

## CITY OF FAIRVIEW HEIGHTS

### PERSONNEL CODE

#### **ACKNOWLEDGMENT OF RECEIPT OF PERSONNEL CODE**

I have received the City of Fairview Heights' Personnel Code. I understand that it is my responsibility as an employee to read and understand the policies in this personnel code. I understand that unless my employment is governed by a collective bargaining agreement or a separate, duly-executed written contract stating otherwise that I am an at-will employee. At-will employment means that the employment relationship with the City is for no definite or determinable period of time, and regardless of salary, position or rate of pay, may be terminated by either the employee or the City at any time with or without cause or notice. This personnel code and the policies contained herein are not intended to and do not create any contractual rights. If my employment is governed by a collective bargaining agreement, I understand that in the event of a conflict between the terms of the collective bargaining agreement (CBA) and this personnel code, the terms of the CBA will govern.

I understand that the personnel policies of the City of Fairview Heights are presented in this Code in summarized form. For more information about any policy, I may consult my Supervisor, Department Head, or the Human Resources office. These policies are subject to change without prior notification, and I am subject to policy changes as they are made.

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Please return this page to the Department Head/Supervisor after you have signed it.

Signed originals of these pages are to be kept in each employee's personnel file in the Human Resources office.



**CITY OF FAIRVIEW HEIGHTS**

**PERSONNEL CODE**

**RESOLUTION NO. 925-'82**

**JUNE 1, 1982**

**UPDATED 2/2/93**

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**UPDATED 3/17/2020 (RESOLUTION NO. 4343-2020)**

**UPDATED 7/20/2021 (RESOLUTION NO. 4380-2021)**

**RESOLUTION NO. 925-'82**

**A RESOLUTION REPEALING RESOLUTION NO. 746-'80, PASSED MAY 6, 1980 AND APPROVED MAY 7, 1980, RESOLUTION NO. 757-'80, PASSED JULY 1, 1980 AND APPROVED JULY 3, 1980, RESOLUTION NO. 834-'81, PASSED SEPTEMBER 1, 1981 AND APPROVED SEPTEMBER 2, 1981 AND; A RESOLUTION TO ESTABLISH A PERSONNEL CODE PROVIDING PERSONNEL RULES AND BENEFITS FOR THE EMPLOYEES OF THE CITY OF FAIRVIEW HEIGHTS, ILLINOIS.**

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF FAIRVIEW HEIGHTS, ILLINOIS:**

**SECTION 1. ESTABLISHMENT OF A CODE. This Resolution, consisting of Section 1 through 27, shall be known as "The Personnel Code". Any and all additions or amendments to such Personnel Code when passed in such form as to indicate the intention of the City Council to make the same apart thereof, shall be deemed to be incorporated in the Personnel Code.**

**Upon passage and approval, the City Clerk shall cause each City employee to receive a copy of the Personnel Code and the City Clerk shall have copies available for each new employee.**

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## **SECTION 1. INTRODUCTION**

Policies are defined as the basic rules which guide administrative action in accomplishing an organization's objectives. Comprehensive and clearly defined policies, which are consistently and fairly administered, are essential to the success of any organization. This manual contains those policies set forth for employees of the City of Fairview Heights. All personnel charged with the responsibility of administering policies must be thoroughly familiar with the contents of this manual. Furthermore, it is essential that these policies be administered in a systematic, fair, and impartial manner.

It is the responsibility of each City employee to familiarize himself/herself with the policies contained in this manual and to comply with their administration. Employees should address questions of policy interpretation to their department head or other designated personnel pursuant to the City Chain of Command. All employees will receive a copy of the manual for their personal use. Employees will also be required to sign a statement acknowledging receipt of the manual and their responsibility to familiarize themselves with the policies contained in the manual and their obligation to return of the manual at the end of their employment.

Undoubtedly, there will be situations which require administrative interpretations of the policies set forth in this manual. An effort must be made to ensure that such decisions are made as objectively and consistently as possible, keeping the general intent of the policy in mind.

As conditions change within the City, it may be necessary to add, delete, or revise specific policies which have been affected by such change. Amended or supplementary policies as well as an updated amendment log documenting the amendment will be issued to all employees.

The policies set forth in this manual supersede all previously written and unwritten City Personnel Policies. In the event there is a conflict between the policies set forth in this manual and any applicable law, the applicable law will prevail.

The rules expressed in this personnel policy shall apply to all positions in all departments of the City, except for instances where a Collective Bargaining Agreement (CBA) has a specific provision that is in conflict with a specific provision of the City personnel policy. In these instances, the terms of the CBA will apply with respect to employees covered by the CBA.

It is also understood that members of the Police Department also have policies and operating procedures as set forth by the Police Chief. The Chief of Police shall direct the administration and operation of the Police Department and in addition to policies transmitted by the Mayor, shall establish such policies, directives, rules and regulations for the administration and operation of the Department as he sees fit. Ordinance 190, Chapter 30,30-1-4(c).

## **SECTION 1. INTRODUCTION - continued**

The policies outlined in this manual are presented as a matter of information only, and may be changed at any time by the City. This manual is not an expressed or implied employment contract. No representative of the City has the authority to enter into an agreement with any employee that is contrary to the foregoing.

### **OBJECTIVES**

The City of Fairview Heights recognizes that a personnel system which recruits and retains competent, dependable personnel is indispensable to effective government operations.

The policies and procedures set forth in this manual are designed to:

- A. Promote high morals and foster good working relationships among employees of the City by providing uniform personnel policies;
- B. Enhance the attractiveness of a career with the City and encourage each of its employees to give his/her best effort to the City and the public;
- C. Encourage courteous and dependable service to the public;
- D. Provide fair and equal opportunity for qualified persons to enter and progress through City service based on merit and fitness as determined through objective and practical personnel management methods;
- E. Ensure that all City operations are conducted in an ethical and legal manner so as to promote its reputation as an efficient and progressive body.

## **SECTION 2. DEFINITIONS**

- A. COVERED EMPLOYEES** - All employees shall be covered by this Code except those employees specifically exempt in a given Section or Subsection and/or employees covered by provisions that are specifically set forth by Statute.
- B. EMPLOYEE GROUPS** - Employees are classified in the following groups:
1. **FULL TIME EMPLOYEES** - Those working the normal number of hours, usually 40 hours per week, for which full time wages are paid.
  2. **PART TIME EMPLOYEES** - Those employees scheduled to work less than 30 hours per week on average per calendar year, except as listed below. Effective January 1, 2014, the City shall make determination of part time or full time status by averaging the hours worked per week over a twelve (12) month period, with the first twelve month period beginning July 1, 2013. (Per Resolution No. 3858-2014)
    - a) **TEMPORARY EMPLOYEES** - Those who are engaged for a specific project or a limited period during which a regular work week may or may not be worked with a definite understanding that their employment is to terminate upon completion of the project or at the end of the period, and whose employment is expected to continue for more than three (3) weeks, but not more than nine months. All temporary employees shall be appointed by the Mayor, his/her designee, or City Clerk with the approval of the Personnel Committee. (Res. No. 2659-'99)
    - b) **EMERGENCY EMPLOYEES** - Those employees authorized by the Mayor, his/her designee, or City Clerk to meet a specific one-time, unusual, emergency need of the City, who are engaged for a period of not more than twenty-two (22) days in any consecutive three (3) month period during which a regular work week may or may not be worked. (Per Resolution No. 1534-'88)
  3. **SEASONAL EMPLOYEES** – Those employees who are hired to temporarily supplement the work force and are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status.
  4. **MANAGEMENT EMPLOYEES** - Those employees holding positions of Management Level I, II, III, IV or V. It is the intention of City Council to afford salaries and flexibility of work schedules commensurate with the responsibility of our Management Level people; we specifically exclude said employees from the following benefits: Overtime, compensatory time, minimum call out and holiday pay as defined in this Code. (Per Resolution No. 1374-'87).
- C. OVERTIME** - Hours worked at the Mayor or Department Head's request in excess of forty (40) hours worked at the regular rate in any calendar week shall be considered as overtime.

Payment shall be made at one and one-half (1 1/2) times the base rate. (Per Resolution No. 3761-2013)



**SECTION 2. DEFINITIONS – continued**

1. Hours worked at the Mayor's or Department Head's request in excess of the Police Department personnel's regularly scheduled work day, or in excess of the Police Department personnel's regularly scheduled work week, shall be considered as overtime. (Per Resolution No. 1356-'86).

**D. COMPENSATORY TIME** - When a full time employee works overtime, the employee may elect to take any equivalent of one and one-half (1 1/2) times the number of overtime hours worked (excluding holidays) as time off with pay at the discretion of the employee's Department Head.

**E. HOLIDAY** - Legal Holidays as listed in the Personnel Code or set by the City Council from time to time.

**F. HOLIDAY PAY** - those non-management employees who are required to work on an official holiday shall be compensated at their regular monthly rate plus two and one-half (2 1/2) times their computed hourly rate for the number of hours worked.

EXAMPLE: Patrolman (Grade 9):  
Base Rate \$1214 per month or  
\$ 607 pay period or  
\$ 7 per hour

HOLIDAY PAY = 2 1/2 X 7.00 = \$17.50  
Per holiday hour worked plus regular  
Bi-monthly pay.

Non-management employees, hired after the effective date of the Code who are required to work on an official Holiday, shall be compensated at their regular monthly rate plus one and one-half (1 ½) times their computed rate for the number of hours worked.

**G. VACATION LEAVE**-Regularly scheduled leave computed by completed anniversary years worked for the City. Temporary and emergency employees are denied this leave. Part time employees' vacation will be pro-rated on the actual hours worked as compared to the normal full time work week.

**H. EXCLUDED PERSONNEL**-All elected and part time appointed officials are excluded from this Code, unless specifically included in a given section or subsection of this Code. All contract employees shall be subject to the provisions of the contract in effect at that time. (Per Resolution No. 1879-'92)

**I. NEW EMPLOYEES**-New employees hired to fill a vacancy shall be allowed up to and including two (2) weeks on the job training at the discretion of the Department Head. (Per Resolution No. 971-'83)

### **SECTION 3. EMPLOYMENT APPLICANT RECRUITMENT/HIRING POLICY**

#### **A. CONTRACTUAL AGREEMENTS**

The filling of any vacancy covered by contractual agreement with an employee bargaining unit shall be subject to the position bidding provisions of the applicable contract before any further steps are taken toward filling the vacancy.

#### **B. VACANCY ANNOUNCEMENTS - PROCEDURE**

Upon the creation of an employee vacancy as a result of the resignation, discharge, retirement, prolonged leave of absence or other termination of an employee or upon the creation of a new position (subject to the approval of the City Council), the following procedure shall be followed by the appropriate Department Head/Supervisor in filling that vacancy:

1. Compliance with the provisions as set out in Paragraph A. (CONTRACTUAL AGREEMENTS) in this Section;
2. Announcement of the vacancy in writing to all Department Heads/Supervisors (with a request that same be posted in order to make all employees aware of the vacancy) and to all members of the City Council shall be made by the Department Head/Supervisor. The posting shall be for no less than five (5) and no more that 10 working days before any further steps toward filling the vacancy are taken.
3. Only full-time or permanent part-time employees as defined in Section 2 of this Personnel Code shall be entitled to apply for vacancies prior to their advertisement as stated in Paragraph 5. Under VACANCY ANNOUNCEMENTS - PROCEDURE of this Section.
4. Department Heads/Supervisors may also exercise the option to consider applications kept on file that were previously submitted provided that such consideration is not in violation of Paragraph A. (CONTRACTUAL AGREEMENTS) of this Section.
5. If the vacancy is not filled as a result of the above listed processes, the Department Head/Supervisor shall solicit applications through announcement in newspapers, trade publications (if applicable), placement services, local colleges and universities or other sources as applicable. (Res. No. 2663-'99)

#### **C. VACANCY ANNOUNCEMENTS - CONTENT**

The vacancy announcement shall consist of:

- Title of the vacant or new position and department
- Hours to be scheduled, worked or anticipated
- Rate of Pay at the time of the vacancy announcement
- General statement of duties and responsibilities
- General statement of necessary skills, experience and qualifications
- Deadline for submission of applications
- Where applications can be picked up
- Where applications can be submitted
- An Equal Employment Opportunity/Affirmative Action statement as contained in Paragraph H. of this Section

**SECTION 3.EMPLOYMENT APPLICANT RECRUITMENT/HIRING POLICY- continued**

**D. APPLICANT SCREENING**

Police records checks, tests of an applicant's capabilities to perform the essential functions of the vacant position and requests for proof of education (transcripts) and training experience may be utilized in assessing the suitability of applicants for the vacant position.

Applicants may be required to provide proof of identity, licenses, training certification information, references or other documentation related to the duties, responsibilities, skills and qualifications of the position they are being considered for should the Department Head/Supervisor deem it necessary.

At any time between the initial announcement of the position vacancy announcement and the deadline for the submission of applications, a Department Head/Supervisor may consider applications kept on file that were submitted for previous vacancies provided that such consideration is not in violation of Paragraph A. of this Section.

**E. BOARD OF POLICE COMMISSIONERS**

Employees employed as full-time police officers are subject to rules and regulations established by the Board of Police Commissioners and the Illinois Compiled Statutes, as amended. If any provisions of this policy manual conflict with applicable regulations or statutes, the regulations or statutes shall control.

**F. REASONABLE ACCOMMODATION**

Applicants who require reasonable accommodation to perform the essential functions of a position shall not be disqualified from consideration from a vacant position or considered less qualified on the basis of the need for the reasonable accommodation in compliance with the Americans with Disabilities Act.

Applicants requiring reasonable accommodation shall be expected to notify the Department Head/Supervisor of the need for a reasonable accommodation to perform the essential functions of the position.

**G. APPLICATION PROCEDURE**

Applications will be available at the Human Resources Office and distributed only to applicants for specific posted vacancies. No applications will be distributed/accepted beyond the deadline as advertised for the acceptance of applications nor will any applications be distributed/accepted at times when there are no existing position vacancy announcements.

Only applications distributed by the Human Resources Office, completed in full and listing the specific position being applied for will be accepted. No applications, resumes or other forms of information concerning the applicant will be accepted unless attached to an application distributed by the Human Resources Office.

The original application submitted by an applicant who is hired for any position, including full-time, permanent part-time and temporary part-time, will be retained in that employee's Personnel File. Applications of individuals not hired will be kept on file in the

**SECTION 3.EMPLOYMENT APPLICANT RECRUITMENT/HIRING POLICY- continued**

Human Resources Office for a period of one year from the date of submission. (Resolution No. 2751-'00)

**H. HIRING AUTHORITY**

For all Department Head/Supervisor vacancies, the Mayor shall have final approval authority regarding any individuals who are hired, subject to City Council approval as provided by the Revised Code of Ordinances of the City of Fairview Heights, Illinois. For all other position vacancies (with the exception of the City Clerk's Office which are under the exclusive jurisdiction of the City Clerk respectively), the Department Head/Supervisor's recommendation for filling a position vacancy shall be subject to the approval of the Mayor. (Res. No. 2462-'98)

## **SECTION 4. EQUAL EMPLOYMENT**

The City of Fairview Heights provides equal opportunity for all employees and applicants for employment without regard to political affiliation, color, race, creed, national origin, religion, gender, age, ancestry, disability, handicap, genetic information, marital status, status as a qualified disabled veteran, veteran status, or sexual orientation. References contained herein to masculine or feminine shall be construed to include both masculine and feminine. Employment opportunities are open to all qualified applicants on the basis of their experience, aptitude, and ability. This policy shall include all personnel practices related to the employment process, promotions, demotions, transfers, layoffs, termination, compensation, benefits, training, and general treatment of employees. To implement this equal employment opportunity policy, the following action plan has been adopted:

1. Communication.

- a. All advertisements for employment shall contain the words "Equal Opportunity Employer."
- b. Employment applications shall contain the clause "Equal Opportunity Employer."

2. Data Collection. All City employment applications shall contain a voluntary equal employment opportunity information sheet that will be confidentially reviewed by the EEO Officer. Said data will be tracked and maintained by the EEO for administrative purposes only. No hiring decision shall be made pursuant to the data collected.

3. Management Responsibilities. The cooperation of every employee is important to achieve the objective of this action plan. Corrective action shall be taken against anyone deliberately obstructing the implementation of this plan.

4. Appointment of Equal Employment Opportunity (EEO) Officer. The City Clerk has been appointed EEO Officer and has the following responsibilities:

- a. Work with the City Administrator to ensure that any and all reports of discrimination are fully investigated and resolved.
- b. Maintain a liaison with the EEOC (Equal Employment Opportunity Commission).
- c. File required reports with the EEOC.
- d. Confidentially review and monitor equal employment opportunity application data.
- e. Update and enforce the City of Fairview Heights Equal Employment Opportunity Plan.

#### **SECTION 4.1. MANAGEMENT RIGHTS**

The Employer has the statutory right and authority to administer the business of the City and, in addition to other functions and responsibilities which are required by law, the Employer has the full right and responsibility to direct the operation of City departments, to promulgate rules and regulations, and to otherwise exercise the prerogatives of management, which more particularly include but are not limited to the following:

- A. To manage and direct City employees, including the right to hire, classify, promote, demote, assign, train, retrain, place on probation, evaluate, layoff, recall, enforce corrective actions, suspend, remove, and maintain order among employees;
- B. To manage and determine the location, type and number of physical facilities, equipment, programs, and the work to be performed;
- C. To determine each department's mission, goals, objectives, programs, and services and to utilize personnel in a manner designed to effectively meet these purposes;
- D. To determine the size and composition of the workforce and the organizational structure;
- E. To determine the hours of work and work schedules for individual employees;
- F. To determine the necessity to schedule overtime and the amount required;
- G. To determine when a position vacancy exists, the duties to be performed by job classifications, and the standards of quality and performance to be maintained;
- H. To maintain the security of records and other important information;
- I. To determine and implement necessary actions in emergency situations;
- J. To establish and modify benefits and wages;
- K. To set and amend budgets and to determine the utilization of technology, including the introduction of new or improved methods or facilities, or the changing of existing methods or facilities.

#### **SECTION 4.2. COLLECTIVE BARGAINING AGREEMENT**

The rules expressed in this personnel policy manual shall apply to all positions in all departments of the City, except for instances where the provision of a Collective Bargaining Agreement (CBA) are in conflict with or supplement the City personnel policy. In these instances, the applicable rules for employees covered by the CBA shall be those expressed by the CBA.

## **SECTION 5. PROBATIONARY PERIOD**

The first nine (9) months of employment will be designated as a probationary period for all employees with the exception of Sworn Police Department personnel, who are governed by local Ordinance No. 190, Chapter 30, Section 30.10 (B). To assure new employees (full and permanent part-time) are aware of the expectations and functions of their job and to answer any questions the probationary employee may have, a formal evaluation will be made at the completion of each three (3) month period during probation by the Department Head, who shall submit a written report of the probationary employee's progress to the Mayor for review. After successfully completing the probationary period, employees shall be given formal evaluations in compliance with Section 32 of this Code.

Probationary employees who fail to receive satisfactory evaluations during the probationary period may only be dismissed by the Department Head or Mayor, except probationary police officers, who may be dismissed by the Chief of Police or the Board of Fire and Police Commissioners.

The above stated probationary period also applies to employees (except Sworn Police personnel) who are rehired after previously terminating their employment with the City of Fairview Heights. All employees who are rehired by the City are not eligible for benefits they may have earned during their previous employment with the City. All benefits, such as longevity, sick time, vacation, will be based on the employee's most recent date of hire.

This Section does not apply to employees who transfer from one department of City employment to another, or from one position to another, providing they have previously successfully completed a probationary period.

All Sworn Police personnel must successfully complete an eighteen (18) month probationary period regardless of previous employment with the City.

All full time employees (except Sworn Police employees), and all appointed Directors, must successfully complete the above stated probationary period.

Upon successful completion of the probationary period the employee must be paid the salary authorized in the current Salary Ordinance and Force Level Resolution. (Per Resolution No. 1534-'88)

Probationary Sworn Police personnel shall be paid at Grade 8, as outlined in the current City salary ordinance during their eighteen (18) month probationary period, after which they shall be elevated to Grade 9, as outlined in the current City salary ordinance.

Part time City employees who are elevated to permanent full time status are not subject to a probationary period, providing they have worked the equivalent of nine (9) months of full time employment (1,560 hours) with the City. (Per Res. No. 1437-'87)

## **SECTION 6. CLASS STANDARDS**

### **A. GENERAL STANDARDS**

Each Department Head shall prepare and submit to the Mayor for review, a job description for each position under his/her jurisdiction which sets forth the duties, responsibilities and desired qualifications for said position. The Mayor shall have sole responsibility, subject to the approval of the City Council, for the determination of the appropriate class title to which the incumbent shall be placed and for the periodic review and updating of City class specifications.

### **B. DRIVING STANDARDS**

City employees aged eighteen (18) years and older with proper driver's license classification, shall be allowed to drive City vehicles, up to and including pickup trucks licensed for road use. City employees must be at least twenty-one (21) years of age and properly licensed in order to drive City vehicles larger than pickup trucks and vans. (Per Res. No. 1195-'85)

### **C. PHYSICAL EXAMINATION**

1. A physical examination shall be required for any employee hired to work for the City. All employees who shall work more than thirty (30) consecutive days, shall be required to undergo the physical examination. The City shall supply the physical examination form to be completed, designate the examining physician and shall pay for the cost of the physical.
2. Any employee specifically employed to drive vans or mini-buses which transport passengers, shall be required to undergo an annual physical examination at the City's expense. The format of the physical examination form and the examining physician shall be as directed by the City.
3. The City shall pay for only the services of the examining physician to the extent they are needed to assess the employee's capability to perform the essential functions of the position hired for, with or without accommodation per the Americans with Disabilities Act. Any other tests, examinations or consultations shall not be authorized for payment by the City.
4. A copy of the Physical Examination report is to be submitted to the City from the examining physician, indicating that the individual examined appears capable of performing intended job duties of position with the City.
5. Any employee giving any false information to the examining physician, shall be subject to disciplinary action or dismissal from employment.(Per Resolution No. 1212-'85). (Per Resolution No. 2698-'00)



## **SECTION 7. COMPENSATION**

### **A. BASE PAY**

The basic rate of pay shall be as set forth in the "Salary Ordinance" as adopted by the City Council from time to time.

### **B. OVERTIME/COMPENSATORY TIME**

1. **OVERTIME PROCEDURE** - The Mayor or a Department Head may authorize reasonable periods of overtime work to meet the operational needs of the City. Records of overtime of employees shall be prepared by each Department Head and submitted for payment or, in the event compensatory time is used, for recording.
2. **OVERTIME COMPENSATION** - Non-management employees will be paid on the basis of one and one-half (1 1/2) times their regular rate for authorized time worked beyond the normally scheduled work week when authorized in accordance with paragraph (1) above. Such employees shall, at their discretion, be eligible for overtime or compensatory time off at the rate of one and one-half (1 1/2) times their regularly hourly wage rate. After accrual of sixty (60) compensatory hours, (forty (40) regular hours), all other overtime hours shall be paid at the overtime rate. Sixty (60) compensatory hours shall be the maximum to be accrued by any one employee. Compensatory time shall be used for time off only at the discretion of the Department Head and will be paid in cash only at the time of termination or promotion to a management level position, paid within thirty (30) days of said promotion. Only non-management employees shall be eligible for overtime/compensatory time compensation.
3. **TRAVEL TIME COMPENSATION** - No compensatory time or overtime will be authorized for travel time to and from a Seminar or Convention. Also, no compensatory time or overtime for Seminars conducted on weekends or Holidays.
4. **PART-TIME EMPLOYEE COMPENSATION** - Part-time employees are not entitled to compensatory time.

### **C. SHIFT PREMIUM**

A shift premium of fifteen cents (.15) per hour shall be paid to all full time employees (except those working 12 hour shifts), and part time dispatchers and part-time civilian police aides who are regularly scheduled to work second shift, and thirty cents (.30) per hour for all employees regularly required to work third shift. The shift premium shall be added to the employee's regular computed hourly rate when figuring wages for hours worked during second and third shift periods.

Employees (except those working 12 hour shifts) will be compensated for hours worked, at the second shift premium if they are required to start their normal work schedule between the hours of 2:00 P.M. and 9:59 P.M. (effective May 1, 1998, for Police Telecommunicators only) or 3:00 P.M. and 11:00 P.M. and at the third shift premium rate if they are required to start their normal schedule between the hours of 10:00 P.M. and 5:59 A.M. (effective May 1, 1998, for Police Telecommunicators only) or 11:00 P.M. and 7:00 A.M. All other starting times shall be interpreted as first shift for which no premium will be paid. (Res. No. 2312-'96)

Shift premium shall be determined solely upon the required starting time of the employee. An employee starting work in one shift and ending in another shall be compensated at the shift rate for which he started work.

## **SECTION 7. COMPENSATION - continued**

Employees working 12 hour shifts that are required to start their normal work schedule between the hours of 4:00 A.M. and 4:00 P.M. shall not receive shift premium. Those required to start their normal work schedule between the hours of 4:00 P.M. and 4:00 A.M. shall receive the third shift premium rate.

An employee called out to work in addition to his normal work day shall be compensated at the overtime or holiday rate, and shift premium shall **NOT** apply. (Per Resolution No. 2505-'98)

### **D. MINIMUM CALL OUT**

A full-time, non-management level employee called out to work on employee's day off or after the completion of employees regular work day, shall be compensated for a minimum of two (2) hours figured at the overtime rate. This benefit does not apply to regularly scheduled overtime, but was meant to include specific call outs. For example, breathalyzer test, female prisoner search and court time in the Police Department, stray animal calls, health nuisances and street related problems in the Planning and Public Works Departments. Those employees who are called out on an official holiday, shall be compensated at the holiday pay rate.

The part-time Animal Control/Code Enforcement Officer shall receive a minimum two (2) hours at the regular pay rate of emergency calls received after the completion of the employee's work schedule or on employee's day off. (Per Resolution No. 1559-'88)

The Animal Control Officer "on call" during a particular time shall be called out in the following situations:

- a) Animal bite cases involving humans;
- b) Injured or sick animals requiring attention and transport;
- c) Threatening animals which, in the opinion of the responding Police Officer, present a threat to human safety and/or jeopardize human life;
- d) Dead animals/animals carcasses on City right-of-way shall be the responsibility of the Public Works Department staff who shall be called out in such cases.

In the event that a situation involving an animal presents an IMMEDIATE threat to human safety and/or human life, the responding Police Officer may react in whatever manner he feels is appropriate to relieve the threat but at no time shall a Police Officer transport an animal if an Animal Control Officer is available to be called out to the scene. (Resolution No. 2505-'98)

### **E. COMPENSATION FOR POLICE OFFICERS OF THE RANK OF LIEUTENANT, CAPTAIN OR CHIEF OF POLICE**

- 1) Police Officers holding the rank of Lieutenant, Captain or Chief of Police shall be considered management employees of the City of Fairview Heights. They shall not be entitled to longevity increases.
- 2) Police Officers holding the rank of Lieutenant shall be paid a salary that is \$5,500 greater than the pay of a Sergeant at the final step in the sergeants' longevity scale.
- 3) Police Officers holding the rank of Captain shall be paid a salary that is \$3,000 greater than the pay of a Lieutenant.
- 4) Police Officers holding the rank of Chief of Police shall be paid a salary that is \$5,000 greater than the pay of a Captain.

**SECTION 8. LONGEVITY SALARY INCREASE**

- A. ELIGIBILITY** - Only full time employees with continuous employment with the City, and who are rated as satisfactory, shall be eligible for a longevity increase. Police Officers holding the rank of Lieutenant, Captain or Chief of Police shall not be eligible to receive longevity increase.
- B. TIMING** - Employees may become eligible at the completion of various years of employment with the City as indicated in the below listed chart. Part time employees who later become full time employees while in continuous service with the City shall be eligible for longevity increases beginning with their first date of continuous employment. (Resolution No. 2012-'93)
- C. WITHHOLDING AND APPEAL** - It is the Department Head's obligation to insure that adequate personnel performance reviews are conducted and discussed with the employee. In the event an employee is not performing at the expected level, the longevity increase will be withheld for one year. An employee may appeal the withholding of a longevity increase through the provisions provided within the Code.
- D. PROMOTIONS** - Promotions shall not affect the timing of longevity increase.
- E. LONGEVITY PAY** – Full-time employees, hired on or before the passage of **RESOLUTION 3798-2014 (FEBRUARY 18, 2014)**, whose job performance is rated as satisfactory or better shall be eligible for longevity increases upon completion of the following years of service and shall receive, in addition to base wages, the longevity pay the higher of: 1) the longevity pay they were receiving immediately prior to the effective date of this resolution or; 2) longevity pay as determined in accordance with the following:
- F. LONGEVITY INCREASES** - For employees hired prior to May 1, 1980 the percent of base salary for approved longevity increases shall be as follows:

**AFTER COMPLETION OF YEARS OF SERVICE**

YEAR									
ELIGIBLE	1	2	3	4	5	7	10	15	20
STEP	2	3	4	5	6	7	8	9	10
% of BASE	2	4	6	8	10	12	14	16	18

For employees hired on or after May 1, 1980 the percent of base salary for approved longevity increases shall be as follows:

**AFTER COMPLETION OF YEARS OF SERVICE**

YEAR							
ELIGIBLE	1	3	5	7	10	15	20
STEP	2	3	4	5	6	7	8
% of BASE	2	4	6	8	10	12	14

(Per Res. No. 2795-2001)

**SECTION 8. LONGEVITY SALARY INCREASE - continued**

**G. NEW HIRE PROBATIONARY WAGES** – For employees hired on or after the date of passage of this Resolution, the probationary pay steps will be as follows: hire date thru 3 months – 85% of the base pay rate for the position hired; 3 months thru 6 months – 90% of the base pay rate for the position hired; 6 months thru 9 months – 95% of the base pay rate for the position hired; and after 9 months the employee shall be paid 100% of the base pay rate for the position hired. If the new employee meets the education and/or experience level for the position applied for he/she may (with the approval of the Mayor) be paid up to 100% of the base rate of pay on the date of hire. (Per Resolution No. 3813-2014)

## **SECTION 9. EDUCATION INCENTIVES**

In addition to the existing salary schedule outlined in the Salary Ordinance (an Ordinance fixing salaries of City Officials, appointed Officials and Employees of the City of Fairview Heights, Illinois) full time employees, Grade 10 and below, shall be awarded as follows:

- A. Employees shall be awarded a 5% salary increase, above base, for successfully completing one of the following:
  - 1. An Associate Degree in the field directly related or connected to the job currently being performed in the City.
  - 2. Police Officers must successfully complete one of the following:
    - a. A Degree of Associates in Arts or General Studies in Law Enforcement.
    - b. Police Science or Police Administration with a minimum grade average of "C" in sixty (60) semester hours or equivalent of work.
    - c. A Degree of Associates in Arts or an Associates in General Studies in any field but with a minimum of twelve (12) semester hours in Law Enforcement subjects with a minimum grade of "C".
  
- B. Employees shall be awarded a 10% salary increase, above base, for successfully completing one of the following:
  - 1. A Bachelor's Degree in any field with at least twelve (12) hours in a field directly connected or related to the job currently being performed in the City.
  - 2. Police Officers must successfully complete one of the following:
    - a. A Degree of Bachelor of Arts, Science, Laws or in any other area of study with a minimum of twelve (12) semester hours in Law Enforcement with a minimum grade of "C".

**LIMITS** - In no instance shall education advancement exceed 10%. An employee receiving 5% for an Associate's Degree, shall, upon receipt of a Bachelor's Degree be entitled only to an additional 5%.

When the employee is awarded the education increase it does not affect the grade or step the employee is in.

## **SECTION 10. TUITION REIMBURSEMENT**

The City will reimburse full time personnel for fees and tuition expenses incurred after May 1, 2017 while attending College or Junior College up to a total of Twenty Thousand Dollars (\$20,000) throughout the employee's tenure as a full time employee with the City of Fairview Heights.

- A. To be eligible for such reimbursement, personnel must be enrolled in a Bachelor or Associates Program, in a field directly related to the work performed for the City. All required and elective subjects will be eligible for reimbursement, provided a grade "C" or better is attained. Also, reimbursement will be made for credit and non-credit undergraduate courses, with the approval of the Department Head, if directly job related to employee's work in the City. Personnel choosing to attend a private college or university will only receive reimbursement in an amount not to exceed the per hour tuition rate at Southern Illinois University, Edwardsville, Illinois. Any amount in excess of this would have to be paid by the employee.(Per Resolution No. 2270-'96)
  
- B. The City reserves the right to demand from the employee repayment for said fees and tuition expenses paid by the City for past twelve (12) months if the employee voluntarily resigns their employment with the City within one (1) year after reimbursement. All personnel attending classes must use the following procedure in submitting the claims:
  - 1. Prior to enrollment, submit to the Department Head for approval, a written list of courses you intend to take.
  - 2. Department Head will review and give written approval to employee if courses are job related and eligible for reimbursement, and the employee shall agree to sign a statement for repayment to City if employee resigns within one (1) year.
  - 3. Upon completion of classes with a grade of "C" or better, student will submit an expense voucher accompanied by a paid receipt or canceled check for the fees and tuition and a copy of the grade report to the Department Head.
  - 4. Department Head will forward same to the Finance Department attached to a purchase order for reimbursement to employee.
  
- C. The City will not pay for books, rental of books, or any supplies, as they are the responsibility of the individual student. Once the employee has obtained one (1) Bachelor's Degree, the employee is not eligible for any additional tuition and fee reimbursement.

If fee and tuition expense is denied by the Department Head, the employee shall have the right of appeal as provided in this Code.

## **SECTION 11. LEAVE**

- Credited Continuous Service
- Holidays
- Vacation
- Sick Leave
- Funeral/Bereavement Leave
- VESSA Leave
- Military Leave
- Jury Duty (Civil Leave)
- Leave of Absence Without Pay
- Family and Medical Leave
- Temporary Transitional Duty
- School Visitation
- Election Day Leave

### **CREDITED CONTINUOUS SERVICE**

The employee's benefits under many of the City plans are based on length of time the employee had been employed as a regular full-time employee. An employee's service begins on the date the employee is hired. During each successive calendar month in which the employee has earnings, the employee is credited with one (1) month of service, and the total of such service is defined as credited continuous service.

Twelve months of continuous service constitute one (1) year of credited continuous service. The following does not affect the employee's continuity of service:

- A. Absence because of an injury, covered under workers' compensation.
- B. Authorized leave of absence.
- C. Approved leave, as defined herein.

If an employee is separated from employment with the City either voluntarily or involuntarily the employee's service is broken. However, if an employee is laid off and subsequently reemployed within (12) months following said separation of service, the employee's past service will be reinstated; but the time the previously laid off employee was absent from work on the layoff will not be added to the employee's length of service.

**SECTION 11. LEAVE - continued**

**HOLIDAYS**

All full-time employees are entitled to the following holidays:

<b>New Year's Day</b>	<b>Labor Day</b>
<b>Martin Luther King Day</b>	<b>Veterans Day</b>
<b>Presidents' Day</b>	<b>Thanksgiving Day</b>
<b>Good Friday</b>	<b>Thanksgiving Friday</b>
<b>Memorial Day</b>	<b>Christmas Day</b>
<b>Independence Day</b>	

Except for employees regularly scheduled to work on shift basis, if a holiday falls on Sunday, it will be observed on the following Monday; if it falls on Saturday, it will be observed on the preceding Friday.

In observance of each authorized holiday, full-time employees will normally be granted the day off from work. Full-time employees shall receive straight time pay for each authorized holiday. Part-time hourly employees, temporary employees, and/or seasonal employees are not eligible for compensation for holidays. However, part-time police emergency dispatchers who work on a holiday will be compensated at 1 ½ times their base rate for hours actually worked.

In order to receive the holiday pay an employee must work his/her full scheduled workday on the day immediately preceding the holiday and the full scheduled workday on the day immediately following the holiday, unless he/she is absent from work for authorized use of vacation, personal day, compensatory time, or sick leave.

Employees on approved leave of absence for any reason at the time of the holiday (including, but not limited to, personal leave of absence, workers' compensation leave, family medical leave) are not eligible for holiday pay for that holiday.

Full-time employees who are required to perform work or to render services on one of the holidays listed above shall be compensated at one and one half times their regular rate of pay for all time worked on the holiday.



**SECTION 11. LEAVE - continued**

**VACATION**

The following vacation policy applies to all full-time, non-seasonal employees.

A. Vacation leave for new employees shall be calculated as follows:

After 6 months of continuous service	5 days of vacation (40 hours)
After 1 year of continuous service	5 days of vacation (40 hours)

This vacation time must be used at any time between the employee's vacation award date and December 31<sup>st</sup> after the employee's first anniversary date subject to the employee's right of carryover in accordance with the following eligibility guidelines. Thereafter, calculations of vacation time shall be based on a calendar year.

B. Employees hired prior to May 1, 2017, shall receive paid vacation for continuous employment to be used in the calendar year subject to the employee's right of carryover in accordance with the following eligibility guidelines.

After 1 year of continuous service	10 days of vacation (80 hours)
5-11 years of continuous service	15 days of vacation (120 hours)
12-20 years of continuous service	20 days of vacation (160 hours)
20 or more years of continuous service	25 days of vacation (200 hours), provided at least one (1) week of vacation is taken during the months of January, February, March, April, November, or December.

Employees hired May 1, 2017, or later shall receive paid vacation for continuous employment to be used in the following calendar year subject to the employee's right of carryover in accordance with the following eligibility guidelines.

After 1 year of continuous service	10 days of vacation (80 hours)
5-11 years of continuous service	15 days of vacation (120 hours)
12-20 years of continuous service	20 days of vacation (160 hours)
20 or more years of continuous service	25 days of vacation (200 hours), provided at least one (1) week of vacation is taken during the months of January, February, March, April, November, or December.

C. Record Keeping: Each department head and the Finance Department shall keep records of vacation leave allowance and use.

**SECTION 11. LEAVE – continued**

- D. When Vacation Leave May be Taken and Carryover: Vacation leave must be taken during the year following its accumulation. However, an employee may carryover up to five (5) vacation days into the following year. Directors may request in writing to the Mayor and/or his/her designee who shall approve or disapprove a request to carry-over any amount of vacation into the following year. When vacations cannot be granted during the anniversary year, pay in lieu thereof may be given if mutually agreeable.
- E. Vacation Scheduling: Vacation requests are granted on a “first come, first serve” basis. The decision to grant or deny a vacation request shall be made by the department head and shall be based upon operational concerns and considerations. The department head shall coordinate vacation schedules with employees. If a scheduling conflict exists, the employee with the longest length of continuous service shall have preference.
- F. Vacation Pay, upon separation: When an employee’s service with the City is terminated, he or she shall receive compensation for the balance of unused accrued vacation leave remaining at the time of separation.
- G. Unauthorized Absence Charged as Vacation Leave and FMLA: Absence due to sickness, injury, or disability in excess of leave benefits entitled hereinafter for such purpose may, at the request of the employee and within the discretion of the department head be charged against the employee’s accrued vacation leave. If the employee is out on leave under the Family and Medical Leave Act, he or she shall be required to utilize all available paid leave at the beginning of the FMLA leave before continuing the FMLA leave on an unpaid basis.
- H. Permanent Part-time employees must have worked a minimum of seven hundred (700) hours annually before being eligible for prorated vacation leave (computed from anniversary date to anniversary date). Part-time employee vacation must be taken within 12 months of the date it was accrued. Vacation leave, based on the number of hours per week the employee is authorized to work per the existing Force Level Resolution, shall be computed as spelled out in paragraph 2 of this Section. In the event a part-time employee is hired full-time, vacation leave will be computed based on part-time hours worked before full-time employment began. This prorated vacation leave will be paid out at the hourly rate that it was accrued. The employee’s existing vacation balance must be used during the calendar year following his/her promotion to full-time.
- I. Directors will receive two weeks of vacation upon completion of one year of service. Thereafter they shall receive four weeks of vacation after completion of two years of service and each January 1 thereafter. Following 20 years of service, they shall receive 5 weeks of vacation.

**SECTION 11. LEAVE – continued**

**SICK LEAVE**

- A. The City provides paid sick leave benefits to all eligible employees for periods of temporary absence due to illnesses or injuries. Eligible employee classification(s) are Regular Full-time employees.
  
- B. Eligible Full-time employees will accrue sick leave benefits at the rate of ten (10) hours for each completed month of service beginning with the first month of service. Employees shall accumulate sick leave benefits while off work due to the following reasons:
  - 1. Legal Holiday
  - 2. Sick Leave
  - 3. Vacation
  - 4. Compensatory Time
  - 5. Worker’s Compensation
  - 6. Authorized leave of absence with pay
  - 7. Authorized leave of absence without pay (10 days or less in one (1) calendar year).
  
- C. Employees can request use of paid sick leave after completing a waiting period of six (6) months from the date they become eligible to accrue sick leave benefits. Paid sick leave can be used in minimum increments of one-half hour. An eligible employee may use sick leave benefits for an absence due to his or her own illness, injury, or medical appointment. An eligible employee may use sick leave benefits for an absence due to an illness, injury or medical appointment of a child, parent, spouse, sibling, mother-in-law, father-in-law, grandchild, grandparent, or stepparent of the employee. Such use of sick leave benefit for the aforementioned family members is limited to six (6) months of the employee’s current rate of entitlement in a calendar year.
  
- D. Employees who are unable to report to work due to illness or injury should notify their direct supervisor before the scheduled start of their workday if possible. The direct supervisor must also be contacted on each additional day of absence. If an employee is absent for three or more consecutive days due to illness or injury, a physician's statement must be provided specifying the illness or injury’s expected duration. Such verification may be requested for other sick leave absences as well and may be required as a condition to receiving sick leave benefits and shall be provided at the employee’s expense. Before returning to work from a sick leave absence of three (3) calendar days or more, an employee may be required to provide a physician's verification that he or she may safely return to work with any limitations clearly noted.

**SECTION 11. LEAVE - continued**

- E. Sick leave benefits will be calculated based on the employee's base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials.
- F. As an additional condition of eligibility for sick leave benefits, an employee on an extended absence must apply for any other available compensation and benefits, such as workers' compensation. Sick leave benefits will be used to supplement any payments that an employee is eligible to receive from state disability insurance, workers' compensation or City-provided disability insurance programs. The combination of any such disability payments and sick leave benefits cannot exceed the employee's normal weekly earnings.
- G. Donation of Accrued Sick Leave: Any regular full-time employee may voluntarily donate a portion of his or her earned and accumulated sick leave to another sick leave eligible employee, who has expended all of their personal accrued and earned sick leave under the following conditions:
  - 1. Donation of sick leave shall be approved only for serious surgeries and in cases of life threatening illnesses. Any such request to donate sick leave must be in writing and be submitted to the Mayor and/or his or her designee not less than seven (7) working days prior to the next scheduled payday.
  - 2. Any donation of sick leave shall be made in increments of whole hours only.
  - 3. To donate sick leave, such leave must already have been earned and accrued to the benefit of the donating employee at the time the request for the authority to donate is submitted.
  - 4. An employee shall not donate more than forty (40) hours to another employee without prior approval of the Mayor and and/or his or her designee.
  - 5. The sick leave recipient shall not be entitled to receive, accept and have credited to his or her benefit more than the employee's maximum accumulated sick leave allowance, as established within this policy.
  - 6. Under applicable law, the utilization of donated sick leave shall be considered as income received by the employee at the recipient's rate of pay.
  - 7. Any and all sick leave donated shall be permanent and shall not under any circumstances be returned to the donating employee.
  - 8. In the event of the recipient's death or termination of employment with the City, the donated sick leave balance shall cease to exist, and no payment based thereon will be made to the recipient or his or her estate.
  - 9. The donation of sick leave shall be considered as sick leave used by the donating employee.

## **SECTION 11. LEAVE - continued**

- H. Unused sick leave benefits will be allowed to accumulate until the employee has accrued a total of 180 calendar days (or 1,440 hours) worth of sick leave benefits. If the employee's benefits reach this maximum, further accrual of sick leave benefits can only accrue for the purposes of IMRF service credit, otherwise will be suspended until the employee has reduced the balance below the limit.
  
- I. Sick leave benefits are intended solely to provide income protection in the event of illness or injury, and may not be used for any other absence. Unused sick leave benefits will not be paid to Non-Sworn employees while they are employed or upon termination of employment. Upon retirement with twenty (20) years of service or more, all Sworn Police personnel not eligible for (IMRF) benefits, will be reimbursed for accrued sick leave over one thousand (1,000) hours up to the top of one thousand four hundred forty (1,440) hours. Such hours will be compensated at fifty percent (50%) of the final rate of pay. At the employer's option, payment for reimbursement may be made in one payment upon retirement, or in two equal installments on July 1 and January 1 immediately following the date of retirement.

## **FUNERAL/BEREAVEMENT LEAVE**

A full-time employee shall be permitted a maximum of three (3) working days of paid funeral leave due to the death of a family member. For the purpose of this policy, "family member" shall be defined as stepparent, brother, stepbrother, sister, stepsister, mother-in-law, father-in-law, sister-in-law, brother-in-law, grandparents, grandparents-in-law, grandchild and step grandchild.

A full-time employee shall be permitted a maximum of five (5) working days of paid funeral leave due to the death of an immediate family member. For the purpose of this policy, "immediate family" shall be defined as spouse, daughter, son, mother, father, stepdaughter, and stepson.

If the employee requires additional time off due to the death of any family member or if the employee requires time off due to the death of a family member that does not qualify for bereavement leave, he/she may request use of sick leave in accordance with this Personnel Policy (not to exceed three (3) additional days).

Paid funeral/bereavement leave shall not be considered hours for purposes of calculating overtime.

## **SECTION 11. LEAVE - continued**

### **VICTIMS ECONOMIC SECURITY AND SAFETY ACT (VESSA) LEAVE**

The Illinois Victims Economic Security and Safety Act (VESSA) allows employees to take an unpaid leave of absence of up to 12 weeks during a 12 week period for the following events: (1) seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member; (2) obtaining services from a victim services organization for the employee or the employee's family or household member; (3) obtaining psychological or other counseling for the employee or the employee's family or household member; (4) participating in safety planning temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic or sexual violence or ensure economic security; or (5) seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence. "Domestic or sexual violence" means domestic, sexual assault, or stalking.

VESSA applies to all employees of The City of Fairview Heights. The 12 month period during which an employee may take up to 12 weeks of VESSA leave is measured forward from the date any employee's first VESSA leave begins.

No employee is entitled to take more than 12 weeks of VESSA leave during any 12 month period. If the applicable leave is also covered under the FMLA, the leave will be taken in conjunction with both Acts and no more than 12 weeks in a 12 month period is allowed.

VESSA leave can be taken in a single 12 week period or intermittently in separate blocks of time. Unless otherwise provided by law during VESSA leave, employees are entitled to retain their medical benefits on the same terms and conditions as though they were performing work for the City. Upon returning from VESSA leave, employees are entitled to be restored to the same or an equivalent position as that held prior to the leave.

Employees may choose to use their accrued PTO while on VESSA leave; otherwise, leave will be unpaid.

Unless providing advance notice is not practicable, an employee wishing to take VESSA leave must give notice to the Mayor and City Administrator at least 48 hours before the leave starts. If providing advance notice is not practicable, an employee must inform the Mayor and City Administrator as soon as practicable about the situation and also provide certification as explained below.

## **SECTION 11. LEAVE - continued**

All employees taking VESSA leave, regardless of when notice is given must provide certification to the Mayor and City Administrator. The exact type of certification needed depends on the exact reason for the leave. Accordingly, all employees wishing to take VESSA leave must communicate with the City Administrator regarding the needed certification. Failure to obtain the proper certification may result in the denial of the requested leave. All certification information and the fact that an employee has requested or obtained VESSA leave will be kept confidential.

### **MILITARY LEAVE**

The Uniformed Services Employment and Reemployment Rights Act (USERRA) protect the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

In general, any full-time regular City employee, after successfully completing the probationary period with the City who voluntarily or involuntarily enters any of the Armed Services of the United States shall be granted a military leave of absence without pay. If not accepted for active duty, the employee shall be eligible for reemployment with the City and shall be reinstated to his/her former position, or a similar position, without loss of seniority or status, or reduction in pay per the USERRA guidelines.

An employee who completed his/her active duty is entitled to his/her previous position with the City within thirty (30) days of his/her written request, provided such request is submitted within ninety (90) days of discharge or release from active duty. If temporary physical disability precludes the employee's performing on the job, he/she shall be allowed up to one (1) year from the date of application to overcome such disability and return to work.

An eligible employee who leaves employment with the City to perform military service shall have the right to elect to continue the employee's employer based health insurance plan coverage for the employee and his/her dependents for up to 24 months, while in the military.

An employee, who returns to a previous position in accordance with this policy, shall receive credit for military service in areas affecting status, rank, rating, qualifications, etc., as though they had continued their employment with the City.

Employees shall receive a paid leave of absence not to exceed ten (10) working days annually, for participation in annual training in the National Guard or

## **SECTION 11. LEAVE – continued**

Reserve Armed Forces. A copy of official orders must accompany the employee's written request. For advanced training, the Mayor and City Administrator will request from the employee's Commanding Officer the base rate of pay for the employee's leave period. The City will pay the difference between the military pay received and the employee's regular rate of pay, if any, for the period of leave. Military training leave will not be deducted from the employee's vacation time.

### **JURY DUTY (CIVIL LEAVE)**

To encourage the fulfillment of one's obligation as a citizen in jury service, the City will pay the difference between the employee's regular rate of pay and the proceeds from jury duty service. The employee must turn over to the City the jury duty pay received and the employee will then be compensated at the employee's regular rate of pay. In the application of this plan, the employee must be absent from work for only that period reasonably required for attendance of the jury and to work all or part of the employee's scheduled time, if possible. Payment will be made only for regularly scheduled days of work and will not count towards overtime.

If an employee is required to appear in a court of law for personal reasons, that employee shall be required to take either vacation leave, compensatory time, or leave without pay, at the discretion and approval of the department head.

### **LEAVE OF ABSENCE WITHOUT PAY**

The Mayor and City Administrator may, upon written request of an employee, grant an employee a leave of absence without pay, as described below:

- A. In order for an employee to be eligible for a leave of absence without pay, he/she must be employed with the City for at least one (1) year and have at least a "good" overall performance rating.
- B. The maximum duration of leave of absence without pay shall not exceed six (6) months.
- C. The Authorization of leave of absence without pay is a matter of administrative discretion, and each request shall be decided on a case-by-case basis.
- D. Said leave of absence shall not create an undue hardship for the City, in the form of additional employment cost or otherwise.
- E. The employee shall be required to exhaust all paid leave prior to beginning the leave of absence without pay.



## **SECTION 11. LEAVE – continued**

When an employee who is able to perform the essential functions of his/her job without a reasonable accommodation fails to return to work upon the expiration of an authorized leave of absence without pay, he/she shall automatically be considered as having resigned his/her position with the City. Qualified employees who believe they can return to work with reasonable accommodations should notify the City of their requested accommodations prior to the expiration of leave if possible. The City will evaluate each situation on a case-by-case basis.

If it is determined that an employee is abusing the leave of absence and not actually using it for the purpose specified, the Mayor and City Administrator may cancel the leave and require the employee to report to work. If the employee fails to report to work as required, he/she shall automatically be considered as having resigned his/her position with the City.

### **FAMILY AND MEDICAL LEAVE**

An eligible employee is one who has been employed by the City for at least twelve (12) months (12 months need not be consecutive) and who has completed at least one thousand two hundred fifty (1,250) hours of service during the twelve (12) month period immediately preceding the commencement of the leave and expresses an intent to return to the City after leave, shall be eligible for Family and Medical Leave as provided in this policy.

Employees returning from National Guard or Reserve Duties shall be credited for hours of work that would have been performed but for the military service (based on normal hours). Employees must be actively employed – i.e. employees on layoff status are not eligible for FMLA leave.

An eligible employee, with the appropriate medical authorization, shall be permitted a total of up to twelve (12) work weeks of unpaid leave (basic leave entitlement) or twenty-six (26) work weeks (military caregiver leave entitlement) during any rolling twelve (12) month period without the loss of seniority or benefits for any one, or more, of the following reasons:

- A. Incapacity due to pregnancy, prenatal medical care, or child birth; or
- B. To care for the employee's child after the birth of the child; or
- C. To care for a child after the child is placed with the employee for adoption or foster care; or
- D. To care for the employee's spouse, child, or parent who has a serious health condition; or

**SECTION 11. LEAVE – continued**

E. Because of a serious health condition that makes the employee unable to perform the functions of the employee’s position; or

F. Due to a qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a covered service member on active duty (or has been notified of a call or order to active duty) in support of a contingency operation. 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.

For purposes of qualifying exigency leave, “covered service member” is defined as: (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.

Employees meeting eligibility requirements are eligible for up to twenty-six (26) weeks of leave in a single 12-month period to care for a current member of the Armed Forces.

Including a member of the National Guard or Reserves who is on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy, or otherwise is in outpatient status.

If an employee qualifies for both types of FMLA leave, leave to care for a service member must be designated first.

Leave may be taken on an “intermittent” or “reduced schedule” basis under certain circumstances. The employee must state the reason why the intermittent-leave is medically necessary and the schedule of treatment. The employee must submit certification from the health care provider stating the intermittent or reduced schedule medical leave is necessary. The City may require an employee taking intermittent leave or reduced schedule leave to transfer temporarily to an alternative position for which the employee is qualified or may modify the employee’s current position to better accommodate the employee’s recurring periods of leave. Employee’s must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the City’s operations. An employee, who has a serious health condition that prevents them from returning to work after twelve (12) weeks of family and medical leave, may be placed on an unpaid leave of absence or employment may end at that

**SECTION 11. LEAVE – continued**

time, depending upon all of the relevant circumstances, including, but not limited to, the likelihood of the employee being able to return to work in the near future.

An eligible employee who expects or anticipates taking family and medical leave is required to provide the Mayor and City Administrator, or his/her designee, with at least thirty (30) days advance written notice of the employee's intention to take Family and Medical Leave. The only exception will be when unforeseen circumstances prevent the employee from providing the required notice. In cases where the need for leave is foreseeable, an employee's failure to provide thirty (30) days' notice prior to taking leave may result in the denial or delay of leave. An employee requesting leave under this policy shall submit a written request. The request should set forth the reason, duration, and anticipated start date of leave. If the employee is requesting intermittent leave the employee shall state the reason why the intermittent leave is necessary.

The City will require the employee to provide medical certification from the employee's health care provider in order to support a leave request to care for a spouse, child, or parent who has a serious health condition; or for leave due to serious health condition that makes the employee unable to perform the essential functions of the employee's position. Failure to provide such certification may result in a denial or delay of leave. The City reserves the right to require the employee to receive a second opinion from another health care provider (at the City's expense) certifying the serious health condition of the employee or the employee's family member. If the initial certification indicates that the minimum duration of the leave is more than thirty (30) days, the City will not require recertification until the duration of the leave expires unless

circumstances described in the initial certification change significantly, in which case recertification may be required before the leave expires. In other circumstances, the City may request recertification no more than every thirty (30) days. In all cases (including, for example, a lifetime condition), the City may require recertification every six (6) months. During the employee's leave, the City may also periodically inquire as to the employee's intent to return to work.

The City will inform employees requesting leave whether they are eligible under FMLA within five (5) days of the employee's request. The notice will specify any additional information required as well as the employee's rights and responsibilities. The City will inform employee if the leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement within two (2) days following the City's receipt of the appropriate medical certification form provided by the health care provider. If the City determines that the leave is not FMLA-protected, the City will notify the employee.

All family and medical leaves are without pay, after exhausting all accrued paid benefit leave time. An employee on approved family and medical leave may continue group health coverage during the leave for both the employee and eligible dependents;

**SECTION 11. LEAVE – continued**

however, the employee will remain personally responsible for paying the employee's portion of the insurance premium. Such payments may be deducted from the employee's paycheck or made prior to the leave and must be submitted directly to the City Clerk's Office. Failure to pay premiums in a timely manner may result in a lapse of coverage. Employees may also choose not to continue coverage during leave. If coverage for an employee discontinues, the employee may be reinstated to the plan as long as the employee returns to work within the time period allowed by the FMLA based on the certification provided by the employee.

If a husband or wife who is both employed by the City requests leave due to the birth or placement with the employee of a child, the total number of work weeks of Family and Medical Leave to which both employees are entitled will be limited to twelve (12) work weeks during the twelve (12) month period.

Employees who have accrued paid benefit leave time including, but not limited to, compensatory time shall be required to use all paid time leave benefits before being placed on unpaid leave status. Paid leave time will run concurrently with unpaid leave time for the duration of the family medical leave. The entire leave period, paid or unpaid, will be counted toward the twelve (12) week or twenty-six (26) week maximum family and medical leave provided by the City. All leave taken under this policy shall be counted against the employee's leave entitlement. If the leave is related to the employee's serious health condition, the employee shall exhaust all short-term disability pay before continuing such leave on an unpaid basis.

It will not be considered a break in service when an employee takes leave in accordance with this policy, provided the employee returns to work at the expiration of the approved leave period.

Paid leave time benefits do not accrue during any unpaid portion of a family and medical leave. An employee's credit for length of service is protected, but the employee's anniversary date may be adjusted to reflect the time away from work. Before returning to work, an employee who is on leave of absence as a result of his/her own serious health condition must submit a health care provider's written certification that the employee may return to work. Failure to provide such certification may result in the delay or denial of job restoration. An eligible employee who takes leave in accordance with this policy shall, upon return from such leave, be restored to the position held by the employee when the leave commenced, or a substantially equivalent position with equivalent pay and benefits.

If an employee is unable to return to work upon exhaustion of FMLA leave, the employee must notify the City of the anticipated date when the employee would be released to work, as well as any accommodations which the employee is requesting in order to return. Decisions regarding the availability of accommodations and extension of leave will be made on a case-by-case basis, in accordance with the Americans With Disabilities Act.

**SECTION 12. DEFENSE AND INDEMNIFICATION OF EMPLOYEES** *(Per Resolution No. 4380-2021)*

In accordance with Section 2-302 of the Illinois Local Governmental and Governmental Employees Tort Immunity Act (745 ILCS 10/2-302), the City shall defend and indemnify a City employee for any claim or action instituted against a City employee based on an injury allegedly arising out of an act or omission occurring within the scope of his or her employment as a City employee only; provided, however, that, the City shall not indemnify a City employee for any portion of a judgment representing an award of punitive or exemplary damages.

**SECTION 13. SAFETY INCENTIVE POLICY** *(Per Resolution No. 4200-2018)*

To encourage a safer workplace, all management level, permanent full-time, and permanent part-time City employees, building inspector, electrical inspector, plumbing inspector, and property maintenance inspector, with one year of continuous service in an eligible position listed, who record no loss-time accidents between January 1st and December 31st, will be entitled to a \$50.00 gift certificate. Temporary, emergency, and seasonal employees are not eligible for the safety incentive program.

The gift certificate will be awarded to the eligible employee in January of the following year.

The definition of loss-time accident: an injury that leaves an employee unable to report to work and perform their duties. An injury that requires medical care and enables the employee to return to work will not be considered a loss-time accident.

## **SECTION 14. WORKERS' COMPENSATION**

Any injury, however minor, may become serious. Each employee who suffers an injury during the course of their employment must report the incident promptly to their supervisor. The supervisor will arrange first aid or medical treatment as required. The supervisor shall have the employee complete a first report of injury form. The supervisor shall also investigate the incident and complete a supervisor's report documenting his/her findings. The Human Resource Office should immediately be made aware of any serious injury or illness.

Employees of the City are eligible for Workers' Compensation for an injury or illness arising out of or in the course of their employment. When an employee is entitled to Workmen's Compensation, the employee may elect to draw from sick leave, compensatory time and vacation pay, not to exceed 100% of normal salary. Sworn Police Personnel are governed by statutory provisions. The worker's compensation benefits are determined by law and are available for your use provided the following conditions are met:

- A. The First Report of Injury Form (FROI) was completed within forty-five (45) days following an injury, as soon as practical after becoming aware of an illness.
- B. The department head or his/her designees will conduct a supervisor's investigation of the injury and complete a supervisor's report documenting their findings.
- C. The disability resulted from an injury or illness sustained directly in the performance of an employee's work, as provided by the Illinois Workers' Compensation and Workers' Occupational Disease Act.
- D. The employee received treatment from a City-approved hospital or physician, family physician, or physician and/or hospital of the employee's choice.
- E.. If the employee is incapacitated for his regular assignment, the employee may be assigned other duties, subject to the approval by the physician, during the period of recuperation. Failure of an employee to accept a light-duty or transitional-duty assignment will make the employee ineligible for Total Temporary Disability (TTD) payments and may result in termination.
- F. The physician shall determine the physical ability of the employee to continue or return to work. A certification signed by the physician shall be filed with the Human Resources Office.
- G. The department head must be advised and continually updated if an employee continues to be absent due to a work-related injury.
- H. Employees are responsible for providing their department head with their expected date of return. Department heads are expected to remain in frequent contact

**SECTION 14. WORKERS COMPENSATION- continued**

with the employee and the Human Resources Office.

I. Employees who are injured in the line of work and must leave work before completing their work period shall be paid at their regular rate, for the balance of time left in their scheduled workday.

When submitting information to the Human Resources Office, the Department Head/Supervisor must include:

1. The First Report of Injury Form;
2. The supervisor's report;
3. Copies of the employee's job description which specifies the essential functions of the position;
4. Any related medical documents/records; and
5. Any offer or reasonable accommodation.

The City should provide the same information to any examining physician or other appropriate, licensed practitioner involved in the case.

## **SECTION 15. LIFE, MEDICAL AND DENTAL CARE INSURANCE**

Beginning with the effective date of this Resolution, the employer will pay the premium cost of single employee coverage and dependent coverage for those employees electing to take such coverage, under the Employer's group health and hospitalization plan. The employer will pay 100% of the applicable employee-only premium and the employee will be responsible for 25% of the premium to cover their spouse, child(ren) and/or family with the employer being responsible for the remaining 75% of the applicable premium. (Per Resolution No. 3798-2014)

The employer will pay 100% of the applicable employee-only premium and the employee will be responsible for 25% of the premium to cover their spouse, child(ren) and/or family with the employer being responsible for the remaining 75% of the applicable premium for those full-time employees electing to take such coverage under the employer's group dental insurance plan. (Per Resolution No. 3798-2014)

Part-time and Seasonal City employees, as defined in Section 2 are not eligible for health insurance coverage effective January 1, 2014. (Per Resolution No. 3761-2013) However, part-time employees working on average of 30 hours per week may be eligible for health insurance as required by the Patient Protection and Affordable Care Act.

All claims shall be handled in accordance with existing directives maintained in the Human Resources Office.

Employees who have a spouse employed by the City of Fairview Heights and who are covered by the City's Health Insurance shall not be required to contribute to the payment of Health Insurance Premiums. (Per Resolution No. 2528-'98)

Following passage of this Resolution, all non-union employees electing to take coverage under the City's Group Health Insurance, the City agrees to be responsible for, and reimburse to employee, up to Three hundred and Seventy Five Dollars (\$375.00) per employee per fiscal year towards the cost of prescription drug co-payments. Employees may submit valid prescription drug receipts for reimbursement in April and October of each year. (Per Resolution No. 3798-2014)



## **SECTION 16 ILLINOIS CONCEALED CARRY LAW**

In March of 2014, the State of Illinois passed the Firearm Conceal Carry Act which allows private citizens to carry weapons (handguns) on their person or their vehicles lawfully. This may only be done after a permit is applied for and obtained by the citizen.

Part of the Act prohibits citizens from carrying weapons in certain places. The property of the City is a prohibited place. In summary of 430 ILCS 66/55 subsection a, the following places are prohibited areas:

1. Any building under the control of the executive or legislative branch.
2. Any building designated for matters before court system.
3. Any building or portion of a building under the control of local Government (parking lots are excluded; employees should secure a concealed weapon in their personal vehicle (preferably locked in the truck or some other container prior to entering the building).
4. Any public playground or park.
5. Any public library.
6. Any building prohibited by Federal Law.
7. City-owned vehicles

Accordingly, city hall, the police department, parks department, city garage, the library and all city parks are deemed prohibited areas. Employees as well as the general public are not allowed to carrying a weapon in these places, except for duly sworn police officers.

The City will post approved signage in appropriate places noting the restriction.

The City will advise all users of City facilities of special events that require a permit and/or approval of this restriction.

## **SECTION 16.1. IDENTITY THEFT PREVENTION PROGRAM**

**Employees are expected to comply with the following Identity Theft Program:**

### **I. OBJECTIVE**

The purpose of this Identity Theft Prevention Program (Program) is to protect customers of the City of Fairview Heights' services from identity theft. The program is intended to establish reasonable policies and procedures to facilitate the detection, prevention and mitigation of identity theft in connection with the opening of new covered accounts and activity on existing covered accounts.

### **II. SCOPE**

This program applies to the creation, modification, and access to identifying information of a customer of the utilities operated by the City or the City's services by any and all personnel of the City, including management personnel. This program does not replace or repeal any previously existing policies or programs addressing some or all of the activities that are the subject of this program, but rather it is intended to supplement any such existing policies and programs.

### **III. DEFINITIONS**

When used in this program, the following terms have the meanings set forth opposite their name, unless the context clearly requires that the term be given a different meaning:

Covered Account: The term "covered account" means an account that the City of Fairview Heights offers or maintains, primarily for personal, family or household purposes that involves or is designed to permit multiple payments of transactions. 16 CFR 681.2(b)(3)(i). A utility account is a "covered account." The term "covered account" also includes other accounts offered or maintained by the City for which there is a reasonably foreseeable risk to customers the City or its customers from identity theft. 16 CFR 681.2(b)(3)(ii).

Identity Theft: The term "identity theft" means a fraud committed or attempted using the identifying information of another person without authority. 16 CFR §681.2(b)(8) and 16 CFR §603.2(a).

Identifying Information: The term "identifying information" means any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including any name, social security number, date of birth, official state or government issued-driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number. Additional examples of "identifying information" are set forth in 16 CFR §603.2(a).

**SECTION 16.1. IDENTITY THEFT PREVENTION PROGRAM - continued**

Red Flag: The term “red flag” means a pattern, practice or specific activity that indicates the possible existence of identity theft.

**IV. IDENTIFICATION OF RED FLAGS**

In order to identify relevant red flags, the City considers the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts, and its previous experiences with identity theft. The City identifies the following red flags, in each of the listed categories:

**A. Notifications and Warnings from Credit Reporting Agencies**

**Red Flags**

1. Report of fraud accompanying a credit report;
2. Notice or report from a credit agency of a credit freeze on a customer or applicant;
3. Notice or report from a credit agency of an active duty alert for an applicant; and
4. Indication from a credit report of activity that is inconsistent with a customer’s usual pattern or activity.

**B. Suspicious Documents**

**Red Flags**

1. Identification document or card that appears to be forged, altered or inauthentic;
2. Identification document or card on which a person’s photograph or physical description is not consistent with the person presenting the document;
3. Other document with information that is not consistent with existing customer information (such as if a person’s signature on a check appears forged); and
4. Application for service that appears to have been altered or forged.

**SECTION 16.1. IDENTITY THEFT PREVENTION PROGRAM - continued**

**C. Suspicious Personal Identifying Information**

**Red Flags**

1. Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
2. Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report);
3. Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
4. Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
5. Social security number presented that is the same as one given by another customer;
6. An address or phone number presented that is the same as that of another person;
7. A person fails to provide complete personal identifying information on an application when reminded to do so; and
8. A person's identifying information is not consistent with the information that is on file for the customer.

**D. Suspicious Account Activity or Unusual Use of Account**

**Red Flags**

1. Change of address for an account followed by a request to change the account holder's name;
2. Payments stop on an otherwise consistently up-to-date account;
3. Account used in a way that is not consistent with prior use (example: very high activity);
4. Mail sent to the account holder is repeatedly returned as undeliverable;

**SECTION 16.1. IDENTITY THEFT PREVENTION PROGRAM - continued**

5. Notice to the City that a customer is not receiving mail sent by the City;
6. Notice to the City that an account has unauthorized activity;
7. Breach in the City's computer system security; and
8. Unauthorized access to or use of customer account information.

**E. Alerts from Others**

**Red Flag**

1. Notice to the City from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in identity theft.

**V. DETECTING RED FLAGS.**

**A. New Accounts**

In order to detect any of the red flags identified above associated with the opening of a new account, City personnel will take the following steps to obtain and verify the identity of the person opening the account:

**Detect**

1. Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, social security number, driver's license or other identification;
2. Verify the customer's identity (for instance, review a driver's license or other identification card);
3. Review documentation showing the existence of a business entity; and
4. Independently contact the customer.

**SECTION 16.1. IDENTITY THEFT PREVENTION PROGRAM - continued**

**B. Existing Accounts**

In order to detect any of the red flags identified above for an existing account, City personnel will take the following steps to monitor transactions with an account:

**Detect**

1. Verify the identification of customers if they request information (in person, via telephone, via facsimile, via email);
2. Verify the validity of requests to change billing addresses; and
3. Verify changes in banking information given for billing and payment purposes.

**VI. PREVENTING AND MITIGATING IDENTITY THEFT**

In the event City personnel detect any identified red flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the red flag:

**Prevent and Mitigate**

1. Continue to monitor an account for evidence of identity theft;
2. Contact the customer;
3. Change any passwords or other security devices that permit access to accounts;
4. Not open a new account;
5. Close an existing account;
6. Notify the Program Administrator for determination of the appropriate step(s) to take;
7. Notify law enforcement; or
8. Determine that no response is warranted under the particular circumstances.

## **SECTION 16.1. IDENTITY THEFT PREVENTION PROGRAM - continued**

### **Protect customer-identifying information**

In order to further prevent the likelihood of identity theft occurring with respect to credit accounts, the City will take the following steps with respect to its internal operating procedures to protect customer-identifying information:

1. Ensure that its website is secure or provide clear notice that the website is not secure;
2. Ensure complete and secure destruction of paper documents and computer files containing customer information;
3. Ensure that office computers are password protected and that computer screens lock after a set period of time;
4. Keep offices clear of papers containing customer information;
5. Ensure computer virus protection is up to date; and
6. Require and keep only the kinds of customer information that are necessary for collection purposes.

### **VII. PROGRAM UPDATES**

The Program Administrator will periodically review and update this Program to reflect changes in risks to customers and the soundness of the City from identity-theft. In doing so, the Program Administrator will consider the City's experiences with identity theft situations, changes in identity-theft methods, changes in identity-theft detection and prevention methods, and changes in the City's business arrangements with other entities. After considering these factors, the program administrator will determine whether changes to the program, including the listing of red flags, are warranted. If warranted, the program administrator will update the program.

### **VIII. PROGRAM ADMINISTRATION.**

#### **A. Oversight**

Responsibility for developing, implementing and updating this program lies with an Identity-Theft Committee for the City. The Committee is headed by a program administrator who will be the City Administrator. Two or more other individuals appointed by the program administrator comprise the remainder of the committee membership. The program administrator will be responsible for the program administration, for ensuring appropriate training of City staff on the program, for reviewing any staff reports regarding the detection of red flags and the steps for preventing and mitigating identity theft, determining which steps of prevention

**SECTION 16.1. IDENTITY THEFT PREVENTION PROGRAM - continued**

and mitigation should be taken in particular circumstances and considering periodic changes to the program.

**B. Staff Training and Reports**

City staff responsible for implementing the program shall be trained either by or under the direction of the program administrator in the detection of red flags, and the responsive steps to be taken when a red flag is detected.

**C. Violation**

The program administrator will be responsible for notifying the appropriate individual of any failure of the employees in adhering to the provisions of this program. All employees have been advised that violations of the policies set forth herein may be grounds for disciplinary action or dismissal.

**D. Service Provider Arrangements**

In the event the City engages a service provider to perform an activity in connection with one or more accounts, the City will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft.

1. Require, by contract, that service providers have such policies and procedures in place; and
2. Require, by contract, that service providers review the City's program and report any red flags to the program administrator.



**SECTION 17. PUBLIC RELATIONS**

**A) EMPLOYEES**

The following procedure will be followed for sending flowers in case of death. Flowers will be sent to spouse, children, step-children, brother, sister, mother, father, step-mother and step-father of Elected Officials, Employees, Board or Commission members and City Attorney in case of death, and to other notables, including retired employees, or as requested by the Mayor. If the family of the deceased individual requests that memorials be made in lieu of flowers, a donation may be made to the City Library in memory of the deceased individual. A card will be sent to the family and memorial plaque inscribed with the deceased individual's named to be displayed in the Library. (Per Resolution No. 2318-'96)

**SECTION 18. SERVICE AWARDS**

Service Awards will be presented to all full time and regular part time employees, according to date of hire, but only if these employees have continuous employment with the City of Fairview Heights. Date of hire for regular part time employees applies to Service Awards only.

These awards will be the employee's choice of either of a tie tac, lapel pin or charm, all in the form of the Municipal Complex building, manufactured of 14 karat antique gold into which a diamond will be set as listed below. They are only to be presented to those employees who qualify. They are not to be duplicated nor are they to be sold. These are strictly Service Awards earned by the above designated employees only. The Service Awards together with a recognition certificate shall be presented to the employee on their hiring anniversary date, either at the next City Council meeting after that date or to be picked up by the employee at the Mayor's Office.

The Service Awards are awarded for years of employment as follows:

- Five (5) Years - .01 diamond and Service Award Certificates**
- Ten (10) Years - .02 diamond and Service Award Certificates**
- Fifteen (15) Years - .03 diamond and Service Award Certificates**
- Twenty (20) Years - .04 diamond and Service Award Certificates**
- Twenty-Five (25) Years - .05 diamond and Service Award Certificates**

(Per Resolution No. 2698-'00)

## **SECTION 19. AFFIRMATIVE ACTION PLAN**

### **AFFIRMATIVE ACTION PLAN FOR THE CITY OF FAIRVIEW HEIGHTS INTRODUCTION**

The City of Fairview Heights is an Equal Employment Opportunity Employer dedicated to attracting a diverse applicant pool and providing a harmonious workplace for all employees. The following Affirmative Action Plan is presented to provide the City with a tool to achieve that objective, to encourage communication and understanding and to establish standards for all to follow.

#### **STATEMENT OF POLICY**

In recognition of the essential rights of all employees and applicants, it is the policy of the City of Fairview Heights to adhere to the laws and rules of non-discrimination and to promote fair hiring, promoting and recruiting practices in all job classifications in order to achieve fairness in employment. The City's policy includes the following commitments:

1. To continue to provide Equal Employment Opportunity to all qualified persons and to recruit, advertise for employment, hire, upgrade, transfer, promote, layoff, terminate, pay and select for training persons in all job classifications without regard to race, color, religion, age, sex, national origin, disability or status as a Veteran;

2. Identify and analyze all areas of employment so as to further the principles of Affirmative Action. All employment decisions will be based accordingly, as follows:

A. Selection - The recruitment and hiring of all personnel will be without discrimination against any individual with regard to race, color, religion, age, sex, national origin disability or status as a veteran;

B. Promotion - In making promotion decisions, the supervisors directly involved and other appropriate City personnel will ensure that promotions are based on valid occupational qualifications, knowledge and other characteristics such as skills and abilities;

C. Layoffs - Should reductions in the City's workforce become necessary, they will be based on non-discriminatory policies. The City of Fairview Heights will make every good faith effort to ensure that all employees are treated in a non-discriminatory manner with respect to layoffs and recalls.

D. Harmonious Workplace - Each employee is a vital component of the City staff and, as such, should be treated with respect and encouraged to pursue personal and professional growth.

## **SECTION 19. AFFIRMATIVE ACTION PLAN-continued**

In an effort to create a positive atmosphere in the workplace and to encourage employee productivity, prejudicial remarks, gestures and behavior based upon race, color, religion, age, sex, national origin, disability or status as a Veteran directed toward any employee, official or visitor shall be prohibited and considered a violation of this policy. Prohibited remarks also include general remarks of a prejudicial nature not necessarily directed at any specific individual or individuals.

Employees or officials who are witness to such remarks, gestures and behavior are encouraged to report such incidents to the Mayor, their supervisor or Department Head, Affirmative Action Officer or City Attorney.

Discipline of employees violating this policy shall be as outlined in Section 25A of the Personnel Code or the appropriate and applicable employee labor contract.

### **DISSEMINATION OF POLICY**

#### **INTERNAL DISSEMINATION**

The City of Fairview Heights will make its Affirmative Action Policy known internally by:

1. Including the policy in the Personnel Code, all labor contracts and the Revised Code of Ordinances.
2. Conducting Affirmative Action meetings on an annual basis with executives, management and supervisory personnel to explain the intent of the policy and individual responsibilities for effective implementation;
3. Conducting annual meetings with all non-management employees to discuss the policy and explain individual employee responsibilities;
4. Explaining the policy and its benefits thoroughly as part of all employee orientation and management training programs;
5. Posting the policy on City bulletin boards.

#### **EXTERNAL DISSEMINATION**

The City of Fairview Heights will disseminate its policy externally by:

1. Informing all recruiting sources of the Affirmative Action policy, stipulating that these sources are to actively seek minorities and women for all positions listed;

**SECTION 19. AFFIRMATIVE ACTION PLAN - continued**

2. Informing prospective employees of the existence of City's Affirmative Action program;
3. Sending written notification of the City's Affirmative Action policy to all covered subcontractors, vendors and suppliers encouraging them to practice Equal Opportunity Employment.

**RESPONSIBILITY FOR IMPLEMENTATION**

**CITY COUNCIL AND THE MAYOR**

The Fairview Heights City Council shall establish an Affirmative Action Committee. This Committee shall serve in an advisory capacity in the implementation of the Affirmative Action Plan.

The Mayor, with Council approval, upon recommendation of the Committee, Shall select and appoint the Affirmative Action Coordinator, charged with the duties, responsibilities and accountability as outlined in this plan. The Committee and Elected Officials shall receive reports pertinent to the Committee and an annual report with recommendations from the Affirmative Action Coordinator. The City Council shall ensure that the City's personnel policies are free of any discriminatory practices or procedures. Final approval, decision, authority and responsibility for the implementation of the Affirmative Action Plan shall be that of the City Council to ensure equal opportunity for all. The City Council shall require an annual evaluation of the effectiveness of the Affirmative Action Plan from the Affirmative Action Committee.

**AFFIRMATIVE ACTION COMMITTEE**

The role of the Affirmative Action Committee is to:

- Provide the City Council with progress reports on a regular schedule of the monitoring and evaluation of the City's efforts to implement the Affirmative Action Plan;
- Identify specific problems to be resolved within a short and long range time frame.
- Develop and recommend to the City Council specific goals and objectives that would promote fairness in employment within City Departments.
- Be involved in the screening, selection and appointment of the Affirmative Action Coordinator.

**SECTION 19. AFFIRMATIVE ACTION PLAN - continued**

**AFFIRMATIVE ACTION COORDINATOR**

The following criteria should be followed in the selection of the Affirmative Action Coordinator:

- Capable of administering and promoting an active end result oriented program of Affirmative Action, and
- Ability to prepare and submit reports which are vital components in a successful Affirmative Action Plan.

In addition to the general responsibility of monitoring the Affirmative Action Plan, the role of the Affirmative Action Officer will be:

- To provide staff and technical assistance to the Affirmative Action Committee, the City Council and the Mayor as the City implements the Affirmative Action Plan;
- To design and implement, with the input of the Affirmative Action Committee, auditing and reporting systems that:
  - A. Measure the effectiveness of the City's Equal Employment Opportunity Programs;
  - B. Indicate any need to remedial action;
  - C. Assist the Affirmative Action Committee in determining the degree to which the City's goals and objectives are being met;
- To make periodic audits of the City's hiring practices, promotional patterns and recruitment methods, reporting to the Affirmative Action Committee on the results and recommendations of these audits;
- Identify specific problems to be resolved within a short and long range time frame.
- Receive, investigate and attempt conciliation of complaints received from applicants or employees in regard to alleged discriminatory practices with assistance from the Affirmative Action Committee. If conciliation attempts fail, a written report concerning all pertinent data of the investigation should be developed and made available to the Affirmative Action Committee;

**SECTION 19. AFFIRMATIVE ACTION PLAN - continued**

- Ensure that all employees of the City and the public are fully aware of this Affirmative Action Program.

**GRIEVANCE PROCEDURE**

The purpose of this grievance procedure is to establish and maintain harmonious and cooperative working relationships between the City of Fairview Heights and its employees and applicants for employment to ensure equitable treatment of employees and applicants for employment and to provide an expeditious means of resolving employee or applicant for employment dissatisfaction over circumstances or conditions for employment that the employee or applicant feels are motivated on the basis of race, color, religion, age, sex, national origin, disability or status as a veteran.

The grievance must be submitted to one or more of the following: The immediate supervisor, elected official, Department Head or the Affirmative Action Coordinator and then to the Affirmative Action Committee within the time limits hereinafter set forth.

A grieving employee or applicant for employment shall have all grievances handled and decided under the provisions set forth in Section 25 of the Personnel Code.

**MEMBERSHIP OF THE**

**AFFIRMATIVE ACTION COMMITTEE**

**NUMBER OF MEMBERS AND ELIGIBILITY**

There shall be nine members of the Affirmative Action Committee. Only permanent full-time and permanent part-time employees who have at least six months tenure with the City of Fairview Heights shall be eligible for membership.

**DURATION OF MEMBERSHIP**

Duration of membership shall be two years. Members may serve additional terms if selected or appointed through the selection procedure as outlined below.

**SELECTION OF MEMBERS**

The committee shall consist of five members appointed by the Mayor with City Council approval, three of those five to be elected officials (one of whom is to be appointed by the Mayor as Chairman), and four members elected by a majority vote of City Employees. The four elected members shall include one female minority, one female non-minority, one male minority and one male non-minority, if possible.

**SECTION 19. AFFIRMATIVE ACTION PLAN-continued**

**VACANCY**

If any vacancy occurs on the Affirmative Action Committee, the Mayor shall appoint with Council approval a replacement to fill the unexpired term. Vacancies shall be filled within two months.

**MEETINGS**

Meetings shall be scheduled at least quarterly by the committee chairman once the Affirmative Action Committee has been established.

**ELECTION PROCEDURES  
RESPONSIBILITY**

The Affirmative Action Coordinator shall be responsible for conducting all elections and maintaining all ballots, results and records related to elections.

**TIME**

Elections shall be held in December of each odd-numbered year after the establishment of the Affirmative Action Committee.

**VOTING ELIGIBILITY**

All permanent full-time and permanent part-time employees are eligible to vote for each nominee in every election.

**HIRING REPORT**

Based on information collected from the directors, department heads, supervisors and/or other individuals responsible for hiring new employees, the Affirmative Action Coordinator shall also provide the Affirmative Action Committee with a report, at each of its regularly scheduled meetings, indicating the following characteristics of the individual(s) hired since the committee's previous meeting: race/ethnicity/national origin, gender, age range and whether or not a disability exists. This report shall also include information indicating what form(s) of soliciting applicants was/were utilized.

**INFORMATION RETENTION**

All forms and reports related to this article shall be filed and maintained by the Affirmative Action Coordinator for a length time consistent with the State of Illinois' Records Retention Regulations. (Resolution No. 2870-2001)



**SECTION 20. RETIREMENT FUND**

Employees who are under the age of 60 and are hired for positions normally requiring 1,000 or more hours per year are required to participate in the Illinois Municipal Retirement Fund. The Illinois Municipal Retirement Fund is created by Illinois Law under Article 7 of the Illinois Pension Code (Illinois Compiled Statutes, 40 ILCS 5/1- 101). Payroll deductions for retirement and Social Security are made in accordance with the provisions of this act. (Res. No. 3763-2013)

## **SECTION 21. EMPLOYMENT SEPARATION**

- Retirement
- Resignation
- Reduction in Force
- Termination
- Return of City Property

### **RETIREMENT**

All full-time employees are eligible for retirement benefits at the age and length of service requirements specified by the retirement plan in which they are enrolled. Notice of retirement shall be in the same manner as for resignations.

### **RESIGNATION**

A full-time employee who accepts other employment will be considered to have voluntarily resigned his or her employment with the City if the other employment prevents or prohibits him/her from performing any and all of his/her assigned duties or responsibilities associated with his or her employment with the City of Fairview Heights.

Absence for three (3) consecutive days without notice shall be considered as a voluntary resignation from the City service.

Employees who plan to resign voluntarily must notify their department head, in writing, at least two (2) weeks in advance of the effective date of resignation.

Failure to provide proper notification may result in ineligibility for re-employment.

Upon resignation, an employee will be requested to complete an exit interview questionnaire, and to discuss the questionnaire with his/her department head, or designee. The exit interview is an opportunity for the employee to offer constructive criticism and insights to the City regarding its operations. Cooperation by the separating employee is appreciated and encouraged.

The separating employee shall be required to turn in all City equipment, including but not limited to: City-issued identification card, City credit card(s), City keys, and City-issued mobile telephone.

### **TERMINATION**

Employees who leave the services of the City for any reason shall receive all pay outlined in this section which may be due them with the following qualifications:

- A. Employees shall be paid for their remaining unused accrued vacation time and compensatory time balances. Such reimbursement shall be paid on the employee's last workday, if feasible, but in no circumstances later than the next regular pay period.

**SECTION 21. EMPLOYMENT SEPARATION - continued**

B. An employee who owes any money to the City at the time of the employee's separation shall have his/her final pay applied against debt and shall be given a receipt for the money credited. The amount deducted from the employee's final pay shall not exceed 15% of the net pay, and the City will provide the employee with an opportunity to dispute the debt prior to deduction. Partial settlement of a debt by application of final pay shall not release an employee from any balance remaining due, and the City will take appropriate action, up to and including legal action, if necessary to recover the remaining balance of this debt.

C. Reimbursement for educational fees and tuition paid as per City policy.

D. All City-owned equipment or property in the possession of any employee must be accounted for and returned undamaged, except for the ordinary wear experienced, or part 2 of this Section shall apply.

E. In case of death of an employee, his estate shall be paid for accrued vacation, compensatory time and regular pay then accrued.

F. Severance Pay. A full-time employee, who is dismissed or not reappointed, may be given two-weeks severance pay. In the event of unusual circumstances, the Mayor may authorize, with Council approval, up to one (1) month severance pay.

An employee may be discharged for the good of City service or other reason. However, termination of an employee covered by a collective bargaining agreement shall not be final until terms therein are satisfied.

Salary Continuation – If a Director or City Administrator (hereinafter referred to as “appointed official”), is not re-appointed, or the position is eliminated or he/she is removed from the position other than for a conviction of a disqualifying crime, then the appointed official shall receive one (1) Month of Salary Continuation Benefit (Salary and benefits including health, life, vision and dental coverage) for an employment term of less than 36 months of employment for the City of Fairview Heights; and said Appointed Official shall receive two (2) Months of Salary Continuation Benefit (Salary and benefits including health, life, vision and dental coverage) for an employment term of more than 36 months for the City of Fairview Heights. Contemporaneously with the delivery of the severance pay set forth in this provision, Appointed Official/Employee shall execute and deliver a release to the Employer of all claims that Appointed Official/Employee may have against Employer up to and including the date of separation from the City of Fairview Heights. The entitlement to severance pay as set forth herein is conditioned upon Appointed Official's execution of said release.

**RETURN OF CITY PROPERTY**

All employees separated from employment with the City for any reason shall return all City-owned property and equipment issued to the employee within three (3) days of employment termination.

## **SECTION 22A. USE OF CITY VEHICLES**

- A. When available, City owned vehicles shall be used by elected officials, employees and bona fide Police Department volunteers for transportation necessary to conduct City business. The Department Head to whom these vehicles are assigned shall devise, plan and schedule their use in order to maximize their use. Department Heads shall work together to share available vehicles whenever possible with employees from all departments. (Per Resolution No. 3786-2013)
- B. The Mayor shall appoint employees designated to drive City vehicles to their homes overnight and shall designate which vehicles may be used in this manner. Such use of said vehicles shall be approved only in cases where the employee will be needing the vehicle to conduct City business of some sort before returning to the City Hall to report for work. Personal use of said vehicle is prohibited. When it is determined by the employer or Department Head that it is necessary for an employee to use a vehicle in order to facilitate the completion of his/her assigned duties, the employee will maintain a log on the vehicle indicating his/her name, the date (s) the vehicle was used and the mileage used during said use. (Resolution No. 2978-2002)
- C. In the event that an employee attends a seminar, school, meeting, convention or other event at a location which would require overnight lodging, a City vehicle may be used to provide transportation to that location provided that:
1. It is within 300 miles or less of the City; or
  2. The employee, with Department Head approval, has determined it would be less expensive to use a City vehicle than to travel by other means and has provided documentation of same to the Department Head; and
  3. The employee will be using the City vehicle solely for City business with the exception of stopping for meals, comfort breaks, lodging and gasoline;
  4. The employee fulfill the requirements set down in Section 22B.
- D. **ANNUAL REPORT:** Each Department Head shall prepare a report on each of the vehicles assigned to the department's inventory. Said report shall specify dates vehicle was taken to an employee's home and the name of the employee. Vehicles not taken home by an employee through the course of the year shall be included in this report with "NO PERSONAL USE" recorded next to the vehicle identification. This report shall be submitted to the Finance Department no later than ten (10) working days after the end of the calendar year. (Per Resolution No. 1879-'92)

**SECTION 22A. USE OF CITY VEHICLES - continued**

E. **MOTOR VEHICLE RECORD (MVR)**: It shall be the responsibility of each employee to comply with this policy and the purpose of the policy shall be to ensure the safety of those individuals who drive company vehicles or personal vehicles on company business and their passengers. (Per Resolution No. 3686-2012)

## **SECTION 22B. TRAVEL & EXPENSE POLICY**

The City, in order to advance the training and professionalism of its employees, may authorize attendance at appropriate training sessions and conferences. Employee will be reimbursed for authorized expenses incurred in travel on City business. In order to best utilize the resources available to the City, employees are expected to use sound judgment and proper regard for economy to minimize the costs of necessary business travel. This policy is not applicable to an employee's voluntary attendance in a course of formal education instruction, or instruction that may generally lead to improved or upgraded job skills.

Any official overnight travel requires prior approval from the employee's department head or City Administrator. A "Travel Authorization/Expense Reimbursement Form" is required for approval prior to the trip, and for expense reporting following the trip. A guest may accompany an employee on an official trip, if it will not interfere with the purpose of the trip. However, no expenses attributable to a guest/spouse will be paid and/or reimbursed by the City.

It is intended that all reasonable costs incurred as a result of authorized travel shall be reimbursed in accordance with the following guidelines:

- A. Transportation and Parking:
  - a. Driving - The least expensive, but most direct mode of transportation shall be used when traveling out of the area for official business. City staff cars shall be used whenever possible. Reimbursement for use of personal vehicle, when authorized, while on authorized business outside of the City, at the most current rate per mile as established by the standard federal mileage rate as published by the Internal Revenue Service (IRS). Such payment is considered to be total reimbursement for all vehicle-related expenses (i.e., gas, oil, depreciation, etc.). Charges incurred for parking at the destination and other highway tolls are reimbursable at the actual amount (receipt required). No reimbursement shall be granted for damage, repairs, or towing of personal vehicles used for City business. Auto rentals and/or the use of taxi cabs are permitted, if alternate modes of local transportation are not available. Receipts must be obtained.
  - b. Other - The City will pay the actual costs of "coach" or "economy" fares for transportation by air, train, or bus. Travel arrangements should be made as far in advance as possible to take advantage of the most economical rate. Every effort should be made to take advantage of the excursion fares. If there are penalties associated with changing reservations, the City will pay for these, provided the City required the change or the change was beyond the control of the employee. Penalties or cancellation charges incurred for any other reason will be the responsibility of the employee.

**SECTION 22B. TRAVEL & EXPENSE POLICY – continued**

- B. Meals: Expenses incurred for meals will be reimbursed at an amount not to exceed the IRS per diem rate. Reimbursement shall extend through a normal meal period. Charges incurred for meals are reimbursed at the actual amount. Itemized receipts are required. Expenses for alcoholic beverages are not reimbursable. Banquets and/or other meals, which are included within the official program or agenda, are fully reimbursable.
- C. Lodging: Expenses covering the cost of a motel or hotel room will be reimbursed when travel requires an overnight stay(s). (Receipts are required.) Overnight lodging will only be reimbursed when the required travel extends beyond sixty (60) miles from the City of Fairview Heights. Employees shall make every effort to get the discounted conference or convention rate, when applicable. If not applicable, the employee shall stay at the government discount rate.
- D. Registration Fees: Expenses incurred for authorized employees to attend conferences, meetings, and/or seminars that can be directly or indirectly beneficial to the City of Fairview Heights are reimbursable.
- E. Other Expenses: Reasonable expenses incurred for taxi services, baggage storage, internet connection, telephone calls, rental of equipment, recording fees, and copying fees may be reimbursed upon presentation of a receipt.
- F. Travel and Expense Claim: Any reimbursement due to an employee must be requested on a travel and expense claim form.
- G. Periodic Review: The City Administration shall periodically review and adjust travel reimbursement amounts throughout the calendar year.
- H. Non-reimbursable Expenses: The following travel expenses shall not be reimbursed:
  - a. Costs incurred by a spouse or other relative accompanying an employee.
  - b. Personal expenditures such as valet service, unless no other form of parking is made available at the lodging facility, laundry and cleaning, entertainment, unless it is included with the conference registration, or side trips.
  - c. Purchase of alcoholic beverages.
- I. Exceptions to the Policy: In a situation where extraordinary travel expenses are to be incurred, or where this policy does not cover a particular situation or places a particular hardship on an employee, if strictly enforced, the Mayor may authorize exceptions.

**SECTION 22B. TRAVEL & EXPENSE POLICY – continued**

- J. City-Owned Credit Cards: The City may, on occasion, grant to employees the right to use a City-owned credit card to be used for the payment of the employee's travel expenditures and/or other City business. Expenses paid with a City credit card should be evidenced by appropriate itemized receipts. Furthermore, expenses paid by City credit card will be subject to all the reimbursement rates and rules provided in this policy. Misuse of a City-owned credit card for personal expenses shall be considered theft and will be prosecuted to the fullest extent of the law. Unauthorized use of a City credit card is grounds for corrective action up to and including termination of employment.



## **SECTION 23. JOB DESCRIPTIONS**

- 1) All employees as indicated below shall fulfill the duties of their respective positions by performing all functions in their job descriptions as needed and directed. Job descriptions for all full-time, permanent part-time, temporary part-time and appointed positions working under the supervision of a department head, director or elected official shall not be construed to be either all inclusive or restrictive only to those duties listed, with additionally assigned tasks not to exceed the limitations and restrictions of this section.
- 2) Directors, department heads, supervisors, the Mayor, and City Clerk have the authority to direct employees under their supervision to perform tasks not delineated in their respective job descriptions provided that the employee is minimally qualified and capable of completing said tasks and that those tasks meet one or both of the below criteria:
  - An extreme shortage of personnel has created a need to address high priority functions with readily available staff;
  - An emergency situation has occurred which warrants immediate attention by personnel at the location or locations where the emergency has occurred.
- 3) The Mayor shall have the authority to direct an employee as indicated above in the absence of the employee's director, department head or supervisor with the exception of employees working under the jurisdiction of the City Clerk.
- 4) Employees will be prohibited from performing tasks not listed in their job descriptions without direction as stated above unless there is valid justification in the form an emergency situation.
- 5) An employee shall be prohibited from performing tasks related to the functions of a department in which he or she is not listed as working unless:
  - the time for the performance of such tasks and the specific tasks to be performed are agreed upon and authorized by the consent of both department heads, directors or supervisors of the applicable departments and within the reasonable scope of qualifications required for the tasks to be performed while not compromising the terms of any existing bargaining unit contractual agreement; or
  - if the tasks to be performed for another department are already indicated in the employee's job description. (Resolution No. 2929-2002)

## **SECTION 24. ETHICS**

1. All City employees are expected to maintain the highest possible ethical and moral standards and to perform their duties within the laws of the State of Illinois, and rules, codes of ethics and standard procedures as may be set forth by the City. Conduct that interferes with normal operations, brings discredit to the City, is illegal, or is offensive to the public or fellow employees will not be tolerated. Such conduct shall include, but not be limited to:
  - A. Engagement in any transaction, business, or any other interest which is in conflict with the proper discharge of official City duties;
  - B. Disclosure of confidential information, without proper authorization, regarding the property, government, or affairs of the City;
  - C. Use of confidential information or influence of official City position to advance personal, financial, or other private interests;
  - D. Acceptance of any gift during any calendar year, in the form of service, loan, item, or promise from any person, firm, or organization having an accumulated total in excess of \$100.00, except where given for the use and benefit of the City, that may tend to influence a City employee in the proper discharge of official City duties to which any purchase order or contract might be awarded; acceptance of any food or refreshments in excess of \$75.00 per person in one setting. One-time seasonal gifts delivered unsolicited to the City Offices for mutual use by the City Staff are permissible.
  - E. Engaging in any matter which represents a conflict of interest with the City, or undermines the integrity of the City as defined within the Codified Ordinances of this City or this policy manual; and
  - F. Failure to impartially perform one's duties, enforce the law, or to provide service to the public.

2. Disclosure policy:

All elected or appointed officials, as well as employees of a political subdivision, must comply with the Illinois Compiled Statutes, as amended, on conflicts of interest as well as any other state law governing official conduct.

## **SECTION 25A. DISCIPLINE**

When for the orderly and efficient accomplishment of work for the City, it becomes necessary for a Department Head to discipline an employee, the following procedures shall be employed:

- A. For minor first offenses verbal notification of the infraction, accompanied by oral reprimand and notification of penalty for further infraction shall be effected. The Department Head shall make note of the occurrence lest later infraction require further action.
- B. Repeated minor offenses shall be documented and the employee shall be given written disciplinary warning notice identifying the nature of the infraction, with reference to prior verbal reprimand(s), corrective behavior required and the consequences of disregarding the warning.
- C. For more serious infractions or reoccurrences of infraction following written disciplinary warning, suspension without pay for no less than one half and no more than three days shall be imposed, at the discretion of the Department Head and recorded in the employee's personnel file.
- D. In the event that the aforementioned actions fail to correct the behavior, dismissal from City employment may ensue. A record of infractions and warnings shall be sent to all Personnel Committee members and placed in the employee's Personnel File.
- E. Engaging in any unlawful conduct on City property, while engaged in City business, or engaging in any unlawful conduct at any time that negatively impacts or negatively reflects on the City or which affects the employee's relationship to his or her job or his or her fellow employees. Employees who are charged with criminal conduct will be placed on a non-paid leave of absence pending the final resolution of the charge(s) and will only retain their employment if and when they are fully exonerated. (Resolution No. 3650-2012)

Nothing in this Section shall prevent the Department Head from immediately discharging an employee for extremely serious offenses including but not limited to:

- 1. Fighting
- 2. Insubordination
- 3. Stealing
- 4. Negligence in the use of or willful and wanton abuse of City Property.
- 5. Sleeping on the job
- 6. Drinking on the job
- 7. Being under the influence of alcohol or drugs while on the job
- 8. No Harassment (see Section 26)

**SECTION 25A. DISCIPLINE-continued**

9. Code of Ethics Violation (see Section 24).  
(Per Resolution No. 2318-'96)

Employees who are not otherwise subject to alternative remedies as stated in bargaining unit contracts may appeal any disciplinary action through the provisions of the Grievance Procedure as found in Section 30 of this Personnel Code. (Resolution No. 2225-'95)

## **SECTION 25B. WORKPLACE DRUG TESTING POLICY**

### **1. Purpose**

The safety and security of personnel, vendors, and visitors as well as property of the City is of vital importance to the City of Fairview Heights (the “City”). The purpose of this policy is to create and maintain a drug and alcohol free work environment by identifying existing employees and potential employees, who use or abuse illicit drugs and/or abuse prescribed medications.

### **2. Policy Statement**

It is the policy of this organization to provide a safe environment in order to conduct the mission of the City of Fairview Heights in the most effective manner possible. A safe environment will be attained by appropriate employee screening, employee education and training, surveillance of the work area, and the effective management of situations involving drugs and alcohol regarding individuals who fall under the purview of municipal authority (i.e., this would include individuals operating equipment on or off of City property). It is the intent of the City of Fairview Heights through its policy, procedures, and practices to reduce the potential for:

- A. The manufacture, possession, use, sale, distribution, dispensation, receipt, or transportation of illegal substances while on City property or while otherwise engaged in any City-related business.
- B. Being under the influence of substances while on City property or while otherwise engaged in any City-related business or during employment.
- C. Performing duties while under the Influence of substances whether on or off City property.

### **3. Definitions**

- A. Possession: To have on one’s person, in one’s personal effects, in one’s vehicle or otherwise under one’s care, custody, or control.
- B. Substance: Any alcohol, drugs, other substances whether ingested, inhaled, injected (subcutaneously, or otherwise) that have known mind altering or function-altering effects upon the human body or that impair one’s ability to safely perform his or her work, specifically including, but not limited to, prescriptions drugs and over-the-counter medications; alcohol, drugs, and other substances made illegal under federal or state law; “synthetic or designer” drugs; illegal inhalants; “look-alike” drugs; amphetamines, cannabinoids

**SECTION 25B. WORKPLACE DRUG TESTING POLICY-continued**

(marijuana and hashish), cocaine, phencyclidine (PCP), and opiates; and any drugs or other substances references in Schedule I through V of 21 C.F.R. Part 1308 (whether or not such drugs or other substances are narcotics).

- C. **Premises**: For the purpose of this policy all property, facilities, buildings, structures, parks, grounds, installations, work locations, work areas, or vehicles owned, operated, leased, or under the control of the City entity to which such premises or property pertains. Private vehicles parked on City premises or properties are also included under this definition.
  - D. **Under the Influence**: The condition wherein any of the body's sensory, cognitive, or motor functions or capabilities is altered, impaired, diminished, or affected due to substances. This also means the detectable presence of substances within the body, regardless of when or where they may have been consumed, having an alcohol test result of 0.08 or greater alcohol concentration of blood or breath, and/or having a positive test for other substances.
  - E. **Prescription**: A valid prescription issued to the employee by a licensed health care provider authorized to issue such prescription and used for its intended purpose as prescribed before any expiration date.
4. **Applicability**: This policy and companion procedures apply to all City facilities and property, to all personnel, vendors, and visitors to the City. All employees are responsible to be familiar with and comply with this policy and companion procedures.
5. **Policy Provisions**
- A. **It is a violation of the law to manufacture, possess, use, sell, distribute, receive, or transport illicit drugs on government property in the State of Illinois. The City of Fairview Heights is a government property.** The illegal possession, distribution, or use of drugs by employees, personnel, vendors, customers, visitors, guests, or other any other such individuals on City property will not be tolerated and may subject violators to discipline, up to and including termination of employment pursuant to the applicable City policies and procedures, or collective bargaining procedures. Any individual engaging in prohibited conduct under this policy is also subject to legal action.
  - B. **Legal Compliance**: The provisions of this policy are subject to any federal, state, or local laws that may prohibit or restrict their applicability, and testing for substances shall be conducted in accordance with and limited by such laws notwithstanding any terms of this policy to the contrary.

**SECTION 25B. WORKPLACE DRUG TESTING POLICY-continued**

- C. Pre-Employment Substance Testing: Individuals to whom a contingent offer is made an offer of employment are contingent upon the results. Substance test of breath, saliva, urine, blood, and/or hair in accordance with this policy. Individuals who test positive on a drug screen (except with respect to prescription drugs and over-the-counter medications), will be ineligible for employment and offers of employment will be revoked. Such individuals will be charged for the cost of the drug screening.
- D. Other Substance Tests: The City may periodically conduct substance tests based on breath, saliva, urine, blood, and/or hair samples under any of the circumstances noted below. Any employee subjected to any substance test will be required to sign a Substance Test Consent Form. Refusal to sign the form or leaving the work area prior to the substance test without permission of the supervisor, or refusal to cooperate in any way with the testing process, shall be grounds for immediate termination of employment. In the event, an employee consents to a substance test but fails to sign a Substance Test Consent Form, his/her failure will not invalidate the consent for the testing.

An employee, who appears to be Under the Influence of Substance(s), is the sole discretion of the City, should be removed from the work area and provided with transportation to the place of testing. The City should call the emergency contact indicated by the employee or, if unavailable, arrange for a cab or other means to transport the employee home following the test.

At the discretion of the City, employees suspected of violating this policy may be placed on administrative leave with pay pending test results. If test results are negative; the employee will be reimbursed for any salary lost during administrative leave.

- E. Post-Accident Testing: If the City has reasonable cause to believe an employee has caused an on-the-job injury that is considered recordable under OSHA guidelines (i.e., requiring medical treatment) as a result of being Under the Influence, the supervisor may require the injured employee to undergo a post-accident substance test.

Further, if the City has reasonable cause to believe an employee has caused damage to equipment, vehicle, structure, facility, or property of any kind, as a result of being Under the Influence, the supervisor may require the injured employee to undergo a post-accident substance test. Refusal to submit to the substance test shall be grounds for immediate termination of employment.

**SECTION 25B. WORKPLACE DRUG TESTING POLICY-continued**

- F. Fitness for Duty: Employees suspected to be unfit for duty as a result of the use or reasonably suspected use of substances will be subject to substance testing. Refusal to submit to substance test will be grounds for immediate termination of employment.
- G. Reasonable Suspicion: The City may require an employee to submit to a substance test if the employee's supervisor and another individual in a management position has a reasonable belief that the employee is using, is Under the Influence of, or is in the possession of substance or has otherwise violated this policy's prohibition on the use of substances. Refusal to submit to a substance test will be grounds for immediate termination of employment.
- H. Random Selection Testing: All employees are subject to random testing for substances. Where random testing is prohibited or restricted by applicable state or local statute or regulation, or other legally-binding agreement, the City will conform to all applicable laws, regulations, and agreements notwithstanding the provisions of this policy.
- I. Alteration of Sample: Specimens reported by the testing laboratory as adulterated or substituted will be considered a refusal to test, and therefore grounds for immediate termination of employment or ineligibility for hire.
- J. Workplace Searches: Management may conduct searches of City property, including lockers, desks, vehicles, storage, and an employee's personal property such as a vehicle in cases where there is reasonable cause to suspect a violation of this policy. While no search will be conducted without an employee's consent, consent to a search is a condition of continued employment with the facility. An employee who refuses to cooperate in the conducting of such searches will be subject to disciplinary action up to and including termination of employment.
- K. Collection of Samples: Testing samples will be collected by a qualified individual only, whether such individuals are employees of an outside testing laboratory. Collection of samples will be performed under reasonable and sanitary conditions. The chain of custody of the sample will be recorded, and this record should be retained.
- L. Off-Premise Use: The City reserves the right to suspend any employee who has been arrested for criminal offenses related to the manufacture, possession, sale, use, distribution, dispensation, receipt, or transport of any illegal substance pending resolution of the charges to the City's satisfaction.



**SECTION 25B. WORKPLACE DRUG TESTING POLICY-continued**

Employees who are convicted of any substance related violation under state or federal law or who plead guilty or nolo contendere (i.e., no contest) to such charges must inform the City in writing within five (5) days of the conviction or plea. Failure to do so will result in disciplinary action, up to and including termination. In the event of an employee's conviction or plea to charges relating to the manufacture, possession, sale, use, distribution, dispensation, receipt, or transportation of any substance, the facility will determine whether disciplinary action will be taken, including the appropriateness of continued employment.

M. Confidentiality of Test Results: All test results will be handled on a confidential basis and will be available only to the City personnel who have a need to know such results. The City Administrator, the Directors, or his/her designated representative will determine who will have access to these records for the purposes of human resource management.

6. The City will make counseling, direction, training, and education regarding drug testing available to managers and employees.
7. City officials with primary responsibility to implement and achieve the goals of this policy include.
  - A. Mayor & City Council
  - B. City Clerk
  - C. City Administrator
  - D. Department Directors
  - E. Any and All Management Positions

Attachments

1. Substance Test Consent Form
2. Statement of a Drug-Free Workplace

THE CITY OF FAIRVIEW HEIGHTS, ILLINOIS  
CONFIDENTIAL DRUG TESTING CONSENT FORM  
Employee/Applicant's

Name (Print Name) \_\_\_\_\_

1. I understand that I am being asked to provide a blood, urine, or hair sample for testing to determine the presence of alcohol, drugs, or controlled substances in my system. I understand that I do not have to provide such a specimen if I choose not to do so, but that my refusal will result in termination of my employment at the City of Fairview Heights or revocation of any offer of employment.
2. I hereby give consent to and authorize the City of Fairview Heights and its agents, servants, employees and/or physician chosen by the City to take blood, urine, or hair specimen and to use such specimen in any manner that the facility and its agents, servants, employees, and physicians deem appropriate, including, but not limited to, releasing such specimen to a testing laboratory, hospital, other person or service for testing. I hereby give consent to and authorize the facility and its agents, servants, employees, and/or physicians chosen by the facility and any such testing laboratory, hospital, person or service to conduct drug tests and to release the results of the tests or other information concerning the specimen to the City Administrator or to any person or firm designated by the City.
3. I hereby release the City of Fairview Heights, Memorial Hospital and Midwest Occupational Medicine of Belleville, Illinois, any of their officers, agents, servants, employees and physicians, any laboratory, hospital, person or facility responsible for testing from any and all claims, causes of action, damages or liability relating to the testing or use and dissemination of test results, including, but not limited to, all claims for injuries or damages arising out of our relating to the collection of specimens, procedures, the release of information or results concerning such testing, or any action taken regarding any employability or continued employment as a result of such testing and/or test results.

\_\_\_\_\_ I consent to provide a blood, urine, or hair specimen for use in the manner described herein.

\_\_\_\_\_ I refuse to provide a blood, urine, or hair specimen. I understand that my refusal constitute grounds for immediate termination or disqualification from employment consideration.

\_\_\_\_\_  
Employee/Applicant's Signature (Print and Sign) Date

\_\_\_\_\_  
Witness's Signature (Print and Sign) Date

CITY OF FAIRVIEW HEIGHTS, ILLINOIS  
STATEMENT OF A DRUG-FREE WORKPLACE

1. The City of Fairview Heights is committed to maintaining a drug-free workplace in compliance with applicable state and federal laws. The unlawful possession, use, distribution, dispensation, sale, or manufacture of controlled substances is prohibited on City property. Violation of this policy may result in the imposition of employment discipline as defined for specific employee categories by existing City policies, statutes, rules, regulations, employment contracts, and appropriate collective bargaining agreements. Any employee convicted of a drug offense involving the workplace shall be subject to employee discipline and/or required satisfactory completion of a drug rehabilitation program as a condition of continued employment.
  
2. The illegal use of controlled substances can seriously injure the health of employees, adversely impair the performance of their responsibilities and endanger the safety and well being of fellow employees, contract vendors, and members of the general public. Therefore, the City strongly encourages employees who have a problem with the use of illegal controlled substances or abuse prescribed medications to seek professional treatment. A list of sources for drug counseling, rehabilitation, and assistance programs may be obtained from the City Administrator, City Clerk, or the Employment Assistance Service. Employees may obtain this information anonymously either through self-referral, direction of his/her supervisor or the City Administrator. Employees who are engaged in work under a federal contract may be required to submit to drug test for use of illegal controlled substances as provided by the law or regulations of the contracting agency.
  
3. The requirements outlined in this statement are in accordance with the provisions of the Drug-Free Workplace Act of 1988 and will be applied in accordance with the law, rules and regulations pursuant the act.

*I acknowledge that I have read and understand the City of Fairview Heights, Illinois Statement of a Drug-Free Workplace*

\_\_\_\_\_  
Employee/Applicant Signature      (Print Name, Sign & Date)

\_\_\_\_\_  
Supervisor Signature                      (Print Name, Sign & Date)

(Resolution No. 3687-2012)

**SECTION 26. CITY OF FAIRVIEW HEIGHTS POLICY AGAINST DISCRIMINATION, HARASSMENT, AND SEXUAL MISCONDUCT**

**I. Statement of Policy**

The City of Fairview Heights does not tolerate or condone harassment or discrimination on the basis of race, color, religion, creed, sex, gender-identity, gender-expression, sexual orientation, pregnancy, childbirth, medical or common conditions relating to pregnancy and childbirth, genetic information, national origin, age, physical or mental disability, ancestry, marital status, military status, arrest record, unfavorable discharge from military service, order of protection status, citizenship status or any other classification protected under federal or state law. Sexual misconduct is also prohibited.

The City of Fairview Heights will neither tolerate nor condone discrimination, harassment, or sexual misconduct by employees, managers, supervisors, elected officials, co-workers, or non-employees with whom the City of Fairview Heights has a business, service, or professional relationship. "Employee," for the purpose of this policy only, includes any individual performing work for the City. The HR Specialist for the City of Fairview Heights is the Ethics Officer charged with the responsibility to receive and oversee investigations of complaints made pursuant to this policy and is referred to in this policy as the City's "Ethics Officer". The Ethics Officer can be contacted by e-mail at [hr@cofh.org](mailto:hr@cofh.org) or by phone at (618) 489-2013. The City reserves the right to periodically change the person serving as Ethics Officer.

The City of Fairview Heights is committed to ensuring and providing a work place free of discrimination, harassment, sexual misconduct, and retaliation. The City will take disciplinary action, up to and including termination, against an employee who is determined to be in violation of this policy.

As set forth above, sexual harassment and sexual misconduct are prohibited. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or any other visual, verbal, or physical conduct of a sexual nature when:

1. Submission to or rejection of such conduct is made explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct is used as the basis of any employment related decision(s) affecting the allegedly harassed employee; or
3. Such conduct has the purpose or effect of substantially and unreasonably interfering with the employee's work performance or creates an intimidating, hostile, or offensive work environment because of the persistent, severe, or pervasive nature of the conduct.

Sexual harassment can occur in a variety of circumstances, including, but not limited to, the following:

- a. The employee, as well as the alleged harasser, may be any gender. The employee does not have to be of the opposite gender.
- b. The alleged harasser can be the employee's supervisor, an agent of the employer, a supervisor in another department, a co-worker, or a non-employee.
- c. The employee does not have to be the person harassed, but could be anyone affected by the offensive conduct.
- d. Unlawful sexual harassment may occur without economic injury to or discharge of the employer.
- e. The harasser's conduct must be unwelcome.

Each employee must exercise their own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment or harassment based on any status protected by law. The following are illustrations of actions that the City of Fairview Heights deems inappropriate and in violation of this policy:

1. Unwanted sexual advances;
2. Offering employment benefits in exchange for sexual favors;
3. Retaliating or threatening retaliation after a negative response to a sexual advance or after an employee has made or threatened to make a harassment complaint;
4. Visual conduct, such as leering, making sexual gestures, displaying sexually aggressive objects or pictures;
5. Verbal conduct, such as making derogatory comments, using slurs, making sexually explicit jokes or suggestive comments about a person's clothing choices;
6. Written or electronic communications of a sexual nature, or containing statements or images which may be offensive to individuals in a particular protected group;
7. Physical conduct, such as unwanted touching, assaulting, impeding, or blocking movements.

Sexual misconduct is strictly prohibited by the City of Fairview Heights and can include any inappropriate and/or illegal conduct of a sexual nature including, but not limited to: sexual abuse, sexual exploitation, sexual intimidation, rape, sexual assault, or any sexual contact or sexual communications with a minor (including, but not limited to, conduct or communications which are written, electronic, verbal, visual, virtual, or physical).

## **II. Responsibilities**

### **Supervisors/Management**

Each Supervisor/Management Level employee shall be responsible for ensuring compliance with this policy, including the following:

1. Monitoring the workplace environment for signs of discrimination, harassment or sexual misconduct;
2. Immediately notifying law enforcement where there is reasonable belief that the observed or complained of conduct violates the criminal laws of the State of Illinois.

3. Immediately notifying the Department of Children and Family Services (DCFS) Hotline (1-800-25-ABUSE or 1-800-252-2873) if the observed or complained of conduct involves the abuse of a minor.
4. Immediately stopping any observed acts of discrimination, harassment or sexual misconduct and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision;
5. Immediately reporting any complaint of harassment, discrimination or sexual misconduct to the Mayor or to the Ethics Officer, and;
6. Taking immediate action to limit the work contact between the individuals when there has been a complaint of discrimination, harassment, or sexual misconduct, pending investigation.

## Employees

Each employee is responsible for assisting in the prevention of discrimination, harassment and sexual misconduct through the following acts:

1. Refraining from participation in, or encouragement of, actions that could be perceived as discrimination, harassment or sexual misconduct;
2. Immediately reporting any violations of this policy to a supervisor, the Ethics Officer, the Mayor, or the City Attorney and law enforcement (if appropriate under the circumstances) and/or DCFS (if appropriate under the circumstances); Employees are obligated to report violations of this policy as soon as they occur. An employee should not wait until the conduct becomes unbearable before reporting the prohibited conduct. All employees are obligated to report instances of prohibited conduct even if the conduct is merely observed and directed toward another individual and even if the other person does not appear to be bothered or offended by the conduct. All employees are obligated to report instances of prohibited conduct regardless of the identity of the alleged offender (e.g. man, woman, supervisor, elected official, co-worker, volunteer, vendor, member of public).
3. Encouraging any employee who confides that he/she is the victim of conduct in violation of this policy to report these acts to a supervisor.

Failure to take action to stop known discrimination, harassment or sexual misconduct may be grounds for discipline.

There is a clear line most cases between a mutual attraction and a consensual exchange and unwelcome behavior or pressure for an intimate relationship. A friendly interaction between two persons who are receptive to one another is not considered unwelcome or harassment. Employees are free to form social relationships of their own choosing. However, when one employee is pursuing or forcing a relationship upon another

who does not like or want it, regardless of friendly intentions, the behavior is unwelcome sexual behavior. An employee confronted with these actions is encouraged to inform the alleged harasser that such behavior is offensive and must stop. You should assume that sexual comments are unwelcome unless you have clear unequivocal indications to the contrary. In other words, another person does not have to tell you to stop for your conduct to be considered harassment and unwelcome. Sexual communications and sexual contact with a minor are ALWAYS prohibited.

If you are advised by another person that your behavior is offensive, you must immediately stop the behavior, regardless of whether you agree with the person's perceptions of your intentions.

The City of Fairview Heights does not consider conduct in violation of this policy to be within the course and scope of employment and does not sanction such conduct on the part of any employee, including supervisory and management employees.

### **III. Applicable Procedures**

The City of Fairview Heights takes allegations of discrimination, harassment, and sexual misconduct very seriously. The City will actively and thoroughly investigate all complaints.

It is helpful for the employee to directly inform the offending individual that the conduct is unwelcome and must stop. The employee should use the City's grievance/complaint procedure to advise the City of any perceived violation of this policy as soon as it occurs.

#### **A. Bringing a Complaint**

Any employee of the City of Fairview Heights, as defined in Section I of this policy, who believes that there has been a violation of this policy, may bring the matter to the attention of the City in one of the following ways:

1. Advise the employee's supervisor or the Ethics Officer; or
2. Advise the offending employee's supervisor, the Mayor, the Ethics Officer, or the City Attorney.

If the complaint involves someone in the employee's direct line of command, then the employee should report it directly to the City Attorney or the Ethics Officer.

The complaint should be presented as promptly as possible after the alleged violation of this policy occurs. The City will take steps to ensure that complaints made are kept confidential to the extent permissible under the law. Individuals who are involved in an investigation under this policy are required to keep the matter confidential to the fullest extent permitted under the law.

#### **B. Resolution of a Complaint**

Promptly after a complaint is submitted, the City will undertake such investigation, corrective and preventive actions as are appropriate. In general, the procedure in resolving any complaints may (but will not necessarily) include any of the following items:

1. A meeting between the employee making the complaint and an individual designated by the City to investigate such complaints. Important data to be provided by the complaining employee includes the following:
  - a. A description of the specific offensive conduct;
  - b. Identification of all person(s) who engaged in the conduct;
  - c. The location where the conduct occurred;
  - d. The time when the conduct occurred;
  - e. Whether there were any witnesses to the conduct;
  - f. Whether conduct of a similar nature has occurred on prior occasions;
  - g. Whether there are any documents which would support the complaining employee's allegations;
  - h. What impact the conduct had on the complaining employee.
2. While not required to do so, the City encourages anyone who makes a complaint under this policy to provide a written statement setting forth the above details and attaching any pertinent records.
3. After a complaint is submitted by the employee, the alleged offending individual should be contacted by a designated representative of the City. The alleged offending individual should be advised of the charges brought against him or her, and may be provided with a copy of the written statement of complaint made by the complaining employee (if applicable). The alleged offending individual should have an opportunity to fully explain his or her side of the circumstances, and may also submit a written statement, if desired.
4. After the alleged offending individual is interviewed, any witnesses identified by either the complaining employee or the alleged offending individual may be interviewed separately.
5. Once this investigation is completed, the City will take such action as is appropriate based upon the information obtained in the investigation. In the event that the City finds merit in the charges made by the complaining employee, disciplinary action will be taken against the offending employee. This disciplinary action may, but need not necessarily, include:



- a. Verbal or written reprimand;
  - b. Placing the offending employee on a corrective action plan for a period of time to be identified;
  - c. Delay in pay increases or promotions;
  - d. Suspending the offending employee from work without pay;
  - e. Demotion;
  - f. Immediate termination.
6. Upon completion of the investigation, the City will advise the complaining employee of the results of the investigation, including action taken, if any, against the offending individual.

When investigating alleged violations of this policy, the City considers the record in its entirety, including, but not limited to, the nature of the allegations, the context in which the alleged incidents occurred, and the statements of the parties and witnesses. A determination on the allegations is made from the facts on a case-by-case basis.

#### **IV. Non-Retaliation**

Under no circumstances will there be any retaliation against any employee making a complaint of discrimination, harassment or sexual misconduct. Retaliation against an employee who complains about, or reports any act of discrimination, harassment, or misconduct in violation of the policy, is prohibited. Retaliation against any employee who participates in an investigation pursuant to this policy is likewise prohibited. Any act of retaliation by any party directed against a complaining employee, an accused employee, witnesses, or participants in the process will be treated as a separate and distinct complaint and will be similarly investigated. Complaints of retaliation should be addressed to the Ethics Officer, Mayor, City Clerk, or City Attorney (where appropriate). Illinois law provides protections to whistleblowers as set forth in the Whistleblower Act, 740 ILCS 174/15 and the Illinois Human Rights Act, 775 ILCS 5/6-101.

#### **V. False Reports**

It is a violation of this policy for an employee to knowingly make a false report of discrimination, harassment, sexual misconduct, or retaliation. An employee who is found to have knowingly made a false report is subject to disciplinary action, as set forth in Section III.B.5, above.

#### **IV. Employee Training**

The City recognizes the importance of continued education and training for employees on how to recognize, prevent, and report discrimination, harassment, and/or sexual misconduct. As such, the City will provide ongoing training for all employees. Training

attendance for each employee will be documented with a sign-in sheet indicating the date, time, and location of the training in addition to a training certificate issued by the training company (if applicable) to be placed into each employee's personnel file. All training records will be kept in the Human Resources Office.

### **Additional Resources**

If you have any questions concerning the City's policies on this matter, please see your supervisor, the Ethics Officer, or the Mayor. Further information may also be obtained from the Illinois Department of Human Rights, 312-814-6200 or the Equal Employment Opportunity Commission (EEOC), 800-669-4000. Confidential reports of harassment or discrimination may also be filed with these state agencies. For matters involving the abuse of minors the Illinois Department of Children and Family Services (DCFS) may be contacted by dialing 800-25-ABUSE.



## **SECTION 27. ELECTRONIC COMMUNICATON DEVICES**

The City recognizes that use of the Internet has many benefits for the City and its employees. The Internet and e-mail makes communication more efficient and effective. Therefore, employees are encouraged to use the Internet appropriately. Unacceptable usage of the Internet can place the City and others at risk.

- a. The following guidelines have been established for using the Internet and e-mail in an appropriate, ethical and professional manner.
  1. The City Internet and e-mail access may not be used for transmitting, retrieving or storing of any communications of a defamatory, discriminatory or harassing nature or materials that are obscene, pornographic, or X-rated. No messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes or sexual preference shall be transmitted. Harassment of any kind is prohibited.
  2. Disparaging, abusive, profane, or offensive language; materials that would adversely or negatively reflect upon the City or be contrary to the City's best interests; and any illegal activities - including piracy, extortion, blackmail, copyright infringement, and unauthorized access to any computers on the Internet or e-mail - are forbidden.
  3. Do not use the system in a way that disrupts its use by others. This includes excessive usage, sending or receiving many large files and "spamming" (sending e-mail messages to thousands of users.)
  4. The Internet is full of useful programs that can be downloaded, but some of them may contain computer viruses that can extensively damage our computers. Be sure to virus-check downloaded files immediately. Also, many browser add-on packages (called "plug-ins") are available to download. There is no guarantee that such "plug-ins" will be compatible with other programs on the network and such "plugins" may cause problems; therefore, please refrain from downloading such plug-ins.
  5. Each employee is responsible for the context of all text, audio or images that he/she places or sends over the City's Internet and e-mail system. No e-mail or other electronic communications may be sent which hides the identity of the sender or represents the sender as someone else.
  6. E-mail is not guaranteed to be private or confidential. All electronic communications are City property. Therefore, the City reserves the right to examine, monitor and regulate e-mail messages, directories and files, as well as Internet usage. Also, the Internet is not secure so don't assume that others cannot read or possibly alter your messages.

**SECTION 27. ELECTRONIC COMMUNICATON DEVICES - continued**

7. Internet and external e-mail messages are considered business records and may be subject to the Illinois Sunshine Laws and discovery in the event of litigation. Be aware of this possibility when sending e-mail.

b. City's Right to Monitor and Consequences:

1. All City-supplied technology, including computer systems and City-related work records, belong to the City and not the employee. The City reserves the right to routinely monitor usage patterns for its e-mail and Internet communications. Although encouraged to explore the vast resources available on the Internet, employees should use discretion in the sites that are accessed.

2. Since all the computer systems and software, as well as the e-mail and Internet connection, are City-owned, all City policies are in effect at all times. Any employee, who abuses the privilege of the Internet, may be denied access to the Internet and, if appropriate, be subject to corrective action up to and including termination.

c. Computer Network:

1. The computer network is the property of the City and is intended for legitimate business purposes. Staff is provided access to the computer network to assist them in the performance of their jobs. All staff has a responsibility to use the City's computer resources and the Internet in a professional, lawful, and ethical manner. Improper use of the computer network will result in corrective action for staff and the termination of employment relationships with independent contractors and consultants.

d. Personal Use:

1. An employee's occasional personal use of the City's computer resources is permitted if it is confined to non-work times such as rest breaks, lunch periods or before/after work and it does not:

- i. Interfere with the employee's or any other employee's job performance.
- ii. Have an undue effect on the computer or the network's performance.
- iii. Involve the installation of software or a download for personal use not purchased by the City of Fairview Heights.

**SECTION 27. ELECTRONIC COMMUNICATON DEVICES - continued**

- iv. Violate any policies or procedures established by the City.
- 2. An employee's personal use of the computer system is a privilege that may be revoked at any time.
- e. Social Media Guidelines for Employees:
  - 1. Employees whose affiliation with the City is evident, should mention that the remarks made on the web only reflect his or her own views and not necessarily the views of the City or other employees.
  - 2. Employees shall remember that their conduct may reflect upon the City and they are encouraged to exercise good judgment in their web communications.
  - 3. Employees should be cautioned that they may be subject to corrective action, up to and including termination, for making defamatory statements regarding the City or its employees; statements which violate the City's Anti-Harassment and /or EEO policy; or statements which improperly disclose confidential information.
  - 4. Employees shall not provide any confidential, proprietary, or private information about the City or its employees.
  - 5. The City logo and/or the City motto may not be used on the web without prior written permission from the city.

City employees may consult with their appropriate supervisor with any questions about the City's views with respect to these guidelines for web communications and the City's legitimate business interest.

## **SECTION 28. TELEPHONE USE POLICY**

### **A. APPLICABILITY**

For the purpose of this section, employees shall mean any permanent part-time, permanent full-time, emergency, temporary or relief employees and elected officials of the City of Fairview Heights. Police Department employees are excluded from this policy and covered by Police Department policy.

Unless otherwise stated, the following shall apply to both stationery telephones within property owned by the City of Fairview Heights and to cell phones provided to employees for City-related business use.

### **B. PERSONAL USE**

Employees shall not use telephones for personal, non-work related purposes unless such use is clearly not interfering with the employee's official duties and responsibilities, is of a reasonable frequency and duration and could not be completed during non-work time.

### **C. LONG DISTANCE**

Long distance telephone calls that are not related to work duties and responsibilities shall not be made by employees unless the employee pays for such calls upon receipt of the long distance telephone bill.

Each employee shall keep a log of all long distance telephone calls upon which shall be recorded the date, time, number called, who was called and the reason for the call, if long distance, or noted as "Personal" if applicable.

Should any long distance telephone calls that are not justified as necessary due to being related to the business of the City remain unexplained and/or not accounted for, efforts shall be made by the appropriate Department Head or Mayor, in the case of Department Heads, to determine where the call was made, who it was made to and why in an effort to determine who may have made the call.

### **D. CELL PHONES**

Cell phones provided to City employees for usage in connection with their duties and responsibilities shall be used only if the employee cannot be contacted or cannot convey his/her message by other means such as radio, in person or a conventional stationery telephone or because of the confidential nature of the message.

Employees using cell phones shall be responsible for any personal calls made from their cell phones that are in excess of 15 minutes cumulative total per month or any single personal calls that are in excess of 5 minutes duration. Employees with cell phones shall maintain a log of all personal calls and all long distance call along with being subject to the same monitoring process as stated under "Long Distance" in this section.

**SECTION 28. TELEPHONE POLICY - continued**

E. RESPONSIBILITY

Should a telephone or cell phone utilized by a specific employee or group of employees be lost or stolen, a report shall be made by the employee or employees to the Police Department and the appropriate Department Head as applicable.

F. TELEPHONE ETIQUETTE

All incoming calls to stationery or cell phones shall be responded to in a professional and courteous manner at all times. Employees answering telephones shall make an immediate attempt to determine who the call shall be forwarded to, if applicable, then to transfer the call within a minimum amount of time.

Callers who are irate or display other signs of emotional distress should be treated with the same level of courtesy and professionalism as all others. The employee responding to such calls should stay calm, adhere to the factual aspects of the call, lower his/her voice in order to require the caller to focus more on listening, attempt to take control of the conversation and avoid, in all cases, hanging up before the end of the conversation.

E. DISCIPLINE

Employees found to be in violation of this section shall be subject to the provision of Section 25A. DISCIPLINE of this Personnel Code.

F. OTHER

The use of City of Fairview Heights fax machines shall also be covered by the provisions contained herein as applicable to personal use and long distance messages. (Resolution No. 2874-2002)



**SECTION 29.        SAFETY EQUIPMENT**

**A.        PRESCRIPTION SAFETY GLASSES**

Employees needing prescription safety glasses in connection with their duties and responsibilities shall be provided with said glasses at the expense of the City of Fairview Heights. Replacement of said glasses, in their entirety or any part of thereof, if damaged as a result of work-related duties, shall also be provided at the expense of the City of Fairview Heights, subject to the approval of the City Council Personnel Committee.

**B.        SAFETY BOOTS/SHOES**

Employees needing safety boots/shoes in connection with their duties and responsibilities shall be provided with said boots/shoes at the expense of the City of Fairview heights provided that they are purchased within the corporate limits of the City and billed directly to the City. Should the cost per each pair exceed \$140, the employee shall be responsible for any amount over that total. The purchase of such safety boots/shoes shall be limited to one pair each fiscal year. (Resolution No. 2874-2001)

## **SECTION 30. GRIEVANCE PROCEDURE**

To encourage job satisfaction for the employees of the City, the Personnel Committee is at the disposal of any one employee or groups of employees to air complaints about their job with the City, supervision, working conditions, pay or any related matters. Employees may also go to the Personnel Committee to appeal any disciplinary action taken against them.

Should any employee believe any provision of these Personnel Rules has been violated, or that the employee has been treated unjustly in terms of discipline, said employee may submit in writing, to his/her Department Head, a grievance within five (5) working days of the first event giving rise to the grievance.

The Department Head shall respond in writing to the Grievant within three (3) working days. If within five (5) working days following the Department Head's response, the Grievant wishes to pursue a further resolution of the grievance, the Grievant may submit a written appeal, date stamped and distributed by the City Clerk, to the Personnel Committee.

The Grievant must state in this letter of appeal that he/she requests the Personnel Committee to schedule a meeting to discuss the grievance. All such appeals shall be submitted to the City Clerk in a sealed envelope marked "Grievance". The City Clerk shall date stamp this envelope and personally notify the Chairman of the Personnel Committee and Mayor upon receipt of this envelope.

The Personnel Committee shall schedule a meeting to hear the grievance/appeal within ten (10) working days after the receipt of the appeal. In the event that the Chairman of the Personnel Committee is not available to schedule this meeting, the other members of the Committee shall be notified by the City Clerk and schedule said meeting.

It shall be the duty of the City Clerk to send written notice of the time, date and place of such meetings to the Mayor, Department Head and Grievant at least three (3) working days in advance of the meeting.

In the event that more than one complaint/grievance is received within the same ten (10) day working period, the ten (10) working day requirement for the Personnel Committee may be waived to not more than forty-five (45) working days.

Any employee who submits a grievance pursuant to this procedure has the right to be represented by legal counsel and to call upon witnesses and other parties involved in the grievance.

Within fifteen (15) working days following the appeal meeting/hearing, a decision by the Personnel Committee shall be submitted in writing to the grievant, the Mayor and Department Head. The decision of the Personnel Committee is final. All appeal hearings shall be closed to the public and held within the Municipal Complex.

**SECTION 30. GRIEVANCE PROCEDURE - continued**

The Personnel Committee may reinstate discharged employees to the status the employee held immediately prior to the filing of the grievance.

Any contractual or statutory provisions applicable to any employees which are in conflict with this procedure shall supersede this procedure. (Resolution No. 2225-'95)

**SECTION 31. RESPONSIBILITY FOR INTERPRETATION OF PERSONNEL CODE**

The Mayor or his/her Designee shall be charged with the primary responsibility for implementing and interpreting these personnel rules. The City Council shall be responsible for seeing to the implementation, and/or interpretation of these rules which shall be final and binding.

## **SECTION 32. EMPLOYEE EVALUATION FORM**

A written performance evaluation provides the employer with an effective mechanism to measure and communicate levels of job performance to employees. It provides the employee with documented, constructive feedback concerning his/her current job performance. Documented performance evaluation serves as a basis for management decisions regarding training needs, job assignments, promotion, and retention of employees. The work performance of employees shall be evaluated in accordance with established procedures.

Each city employee shall be evaluated annually. Special evaluations may be conducted if deemed appropriate by the department head. Probationary employees shall be evaluated both at the midpoint of their probationary period and immediately prior to its completion if still employed at these time points.

Each department head or their designee who reviews or conducts an evaluation shall be responsible for its quality, consistency, equity, and timeliness.

Each employee shall be provided a copy of his/her performance evaluation. The supervisor shall discuss the evaluation with the employee and shall counsel the employee regarding any improvement in performance which appears desirable or necessary.

**SECTION 33. REPEAL**

Repeal of Resolution No. 746-'80 passed May 6, 1980, approved May 7, 1980, Resolution No. 757-'80, passed July 1, 1980 and approved July 1, 1980, Resolution No. 834-'81, passed September 1, 1981, and approved September 2, 1981, are hereby repealed.

**SECTION 34. PASSAGE**

This Resolution shall become effective June 1, 1982 after its passage and approval as provided by law.

PASSED: August 17, 1982

APPROVED: August 23, 1982

s/s GEORGE A. LANXON  
Mayor, City of Fairview Heights

ROLL CALL OF ALDERMEN VOTING "YEA":

JACOB JOHNSON  
JOSEPH HUDSON  
CHARLES BARICEVIC  
CATHERINE MCKENNA  
GENE ELLERBUSCH  
LAWRENCE WILLIAMS  
LYDIA CRUEZ  
ALDERMAN RICHARD UTZ WAS ABSENT.

ATTEST:

s/s HARVEY S. NOUBARIAN  
CITY CLERK

SPONSORED BY: PERSONNEL COMMITTEE