

ORDINANCE NO. 23-11-21-01

AN ORDINANCE AMENDING THE CITY OF WILMINGTON CODE OF ORDINANCE WITH REGARDS TO CHAPTER 37 PERSONNEL POLICY

WHEREAS, On February 6, 1995, the City of Wilmington adopted Ordinance No. 1212 that incorporated into its Code of Ordinances Chapter 37 Personnel Policy; and

WHEREAS, Chapter 37 contains nine articles with a variety of regulations pertaining to employees for the City of Wilmington; and

WHEREAS, On July 5, 2016, the City of Wilmington City Council approved the City of Wilmington Employee Manual (hereinafter referred to as the Employee Manual”), and has since exclusively relied upon the Employee Manual as its source for personnel policies; and

WHEREAS, Chapter 37 conflicts in many ways with the Employee Manual; and

WHEREAS, in an effort to make more clear what policies and regulations apply to the City of Wilmington employees, the Corporate Authorities for the City of Wilmington find it in the best interest of the City of Wilmington to amend Chapter 37 to remove all sections, and to adopt the City of Wilmington Employee Manual, attached hereto as Exhibit A, by reference.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wilmington, Will County, Illinois, as follows:

SECTION 1: INCORPORATION OF RECITALS

The above recitals and all exhibits referred to in this Ordinance are incorporated herein.

SECTION 2: ORDINANCE AMENDMENT

That Chapter 37 of the City of Wilmington Code of Ordinances is hereby amended to state in its entirety as follows:

Chapter 37 – Employee Manual

37.01 Employee Manual.

The City of Wilmington hereby adopts the City of Wilmington Employee Manual, as may be amended from time to time, as the personnel policies that shall apply to all City of Wilmington employees. Nothing contained in the City of Wilmington Employee Manual shall be in conflict with existing collective bargaining agreements, state statutes or city ordinances.

SECTION 3: SEVERABILITY

If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect,

impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect

SECTION 4: REPEALER

All ordinances or parts of ordinances conflicting with any provisions of this ordinance are hereby repealed.

SECTION 5: EFFECTIVE DATE


That this Ordinance shall be in full force and effect after its adoption and approval, as provided by law.

PASSED this 21st day of November 2023 with 7 members voting aye, 0 members voting nay, the Mayor voting N/A, with 0 members abstaining or passing and said vote being:

Kevin Kirwin	<u>aye</u>	Ryan Jeffries	<u>aye</u>
Dennis Vice	<u>aye</u>	Ryan Knight	<u>aye</u>
Leslie Allred	<u>absent</u>	Jonathan Mietzner	<u>aye</u>
Todd Holmes	<u>aye</u>	Thomas Smith	<u>aye</u>

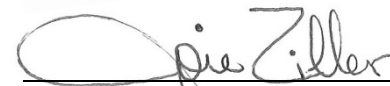
Approved this 21st day of November, 2023





Ben Dietz, Mayor

Attest:



Deputy City Clerk

Exhibit A
City of Wilmington Employee Manual

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Section 1 Introduction

Section 1.1 Purpose and Disclaimer

This Manual describes the current personnel policies that apply to all employees as a member of the City of Wilmington ("City") workforce. This Manual is designed only to introduce employees to the City and to serve as a guide to present City policies, practices and procedures. The City has the right to modify, amend, or withdraw any or all of the policies or procedures described in this Manual at any time. All employees shall sign an employee acknowledgment form upon receiving this employee manual.

Although the City hopes that all employees will enjoy a long and mutually beneficial career with the City, there is no guarantee of future employment or employment under any specific conditions. This Manual is not an employment contract of any kind, and it does not create any rights in the nature of employment contract, regardless of whether it has been distributed to new or existing employees, nor does it provide any due process rights in the event of discipline or discharge. Nothing shall restrict an employees' right to terminate their employment at any time with or without notice or cause, and nothing shall restrict the right of the City to terminate their employment at any time with or without notice or cause. No representative of the City, other than the Mayor with City Council approval, has any authority to enter into any employment contract of any kind. Any contract or promise of employment must be in writing and must be signed by the Mayor and approved by the City Council.

Section 1.2 Applicability

Unless otherwise noted, these personnel policies apply to all employees of the City of Wilmington government except that these policies do not apply to the following:

- a. Elected Officials
- b. Persons employed to make or conduct a temporary and special inquiry, investigation or examination on behalf of the Mayor or City Council
- c. Volunteer or appointed personnel who receive no regular compensation from the City

Unless otherwise specifically stated, none of the benefits referenced in this Manual apply to part-time employees.

Unless otherwise provided for in a written contract of employment, Department Heads or other supervisory employees are subject to this Manual. If employees are a Department Head, where provisions discuss an employee's relationship with his Department Head, they may assume that the Mayor has that relationship vis-à-vis themselves. If an employee has a direct relationship with the Mayor as their immediate supervisor, such as: the City Administrator, Chief of Police, or Finance Director where provisions discuss an employees' relationship with employees' Department Head, the employee may assume the Mayor has that relationship vis-à-vis themselves. If they have any questions regarding how this Manual applies to them because of their position with the City, they should contact their immediate supervisor for clarification.

Section 1.3 City Organization and Administration of the Personnel Program

1.3.1 City Council

The City Council of the City of Wilmington shall exercise control over personnel through the adoption of the City's Annual Budget, Pay Plan, confirmation of the Mayor's appointment, or by the adoption of policies, procedures, ordinances and resolutions as deemed necessary by the Council. (The Mayor may seek advisory input from the City Council in connection with annual performance evaluations for Department Heads who have a direct relationship with the Mayor as their immediate supervisor, such as: the City Administrator and the Police Chief.

1.3.2 Mayor

The Mayor shall be responsible for ensuring the effective administration of the policies and procedures and may delegate such functions as deemed necessary for the implementation of this system. The Mayor shall perform the performance evaluations and will seek input from the City Council for the City Administrator and Chief of Police.

1.3.3 Department Heads

1. The Department Heads shall be responsible for directing and coordinating personnel activities of the City on a day-to-day basis.
2. Department Heads shall prepare a tentative budget before the end of each fiscal year. It shall be presented to the Finance Director. The Finance Director will prepare the budget to be presented to the Mayor. The Mayor will present the budget to the City Council for approval.
3. Departments Heads shall prepare Job Descriptions and recommend the selection and hiring of all personnel to their appropriate committees when such job openings are deemed necessary and subject to adoption by the Mayor.
4. Department Heads shall submit for approval any promotion, demotion, and discharge of all personnel in their respective department, with the Mayor having authority for final dispensation of all employees with the concurrence of the City Administrator. However, the Mayor may seek input and advice from the City Council before making his final decision.
5. Department Heads shall administer the personnel policies and procedures including the performance evaluation.
6. Department Heads shall perform any other lawful acts that are considered necessary or desirable to carry out the purpose of the personnel system and the provisions outlined in this manual, or as directed by the Mayor and City Council.

Section 1.3.4 Police Commissioners

The Board of Police Commissioners performs the function of a civil service commission for all sworn police officers. The board hires and promotes all members of the police department, except the Police

Chief, who is appointed by the Mayor with the advice and consent of the City Council and will not be hired or disciplined by the Board.

Section 1.4 Definition of Employee

Section 1.4.1 Department Heads

Department Heads are salaried on an annual basis, regardless of number of hours worked over 40 hours per week. Department Heads do not receive overtime pay. However, if it is necessary for them to work over the forty-hour week, they may (work requirements allowing), take time off for personal reasons. This benefit is not to be abused. The Department Heads shall notify their immediate supervisor of such time off and maintain a record to be made available to the Mayor and City Council upon request. Furthermore, any Department Head and/or exempt employee will be required to seek approval from their immediate supervisor for any time off request for one day or more.

Section 1.4.2 Supervisory

Supervisory personnel are defined as members of the management group. Supervisory personnel direct the daily work activities of unit or shift of employees. Employees shall convey late report times, illness, or other absence, and make requests for authorized leave to the Supervisory personnel.

Section 1.4.3 Non-Exempt Full-Time

Full-time non-exempt employees are paid on an hourly basis. All full-time non-exempt employees are expected to work 40 hours per week, unless authorized leave is approved by the Department Head or indicated within their job description upon approval by the Mayor and City Council.

Section 1.4.4 Part-Time

An employee who is employed regularly for less than the normal number of hours is considered part-time. These employees receive straight time for all hours, (less than forty hours in one week), are ineligible for benefit packages listed in this manual unless otherwise required by law, and may not work more than 1,000 hours per year. Any exceptions to the definition of part time employee must have Mayor and City Council approval.

Section 1.4.5 Temporary

Temporary employees are generally those persons employed to fill a position for less than six (6) months duration. There is no guarantee of reinstatement for the same period during the following calendar year. Temporary employees are not entitled to sick leave. Temporary employees are not entitled to vacation or other similar benefits enjoyed by full-time employees. Temporary employees are hired by the Department Head.

Section 1.4.6 Exempt Salaried Employee

An employee paid on a salary basis that works in an executive, administrative or professional capacity determined by the City to be exempt from the overtime provisions of the Fair Labor Standards Act (FLSA). Exempt salaried employees are not entitled to overtime under the FLSA. Notwithstanding any

provisions of this Manual, the discipline of such employees shall be in accordance with FLSA regulations regarding exempt salaried employees.

Section 1.4.7 Non-exempt Employees

An employee who is either paid by the hour or on a salary basis and is not in a position determined by the City to be exempt from overtime under the Fair Labor Standards Act. Such employees are eligible for overtime pay.

Section 1.5 Conflicts with Other Regulations or Manuals

In the event there is a conflict between the policies contained in this Manual and a collective bargaining agreement, a current written individual employment agreement, or applicable rules and regulations of the Police Commissioners, the terms of the agreement or applicable rules and regulations shall apply. No one other than the Mayor, with the advice and consent of the City Council, has the authority to enter into a contract contrary to the terms of this Manual.

Section 2 Personnel Program and Employment Status

Section 2.1 Equal Employment Opportunity

The City of Wilmington is an equal opportunity employer that does not discriminate on the basis of actual or perceived race, color, religion, national origin, ancestry, citizenship status, age, disability, sex, marital status, military or veteran status, sexual orientation, genetic information, pregnancy, or any other characteristics protected by applicable Federal, State, or local laws. The City is dedicated to this policy with respect to recruitment, hiring, placement, promotion, transfer, training, compensation, benefits, employee activities, and general treatment during employment.

Section 2.2 Personnel Records

Section 2.2.1 Maintenance of records

The City Administrator or his designee shall maintain personnel records of each employee containing the employee's name, title, department, starting date, salary, change in employment status, training received, disciplinary actions, or other such information as may be considered pertinent.

Employees are responsible for and must promptly advise the City of any changes in:

- Name and/or marital status;
- Address and/or telephone number;
- Number of eligible dependents;
- W-4 deductions

Section 2.2.2 Confidentiality

Medical, workers compensation, and benefit records will be maintained in a separate file.

Procedures for the release and accessibility of information and assessment of employee personnel files are as follows:

- Right of access to personnel files is granted to current employees, those on leave subject to recall, and those who have terminated their employment within the preceding year.
 - An employee must make a request for personnel file review in writing to the City Administrator.
 - Records will be reviewed at a place designated by the City during working hours. A City representative may be present during such inspection.

Information contained in employee personnel files shall not be released or disclosed without the employee's written consent, except to persons with a lawful right or need to know or as required by law.

Section 2.3 Probationary Period

A formalized twelve-month evaluation and probationary period are in effect at the time of appointment for all employees. The probationary period shall be utilized for closely observing the employee's work, for securing the most effective adjustment of an employee to the position, and for evaluating the employee's performance to make a final determination as to whether the employee does or does not meet the required work standards of the position and the City. The existence and/or completion of the evaluation and probationary period do not imply that the employee has a contractual right to continued employment with the City and does not alter the at-will status of employment.

Section 3 Employee Conduct

Section 3.1 Anti-Harassment Policy

The City of Wilmington is committed to maintaining a work environment that is free of discrimination. In keeping with this commitment, we will not tolerate harassment of City employees by anyone, including any supervisor, co-worker, or any third party. All employees are expected to avoid any behavior or conduct that could reasonably be interpreted as harassment. This policy forbids harassment based, regardless of whether it rises to the level of a legal violation. All employees are expected to make it known promptly, through the avenues identified below, whenever they experience or witness offensive or unwelcome conduct before the alleged offending behavior becomes severe or pervasive.

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, such as sex, color, race, religion, national origin, age, physical or mental disability or other protected group status. The City will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment. Such harassment may include, for example, jokes about another person's protected status, kidding, teasing or practical jokes directed at a person based on his or her protected status.

Sexual harassment deserves special mention. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitute sexual harassment when (1) submission to the conduct is an explicit or implicit term or condition of employment, (2) submission to or rejection of the conduct is used as the basis for an employment decision, or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an

intimidating, hostile, or offensive working environment. Sexual harassment is conduct based on sex, whether directed towards a person of the opposite or same sex, and may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing", "practical jokes", jokes about obscene printed or visual material, and physical contact such as patting, pinching, or brushing against another person's body.

All City employees are responsible to help assure that harassment is avoided. Anyone who believes that they have experienced or witnessed harassment should notify the City Administrator, a Department Head, or City Attorney. This policy does not require reporting harassment or discrimination to any individual who is creating the harassment or discrimination. Each supervisor must immediately report to the City Administrator any complaint or observation of conduct which may violate this policy. A supervisor's failure to make such a report may constitute a violation of this policy.

The City forbids retaliation against anyone for reporting harassment, assisting in making a harassing complaint, or cooperating in a harassment investigation. Anyone who believes that they have been retaliated against should notify the City Administrator, a Department Head, or City Attorney.

The City's policy is to investigate all such complaints thoroughly and promptly. Pending investigation, the City may put reasonable interim measures in place to address the complained of conduct, such as a leave of absence or a transfer, while the investigation takes place. To the fullest extent practicable, the City will keep complaints and the terms of their resolution confidential. If an investigation confirms that a violation of the policy has occurred, the City will take corrective action, including discipline, up to and including immediate termination of employment.

An employee who believes that he or she has been the subject of harassment or retaliation for complaining about harassment also has the right to file a charge of civil rights violations with the appropriate state or federal enforcement agency. These include:

Illinois Department of Human Rights
100 West Randolph Street, Suite 10-100
Chicago, Illinois 60601
312-814-6200

Equal Employment Opportunity Commission
Chicago District Office
500 West Madison Street, Suite 2800
Chicago, Illinois 60661
312-353-2713

Section 3.2 Drug-Free Workplace Policy

Section 3.2.1 The City of Wilmington has adopted a Drug-Free Workplace Policy as described in Resolution Number 2016-07. It reads as follows:

Illegal drugs and the abuse of legal drugs in the workplace are a significant danger. They impair safety and health, promote crime, lower productivity and quality and undermine public confidence in the work City employees undertake. The City prohibits drug and alcohol impairment and the illegal use of drugs in the workplace. Under the federal and state Drug-Free Workplace Acts, 41 USC 701, et seq., and 30

ILCS 580/1 et seq., in order for the City to be considered a "reasonable source" for the award of federal or state grants, it is appropriate to adopt the following policy:

Section 3.2.2 Definition and descriptions

Any location which City business is conducted, whether at this or any other site, or a vehicle, is declared to be a drug-free workplace. All employees are absolutely prohibited from unlawfully manufacturing, distributing, dispensing, possessing or unlawfully using controlled substances or alcohol, as defined in the federal and state Drug-Free Workplace Acts, in the workplace. This includes the misuse or abuse of prescription, over-the-counter, and licensed drugs.

This policy does not apply to the lawful use of prescription drugs under the supervision of a licensed healthcare professional and within the limits of a valid prescription. An employee who has been prescribed drugs or who is taking over-the-counter medications that come in containers with warnings about drowsiness or interference with the ability to operate machinery, or drive safely, or otherwise perform their job duties is required to immediately disclose to his or her immediate supervisor any medication-related work restrictions. When employees disclose such medication related work restrictions they do not need to disclose the type of medications that have been prescribed or the underlying medical conditions, impairments or disabilities unless otherwise specifically directed to do so by their doctor or by their immediate supervisor that is not in violation of any state or federal act. Employees are prohibited from using or being under the influence of legally prescribed medical cannabis during work hours.

Section 3.2.3 Ability to perform duties

Employees are expected and required to report to work on time in appropriate physical and mental condition to perform duties of their jobs.

Section 3.2.4 Education and referral program

Employees have the right to know the dangers of drug abuse in the workplace, the City's policy about them and what help is available to combat drug problems. Employees needing assistance in overcoming drug abuse problems are encouraged to seek professional assessment, treatment support and aftercare at appropriate outside agencies. Conscientious efforts to seek such help will not jeopardize any employees' job nor will it be noted in any personnel record. However, referral to such programs in no way exempts an employee from discipline for less than acceptable job performance.

Section 3.2.5 Employment condition

As a condition of initial and continued employment, each employee shall:

- a. Agree in writing to abide by the terms of the City's policy respecting a drug and alcohol-free workplace; and,
- b. Agree, as required by law, to inform his or her supervisor of his or her conviction of any criminal drug or alcohol Statute, for a violation occurring on or off City premises, while conducting City business, no later than five (5) days after such a conviction. A conviction means a finding of guilt (including a plea of "no lo contendere") or the imposition of a

sentence by a Judge or jury in any federal or state court, and/or a finding of Court Supervision.

Section 3.2.6 Disciplinary action

An employee who violates the terms of this policy may be subject to disciplinary action including suspension and/or termination and may be referred for prosecution consistent with applicable local, state and federal law.

- a. The City shall take prompt disciplinary action with respect to any employee who violates this policy.
- b. The City may require an employee who violates the terms of this policy to satisfactorily participate in a drug or alcohol abuse assistance or rehabilitation program.

Section 3.3 Alcohol/Drug Testing

It is the policy of the City to conduct drug/alcohol testing where it has reason to believe that an employee may be under the influence of alcohol, illegal drugs or other controlled substances. In addition, any employee who is reasonably believed to have caused or contributed to an accident which resulted in personal injury requiring medical treatment away from the scene of the accident or which disabled a piece of equipment shall be tested for alcohol, illegal drugs, or other controlled substances. Further, employees employed in safety sensitive positions are subject to periodic or random testing. Employees subject to Department of Transportation (D.O.T.) testing shall be tested in accordance with D.O.T. regulations in addition to the testing and discipline provisions of this policy. Refusal to submit to testing will result in disciplinary action, up to and including termination of employment.

Section 3.4 No Solicitation

Solicitation by employees shall not be permitted during working time (the time employees are performing Department functions) in the City, or during non-working hours in areas where it will disturb other employees who are working. Distribution or circulation of printed materials by employees shall not be permitted any time, including working and non-working time, in working areas. Solicitation or distribution of printed materials by non-employees is prohibited in work areas.

Section 3.5 Outside Employment

Employees may hold outside employment, including self-employment, provided such employment does not: 1) interfere with the performance of City duties; 2) present a potential conflict of interest; 3) result in outside work being performed during an employee's work shift; 4) involve the use of city equipment or supplies. Employees shall be permitted to engage in outside employment only with the prior written approval of their Department Head. If granted permission for outside employment an employee's Department Head may revoke the permission where it appears to the Department Head that such activity conflicts with the standards set forth above. Employees who engage in outside employment shall notify their Department Head of the addresses and phone numbers where they can be contacted, if necessary, for their normal work schedule, of the name of their supervisor (if applicable), and of the type of work they are (or will be) performing.

Section 3.7 Gifts and Gratuities

- a. All employees are required to comply with City Ordinances and with State laws governing the ethical conduct of public employees. Employees and their family members are prohibited from intentionally soliciting or accepting any gift from any prohibited source or in violation of any federal or State statute, rule, or regulation. The prohibition on accepting gifts extends to gifts from “prohibited sources” which are defined by law to include individuals who are seeking official action by an employee, who do business with or are seeking to do business with the City, have interests that may be substantially affected by the performance or non-performance of the employee’s official duties, or who are a registered lobbyist. An employee who receives a gift from a prohibited source should: 1) promptly return the gift; or 2) donate the gift or an amount equal to its value to a 501(c)(3) charity; and 3) report the gift and response to their immediate supervisor. Employees who violate the restrictions on receipt of gifts will be subject to discipline, in addition to any further action taken in compliance with State law.

- b. Employees are restricted from performing prohibited political activity during any compensated time. In compliance with state and federal law, the City does not prohibit any employee from exercising his political rights to engage in political activities, including the right to associate with a political organization, petition, make speeches, campaign door-to-door and to run for public office. The rights, however, are not absolute and are subject to certain limitations. No employee may use his or her official position to coerce or inhibit others in the free exercise of his/her political rights. No employee may engage in political activities while at work or on duty.

Any employee actions that are inconsistent with these ordinances and laws may be the basis for disciplinary action.

Section 3.8 Workplace Inspections

The City wishes to maintain a work environment that is free of illegal drugs, alcohol, unauthorized firearms, weapons, explosives, or any material whose possession is illegal under federal or state law. To this end, the City prohibits the possession, sale, transfer or use of such materials on its premises or in City vehicles. The City requires the cooperation of all employees in administering this policy.

Desks, cabinets, file drawers, file boxes, computer files, lockers and other storage devices may be provided for your convenience but remain the sole property of the City. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the City at any time, with or without prior notice. If you refuse to submit to a search or are found in possession of prohibited articles you will be subject to disciplinary action, up to and including dismissal.

Section 3.9 On-the-Job Safety/Reporting of Accidents

Employees are expected to exercise caution and observe all established safety rules and regulations applicable to their position and in the operation of tools, equipment and motor vehicles in connection with City business.

The following safety rules apply to all employees of the City:

- a. Basic responsibility for safety rests with Department Heads and from them, to their designated safety representatives, supervisors, and employees, but it is the responsibility of every employee to become familiar with and adhere to all safety rules and regulations.
- b. Any employee acting in a supervisory capacity shall require all employees under their supervision to comply with all applicable safety rules and practices.
- c. Any employee having knowledge of any unsafe condition or work practice shall report such condition or practice to their immediate supervisor, departmental safety representative, or Department Heads.
- d. All employees shall use reasonable precautions in the performance of their duties and act in such a manner as to assure maximum safety to themselves, their fellow employees and the public.
- e. All employees shall familiarize themselves with the safety rules applicable to their jobs and shall consult with their supervisors on any safety rule or practice not understood, or whenever work conditions present unforeseen hazards.
- f. No employee shall remove or make ineffective any safeguard, safety device or safety appliance except for the purpose of replacement, repair or adjustment.
- g. Employees shall keep their work areas clean, orderly and, to the extent possible, free from all recognized safety hazards.
- h. All employees shall work in appropriate clothing, including footwear, suitable for the type of work being performed, and shall wear or use appropriate safety devices or personal protective equipment as provided, or directed.
- i. When driving or riding as a passenger in a City-owned vehicle, or in a personal vehicle while on City business, employees shall wear properly adjusted and fastened seat belts.
- j. Employees shall comply with all applicable Local, State and Federal traffic laws when operating a City vehicle or personal vehicle while on City business, except for police officers when authorized in the line of duty and in accordance with departmental standard operating procedures.
- k. Use of a hand-held mobile, cellular, analog wireless or digital telephone while driving is prohibited. Employees whose job responsibilities include regular or occasional driving within the City and who are issued a communications device for business use are required to use hands-free operations or pull off to the side of the road and safely stop the vehicle before placing or accepting a call. Texting or sending e-mails or other written communications is prohibited while operating a vehicle. The City will not tolerate and does not authorize conduct in violation of these safety laws in City vehicles, using City devices or in any other manner by an employee in the course of performing duties for the City.

1. Any employee who suffers an on-the-job injury or illness, or is involved in an accident while operating City equipment, a City-owned vehicle, or a personal vehicle on City business, shall complete a report of accident on the approved report form and submit the form to the immediate supervisor. The form shall be completed and submitted within twenty-four hours of the on-the-job accident, injury or illness to the extent practicable.

Individual departments may adopt any safety rules that address particular operations or hazards that exist within that department and which are not inconsistent with the general safety rules listed above.

Any employee found to be in violation of the general safety rules or applicable departmental safety rules may be subject to disciplinary action.

Section 3.10 Threats, Violence and Weapons

Section 3.10.1 Workplace Violence Policy

The City will not tolerate any threats, threatening behavior or acts of violence against employees, visitors, or other individuals by anyone on City property or while an employee is off-premises engaged in City business. There is no justification for such actions. Any employee who violates this policy will face disciplinary action up to and including discharge and may face possible arrest and criminal prosecution.

Section 3.10.2 Prohibited Conduct

"Workplace violence" includes any behavior or conduct on City premises, which is sufficiently severe, offensive, or intimidating to cause an individual to reasonably fear for his or her personal safety or the safety of co-workers and/or property. It includes, but is not limited to:

- a. Any physical behavior, or threat of physical behavior, which involves aggressive contact with any person, including pushing, hitting, fighting, throwing objects or otherwise intentionally injuring another person or attempting to injure another person;
- b. Any physical behavior, or threat of physical behavior, that would place a reasonable person in fear of receiving imminent physical injury or aggressive physical contact of the sort discussed above; or
- c. Any act of vandalism or other intentional damage or destruction of City property.

No employee or third party, except for authorized law enforcement personnel, is permitted to bring weapons or firearms onto City property (including City vehicles). City employees (other than sworn law enforcement officers acting consistent with their required duties), regardless of whether they are licensed under Illinois law, are strictly prohibited from possessing or carrying firearms or dangerous weapons while acting within the course of their employment, whether or not they are on City property. A firearm may be transported into a parking area within an employee's personal vehicle if the firearm and its ammunition remain locked in a case out of plain view within the parked vehicle. "Case" is defined as a glove compartment or console that completely encases the firearm and its ammunition, the trunk of the vehicle or a firearm carrying box, shipping box or other container. The firearm may only be removed for the limited purpose of storage or retrieval from within the trunk of the vehicle.

Section 3.10.3 Reporting Procedures

- a. Employees who become aware of workplace violence or any threat of workplace violence, whether by an employee or non-employee, must immediately report such action to their immediate supervisor and law enforcement personnel. Disciplinary action may result if the employee having knowledge of a suspected violent act fails to report the incident.
- b. Any employee who is a victim of workplace violence must immediately report the situation to law enforcement personnel, then his or her supervisor or the City Administrator when the supervisor is involved.
- c. Any report made pursuant to this policy will be treated with confidentiality to the extent reasonably possible and appropriate.
- d. Actions that may be considered endangering or life threatening by or against any employee or individual on City property should be reported to local law enforcement agency by calling 911, in addition to the reports set forth above.

Section 3.10.4 Investigation and Responsive Action

- a. All incidents of alleged workplace violence will be investigated promptly by the City.
- b. Based on the results of the investigation, the City will take appropriate action. If a violation of policy is found, such action may include immediate discharge. Additionally, the City may report the situation to law enforcement.
- c. When applicable, the City and its employees shall cooperate fully with police and other law enforcement officials in the investigation and prosecution of any workplace violence.
- d. The City may take other actions, as it deems appropriate under the specific circumstances, including seeking judicial action.

Section 3.10.5 No Retaliation

The City forbids retaliation against any employee for reporting any violation of this policy. Any employee who engages in retaliation in violation of this policy shall be subject to disciplinary action up to and including discharge.

Section 3.11 No Smoking or use of Tobacco Products

The Smoke-Free Illinois Act requires that public places and places of employment must be completely smoke-free inside and within 15 feet from entrances, exits, windows that open, and ventilation intakes. In the interest of promoting health and safety, the City's smoke-free policy applies to all City facilities (including shared vehicles), all City employees, and all residents and vendors who visit City facilities. Smoking is permitted only in designated smoking areas. The use of smoking materials refers to the lighting and smoking of cigarettes, cigars, pipes, and or other similar items such as electronic cigarettes

and “vaping” devices, or tobacco in any form, including smokeless tobacco. The City strictly prohibits the use of chewing tobacco in public areas or in view of the public.

Section 4 Use of City Equipment

Section 4.1 Authorization to Use Equipment

City equipment and supplies may be used only for authorized City purposes. No City equipment or supplies shall be removed from City premises for personal use unless authorized by the Department Head, City Administrator, or Mayor.

Section 4.2 Use of City Vehicles

An employee must obtain permission from the Department Head to use City vehicles. Use of City vehicles (if available) are for official City business ONLY is encouraged when City vehicles are available. Any out of pocket expenses such as parking, tolls, and emergency repairs shall be reimbursed upon presentation of receipts.

Section 4.3 Use of Personal Vehicles for City Business

Whenever an employee is authorized to use a personal vehicle in the performance of official City duties, the employee shall be compensated at the prevailing IRS mileage rate. All mileage compensation shall be a result of authorized personal vehicle use approved by the employee's Department Head. Reimbursable uses include: the use of personal vehicle to attend out-of-town functions, training sessions, and meetings when such functions are a requirement of the employee's job or are deemed desirable by their Department Head or the Mayor.

Section 4.4 Computer and Telephone Communications Systems

The City provides various information technology resources to its employees (and other authorized persons) to facilitate the creation and communication of business related data in the most effective and efficient manner possible. The term “technology resources” is intended to cover any new or emerging technologies that may be used in the workplace, in addition to those technologies currently in use and includes all computers, tablets, telephones and cellular phones, personal digital assistants (PDA's), digital cameras or camcorders, audio/video recorders, voicemail systems, pagers and similar wireless two-way communication and/or portable Internet access devices. As means develop to transmit more data in less time and with less formality, users must put more effort to maintaining the accuracy, security and control of data. Each user must ensure that use of City information technology resources is appropriate and professional. This is especially true because electronic communications tend to be more immediate and informal than written communications and because passwords and deletion functions create the illusion of privacy and control. Although the Internet can be a valuable information resource for legitimate business, research and information sharing, it also presents a significant opportunity for abuse, lost productivity and potential liability for the City and its employees.

In light of these concerns, the City has developed this policy, which establishes the parameters for proper use of information technology resources. The information technology resources are to be used for legitimate corporate purposes and in compliance with all City policies and procedures. Use of this equipment consistent with these purposes may include but is not limited to; placing and receiving phone

calls, text messaging, blogging, emailing, using camera or video features, and accessing sites or services on the Internet. Employees (and other authorized persons) who do not comply with this policy are subject to the revocation of their access to City information technology resources and disciplinary action up to and including termination.

Proper Use

Other than occasional personal use of voice-mail, e-mail and Internet access, City-provided technology resources may be used only for legitimate business-related communications.

Occasional personal use means infrequent, incidental use that is professional and does not interfere with City business, the performance of the user or any other employee's duties or the availability of technology resources. To the extent possible such use shall be restricted to meal periods. All use of City technology resources -- including all personal use -- is subject to this policy and other City policies and procedures that may be implicated by such use.

Data Ownership

All data created, entered, received, stored, accessed, viewed or transmitted via City technology resources are City property. Business-related data may neither be used for any purpose unrelated to City business nor sold, transmitted, conveyed or communicated in any way to anyone outside of the City without the City's express authorization.

No Privacy

Users have no expectation of privacy in connection with the use of City technology resources, including the creation, entry, receipt, storage, accessing, viewing or transmission of data.

Monitoring

As with all other City property, the City will search, monitor, inspect, intercept, review, access and/or disclose all City technology resources and all data created, entered, received, stored, viewed, accessed or transmitted via those resources for legitimate management reasons, at any time, and without further advance notice by persons designated by or acting at the direction of the City, or as may be required by law or as necessary for, or incidental to, auditing, security and investigative activities, and to ensure effective technology resource administration and policy compliance. Users specifically consent to the access by and disclosure to the City of information created, entered, received, stored, accessed, viewed or transmitted via the City's technology resources that is stored by a third-party electronic communication service or remote computing service and have no expectation of privacy in such information. For example, authorized persons will inspect the City's technology resources to investigate theft or other unlawful activity or workplace misconduct, the unauthorized disclosure of client confidences, attorney work product and proprietary information, misuse, to assess Internet use, and for other work-related purposes. No employee may monitor or intercept any data without the authorization of the City Administrator or persons designated by him or acting at his direction or at the direction of the Corporate Authorities.

Harassment

Users are absolutely forbidden from using the City's technology resources in any way that may be construed to violate the City's harassment-free workplace policy. This prohibition includes sexually explicit or offensive images, messages, cartoons, jokes, ethnic or religious slurs, racial epithets or any other statement or image that might be construed as harassment or disparagement on the basis of race, color, religion, sex, national origin, age, disability, sexual orientation, or any other status protected by law. Users are required to take all reasonable steps to avoid and eliminate receipt from known sources of all potentially offensive material.

Unlawful Use

City technology resources may not be used to intentionally or unintentionally violate any local, state, federal or international civil or criminal law. Unlawful activity includes but is not limited to lotteries, raffles, betting, gambling for anything of value (e.g., Final Four tournaments, fantasy football) and participating or facilitating in the distribution of unlawful materials. Users likewise may not upload, post, e-mail or otherwise transmit any data that is threatening, malicious, tortious, defamatory, libelous, obscene, or invasive of another's privacy. In addition, City technology resources may not be used to job-search outside of the City or run or solicit outside business ventures.

Prohibited Software

Software purchased and licensed for personal use may not be installed on City computers. The City periodically may, at any time, conduct an audit or interrogation of computers for installed software and related printed material that is not included on a then current inventory of City-authorized software. All unauthorized software will be removed and destroyed.

Proprietary Rights

City technology resources may not be used to violate proprietary rights, including copyright, trademark, trade secrets, right of publicity or any other intellectual property rights. For example, unless consistent with all applicable licenses, users may not post or download any data (including software) protected by copyright or patent law. Likewise, users may load only licensed software from the Internet or other source onto a City-provided workstation or laptop, provided that use of the software is consistent with the license and the original software license remains at the appropriate City office so that the City may conduct accurate audits (and respond to external audits). All software must be approved by the IS Coordinator prior to downloading.

Confidential Information and use of Intellectual Property

Users may not leak, place, post, transmit or otherwise disclose confidential, sensitive and/or proprietary City information to anyone outside of the City by any means, at any time or for any reason.

Passwords and Security

All passwords and security used in connection with City technology resources, including voice mail access codes, are City property and must be made available to the City. Users must understand that their use of passwords will not preclude access, monitoring, inspection, review, or disclosure by authorized

City personnel. The City also may unilaterally assign and/or change passwords and personal codes. The security of City's technology resources is every user's responsibility.

Viruses

Users may not upload, post, e-mail or otherwise transmit any material that contains software viruses or any other computer code, files or programs designed to interrupt, destroy, or limit the functionality of any computer software, hardware or telecommunications equipment.

Misrepresentation of Identity and/or Data

Unauthorized access of e-mail, data, and use and/or disclosure of other users' passwords is strictly prohibited. For example, users are prohibited from accessing other users' files or communications without any legitimate business purpose (e.g., to satisfy idle curiosity or to "snoop"), regardless of the security designation assigned to a particular file or communication.

General Matters

City technology resources may not be used to transmit junk mail or spam (the same or substantially similar messages sent to a large number of recipients for commercial or other purposes unrelated to City) or pyramid schemes of any kind, or to download or execute games. The City will not be responsible for any damages, direct or indirect, arising out of the use of its technology resources. The City may amend, revise or depart from this policy at any time, with or without notice. This policy does not constitute, and shall not be construed as an express or implied contract of employment.

Termination of Access at Separation

Before each user's last day of employment, he shall return or otherwise surrender possession of all City technology resources (including computers, software programs, computer peripherals, electronically stored data, data storage devices, keys, and written passwords) in his or her possession, custody or control. Upon separation of employment, the City will terminate user access to City technology resources.

Policy Violations

Access to and use of City technology resources is a privilege, not a right. Users who do not comply with this policy are subject to denial of access to City technology resources and disciplinary action up to and including termination.

Section 4.5 Personal Use of Telephones

Employees are permitted to use City telephones for personal use on limited basis and for local calls only. Approval to use City telephones for personal business may be withdrawn by Department Heads if it becomes excessive or if use causes interference with work duties. Employees may be required to pay for any none city business calls they make which are charged to the City. This policy is subject to change, as the City deems necessary.

The City recognizes many employees have their own cell phones or other personal communication devices (e.g., ipads, laptops, etc. tablets, etc.). While the City does not prohibit employees from possessing such devices while at work or on City premises, discretion is expected with their use during work time. Personal phone calls and messaging must be limited to non-work time and made in a manner that does not disturb employees who are working. Employees are expected to devote working time to performance of job duties, and any use of communications devices during working time for messaging or functions other than a brief calls (e.g., check on status of children with babysitter, etc.) and/or an emergency is strictly prohibited. Employees should instruct individuals who need to reach them during working hours to limit such contact to truly important and/or emergency situations. Cell phones and other wireless communication devices should be turned off during meetings or in other situations where the receiving of a call would interrupt and/or interfere with the employee's job duties and responsibilities. In such situations, personal cell phones or other wireless communication devices should be set to vibrate, non-ringing/alarm function. Employees may not wear hands-free wireless devices on City premises during working hours, except when an employee is using such device for legitimate purposes. The City will not be liable for the loss of personal communications devices brought into the workplace.

Section 5 Disciplinary Action

Section 5.1 Reasons for Discipline

Employees of the City of Wilmington are expected to perform satisfactorily their assigned duties. It is the duty of the Department Heads to oversee conduct and work performance of said employees within their respective departments. Unless otherwise set forth under a written contract of employment or unless provided otherwise by the Board of Fire and Police Commissioners, employment with the City is at-will, and employees can be discharged with or without cause, at any time at the sole discretion of the Mayor. Reasons for disciplinary action may include, but are not limited to, the following:

- a. Incompetence, negligence, misconduct or inefficiency in the performance of assigned duties.
- b. Abusive, threatening or offensive attitude, conduct or language in a public place, towards the public, City officials, or other employees, or abusive in conduct including that results in physical harm or injury to other employees or to the public.
- c. Violation of any regulation, order or rule, or failure to obey any lawful and reasonable direction given by a superior, including when failure to obey amounts to insubordination, or does or is reasonably expected to result in lower morale or to result in loss, inconvenience, or injury to the public or the City.
- d. Acceptance for personal use of a gift, fee or other valuable thing which would be in conflict with legal and policy limitations; inducing or attempting to induce another to commit an unlawful act; or any unethical conduct.
- e. Violation of the City's Anti-Harassment or Equal Employment Opportunity policies.

- f. Any act or occurrence after employment that would have disqualified an individual from initial employment, including conviction of a criminal offense bearing on the performance of job duties.
- g. Where the employee, through carelessness, negligence, or willful misconduct, has caused damage to public property or waste of public supplies or money.
- h. Misappropriating City property, unlawfully disposing of City property or records, or other conduct that has or reasonably can be expected to result in loss or injury to the City or public.
- i. Failure to follow safety rules and regulations or to abide by safe practices.
- j. Absence without leave, or has failed to report following the expiration of a leave of absence, for a period of three (3) working days.
- k. Excessive absenteeism; unauthorized absences from duty; abusing lunch and break period time limitations.
- l. Refusal to comply with the instructions or directions of supervisors; failure or refusal to cooperate with an internal investigation.
- m. Use of obscenity or other abusive or antagonistic language, attitudes or conduct toward fellow employees, supervisors, residents, or vendors, including acts that interfere with proper cooperation of City employees to the detriment of efficient public service.
- n. Possession, purchase, use, selling or being under the influence of intoxicating liquor or drugs on City property, or while operating City equipment, or while performing the duties associated with the employee's position.
- o. Possession of weapons, explosives or other dangerous objects or substances.
- p. False claims of disability due to sickness or injury.
- q. Disclosing confidential records or information relating to the City, its residents and vendors.
- r. Use of City equipment, property, or material for performing personal or for any other inappropriate purpose.
- s. When the employee has used, threatened or attempted to use, personal or political influence in securing promotion, leave of absence, transfer, change of pay or other character of work.
- t. Falsification or alteration of time sheets, personnel records, employment application or any other City records.
- u. Withholding information or providing misleading or false information about a job-related injury, illness or accident.

- v. Sleeping during working hours.
- w. Engaging in unauthorized personal business during work hours.
- x. Failure to maintain a neat, clean, and businesslike appearance so as to be a credit to the City.
- y. Failure to comply with any other City policy or directive or any other misconduct as determined by the City.

These examples are not all-inclusive, and other conduct not specifically covered above may result in disciplinary action depending upon the circumstances.

Section 5.2 Discipline Procedure

The City retains the sole discretion to determine in each situation which form of discipline is appropriate. Discipline generally serves the purpose of improving performance or correcting unacceptable behavior. Corrective action may include counseling an employee, training or otherwise recommending a specific course of action, or may involve oral or written reprimand, unpaid suspension or termination. Employees may be disciplined, including termination of employment, without prior notice or warning. Where appropriate, the City supports the use of progressive discipline procedures.

Section 6 Payroll Administration, Hours of Work and Overtime

Section 6.1 Regular Hours of Work

Section 6.1.1 Workday hours and lunch breaks

All non-exempt employees shall be scheduled for an eight (8) hour or ten (10) hour workday, except sworn police officers whose workday will be determined by the Chief of Police. Lunch breaks for all City administrative offices shall be scheduled not to disrupt City services.

Section 6.1.2 Work Schedule

The work week shall consist of forty (40) hours per week for all City non-exempt full time employees. The Department Head shall determine the length of the shift and starting time providing there is no disruption to City services. Furthermore, the Mayor and City Council shall determine the hours of operations for all City administrative services.

Section 6.2 Payroll Administration

All salaried, hourly, and part-time personnel shall be paid biweekly. Up to a one-week delay in payment may be in effect for regular and overtime hours. Further payroll and reimbursement policy details are as follows:

- a. All employees are required to punch in when they arrive and are ready to start work and then out when they leave at the end of their shift. Employees are expected to follow the established procedures in keeping an accurate record of hours worked. Failure to accurately

record your time may result in discipline, up to and including termination. Hours worked are accounted for in 20-minute increments, and employees should not commence work more than five minutes prior to their shift start time or continue work more than 5 minutes after their shift start time without prior authorization.

- b. The City does not allow non-exempt employees to work “off the clock” without compensation. Non-exempt employees must record all hours of work, including work performed away from the workplace, on their time sheets and receive prior authorization if performing work outside of the employee’s assigned work hours. Any employee who fails to accurately record all hours of work on his or her time sheet will be subject to disciplinary action, up to and including possible termination of employment.

Section 6.4 Overtime Scheduling

Time worked in excess of the established regular workweek hours constitutes overtime work. Before performing any overtime work the employee must receive approval from their supervisor or Department Head.

Section 6.5 Overtime Pay

- a. Overtime pay shall be considered that time worked which is more than forty (40) hours per week. Overtime pay shall be paid at the rate of one and one-half times the hourly rate, determined by dividing the annual salary by 2,080 hours. Furthermore, part-time police officers shall be paid overtime which is more than a scheduled work day for emergency purpose as requested by the supervisor.
- b. All full time, non-exempt employees will be compensated for all hours worked as described within their job description and duties as authorized, which means no employee shall work as an independent contractor or receive a stipend for hours worked except as authorized as an appointed position. Employees shall be duly compensated under the FLSA for hours worked; however employees may be subject to discipline for performing unauthorized work.

Section 7 Leave Time

Section 7.1 Vacation Leave

- a. Employment anniversary dates shall govern the number of vacation days allowed.
- b. Full-time and eligible part-time employees are entitled to the following vacation time. First year employees shall not receive a vacation until the completion of one year of employment, unless otherwise approved by the Mayor and City Council.

One (1) year and upon completion of five (5) years - (80 hours)

Six (6) years and upon completion of ten (10) years - (120 hours)

Eleven (11) years and upon completion of fifteen (15) years - (160 hours)

Sixteen (16) years and upon completion of twenty-two (22) years - (200 hours)

Twenty-five (25) years or more – (240 hours)

- c. Eight (8) hours of vacation leave may be taken in single days with the approval of the Department Head.
- d. Provided the employee has made a reasonable effort to take vacation time, but such time was denied due to scheduling problems, forty (40) hours of unused vacation time may be carried over into the next year. Vacation shall not accrue again until an employee's vacation bank has dropped below the maximum accrual.
- e. Upon termination of employment, the employee shall receive payment for all unused, accrued vacation.

Section 7.2 Holiday Leave

- a. Holiday pay shall be paid to all full-time employees.
- b. All employees shall receive their normal rate of pay with the day off. This is not intended to imply they shall receive any additional pay, but only the pay they would have received had they worked the day as a normal workday.
- c. The following nine (9) holidays shall be observed:
 - New Years Day
 - Good Friday
 - Memorial Day
 - Independence Day
 - Labor Day
 - Thanksgiving Day
 - Day after Thanksgiving Day
 - Christmas Eve Day
 - Christmas Day
- f. Besides the nine (9) holidays listed, all employees shall receive four (4) personal days (32 hours). Personal days which remain unused after one year from the date of credit will be added to the employee's sick leave accumulation. Department Head's approval must be obtained before taking any personal days. Personal days will be awarded on a prorated basis in an employee's first year of employment.

Section 7.3 Sick Leave

Section 7.3.1 Purpose, Allowance, and Accumulation.

Sick leave with pay is provided as a benefit in recognition that employees do contract various illnesses from time to time and that their financial resources may be diminished in such instances if pay is discontinued, and that it may not be in the best interest or health of the employee or fellow employees to work while sick. An employee who is unable to work by reason of a non-duty related illness, injury, or disability as contained herein may take sick leave. Employees shall accrue eight (8) sick leave hours per month to a maximum accrual of 960 hours. Sick leave may additionally be used for appointments with a medical practitioner that cannot be made outside of work hours or in the event of illness, disability or

injury of a member of an employee's immediate family or household, meaning spouse (or civil union partner), mother, father, children, or any relative or person living in the employee's household for whom the employee has custodial responsibility or where the person is dependent upon the employee and the presence of the employee is needed to care for the medical needs of the individual.

Section 7.3.2 Medical Verification.

The City may, at its discretion, require an employee to submit a physician's verification of illness or other conclusive evidence of illness, and such verification normally will be required for illnesses requiring the use of more than twenty-four (24) hours of sick leave.

Section 7.3.3 Sick Leave Utilization.

Sick leave may be utilized only for the purposes as stated in the first paragraph of this section. Employees utilizing paid sick leave hours shall be compensated for them according to their normal rate of pay. Employees will use accrued sick leave in reverse accrual order. Thus, when an employee uses a sick leave hour, the last sick leave hour earned is removed from his accumulated sick leave. Abuse of sick leave shall be considered grounds for disciplinary action. Absent employees who have exhausted their accumulated sick leave shall not be compensated for further absences unless approved by the City Council.

Section 7.3.4 Sick Leave upon Retirement.

An employee who is eligible upon separation to collect a retirement pension under IMRF or the Police Pension Fund shall be compensated for unused sick leave at the rate of one hundred percent (100%) of his regular rate of pay on the date of retirement for all accrued and unused sick leave hours accumulated as of his last day of scheduled work. Furthermore, for clarification this sick leave payment does not increase the employee's final earnings over the 106% cap contained in 40 ILCS 5/7-172(k). The termination benefit only accrues in the event that the employee's retirement is not the result of threatened actual disciplinary action. Alternatively, an employee's unused sick leave hours may be used to receive additional creditable service under IMRF to the extent that IMRF provides for the use of these hours for additional service credit.

Section 7.4 Reporting of Absences

All Department Heads shall keep an accurate account of any employee absences including their own. Arriving and reporting to work regularly and on time is one of the employee's prime responsibilities. Failure to be on the job when scheduled reduces the efficiency of the City. Illness should be reported to the employee's immediate supervisor one (1) hour before the start of the employee's shift. Failure to secure proper permission for the use of personal days and/or sick hours or to report illness on time may result in full loss of pay for the hours involved for non-exempt employees. Exempt employees should apprise their immediate supervisor if they will not be present during normal business.

Section 7.5 Duty-Related Illness or Leave

In the event of a work-related accident or death that occurs while on the job, all employees are eligible for worker's compensation as provided by law. Employees covered by a collective bargaining

agreement should consult the relevant agreement for additional information. The Department Head may consider a light duty program for any employee who has a medical release to return to limited duty.

Section 7.6 Emergency and Bereavement Leave

Time away from the job due to emergencies will be granted at the discretion of the Department Head. The Department Head shall make the decision whether non-exempt employees shall receive paid or unpaid time off, or may be required to make up missed time. Exempt or Supervisory employees shall be permitted to take emergency leave at the discretion of the Mayor or his/her designee, and where the need for leave is a day or more, the City may, at its discretion, designate such leave as unpaid leave time. Emergency time off for bereavement will be three (3) days off with pay upon providing verification of the death and identify the immediate family member relationship to the employee and only be allowed in the case of death of an immediate family member, (mother, father, brother, sister, child, spouse, mother-in-law, father-in-law), or in special cases as approved by Department Head. These days are separate from holidays, personal days and sick hours.

Section 7.7 Military Leave

It is the intention of the City to follow all applicable Federal and State employment laws related to military leave.

Military Service Leave. Full-time and IMRF part-time employees who are members of a military reserve unit, including the National Guard, and are mobilized for active duty as a result of an order of the President of the United States are granted military leave during the activated service. The employee will continue to receive the same regular compensation as the employee was receiving at the time of mobilization, minus the amount of the employee's base military pay. All other benefits, including insurance will continue to accrue and remain in effect as if the activated reservist is still an active employee. Medical Insurance coverage will continue for the spouse and other enrolled dependents with premium contributions being deducted from the City issued compensation. If that payment is insufficient to cover the employee's premium contributions, in order to maintain insurance coverage, premium payment shall be made to the City by the 20th of the month prior to the month of coverage but is entitled to again participate in a City medical insurance program upon return to work.

Military Training Leave. Full-time employees who are members of a reserve component of the Armed Services, including the Illinois National Guard, will receive leave during their two week annual training commitment ordered by the Armed Services. During this leave, which generally will not exceed 15 days, the employee will continue to receive the employee's regular City compensation, including insurance and other benefits. During leaves for basic training, up to sixty (60) days of special or advanced training or any other training or duty required by the Armed Forces, if the employee's compensation for military activities is less than his or her compensation as a City employee, he or she shall receive differential pay for the difference between City pay and military pay calculated as provided by State law, 5 ILCS 325/1(c).

Employees must provide the City with at least thirty (30) days advance written notice prior to the start of leave for military service except in cases of national emergency. Such notice must include, without limitation, a copy of the employee's orders. Upon return to the City from military service, employees must submit a statement signed by an appropriate military official indicating the time spent in military training and/or service. Members of the National Guard or Reservists who have an advance schedule of

monthly drills will provide that to their supervisor along with any other information which would prove helpful in scheduling for the employee's absence. The supervisor will forward the information to the Department Head.

Full-time and part-time employees who are inducted or join the armed services to serve a tour of duty are granted a military leave of absence that coincides with the period of active service. In accordance with the provisions of State and Federal law, upon the completion of active duty, employees must request reinstatement within 90 days after discharge to resume employment with the City. Barring changed circumstances, the City will reinstate an employee to the same or similar position without loss of seniority, benefits, or the rate of pay in effect prior to induction. An employee shall have no greater right to reinstatement than otherwise provided by law and must return from service with a qualifying discharge and able to perform the essential job functions of the former position.

Section 7.8 Jury Duty Leave

Employees shall be granted leave with pay when required to be absent from work for jury duty. Employees are expected to contact their immediate supervisor and report to work when they are excused from jury service, temporarily or finally. Any payment received by the employee for jury duty shall be given to the City because the employee is receiving their full pay while on jury duty leave.

Section 7.9 Unpaid Discretionary Leave

Employees may obtain a leave of absence. The employee must seek approval for an unpaid discretionary leave from the Mayor and City Council. Such leave shall be unpaid and shall not be used to gain employment elsewhere. Eligible employees may request discretionary leave only after having completed one (1) year of service. As soon as eligible employees become aware of the need for a discretionary leave of absence, they should request a leave from their supervisor. A leave of absence may be granted to an employee for such period of time as the City may determine and approval will be made on a case-by-case basis, according to the types of leave that are applicable to the circumstances. An employee is required to exhaust available paid vacation and, if applicable, sick leave before unpaid discretionary leave of absence is commenced.

Initial approval of leave will not exceed twelve (12) consecutive workweeks. Extensions may be granted for additional periods of up to twelve (12) additional workweeks, not to exceed a total of twenty-four (24) workweeks, unless a further definitive period of leave may be appropriate as a reasonable accommodation. During the leave period, employees will be required to report periodically to the City Administrator on the employee's status and intention to return to work. No leave of absence will be granted to an employee for the purpose of accepting employment elsewhere.

Unless otherwise required by law, length of service and benefits will not accrue for an employee while on leave, but will begin to accrue again when an employee returns to work. During an approved leave, an employee may continue health insurance under the applicable group health insurance plan to the extent provided in such plan and by law. Employees may be required to pay the entire premium amount for continuation of benefits according to their benefit plan. Except where required by law, the granting of a leave of absence is not a guarantee of employment following the leave of absence. A failure to return to work at the end of an approved leave will be considered a voluntary separation from employment.

Section 8 Employee Benefits

All employees will be required to notify the employer of any changes in address or other personal information.

Section 8.1 Health and Life Insurance Coverage

- a. All full-time and eligible part-time employees are covered under the City's health insurance plan. There may be a waiting period before new employees are eligible for coverage. After completion of the waiting period, insurance shall begin on the first day eligible as determined by the health insurance policy then in effect.
- b. An employee, who would otherwise lose group health insurance coverage because of a reduction in working hours or the termination of employment for reasons other than gross misconduct, is eligible to continue under the City's plan up to 18 months or for such other period time prescribed by law. The City will notify an employee of the time period for which continuation coverage may be provided. If an employee elects to continue coverage, he or she will be responsible for payment of the full premium, which amount may change from time to time.

Employees who retire from the City because of age and service, or disability pursuant to the provisions of the applicable pension plan may opt to continue their coverage under the group health care benefit program described above upon retirement by paying in advance the full applicable monthly premium for the coverage selected. Failure to make a timely election of continuation coverage will result in waiver of such coverage. An employee who declines such continuation coverage at any point in time may not subsequently elect coverage under the City's insurance.

- c. The City provides life insurance for full-time and eligible part-time employees, as budgeted and approved by the City Council and in accordance with the terms and conditions of the City's insurance plan.
- d. Summary plan descriptions (SPD's), which explain coverage of your health and life insurance benefits in greater detail, are available from the Accounting Clerk. The actual plan documents, which are available by making a written request to the Accounting Clerk, are the final authority in all matters relating to the benefits described in this Manual or in the summary plan description and will govern in the event of any conflict. Additionally, the City reserves the right to change insurance carriers, change health maintenance organizations, self-insure, and/or change or eliminate any benefits at any time with a ninety (90) day notice, when practical in accordance with applicable law.
- e. Upon retirement the employee will be responsible for paying the employee's health insurance benefit premium if the employee elects to continue to be enrolled in the health insurance plan until the employee is eligible for Medicare coverage.

Section 8.2 Pension Eligibility

All employees who work 1,000 hours or more per calendar year are covered by the Illinois Municipal Retirement Fund (I.M.R.F.) pension to which the City and employees shall contribute.

Section 8.3 Education and Training

- a. The City shall pay all expenses including wages at "regular" pay, travel, and training fees for any full-time or approved part-time employees enrolling in "required" training courses.

A full-time employee with at least one (1) year of service with the City may seek reimbursement for job-related college courses taken at an accredited college or university, subject to the approval of the City Manager and availability of funds. Such request for reimbursement must be made prior to registration and approved prior to enrollment. Reimbursement is limited to tuition, books and laboratory fees which must be supported by an official receipt of payment issued by the institution attended. Reimbursement is limited to a maximum of seven hundred dollars (\$700) per calendar year. In the event funding is not available for all City employees who have been approved for reimbursement, the City Administrator may prorate reimbursement among approved employees. Reimbursement is contingent upon successful completion of the class with a grade of C or better. Further, the employee must sign an agreement to repay the City for all reimbursement received if the employee leaves the employment of the City for any reason prior to the completion of a period of one (1) year after reimbursement.

RESOLUTION NO. 2016-07

DRUG-FREE WORKPLACE POLICY

WHEREAS, it's the City of Wilmington's practice to periodically review its personnel policies for conformance to laws and alignment with the City's values; and

WHEREAS, Illegal drugs and the abuse of legal drugs in the workplace are a significant danger. They impair safety and health, promote crime, lower productivity and quality and undermine public confidence in the work City employees undertake. The City prohibits drug and alcohol impairment and the illegal use of drugs in the workplace; and

WHEREAS, the City will comply with the Drug-Free Workplace policy under the federal and state Drug-Free Workplace Acts, 41 USC 701, et seq., and 30 ILCS 580/1 et seq.

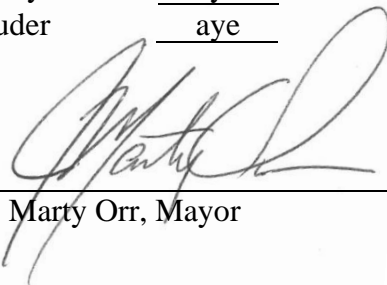
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL MEMBERS OF THE CITY OF WILMINGTON, WILL COUNTY, ILLINOIS, HEREBY ADOPT A DRUG-FREE WORKPLACE POLICY STATEMENT, A DRUG FREE AWARENESS PROGRAM AND DRUG-FREE PROCEDURES.

PASSED this 5th day of July, 2016 with 8 members voting aye, 0 members voting nay, the Mayor N/A voting, with 0 members abstaining or passing and said vote being:

John Persic, Jr.	<u>aye</u>	Kevin Kirwin	<u>aye</u>
Larry Hall	<u>aye</u>	Kirby Hall	<u>aye</u>
Fran Tutor	<u>aye</u>	Joe VanDuyne	<u>aye</u>
Steve Evans	<u>aye</u>	Frank Studer	<u>aye</u>

Approved this 5th day of July, 2016





J. Marty Orr, Mayor

Attest:



Judith Radosevich, City Clerk

EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son, daughter or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*

***The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".**

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months*, and if at least 50 employees are employed by the employer within 75 miles.

***Special hours of service eligibility requirements apply to airline flight crew employees.**

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and

a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulation 29 C.F.R. § 825.300(a) may require additional disclosures.



For additional information:
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627
WWW.WAGEHOUR.DOL.GOV

