation escalates. The City will not discipline employees for raising such concerns.

9.12 Workplace Bullying

The City of Edwardsville will not tolerate workplace bullying. Workplace bullying involves repeated unreasonable acts toward an employee (or group of employees), either by an

individual employee (or a group of employees), intended to intimidate, degrade, humiliate or undermine the employee(s), and creating a risk to the health or safety of the employee(s).

Bullying may be intentional or unintentional. However, as with other claims of harassment, it is the effect of the behavior upon the individual that is important.

The City considers the following types of behavior examples of bullying:

- A. Verbal bullying: Slandering, ridiculing or maligning a person or his/her family; persistent name calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
- B. Physical bullying: Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault; damage to a person's work area or property.
- C. Gesture bullying: Nonverbal threatening gestures that convey threatening messages.
- D. Exclusion: Socially or physically excluding or disregarding a person in work-related activities.

All City employees will be treated with dignity and respect. The purpose of this policy is to communicate that the City will not tolerate bullying behavior. Employees found in violation of this policy will be disciplined up to and including termination and possible pursuit of criminal prosecution.

10 EMPLOYEE SAFETY

10.1 General Provisions

The City of Edwardsville requires each employee to obey established safety rules, including utilization of proper safety apparel. Failure to abide by safety rules may subject an employee to disciplinary action.

10.2 Reporting of Accidents / Incidents

If an employee is involved in an accident or other incident involving injury, illness, or property damage while on duty, he/she must immediately report the incident to his or her Supervisor. The Supervisor shall report the incident to the Department Head. If deemed serious or life threatening, the incident shall be reported immediately to the Director of Human Resources and the City Administrator. The City Administrator will evaluate the need to notify the Mayor, City Attorney or the Corporate Authorities.

For a work related injury to an employee, the employee is required to immediately report to his or her Supervisor any injuries received while working. Failure to report an injury or illness in a timely manner may affect the employee's claim for benefits. Upon reporting the injury, the employee will be required to complete a First Report of Injury form and submit it to his/her Supervisor within twenty-four (24) hours or as soon as administratively possible. Once reported, the Supervisor will also be required to complete a Supervisor's Report of Injury form. The Supervisor will also be expected to collect and submit written employee witness statements if other employees witnessed the injury. The employee witness statements are to be signed and dated by the witness(es). The Supervisor will turn in all forms and witness statements to the Director of Human Resources as soon as administratively possible. Supervisors and/or Department Heads shall use their best efforts to investigate any injury or illness leading to a Workers' Compensation Claim.

A Department Head may require the employee to submit to alcohol and/or drug testing if the employee or any other person has sustained any physical injury, or if property damage is sustained in the incident. If the employee refuses to submit to alcohol and/or drug testing within one (1) hour, he or she will be subject to discipline, including the possibility of termination of employment. If it appears that an employee has sustained any injury in the incident, the Department Head may further require the employee to submit to a physical examination.

10.3 Lost Keys to City Owned Property

No employee shall loan or otherwise issue to any person any key, badge card or combination to access City owned property without prior approval of a Supervisor. An employee shall report to his or her immediate Supervisor the loss and/or duplication of any departmental key or combination that may allow unauthorized personnel to access City property.

10.4 Use of City Vehicles

See Chapter 11 Vehicle Use and Maintenance Policy

10.5 Medications

Each employee is required to report to his or her Department Head if taking a medication that may impair the employee's ability to safely perform the responsibilities of his/her position.

11 VEHICLE USE AND MAINTENANCE POLICY

11.1 Municipal Vehicles

It is the policy of the City of Edwardsville to authorize the acquisition and utilization of vehicles for use by employees of the municipality, in the conduct of their employment responsibilities, either during the work period or on a twenty-four (24) hour on-call basis. City vehicles are not personal vehicles and are not intended for general personal use. City vehicles should be viewed as belonging to the citizens of Edwardsville and are assigned for purposes consistent with providing services to those citizens and/or pursuant to any existing employment agreements.

11.2 Expense Reimbursement

It is the policy of the City of Edwardsville to reimburse employees for reasonable expenses which they incur as a result of personal automobile use on municipal business. Receipts and an approved Expense Reimbursement Form must be submitted in order for an employee to be reimbursed for such expenses. Expense reimbursement is intended for travel outside the City of Edwardsville. Employees will not be reimbursed for personal automobile use within the City without advance approval of the Department Head, or unless specifically authorized by a collective bargaining contract or other agreement.

11.3 Procedure

A. Parking of Vehicles

All municipal vehicles, except those authorized for twenty-four (24) hour use, shall be garaged at the end of each day in assigned municipal parking lots. No vehicles, except those authorized for twenty-four (24) hour use, are to be taken to an employee's place of residence or other location at the end of the workday without approval of the City Administrator.

B. Assignment of Municipal Vehicles

The assignment of municipal vehicles during work time use is based upon job responsibilities. Department Heads that have municipal vehicles available for this purpose may assign such vehicles in a manner consistent with departmental workload and employee function. Department Heads are responsible for the vehicle use and maintenance, including cleanliness, and storage. Department Heads shall ensure that vehicles are routinely washed, the interior cleaned, and a preventative maintenance schedule established and observed. Department Heads are responsible to the City Administrator or the Administrator's designate for a full accounting of all municipal vehicle usage. The assignment of vehicles may be rescinded with reasonable notice by the City Administrator for justified cause. The use of all City-owned vehicles is subject to the provisions of the Internal Revenue Service Code and regulations of the Illinois Department of Revenue.

C. Assignment of Municipal Vehicles for 24-Hour Use (Vehicle Approved for Commuting Purposes)

- 1) The assignment of vehicles for twenty-four (24) hour use will be made in writing by the City Administrator unless previous authorization exists pursuant to ordinance, resolution or directive of the Mayor. Unless controlled by action of the Council, directives of the Mayor are final.

Generally, and in the absence of special circumstances, such assignments will only be considered for employees who require a vehicle for the ordinary and necessary discharge of their job functions. Criteria which will be used in the determination of eligibility for 24-hour vehicle use include:

- officially designated on-call status;
- requirement for frequent emergency availability;
- issuance of a cellular phone or other communications device;
- emergency or other equipment contained in the vehicle; and/or;
- no municipal facility is available for garaging in a safe and convenient location.

Such assignment may be rescinded with reasonable notice by the City Administrator for work-related reasons.

- 2) When commuting, vehicle use is limited to travel to and from the residence and place of work. The vehicle should be driven over the most direct route taking into account road and traffic conditions. The vehicle should not be utilized for travel outside a direct commuting route for personal reasons.
- 3) Whenever a position becomes vacant, the existence of any authorization for 24-hour use for commuting shall be reevaluated.
- 4) City-owned vehicles may not be taken after work hours to a garaged location or other site outside the corporate limits unless a special agreement or special circumstances exist. Special circumstances may involve the vehicle need as same may be specifically related to the operator's special training, tools or equipment.
- 5) Qualified Non-Personal Use of City-owned Vehicles (IRS Regulations for Use of Municipal Vehicles)
 - a) Employees who drive marked or unmarked police vehicles must be authorized to carry a weapon and have the power to arrest and, therefore, are not subject to income taxes normally associated with use of an employer-owned vehicle.
 - b) Vehicles used by the Fire Chief and Deputies Fire Chief, and other Fire Department staff vehicles which are clearly identified as emergency vehicles, (i.e. mounted roof lights) are not considered personal vehicles subject to taxation.
 - c) Other employees authorized to commute in a City vehicle may be subject to income regulations as set forth by the Internal Revenue Service, which considers a certain portion of the vehicle use (namely the commute) to be income for the purposes of income taxation. The Human Resources Department (Payroll and Benefits Coordinator) in cooperation with the Office of Clerk-Collector shall be responsible for determining any tax liability and will be provided with the names of all employees authorized to use City-owned

vehicles for commuting purposes, and the normal, one-way commuting distance, each by December 1 of each calendar year.

- d) While operating a City-owned vehicle, every employee so authorized shall maintain a professional (or appropriately casual) appearance as preparation for possible public and/or media interaction related to official duties for which the employee is authorized to have personal use of a vehicle. This includes law enforcement and fire service personnel and may include approved uniforms and fire-fighting gear.
- e) No person shall operate a City-owned vehicle, or a personal vehicle being used for City business, when any physical or mental impairment causes the person to be unable to drive safely. Additionally, no person shall operate a City vehicle, or a personal vehicle being used for City business, while using or consuming alcohol, illegal drugs or other legal or unlawful substance that may affect the person's ability to drive.
- f) All employees shall make every reasonable effort to prevent another employee from operating a personal or City-owned vehicle while subject to impairment as described above. This may necessarily include reporting to an appropriate law enforcement agency having jurisdiction.

D. Operation and Maintenance of Vehicles

All employees are required to adhere to the following minimum rules of operation of municipal vehicles, or when using a personal vehicle for City business:

- 1) Speed Limits: Strictly observed, excepting emergency vehicles (however, reckless operation shall not be tolerated under any circumstance).
- 2) Use of Safety Restraints: Seat belts, shoulder harness, and other restraints should be worn at all times vehicle is in motion, by driver and all passengers.
- 3) Rules of the Road: All traffic, driving and road regulations are to be strictly observed. Courtesy is to be extended to all entering and exiting traffic whenever vehicle is operated by an employee of the City of Edwardsville.
- 4) Use of Controlled Substances: Operation of a vehicle while under the influence of alcohol, illegal drugs, or prescription medications which may interfere with effective and safe operation is strictly prohibited.
- 5) Cell Phone Use: Employees are expected to use their cell phone / wireless device responsibly while driving and to be in compliance with current Federal & State laws. Employees are required to use a hands-free device for this purpose. Safety must come before all other concerns. When traffic conditions make it unsafe to use a cell phone / wireless device while driving, employees are required to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. Texting, reading / sending email or using other similar wireless features

while operating a motor vehicle, regardless of the circumstances, including slow or stopped traffic, is prohibited. See Chapter 15 Cellular Device Policy.

- 6) Gasoline is supplied exclusively through providers approved by the Office of City Clerk-Collector.
- 7) Maintenance responsibilities may be assigned to the Department of Public Works, Maintenance Division, and, depending on the vehicle, the need and existence of any warranty protection.

E. General Vehicle Use Regulations

Municipal vehicles may only be used for legitimate municipal business unless an agreement exists otherwise (personal use shall be reported as income unless the employee and vehicle are exempt pursuant to IRS Codes as previously indicated herein). Passengers shall be limited to City employees and individuals who are directly associated with City work activity (committee members, consultants, contractors, etc.). Non-employees and non-City business passengers (i.e. family and friends) shall not be transported in City vehicles unless a vehicle use agreement with a specific employee has been approved by the City Administrator to allow for such transportation. Employees who operate municipal vehicles shall have a valid Illinois driver's license and of the class required for the specific vehicle being operated. Employees who operate a City vehicle must immediately notify his/her Supervisor if the employee's driver's license is invalidated, suspended, revoked or cancelled. Employees may be required to provide proof of valid driver's license once every six (6) months or upon demand by a law enforcement officer, a representative of the Department of Human Resources or a superior. Vehicles should contain only those items for which the vehicle is designed. The City of Edwardsville shall not be liable for the loss or damage of any personal property transported in the vehicle.

Employees are expected to keep municipal vehicles clean, and to report to their supervisor any malfunction or known damage. Smoking is prohibited in all City vehicles.

Employees assigned vehicles for commuting purposes are expected to park such vehicles in safe locations. Employees who incur parking or other fines related to the use of municipal vehicles will generally be personally responsible for payment of such fines unless the payment of such fines by the City is approved by the City Administrator under unique circumstances. Employees who are issued citations for any offense while using a municipal vehicle must notify their supervisor without unreasonable delay, but in no case later than twenty-four (24) hours after the incident occurred. Failure to provide such notice will be grounds for disciplinary action in accordance with the City Personnel Code and/or other rules and regulations governing employee conduct. An employee who is assigned a municipal vehicle and who is arrested for or charged with an Illinois Vehicle Code violation for which the punishment includes suspension or revocation of the driver's license, whether in his/her personal vehicle or in a municipal vehicle, shall notify his/her supervisor without unreasonable delay, but in no case later than twenty-four (24) hours after the incident occurred. A record of conviction for such an offense may be grounds for loss of municipal vehicle privileges and/or further disciplinary action. No employee may use a municipal vehicle for out of state use without advance approval of the City Administrator or Department Head.

F. Reporting of Accidents

Whenever a municipal vehicle is involved in an accident, or subject to damage, or in the event an employee's personal vehicle is damaged during an approved, work-related trip, the employee operating the vehicle is required to notify his/her immediate supervisor without unreasonable delay. Unless there are no injuries and damage is below the legal threshold requiring a police report, a Crash/Incident Report shall be filed with the Edwardsville Police Department or other agency having jurisdiction. In all cases, a personal report shall be filed with the Office of City Clerk-Collector.

G. Registering and Insuring a Vehicle

The Office of Clerk-Collector shall coordinate all City-owned vehicle registrations, renewals, trade-ins, insuring and purchasing. Employees using a personal vehicle for approved City-business are to be in compliance with State registration and insurance requirements.

H. Withholding and Reporting Requirements

As indicated herein, pursuant to Internal Revenue Service and Department of Revenue codes, the City is required to withhold appropriate state and federal taxes, as may be applicable, on the value of the benefit represented by vehicle availability. The calculated benefit shall be included and reported as a portion of the employee's gross income.

I. Expense Reimbursement – Personal Vehicles

- 1) Expense reimbursement is intended for travel outside the City of Edwardsville. Employees will not be reimbursed for the use of a personal automobile within the City without advance approval of the department head or unless specifically authorized by a collective bargaining agreement.
- 2) When an employee is authorized to use a personal vehicle for work related travel, he/she shall be reimbursed at a rate established by the Internal Revenue Service and issued by the Office of Clerk-Collector in coordination with the Department of Human Resources.
 - a) An employee who uses his/her personal automobile to travel from home to a temporary assignment, rather than his/her regularly assigned work location, is expected to have liability insurance coverage pursuant to Illinois law.
 - b) An employee who uses his/her personal automobile to travel from home to a temporary assignment, rather than his/her regularly assigned work location, shall be allowed personal automobile expenses between home and the temporary assignment, or between the temporary assignment and the regular work location, whichever is less.
 - c) In order to be reimbursed for personal automobile use, employees shall complete the Personal Automobile Travel Expense Form supplied by the Clerk-Collector or Human Resources Department.

This form should be submitted to the Department Head for approval prior to submission to Human Resources Department for documentation prior to payment.

11.4 Special Circumstances

This policy is intended to provide a basic framework governing the use of personal and municipal vehicles in the City of Edwardsville, and, as such, cannot contain procedures governing every situation that might arise. Employees seeking clarification of or exemption from the provisions of this policy should contact the City Administrator or the Department of Human Resources who will provide such clarification and may authorize exceptions to the policy under mitigating or special circumstances.

11.5 Sanctions

Failure to comply with any and all provisions of this policy may result in disciplinary action up to and including removal of City vehicle use privileges, suspension, and/or termination from employment. Disciplinary actions shall be in keeping with normal standards and the provisions of collective bargaining agreements where applicable.

12 DRUG FREE WORKPLACE POLICY

In compliance with the Drug Free Workplace Act (30 ILCS 580/), the following Drug Free Workplace Policy shall apply to all City employees:

12.1 Notice Requirements

- A. Each employee is hereby notified that the manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited on property owned or controlled by the City of Edwardsville, or in any place where duties of employment are being performed.
- B. As a condition of employment on a state or federal grant or contract, every employee must abide by the terms of this policy, and shall notify his or her Department Head of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after the conviction.
- C. Any employee who violates this policy will be subject to discipline, including the possibility of termination.

12.2 Drug Free Awareness Program

The Mayor directs that a drug free awareness program be established as a component of existing employee assistance programs. This program shall inform employees about the following:

- (a) dangers of drug abuse in the workplace,
- (b) the City's policy of maintaining a drug free workplace,
- (c) available drug counseling, rehabilitation, and employee assistance programs, and
- (d) the penalties that may be imposed upon an employee for a drug abuse violation.

12.3 Employee Copy of Statement

Each employee to be engaged in the performance of a state or federal grant or contract shall be given a copy of the statements set forth in 12.1 above.

12.4 City Notification to Agency

The City will notify the state or federal granting or contracting agency within ten (10) days after receiving notice of a criminal drug statute conviction from an employee pursuant to 12.1 above.

12.5 Employee Participation in Assistance or Rehabilitation Program

Any employee who is convicted for a violation of any criminal drug statute shall satisfactorily participate in a drug abuse assistance or rehabilitation program, or the City will impose a sanction upon him/her, including the possibility of termination from employment. The City may assist an employee in selecting a course of action in the event drug counseling, treatment, and rehabilitation are required.

12.6 Drug Testing Policy

Whereas the City is committed to providing a Drug Free Workplace for its employees, and for the safety and well-being of City employees and residents, the City has adopted a program that will allow it to take necessary actions, including drug and/or alcohol testing, to implement a drug and alcohol policy. Separate agreements may provide for alternate drug testing policies.

A. Reasonable suspicion

Where there is reasonable suspicion to believe that an employee is impaired due to the influence of a drug or alcohol while on duty, the employee will be required to report for drug and/or alcohol testing by the Department Head, Director of Human Resources, City Administrator, the Mayor, or his/her designate. Refusal of an employee to comply with the order for drug and/or alcohol screening will be considered a refusal of a direct order, and will be cause for disciplinary action, including the possibility of termination.

Reasons for which an employee will be required to submit to testing include, but are not limited to:

- 1) An employee has been arrested or indicted for conduct involving illegal drug related activity;
- 2) An employee is injured while performing City business, causing reasonable suspicion of drug and/or alcohol use;
- 3) An employee is involved in an accident while performing City business, causing reasonable suspicion of drug and/or alcohol use;
- 4) An employee has absences or tardiness under circumstances giving rise to the reasonable suspicion of drug or alcohol use.
- 5) An employee exhibits signs of impairment to include odor of alcohol on breath, slowed or slurred speech, difficulty maintaining balance, or an employee is found in possession of alcohol or illegal drugs during the performance of their duties.

B. Written notice

When an employee is ordered to submit to testing, the City will provide the employee with the reason for the order. A written notice setting forth the objective facts and reasonable inferences leading to the order will be provided in a reasonable time following the order.

C. Voluntary requests for assistance

The City will not take adverse employment action against any employee because he or she voluntarily seeks treatment, counseling or other support for an alcohol or drug related problem, unless the request follows the order to submit to testing, or the employee is found to be using illegal drugs or under the influence of drugs or alcohol while doing City business.

D. Discipline

- 1) First Positive.
The first confirmed positive test result will be cause for disciplinary action. To avoid termination, an employee must agree to the following:

- a) The employee must contact the Employee Assistance Program for evaluation, diagnosis and development of a rehabilitation treatment plan, consistent with generally accepted standards;
 - b) The employee must cooperate in the rehabilitation plan, undergo unannounced periodic drug and alcohol screening for a period of up to twelve (12) months, complete the rehabilitation, remain free of drug and alcohol use, and sign an agreement consenting to said conditions.
- 2) Second Positive.
- a) If an employee enters a rehabilitation program, pursuant to "A" above, and has a second confirmed positive test while in the program, the employee will be suspended for thirty (30) calendar days. To maintain employment, the employee will be required to continue the rehabilitation program, and comply with all other conditions of rehabilitation. Any further confirmed positive test will result in the employee's immediate discharge.
 - b) If an employee is required to take a test based on a reasonable suspicion of use, and tests positive a second time, the employee's employment will be terminated immediately.

This section shall in no way limit discipline for other offenses arising out of, related to, or aggravated by drug use or alcohol abuse, including but not limited to the possibility of discharge because the employee's condition is such that he/she is unable to perform the essential functions of his/her position, or that he/she poses a direct threat to the health and safety to himself, herself or others.

E. Employment Status

The City will not be required to maintain an employee on active employment status if:

- 1) it is determined by a physician that the employee's current use of drugs or alcohol will prevent him/her from performing the essential function of the employee's position, or
- 2) the employee's current use of drugs or alcohol will constitute a direct threat to the property and safety of himself, herself or others.

If taking time off of work to seek treatment, an employee may use paid time off benefits, or if all paid time off has been exhausted, the employee may request an unpaid leave of absence pending treatment.

12.7 Good Faith Effort

The City will make a good faith effort to continue to maintain a drug free workplace through implementation of this Drug Free Workplace Policy.

13 ELECTRONIC COMMUNICATIONS POLICIES AND PROCEDURES

This policy is intended to serve as a guideline for the proper use of the City of Edwardsville electronic communication systems. This policy covers the use of all forms of electronic communications including but not limited to computers, e-mail, voice mail, office telephones, cellular telephones including all wireless devices, fax machines, external electronic bulletin boards, Intranet, and Internet, and applies to all City employees. Every employee is expected to read, understand, and follow the provisions of these policies and will be held responsible for its contents. The use of the City's electronic communication systems constitutes acceptance of these policies and their requirements.

13.1 Use of Electronic Communications

The City's electronic communications systems, including e-mail and the Internet, are intended for business use only and are the property of the City. Incidental and occasional use of these systems for non-work purposes may be permitted at the discretion of individual Department Heads. Before using these systems for business or personal use, the employee is advised that any information that is created, sent, received, accessed or stored in these systems will be the property of the City, and will not be private. If employee is permitted access to the electronic communication systems for non-work purposes, such use shall not violate any section of this policy or Code, or interfere with the employee's work performance.

Employee should use the same care and discretion when writing e-mail and other electronic communications as he or she would for any formal written communication. Any message of information sent by employee to other individuals via electronic communication systems such as the Internet or e-mail is a statement identifiable and attributable to the City. Consequently, all electronic communications sent by employee – whether business or personal - must be professional and comply with this Code and any applicable rule, regulation, or statute.

Passwords must be kept secure and computer accounts should not be shared. Employees are responsible for the security of their passwords and accounts.

All PCs, laptops and workstations should be secured by locking the PC, laptop or workstation (control-alt-delete, Lock Computer) when the PC, laptop or workstation will be unattended.

Employees must use extreme caution when opening email attachments received from unknown senders, which may contain viruses.

13.2 Prohibited Communications and Activities

The following activities are, in general, prohibited. Employees may be exempted from these restrictions during the course of their legitimate job responsibilities if prior approval has been given by a Department Head.

Under no circumstances is an employee authorized to engage in any activity that is illegal under local, state or federal law while using City-owned resources.

This prohibited list of communications is by no means exhaustive, but an attempt to provide a framework for activities which fall into the category of unacceptable use.

A. System and Network Activities

- 1) Under no circumstances may employee access the City's electronic communication systems for creating, possessing, uploading, downloading, accessing, transmitting or distributing material that is offensive, illegal, sexually explicit, discriminatory, defamatory or interferes with the productivity of co-workers. This includes using a City computing asset to actively engage in procuring or transmitting material that is in violation of the City's harassment policies.
- 2) An employee may not engage in any act which violates the rights of any person or company protected by copyright, trade secret, patent or other intellectual property or similar laws or regulations, including, but not limited to, the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by the City of Edwardsville.
- 3) An employee may not participate in unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, and the installation of any copyrighted software for which the City or the end use does not have an active license.
- 4) Posting of information, opinions, or comments to Internet discussion groups (for example: news groups, chat, list servers, blogs, electronic bulletin boards or social media sites) is prohibited, without prior authorization from the employee's Department Head.
- 5) The City's computer resources and/or Internet connection may not be used to play or download games or other entertainment software.
- 6) Introduction of malicious programs into the network or server (e.g. viruses, worms, Trojan horses, email bombs, etc.) is prohibited.
- 7) Effecting security breaches or disruptions of network communication is prohibited. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server or account that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties.
- 8) Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user's terminal session, via any means, locally or via the Internet is prohibited.
- 9) Employees may not use the City's electronic communication systems to gain unauthorized access to remote computers or other systems to intrude, damage, alter, or disrupt such computers or systems in any way, nor may employees – without authorization from their department head – use someone else's code or password or disclose anyone's code or password including their own. It is a violation of this policy for employees to intentionally intercept, eavesdrop, record, or alter another person's Internet and e-mail messages.

- 10) Employees may not enable unauthorized individuals to have access to or use the City's electronic communication system, or otherwise permit any use, which would jeopardize the security of the City's electronic communication systems.

EMAIL AND COMMUNICATIONS ACTIVITIES

- 1) E-mail or other electronic communications may not be used to disclose confidential or sensitive information. Personal information such as home addresses, phone numbers and social security numbers should never be disclosed on the Internet.
- 2) Sending unsolicited email messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (email spam) is prohibited.
- 3) Any form of harassment via email, telephone or texting, whether through language, frequency or size of messages is prohibited.
- 4) The sending of "All Employee" email messages by individual employees is prohibited unless prior approval has been received by a Department Head, the Director of Human Resources or the City Administrator.
- 5) Employees must use their real names when sending e-mail messages or other electronic communications and may not misrepresent, obscure or in any way attempt to subvert the information necessary to identify the real person responsible for the electronic communication. Sending e-mail messages under a fictitious or false name is a violation of this policy. Likewise, using another employee's account or login ID constitutes a violation of this policy.
- 6) Employees should be respectful when using the carbon copy (cc) or blind carbon copy (bcc) features of email. The use of the bcc function should be avoided unless required for privacy or confidentiality purposes.

13.3 No Presumption of Privacy

Although an employee may use passwords to access some electronic communication systems, these communications should not be considered private. An employee should always assume that any communications – whether business-related or personal – created, sent, received or stored on the City's electronic communication systems may be read or heard by someone other than the intended recipient.

Employee should also recognize that e-mail messages deleted from the system might still be retrieved from the computer's back-up system when requested by authorized personnel. Consequently, messages that were previously deleted may be recreated, printed out, or forwarded to authorized personnel without the employee's knowledge.

13.4 The City's Right to Monitor Use

The City reserves the right to monitor, intercept, access, disclose, retain, print, and delete all information created, sent, received, or stored in its electronic communication systems at any time, with or without employee notice.

The Mayor, City Administrator, Director of Human Resources or Chief of Police may provide written authorization to those they deem necessary to provide access to stored electronic communications.

Internet usage will be monitored in the same manner as other electronic communications. However, in addition, the City may regularly monitor and maintain a log of employees' Internet access including the type of sites accessed, the name of the server and the time of the day that access occurs. City Administration and Department Heads may have access to this log upon request.

Information obtained through monitoring may be used as a basis for employee discipline, termination, and evaluating employee performance.

13.5 Licensing Fees

Employees may not install any software for which the City has not paid the appropriate licensing fee. Additional licensing fees may be incurred every time software is installed for a new computer. Consequently, before software is installed on a computer, each employee has a duty to ensure that all appropriate licensing fees have been paid.

An employee may not copy software for distribution to any third party, or for home use, unless such copying is permitted by the software's license agreement.

The installation of software for trial periods authorized by the vendor would not be a violation of this policy.

13.6 Encryption

Employees may not password protect or otherwise privately code their files without prior authorization from a Department Head. The employee's Department Head and systems administrator must specifically approve use of encryption software prior to using such software for storage, receipt, and transmission of data. If encryption software is used, the employee must give the password to his or her Department Head.

13.7 Viruses and Tampering

Any files downloaded from the Internet must be scanned with virus detection software before installation and execution. The intentional introduction of viruses, attempts to breach system security, or other unauthorized tampering with any of the City's electronic communication systems are expressly prohibited. Employees must immediately report any viruses, tampering, other system breaches to a Department Head.

13.8 Disclaimer of Liability for Use of the Internet

The City is not responsible for material viewed or downloaded by an employee from the Internet. The Internet provides access to a significant amount of information, some of which contains offensive, sexually explicit and inappropriate material. It is not difficult to avoid contact with this material. Therefore, an employee using the Internet does so at his or her own risk and is responsible for the employee's own conduct.

13.9 Duty Not to Waste Electronic Communications Resources

An employee must not deliberately perform actions that waste electronic communications resources or unfairly monopolize resources to the exclusion of other employees. This includes, but is not limited to, subscribing to list servers, mailing lists, streaming video and audio or web sites not directly related to the employee's job responsibilities; spending extensive non-productive time on the Internet; and doing large non-work related file downloads, or mass mailings. Electronic communication resources are limited and employees have a duty to conserve these resources.

13.10 E-mail Addresses

The City reserves the right to monitor and keep an employee's e-mail address active for a reasonable period of time following an employee's departure to ensure that important business communications reach the City.

13.11 Violations

Violations of this policy may subject the employee to disciplinary action, including, but not limited to the removal of privileges, dismissal from employment, and/or, if applicable, any criminal or civil penalties or other legal action.

An employee who observes violations of this policy are obligated to report those violations to a Department Head, Human Resources and/or the System Administrator.

13.12 City Administration's Rights

This policy in no way limits or restricts the rights of the City's Management Personnel as provided in Section 8.5 of this Code or as otherwise allowed by statute, ordinance, regulation or law.

13.13 Definitions

Definitions applicable to this policy:

1. **Electronic Mail:** Electronic mail may include non-interactive communication of text, data, image or voice messages between a sender and designated recipient(s) by systems utilizing telecommunications links. It may also include correspondence transmitted and stored electronically using software facilities called "mail", "facsimile", or "messaging" systems; or voice messages transmitted and stored for later retrieval from a computer system.
2. **Internet:** A worldwide network of networks, connecting informational networks that communicate through a common communications language, or "protocol".
3. **Spam:** Unauthorized and/or unsolicited electronic mass mailings.
4. **Encryption Software:** Proprietary software that changes information from its native state to an unrecognizable coded state which can only be returned to its native state with special software.
5. **Pirated Software:** The unauthorized duplication and/or use of computer software.

6. **File Transfer Protocol (FTP):** A program that allows users to transfer data between different computers on a network or between networks.
7. **Blog:** a website, maintained by an individual with regular entries of commentary, descriptions of events, or other material such as graphics or video. Entries are commonly displayed in reverse-chronological order. "Blog" can also be used as a verb, meaning to maintain or add content to a blog. Many blogs provide commentary or news on a particular subject; others function as more personal online diaries. A typical blog combines text, images, and links to other blogs, Web pages, and other media related to its topic.
8. **List Servers:** An e-mail discussion group.
9. **Newsgroups:** Ongoing discussion groups among people on the Internet who share a mutual interest.
10. **E-mail messages:** Text documents created, stored, and delivered in an electronic format. E-mail messages are similar to other forms of communicated messages, such as correspondence, memoranda and circular letters.
11. **Non-record messages:** E-mail messages that do not set policy, establish guidelines or procedures, certify a transaction, or become a receipt. These are informal communications that are similar to communications during telephone conversations or conversations in an office hallway. Generally, non-record messages are short-lived, with no historical significance or public importance, and need not be retained after they have fulfilled their purpose. Examples include the following:
 - a) routine requests for information or publications which require no administrative action, policy decision, or special compilation or research and copies of replies;
 - b) originating office copies of letters of transmittal that do not add any information to that contained in the transmitted material;
 - c) quasi-official notices including memoranda and other records that do not serve as the basis of official actions (meeting confirmations, etc.).
12. **Records retention schedules:** Listings of agency records and how long they must be retained.

13.14 E-mail Retention Policy

A. Purpose

This policy applies to all e-mail and e-mail attachments circulated within the City. To establish guidelines to promote the effective capture, management, and retention of e-mail messages which are public records in compliance with records retention requirements. E-mail is a viable, efficient means to conduct municipal business. Consistency, predictability, and reliability in the manner in which the e-mail system is used and in which public records are maintained within the City are the focus of this section.

B. Policy

All City records shall be inventoried and analyzed for administrative, legal, financial and historical values to ensure that valuable records are adequately preserved, and non-records and obsolete records are destroyed in accord with authorized records retention schedules.

C. Retention

E-mail messages which are temporary communications, and are not necessary to preserve a record may be discarded routinely. Some e-mail may be considered to be of public record. As such, an employee will have the same responsibility for e-mail messages as they do for any other public record and must distinguish between records and non-record information.

Non-record messages should be deleted from files as soon as they have fulfilled their purpose. These records are not required to be kept under law, and preservation is not necessary or convenient in conducting City business. If an employee determines a message to be a record, it shall be properly preserved and disposed of as specified in the City's approved records retention schedule. Examples of messages considered to be records may include policy documents, contract related documents, or any other transmission that if received otherwise would be maintained in a file for record preservation.

13.15 Exemptions

The Mayor, City Administrator, Chief of Police, or department designate may authorize individuals, for investigative purposes, to engage in activities otherwise prohibited by this policy.

14 SOCIAL MEDIA POLICY

At the City of Edwardsville, it is understood that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, the following guidelines are to be used for appropriate use of social media.

This policy applies to all employees who work for the City of Edwardsville.

14.1 Guidelines

In the rapidly expanding world of electronic communications, *social media* can mean many things. *Social media* includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the City of Edwardsville, as well as any other form of electronic communication.

Ultimately, you are solely responsible for what you post online. Before creating content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow associates or otherwise adversely affects members, customers, suppliers, people who work on behalf of the City of Edwardsville or the City's legitimate business interests may result in disciplinary action up to and including termination.

A. Know and Follow the Rules

Carefully read these guidelines, the City's Ethics Policy (Section 9.9), the City's Electronic Communications Policy (Chapter 13) and the City's Discrimination and Harassment Prevention Policies (Chapter 1 and Section 9.10 respectively), and ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence of similar in appropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

B. Be Respectful

Always be fair and courteous to fellow employees, customers, residents, vendors or people who work on behalf of the City. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or your supervisor or Department Head than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage co-workers, customers, and residents, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion, sexual orientation or any other status protected by law or City policy.

C. Be Honest and Accurate

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about the City of Edwardsville, co-workers, customers, residents, vendors or people who work on behalf of the City.

D. Post Only Appropriate and Respectful Content

Maintain the confidentiality of the City of Edwardsville's private and confidential information. Do not post internal reports, policies, procedures or other internal business-related confidential communications.

Express only your personal opinions. Never represent yourself as a spokesperson for the City of Edwardsville unless specific authorization has been granted by a Department Head or City Administration. If the City is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of the City of Edwardsville, fellow coworkers, customers, residents, vendors or people who work on behalf of the City. If you do publish a blog or post online related to the work you do or subjects associated with the City, make it clear that you are not speaking on behalf of the City. It is best to include a disclaimer such as, "The postings on this site are my own and do not necessarily reflect the views of the City of Edwardsville."

14.2 Using Social Media at Work

Refrain from using social media while on work time or when using City equipment, unless it is work-related as authorized by a supervisor or Department Head. Do not use City email addresses to register on social networks, blogs or online tools used for personal use.

14.3 Retaliation is Prohibited

The City of Edwardsville prohibits taking negative action against an employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

14.4 Media Contacts

Employees should not speak to the media on the City of Edwardsville's behalf unless prior approval has been given by a Department Head or City Administration.

15 CELLULAR DEVICE POLICY

15.1 Purpose

This policy establishes the parameters under which the City will provide cellular equipment and service to certain employees for business use.

15.2 Obtaining Equipment and Service

The City provides cellular equipment and service to designated City employees when in the determination of the City it allows for more efficient and higher quality of service and/or work performance. This equipment and service is provided to the employee as a matter of convenience for the employer. Authorization by the Department Head is required. Equipment and service plans are administered by the City Clerk's Office. All requests for equipment and service must be processed through the City Clerk or his/her designate.

When an employee is away from work on an extended leave of absence and the cellular phone is not needed for business purposes during the absence, the City will collect the cellular equipment from the employee once the City has determined that there is not a need for the employee to retain the equipment during his/her absence.

15.3 Network Connectivity and Data Synchronization

Many 'smart' devices offer functionality to connect to the City's data network for purposes of sending and receiving email communication, and synchronizing contact and calendar information. Such devices are significantly more expensive than standard cellular phones, and also require data service at an increased monthly expense. On approval of the Department Head, one of these devices may be ordered for an employee in lieu of a standard cellular telephone. It will be configured by the Clerk's office, with training provided to the employee.

Security is a key concern with these devices. In case of loss or theft there is the potential for confidential or otherwise sensitive information to be jeopardized. The technology used by the City's Information Technology resources to manage the connectivity also provides assurances against such data loss. It is the responsibility of the employee to immediately notify his/her Department Head in case of loss or theft of any cellular device. The employee may be responsible for covering the cost to replace the lost or stolen cellular device.

15.4 Personal Use

Cellular phones issued by the City are to be used predominantly for business purposes. Occasional personal use is permitted. *Predominantly* for business purposes is defined as at least 80% business use. **Personal phone calls should be kept to a minimum and should be of short duration.** Phone bills will be audited on a periodic basis to ensure compliance with this requirement. However, personal use that causes service fees or charges above the level set for necessary business use must be reimbursed to the City. For example, it is anticipated that a basic level of monthly service will be adequate for most staff to perform their job duties. Because usage must be purchased in blocks and there is no extra cost to the City for occasional personal use, no reimbursement to the City is required for this personal use. When the cost of service used in a month is beyond the level of service subscribed to that is deemed necessary for business use as a result of personal use, the employee is required to reimburse the City for the cost of that excess use within 30 days of receipt of the billing for service.

15.5 Safety

All employees are expected to follow applicable Federal or State laws or regulations regarding the use of cell phones or wireless devices.

Employees whose job responsibilities include regular or occasional driving are expected to use their cell phone / wireless device responsibly while driving. Employees are required to use a hands-free device for this purpose. Safety must come before all other concerns. When traffic conditions make it unsafe to use a cell phone / wireless device while driving, employees are required to pull off to the side of the road and safely stop the vehicle before placing or accepting a call.

Texting, reading / sending email or using other similar wireless features while operating a motor vehicle, regardless of the circumstances, including slow or stopped traffic, is prohibited.

15.6 Personal Cell Phones / Wireless Devices

While at work, employees are expected to exercise the same discretion in using personal cellular phones and wireless devices as is expected for the use of company phones. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and can be distracting to others. Employees are encouraged to make personal phone calls on non-work time where possible and to ensure that friends and family members are aware of this policy. Violation of this policy may result in disciplinary action.

15.7 Employee Responsibility

Each employee receiving a cellular device is responsible for understanding and following the guidelines defined above. The employee is also responsible for reasonable care and safeguarding of the equipment provided. Except for emergency situations and contacts for call-outs, non-exempt employees are prohibited from using a City cellular device for business purposes during non-work hours without prior approval from his/her supervisor. Unauthorized or improper use of the device and/or cellular service may result in confiscation, and depending on the severity of the outcome of unauthorized or improper use, may result in disciplinary action, up to and possibly including termination.

16 DISCIPLINARY ACTIONS

16.1 Working Relationships

Every employee has the duty and the responsibility to be aware of and abide by existing rules and policies. Employees also have the responsibility to perform his/her duties to the best of his/her ability and to the standards as set forth in his/her job description or as otherwise established.

It is the responsibility of each Department Head to organize and direct his/her department. Supervisors are responsible for fostering positive work habits, productivity, and conduct which will help the department to operate efficiently.

Supervisors are expected to encourage cooperation and efficiency, including discipline of any employee whose conduct is not in the best interest of the City. This may include verbal or written notice to the employee regarding behaviors that may negatively affect the department. All verbal and written warnings should be reported to the supervisor's Department Head. A supervisor bringing a recommendation for further disciplinary action beyond the initial verbal and written warning should first consult with his/her Department Head. The Department Head is expected to bring the issue to the Director of Human Resources for review prior to administering additional disciplinary action beyond the initial verbal and written warning.

16.2 Forms of Disciplinary Action

Any employee who engages in improper conduct will be subject to disciplinary action, based on the circumstances of the individual case, up to and including termination of employment. The following guidelines are used by the City to determine the extent to which discipline may be appropriate. The City reserves the right to discipline an employee for engaging in other misconduct not specifically addressed in this Code. The City reserves the right to bypass the progressive disciplinary procedure and to discharge an employee for misconduct, when it is determined that the circumstances are serious enough to warrant not adhering to progressive disciplinary procedures.

Outlined below are the steps of the City's progressive and corrective discipline policy and procedure. The City reserves the right to combine or skip steps in this process depending on the facts of each situation and the nature of the offense. The level of disciplinary intervention may also vary. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling and/or training; the employee's work record; and the impact the conduct and performance issues have on the City's operations.

- **Verbal warning:** A supervisor verbally counsels an employee about an issue of concern, and a written record of the discussion is placed in the employee's file for future reference.
- **Written warning:** Written warnings are used for behavior or violations that a supervisor considers serious or in situations when a verbal warning has not helped change unacceptable behavior. Written warnings are placed in an employee's personnel file. Employees should recognize the grave nature of the written warning.
- **Performance improvement plan / Final written warning:** Whenever an employee has been involved in a disciplinary situation that has not been readily resolved or when he/she has demonstrated an inability to perform assigned work responsibilities

efficiently, the employee may be given a final warning or placed on a performance improvement plan (PIP). PIP status will last for a predetermined amount of time not to exceed 90 days. Within this time period, the employee must demonstrate a willingness and ability to meet and maintain the conduct and/or work requirements as specified by the supervisor. At the end of the performance improvement period, the performance improvement plan may be closed or, if established goals are not met, termination of employment may occur.

The City reserves the right to determine the appropriate level of discipline for any inappropriate conduct, including verbal and written warnings, suspension with or without pay, demotion, reduction in pay, and discharge. In determining the appropriate level of discipline, offenses are to be considered cumulative.

If the disciplinary action recommended is suspension without pay, the employee *may* be given an opportunity to count the day(s) against accrued compensatory, vacation or personal leave. The employee shall be notified of the effective date of the disciplinary action involving suspension in writing.

An employee who has been given notice of termination may be retained on “active” status, placed on leave with pay, or suspended without pay prior to the effective date of termination. Unless expressly provided by a separate writing, the Mayor shall make a final determination regarding dismissal for all positions other than those covered by the Board of Fire and Police Commissioners.

Although the City has determined that the use of a progressive disciplinary procedure is the most effective method for achieving corrective action, the City retains the ultimate discretion to impose discipline on a case-by-case basis. The City reserves the right to forego a progressive disciplinary procedure if it deems that circumstances warrant a procedure or discipline other than the progressive disciplinary policy.

16.3 Causes for Disciplinary Action

Causes of disciplinary action include, but are not limited to the following:

- A. Using intoxicants or being under the influence of illegal drugs at any time during work hours, including the employee lunch break.
- B. Arriving at work while intoxicated or while under the influence of illegal drugs. The determination as to whether or not an employee is intoxicated or under the influence of alcoholic beverages shall be based upon standards set forth by the Illinois Vehicle Code, or as provided by a separate applicable drug policy.
- C. Failure to follow reasonable and proper directions or orders, whether given directly or indirectly by a Supervisor, Department Head or other member of City management.
- D. Accepting bribes, gifts, or favors for personal use in the course of work, or in connection with work, when such action causes a potential conflict of interest or appearance of impropriety.
- E. Missing or leaving work without permission from a Supervisor, Department Head or other member of City management.
- F. Showing a pattern of absence or tardiness.

- G. Inability to successfully perform the essential job functions of the position to which the employee is assigned.
- H. Failure to perform assigned work in an efficient manner.
- I. Being wasteful of material, property, or working time.
- J. Damaging City property through neglect or carelessness.
- K. Being unable to cooperate with fellow employees, such that work is negatively impacted.
- L. Disrespect toward another employee, supervisor, direct report, or City Official, including, but not limited to, harassment, bullying and hazing.
- M. Being involved in misappropriation, destruction, theft, or conversion of City property.
- N. Conviction of a felony, or a misdemeanor involving moral turpitude.
- O. Unsafe conduct or action, jeopardizing the safety of self or others.
- P. Driving a City vehicle while under the influence of drugs or alcohol.
- Q. Refusing to submit to drug and/or alcohol testing pursuant to a supervisor's request.
- R. Attempting, threatening, or using personal or political influence in securing promotion, leave, transfer, change in pay, or character of work.
- S. Engaging in outside business activities on City time or using City property or office for personal gain.
- T. Engaging in abusive or offensive conduct or language in public, or toward the public, City officials, or other employees, including but not limited to gesture bullying and general displays of anger and/or aggressive behavior, even if the employee is not on duty at the time of such conduct.
- U. Discussing or disclosing the confidential operations, business or records of a department or the City without having first obtained the necessary authorization or permission from a supervisor, Department Head, or other city official.
- V. Abuse of any leave policy.
- W. Unauthorized expenditures of municipal funds.
- X. Failure to follow any policy pursuant to this Code or other authorized City policies and procedures.

16.4 Suspensions

Unless expressly provided in separate writing or state law, the City Administrator or a Department Head, with the approval of the City Administrator, may suspend any employee, for a period of a maximum of five (5) working days without pay per incident. The City Council may suspend any employee, other than persons subject to the Fire and Police Commission Act, for a

period of a maximum of thirty (30) calendar days without pay. Only the Director of Police, Fire Chief, or Board of Fire and Police Commissioners may suspend persons subject to the Act. Nothing herein shall prevent the Mayor, City Administrator or City Council from recommending suspension of such persons to the Board.

Any single offense, depending on the severity of the action, may be grounds for suspension. A pattern or accumulation of minor offenses may be grounds for suspension. An employee need not receive a verbal and written warning for each act of misconduct prior to receiving notice of suspension.

A second suspension within any twelve (12) month period may be indicative of a pattern of behavior warranting termination of employment.

16.5 Termination of Employment

Any single offense, depending on the severity of the action, may be grounds for termination. Unless expressly provided in separate writing, an employee need not receive verbal and written warnings prior to receiving a notice of termination.

17 APPEALS AND GRIEVANCES

Union employees shall refer to the grievance procedure contained within their respective collective bargaining agreements.

17.1 Appeal from Demotion, Suspension or Discharge

Employees who are demoted, suspended, or terminated may appeal to the Mayor or the Mayor's designate.

Firefighters and Police Officers (other than the Chiefs) have recourse through the Board of Fire and Police Commissioners.

17.2 Grievance Defined

An employee's and/or Union dispute, claim or complaint involving the interpretation of, application of, or compliance with the provisions of this Code.

17.3 Grievance Procedure

Each employee is assured freedom from coercion, restraint, or reprisal in presenting a grievance. The grievance procedure is as follows:

- A. An employee begins the grievance procedure with his or her immediate supervisor. A grievance may be informally presented to a supervisor, but shall be followed-up in writing. The written grievance shall be presented to the supervisor within five (5) business days of the event or incident causing the grievance. A supervisor shall make careful inquiry regarding the facts and circumstances of the employee's complaint, and will advise the employee of the decision within five (5) business days.
- B. If the grievance is not resolved through an employee's immediate supervisor, the employee may appeal to his or her Department Head within five (5) business days of receiving the supervisor's written response. If a grievance is made to a Department Head, the Department Head shall initiate a separate investigation, review prior action taken, and advise the employee of his or her decision within five (5) business days.
- C. If the grievance is not resolved through the Department Head, the employee may appeal to the Mayor or his/her designate. The Mayor or his/her designate's decision shall be final.
- D. A grievance shall be considered settled, unless it is appealed to the next higher authority.
- E. Each appeal must occur in writing within five (5) business days from the date of receipt of a written decision from the City.
- F. An employee who has been demoted, suspended or terminated may appeal directly to the Mayor or his/her designate. The Mayor or his/her designate shall render a decision within ten (10) business days. Unless otherwise expressly provided in separate writing or state law, the Mayor's decision shall be final.

18 BENEFITS

18.1 Benefits

The corporate authorities may authorize special payroll deduction plans and programs, such as flexible spending and deferred compensation plans, for the benefit of employees and their families. Such plans and programs may or may not include monetary participation by the employer. Employees are encouraged to consult with the Human Resources Department regarding the availability and terms of such plans and programs. The City reserves its right to amend or terminate any benefit provision.

18.2 Workers' Compensation

The City provides Workers' Compensation Insurance for all employees. Such insurance will provide benefits in the event that an occupational illness or injury is incurred while the employee is working. See Section 10.2 for timely reporting requirements of occupational illnesses or injuries.

Fraud or falsification of any Workers' Compensation claim, or facts relating thereto, in whole or in part, shall be grounds for disciplinary action, including possible termination, criminal and/or civil legal action.

18.3 Health Insurance

Regular full-time employees are eligible to participate in the City's health insurance plan immediately upon full-time employment.

A. Health Insurance Advisory Committee

- 1) Pursuant to Ordinance 2087-4-84, the City of Edwardsville established an Advisory Hospital Insurance Committee, which shall be now known as the Health Insurance Advisory Committee. The committee shall consist of the following:
 - a) Bargaining Unit Employee Representation – all collective bargaining units shall have no less than one (1) member representative:
 - i) Units with fewer than fifteen (15) members shall have one member representative;
 - ii) Units with fifteen (15) members or more shall have two (2) member representatives;
 - b) Non-Union, Non-Exempt Employees and Exempt Employees (as defined by the Fair Labor Standards Act):

All Department Heads (or assigned designates) shall serve as member representatives of non-union employees in their respective departments.
 - c) Elected Officials:

- i) One (1) member of the City Council Finance Committee shall serve as a non-voting member.
 - ii) The City Clerk (or Clerk's designate) shall serve as a non-voting member.
- d) Retirees and Non-Employees:

There shall be one member to represent retirees and non-employees.
- e) Pursuant to the City Administrator Ordinance, the City Administrator shall serve as ex-officio non-voting member of the committee.
- 2) Committee membership numbers shall increase or decrease whenever appropriate for union members and non-exempt, non-union employee members in the same manner as described in subsection a) and b) above.
- 3) Chairperson. A chairperson, selected from among the voting and non-voting members, shall be appointed by the Mayor.
- 4) Selection. Union representatives shall be selected by the union memberships. The Mayor shall appoint the City Council member representative and the Retirees and Non-Employee member representative.
- 5) Term. Unless indicated otherwise, members shall serve for two (2) years. However, nothing herein shall preclude collective bargaining units from changing representatives, at the discretion of the union membership. Terms shall be based on the municipal fiscal year.
- 6) Meetings. The committee shall meet at least twice each year to review the City's health insurance plan. Any two members may request that the chairperson call a meeting of the committee. The Chairperson shall call any such meeting and shall provide the members not less than five (5) days written notice of any such meeting.
- 7) Recommendation. The committee will recommend one insurance plan for all City employees, and recommend revisions to the plan. The committee shall properly consider the fiscal burden each plan places on the City. The committee's recommendation will be presented to the Finance Committee of the City Council for review and consideration and recommendation to the Council.

B. City Contribution

Unless otherwise expressly provided by separate writing, the City will pay one hundred percent (100%) of the cost of the employee's and seventy-five percent (75%) of covered dependents' health insurance premiums. The City Council may change the City's contribution toward health insurance premiums. The employee is responsible for the remaining percentage of the cost of health insurance premiums.

C. Insurance Upon Separation

- 1) Pursuant to the Consolidated Omnibus Budgeted Reconciliation Act of 1986 (COBRA), any employee who is covered by the City's health insurance plan, may maintain coverage for a period not to exceed eighteen (18) months (or longer if eligible under COBRA guidelines) from the date of separation, as long as the employee's termination is not due to gross misconduct. The employee will be responsible for one hundred percent (100%) of the premiums, and may be responsible for an additional administrative fee of up to 2%.
- 2) See Section 22.8 for insurance upon separation for a City Retiree or a Disability Retiree.

D. Civil Unions

Under the Illinois Civil Union Law (750 ILCS 75/), same-sex and different-sex couples that have entered into a civil union in the State of Illinois will have identical eligibility as spouses in a marriage do to insurance policies and benefits governed by Illinois law.

18.4 Pensions

A. General Pension

Unless otherwise expressly provided by a separate writing, most City employees who are expected to work 1000 hours each year will qualify for participation in the Illinois Municipal Retirement Fund.

B. Police Pension Fund

There shall be a separate Police Pension Fund in the City as provided by law.

C. Firemen's Pension Fund

There shall be a separate Firemen's Pension Fund in the City as provided by law.

18.5 457(b) Plan

The City offers a voluntary pre-tax salary reduction plan in which regular full-time and part-time employees may elect to participate beginning with the first payroll period administratively feasible after employment. Further details about the Plan may be obtained from the Human Resource Department and the Plan document.

18.6 Longevity

Unless otherwise expressly provided by separate writing, a full-time employee shall receive longevity increases to his/her base salary. Longevity shall be based upon the number of years of accredited service as a full-time employee with the City. Increases shall not be cumulative.

The longevity schedule is as follows, or as revised per subsequent ordinance:

After 5 years:	\$ 832.00	(\$.40 per hour)
After 10 years:	\$1,560.00	(\$.75 per hour)

After 15 years:	\$2080.00	(\$1.00 per hour)
After 20 years:	\$2,704.00	(\$1.30 per hour)
After 25 years:	\$3,016.00	(\$1.45 per hour)

In addition to the longevity amounts set forth herewith, employees having participated in the Illinois Municipal Retirement Fund (IMRF) through employment with the City of Edwardsville for a period of twenty (20) years or more shall be annually paid a one-time annual longevity bonus equal to ten (10%) of his or her bi-weekly base pay (including regular longevity pay) for the first pay period of May, only. This provision does not apply to either those persons already benefiting from a similar benefit or those persons employed pursuant to a collective bargaining or other employment agreement.

18.7 Employee Assistance Program (EAP)

Through the Employee Assistance Program (EAP), the City provides confidential access to professional counseling services. The EAP, available to all full-time employees, elected officials and volunteer firefighters and their immediate family members, offers problem assessment, short-term counseling and referral to appropriate community and private services. Human Resources can provide contact information for the City's current EAP service provider.

The EAP is strictly confidential and is designed to safeguard an employee's privacy and rights. There is no cost for an employee to consult with an EAP counselor. If further counseling is necessary, the EAP counselor will outline community and private services available. The counselor will also let employees know whether any costs associated with private services may be covered by their health insurance plan. Costs that are not covered are the responsibility of the employee.

18.8 Tuition Reimbursement

The City recognizes and supports employees who wish to continue their formal education in an effort to expand their knowledge and enhance current skills as well as to improve future potential. After six (6) months of full-time employment, the City will reimburse full-time employees for tuition and mandatory fee expenses incurred while attending college if the guidelines included in this policy are met. To be eligible for such reimbursement, the employee must plan to enroll in an Associate's, Bachelor's or Master's Degree Program at an accredited institute, college or university in a field that is directly related to the work currently performed for the City or a probable future assignment or position with the City. Prior to enrollment in a degree program, the employee must receive approval from the Department Head and Director of Human Resources that the program is eligible for reimbursement. This step is initiated by completion of the Program Enrollment Form. Once the degree program has been approved, all pre-requisite, required and elective courses will be eligible for reimbursement. The employee must provide proof that an attempt was made to select elective courses that are job-related to the current or potential future position with the City in order to receive reimbursement.

In cases in which an employee is pursuing a degree, but has not yet been required to declare a major, a written and signed statement from the employee concerning his or her academic intentions regarding a major field of study should be included with the Program Enrollment Form.

To be eligible for reimbursement, employees must earn a "C" or higher in undergraduate studies, or a "B" or higher in graduate studies, for courses that offer a letter grade. For courses that only offer a designation of "Pass" or "Fail," the employee must receive a "Pass" to be eligible for reimbursement.

Reimbursement is limited to \$1,500 each fiscal year. Reimbursement will be made with the approval of the Department Head and the Director of Human Resources and is subject to departmental budget constraints.

The City reserves the right to demand repayment from an employee for expenses paid by the City during the past twelve (12) months if the employee resigns within one (1) year after the City has reimbursed the employee for schooling expenses. At the time of course approval, the employee will be required to sign an agreement acknowledging that repayment to the City will be required if the employee resigns within one year of receiving reimbursement.

An employee must use the following procedures when interested in participating in the tuition reimbursement program*:

Prior to enrollment in a degreed **program**, the employee must complete a Program Enrollment Form and submit the completed form along with a college-issued program description to the Department Head. Upon review and approval of the program, the Department Head will forward the request to the Director of Human Resources for additional review. The Director of Human Resources will notify the employee and the Department Head within 7-10 business days if final approval has been granted.

Prior to enrollment in a **class**, the employee must:

1. Complete a Tuition Reimbursement Request form and submit the completed form along with a college-issued course description to the Department Head.
2. Upon review and approval of the Request form, the Department Head will forward this information to the Director of Human Resources for additional review. The Director of Human Resources will notify the employee and the Department Head within 7-10 business days if final approval has been granted.
3. The employee shall agree to sign a statement for repayment to the City if the employee resigns within one year of any reimbursement received by the City.
4. Upon completion of the approved course, the employee will submit a copy of proof of enrollment in the course, a copy of the detailed course expense invoice and a copy of the grade report to the Director of Human Resources. If all requirements have been met, the Director of Human Resources will process a request for reimbursement.
5. If reimbursement is denied by the Director of Human Resources or a Department Head, the employee shall have the right to appeal to the City Administrator. The City Administrator's decision shall be final.

The City will not pay for rental or purchase of books or supplies.

Classes shall be taken outside of the employee's regular work hours. At the discretion of the Department Head, an employee's regular work hours may be adjusted to allow attendance.

** Separate policies/procedures may be established by the Library Board for eligible full-time Edwardsville Public Library employees.*

19 TIME OFF

19.1 Absences

An employee is required to notify a supervisor within a minimum of one hour prior to the start of the employee's work day, if he or she will be absent. The employee is expected to make every effort to speak to the supervisor directly. If the employee is unsuccessful reaching the supervisor and must leave a message in order to meet the notification deadline, the employee is expected to continue to try to make contact with the supervisor to receive confirmation that the original message of the absence was received. Absences (with or without the use of sick leave benefits) shall not occur without the authorization of the appropriate supervisory personnel, whether such absences involve a partial or full work day.

An unauthorized absence or excessive absences will be grounds for discipline, including dismissal. Any employee who is absent for three (3) or more consecutive days, without notice and good cause, shall be discharged. Such employee shall be discharged for cause and shall not be reinstated or paid for unauthorized absences.

19.2 City-Observed Holidays

Unless otherwise expressly provided in writing, all full-time employees shall receive the following holidays off with pay, at the regular rates of pay:

<u>Holiday</u>	<u>Observed</u>
New Year's Day	January 1
Martin Luther King Jr.'s Birthday	Monday of National Observation
Presidents Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
Friday following Thanksgiving Day	Friday immediately following Thanksgiving
Christmas Day	December 25

A non-exempt employee who is not represented by a collective bargaining agreement shall accrue one compensatory day off if his/her regularly scheduled day off is on a holiday. If a holiday falls on a Saturday, the preceding Friday is observed as a holiday. If a holiday falls on a Sunday, the following Monday is observed as a holiday.

A. Holiday Pay Administration

Unless otherwise expressly provided in writing, any non-exempt full-time employee required to work on an observed holiday shall be paid at the employee's regular rate of pay at the overtime rate of time and one-half for the hours worked on the holiday in addition to the eight (8) hours of holiday pay.

A holiday occurring during vacation leave, or other authorized day off, will not count against accrued vacation time. A holiday occurring during sick leave will not be deducted from accrued sick leave, unless the employee was scheduled to work on that holiday.

Time off without pay may be granted to employees who desire to observe a religious holiday which is not recognized by the City's list of observed holidays provided undue hardship is not introduced to the department in which the employee works.

Holiday pay will not be paid to employees on any type of unpaid leave.

19.3 Vacation Leave

A. General Policy

Unless otherwise expressly provided by separate writing, a full-time employee shall qualify for vacation leave with pay upon his/her service anniversary date each year. Vacation leave will accrue pursuant to time worked during the twelve (12) months immediately preceding the seniority anniversary date, and is subject to scheduling procedures of each department. Vacation leave is based upon the number of years of accredited service as a full-time employee, as follows:

1. After completion of one (1) year of service, an employee will have accrued vacation leave of eighty (80) hours.
2. After completion of five (5) years of service, an employee will have accrued vacation leave of one hundred twenty (120) hours.
3. After completion of ten (10) years of service, an employee will have accrued vacation leave of one hundred sixty (160) hours.
4. After completion of fifteen (15) years of service, an employee will have accrued vacation leave of two hundred (200) hours.

Vacation leave will not accrue while an employee has taken a leave of absence without pay.

Time taken as disability leave will be included as accredited service time, if the employee returns to active employment.

If an employee leaves City employment and is re-hired, the employee shall be considered a new employee when figuring years of accredited service for accrual of vacation leave.

B. Authorization for Leave

To schedule vacation time, employees must submit a completed Leave Request form to his/her supervisor at least two weeks before the requested leave. Employees are responsible for ensuring that there is enough vacation leave available to cover the dates requested. Requests will be approved based on a number of factors, including department operating and staffing requirements. The supervisor shall return the leave request form to the employee within three business days of the date it is submitted indicating that the request has been approved or denied. If the request for vacation leave is denied, the supervisor should provide an appropriate reason on the form returned to the employee. Final approval is subject to the City's best interests.

C. Utilization

Employees shall use earned vacation leave each service year. Employees with vacation leave remaining at the end of a service year may carryover no more than 1 week (i.e. 40 hours) of vacation leave to the next service year. Under no circumstances will vacation time be lost due to schedule adjustments or cancellations initiated or caused by the Employer. Vacation time not taken due to initiation by the Employer must be rescheduled and taken within 90 days from the time of cancellation. Documentation will be provided in writing at the time of the cancellation notice.

Each Department Head may designate a minimum and maximum increment for which an employee may utilize vacation leave.

Vacation leave must be used for sickness or injury once an employee's sick leave bank has been exhausted.

19.4 Sick Leave

A. General Provisions

A full-time employee shall take sick leave for his/her illness or injury. A Department Head has discretion to authorize use of sick leave for a doctor or dental appointment, or for the illness of a family member. Unless otherwise expressly provided by separate writing, paid sick leave shall be permitted subject to the following:

- 1) **Tier 1, Non-Contract Employees Hired Before January 21, 2014:** For non-contract employees hired before January 21, 2014, after one year of continuous full-time employment with the City, the full-time employee shall receive, on his/her service anniversary, eighty (80) hours of accrued paid sick leave per year. On his/her subsequent service anniversary dates, the full-time employee will receive eighty (80) hours of accrued sick leave, with a maximum accrual of seven hundred twenty (720) hours.

Tier 2, Non-Contract Employees Hired On or After January 21, 2014: For non-contract employees hired on or after January 21, 2014, after one year of continuous full-time employment with the City, the full-time employee shall receive, on his/her service anniversary, eighty (80) hours of accrued paid sick leave per year. On his/her subsequent service anniversary dates, the full-time employee will receive eighty (80) hours of accrued sick leave, with a maximum accrual of four hundred eighty (480) hours.
- 2) Full-time employees employed for less than one year, part-time, temporary, or seasonal employees are not eligible for paid sick leave.
- 3) Sick leave continues to accumulate during City holidays, vacations, use of personal leave hours, jury duty, and funeral leave.
- 4) Sick leave shall not be extended beyond the maximum amount allowed.
- 5) Vacation leave is required to be used for sick leave if all accrued sick leave has been exhausted.

- 6) Sick leave shall be used in increments of fifteen (15) minutes.
- 7) An employee must notify a supervisor that he or she will be absent from work. Failure to notify a supervisor shall preclude an employee from receiving pay for that absence. (See Section 19.1 Absences for reporting guidelines)
- 8) A Department Head may request that an employee's sick leave be terminated, if he or she has reason to believe the employee is capable of performing his/her duties.
- 9) If an employee is absent for 3 or more work days, a physician's note is required by the employee upon his/her return to confirm that the absence was eligible for sick leave and that the employee is fit to return to work. At any time, a Department Head may require an employee to provide a written confirmation from a physician, dentist, psychiatrist or psychologist confirming the need for sick leave utilization.
- 10) Unless otherwise provided by law, an employee receiving pay from the City's Workers' Compensation program shall be compensated as follows:
 - a) On the day of the work related injury, the employee will be paid for the full work day by the City.
 - b) If the full-day absences from work due to an approved work-related injury extend beyond the date of the injury but are less than 14 calendar days in total, the employee will be required to use sick leave in eight (8) hour increments for the first three (3) days after the date of injury and in increments of one-third (1/3) of an eight (8) hour work day, or 2.67 hours of sick leave per absent day for additional absent days.
 - c) If the full-day absences from work extend beyond fourteen (14) calendar days after the date of injury, one-third (1/3) of an eight (8) hour workday, or 2.67 hours of sick leave, will be used for each absent day that is due to the approved work related injury.

The employee is required to remit his/her Workers' Compensation check to the City and utilize sick leave as outlined above in order for the employee to continue to receive full, regular pay from the City.

- 11) An employee who is reinstated to full-time employment within one (1) year after having been laid off, had an involuntary work status change from full-time to part-time or granted a leave of absence without pay, shall be credited with any unused, unpaid sick leave upon return to City employment, although sick leave will not accrue during the employee's absence or employment in a part-time capacity.
- 12) If an employee suffers an illness or injury during vacation leave, the employee may contact his supervisor and request that he/she be placed on sick leave instead, under the following conditions:
 - a) The employee must have remaining accrued sick leave; and

- b) The illness or injury can be substantiated in writing by a licensed physician or dentist.
- 13) An employee leaving employment with the City shall only be allowed to use paid sick leave during the last two (2) weeks of employment upon receipt of a signed statement of illness from a physician.
- 14) Abuse of this policy shall be grounds for discipline, including termination of employment.

B. Compensation Upon Separation

1) Termination

Upon termination for cause, an employee will not be paid any accumulated and unused sick leave.

2) Voluntary Separation or Involuntary Lay-Off

Upon voluntary separation or involuntary layoff from employment, an employee will receive a percentage of accrued and unused sick leave pay, up to a maximum of seven hundred twenty (720) hours (for Tier 1 employees) or four hundred eighty (480) hours (for Tier 2 employees), based on the following scale:

After 5 years of full-time continuous service	50%
After 10 years of full-time continuous service	70%
After 15 years of full-time continuous service	85%
After 20 years of full-time continuous service	100%

The sick leave will be paid out at the employee's rate of pay at the time of separation.

3) Death

Upon the death of an employee, the employee's estate shall be compensated for any accrued and unused sick leave at his or her current salary, up to a maximum of seven hundred twenty (720) hours (for Tier 1 employees) or four hundred eighty (480) hours (for Tier 2 employees).

20 OTHER TYPES OF LEAVE

20.1 Jury Duty

The City of Edwardsville will pay an employee's regular wages while he/she is assigned to jury duty. The employee shall assign or endorse compensation received for serving on jury duty to the City. The employee shall give his/her supervisor notice at least one week prior to duty.

The employee shall return to work at the City when excused from jury duty, even if only to work a portion of the day.

20.2 Military Leave

The City of Edwardsville is committed to protecting the job rights of employees absent on military leave. In accordance with federal and state law, it is the City's policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in or obligation to perform service for any of the Uniformed Services of the United States. Specifically, no person will be denied employment, reemployment, promotion, or other benefit of employment on the basis of such membership. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights under applicable law or this policy. If any employee believes that he or she has been subjected to discrimination in violation of this policy, the employee should immediately contact Human Resources.

A. Eligibility

Employees taking part in a variety of military duties are eligible for benefits under this policy. Such military duties include leaves of absence taken by members of the uniformed services, including Reservists, National Guard members for training, periods of active military service, and funeral honors duty, as well as time spent being examined to determine fitness to perform such service. Subject to certain exceptions under the applicable laws, these benefits are generally limited to five years of leave of absence.

B. Procedures for Military Leave

- 1) Unless military necessity prevents it, or is otherwise impossible or unreasonable, an employee should provide the City with notice of the need for leave as far in advance as is reasonable under the circumstances. Written notice is preferred, but not required under the law or this policy.
- 2) Employees on temporary or extended military leave may, at their option, use any or all accrued paid vacation or personal leave during their absence.
- 3) When the employee intends to return to work, he or she must notify his/her Supervisor within the application period set forth below.

- 4) If the employee does not return to work, the employee's Supervisor must notify the Department Head and Human Resources so that appropriate action may be taken.

C. Compensation

Under the Illinois Military Leave of Absence Act (5 ILCS 325/):

- 1) During leaves for annual training, a full-time employee shall continue to receive his/her regular compensation.
- 2) During leaves for basic training, for up to 60 days of special or advanced training, and for any other training or duty required by the United States Armed Forces, if the full-time employee's compensation for military activities is less than his/her compensation in his/her position with the City, he/she shall receive his/her regular compensation as a City employee minus the amount of his/her base pay for military activities.

D. Benefits

If an employee is absent from work due to military service, benefits will continue as follows:

- 1) An employee on extended military leave may elect to continue group health insurance coverage for the employee and covered dependents under the same terms and conditions for a period not to exceed 31 days from the date the military leave of absence begins. The employee must pay, per pay period, the premium normally paid by the employee. After the initial 31 day period, the employee and covered dependents can continue group health insurance at 100% of the overall (both employer and employee) premium rate. Monthly premiums will be required to be paid to the City Clerk's Office by the 10th of the month for the month of coverage.
- 2) An employee on extended military leave may elect to continue basic life insurance coverage for the employee and covered dependents for a period not to exceed 31 days from the date the military leave of absence begins. The employee must pay, per pay period, the premium normally paid by the employee. After the initial 31 day period, the employee and covered dependents can continue the basic life insurance policy at 100% of the overall (both employer and employee) premium rate. Monthly premiums will be required to be paid to the City Clerk's Office by the 10th of the month for the month of coverage. Certain coverage exclusions exist for military personnel.
- 3) An employee on extended military leave may elect to continue voluntary supplemental life insurance coverage for the employee and covered dependents. Monthly premiums will be required to be paid to the City Clerk's Office by the 10th of the month for the month of coverage. Certain coverage exclusions exist for military personnel.

- 4) With respect to the City's pension plans, upon reemployment, employees who have taken military leave will be credited for purposes of vesting with the time spent in military service and will be treated as not having incurred a break in service. An employee who has returned from military leave shall, immediately upon reemployment, contact the Human Resources Department for more information regarding employee and employer contributions during the length of the employee's military service.
- 5) Employees do not accrue vacation, personal leave or sick leave while on military leave of absence status.

E. Reemployment

Upon an employee's prompt application for reemployment (as defined below), an employee will be reinstated to the position of employment in which he/she left with the same increases in status, seniority and wages that were earned during his/her term of military service by employees in like positions who were on the job at the time such returning service member entered the service, or to a position of like seniority, status and pay unless Exceptions to Reemployment occur as defined in Section G below

If an employee has returned from military service with a service-connected disability, if after reasonable accommodation efforts by the employer, an employee with a service-connected disability is not qualified for employment in the position he or she would have attained or in the position that he or she left, the employee will be employed in (i) any other position of similar seniority, status and pay for which the employee is qualified or could become qualified with reasonable efforts by the City; or (ii) if no such position exists, in the nearest approximation consistent with the circumstances of the employee's situation.

F. Application for Reemployment

An employee who has engaged in military service must, in order to be entitled to the reemployment rights set forth above, submit an application for reemployment according to the following schedule:

- 1) *If service is less than 31 days (or for the purpose of taking an examination to determine fitness for service) - the employee must report for reemployment at the beginning of the first full regularly scheduled working period on the first calendar day following completion of service and the expiration of eight hours after a time for safe transportation back to the employee's residence.*
- 2) *If service is for 31 days or more but less than 181 days - the employee must submit an application for reemployment with his/her Supervisor no later than 14 days following the completion of service.*
- 3) *If service is over 180 days - the employee must submit an application for reemployment with his/her Supervisor no later than 90 days following the completion of service.*

- 4) *If the employee is hospitalized or convalescing from a service-connected injury* - the employee must submit an application for reemployment with his/her Supervisor no later than two years following completion of service.

G. Exceptions to Reemployment

In addition to the employee's failure to apply for reemployment in a timely manner, an employee is not entitled to reinstatement as described above if any of the following conditions exist:

- 1) The City's circumstances have so changed as to make reemployment impossible or unreasonable
- 2) The employee's employment prior to the military service was merely for a brief, non-recurrent period and there was no reasonable expectation that the employment would have continued indefinitely or for a significant period.
- 3) The employee did not receive an honorable discharge from military service.

H. General Benefits Upon Reemployment

Employees reemployed following military leave will receive seniority and other benefits determined by seniority that the employee had at the beginning of the military leave, plus any additional seniority and benefits the employee would have attained, with reasonable certainty, had the individual remained continuously employed. An employee's time spent on active military duty will be counted toward their eligibility for FMLA leave once they return to their job at the City. Additionally, upon reemployment, a covered employee will not be discharged except for cause for up to one year following reemployment.

I. Documentation

An employee's Supervisor will, upon the employee's reapplication for employment, request that the employee provide the City with military discharge documentation to establish the timeliness of the application for reemployment, the duration of the military service, and the honorable discharge from the military service.

20.3 Illinois Family Military Leave Act

Under the Illinois Family Military Leave Act (820 ILCS 151/), the City shall provide up to thirty (30) days of unpaid family military leave to an employee during the time Federal or State deployment orders are in effect. Family military leave means leave requested by an employee who is the spouse, parent, child or grandparent of a person called to military service lasting longer than 30 days with the State or United States pursuant to the orders of the Governor or the President of the United States.

The number of days of leave available to an employee under the IFMLA shall be reduced by the number of days of leave provided to the employee under the Family and Medical Leave Act of 1993 (29 U.S.C. § 2612(a)(1)(E)) because of any qualifying exigency arising out of the fact that the employee's spouse or child is on covered active duty as defined in that act (or has been notified of an impending call or order to covered active duty) in the Armed Forces.

To be eligible for such leave, an employee must have worked for the City for at least twelve (12) months, and has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave. An employee shall not take leave under the Illinois Family Military Leave Act unless he/she has exhausted all accrued vacation leave, personal leave and compensatory time off benefits. The employee shall give at least 14 days notice of the intended date upon which the family military leave will commence if leave will consist of five (5) or more consecutive workdays. Where able, the employee shall consult with the City to schedule the leave so as to not unduly disrupt the operations of the City. Employees taking military family leave for less than five (5) consecutive workdays shall give the City advanced notice as is practicable. The City will require certification from the proper military authority to verify the employee's eligibility for the family military leave requested. The family military leave rights provided under this Act shall not be diminished by any collective bargaining agreement or employee benefit plan.

Any employee who takes leave under this policy shall, upon return from leave, be entitled to be restored to the position held by the employee when the leave commenced or to a position with equivalent seniority status, employee benefits, pay and other terms and conditions of employment. Taking such leave shall not result in the loss of any employee benefit accrued before the date on which the leave commenced. The employee's insurance benefits may continue during the absence at the employee's request and at the employee's expense. Paid time off benefits will not accrue during the unpaid leave of absence.

20.4 Leave of Absence Without Pay

Unless otherwise expressly provided by separate writing, an employee may be granted a general leave of absence without pay, based on the following conditions:

- A. A Department Head may grant an unpaid leave of absence not to exceed a period of five (5) days. Any request for leave of greater than five (5) days must be submitted to the Director of Human Resources who in turn will submit the request to the City Administrator for approval.
- B. The City Administrator may grant an unpaid leave of absence not to exceed a period of ninety (90) days. Any request for leave of greater than ninety (90) days must be submitted to the City Council for approval.
- C. All benefits, including paid time off benefits, will be suspended during full pay periods of unpaid leave. An employee may elect to preserve his or her placement in an insurance program, but will be required to pay the employee and employer portion of the premiums in advance of each pay period of coverage.
- D. Benefits, including paid time off benefits, will not accrue during leave.
- E. Leave will not be granted to allow an employee to take other gainful employment, unless submitted to and approved by the City Council.
- F. If it is determined that false information was submitted in requesting leave, the employee will be immediately terminated from employment with the City.

20.5 Bereavement Leave

In the event of a death to an immediate family member of an employee, the employee (upon request) shall be granted up to three (3) scheduled work days off with pay, inclusive of the day of the funeral. The remaining paid time off must be taken during the time period commencing with the day of the death and ending seven (7) calendar days after the funeral. The immediate family shall be defined as spouse, child, mother, father, brother, sister, grandmother, grandfather, grandchildren, spouse's grandparents, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law. *Step Family* shall be considered immediate family for the purposes of Bereavement Leave.

The employee must notify his/her Supervisor of the intention to take bereavement leave by the beginning of the first day of such leave. The employee must complete a Leave Request form and submit the completed form to his/her Supervisor in order for the time off to be designated as Funeral/Bereavement Leave. Verification of attendance by an employee at the funeral may be required by the employee's Supervisor.

Subject to approval of the Supervisor and/or Department Head, nothing herein shall prevent the employee from exercising his/her right to utilize accrued and unused personal leave, vacation leave or other accrued time such as compensatory time off to address personal needs related to the death of an immediate family member as defined herein, or the death of another not included in the definition of immediate family, but where a definite family need or matter of legitimate bereavement can be demonstrated.

20.6 Personal Leave

Unless otherwise expressly provided in a separate writing, a full-time employee will receive sixteen (16) hours of Personal Leave at the beginning of each fiscal year. An employee may have no more than thirty-two (32) hours of Personal Leave banked at any one time. Utilizing Personal Leave is subject to advance approval by a Supervisor. Upon hire, a new full-time employee will receive a pro-rated amount of the sixteen (16) hours based on the new employee's date of hire.

20.7 Family and Medical Leave Act Policy

The City of Edwardsville will comply with the Family and Medical Leave Act implementing regulations as revised effective February 2013. The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

A. General Provisions

Under this policy, the City will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

B. Eligibility

To qualify to take family or medical leave under this policy, the employee must meet the following conditions:

- 1) The employee must have worked for the City for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the employer's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.
- 2) The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include unpaid leave as hours worked.

C. Type of Leave Covered

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

- ***For the birth and care of a newborn child of the employee;***
- ***For placement with the employee of a child for adoption or foster care and to care for a newly placed child;***
- ***To care for a spouse, child or parent with a serious health condition (described below);***
- ***To take medical leave when the employee is unable to work due to a serious health condition (described below) of the employee;***

A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either:

- 1) Inpatient care (*i.e.*, an overnight stay) in a hospital, hospice, or residential medical-care facility, including any period of incapacity (*i.e.*, inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care; **or**
- 2) Continuing treatment by a health care provider, which includes:

A period of incapacity lasting more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that **also** includes:
 - a) treatment two or more times by or under the supervision of a health care provider (*i.e.*, in-person visits, the first within 7 days and both within 30 days of the first day of incapacity); **or**

- b) one treatment by a health care provider (*i.e.*, an in-person visit within 7 days of the first day of incapacity) with a continuing regimen of treatment (*e.g.*, prescription medication, physical therapy); **or**
- c) 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**
- d) 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 of incapacity. A visit to a health care provider is not necessary for each absence; **or**
- d) 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**
- e) Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

Employees with questions about what illnesses are covered under this FMLA policy or under the City's sick leave policy are encouraged to consult the Director of Human Resources.

- ***Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.***

An employee whose spouse, son, daughter or parent has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: a) short-notice deployment, b) military events and activities, c) child care and school activities, d) financial and legal arrangements, e) counseling, f) rest and recuperation, g) post-deployment activities, and h) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

"Covered active duty" means:

- 1) In the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country.
- 2) In the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in Title 10 U.S.C. §101(a)(13)(B).

The leave may commence as soon as the individual receives the call-up notice. (*Son or daughter* for this type of FMLA leave is defined the same as for *child* for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.

- ***Military caregiver leave (also known as covered service member leave) to care for an injured or ill service member or veteran.***

An employee whose son, daughter, parent or next of kin is a covered service member may take up to 26 weeks in a single 12-month period to take care of leave to care for that service member. "Next of kin" is defined as the closest blood relative of the injured or recovering service member.

The term *covered service member* means:

- 1) A member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation or therapy or is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.
- 2) A veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

The term *serious injury or illness* means:

- 1) In the case of a member of the Armed Forces (including a member of the National Guard or Reserves), an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or that existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating.
- 2) In the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered service member, a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on an active duty in the Armed Forces (or that existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

D. Amount of Leave

An eligible employee may take up to 12 weeks for the first five FMLA circumstances above (under heading "Type of Leave Covered") under this policy during any 12-month period. The company will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the City will compute the amount of leave the employee

has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount of time the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA military caregiver leave circumstance above during a single 12-month period. For this military caregiver leave, the City will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If a husband and wife both work for the City and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the City and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

E. Maintenance of Benefits

While an employee is on an approved FMLA leave, the City will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. If applicable, arrangements will need to be made for employees to pay their share of health insurance premiums while on leave. In some instances, the City may recover premium it paid to maintain health insurance coverage for an employee who fails to return to work from FMLA leave.

F. Use of Paid and Unpaid Leave

Employees are required to use time from his/her sick leave and vacation leave banks while on an approved FMLA leave. Paid time off runs concurrently with FMLA leave.

Leave for the birth of a child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA.

G. Intermittent Leave or a Reduced Work Schedule

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced-hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member) over a 12-month period.

H. Job Restoration

Upon return from FMLA leave, an employee must be restored to the employee's original job, or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. An employee's use of FMLA leave cannot result in the loss of any employment benefit that the employee earned or was entitled to **before** using FMLA leave, nor be counted against the employee under a "no fault" attendance policy. An employee has no greater right to restoration or to other benefits and conditions of employment than if the employee had been continuously employed.

An employee who has been off work for an approved FMLA absence for the employee's own serious health condition must provide the City with a release from his/her medical professional indicating that the employee is able complete his/her essential job functions. If temporary work restrictions have been placed on the employee, that information is also required to be provided in the release prior to the employee's return.

An employee who fails to return to work immediately following the expiration of an authorized leave period will be subject to termination.

I. Notice and Certification

1) Employee Notice

Employees seeking to request time off due for a possible FMLA-eligible reason are required to provide 30-day advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. If leave is foreseeable less than 30 days in advance, the employee must provide notice as soon as practicable – generally, either the same or next business day. When the need for leave is not foreseeable, the employee must provide notice to his/her Supervisor as soon as practicable under the facts and circumstances of the particular case. Upon receiving information from the employee about a possible FMLA-eligible absence, the Supervisor will contact Human Resources to initiate the FMLA certification process. Within five business days after the employee has provided the notice of leave, Human Resources will provide the employee with the DOL Notice of Eligibility and Rights.

Employees must provide sufficient information for the City to determine whether FMLA may apply to the leave request. Depending on the situation, such information may include that the employee is incapacitated due to pregnancy, has been hospitalized overnight, is unable to perform the functions of the job, and/or that the employee or employee's qualifying family member is under the continuing care of a health care provider. When the City has enough information to determine that leave is being taken for a FMLA-qualifying reason, the City must notify the employee that the leave is designated and will be counted as FMLA leave.

When an employee seeks leave for a FMLA-qualifying reason for the **first** time, the employee need not expressly assert FMLA rights or even mention the FMLA. When an employee seeks leave, however, due to a FMLA-qualifying reason for which the City has previously provided the employee FMLA-protected leave, the employee **must** specifically reference either the qualifying reason for leave or the need for FMLA leave.

2) Certification

The City may require certification for the employee's serious health condition, a family member's serious health condition, qualifying exigency for military family leave or leave serious injury or illness of a covered service member for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable

explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

3) Recertification

The City may request recertification for the serious health condition of the employee or the employee's family member when circumstances have changed significantly, or if the City receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the City will request recertification for the serious health condition of the employee or the employee's family member at a minimum of every six months to one year in connection with an FMLA absence.

H. Designation of FMLA Leave

Within five business days after the employee has submitted the appropriate certification form, the Director of Human Resources, or his/her designate, will provide the employee with a written response if the employee has been approved or denied leave for an FMLA eligible absence.

20.8 Domestic Abuse Leave

Pursuant to the Illinois Victims' Economic Security and Safety Act (VESSA), a City employee is entitled to a leave of absence if he or she, a family or household member is a victim of domestic or sexual violence.

A. General Policy

Subject to certification requirements outlined below, an employee shall be entitled to a total of twelve (12) work weeks of unpaid leave during any twelve (12) month period if that employee is a victim of domestic or sexual violence or has a family or household member who is a victim of domestic or sexual violence. The leave may be taken to:

- 1) Seek medical attention for or recovering from physical or psychological injuries;
- 2) Obtain services from a victim services organization;
- 3) Obtain psychological or other counseling;
- 4) Participation in safety planning, temporarily or permanently relocating or taking other actions to increase safety from future domestic or sexual violence or insure economic security; and/or
- 5) Seek legal assistance or remedies, including preparing for or participating in any civil or criminal proceeding related to or derived from domestic or sexual violence.

The leave may be taken intermittently or on a reduced work schedule.

B. Notice

The employee shall provide the City with at least forty-eight (48) hours advance notice of the employee's intention to take the leave, unless such notice is not practicable. The City will not take any action against the employee if an unscheduled absence occurs,

provided the employee provides the proper certification set forth below as soon as is practicable.

C. Certification

Upon taking leave, the employee shall provide to his/her supervisor a sworn statement attached hereto and obtain one of the following documents:

- 1) Documentation from an employee, agent, or volunteer of a victim services organization, an attorney, member of the clergy, or a medical or other professional from whom assistance has been sought in addressing domestic or sexual violence and the effects of violence;
- 2) A police or court record; or
- 3) Other corroborating evidence as determined sufficient by the Supervisor.

Nothing in this subsection shall be construed to prohibit the City from requiring an employee on leave to report periodically to the City.

D. Confidentiality

All information provided to the City pursuant to this policy shall be retained in the strictest confidence by the City, except for disclosure requested or consented to in writing by the employee or otherwise required by state or federal law.

E. Employment Benefits

Upon returning to work after taking leave enumerated under this policy, the employee shall be restored to the position held prior to taking leave or to an equivalent position. The employee shall retain any employment benefits accrued prior to the date on which leave commenced. However, nothing in this policy shall be construed to entitle any restored employee to have accrued any seniority or employment benefits during any period of leave or any right, benefit or position of employment that the employee would not have received had they not taken leave. Additionally, the City shall maintain coverage for the employee and family or household member under any group plan for the duration of such leave at the leave and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of leave. In the event that the employee fails to return from leave under this policy after the period of leave to which the employee is entitled has expired and for reasons other than the continuation, reoccurrence, or onset of domestic or sexual violence, the City may recover from the employee the premium that the City paid for maintaining the level of coverage for the employee.

F. Use of Existing Leave

An employee who is entitled to take paid or unpaid leave from employment pursuant to federal, state or local law, the collective bargaining agreement, or the employment benefits program or plan, may elect to substitute any period of leave for an equivalent period of leave provided under this policy. This policy does not provide additional time if the leave is also covered by the Family Medical Leave Act.

21 PROMOTIONS, TRANSFERS AND DEMOTIONS

The City may reclassify employees, eliminate positions and lay off workers, if such steps are taken in good faith to promote greater economy and efficiency, in accordance with local, state, and federal law, and any applicable agreements.

21.1 Promotions

Positions within the service of the City of Edwardsville shall be filled by promotion whenever practical, and in the best interest of the City.

All such promotions shall be in accordance with departmental procedures, labor agreements, and/or boards or commissions governing same.

21.2 Transfers

Transfers may be allowed when management deems it to be in the best interest of the City.

A voluntary transfer may be approved if the employee is qualified and selected for the position. See Section 2.2 Internal Job Postings.

An involuntary transfer may be ordered by management when necessary to afford greater efficiency to a department, including, but not limited to, a determination that an employee may be more effective in another position. Management may also transfer an employee rather than enforce a lay-off if the employee is qualified for another position for which there is a vacancy.

A. Seniority

An employee who has transferred to a new position will maintain their City seniority based on length of consecutive service time with the City, but their Departmental seniority may be affected by the terms of a collective bargaining agreement.

B. Longevity

With a transfer, longevity will be determined by the amount of full-time consecutive years of service to the City. Any longevity pay incentive shall be determined by the non-contract policy or union agreement for the employee's new position.

C. Vacation leave

With a transfer, vacation leave will be determined by the amount of full-time consecutive years of service to the City. For purposes of granting vacation leave based on seniority, the newly transferred employee cannot "bump" any employee in the new department in the first twelve months with the department.

21.3 Demotions

Demotion is the assignment of an employee to a position of less responsibility and/or less compensation than the position from which the demotion was made. The City's authority to implement demotion shall include, but not be limited to, the inability of an employee to perform the work efficiently, a reduction in work force, or a restructure of the City's organization.

Any such demotions shall be in accordance with departmental procedures, labor agreements, and/or boards or commissions governing same.

An employee's seniority with the City will not be affected by a demotion. If an employee is transferred through a demotion, departmental seniority is to be determined by the date on which the employee is transferred to the new department.

A demoted employee will retain all accrued vacation and sick leave earned in his or her former position. However, scheduling advantages and compensation associated with the former position may or may not be retained.

22 SEPARATION

22.1 Payment of Money Due to Employee

Employees who leave the services of the City for any reason shall receive all pay outlined in this section that may be due to them, including the following:

- A. Employees shall receive payment of all salary earned up to the effective date of termination, less authorized deductions. Payment shall be made with the next regularly scheduled payday for the hours that were worked prior to separation.
- B. Employees shall be paid for all accrued and unused vacations and compensatory time according to State and Federal Laws.
- C. Employees shall not receive compensation for accrued and unused sick leave, unless authorized by the Corporate Authorities as outlined in Section 19.4 of this Code.
- D. Employees shall be paid for all Personal Leave hours that remain in the employee's Personal Leave time bank at the time of separation.

Employees shall not receive compensation for clothing or uniform allowance.

22.2 Payment of Money Due to City / Return of Equipment

- A. The City shall receive reimbursement for educational fees and tuition paid during the last twelve (12) months of employment.
- B. All City-owned equipment or property, including any uniforms, in the possession of an employee, must be returned to the City, in good-working condition. The City will charge the employee for any equipment not returned, or returned in a broken or deteriorated condition (ordinary wear-and-tear excepted). Such a charge will become a debt owed to the City, and may be pursued by the City as a civil action. The City will also have the discretion to report missing equipment to the Police Department and/or State's Attorney's office as a theft.

22.3 Benefits Upon Separation

An employee's enrollment in the City's health insurance plan terminates at 11:59p.m. on the separating employee's last day of work. Continuation of health insurance benefits beyond active employment may be offered to the employee as required by law or policy under COBRA or retirement agreements. See Sections 18.3(C) and 22.8(C) for additional information.

22.4 Resignations

Under Illinois law, as an employee at will, an employee is free to terminate his or her employment with the City at any time, with or without advanced notice.

However, the City requests that any employee who voluntarily terminates employment with the City submit a written resignation to his or her Department Head at least two (2) weeks prior to the intended date of departure. If the Department Head is not available, written resignation shall be submitted to the employee's supervisor, and the supervisor shall submit same to the Director

of Human Resources. Failure to do so may result in the employee separation of “not good standing,” and thereby make the employee ineligible for future re-employment with the City.

A copy of the employee’s resignation shall be given to the Director of Human Resources and maintained in the employee’s personnel file.

Nothing herein shall prevent the City from making an employee’s termination effective immediately upon receipt of resignation.

If an employee resigns from the City, and reapplies for employment, the employee shall be considered a new employee if rehired as it pertains to longevity and benefits.

22.5 Lay-Offs

Unless otherwise provided by express writing, the City has the right to determine the size of the work force and to lay-off an employee when it is deemed necessary or appropriate, including but not limited to: shortage of funds, lack of work, elimination of a position, material changes in mission, duties or organization. Any lay-offs will be handled in accordance with this Code, departmental procedures, labor agreements, state and federal law, and boards and/or commissions governing same.

The City Administrator shall have the authority to authorize furloughs not to exceed ninety (90) work days’ duration. Such decision shall be reported to the Corporate Authorities without unreasonable delay, and may be restricted or extended by the Corporate Authorities.

22.6 Dismissals

In the best interest of all employees and the City, it is necessary to maintain high standards of conduct and job performance. Employees of the City are employed on an at-will basis. Unless otherwise expressly provided by a written agreement or State law, the City may terminate employment at any time, for any reason, with or without advance notice or cause. An employee also has the right to end his or her employment relationship, with or without advance notice or cause. Unless otherwise expressly provided in writing, no employment with the City is for a definite duration.

Dismissals will be handled in accordance with this Code, departmental procedures, labor agreements, boards and/or commissions governing same, and federal and state law.

22.7 Death of an Employee

Unless otherwise provided by separate writing, upon the death of an employee, the City will compensate the employee’s estate for the following:

1. 100% of accrued, unused vacation leave;
2. 100% of accrued, unused compensatory time;
3. 100% of accrued, unused sick leave; and
4. 100% of unused personal leave.

Such payment to be made within ninety (90) days from the date of employee’s death, and shall be made in addition to any pension, insurance or workers’ compensation benefits due.

22.8 Disability

An employee may be discharged when he or she becomes unable to perform the essential functions of the position for which the employee was hired. If provided by an express, written agreement, or by state law, an employee may be placed on a disability suspension, and receive disability pension benefits.

The City may request the employee to submit to medical examinations by physicians approved by the City, to determine the employee's ability to perform the essential functions of his or her position. Such examinations shall take place during normal working hours, and shall be provided at the expense of the City.

Temporary and Total Disability Benefits may be available to an eligible employee as a result of the employee's participation in a pension program.

This Section is subject to the provisions of the Family and Medical Leave Act, which is incorporated herein by reference. See also Section 20.7 of this Code.

22.9 Retirement

A. Definitions

- 1) *City Pensioner*: An employee or a former employee of the City of Edwardsville who, by virtue of his or her service years with the City of Edwardsville, is receiving income from any pension program with which the City of Edwardsville is affiliated by Illinois law.
- 2) *City Retiree*: A former employee who, by virtue of his or her service years with the City of Edwardsville and at the time he or she left employment with the City of Edwardsville, is immediately eligible to receive income from a pension program with which the City of Edwardsville is affiliated by Illinois law.
- 3) *Disability Retiree*: A person, separated from service to the City of Edwardsville because of illness or injury, who is eligible due to vesting or other legally-established criteria to receive income or other benefits from a pension program with which the City of Edwardsville is affiliated by Illinois law. No person shall be so classified a "disability retiree" until all accrued leave benefits for that person have been exhausted and the condition of their health is such that no work is reasonably available for them within the general category of their usual assignment.

B. Compensation

- 1) City Pensioner. A Pensioner who continues his or her employment with the City of Edwardsville is not entitled to cash compensation for accrued and unused benefits, unless otherwise provided by separate agreement.
- 2) City Retiree. Subject to separate contract provisions and this Code, certain benefits shall be converted to monetary compensation upon retirement from the City. Unless otherwise provided by separate writing, a retiree shall be entitled to compensation for the following:

- a) 100% of accrued, unused vacation leave;
 - b) 100% of accrued, unused compensatory time;
 - c) 100% of accrued, unused sick leave if the employee who is retiring has 20 years or more of continuous full-time service with the City. If the retiring employee has less than 20 years of continuous full-time service with the City, see Section 19.4 Sick Leave > B. Sick Leave Compensation Upon Separation > 2) Voluntary Separation or Involuntary Lay-Off.
 - d) 100% of unused personal leave.
- 3) Disability Retiree. Since an employee is not deemed to be a disability retiree until all accrued benefits for that person have been exhausted, a disability retiree will not have accrued and unused vacation leave, compensatory time, or sick leave.

C. Continuation of Health Insurance

At the time of retirement, a City Retiree or Disability Retiree may elect to continue to participate in the City's group medical insurance plan, dental plan, and/or vision plan. In addition, Police Officers and Firefighters employed by the City are eligible to elect group health insurance coverage when the Officer or Firefighter retires as a Deferred Pensioner under the Illinois Pension Code. The Retiree is responsible for 100% of the monthly premium cost of each plan that is selected by the Retiree. If the Retiree declines to continue participation with the City's health insurance program at the time of employment separation, the Retiree will not be permitted to return to the City's health insurance program in the future.

23 CONFORMITY AND SEVERABILITY

All provisions of the Personnel Code must conform to state and federal law, and the Codified Ordinances of the City of Edwardsville.

If any section, paragraph or provision of this Personnel Code shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Code.