

DIVISION 4. - PERSONNEL POLICY^[6]

Footnotes:

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Editor's note— Ord. No. 2008-06, § I, adopted March 17, 2008, amended division 4 in its entirety to read as herein set out. Former division 4, §§ 2-121—2-179, pertained to similar subject matter, and derived from Ord. No. 84-13, § 1(1—20, 21.3), 6-28-84; Ord. No. 90-24, § 1(1)—(8), 7-16-90; Ord. No. 92-24, § 1, 10-19-92; Ord. No. 2001-27, §§ I—VII, 7-2-01; Ord. No. 2004-05, § I, 3-15-04; Ord. No. 2004-30, §§ I, II, 12-6-04.

Subdivision I. - Generally

Sec. 2-121. - Purpose, objectives.

The purpose of the policy set out in this division is to better serve the public through an efficient system of personnel administration that is both fair and understandable to the employee. The fundamental objectives of this policy are:

- (1) To promote and increase economy and efficiency in the city service.
- (2) To establish a system of personnel administration for the city service based on the principles of merit, demonstrated ability, and equitable grounds governing the appointment, promotion, transfer, layoff, discipline, and removal of its supervisors and employees according to these personnel policies, or to any collective bargaining agreements covering employees of the city.
- (3) To provide an equal opportunity to all qualified people to enter the city service on the basis of demonstrated merit and fitness, without discrimination.
- (4) To develop a program of recruitment, appointment, training and advancement that will make a career in the city service attractive to people who possess ability, integrity, and dedication to public service.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-122. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Class means a group of positions sufficiently similar as to duties performed, scope of discretion and responsibility, minimum requirements of training, experience, or skill and such other characteristics that the same title, tests of fitness, and range of compensation have been or may be applied to each position in the group.

Class title means the official title used for all personnel and payroll processes. Working titles may be used for all other purposes.

Classified services means all positions not specifically included in the exempt list of positions. A "classified position" is a position in the classified service.

Demotion means a change in the rank of an employee from a position in one (1) class to a position in another class having a lower pay grade.

Eligible means a person who has made a passing score on any examination required under the rules set out in this division and who is otherwise fully qualified for placement.

Employee means any person appointed to a position in the city services for which he receives compensation on a full- or part-time basis.

Exempt position means all elected officials, the city manager, special boards and commissions, appointive volunteer positions, the city attorney and staff, engineering, research, financial, legal, and other technical personnel employed on special occasions, and those who may be employed in an advisory capacity.

Immediate family means father, mother, spouse, son, daughter, stepson, stepdaughter, father-in-law, mother-in-law, stepfather, stepmother, brothers-in-law, sisters-in-law, daughters-in-law, sons-in-law, brothers, sisters, grandparents, grandparents-in-law and grandchildren.

Position means an office or employment requiring the services of an individual. May be either full- or part-time, temporary or permanent, occupied or vacant.

Promotion means any change in rank of an employee to a class having a higher pay grade.

Provisional employee means a temporary employee appointed to fill a position because no certified qualified applicants are available. Such appointment shall be good only until candidates have been properly examined, certified, qualified and appointed. Under no circumstances shall a provisional appointment exceed six (6) months duration.

Reemployment list means a list of former employees eligible for rehire. Employees laid off through no fault of their own shall be placed on this list for a period not to exceed one (1) year. Other employees that have terminated in good standing shall also be eligible for this list as the situation warrants.

Resignation in good standing means any employee who leaves the city service and has fulfilled all obligations and met all criteria for this classification. Such an employee would have given two (2) weeks' notice and left under favorable conditions.

Resignation not in good standing means any employee who fails to meet criteria established in the rules set out in this division; one that fails to give proper notice, is in debt to the city, or left under unfavorable conditions. Anyone fired shall leave "not in good standing".

Seniority means status of higher standing and greater privilege attained by length of continuous employment. (See section 2-165.)

Termination, involuntary means anyone leaving the city employ not of their own will shall be involuntarily terminated.

Transfer means a movement of an employee from one (1) position to another having a similar pay grade whether it is in the same class or a different class.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-123. - Coverage and amendment of division.

- (a) The rules set out in this division shall cover all employees in the classified service. Where provisions of a collective bargaining agreement between the city and organized employees of this city are in conflict with these policies, the contracts shall prevail. In addition to these rules, commissioned and sworn personnel of the police department are regulated by state and federal laws and rules of the board of police commissioners. Any rules adopted by the state, the United States Government, the board of police commissioners or rules adopted and contained in the adopted manual of policies and procedures of the police department which are more restrictive shall take precedence over rules set forth in this division.
- (b) Any official, employee or citizen who feels that the rules set forth in this division are working an unnecessary hardship on him or that the efficiency of the city can be improved by amendment of these rules, may consult with his department head or city manager.

- (c) The rules set forth in this division may be amended by an ordinance adopted at any regularly scheduled meeting of the city council.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-124. - Political activity.

- (a) No person in the classified service, or seeking admission thereto, shall be appointed, promoted, demoted, removed, advanced or retarded on any basis or for any reason other than qualification, merit, fitness for the service, or lack thereof. Any such action shall be taken wholly without favoritism or discrimination.
- (b) No person shall use his city position to secure favorable treatment or privileges for either himself or any other person.
- (c) No employee of the city shall engage in any political activity while on duty, nor shall he solicit any monetary contribution to the campaign funds of any political organization while on duty. No employee shall be required to contribute money or activities to any political organization or candidate.
- (d) If an employee is elected to the position of mayor or city councilperson, he shall at once resign from his position as a city employee.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-125. - Records and reports.

- (a) *Personnel forms.* The city manager shall prescribe forms to be used and properly maintained by all persons handling such records. All personnel actions and status changes are to be reported to the office of the city manager.
- (b) *Leave records.* The city manager's designee shall install and maintain a leave record showing for each city employee:
 - (1) Annual leave earned, used and unused.
 - (2) Sick leave earned, used and unused.
 - (3) Any other leave with or without pay.

Such records shall be the basis for any reports on leaves as the city manager may require.

- (c) *Official roster.* The city manager's designee shall prepare and maintain a record of all employees showing for each his name, address, title or position, salary rate, changes in status, transfer, sick leave, annual leave and other pertinent data.
- (d) *Records on personnel.* Personnel records are subject to inspection as follows:
 - (1) Except as otherwise provided in this division, all records on personnel pertaining to dates of employment, present and past job classifications and rates of pay shall be considered public records, and may be inspected to verify employment upon application to the city manager during working hours.
 - (2) Records on personnel involving investigation correspondence and data related to the moral character and reputation of applicants for employment or employees of the city; files, statements, reports and other data in connection with and related to investigation of rule violations; and examination materials, questions, data and examination papers and records relating in any way to competitive exams and tests shall be held confidential and separate, unless otherwise required to be produced by law.

- (3) An employee may examine his or her personnel file during the normal working hours upon request and at any time that will not interfere with the work in process. Requests and inspections shall be in accordance with the Illinois Personnel Records Review Act.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-126. - Applications for employment.

- (a) An application for employment must be filled out by all persons seeking city positions. Applications must be made on approved forms. Applications may require information concerning personal characteristics when a bonafide occupational requirement is established, and, education, experience, references, and other pertinent information. Physical limits may be established when a bonafide occupational requirement is established. Forms may be picked up at the city clerk's office for all positions other than that of police officer. These shall be available at the police department.
- (b) Applicants for police department positions must meet all requirements as established by the board of police commissioners. Persons desiring to apply for positions in the police department must be citizens of the United States. Completed applications for examination must list three (3) references familiar with the applicant and who meet other requirements as set forth by the board of police commissioners.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-127. - Examinations.

- (a) Nondiscriminatory exams may be given to fairly test the abilities and aptitudes of candidates for the duties to be performed. Tests given shall be in conformance with requirements of the Americans With Disabilities Act, and all other applicable statutes.
- (b) Examinations may include written, oral, physical, psychological, or performance tests.
- (c) Announcements of all forthcoming exams shall be published in a local paper at least two (2) weeks in advance of the test date.
- (d) Candidates for positions in the police department must take and pass all tests as established by the board of police commissioners.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-128. - Selection.

Candidates for police positions who qualify for employment will be placed on an eligible list in the rank of the grades assigned to them by test. Ratings shall follow procedures as specified by the board of police commissioners. Eligible lists will be retained for a period established by the police commission.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-129. - Disqualification.

- (a) An applicant may be disqualified from city employment if:
- (b) He is found lacking in any of the established preliminary requirements of the service for which he applies.

- (c) He is physically unable to perform the duties of the position to which he seeks appointment after an initial offer of employment has been made, and further after any and all reasonable accommodations have been made, or offered in accordance with the Americans With Disabilities Act (ADA).
- (d) He is determined to be abusing alcohol, or narcotics.
- (e) He has attempted to practice any deception or fraud in his application.
- (f) He is found disqualified in personal qualifications.
- (g) His character and employment references are found to be unsatisfactory.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-130. - Nepotism.

- (a) No person shall be employed, promoted or transferred when as a result he or she would be supervising, or receiving supervision from a member of his/her immediate family.
- (b) At any one (1) time, no more than two (2) members of the same immediate family may be employees of the city.
- (c) An exception may occur through competitive examination for original appointment or promotion.
- (d) Violation shall result in the immediate termination of the employee with the least seniority.
- (e) No two (2) employees of the same immediate family shall be employed in the same department.
- (f) With the exception of subsection (a) of this section, this section shall not apply when the number of employees in an immediate family increases as the result of marriage.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-131. - Probationary period.

- (a) *Nature, duration and purpose.* The probationary period is regarded as an integral part of the examination process and is used for closely observing an employee's work, for securing the most effective adjustment of the new employee to the position, and for rejecting any employee whose performance does not meet the required standards. The first twelve (12) months of service in a position to which an employee has been probationally appointed, reemployed or reinstated under the provisions of the rules set forth in this division shall constitute a probationary period. The probationary period for commissioned and sworn personnel of the police department shall be twelve (12) months. Provisional and temporary service in the position immediately prior to appointment to the position, without an interruption, shall be counted toward the probationary period.
- (b) *Evaluations.* At the end of the sixth and twelfth months, or more often as determined by the department head or supervisor, the department head or supervisor concerned shall give each probationary employee under his immediate supervision a written and oral evaluation of his work. This shall include the manner in which he is adjusting to his position, his willingness and ability to perform his duties satisfactorily, his work habits and his dependability. These evaluations shall help form a basis for determining retention or dismissal of the employee. A copy shall be made a part of the employee's personnel file.
- (c) *Conditions and benefits.* Probationary new hires may be discharged at any time without recourse. Promoted probationers who do not successfully complete the probationary period shall be reinstated to their prior position. Probationary new hires will accrue vacation and sick leave the same as regular employees, but paid vacation, personal days, and floating holidays shall not be authorized during the first year of employment. During a probationary period no employee shall be granted any leave of absence without pay unless specifically authorized by the city manager. The time off without pay will

not be counted toward the employee's probationary period. Persons entering military service while still on probation shall be granted leave in accordance with section 2-151, however, upon return to city employment, they must finish the remainder of their probationary period. Under no circumstances will a promoted probationary employee receive a reduction in pay from that received in their prior position.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-132. - Employee conduct and relations.

- (a) *Unauthorized absences.* No employee may absent himself from work without informing his supervisor or his designated representative at least two (2) hours before the start of the workday. Unauthorized absences will be grounds for disciplinary action. Any employee absenting himself for three (3) consecutive days without sufficient cause shall be terminated. Such employee shall not leave in good standing and shall not be reinstated. An employee who has been disciplined due to unauthorized absences and who considers himself aggrieved may file an appeal in accordance with section 2-138, appeals and grievances.
- (b) *Hours of work.* The standard workday shall be of eight (8) hours' duration for all employees, except the police department, whose workdays are currently twelve (12) hours. Work schedules shall be as set up by each department head. The city manager retains final authority in settling any appeals. The city manager shall have the authority to change hours of work to promote the efficiency of the city work force.
- (c) *Late arrival.* Any employee who is late for work will not be paid for the time absent from work. Time docked will be at fifteen-minute intervals. Persistent violators shall be subject to further disciplinary action, which may include dismissal.
- (d) *Break periods.* All employees shall be authorized two (2) break periods per each eight-hour shift. Such break periods should be at the work site or other convenient location approved by the department head. Breaks shall not be taken in excess of one (1) every four (4) hours, nor shall exceed fifteen (15) minutes' duration.
- (e) *Residency.* All city employees may elect to live within or without municipal corporate limits. For those employees electing to live outside of corporate limits, city vehicles may not be driven home at the end of the work day, unless this rule is waived by the city manager.
- (f) *Change of address.* All employees must provide their department head with current addresses and phone numbers. Department heads should provide the city manager or his designee with the current information at least once a year.
- (g) *Personal business during working hours.* Every attempt shall be made to confine personal business to off-duty hours. Exceptions permitted are bona fide emergencies and other pressing matters. Visitors and personal phone calls are discouraged. Personal long-distance phone calls on city telephones are prohibited.
- (h) *Physical and mental health.* Each employee shall maintain the standards of physical fitness required for performing his job. The city manager may request an employee to submit to proper medical examination by a city-approved doctor. This is permissible whenever it is suspected that an employee's condition is endangering his or her own health, the safety of others, or is impairing his duties. Any requested examination shall be at the expense of the city. Such an exam shall be only for the purpose of ascertaining whether the employee can continue doing the essential function of their job with or without accommodation from the city.
- (i) *Outside employment.* The work of the city shall have precedence over all other occupational interests of employees. No employee may perform any outside work which is, or can be interpreted to be, inconsistent with his city work or is detrimental to the best interests of the city. Employees may not engage in outside business activities while on duty. Employees injured on an outside job shall be

ineligible for the accrual of vacation and sick leave during the duration of time absent from employment. All outside employment must be approved by the city manager or his designee.

- (j) *Pecuniary interests.* No employee of the city shall have a financial interest, either directly or indirectly, in any contract or business with the city, except on behalf of the city in an official capacity. Special circumstances may warrant approval of the city council.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-133. - Employee associations and affiliations.

- (a) *Informal settlements.* The informal discussion of problems and concerns between employees and the city's administration frequently results in a most equitable settlement. It is hoped that this atmosphere of employee-management relations will always exist. It is realized, however, that guidelines should exist for attainment of this relationship.
- (b) *Employee's organizational rights.* The city recognizes the right of employees to join a union or employee association.
- (c) *Management excluded from employee organizations.* Municipal officials, department heads and professional personnel are excluded from representation by employee organizations and may not be a member of an employee negotiating or grievance committee. This exclusion does not deny personnel from maintaining inactive membership in employee organizations.
- (d) *City's negotiating agent.* The city manager and/or his designated representative is the sole negotiating agent for the city, upon city council approval.
- (e) *City council approval.* Any changes in the salary plan, fringe benefits and personnel rules and regulations are dependent upon the approval of the city council.
- (f) *Negotiation steps.* The negotiating agent for the city will meet with the various designated representatives of the union or employee association to discuss wages, benefits and working conditions until a final agreement is reached.
- (g) *Management's rights.* The city council retains the exclusive right to determine the mission of the city function, set standards of services to be offered to the public, and to exercise control and discretion over its organization and operations. The city manager shall direct its employees, set hours of work and assign number of employees per shift by classification, including the right to hire, suspend, discharge for cause, and to lay off employees because of a lack of funds, or for any other legitimate reason.
- (h) *Employee's right to work.* Both management and employee organizations are prohibited from restraining or coercing employees in the exercise of their rights to join or not join and to maintain or terminate membership in any employee organization.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-134. - Promotions, transfers and demotions.

- (a) *Promotions.* Promotions in the classified service are subject to the following:
 - (1) Positions in the classified service shall be filled by promotion whenever practicable and in the best interest of the city. Promotions shall be made on the basis of merit and without regard to favoritism.
 - (2) Promotions may be made on either a competitive or noncompetitive basis at the discretion of the city manager. All promotions requiring examinations shall be competitive among such members of the next lower rank as desire to submit themselves to such examination.

- (3) An employee who is promoted shall be required to serve a probationary period as provided in section 2-132. Serving a probationary period upon promotion shall not adversely affect the employee's status in the lower class of positions.
 - (4) Persons eligible for a promotion may include employees in specific classes in all departments, or may be limited to a single department or a subdivision as determined by the city manager.
 - (5) Selection shall be made by the city manager after consultation with the department head involved.
- (b) *Transfers.* Transfers are subject to the following:
- (1) A department head may transfer an employee from a position to another position of the same class within his department. The city manager may transfer any employee from a position in one (1) department to another position of the same class in another department.
 - (2) An employee may permanently transfer from one (1) position to another position of the same class within his department or to another department provided a vacancy exists, he is qualified and the city manager approves.
 - (3) A transfer shall have no effect on employment seniority with the city. Departmental seniority shall be determined by the date on which the employee is transferred.
 - (4) Transferred employees will retain all accrued vacation and sick leave benefits earned in their former position.
- (c) *Demotions.* Demotions may be given to all employees except those covered by the police and fire commission in which case they are governed by their rules and regulations. Demotions are subject to the following:
- (1) An employee may be demoted to a position having less pay because of either lack of work in his position or for cause.
 - (2) An employee demoted (other than voluntarily) must be presented in writing with the reasons for such demotion. A minimum of fourteen (14) calendar days must have elapsed between the date of notification and the date of demotion in order that the employee may prepare any reply or appeal.
 - (3) A copy of the demotion notice and any appeal information will be made a part of the employee's personnel file.
 - (4) Any employee may request in writing that, for personal reasons, he be assigned to a position in a lower class. This request shall be deemed to have been made voluntarily and shall not be held against the employee. There shall be no appeal from a voluntary demotion.
 - (5) A voluntary demotion shall not jeopardize an employee's accrued leave or other benefits.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-135. - Separation.

- (a) *General provisions.* Except as otherwise provided in the rules set forth in this division, a permanent employee shall remain in the city service during good behavior and the satisfactory performance of his duties.
- (b) *Separation during probationary period.* An employee may be separated at any time during probation without the right to appeal.
- (c) *Resignation.* An employee who wishes to terminate his service with the city shall submit a written resignation at least two (2) weeks prior to the intended date of departure. If an employee fails to give at least two (2) weeks' advance notice, he shall be separated not in good standing and thereby be ineligible for future reemployment. Department heads, with the city manager's approval, may

authorize vacation or an employee's departure in good standing prior to the expiration of the two-week period. An employee who voluntarily resigns forfeits all future rights to benefits based upon years of past service if he is subsequently rehired.

(d) *Layoffs.* Layoffs are subject to the following:

- (1) An employee in the classified service may be laid off whenever it is deemed necessary by reason of a shortage of funds or work, abolishment of a position, or other material change in duties or organizations. The employee shall be given written notice of the layoff at least two (2) weeks in advance.
- (2) Performance evaluations, conduct, past behavior, qualifications, seniority, and type of appointment shall all be considered in determining the order of layoffs within a given class. No permanent employee will be terminated while there are temporary, probationary or overage employees serving in the same class of positions.
- (3) Any employee facing layoff shall be placed in another position for which the employee is qualified, provided there is an opening.
- (4) Any employee laid off will be placed on a reemployment list for a period of one (1) year. Should any position become available, the most qualified person with the most seniority on this list shall be rehired first. This procedure shall continue through the list until the least senior qualified employee with the least seniority is rehired or the list expires.
- (5) Reinstatement shall be made subject to the approval of the supervisor and department head involved. It is further subject to the qualification that the employee must meet the current standards for the position.
- (6) A layoff or physical inability to perform regular work duties of more than one (1) year shall constitute a break in service with the city.
- (7) No previous credit of any kind shall be retained by a former employee who is rehired after one (1) year of separation.
- (8) Upon separation, laid-off employees shall be entitled to receive all accrued vacation benefits.

(e) *Dismissals.* Dismissals shall be as provided in subsection 2-137(e).

(f) *Death of an employee.* Upon the death of an employee, the city will pay to employee's legal heirs' compensation for unused vacation leave and any other pay due to the time of death. The above shall be paid in addition to any pension or insurance benefits.

(g) *Disability.* An employee may be separated at any time when he cannot perform the essential functions of his or her job with a reasonable accommodation. Any employee may at any time be required to submit to an examination by a city-designated physician for the purpose of determining whether an employee can perform the essential functions of his or her job with accommodations when required by the Americans With Disabilities Act.

(h) *Return of city property.* Any employee leaving the city, whether through resignation, retirement, layoff, dismissal, death, disability, or whatever, shall be liable for city property in his position. The city manager is authorized to withhold an employee's final check or to make deductions for value in cases where city property has not been returned. In cases where city property has been taken, the employee shall forfeit his good standing and all entitlements derived under it. He shall not be eligible for rehire, and deductions for value may be made from vacation days accrued.

(i) *Rights and duties upon separation.* Permanent employees who separate from the city service shall receive payment of all salary earned up to the effective date of their termination, less all authorized deductions. Employees who leave in good standing shall be paid for accrued vacation. If the employee has ten (10) years service or more with the city, he shall be paid for thirty-five (35) percent of all accrued sick leave. Employees not leaving in good standing shall receive only wages and accrued vacation pay, minus deductions.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-136. - Disciplinary actions.

- (a) *Working relationships.* All employees must maintain high standards of cooperation, efficiency and economy in their work for the city. Department heads shall organize and direct toward these objectives. Whenever work habits, attitude, productivity, or personal conduct fall below a desirable level, supervisors shall point them out for correction. Oral and written warning with sufficient time for improvement should precede formal discipline whenever possible, but nothing in this section shall prevent immediate formal action whenever the interests of the city require it. Whenever any question arises concerning the validity of a supervisors order, employees shall be expected to complete their assigned tasks. If they then have any grievance, they shall settle it with their supervisor, if possible. In cases where they are unable to obtain satisfaction, they may make an appeal as set forth in section 2-138. At no time shall any employee be required to follow an order that could result in an illegal act.
- (b) *Forms of disciplinary action.* Disciplinary action may be in the form of oral or written reprimands, suspension, reduction in pay, reduction in rank, or dismissal. For those employees covered by the police and fire commission, dismissal or a suspension shall be in accordance with their rules and regulations. Except for oral or written reprimand, an employee shall be notified in writing prior to the effective date of such action. This written notice shall state the reasons for the action. An employee given notice of dismissal, but prior to the effective date of action, may be retained in duty status, placed on annual leave with pay, or suspended without pay. The city manager shall make such determination for all positions other than those covered by the board of police commissioners. The chief of police shall be able to suspend any of their personnel for a period of up to five (5) days without pay, subject to the approval of the city manager.
- (c) *Causes for disciplinary action.* Causes for warning, suspension or dismissal include, but are not limited to, the following:
- (1) Using intoxicants on the job or arriving at work while under the influence.
 - (2) Failure to follow reasonable and proper directions.
 - (3) Accepting bribes, gifts or favors for personal use in the course of work or in connection with it.
 - (4) Absenting oneself from work without permission.
 - (5) Being habitually absent or tardy.
 - (6) Failure to perform assigned work in an efficient manner.
 - (7) Being wasteful of material, property, or working time.
 - (8) Damaging city property through neglect or carelessness.
 - (9) Being involved in the misappropriation, destruction, theft or conversion of city property.
 - (10) Being unable to get along with fellow employees so that work is hindered or not up to standards.
 - (11) Conviction of a felony or any misdemeanor involving moral turpitude.
 - (12) Smoking any tobacco product in a city vehicle.
 - (13) Unsafe conduct or action thereby jeopardizing the safety of oneself or others.
 - (14) Driving a city vehicle while under the influence of intoxicants.
 - (15) Attempting, threatening or using personal or political influence in securing promotion, leave, transfer, change in pay or character of work.
 - (16) Engaging in outside business activities on city time or using city property or office for personal gain.

- (17) Being abusive or offensive in conduct or language in public; or towards the public, city officials or employees, either on or off duty.
 - (18) Using city property for personal use.
 - (19) Any foreman or supervisor having knowledge or condoning any of the aforementioned acts may be subject to disciplinary action.
- (d) *Suspensions.* The city manager may suspend for just cause any employee not regulated by the board of police commissioners for a period of up to thirty (30) days without pay for disciplinary reasons. Cause for a second suspension within a twelve-month period shall constitute dismissal. Only temporary appointments may be made to fill vacancies created by suspensions.
- (e) *Dismissals.* An employee shall be terminated for cause. Dismissed employees shall not be placed on the reemployment list and shall not be eligible for rehire by the city. Department heads serve at the will of the manager.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-137. - Appeals and grievances.

- (a) *Appeals from dismissals, demotions or suspensions.* Any permanent employee who is dismissed, demoted or suspended in accordance with section 2-137 may appeal to the city manager; police officers have recourse through the board of police commissioners.
- (b) *"Grievance" defined.* A grievance exists when an employee has expressed a difference of opinion, dispute, or controversy with the city relative to the circumstances and conditions which concern the working relationship.
- (c) *Grievance procedure.* Most employee problems can usually be resolved through calm and sensible discussion between an individual and his immediate supervisor. It is desired that every effort will be made to settle grievances at this level. In the event that a solution cannot be reached with an immediate supervisor, the grievance may be appealed according to the procedure described in the following section.
- (d) *Grievance provisions.* Grievance provisions are as follows:
- (1) All employees should feel free to present to their immediate supervisor, formally and informally, any problem that is troubling them in connection with their work.
 - (2) The employee is assured freedom from coercion, restraint or reprisal in presenting his grievance.
 - (3) Any step of the procedure may be the last. A grievance shall be considered settled unless it is appealed to the next higher authority.
 - (4) Any appeal beyond the immediate supervisor must be made in writing by the employee before submission to the next higher authority.
 - (5) Each appeal must be made within five (5) working days from the date of decision.
 - (6) Supervisors shall be responsible to make careful inquiry into the facts and circumstances of the complaint, and will advise the employee, within five (5) working days, of their determination.
 - (7) Whenever a grievance is carried to a departmental head, he shall make a separate investigation, review prior action, and advise the employee of his own action, within five (5) working days.
 - (8) Appeal to the city manager is the final step and his decision shall be final.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-138. - Holidays.

- (a) *City-observed holidays.* All employees are entitled to the following legal holidays:

New Year's Day

President's Day

Good Friday

Memorial Day

Independence Day

Labor Day

Veteran's Day

Thanksgiving Day

Day after Thanksgiving

Christmas Eve

Christmas Day

Except for employees regularly scheduled to work on a shift basis, when a holiday falls on a Saturday, the preceding Friday shall be observed as the legal holiday, and when the holiday falls on a Sunday, the following Monday shall be observed as the legal holiday. All employees subject to regular shift assignments irrespective of holidays shall be compensated by:

- (1) Receiving other days off as determined and assigned by the department head.
 - (2) Being paid for the holiday on a straight-time basis plus the normal pay for the regularly scheduled shift.
- (b) *Forfeiture of holiday pay.* Any employee shall forfeit his/her right to payment for any holiday if absent without authorization on the last regular workday preceding such holiday or on the first scheduled workday following the holiday.
- (c) *Callouts and holiday pay administration.* Nonunion full-time employees who are not normally scheduled to work on a legal holiday but are called out to perform work or render services on one (1) of the holidays listed, shall be compensated for that period in the following manner according to Fair Labor Standards. Union employees will be compensated according to their contracts.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-139. - Vacations—Generally.

- (a) All full-time employees of the city who have occupied their position for a period of twelve (12) consecutive months shall be allowed vacation leave with pay.
- (b) Vacation credit for all permanent employees shall accrue annually as follows:
- During first five (5) years, twelve (12) working days.
- Service over five (5) years, fifteen (15) working days.
- Service over ten (10) years, eighteen (18) working days.

Service over fifteen (15) years, twenty (20) working days.

- (c) Vacation leave shall be based upon the previous year's accumulation. An employee entering the service of the city on or prior to the fifteenth day of the month shall receive credit for the entire month. When employment begins after the fifteenth, leave credit shall begin on the first day of the following month.
- (d) Temporary, seasonal and part-time employees are not entitled to any vacation benefits.
- (e) Probationary employees will accrue benefits for later use pending the successful completion of their probationary period.
- (f) Any holiday occurring during a vacation period may entitle the employee to an extra eight (8) hours of leave time.
- (g) There will be no accumulation during leave of absence without pay.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-140. - Same—Authorization.

- (a) Employees must apply for vacation well in advance of the desired time off. Approval is conditional, subject to the needs and requirements of the city.
- (b) Leaves shall be scheduled by each department head to accommodate operating requirements and, insofar as possible, with the requests of the employees. In circumstances where a conflict exists between employee requests, seniority shall apply, but not within ninety (90) days of the approved leave.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-141. - Same—Use.

- (a) Vacation shall be taken following its accumulation with the total cumulative amount not to exceed thirty (30) days. Any days exceeding the foregoing restrictions will be forfeited.
- (b) Vacation pay may be drawn at the start of the vacation period if two (2) weeks' minimum advance notice is given to the finance department. Vacation pay may not be drawn for vacation periods less than one (1) week's duration.
- (c) Any permanent employee, after completion of probation, will be compensated upon leaving the city service for vacation earned, but not taken.
- (d) Absence due to sickness, injury, or disability in excess of that authorized in sections 2-143 through 2-147 may, upon request, be charged against an employee's vacation time.
- (e) Each department head shall maintain and post on a semiannual basis a record of vacation leave allowances and usage. These records shall be maintained on forms to be supplied by the city manager's designee, and shall show all leave accrued from the previous year. The city manager's designee shall maintain a master roster for all city employees and this shall be the only official record.
- (f) All requests for the setting of vacation time for department heads shall be subject to the approval of the city manager.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-142. - Floating holiday, personal day, and birthday.

- (a) All full-time employees of the city who have occupied their position for a period of twelve (12) consecutive months shall be allowed one (1) floating holiday and one (1) personal day with pay.
- (b) All full-time employees of the city shall be allowed a day off with pay for his/her birthday, to be taken the week of his/her birthday.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-143. - Sick leave—Generally.

- (a) The city provides sick leave as a form of insurance for its employees. It is based upon length of service, and is subject to the following provisions:
- (b) All regular employees shall earn sick leave credit at the rate of twelve (12) days per year.
- (c) Unused sick leave may be accumulated up to a maximum of one hundred thirty (130) days for permanent employees. It is the intention of the city to eliminate the accumulation of sick leave pursuant to the provisions of section 2-147.
- (d) Temporary, part-time and seasonal employees are not eligible for sick leave pay.
- (e) Each month employees shall continue to accumulate sick leave during: legal holidays, sick leave of less than eighty (80) hours, vacations, on-the-job-related injuries, jury duty, bereavement absence, military summer camp and authorized leaves of absence of less than eighty (80) hours.
- (f) Sick leave shall not continue to accumulate during leaves of absence without pay over eighty (80) hours.
- (g) Vacation days may be used for sick leave, at the employee's request.
- (h) Sick leave shall not be granted beyond accrued benefits.
- (i) An employee who is absent must inform his supervisor of the reason at least two (2) hours before the start of his workday. Failure to do so will constitute an absence without pay.
- (j) An approved doctor's statement may be required before payment of sick leave is authorized.
- (k) Sick leave shall be chargeable in amounts of no less than two (2) hours.
- (l) A department head may request that an employee's sick leave be questioned whenever he has a reasonable basis for believing an employee is capable of performing his job. An approved doctor's certificate must be presented as evidence of continued incapacity and in order to receive reinstatement of pay.
- (m) No paid sick leave shall be accrued by any employee who is injured while working as an independent contractor, while engaging in any activities for which remuneration may be reasonably expected or intended, while committing a felony or crime involving moral turpitude, or for any intentional self-inflicted injuries.
- (n) Any employee who is laid off or granted leave of absence without pay, and is later reinstated within one (1) year, shall have available upon his return such unused sick leave allowance as he may have earned prior to the time of his absence.
- (o) Illness or injury occurring while an employee is on vacation shall not be charged to sick leave during the duration of the vacation period unless notification of the matter is received by the immediate supervisor as soon as possible, and such sickness is substantiated by an approved doctor's certificate.
- (p) Personnel returning from injury or extended illness of more than five (5) days may be required to have a release from their physician prior to recommencing work.
- (q) Vacation benefits will continue to accrue during periods of service-connected disability.

- (r) An employee terminating city service shall be allowed sick leave pay during the last two (2) weeks of employment only upon presentation of a signed sick slip from a physician.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-144. - Same—Family-related provisions.

Sick leave may be taken in cases of acute personal illness or physical incapacity of an employee. It may also be allowed when an employee is required, in the judgment of his supervisor, to attend a member of his immediate family who is too ill to care for his or her own self, and who is dependent of the employee.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-145. - Same—Retirees working under contract.

Retired persons working under contract are not covered by the city's sick leave program.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-146. - Same—On-the-job injury.

Sick leave for on-the-job injuries shall be subject to section 2-156.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-147. - Same—Bonus plan.

- (a) Effective May 1, 1984, all full-time permanent city employees will be eligible for sick leave bonus providing they have accumulated sixty (60) days of sick leave prior to the beginning of the fiscal year.
- (b) The city will buy back the current year's allotment, plus up to ten (10) percent of all previous years' accumulation at the rate of one (1) day for each two (2) days returned, at the employee's regular hourly rate.
- (c) In order to qualify for this bonus plan, an employee may, at his option, substitute vacation time for sick leave, but he must notify his department head in advance; it is not automatic.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-148. - Other types of leave—Jury duty.

The city will pay the difference between an employee's regular wage and the money earned on jury duty. Travel allowances will not be figured in computing jury duty pay.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-149. - Same—Professional conference attendance.

- (a) Employees desiring to attend professional conferences should make written request to the city manager at least two (2) weeks prior to the opening of the conference, or in time to take advantage of any preregistration savings. All requests should include the conference schedule, registration

information, and anticipated costs. Having money in the budget for travel does not automatically authorize conference attendance.

- (b) Reimbursement for conference costs shall be as follows:
 - (1) Actual registration fee.
 - (2) Least expensive room.
 - (3) Round trip transportation (either city vehicle, private vehicle) at the current rate allowed by IRS.
 - (4) Maximum per diem meal allowance will be based on the location of the authorized trip, and the prior approval of the city manager.
 - (5) Miscellaneous gratuities up to fifteen (15) percent of item (4) above.
- (c) Conference money advances may be obtained through the finance department. These may be up to the maximum allowed under approved reimbursements.
- (d) Receipts will be required to support all claims per diem and miscellaneous expenses. A detailed accounting of money spent shall be submitted to the finance director within one (1) week of the conference end.
- (e) Required training sessions shall be compensated on the same basis as above. The per diem meal allowance shall be that recommended by the training school, based on the location of the training, and prior approval of the city manager.

(Ord. No. 2008-06, § I, 3-17-08)

Cross reference— Other types of leave—Professional conference attendance, § 2-160

Sec. 2-150. - Same—Maternity leave.

- (a) Any permanent, full-time employee who becomes pregnant, and who requests leave will be granted time off without pay for a period not to exceed ninety (90) days.
- (b) Employees in a maternity leave status shall not accrue vacation or sick days, nor shall be paid for any holiday during the leave.
- (c) Upon return, the employee shall receive either her old job back or one (1) of equivalent classification.
- (d) An employee failing to request leave may be ordered to do so if she is unable to satisfactorily perform her job.
- (e) The city may request a doctor's statement relative to the woman's condition at any time during the term of pregnancy.
- (f) Accrued sick leave days may be used to extend the ninety-day maternity period.
- (g) Upon notification by the city, any Family and Medical Leave Act time shall run concurrently with this maternity leave and the city may require that the employee use accumulated time off during the period of maternity leave.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-151. - Same—Military leave.

- (a) Permanent employees who enter into the armed forces shall be granted leave without pay for the duration of their initial enlistment or induction.

- (b) Upon separation from military service, the employee has ninety (90) days to request his old job back. Failure to do so shall forfeit any claim to that position.
- (c) No person shall be denied reemployment on grounds of a service-connected disability as long as he is capable of performing his job. Every effort will be made to employ a disabled veteran/former employee.
- (d) Vacation and sick days will not accrue during absences of over thirty (30) days.
- (e) Members of the reserve and national guard shall be granted up to two (2) weeks' leave per year for purposes of active duty training. Individuals must present a copy of their orders to the city manager. This leave shall in no way adversely affect vacation or sick leave benefits.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-152. - Same—Leave of absence without pay.

- (a) Department heads may grant leaves of absence without pay for periods of up to two (2) weeks with the approval of the city manager. Upon proper application and with justification, leaves of absence up to six (6) months may be granted, if approved by the city council. Failure to return at the date designated shall constitute resignation. Written request, including justification, must be filed. Any approved leave must be in writing by the city manager.
- (b) The employee shall have the right to return to his old position providing it still exists and the employee continues to be qualified.
- (c) No benefits shall accrue during leaves of absence.
- (d) Reasons for granting leaves of absence shall include:
 - (1) Pursuing educational courses beneficial to the city.
 - (2) Physical or mental recuperation or therapy.
 - (3) Attending to prolonged family illness.
 - (4) Maternity (as covered by section 2-150).
- (e) Benefits are suspended during leaves of absence and unless leave is requested under the Family and Medical Leave Act, insurance programs will continue only if the employee elects to pay his or her own premium in advance. Where Family and Medical Leave is requested, continuation of benefits shall be in accordance with said act.
- (f) No employee shall return from a medical leave of absence until he presents a doctor's release.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-153. - Same—Funeral leave.

In case of death in the immediate family, a regular full-time employee shall be granted a leave of absence with pay for a period not to exceed three (3) days. The city manager may grant additional days due to extenuating circumstances.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-154. - Injuries, insurance and benefits—Worker's compensation.

The Illinois Revised Statutes, chapter 48, paragraph 138.1 et seq., will be followed pertaining to workers' compensation.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-155. - Same—Pensions.

Full-time, permanent employees will be covered by either the state municipal retirement fund or police pension fund.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-156. - Same—Injury benefits.

Any full-time city employee injured in the line of duty shall be entitled to receive payments from workers' compensation insurance and/or pension funds.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-157. - Same—Hospital, medical and life insurance.

- (a) The city will contract for a hospital, medical and life insurance policy for each full-time probationary or permanent employee and his/her family.
- (b) If an employee is absent because of illness or off-the-job injury and notifies his/her supervisor of such absence, the city shall continue to pay the employee's insurance premium for the period of time that the employee is entitled to sick leave and/or vacation benefits.
- (c) If an employee is injured on the job, the city will continue to pay the employee's insurance premium until such employee returns to work, however, such contributions shall not be paid for a period of more than twelve (12) months.
- (d) If an employee is granted a leave of absence, such employee shall pay the city sufficient monies to pay the required contributions during the months absent. This payment shall be required in full prior to approval of the leave of absence.
- (e) Where an employee elects leave under the Family and Medical Leave Act, continuation of insurance and payments of premiums will be in accordance with said Act.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-158. - Special allowances—Uniforms.

Employees will be provided with appropriate safety protective equipment, i.e. headgear, eye shields, hearing protection, as needed and appropriate for his or her position.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-159. - Same—City property.

- (a) Employees having custody of city property shall be responsible for its proper care, use and security. Damage or loss resulting from negligence may be chargeable to the employee.
- (b) It is deemed inappropriate for any city vehicle assigned to city personnel to be taken out of the city unless it is being used for official city business. This restriction may be waived by the city manager.
- (c) Personal use of city property is prohibited.

- (d) *All city provided electronic communication devices* . The city has the right to review all phone records, emails, and text messages created and sent by electronic communication devices, including, but not limited to: computers, cell phones, pagers. City employees have no expectation of privacy. This policy may only be modified in writing.

(Ord. No. 2008-06, § I, 3-17-08; Ord. No. 2011-11, § 1, 7-18-11)

Sec. 2-160. - Same—Travel allowance.

- (a) Definitions.

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

Public business means expenses incurred in the performance of a public purpose which is required or useful for the benefit of the city to carry out the responsibilities of City of Salem business.

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

- (b) The city shall reimburse the following types of travel, meal, and lodging expenses incurred by its employees and officers up to the following maximum allowable amounts:

Item	Amount
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Breakfast	\$15.00
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Lunch	\$20.00
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Dinner	\$30.00
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Hotel	\$300.00 per night
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Mileage	Federal mileage limit
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Alcohol is specifically excluded from reimbursement. The foregoing limits are not spending goals. City employees and officers remain obligated to spend city funds wisely and to seek out less expensive alternatives for meals whenever possible.

- (c) No reimbursement of travel, meal or lodging expenses incurred by a city employee or officer shall be authorized unless the "Travel, Meal, and Lodging Expense Reimbursement Request Form", attached hereto and made a part hereof, has been submitted and approved. All documents and information submitted with the form shall be subject to disclosure under the Freedom of Information Act (5 ILCS 140/1 et seq.).

TRAVEL, MEAL AND LODGING EXPENSE REIMBURSEMENT REQUEST FORM

Before an expense for travel, meals, or lodging may be approved under City of Salem Ordinance No. 2016-19, the following minimum documentation must first be submitted, in writing, to the City Manager: The name of the individual who received or is requesting the travel, meal, or lodging expense and the individual's job title or office.

Name of Employee or Officer

Job Title/Office

- (1) The date or dates and nature of the official business in which the travel, meal, or lodging expense was or will be expended. Please attach supporting documentation describing the nature of the official business event or program.

Name of Event or Program

Date(s) of Event or Program

Location of Event or Program

Purpose of Event or Program

- (2) An estimate of the cost of travel, meals, or lodging if expenses have not been incurred or a receipt of the cost of the travel, meals, or lodging if the expenses have already been incurred. Please attach either (a) a document explaining the basis for your estimate if expenses have not yet been incurred or (b) receipts if the expenses have already been incurred.

You may also provide such other documentation as would assist the corporate authorities in considering your request for reimbursement. In the discretion of the corporate authorities, additional documentation relevant to the request for reimbursement may be required prior to action by the corporate authorities with respect to the reimbursement request.

Employee/Officer Signature

Date

- (d) Expenses for travel, meals, and lodging of: (1) any officer or employee that exceeds the maximum reimbursement allowed under the regulations adopted under subsection (b) of this section or (2) any member of the corporate authorities of the City of Salem may only be approved by roll call vote at an open meeting of the corporate authorities of the city. However, in the event of an emergency or other extraordinary circumstances, the corporate authorities may approve more than the maximum allowable expenses set forth above.
- (e) The city shall not reimburse any elected official, employee, or officer for any activities which would be considered entertainment. Activities which would otherwise be considered entertainment, but which are excluded from the prohibition on reimbursement due to being ancillary to the purpose of the program or event, may be reimbursed in accordance with the provisions of this section.

(Ord. No. 2008-06, § I, 3-17-08; Ord. No. 2016-19, §§ 2—6, 12-19-2016)

Cross reference— Special allowances—Travel allowance, § 2-149

Sec. 2-161. - Same—Education allowance.

- (a) The city encourages all employees in their self-improvement efforts. Expenses for job-related courses may be reimbursed by the city. Authorization for expenditures should be secured in advance.
- (b) Areas in which the city may pay for schooling include:
 - (1) Police training programs.
 - (2) Job-related college courses and seminars.
 - (3) Water and sewer plant operators' training programs.
 - (4) Maintenance personnel training programs.
- (c) The city may pay the cost of tuition, books and room and board, where applicable, and when approved in advance.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-162. - Pay administration—Temporary job assignments.

- (a) When a subordinate employee assumes the responsibility for a higher-paying position for a temporary period of time of one (1) shift or more, he shall be paid the rate of pay for the higher paying position with the exception of salaried positions (see subsection (b) of this section).
- (b) When a salaried position is vacant for a temporary period of time, and an employee assumes responsibility for the salaried position, this employee shall receive additional compensation as may be determined by the city manager.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-163. - Same—Overtime.

- (a) Overtime shall be divided as equally as possible among all qualified employees within a department.
- (b) Refusal of overtime work shall forfeit an employee's turn at overtime and may subject the employee to disciplinary action.
- (c) Overtime pay for shift workers shall be paid at the time-and-one-half rate for all hours worked in excess of one (1) shift and/or forty (40) hours in one (1) week. A workweek begins Saturday and ends on the following Friday.
- (d) All callouts during off-duty hours shall be paid at the time-and-one-half rate.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-164. - Seniority.

- (a) Seniority shall be considered first on a departmental basis, and then where possible and applicable, on a citywide basis, and shall be an element in all personnel transactions, provided an employee has the qualifications and ability to perform the job for which he claims seniority.

- (b) The city manager shall be responsible for preparation and maintenance of a master seniority list by department, which shall contain the names of employees in the order of their appointment to the service in the department. Seniority standings shall remain unchanged unless affected by leaves of absence without pay of longer than two (2) weeks in duration. Leave of absence for illness, injury on or off the job, or military duty with the armed forces of the United States shall not interrupt service towards seniority, but all other leaves of longer than two (2) weeks shall affect it. A copy of the seniority list shall be available in the city manager's office at all times and in such other places as he may direct.
- (c) Assignment of work within departments shall be made on the basis of the efficient operation of the department.
- (d) Employees shall lose their seniority upon voluntary resignation or justifiable discharge from employment with the city, or upon failure to return to work as provided.
- (e) In addition to the previous section on seniority, the following rules shall hold:
 - (1) When job qualifications are approximately equal, then the employee with the greatest seniority shall be given the opportunity.
 - (2) In the event of layoffs, such employees with the least seniority will be laid off, and employees with the most seniority will be retained, subject to their ability to perform the available work.
 - (3) Employees shall retain their seniority for a period of one (1) year, following date of layoff.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-165. - Employee safety.

- (a) *Generally.* The city is at all times concerned with the safety of its employees and citizens. In order that working conditions may more fully be monitored and improved, an employee safety committee will be established. Membership shall be comprised of one (1) member of administrative staff and one (1) person from each department. Members shall be drawn from the police, administration and recreation departments, as well as the parks, streets, water and gas divisions. The safety committee shall promote the welfare of city employees and citizens. It shall review all employee accidents and make recommendations. It may conduct a safety suggestion program and review proposals for applicability or appropriateness. If such safety program includes an awards system, it shall be the duty of this committee to regulate it.
- (b) *Safety rules.* It is the responsibility of the safety committee to formulate and propose safety guidelines for use by all municipal employees. It is the responsibility of each employee and supervisor to ensure that these rules are complied with at all times. Copies of all pertinent safety guidelines shall be posted in each department. In addition, any employee may secure safety information and a copy of the guidelines from his department head or the city clerk.
- (c) *Reporting of accidents.* Any employee injured, however slightly, while on the job must complete and turn in an accident report form within twenty-four (24) hours of the incident. In cases where the employee is incapable of doing so, it shall be the responsibility of his supervisor to fill out a preliminary report to the best of his ability. Failure to do so will delay insurance processing and any payments due. In addition, the reporting of an accident will benefit the employee if a minor injury later leads to more serious developments.

(Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-166. - No harassment policy.

- (a) *Purpose.*

- (1) The city government of the City of Salem is committed to maintaining a work environment that encourages and fosters appropriate conduct among colleagues and respect for individual values and sensibilities. Accordingly, the city's officers and administration are committed to enforcing its no harassment policy at all levels within the work place and creating an environment free from harassment of any kind including sex, age, religion, race, gender and disability.

(b) *Sexual harassment.*

- (1) *Purpose.* Sexual harassment affects the victim and other employees as well. Each incident of harassment contributes to a general atmosphere in which everyone suffers the consequences. Sexually oriented acts or sex-based conduct have no legitimate business purpose. Where such conduct is directed by a supervisor (or someone in a management position) toward a subordinate, the former will be held to a higher standard of accountability because of the degree of control and influence he or she has or is perceived to have over the employment conditions and benefits of the subordinate.
- (2) *Definition.* Sexual harassment is hereby defined as it is defined in the Illinois Human Rights Act, 775 ILCS 5/2 101(E), to-wit: "sexual harassment" means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

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

Sexual harassment can occur between individuals of different gender or between individuals of the same gender. Such conduct is also unlawful under Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination on the basis of race, color, sex, age, religion or national origin.

- (3) *Prohibited conduct.* Prohibited acts of sexual harassment can take a variety of forms ranging from subtle pressure for sexual activity or contact or physical contact. At times the offender may be unaware that his or her conduct is offensive or harassing to others. Examples of conduct, which could be considered sexual harassment, include:

- a. Persistent or repeated unwelcome flirting, pressure for dates, sexual comments or touching;
- b. Sexually suggestive jokes, gestures or sounds directed toward another, or sexually oriented or degrading comments about another;
- c. Preferential treatment of an employee, or a promise of preferential treatment to an employee, in exchange for dates or sexual conduct; or the denial or threat of denial of employment, benefits or advancement for refusal to consent to sexual advances;
- d. The open display of sexually oriented pictures, posters, or other material offensive to others;
- e. Retaliation against an individual for reporting or complaining about sexually harassing conduct.

All employees are encouraged to express displeasure at any conduct which might be sexually harassing, to tell the individual engaging in the conduct that it is unwelcome, to report that conduct, and to use the complaint procedure set forth in this policy.

(c) *Gender harassment.*

- (1) *Definition.* Gender harassment can be different than sexual harassment and consists of belittling remarks against a specific gender, female or male. Examples of gender-based harassment would include:
 - a. An employee voicing a preference for a male team leader position as opposed to a female.
 - b. An employee voicing, "females will crack under the pressure" where "males are emotionally capable of handling a management role."
 - c. An employer voicing, "a woman who is upset must be menstruating."
 - d. Male coworkers who might say "they wish they could whore their way through life to get what they want."
 - e. An employee saying, "women have no place in management and did not even belong in college."
 - f. An employee saying, "women should be "barefoot and pregnant".
- (d) *Race, religion, age and disability harassment.* This policy shall also cover harassment based on religion, age, race, or disability. Any comments made to other employees by either supervisors or coworkers, that is demeaning in nature and based upon the employee's race, religion, age or disability shall be considered harassing, subject to the procedures of this policy.
- (e) *Complaint procedure.* While the city encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his or her behavior is unwelcome, the city also recognizes that power and status disparities between an alleged harasser and a target may make such a confrontation impossible. In the event that such informal, direct communication between individuals is either ineffective or impossible, or even when such communication has occurred, the following steps should be taken to report a sexual harassment complaint.
 - (1) *Reporting of incident:* All employees are urged to report any suspected harassment by another employee to the city manager, except where that person is the individual accused of harassment. In that case, the complaint should be reported to the mayor. If the aggrieved employee or other complainant prefers to report the suspected harassment to someone of the opposite gender from that of the city manager, the complaint can be reported to the city clerk. The report may be made initially either orally or in writing, but reports made orally must be reduced to writing before an investigation can be initiated.
 - (2) *Investigation of complaint:* When a complaint has been reduced to writing, the city manager or the individual informed pursuant to paragraph (1) above, will initiate an investigation of the suspected harassment within five (5) working days of notification. If necessary, the city manager may designate another supervisory or management employee of the opposite sex to assist him or the alternate individual in paragraph (1) in the investigation. If the city manager is the subject of the investigation, the mayor will conduct the investigation. The investigation will include an interview with the employee(s) who made the initial report, the person(s) toward whom the suspected harassment was directed and the individual(s) accused of the harassment. Any other person who may have information regarding the alleged harassment may also be interviewed.
 - (3) *Report:* The city manager or designated person responsible for investigating the complaint, shall prepare a written report within ten (10) working days from notification of the suspected harassment unless extenuating circumstances prevent him/her from doing so. The report shall include a finding that harassment occurred, harassment did not occur, or there is inconclusive evidence as to whether harassment occurred. A copy of the report will be given to the employee(s) who made the initial report, the employee(s) to whom the suspected harassment was directed, and the employee(s) suspected of the harassment.
 - (4) *Record; confidentiality:* Employees who report incidents of harassment are encouraged to keep written notes in order to accurately record the offensive conduct. Every effort shall be made to keep all matters related to the investigation and various reports confidential. In the event of a lawsuit, however, the city advises that records it maintains and the complainant maintain may not be considered privileged from disclosure. Written records will be maintained for three (3)

years from the date of the resolution unless new circumstances dictate that the file should be kept for a longer period of time.

- (5) *Appeals process:* If either party directly involved in a harassment investigation is dissatisfied with the outcome or resolution, that individual has the right to appeal the decision. The dissatisfied party should submit his/her written comments in a timely manner to the mayor or any member of the city council, who shall then bring the matter before the entire council in executive session for disposition.
- (6) *Other remedies:* In addition to the complaint procedure described above, complaining employees also have the right to file a charge of harassment with the Illinois Department of Human Rights at:

Illinois Department of Human Rights

State of Illinois Center

100 West Randolph Street/Suite 10-100

Chicago, IL 60601

(312) 814-6245

The department will investigate the employee's charge, and determine whether or not there is substantial evidence to warrant the issuance of a complaint to the Illinois Human Rights Commission. If a complaint is issued, the employee may be entitled to a hearing before the commission.

- (7) *No retaliation:* Any employee who retaliates against any complaining employee or other person who cooperates with an investigation under these procedures shall, be subject to discipline.
- (f) *Discipline/sanctions.* Disciplinary action will be taken against any employee found to have engaged in harassment of any other employee, or in retaliation as set forth above. The extent of sanctions may depend in part upon the length and conditions of employment of the particular employee and the nature of the offense. The city has the right to apply any sanction or combination of sanctions, up to and including discharge, to deal with unreasonable conduct.

Where a hostile work environment has been found to exist, the city will take all reasonable steps to eliminate the conduct creating such an environment.

- (g) *Educational/training.* Education and training for employees at each level of the work force are critical to the success of the city's policy against harassment. Copies of the harassment policy will be sent to all employees.

Education and training will include the following components:

- (1) As part of general orientation, each recently hired employee will be given a copy of, and requested to read and sign a receipt for, the city's policy statement on harassment so that they are on notice of the standards of behavior expected.
- (2) For all employees with supervisory authority over other employees, and all employees working in a managerial capacity: All supervisory personnel will participate in an annual training session on discrimination. At least one-third (1/3) of each session will be devoted to education about work place harassment, including training as to exactly what types of remarks; behavior and pictures will not be tolerated in the work place. Participants will be informed that they are responsible for knowing the contents of the city's harassment policy.
- (3) All employees will participate on city time in annual seminars that describe workplace harassment and teach strategies for resisting and preventing harassment.

(Ord. No. 2001-27, §§ I—VII, 7-2-01; Ord. No. 2008-06, § I, 3-17-08)

Sec. 2-167. - Paid leave time for purpose of blood donation.

Each city employee will be allowed one (1) hour paid leave time every fifty-six (56) days for the sole purpose of blood donation. This leave time must be scheduled with the employee's supervisor.

(Ord. No. 2011-10, § I, 7-5-11)

Secs. 2-168—2-180. - Reserved.

Subdivision II. - Controlled Substance Use and Alcohol Abuse Program^[7]

Footnotes:

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Editor's note— Ord. No. 2011-13, § I, adopted September 6, 2011, repealed §§ 2-181—2-185, which pertained to the drug and alcohol testing policy and derived from Ord. No. 2008-06, § I, 3-17-08; Ord. No. 2008-07, § II, 3-17-08; Ord. No. 2010-11, § I, 9-20-10.

Sec. 2-181. - Adopted.

A new City of Salem Controlled Substance Use and Alcohol Abuse Program consisting of pages 1 through 40 is hereby adopted in pamphlet form and shall not be codified, a copy of which is attached hereto as Exhibited "A" and incorporated herein by reference in its entirety.

All city employees shall be provided a copy of said controlled substance and alcohol abuse program.

(Ord. No. 2011-13, §§ II, III, 9-6-11)

Secs. 2-182—2-185. - Reserved.