

CHAPTER 12

EMPLOYEES

ARTICLE I – GENERAL POLICIES AND PROCEDURES

12-1-1 DISCLAIMERS. It is important for you to understand that unless you are covered by a Collective Bargaining Agreement, you are employed “at will” which means that either you or the City may end your employment at any time, for any reason, with or without notice and with or without cause. No one except the Mayor can change the “at will” relationship, or make any binding promises regarding the terms of employment, and any such change or promise must be in writing, signed by the Mayor to be effective.

These policies may be amended or changed from time to time as conditions require and deemed appropriate by the City Council. Changes to this policy require a public meeting prior to adoption as a City Ordinance by a vote of the majority of Aldermen.

12-1-2 COLLECTIVE BARGAINING. If you are a member of a bargaining unit, parts of this manual may not be applicable, or may be supplemented by additional procedural information found elsewhere. Please refer to your Collective Bargaining Agreement as it will take precedence over this Manual to the extent of the specific conflict only.

12-1-3 SEPARABILITY. Each rule in this Manual and each section thereof is an independent rule or section. The holding of any court of competent jurisdiction that any rule or section is void, invalid or ineffective, for any reason, does not affect the validity of any other rule or section.

12-1-4 ACTION ON BEHALF OF THE MAYOR. Whenever permitted or required to act under this Manual, the Mayor may act through a Designee. The Mayor shall appoint any Designee by a written order, which shall be signed and dated by the Mayor, shall identify the powers given to the Designee, and may identify a specific time frame during which the appointment will be effective. The Mayor may appoint more than one Designee with the power to act at the same time, but the same powers may not be given to more than one Designee. The Mayor may revoke the appointment of any designee by a signed and dated written order. An appointment may be revoked even if any time frame specified in the original appointment order has not yet expired.

If the Mayor lacks the physical or mental capacity to perform any act permitted or required by this Manual, any Mayor Pro Tempore duly appointed by the City Council may act on behalf of the Mayor, but only if the Mayor has not appointed a Designee with authority to perform that act.

ARTICLE II – CUSTOMER SERVICE

12-2-1 CUSTOMER SERVICE POLICY. It is the goal of the City to provide quality, reliable and affordable City services, while fostering a small-town atmosphere of friendliness and caring in our community. To these ends, City employees must embrace the timeless spirit of public service, while constantly seeking new ways to increase the efficiency of City operations. Customer Service supports and enhances the relationships we have with those we serve. Even brief interactions are opportunities for good service.

The hallmark of a great small town is the knowledge people have of one another, and the willingness to use that knowledge to make each other's lives a little easier. As City employees, we operate a not-for-profit service organization that is vitally important to those who reside, do business, or visit Gibson City. Each of us has a responsibility to do our part to keep Gibson City a special place.

The following Gibson City Customer Service Standards have been established as a guide for employees and as a reminder that the attitude we portray while at work is just as important as the work itself. To the citizens of our community, you ARE the City.

(A) **Make Every First Impression a Positive One.**

- (1) First impressions impact the rest of that interaction, as well as set the tone for future interactions with the community. Please be aware of your body language and tone of voice from the first moment of customer contact. Never lose sight of the fact that we are here to serve and attend to the needs of our customers, whoever they may be.
- (2) Create a welcoming atmosphere through your actions and words; even when the answer you must give a customer/citizen is not what they want to hear. Always converse in a professional, courteous manner. Also, when greeting customers or vendors on the phone, use appropriate phone etiquette.
- (3) Always be aware that some customers may have multiple relationships with various City departments and that those relationships don't end even though your interaction is complete.

(B) **Every Employee is Empowered to Help.**

- (1) Resolve to fully listen to all concerns when approached with a question or issue. If you are unable to help, ensure that the appropriate person provides help.
- (2) Know your scope of authority and feel comfortable operating within it. But also, be aware of the City organization; if you cannot help someone, know who can.

So. (C) **In Order to Serve the Public Well, Employees Must be Prepared To Do**

- (1) It is the responsibility of every employee to understand their department's procedures so that every customer can be assisted promptly.
- (2) Be aware of what information is available to the public on our City website and app. Be ready to explain that informational postings are also available on the door at City Hall and on the City's Facebook page.

(D) **Pride Shows.**

- (1) Always display a high level of professionalism to fulfill your role in the maintenance of the City's good reputation. Negativity is contagious; strive to remain positive in all situations.
- (2) Ensure that your words and actions are supportive of all City departments, whether internal or external. We are all on the same team.
- (3) Be opened to give and receive constructive feedback as a means to continually improve the organization.

- (4) Remember that the way you treat customers reflects on every other city employee, the City government, and the community as a whole.
- (E) **Good Service Requires Flexibility.**
 - (1) Be open-minded and willing to change current practices to improve service delivery. Recognize that the best solution is not always the quickest or easiest, and creativity may be needed to solve difficult and unusual problems.
 - (2) Take the time to translate technical information so that it can be easily understood.
 - (3) Respond appropriately when dealing with those who may require additional services due to language differences or physical limitations.
- (F) **Conflict Resolution is Everyone's Responsibility.** Never be the one to terminate a discussion or meeting without agreement, unless someone is being abusive. Always try to calm a volatile situation before attempting to resolve it. Recognize when a neutral person (another employee or supervisor) should be brought in to help resolve a negative situation.
- (G) **Empathy is Always the Best Policy.**
 - (1) Always try to understand the needs of others and put yourself in the place of the person you are working with. Make your best effort to fully understand the request or comment.
 - (2) Be aware of your body language when dealing with people, express empathy without compromising community standards. It is in the most difficult situations that customer service is most important.
 - (3) While we cannot always do what every customer wants, we can always treat them with fairness and respect.
- (H) **People Deserve a Timely Response to Their Inquiries.**
 - (1) As long as it can be done safely and practically, an immediate response to people's inquiries is always the ideal. When an immediate response is not possible, always provide a realistic expectation of when a follow-up response from a person knowledgeable of their situation can be expected.
 - (2) As a service organization, we must strive to always be aware of other peoples' schedules and be willing to accommodate them whenever possible. Any contact via phone/text/voicemail must be replied to during that business day. If you can't provide an answer immediately, you should at least tell them quickly that you are working on a solution to their question.
- (I) **Always Follow-Up to Make Sure the Customer's Situation is Resolved.**
 - (1) Before ending any interaction, always be sure that all of a customer's needs have been discussed and ensure that as the City, we have done all we could to resolve the situation at hand.
 - (2) If you feel there is a better way to handle a problem for a customer, please share your ideas with your supervisor so service can be provided better in the future.

ARTICLE III – TERMS OF EMPLOYMENT

12-3-1 HIRING AUTHORITY. The Mayor has the authority to hire or appoint all positions in the City, including Police Chief and Public Works Supervisor, unless otherwise established by statute or ordinance. All recruitment and hiring processes will follow the steps outlined in **Section 12-3-13**. The Police Chief, Public Works Supervisor, and Administrative Assistant(s) are appointed with the advice and consent of the City Council.

12-3-2 PLACE OF WORK. The nature of municipal work sometimes extends the definition of “workplace” beyond the facilities owned by the City. For administrative staff, this may include trips to the bank or the post office. For Public Works employees, this is extended to the corporate limits of the City. Due to the nature of police work, they may have occasions when they need to travel beyond the City limits (i.e., transporting arrestees). The Place of Work for Police will be determined as appropriate by the Chief. For all other non-emergency situations, employees are not authorized to travel beyond the City limits without prior supervisor approval.

12-3-3 EQUAL EMPLOYMENT OPPORTUNITY. The City maintains a policy of nondiscrimination with employees and applicants for employment. Under Federal, State and local law, no aspect of employment with the City will be influenced in any manner by race, color, religion, sex, age, national origin, physical or mental disability, or any other basis prohibited by law.

12-3-4 POLICY PROHIBITING SEXUAL HARASSMENT. Language in the City ordinances notwithstanding, all prior existing sexual harassment policies and/or provisions shall be superseded by this Section.

(A) **Prohibition on Sexual Harassment.** It is unlawful to harass a person because of that person’s sex. The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991. All persons have a right to work in an environment free from sexual harassment. Sexual harassment is unacceptable misconduct which affects individuals of all genders and sexual orientations. It is a policy of this City to prohibit harassment of any person by any municipal official, municipal agent, municipal employee or municipal agencies or offices on the basis of sex or gender. All municipal officials, municipal agents, municipal employees and municipal agencies or offices are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof.

(B) **Definition of Sexual Harassment.** This policy adopts the definition of sexual harassment as stated in the Illinois Human Rights Act, which currently defines sexual harassment as:

- (1) 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.
- (2) Conduct which may constitute sexual harassment includes:
 - (a) **Verbal.** Sexual innuendoes, suggestive comments, insults, humor, and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside their presence, of a sexual nature.

- (b) **Non-verbal.** Suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking" or "kissing" noises.
 - (c) **Visual.** Posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.
 - (d) **Physical.** Touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.
 - (e) **Textual/Electronic.** "Sexting" (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking or threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).
- (3) The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends, to some extent, on individual perception and interpretation. The courts will assess sexual harassment by a standard of what would offend a "reasonable person."

(C) **Procedure for Reporting an Allegation of Sexual Harassment.** An employee who either observes sexual harassment or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating his/her position to the offending employee, and his/her immediate supervisor. It is not necessary for sexual harassment to be directed at the person making the report.

Any employee may report conduct which is believed to be sexual harassment, including the following:

- (1) **Electronic/Direct Communication.** If there is sexual harassing behavior in the workplace, the harassed employee should directly and clearly express his/her objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.
- (2) **Contact with Supervisory Personnel.** At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate supervisor of the person making the report, a department head, a director of human resources, an ethics officer, the city manager or administrator, or the chief executive officer of the Municipality.
The employee experiencing what he or she believes to be sexual harassment must not assume that the employer is aware of the conduct. If there are no witnesses and the victim fails to notify a supervisor or other responsible officer, the Municipality will not be presumed to have knowledge of the harassment.
- (3) **Resolution Outside Municipality.** The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every report and incident so that problems can be identified and remedied by the Municipality. However, all municipal employees have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities. Either an IDHR complaint or a complaint with the EEOC must be filed within **three hundred (300) days**.

Documentation of any incident may be submitted with any report (what was said or done, the date, the time and the place), including, but not limited to, written records such as letters, notes, memos and telephone messages. All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the City. However, because of the serious implications of sexual harassment charges and the difficulties associated with their investigation and the questions of credibility involved, the claimant's willing cooperation is a vital component of an effective inquiry and an appropriate outcome.

(D) **Prohibition on Retaliation for Reporting Sexual Harassment Allegations.** No municipal official, municipal agency, municipal employee or municipal agency or office shall take any retaliatory action against any municipal employee due to a municipal employee's:

- (1) Disclosure or threatened disclosure of any violation of this policy,
- (2) The provision of information related to or testimony before any public body conducting an investigation, hearing or inquiry into any violation of this policy, or
- (3) Assistance or participation in a proceeding to enforce the provisions of this policy.

For the purposes of this policy, retaliatory action means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any municipal employee that is taken in retaliation for a municipal employee's involvement in protected activity pursuant to this policy.

No individual making a report will be retaliated against even if a report made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

Similar to the prohibition against retaliation contained herein, the State Officials and Employees Ethics Act (**5 ILCS 430/15-10**) provides whistleblower protection from retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for an employee who does any of the following:

- (1) Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, State agency, or other State employee that the State employee reasonably believes is in violation of a law, rule, or regulation;
- (2) Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member, State agency or other State employee; or
- (3) Assists or participates in a proceeding to enforce the provisions of the State Officials and Employees Ethics Act.

Pursuant to the Whistleblower Act (**740 ILCS 174/15(a)**), an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. In addition, an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. (**740 ILCS 174/15(b)**).

According to the Illinois Human Rights Act (**775 ILCS 5/6-101**), it is a civil rights violation for a person, or for two or more people to conspire, to retaliate against a person because he/she has opposed that which he/she reasonably and in good faith believes to be sexual harassment in employment, because he/she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under the Illinois Human Rights Act.

An employee who is suddenly transferred to a lower paying job or passed over for a promotion after filing a complaint with IDHR or EEOC, may file a retaliation charge – due within **three hundred (300) days** of the alleged retaliation.

(E) **Consequences of a Violation of the Prohibition on Sexual Harassment.** In addition to any and all other discipline that may be applicable pursuant to municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreement, any person who violates this policy or the Prohibition on Sexual Harassment contained in **5 ILCS 430/5-65**,

may be subject to a fine of up to **Five thousand Dollars (\$5,000.00)** per offense, applicable discipline or discharge by the Municipality and any applicable fines and penalties established pursuant to local ordinance, State law or Federal law. Each violation may constitute a separate offense. Any discipline imposed by the Municipality shall be separate and distinct from any penalty imposed by an ethics commission and any fines or penalties imposed by a court of law or a State or Federal agency.

(F) **Consequences for Knowingly Making a False Report.** A false report is a report of sexual harassment made by an accuser using the sexual harassment report to accomplish some end other than stopping sexual harassment or retaliation for reporting sexual harassment. A false report is not a report made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false or frivolous report is a severe offense that can itself result in disciplinary action. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be subject to discipline or discharge pursuant to applicable municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements.

In addition, any person who intentionally makes a false report alleging a violation of any provision of the State officials and Employees Ethics Act to an ethics commission, an inspector general, the State Police, a State's Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor. An ethics commission may levy an administrative fine of up to **Five Thousand Dollars (\$5,000.00)** against any person who intentionally makes a false, frivolous or bad faith allegation.

12-3-5 EMPLOYMENT AT-WILL. With exceptions set forth in statutes and ordinances of the City, including the Collective Bargaining Agreement, all employees are considered to be employees-at-will. City employees may resign from their employment at any time, for any reason. Likewise, the City may terminate the employment relationship of such employees, at any time, with or without cause. Neither the policies contained in this Manual, nor any other written or verbal communications by a supervisor are intended to change the at-will relationship or create a contract of employment.

12-3-6 RESIDENCY REQUIREMENT. The City requires that employees of the City live within **twenty (20) miles** of the City except for the position of Wastewater Superintendent which shall have no such requirement. (**Ord. No. 2023-05; 02-13-23**)

12-3-7 JOB CLASSIFICATION.
(A) **Full-Time Employees.** Individuals who are regularly scheduled to work no less than **thirty-two (32) hours** per week. Full-time employees receive all benefits provided by these policies, upon successful completion of the initial review period. Bargaining unit members may have different benefits than other employees. If you are a member of a bargaining unit, please refer to your Bargaining Unit Agreement for the latest information.

(B) **Part-Time Employees.** Individuals who are regularly scheduled to work less than **thirty-two (32) hours** per week. Part-time employees are not eligible for benefits described in the manual except where noted or to the extent required by State or Federal law.

(C) **Temporary and Seasonal Employees.** Individuals who are hired for specific periods of time or for the completion of a specific project are deemed Temporary or Seasonal Employees. Seasonal Employees are considered to be temporary employees. Temporary employees are limited to work for **twenty-six (26) weeks** or less and are not eligible for benefits described in this Manual except to the extent required by State or Federal law. NOTE: Some part-time police officers are included in the bargaining unit after they have served a specific number of hours. They do not receive fringe benefits.

(D) **Elected and Appointed Officials.** Elected and appointed officials are not eligible for benefits described in the Manual except where noted or to the extent required by State or Federal law.

12-3-8 NON-EXEMPT AND EXEMPT EMPLOYEES. Exempt employees, those on salary, are not entitled to overtime pay under the Fair Labor Standards Act. Those are employees with management or professional duties who earn a specified minimum salary per year. Non-exempt or hourly employees are entitled to be paid **one and one-half (1 ½) times** their regularly hourly wage for hours worked over **forty (40) hours** per week. Time off of work for any reason is not counted as hours worked for purposes of computing overtime. Employees will be advised of their status as either hourly or salary at the time of hire. Separate rules for overtime pay may apply to the Police Department.

12-3-9 INITIAL TWELVE (12) MONTH REVIEW PERIOD. Unless otherwise stated in the Job Description approved by the Mayor, both new employees and existing employees in new positions will be more closely monitored and reviewed during the first **twelve (12) months** of employment. This **twelve (12) month** period is an opportunity for both the City and the employee to determine if the job is right for the employee. Performance evaluations will generally be done during this time period. A decision will be made by the City at the end of the **twelve (12) month** review period regarding whether the employee successfully completed the Review Period. The initial **twelve (12) month** review period may be extended an additional **six (6) months**, however if this is deemed necessary, the employee should be counseled about areas of performance with which the City has concerns.

12-3-10 REASONABLE ACCOMMODATIONS. The City is committed to ensuring that no otherwise-qualified person with a disability is excluded from participating in , denied the benefits of, or be subjected to discrimination in the context of his or her employment with the City. Consequently, the City will make reasonable accommodations to qualified individuals that do not impose undue hardships on the City.

With regard to an employee's religious observances, practices and beliefs, of which the City is aware, the City will make reasonable accommodations that do not impose an undue hardship on the City.

Employees who believe that they need a reasonable accommodation of some kind because of a disability, or a religious observance should submit a written request to their immediate supervisor. The City cannot make a reasonable accommodation unless it knows that you need one.

12-3-11 BACKGROUND INVESTIGATION AND REFERENCE CHECKS. Prior to being hired, all applicants must consent to a background investigation. Background verification is performed prior to any job offer. Employment is contingent on its successful completion. Employees who do not successfully complete the background verification may be terminated, or the conditional offer of employment may be withdrawn.

12-3-12 MEDICAL SCREENING. The physical nature of some positions of the City will require physical examination and medical testing, at City expense, after a conditional offer of employment has been made. Employment for these positions is contingent on its successful completion. If the physical examination reveals an inability to complete essential functions of the position, the City will consider providing reasonable accommodations to allow the individual the opportunity to fill the position.

12-3-13 PRE-EMPLOYMENT DRUG TESTING. Any City position will require drug screening, at the City's expense.

ARTICLE IV – SAFETY

12-4-1 SAFETY POLICIES AND PROCEDURES. The City regards their employees as their most valuable asset. Therefore, adherence to the City's Safety Program is key to employment with the City. Employees must willingly participate in New Employee Training as well as Annual Refresher Trainings as outlined in the City's safety guidelines.

The City is committed to programs that promote health and safety, both on and off the job, and has the expectation of providing a safe environment for employees and the community. Employees shall communicate ergonomic and health and safety issues to their supervisor in writing. The employee and the supervisor shall meet to review and discuss that information provided by the employee, and any necessary corrective action should be implemented as soon as possible.

Employees are to be aware of OSHA regulations regarding their place of work and duties. Reporting a suspected OSHA violation in good faith will not result in discipline. Conscious disregard for OSHA regulations will result in discipline. Employees will comply with OSHA laws and the City will continually review and improve their Safety policies and procedures. As OSHA standards evolve, we will update the City's policies and implement the necessary changes.

Safety is a shared responsibility of all employees of the City, and thus the help and support of each employee is essential to the success of our safety program. Each employee is responsible for their own safety, the safety of fellow workers and the citizens of our community. By working together, employees can strive to avoid hazardous conditions and situations that could pose a threat to the well-being of all employees. Employees should notify their supervisor of any unsafe behavior and/or conditions that they are aware of as soon as possible.

All employees are expected to learn and follow all of the City's safety guidelines, in addition to these basic rules outlined in this Employee Manual. (Failure to adhere to any or all safety rules and regulations may result in disciplinary action, up to and including possible termination of employment.)

(A) **Reporting Accidents.** Details of any accident regarding Personnel, City Property or Equipment, or Damage to Public/Private Property needs to be immediately reported on an Incident Report.

- (1) Any incident should be reported to the employee's Supervisor who should then notify the Mayor and the Administrative Assistant at City Hall, to assure all insurance and any other required documents are submitted.
- (2) An email of the Incident Report (and a text/phone call in severe situations) should notify all City Council Members of any accident regarding Personnel, City Property or Equipment, or damage to Public/Private Property.
- (3) Employees should follow basic first-aid training guidelines when an accident has occurred. When in doubt, call for an Ambulance/EMT Assistance when dealing with a possible injured employee.
- (4) All employees involved in an accident involving Personnel, City Property or Equipment, or Damage to Public/Private Property need to immediately report to Gibson Area Hospital to have a drug test performed before returning to work.

(B) **Equipment Training.** Only properly trained employees shall be allowed to operate powered industrial vehicles (forklifts, backhoes, etc.). This training shall be documented in the Safety Files and the Employee's Personnel Files. Training is to be reviewed during annual refresher training and if the employee is involved in an incident while operating a powered industrial vehicle.

(C) **PPE.** Steel toes shoes, ear protection and safety glasses with side shields are to be worn when performing tasks to follow all standard safety guidelines. All employees and contractors must abide by the City's safety rules.

(D) **Clothing and Jewelry.** Clothing should be neat, clean, appropriate and safe. Any jewelry that presents a safety hazard must be removed.

(E) **Alcohol and Drugs.** Employees are prohibited from reporting to work while under the influence of alcohol or any controlled substance (not prescribed by a doctor) and are further

prohibited from possessing or distributing such substances on City property including vehicles. To the extent permitted by law, the City reserves the right to require appropriate testing for alcohol or illicit substances whenever there is sufficient reason to believe that the employee is under the influence of those substances. Refusal to undergo testing may jeopardize employment. Positive results on drug tests also may result in termination of employment.

(F) **Smoking Ban.** Smoking of cigarettes, e-cigarettes and other tobacco products is not allowed on City property with the exception of personal vehicles parked on City property. Smoking debris may not be discarded on City property, except in designated receptacles. Employees may not smoke or vape while on company equipment or in a company vehicle. Employees are prohibited from smoking cigarettes, other tobacco products, or vaping on private property when on City business.

(G) **Seat Belts.** Employees are required to use seat belts which are provided in any City vehicle at all times during the operation of the City vehicle or equipment.

ARTICLE V – COMPENSATION AND PERFORMANCE

12-5-1 **COMPENSATION PLAN.** The City is committed to paying competitive wages to its employees based on the skill required for the position, the experience and/or longevity of the individual employee with regard to the position, and ongoing performance of the employee in the assigned position. Increases in salary may be of three types:

(A) **Salary Based on Merit and Seniority.** Over the course of employment with the City, an employee may receive periodic increase in wages based on merit (i.e., performance equal to or exceeding expectations) and based on seniority.

(B) **Cost of Living Adjustment.** On an annual basis based on funding available to the City, every employee's wages will be adjusted based on the Cost-of-Living increase during the previous year.

(C) All raises must be approved by the City Council.

Under unusual circumstances, an employee may have his or her wages reduced. Reassignment of the employee, a restructuring of the position of exceedingly poor performance during an individual evaluation period.

It is anticipated that employee evaluations will be completed annually. Raises due to seniority or cost of living will take effect on **May 1**, the beginning of the City's fiscal year.

ARTICLE VI – EMPLOYEE BENEFITS

12-6-1 BENEFITS ELIGIBILITY. Only full-time employees are eligible for employee benefits listed in this Section unless otherwise noted. Some benefits may be added or changed during “open seasons.” Please see the Administrative staff for more information.

12-6-2 PAYROLL DEDUCTIONS. There are two categories of payroll deductions: Those required by State and Federal law and those authorized by the employee. Payroll deductions required by State and Federal law include Federal withholding, income tax, social security tax, and wage garnishments as required by law (e.g., child support payments, court-ordered payments, IRS garnishments).

If authorized in writing by an eligible employee, the City will also make additional deductions for health insurance and other purposes that are for your benefit. These include payments into savings funds; retirement contributions; union dues; and voluntary contributions to charities. Arrangement for these voluntary deductions may be made with the Administrative staff.

12-6-3 SOCIAL SECURITY (FICA). Social Security is a payroll deduction representing your contribution to the Federal government’s Social Security Program. The City also contributes money on your behalf to the program (with the exception of Elected and Appointed Officials).

12-6-4 WORKERS’ COMPENSATION INSURANCE. The City pays a premium for Workers’ Compensation insurance for all employees. This insurance protects employees from a loss of income and pays medical expenses, resulting from a workplace accident or injury. You are REQUIRED to report all work-related injuries to your Supervisor immediately.

12-6-5 STATE UNEMPLOYMENT INSURANCE. If you are separated from the City under no-fault circumstances such as a layoff, you may be eligible for unemployment benefits pursuant to State statute and regulations.

12-6-6 HEALTH COVERAGE. The City provides health insurance for full-time employees; with the City paying **seventy-five percent (75%)** of the premium and the employee paying **twenty-five percent (25%)** of the premium. The only exceptions to this is for the City Superintendent and Chief of Police, the City pays **one hundred percent (100%)** of their insurance premiums. No additional compensation will be paid to any employee who refuses health insurance coverage. Insurance for family members can be deducted from the employee’s paycheck as can other insurance. Questions about benefits may be directed to the City’s Administrative staff.

12-6-7 CONTINUATION OF GROUP HEALTH INSURANCE. The continuation coverage mandated by the federal law commonly known as “COBRA” does not apply because the City does not have **twenty (20)** or more employees. However, Illinois currently has what is known as a “Mini-COBRA Law,” which allows health insurance benefits to be continued for up to **twelve (12) months** after the termination of employment or after an employee suffers a reduction in hours resulting in a loss of coverage under the group health plan. The premium for continuation coverage must be paid by the employee, but it may not exceed the group rate. To be eligible, the employee must have been continuously covered under the group health plan for **three (3) months**. Continuation coverage is also available for spouses and dependents who have been continuously covered under the group health plan for **three (3) months**.

In addition, Illinois has a "Spousal Law" and a "Dependent Child Law," which allow health insurance benefits to be continued for spouses and/or dependent children following a qualifying event, which may be the retirement, death, or divorce of an employee, or which may be the age at which coverage is no longer provided for a dependent under the group health plan. In these situations, written notice of the qualifying event and a request for continuation coverage should be given to the City within **thirty (30) days** of the event. The City will forward the written notice to the group health insurance company.

12-6-8 RETIREMENT – IMRF. All full-time employees participate in the Illinois Municipal Retirement Fund (IMRF). Your mandatory contribution from your gross pay will be deducted from your paycheck. Please see the Administrative staff for the current withholding rate. To be fully vested, you must be employed with the City for **ten (10) years**. This is not an optional deduction.

Any part-time employee that works more than **one thousand (1,000) hours** a year will be enrolled in the IMRF as well.

12-6-9 RETIREMENT – SICK LEAVE. Upon retirement, those employees with **fifteen (15)** or more years of service and **ninety (90) days** of accumulated sick leave will be paid for **ten (10)** of the accumulated sick leave days.

ARTICLE VII – TIMEKEEPING AND LEAVE POLICIES

12-7-1 WORK HOURS. The normal work schedule is as follows:

Office staff	8:00 am – 4:00 pm M-F with a half-hour lunch break
Public Works	6:30 am – 3:00 pm M-F with a half-hour lunch break
Police – Administration	8:00 am – 4:30 pm M-F with a half-hour lunch break

12-7-2 TIME RECORDS. It is important that your time be accurately reported. Employees will be required to complete time sheets and may be required to punch a time clock. If a time clock is in use, employees may not punch in more than **seven (7) minutes** prior to their start time or **seven (7) minutes** after their end time. Employees who violate this provision are subject to discipline. No one is authorized to punch a time clock for another employee. The employee is responsible for the accuracy of the time records. Falsification of time records could lead to disciplinary action, up to and including termination from employment. If an employee finds errors in the records, the employee is required to notify their supervisor.

12-7-3 BREAKS AND MEAL PERIODS. Employees are entitled to a **fifteen (15) minute** break every **four (4) hours** in his/her work schedule. Each break must be separated by a meal period and the time may not be taken at the beginning or end of a shift or meal period. The time is not cumulative.

All full-time employees must take a **thirty (30) minute** lunch break each day. If a time clock is in use, the employee must punch out and punch in. Lunch periods will be scheduled with a supervisor and variances in the lunch period must be approved in writing.

Breaks and meal periods for employees subject to a collective bargaining agreement are determined by Agreement.

12-7-4 PAY PERIODS. All employees are paid on a bi-weekly basis. The work week ends on Friday. Paychecks are distributed every other Wednesday for work completed the previous Friday.

12-7-5 OVERTIME COMPENSATION. From time to time, it may be necessary for you to perform overtime work. When possible, the Mayor must approve all overtime in advance. Except in the event of an emergency, the City will attempt to provide you with advance notice of the necessity for overtime work. The Police Department employees should refer to their Collective Bargaining Unit Agreement to determine their overtime policies.

All non-exempt employees are entitled to be paid **one and one-half (1 ½) times** their regular rate of pay for all time worked in excess of **forty (40) hours** per week. Sick days, holidays, vacation time, leaves of absences, and other time off benefits are counted as time worked for purposes of overtime.

12-7-6 ATTENDANCE/TARDINESS. Absence or tardiness places an extra burden on co-workers and undermines the efficient operations of the City. Good attendance is expected of every employee. It is each employee's responsibility to be on the job, on time each day, and fully able and ready for work. Employees are expected to arrive at work on time, return from rest breaks and lunch breaks on time, and to work until the shift is complete.

With the exception of emergency situations, absences from work due to illness or injury must be reported to the employee's supervisor within a minimum of **three (3) hours** prior to the employee's assigned work shift. In the absence of an employee's supervisor, notice should be given to his/her

designee or the Police Chief. Employees are required to notify their supervisor at least **three (3) hours** before each day of a continuing absence, unless the requested leave is established by a medical professional. Failure to follow these policies will result in discipline. For non-Police Department employees, an absence of **three (3)** consecutive days without notification is considered a resignation.

Absence of more than **three (3)** consecutive days due to illness or injury requires a written statement from a medical professional explaining the absence. The City may also require a statement from a medical professional whenever absences are excessive. In addition, the City may require the employee to submit to a physical examination by a medical professional selected by the City at the City's expense at any time illness or injury is interfering with the employee's productivity. Note, the collective bargaining agreement for the Police Department may contain different provisions.

12-7-7 SICK LEAVE. Sick leave is a benefit and not a right for the employee to use at his or her discretion. Accumulated sick leave is your assurance of a regular continuing income in the event of your personal illness or physical incapacity, exposure to a contagious disease that would endanger the health of other employees or our customers, personal illness within your immediate family, disability resulting from pregnancy, childbirth, or other medical conditions, enforced quarantine in accordance with community health regulations, or appointment with a licensed medical doctor, dentist, or other health practitioner.

Full-time employees accrue sick leave at the rate of **eight (8) hours** per month. Part-time employees accrue sick leave based on prorating the percentage of a full-time work schedule. Leave may be accrued up to **three hundred sixty (360) hours**. Accrued leave may not be used or paid to the employee upon separation of employment. Employees accruing more than **three hundred sixty (360) hours** may have the excess hours recorded in a "bank" which may be used to extend service time for purpose of IMRF retirement.

12-7-8 AFTER-DUTY EMERGENCY CALL OUT/CITY COUNCIL MEETINGS. The Employees' Supervisor must approve after-duty emergency call-out prior to the occurrence except for police emergencies. The minimum employee compensation will be **two (2) hours** upon arrival at City facilities. If those hours cause an excess of **forty (40) hours** within any given work week they are to be paid time and a half. The Mayor must approve any employee attending City Council meetings as part of their work assignment.

12-7-9 VACATION LEAVE. Full-time employees are entitled to vacation leave based upon length of service and anniversary date. If there is a break in service, eligibility for vacation will be based on the employee's most recent re-hire date.

Vacations must be scheduled with, and approved by, the employee's supervisor at least **two (2) weeks** prior to the commencement of the leave time. While your supervisor will make every effort to accommodate your leave request, work priorities and conflicting leave schedules may prevent approval of your request.

The purpose of vacation leave is to provide you with a time to rest and relax. You therefore are expected to take your vacation leave during the year the leave was earned. Vacation leave may not be carried over more than **twelve (12) months** of when the leave was earned, except in emergency situations approved by the employee's supervisor. You will be paid accrued, unused vacation pay upon separation. Vacation leave is accrued based on the date you were hired and the following schedule:

Vacation Awarded Upon Anniversary Achieved:

Annual Leave

After completion of one year employment
After completion of two year employment
After completion of five years employment
After completion of twelve years employment

40 hours
80 hours
120 hours
160 hours

12-7-10 PERSONAL DAY. Full-time employees are entitled to **twenty (20) hours** of personal leave per year. This leave must be used within **twelve (12) months** of when the leave was earned. Personal leave time may be taken in **one (1) hour** increments.

12-7-11 TRAINING AND TRAVEL. From time to time, employees may either request or be required to attend workshops, institutes or short-term courses. If the employee is granted advanced approval for attending these courses, they will continue to receive regular pay. Reimbursement for travel and lodging may also be paid by the City. For sessions of more than **one (1)** consecutive day, work time will be considered only during those hours within the employee's normal work hours.

12-7-12 BEREAVEMENT LEAVE. **Three (3) days** of leave in the event of death of immediate family members (i.e., father, mother, children, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, grandparents, spouse, stepparents, stepbrothers, stepsisters, and stepchildren). Additional accrued leave of any type may be used with supervisor approval.

12-7-13 INCLEMENT WEATHER. The City is always open for business, regardless of weather conditions, unless otherwise determined by the Mayor. Weather conditions may prevent employees from getting to work or cause them to arrive late. Employees are expected to make every reasonable effort to report to work during inclement weather. When severe weather conditions exist, it is the responsibility of each employee to contact their supervisor before the start of the shift if they are unable to report to work on time. For hourly employees, work time missed due to inclement weather is unpaid time. However, employees may request to use vacation or personal leave time.

12-7-14 HOLIDAYS. The following are the **ten (10)** recognized and paid holidays for employees:

New Year's Day	January 1 st
President's Day	Third Monday in February
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4 th
Labor Day	First Monday in September
Veteran's Day	November 11 th
Thanksgiving/Day after	Fourth Thursday and Friday in November
Christmas Day	December 25 th

Full-time employees will be paid for observed holidays if they fall on a regular workday. To be eligible to receive pay, the employee must not have been absent without leave either on the workday before or after the holiday. Employees that are required to work on the holiday will be granted a paid substitute day. If a holiday falls on a Saturday it is observed on the Friday before. If it is on a Sunday, it is observed the next day.

12-7-15 LEAVE OF ABSENCE. Full-time employees may apply for an unpaid, discretionary leave of absence for up to **six (6) months** if they have exhausted their annual leave (or sick leave if appropriate). All leave of absence requests must be approved by the Mayor with requests exceeding **eighty (80) hours** requiring the additional approval of the City Council.

Discretionary leave of absence will be unpaid, and the employee is not entitled to accrue any benefits, including vacation, sick leave, holidays, and personal days. Participation in medical coverage must be paid entirely by the employee during the discretionary leave.

12-7-16 WORKERS COMPENSATION. If a City employee sustains an accidental injury arising out of and in the course of his/her employment, the employee should immediately notify his/her supervisor. The City maintains insurance to cover its obligation under the Illinois Worker's Compensation Act.

12-7-17 MILITARY LEAVE. The City will comply with all federal and state laws governing military leave and employees' rights pertaining to military service. Upon receiving orders, provide a copy to your supervisor.

12-7-18 JURY DUTY OR COURT APPEARANCE. Upon notification to serve on jury or witness duty, you shall submit a copy of the summons to your supervisor. Jury duty will be treated as an authorized absence from work and the employee will continue to receive his/her regular base wage while performing jury services. An employee who is subpoenaed or otherwise required to appear for issues directly related to their employment by the City, will also receive all regular pay and benefits, whether they are on duty or off duty. Jury duty checks shall be turned over to the City.

12-7-19 SERVICE CALL-OUTS. In the event an off duty non-bargaining unit employee is called out on an emergency service call, that employee shall be paid a minimum of **two (2) hours**. If those hours result in over **forty (40) hours** worked during the work week they will be paid at the equivalent of **one and one-half (1 ½) times** the regular hourly rate of pay.

ARTICLE VIII – WORKPLACE POLICIES

12-8-1 PERSONNEL RECORDS. The City maintains an official personnel file for each employee and each applicant for employment. A change of personal status may have an important effect upon employee benefits. Therefore, you should notify the Administrative staff of any changes in the following:

- Legal name
- Home address or telephone number
- Marital status – name of spouse, date of birth (date of marriage/divorce if after date of hire)
- Number, names, and date(s) of birth of dependents, only if you are seeking health insurance coverage for named dependents
- Name, address and telephone number of the person to be notified in case of emergency
- Change of beneficiary
- Military or draft status
- Exemptions of the W-4 tax form

An employee may inspect his or her own personnel file twice a year. An employee wishing to inspect his/her personnel file must take the following steps:

- Make a dated written request to the Administrative staff for review and approval by the Mayor.
- Inspection will be allowed during normal working hours, unless other arrangements are approved by the Mayor.
- The file must be reviewed under the supervision of the Mayor or his/her designee. No employee may remove his or her personnel file from the office or personally make copies. Copies of personnel records may be made for the employee by a request to the Mayor or his/her designee. However, a reasonable charge for copying may be required.

The right of an employee (or the employee's designated representative) to inspect his or her personnel records does not apply to:

- Letters of reference for that employee.
- Any portion of a test document, except that the employee may see a cumulative total test score for an entire test document.
- Information of a personal nature about a person other than the employee if disclosure of the information would constitute an unwarranted invasion of the other person's privacy.
- Records relevant to any pending claim between the City and employee which may be discovered in a judicial proceeding.
- Investigatory or security records maintained by the City to investigate criminal conduct by an employee or other activity by the employee which could reasonably be expected to harm the City's property, operations, or business or could, by the employee's activity, cause the City financial liability, unless and until the City takes adverse personnel action based on information in such records.

If an employee disagrees with the information found in his/her file, removal or correction of the information may be agreed upon by his/her supervisor, the Mayor, and the employee. If agreement cannot be reached regarding the removal or correction of the employee's file(s), the employee will be permitted to submit a written statement explaining his or her position. The statement will become a permanent part of the employee's personnel file and must accompany a transmittal or disclosure from that file to anyone else who is legally allowed to inspect the file.

Employee personnel files and their contents are confidential and will not be made available to anyone, other than the employee, without written approval by the Mayor. Any request for inspection of personnel files by a designated representative must be signed by the employee.

12-8-2 REIMBURSABLE EXPENSES. With prior approval by your supervisor, legitimate expenses will be reimbursed by the City. The employee must submit receipts in order to reimburse the employee. Reimbursement may be in the form of petty cash or a check.

(A) **Interpretation.** This Section shall be interpreted to be consistent with the Local Government Travel Expense Control Act, **50 ILCS 150.**

(B) **Definitions.** For the purpose of this Section, the following words are defined as set forth herein:

- (1) "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.
- (2) "Travel Expense" means any expenditure directly incident to official travel by employees and officers of the City or direct payment to private agencies providing transportation or related services.

(C) **Official Business Requiring Expenses.** Travel, meal, and lodging expenses will only be allowed for official business of the City which is necessary to the functioning or improvement of the City. Official business includes education conferences related to the duties of the employee or officer of the City; site visits to current or potential vendors of the City; or out-of-town meetings related to the official duties of the employee or officer of the City.

(D) **Entertainment Expenses.** No entertainment expenses incurred by any employee or official may be reimbursed.

(E) **Employee Expense Reimbursement.** Per **820 ILCS 115/9.5** employees will be reimbursed for all expenses that are not caused by negligence.

(F) **Approval of Expenses.** The City Council must approve the following reimbursements for travel expense, including meals, transportation and/or lodging, by a roll call vote at an open meeting of the City Council.

- (1) Any expense of the Mayor or any member of the City Council.
- (2) The cost of travel including the allowable automobile expenses allowed by the IRS for business travel, rental car, airplane, ride share, cab, private car, train and/or bus. In the event that there is a choice of class, only coach or economy class or similar shall be approved. Any upgrades to the equivalent of first and/or business class may only be done at the additional expense of the traveler.
- (3) The cost of lodging which shall be reasonable and customary for the location and time of the area where the traveler is staying.
- (4) The customary cost of conference fees, class fees, supplies, books, and software and computer materials for educational purposes is allowed.
- (5) The Mayor or his/her designee shall be authorized to approve such travel without preapproval of the City Council so long as the total cost of reimbursement is less than **Three Hundred Dollars (\$300.00).**

(G) **Documentation of Expenses.** Before any reimbursement for travel, meals or lodging may be approved pursuant to **Section 12-8-2(E)** and **12-8-2(F)** above, an expense report showing a breakdown of expenses shall first be submitted to the City Council. This form shall include, at a minimum, the name and title of the requestor, a cost estimate of expenses not yet incurred or a receipt if expenses have been incurred, and the date or dates and the nature of the official business wherein the expenses were or will be incurred.

12-8-3 MEDIA RELATIONS. Only certain employees are authorized to speak to the media on behalf of the City concerning City Business including individual social media. These individuals are the Mayor, and for police matters, the Chief of Police.

12-8-4 INFORMATION REQUESTS BY CITIZENS. The Illinois Freedom of Information Act (FOIA) helps to ensure an open and honest government. The FOIA law requires all public bodies to make public records available for inspection. However, not all records are public, so the law requires that every public body designate one or more employees to act as its Freedom of

Information Officers. These individuals have the training to make the determination what are public records can be released, or what records can be redacted and released.

The City will select a FOIA officer or officers. That individual or individuals will be the only employees with authority to release any City records.

12-8-5 CONFLICT OF INTEREST. The City expects its employees to conform to the highest ethical and legal standards. You are required to refrain from engaging in any activities that create a conflict or create the appearance of a conflict of interest.

12-8-6 OUTSIDE EMPLOYMENT. Outside employment is any employment in addition to an employee's regular, full-time job with the City. Full-time employees may engage in outside employment providing:

(A) Such outside employment shall not interfere with the efficient performance of the employee's duties.

(B) Such employment shall not constitute a conflict of interest.

(C) Such employment shall not occur during the employee's regular or assigned working hours.

(D) Such employment is reported to the employee's supervisor prior to acceptance of employment.

Employees of the Police Department should consult rules, regulations, department policy, and labor contracts in regard to outside employment.

12-8-7 POLITICAL ACTIVITY.

(A) It is the duty and right of every employee to register and vote. Employees are permitted to join political organizations or civic groups.

(B) Employees are not permitted to engage in any public political activity involving the election of candidates for any City office during business hours.

(C) Employees are not permitted to solicit, sell or handle political contributions in City elections.

(D) Employees are not permitted to wear or display any political badges, buttons or signs on their person during duty hours.

12-8-8 NEPOTISM. All City employees can expect fair and impartial treatment from supervisors or employees with oversight authority. As such, no employee shall hold a position in which he/she supervises, checks, or audits the work of another employee within the employee's immediate family (as defined in **Section 12-7-12**) or with whom the employee has had, or is having, a dating relationship. If any such relationship exists or arises, the City will either transfer one of the employees to a vacant position for which the employee is qualified or will terminate the employment of one of the employees.

12-8-9 USE OF GOVERNMENT EQUIPMENT OR PROPERTY. Employees should be properly trained to use motorized equipment and work tools to follow all City standard safety guidelines. This training should be documented and filed per the standard safety guidelines as well. City equipment and property may only be used by employees in conjunction with the performance of City operations and duties. City equipment and property cannot be used by City employees for personal purposes unless such property is generally available for public use.

All City equipment should be routinely maintained and properly stored and locked when not in use. City buildings, property and gates should all be properly secured when not in use. Only City personnel should have access to City owned equipment and property.

12-8-10 GIFTS AND CONTRIBUTIONS. City employees are prohibited from soliciting or accepting gifts from any person, vendor, business, or entity with whom they come in contact within the course of their official duties. This ban includes the spouse and immediate family of the employee. However, seasonal gifts of nominal value (up to \$25.00) such as calendars or consumable food items provided for a work group, if it is in accordance with the Illinois Gift Ban Act, and distribution is approved by the Mayor. (Source P.A. 93-617, effective 12-09-03)

12-8-11 PERSONAL DRESS. Discretion in style of dress is very important to the City. You are often our representative in dealing with the public. Office employees should dress appropriately in "work casual" attire. Any visible piercings and tattoos must be considered non-offensive, and up to the discretion of the office supervisor or Mayor. Employees arriving to work in attire deemed inappropriate due to a violation of the above restrictions or because the clothing items are too revealing will be required to change their clothing and will not be paid for the time required to do so. You are required to dress in attire safe and appropriate for your position. Clothing worn by employees must not be torn, must meet safety requirements, and must not contain inappropriate language or graphics. In some cases, you may be provided uniforms to wear.

12-8-12 CANVASSING OR SOLICITATION. In order to help maintain a work environment that protects City employees from undue interference while performing their duties, City employees may not orally solicit or distribute written materials for any organization, fund, activity, or cause to other employees in work areas while either employee is on duty. Employees may solicit or distribute information before or after work hours, during normal break or lunch times, and other times when neither are working.

12-8-13 COMPUTER AND TECHNOLOGY USE. Police officers shall abide by the Computer and Technology Use Policies provided for in the Police Department Procedures as adopted and all other employees shall comply with the Computer and Technology Use Policies adopted by the City Council as amended.

ARTICLE IX – INFORMATION SECURITY ACCEPTABLE USE POLICY

12-9-1 INTRODUCTION. The City functions by storing critical and also confidential information in electronic files. The decisions that we make on how to use it, how to store it, and who sees it are very important. Our Information Security Policies exist to protect this important information.

Employees at the City have access to critical computer and communications systems. This Information Security Code of Conduct is binding on all employees, consultants, and contractors. Where the term “person” and “user” are used, it is understood that this includes employees, as well as any consultants, and contractors the City may use.

These provisions, where relevant, continue to be binding after the person’s employment with the City has ended. No information may be disclosed which is not publicly available. It is important that every person adheres to the ethical standards and follows these rules.

If you have any questions on these policies, please contact the Mayor.

12-9-2 GENERAL INFORMATION SECURITY. In order to achieve our goal of information security, these principles must be followed:

- (A) Every person must understand and accept his/her security responsibilities.
- (B) Every person must be held responsible to make reasonable and appropriate use of information systems, and services of the City.
- (C) Information systems and services include, but are not limited to, computers, e-mail, telephones, voicemail, mobile phones, personal organizers (e.g., Blackberry), fax machines, wire services, and the internet.
- (D) Each person must only access information which is needed to do his/her job.
- (E) When a person leaves the organization, he/she must hand over all equipment and documents, that they had while employed with the City. The separation must be reported immediately so administration can revoke all access granted to the employee.

12-9-3 SECURITY INCIDENT REPORTING.

- (A) It is expected that each person will report technical security incidents to your supervisor who will then notify the Mayor. These include:
 - (1) Lost or stolen IT equipment.
 - (2) Suspicion of a computer virus.
 - (3) Software and systems which don’t operate as expected.
- (B) Every person receiving a credible warning about a potential security threat from outside the organization (e.g., media, family, or business contacts) should report the warning to their supervisor who will assure the Mayor is notified. It is the responsibility of the Mayor to notify the City Council of any threats or security breaches.

12-9-4 INFORMATION CONFIDENTIALITY. To ensure the proper handling of information, we classify assets according to the following levels:

- (A) **Unclassified.** Publicly available, freely available to anyone inside or outside the City.
- (B) **Internal Use Only.** Can be disclosed to employees. Includes less critical, but still private, information such as phone lists. Access is based on a person’s responsibility or role.

12-9-5 PHYSICAL AND ENVIRONMENTAL SECURITY.

- (A) Any visitors and/or contractors on City property should be attended by an employee.
- (B) Each person must ensure that City equipment is properly protected when unattended.

(C) Employees should verify that all City Buildings and Vehicles are locked at the end of each day and the keys stored in a designated place.

(D) Any public area that has open or unsafety areas due to work-in-progress, or water main breaks should be clearly marked with cones, signs, or taped off to avoid entry by unauthorized personnel.

(E) Each employee must comply with the clean desk policy:

(1) Sensitive or critical information and computer media must be stored securely when not in use.

(2) A password-protected screensaver or logout when leaving computers unattended.

(3) Users must make sure they are logged out of all systems before leaving for the day.

(F) Equipment, data, and software must not be taken off-site without authorization.

(G) Mobile devices (e.g., laptops, Blackberries) and computers which are used off-premises must be adequately protected.

(H) To ensure proper disposal or reuse of computer equipment, the user must contact their supervisor or the City Administrative Assistant for assistance in retiring these items.

12-9-6 HARDWARE AND SOFTWARE.

(A) The use of City computer systems for non-City business purposes is strongly discouraged and only permitted to a limited extent.

(B) Employees may only use City computers for storing and processing City information and are not allowed to install any software without permission.

(C) Copyrights and intellectual property rights for software and other information must not be violated. Only licensed and approved software may be used.

12-9-7 SYSTEM ACCESS CONTROL.

(A) Passwords should be changed often and should be kept confidential and not written down.

(B) Passwords should not be based on anything personal (e.g., names of family members, phone numbers, address, etc.) and should not be reused again.

(C) Users are provided with a strong temporary password, which must be changed on first login with a new strong password.

(D) Passwords must be changed whenever disclosed or if seems there is a system compromise.

(E) Users must comply with the following rules regarding credentials:

(1) Users are accountable for any action taken with their user account.

(2) Credentials must never be stored in an automated logon process (e.g., stored in a macro or function key). If ever asked whether a password should be remembered for later use, always answer "no".

12-9-8 EMAIL AND INTERNET ACCESS.

(A) Internet and e-mail systems are to be used to accomplish work tasks. In accordance with applicable laws and regulations, we have the right to monitor all e-mail and internet operations performed for security purposes. Users should have no expectation of privacy with information transmitted or received through City provided internet and e-mail facilities.

(B) City e-mail will be used in compliance with local government statutes, regulations and City policies and procedures. The use of e-mail for sending or storing messages which are disrespectful, offensive, obscene, harassing, threatening to others, or fraudulent is prohibited. The City reserves the right to block e-mail that is deemed to be offensive or not related to business operations. Prohibited electronic communications include, but are not limited to:

(1) Sending defamatory material about the City or individuals.

- (2) Sending discriminatory; racially, religious or sexually offense; threatening or abusive language or material.
 - (3) Intentionally sending a virus or any logical bomb.
 - (4) Sending "chain letters."
- (C) All electronic communications transmitted and stored via e-mail systems are considered City records. The City reserves the right to access, use, copy, and disclose all messages sent over its e-mail systems.
- (D) Employees who are out of the office should use the computer's "Out of office option" to alert senders you are currently unavailable to assist them. However, any automatic forwarding of the incoming e-mails to a non-City e-mail address is prohibited.
- (E) An employee receiving an e-mail with illegal or improper content, or an e-mail which could contain malicious software, shall promptly inform their supervisor or the Mayor, and wait for instructions. Do not forward it.
- (F) The employee should not be tempted to reply to the above e-mails with "remove" if this is offered; this merely confirms that the e-mail address is active and makes it more valuable.
- (G) Users must not use their Web access privilege to:
 - (1) View or send material of an obscene, hateful, discriminatory, or harassing nature.
 - (2) Engage in or solicit any private business for personal gain or profit.
 - (3) Participate in any illegal activities, gambling, uploading or downloading of software in violation of its copyright and/or software that may be subject to export controls. This includes downloading music, film or other types of copyrighted media.
 - (4) Attempt to gain unauthorized access to another site.
 - (5) Use so-called "tickers" or other active sites (to obtain stock information, news, etc.), interactive media (e.g., chat rooms) and audio and video streaming.

12-9-9 MOBILE COMPUTING. Some City employees, in the course of performing their duties, may work away from a City facility. Those users should adhere to the following policies:

- (A) Security systems like Antivirus or personal firewalls must not be weakened or disabled.
- (B) Never activate file sharing on a PC. This makes it very easy for an attacker to get access to your data or plant malicious software on your system. Mobile computers/laptops must never be left unattended unless they are stored or secured to a firm object with a cable lock. This rule applies to all situations including hotel rooms, home offices, etc. Computers should not be left unattended, even such as leaving it in a parked car.

12-9-10 NONCOMPLIANCE. Noncompliance with this Information Security Code of Conduct and any other Policies and Standards of the City may result in suspension to system access, disciplinary actions up to and including termination of employment, and/or legal action.

ARTICLE X – DISCIPLINE

12-10-1 AUTHORITY TO DISCIPLINE. The City has authority to discipline personnel for violations of personnel regulations, City ordinances, state statutes and federal laws. Discipline should be handled by the employee's direct supervisor, with possible corroboration of the Head of the City Personnel Committee and/or the Mayor depending on the issue.

12-10-2 FORMS OF DISCIPLINE. Maintaining discipline is usually not a problem in a work environment where there are reasonable rules, and standards of conduct are clearly communicated and consistently and equitably enforced. However, there are situations of misconduct or delinquency where there is no alternative but to take corrective action. In these instances, from least severe to most severe, include: Oral admonishments, written warnings, suspensions of up to **thirty (30) days** without pay, and discharge from employment.

12-10-3 PROGRESSIVE DISCIPLINE. The City will employ the progressive discipline policy where warranted by the circumstances involved. However, the City may consider any offense to be serious enough to discharge an employee without utilizing progressive discipline.

(A) **Misconduct Requiring Discipline.** Examples of the types of behavior which may result in discipline include: Insubordination; Sleeping within normal work hours, Loafing or delay in carrying out instructions; Attendance offenses; Discourtesy, Gambling, Fighting or creating a disturbance; False statements; Dishonesty; Stealing; Misuse of City Property; Unauthorized use or possession of alcohol, drugs, or a controlled substance; Possession of an unauthorized weapon; Failure to observe written regulations, orders, rules or procedures; Discrimination based on race, color, religion, age, sex, national origin, political affiliation or disability, or marital status; Sexual Harassment; Violation of employees Constitutional rights; Refusal to testify or obstruction of investigations; Misappropriation; Job actions; Reprisal; or criminal, immoral, or indecent conduct (including off-duty conduct if nexus is established).

(B) **Progressive Discipline Guidelines.**

- (1) **Verbal Counseling.** From time to time, verbal counseling from the supervisor or Mayor may take place and be documented in the employee's personnel file. This is not to be considered as discipline, however, repeated failures to follow the recommendations during verbal counseling may lead to discipline.
- (2) **Written Warning.** Documented Written Warning with the employee(s) detailing the specific problem(s) or misconduct and outlining the necessary steps to correct the issue(s). Employees may be given a reasonable amount of time to correct the problem behavior or performance to a satisfactory level. The Written Warning is written on a specific Disciplinary Form and will be placed in the employees' file. If a single incident is more serious than a Written Warning can correct, a Final Written Warning may be issued. Employees may receive more than one Written Warning depending on the circumstances of the corrective action.
- (3) **Final Written Warning.** If the severity of the incident or if the unacceptable behavior, policy violations, or unsatisfactory work performance addressed by a Written Warning is repeated, or additional problems arise after the Written Warning, a Final Written Warning will be completed on the specific Disciplinary Form and issued and placed in the employee's file. A Final Written Warning may also include unpaid time away from work for the employee to reflect on the gravity of their actions and commit to improvement. The suspension details will be determined by the employees' direct supervisor, the Head of the

Personnel Committee and/or the Mayor. This is to be considered a severe punishment and not treated as a "vacation" for the employee. i.e., the suspension is to be served soon after the incident, not what is convenient for the employee. Employees may be placed on probation for a specified length of time depending on circumstances. Failure to improve or correct the actions, performance or behavior, may result in suspension and/or termination.

- (4) **Termination.** If the conduct addressed by the Written Warning or Final Written Warning is repeated, additional problems of the same nature occur, or the incident or policy violation is of sufficient severity, the discipline may progress to a termination of employment. Disciplinary action, including termination, will be recorded on a Disciplinary Form and placed in the employees' file.

12-10-4 GRIEVANCE PROCEDURES. Under normal conditions, if you have a job-related problem, question or complaint, you should discuss it with your supervisor within **five (5) to ten (10) working days** of the occurrence. Your supervisor will respond to your request within **ten (10) to fourteen (14) working days**. If you choose to file a complaint, it should be done within **ten (10) to fourteen (14) days** of your supervisor's response. Please note that discharged employees may not grieve their discharge.

If the discussion with your supervisor does not answer your question or resolve the matter to your satisfaction, you may then present your complaint, in writing, to the Mayor who will render a decision after appropriate investigation. If your first line supervisor is the Mayor, then the written complaint should be given to the City Clerk who will present the complaint to the City Council for final resolution.

When the issue personally involves the supervisor with whom you would ordinarily discuss a problem, you may bypass the individual and proceed to the next person in authority without fear of reprisal.

Members of the Bargaining Unit should review the Bargaining Unit Agreement for current Grievance Procedures.

ARTICLE XI – SEPARATION FROM EMPLOYMENT

12-11-1 TERMINATION. The relationship between the City and the employee is that of "Employment At-Will." An employee may be terminated at any time with or without cause. However, if an employee's termination is related to employee misconduct, the City will adhere to the Progressive Discipline policy in determining if the employee will be terminated immediately. Either the Mayor may make a recommendation to the City Council, or the City Council may, by a majority vote recommend that an employee be terminated. If the recommendation is from the Mayor, the City Council must approve the termination. If the termination is recommended by the City Council, the Mayor may or may not terminate the employee based on his/her discretion.

In the event of a termination, normal voting procedures apply. In the event of a tie vote by the City Council, the Mayor will break the tie.

12-11-2 RESIGNATION. Voluntary separation occurs when the separation is initiated by the employee by:

- (A) A written or oral resignation;
- (B) Failure to appear or call for **three (3) consecutive work days;**
- (C) Failure to return from an approved leave of absence;
- (D) Failure to report for work upon recall from a layoff or reduction-in-force; or
- (E) Retirement.

Should you decide to resign from your employment with the City, we ask that you notify your supervisor of your decision at least **two (2) weeks** in advance in writing of your planned departure date. Your thoughtfulness will be appreciated and will allow the City to maintain work schedule and provide important services to the public.

12-11-3 LAYOFF/REDUCTION IN FORCE. The Mayor may lay off an employee in the service of the City by reason of shortage of work and/or funds: abolition of the position(s); other material changes in the organization; or for other reasons beyond the employee's control; and which do not reflect discredit upon the employee. No permanent employee will be laid off while another person in the same class of position is employed in the same department on a part-time or temporary basis.

12-11-4 SEPARATION BENEFIT. Upon separation from the City, employees will receive payment for accrued vacation and personal time.

12-11-5 RETURN OF CITY PROPERTY. The employee must return City property that was assigned to the employee promptly upon end of employment with the City. This shall extend to, but not be limited to, tools, keys, cell phones, pagers, and/or garments bearing the City name.

12-11-6 REFERENCES. It is the policy of the City to provide only dates of employment and positions held to prospective employers of former employees. Only the Mayor or his/her designee is allowed to provide this information.

CITY OF GIBSON – DISCIPLINARY FORM

EMPLOYEE NAME: _____

DEPARTMENT: _____

LOCATION: _____ DATE: _____

DESIGNATE WARNING BEING ISSUED (with circle):

VERBAL WARNING

WRITTEN WARNING

SUSPENSION FROM / / TO / /

YOU HAVE RECEIVED THE DISCIPLINE LISTED ABOVE, BECAUSE:

(Please describe conduct rule infraction or action requiring discipline. Please include date/place/others involved).

THIS NOTICE WILL BECOME A PERMANENT PART OF YOUR PERSONNEL FILE.

The above infraction is a serious matter. It is important to the City that all employees follow the guidelines as outlined in the Employee Manual for successful employment. We trust that you will take corrective action immediately so you can continue to represent the City as a valued employee.

FUTURE DISCIPLINE FOR THE SAME OR UNRELATED REASONS MAY LEAD TO FURTHER ACTION INCLUDING TERMINATION FROM EMPLOYMENT WITH THE CITY.

Employee Signature: _____ Date: _____

Management Signature: _____

Date: _____

EMPLOYEE RECEIPT AND ACKNOWLEDGEMENT OF EMPLOYEE MANUAL

This Employee Policy Manual is an important document intended to help you become acquainted with the employee policies at the City. This Manual will serve as a guide; but is not the final word in all cases. Individual circumstances may call for individual attention. Please see our supervisor to confirm that the information is correct.

Please read the following statements and sign below to indicate your receipt and acknowledgement of the Employee Policy Manual.

- I have received a copy and understand it is my obligation to read the Employee Policy Manual. I acknowledge that the policies described in this Manual provide general information concerning the City and its employees, and that nothing in these policies creates a contract between myself and the City or represents terms and conditions of any contract between myself and the City. I understand that the policies described in the Manual are subject to change at any time at the sole discretion of the City, and that I will be immediately subject to any changes.
- I acknowledge that I may end my employment with the City at any time. In turn, I acknowledge that the City has the right to terminate my employment at any time in its sole discretion, with or without cause.
- I am aware that the descriptions of benefits in this Manual are not contractual in nature and do not guarantee any continuance of said benefits.
- I am aware that during the course of my employment, confidential information may be made available to me. I understand that this confidential information must not be given out or used outside the Village, except as required by law.
- I further understand and acknowledge that my refusal to sign this receipt and acknowledgement, a similar receipt and acknowledgement for any future Employee Policy Manual, or a similar receipt and acknowledgement for modifications to this or any future Manual, will be grounds for immediate termination.
- I understand that my signature below indicates that I have read and understand the above statements and have received a copy of the Employee Policy Manual.

Employee's name (please print)

Employee's Signature

Date Signed

Witness