

**THE VILLAGE OF**

**Kenilworth**

**Personnel Handbook**

## **Welcome to the Village of Kenilworth**

It is a pleasure to welcome you to the Village of Kenilworth.

As you assume your new responsibilities with the Village, we realize that there may be questions about our employment practices and benefits. In order to answer many of those questions, we have prepared this employee handbook as a guide to provide some information on Village policies, procedures, and benefits. Since we cannot be all-inclusive here, feel free to speak with your supervisor or the Village Manager if there are any additional questions.

At the Village of Kenilworth, we strive to maintain an employment relationship that is based on a spirit of friendship, cooperation, and dedication to serving the needs of the Village. Each employee performs a vital role in this process. We are happy to have you with us and welcome you as a valuable member of the Village family.

Village President and Board of Trustees.

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## Purpose and Disclaimer

This Employee Handbook has been prepared as a general reference guide to help familiarize employees with the Village of Kenilworth's basic policies, procedures, and rules, as well as the many employee benefits which it provides. This Handbook specifically supersedes and replaces all previous employee handbooks, manuals, and policy statements, whether oral or written, issued by the Village of Kenilworth (sometimes referred to as the "Village").

This Handbook discusses policies and procedures of general application to all full-time, part-time, and temporary employees, including employees in the Village's Police Department. To the extent departmental policies for employees in the Kenilworth Police Department Operations Manual cover a subject contained in and that conflicts with a provision of this Handbook, the departmental policies, as applicable, will control.

Please note that this Handbook is *not a contract or an offer to form a contract*. It is not intended to create any binding contractual commitments between the Village and any employee. Furthermore, it does not provide any guarantee or assurance of continued employment with the Village for any particular term.

Notwithstanding anything contained in this Handbook or in any other current or future policy statement or practice, *the Village and its employees retain the mutual right to terminate the employment relationship "at will," with or without warning, notice or cause*. No representative of the Village, other than the Village Manager, has the authority to make any binding representations, whether oral or written, contrary to the foregoing or purporting to guarantee any particular benefits, procedures, terms or conditions of employment. Even as to the Village Manager, such representations will be binding on the Village *only if* they are set forth specifically in a written employment agreement signed by the Village Manager and the employee.

The Village expressly reserves all of its traditional management rights, including, without limitation, the right to unilaterally revise, interpret or discontinue any of the policies, procedures, rules or benefits set forth in this Handbook at any time. In no case, however, may any such action alter the prevailing "at will" employment relationship or guarantee any particular benefits, procedures, terms or conditions of employment. The Village will attempt to provide written notice to all employees in the event of a change to the policies, procedures, rules or benefits set forth in this Handbook.

The Village encourages employees, as well as management, to talk openly to each other about work and working relationships so that effective, continuous, employee/management communications exist. Employees, who have questions about the contents of this Handbook, or about any aspect of their employment, are

encouraged to raise them with their supervisor or the Village Manager. They will gladly provide you with the information you need or direct you to someone who can do so. We take pride in keeping an open line of communication with all employees.

## **Our Village and Government**

### Elected Board of Trustees

The Village of Kenilworth is governed by a Board of Trustees, which serves as the legislative and policy-making body. It includes a President and six Trustees who are elected at large by the Village.

### Village

Day-to-day operations of the Village are managed by full-time, Village staff. This professional staff of employees is joined by part-time seasonal employees as needed.

### Committees

There are currently twelve committees established by Village Code. The members of these committees act in an advisory capacity to the Village Board on various issues. Each committee has a trustee liaison. Each committee generally meets once each month.

## Employee Classification Definitions

All employees of the Village of Kenilworth fall within one of the following classifications, which are relevant to determining their eligibility for benefits:

- Full-Time: An employee who is assigned to a position and works a schedule which equates to an average of 30 hours per work week.
- Part-Time: An employee who is assigned to a position and works a shift schedule less than 30 hours per week. Part-time employees shall not be eligible for benefits.
- Seasonal Employee: An employee whose work assignment is limited in duration to less than two consecutive quarters during a calendar year. Seasonal employees are employed for a specific function, part-time or full-time and for a temporary or limited period of time.
- Temporary Employees: Temporary employees are those who are hired on a temporary basis (e.g., as summer help, temporary replacements for employees on leave, or for specially funded projects or programs of a limited duration) and are designated as temporary by the Village. During their employment, temporary employees may work either a full-time or part-time schedule. However, they are not eligible for any of the benefits provided by the Village unless required by law.

All employees also fall within one of the following classifications which are relevant to determining their eligibility for overtime pay:

- Exempt Employees: An employee who works in a position that has been determined as “exempt” under the Fair Labor Standards Act (FLSA) and is not eligible for overtime pay for hours worked over 40 in a work week.
- Nonexempt Employees: An employee who works in a position that has been determined as “non-exempt” under the Fair Labor Standards Act (FLSA) and is eligible for overtime pay for hours worked over 40 in a work week.



## SECTION 1 – EMPLOYMENT POLICIES & PROCEDURES

### 1.01 Policy on Sexual Harassment

In order to provide equal employment opportunities to all individuals, employment decisions at the Village of Kenilworth are based on an assessment of the individual's merits, qualifications, and abilities. They are not based on or affected by an applicant's or employee's race, color, religion, sex, national origin, ancestry, citizenship status, age, marital status, physical or mental disability or handicap, sexual orientation or any other characteristic protected by law. The Village also will make reasonable accommodations, as required by law, for qualified individuals with disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, promotion, discipline, discharge, leaves of absence, and access to benefits and training.

The Village is committed to providing a work environment that is free of all forms of unlawful discrimination and harassment. Actions, words, jokes or comments based on an individual's race, color, religion, sex, national origin, ancestry, citizenship status, age, marital status, physical or mental disability or handicap, sexual orientation or any other characteristic protected by law will not be tolerated. Harassment of the Village's employees by non-employees, such as suppliers and other third parties with whom our employees interact while performing their job duties, also is unlawful and strictly prohibited.

As an example, sexual harassment – both overt and subtle – is a form of employee misconduct that is demeaning to others and undermines the integrity of the employment relationship. Sexual harassment consists of: (1) making sexual advances, requesting sexual favors, or engaging in other verbal or physical conduct of a sexual nature, (2) conditioning any aspect of an individual's employment on his or her response to sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, or (3) creating an intimidating, hostile or offensive working environment by sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature. Sexual harassment is unlawful and prohibited regardless of whether it is between or among members of the same sex or opposite sexes.

The following *non-exclusive* list sets forth examples of the conduct which violates the Village's policy against sexual harassment:

- Physical assaults of a sexual nature, such as rape, sexual battery, molestation or other unwelcome physical contact (e.g., touching, pinching, patting, grabbing, rubbing or brushing against another employee's body);

- Unwelcome sexual advances, propositions or other sexual comments, such as sexually-oriented gestures, sounds, remarks, jokes or comments about a person's sex, sexuality or sexual experiences;
- Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct; or subjecting or threatening to subject an employee to more onerous terms or conditions of employment because of that employee's sex or rejection of sexual advances, propositions or comments; and
- Sexual or discriminatory displays or publications anywhere in the workplace, such as displays of pictures, posters, calendars, graffiti, objects, books or other materials that are sexually suggestive, demeaning or pornographic.

The Village is committed to vigorously enforcing its policy against unlawful discrimination and harassment at all levels of the organization. All employees must conduct themselves in a way that ensures they do not engage in acts of unlawful discrimination or harassment. All supervisors are responsible for making sure that the employees who report to them are aware of this policy, ensuring that their personnel decisions comply with this policy, and taking corrective actions (after consultation with the Village Manager) when inappropriate behavior occurs. Conduct that disregards or violates this policy will not be tolerated. Guilty parties will be subject to appropriate disciplinary action, up to and including discharge.

### **COMPLAINT PROCEDURE**

Any employee who feels that he or she has been subjected to or has witnessed unlawful discrimination or harassment in the workplace, immediately should report the matter – preferably in writing – to the employee's immediate supervisor, or any other supervisory employee of the Village, including the Village Manager. Should the complaint involve the Village Manager, the employee should report the matter to the Village President. They, in turn, will see that the matter is promptly investigated. This may include, but is not necessarily limited to, interviewing the complaining employee, the alleged harasser, supervisors, and other personnel, as necessary to obtain sufficient factual information upon which to base a decision. In all cases, the investigation will be conducted by persons who are not involved in the alleged harassment or discrimination. Confidentiality will be maintained to the extent it is consistent with the Village's obligation to conduct a full and effective investigation.

Following the investigation, the Village Manager, or Village Board if the complaint involved the Village Manager, will evaluate the facts and reach a decision regarding the validity of the complaint. If the complaint is substantiated, appropriate corrective action will be taken. This may include discharge or other discipline of the guilty employee. A written record of any such action taken will be placed in the

guilty employee's personnel file. In the case of unlawful harassment by a non-employee, the Village will notify the person of the Village's policy against harassment and take such other action as may be appropriate under the circumstances. If the complaint is not substantiated, the matter will be closed. In either case, however, the complaining employee will be advised of the results of the investigation and the decision reached by the Village. It is critical in establishing a workplace free of harassment that an individual who experiences or witnesses an incident perceived as being harassing has access to a mechanism for reporting such incidents. At the same time, the purposes of this policy are not furthered where a complaint is found to be false and frivolous and made to accomplish some other end than stopping harassment. A complaint that is determined to be false and frivolous can result in a severe level of discipline or discharge. A false or frivolous complaint does not refer to complaints made in good faith that cannot be proven.

The Village hopes that any incident of harassment can be resolved through the internal process outlined above. All employees, however, have the right to file formal charges with the Illinois Department of Human Rights (IDHR) and/or the United States Equal Employment Opportunity Commission (EEOC). A charge with the IDHR must be filed within 180 days of the incident of harassment. A charge with the EEOC must be filed within 300 days of the incident.

Illinois Department of Human Rights

Chicago (312) 814-6200  
Springfield (217) 785-5100

Equal Employment Opportunity Commission

Chicago District Office (312) 353-2713  
General Number (800) 669-4000

An employee who is retaliated against after filing a complaint with the IDHR or the EEOC may file a retaliation charge with either of these agencies. The charges must be filed within 180 (IDHR) or 300 (EEOC) days of the retaliation.

**POLICY AGAINST RETALIATION**

The Village's policy prohibits retaliation against any employee who lodges a good faith complaint of unlawful discrimination or harassment in the workplace; has assisted or cooperated in an investigation of a complaint by someone else, whether internally or with an external agency; has filed a charge of discrimination or harassment; or otherwise has provided information in a proceeding, including in a court, administrative or legislative hearing, related to violations of discrimination or harassment laws. Examples of the types of retaliation that are prohibited include intimidation; discrimination; verbal or physical abuse; adverse actions with respect to pay, work assignments, and other terms of employment; termination of employment; or threats of any such actions. Employees should use the above-

referenced complaint procedure to report incidents of alleged retaliation. The same procedures will be followed in investigating and responding to such reports. The Village wants to encourage the reporting of unlawful discrimination, harassment, and retaliation and, at the same time, to protect the reputation of any employee wrongfully charged with such conduct.

### **1.02 Employment Applications & Resumes**

The Village of Kenilworth relies on the accuracy of information contained in the employment application and resume, and otherwise presented by the applicant during the hiring process. Any omission or misstatement of material fact on an employment application, resume, or other document used to secure employment with the Village, or during any pre-employment interview, will be grounds for rejection of the individual's application or for immediate discharge if the individual already has been hired, regardless of the time elapsed before discovery.

### **1.03 Reference & Background Checks**

To ensure that individuals who join the Village of Kenilworth are well qualified and have a strong potential to be productive and successful, it is the Village's policy to check employment references and background, and to review other qualifications of applicants before a job offer is made. When unusual circumstances make these impossible, offers of employment may be made contingent upon satisfactory reference checks. Documentation relating to all reference and background checks will be maintained in the individual's personnel file, if he or she is hired. Before beginning their employment, all individuals must successfully pass a medical examination and drug screen.

Employees are *not* authorized to respond to employment verification or reference check inquiries for current or former employees of the Village. All such inquiries must be referred to the Village Manager. Responses generally will be given only when there is a written inquiry and will be limited to the individual's dates of employment and position.

### **1.04 Immigration & Naturalization Requirements**

U.S. Immigration and Customs Enforcement requires all candidates for employment to complete an I-9 Form and to provide the Village with certain documentation establishing their identity and employment eligibility within three (3) days after commencing employment. The documents provided by the candidate will be copied and attached to his or her I-9 Form. The Village cannot lawfully employ any candidate who fails to properly complete this process.

### **1.05 Driver's License & Driving Record**

Employees whose position for which they were hired may require them to operate a Village vehicle must possess and maintain a valid driver's license in the state in which they reside. Employees also must maintain a driving record that is acceptable to the Village and its insurance carriers. Employees are required to notify the Village of any suspension or revocation of driver's license.

### **1.06 Probationary Period**

All newly hired employees, re-hired employees, and existing employees transferring to a new employment classification or job assignment other than patrol officers are on probation for a period of six months. If the employee's supervisor determines that the initial probationary period does not allow sufficient time to properly evaluate the employee's qualifications and performance, the probationary period may be extended for up to an additional ninety (90) days. Patrol officers are on probation from their first day of employment until one year after their completion of the Police Department's field training program.

The probationary period is intended to give employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether their employment with the Village meets expectations. The Village uses this period to evaluate the employee's qualifications, work habits, and overall performance. An initial performance evaluation usually is conducted at or near the end of the employee's probationary period.

Satisfactory completion of the probationary period, with or without an accompanying salary increase, does not guarantee continued employment with the Village for any particular term. Employment with the Village is "at-will." Therefore, either the employee or the Village may terminate the employment relationship at any time during or after the probationary period.

### **1.07 Personnel Records**

The Village of Kenilworth maintains a personnel file for each employee. The personnel file includes information relating to the employee's hiring, training, certifications, performance evaluations, salary increases, disciplinary record, and other changes of status.

Personnel files are the property of the Village and access to the information they contain is restricted. Generally, without written consent from the employee, only supervisors and other management personnel who have a legitimate business reason to review information in the file are allowed to do so. Personnel files also are subject to review by federal, state, and local regulatory agencies.

Employees are allowed to inspect their own personnel file up to two times per calendar year. A written request to do so should be submitted to the Village Manager, who will schedule a mutually convenient time for the inspection. The inspections generally will take place in the presence of the Village Manager or his or her designee. A reasonable charge, not to exceed the actual cost to the Village, may be imposed for any copies of records made for the employee.

Employees are responsible for providing the Finance Administrator with accurate, up-to-date information regarding the following:

- Name
- Social security number
- Home address
- Home telephone number
- Marital status
- Number of dependents
- Insurance beneficiaries
- Persons to be notified in case of emergency
- Immigration status and other information relevant to the employee's ability to work lawfully in the United States

Other information pertinent to the administration of wages and benefits, including forms pertaining to federal and state withholdings.

### **1.08 Secondary Employment**

The Village recognizes that, on occasion, employees may seek a second job outside their employment with the Village of Kenilworth. While the Village does not want to regulate an employee's personal affairs, outside interests that limit an employee's job efficiency, present a conflict of interest, or otherwise interfere with the Village's smooth and efficient operation, are *not* permitted. Therefore, any employee who wishes to obtain a second job must submit his or her request in writing to the Village Manager and receive approval in writing.

### **1.09 Americans with Disabilities Act (ADA)**

It is the intent of the Village to guarantee disabled persons who are otherwise qualified to perform the essential functions of the employee's position equal employment opportunities. Employment practices (e.g. hiring, training, testing, transfer, promotion, compensation, benefits, termination, etc.) will be administered in a non-discriminatory manner. The Village, upon request, will provide reasonable accommodations in compliance with the Americans with Disabilities Act (ADA). The Village will engage in an interactive process with the employee to identify the barriers, if any that are interfering with the employee's ability to perform the essential job functions. The Village will identify possible accommodations, if any, that will help eliminate the limitation. As part of the interactive process, the Village

may request the employee to provide certain information from his or her health care provider related to his or her ability to perform the essential job functions, with or without reasonable accommodation.

Upon presentation of medical documentation supporting the need for a workplace accommodation, the Village will consider requests for accommodation of pregnancy pursuant to the procedure in this section, to the extent such accommodation does not pose an undue hardship on the ordinary operation of the business of the Village.

### **1.10 Genetic Information Non-Discrimination Act (GINA)**

The Genetic Information Non-discrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an employee or family member of the employee, except as specifically allowed by this law. To comply with this law, we are asking that you do not provide any genetic information when responding to any requests for medical information. "Genetic information" as defined by GINA includes an individual's family medical history, the results of an individual's or family member's genetic tests, whether or not you or a family member sought or received genetic services, or obtained genetic information of a fetus carried by you or a family member or, whether you or a family member are receiving or have received assistive reproductive services.

### **1.11 Whistleblower Act**

The Village strives to conduct its business with the utmost integrity and in strict accordance with all applicable Federal, State, and local laws. Employees who have reason to believe the Village or any employee or officer is at fault for any violation of a policy, rule or regulation of the Village, violation of ethical standards or requirements, a mismanagement or abuse of authority, or other improper or unlawful conduct, shall immediately report to the Village Manager concerning the alleged violation.

All reports of illegal and dishonest activities or of actions that may be in violation of this policy will be promptly submitted to the Village Manager in order to allow for an investigation into the matter and to recommend and coordinate any corrective or disciplinary action that may be taken against persons violating this policy. All investigations into any conduct that has allegedly violated this policy shall be conducted in a timely manner and without unnecessary delay

The Village will not retaliate against an employee if the employee discloses or threatens to disclose an activity, or policy, or procedure that the employee believes is a violation of the law.

### **1.12 Abused and Neglected Child Reporting Act**

Any employee, public official, volunteer, or agent of the Village who, within their professional capacity, suspects a situation of child abuse or sexual misconduct shall report the suspected abuse or misconduct according to the following procedures:

- All employees, public officials, volunteers, and agents of the Village who, during the course of their official duties, become aware of a specific complaint for allegation of child abuse or sexual misconduct or suspect a case of child abuse or sexual misconduct must immediately make an official report to their supervisor, the Village Manager, or the Chief of Police.
- In addition to notifying DCFS and/or law enforcement, the Village Manager or Chief of Police must be notified by all employees, public officials, volunteers, and agents of the Village of Kenilworth of all allegations of child abuse or sexual misconduct involving an employee, public official, volunteer, or agent who was acting in the official capacity of the Village of Kenilworth at the time of the abuse or sexual misconduct.
- Once notified, these individuals shall make sure that DCFS and local law enforcement are notified and shall cooperate in or conduct an inclusive investigation of the allegation in accordance with the Illinois Abused and Neglected Child Reporting Act and the Criminal Code of the State of Illinois. This policy does not preclude an individual from contacting the Illinois DCFS Child Abuse Hotline at 1-800-25-abuse.
- In addition, upon notification of an allegation of child abuse or sexual misconduct against an employee or volunteer, the individual involved in the alleged incident will be confidentially and immediately relieved of all responsibilities that involve minors until the investigation has been completed.
- The Police Chief will be responsible to respond to all immediate inquiries, make all appropriate notifications and maintain appropriate levels of confidentiality.

### **1.13 Immigration Law Compliance**

Federal law requires all employees to present documentation confirming their identity and eligibility to work in the United States. New employees and re-hires must complete the I-9 Employment Eligibility Verification Form on the first day of employment and provide the necessary identification documentation no later than three business days of their start date. The Village cannot lawfully employ any



candidate who fails to properly complete this process. Failure to present the necessary identification will result in termination.

#### **1.14 Residency**

Employees are not required to maintain residency within the Village limits. All Village employees must live within a reasonable distance to the Village that will not interfere with or prevent the employee in his/her ability to fulfill the duties and responsibilities of their position. Response time in the event of emergencies or weather-related events may be critical for job performance and essential services to the community.

#### **1.15 Employee Identification Cards**

Employees shall adhere to the following guidelines regarding identification cards:

- A. It is the policy of the Village to issue employee identification cards to all full-time and part-time employees. Cards may also be issued to other employees or contractors who may require Village identification while performing work for the Village. The card will display the employee name, department, and a photo.
- B. The card should be carried at all times when an employee is acting in an official capacity. The card shall be used as identification if requested by a member of the public.
- C. Unauthorized or inappropriate use of the employee identification card is prohibited and may result in disciplinary action, up to and including, termination of employment.
- D. The Police Department may issue their own department identification card in lieu of the Village identification card.
- E. The Village Manager or his/her designee is responsible for the preparation of the identification card. Each employee is responsible for possession of their identification card and should take care to protect it from loss, theft, or misuse.
- F. Should a card be lost, damaged, or destroyed, it should be reported immediately to your supervisor. All requests for re-issuance of employee identification cards shall be made by the employee to the Village Manager.
- G. All identification cards remain the property of the Village and shall be returned to the Village Manager upon termination of employment or by special request from the employee's supervisor or the Village Manager.

## **1.16 Nepotism**

The employment of relatives at the Village of Kenilworth is allowed where there is no conflict of interest, no direct or indirect supervisory responsibility between relatives, and where functions of positions do not overlap or require authorization, validation, approval, etc. of both parties with the following relationship.

To ensure fairness and the best interest of the Village of Kenilworth, immediate and extended family will not be employed in any position where one relative would have the authority to supervise, appoint, remove, discipline, evaluate the performance of the other, or audit the work of the other. In questionable areas, the ultimate decision is made by the Village Manager.

While the employment of related persons in the same organizational unit or in a job-related organizational unit is not encouraged, such employment is permitted when there is no conflict of interest and there is a demonstrated critical shortage of qualified applicants.

“Immediate Family” shall be defined as a spouse, mother, father, mother-in-law, father-in-law, children, sister, brother, daughter-in-law, son-in-law, sister-in-law, brother-in-law, grandparents, grandchildren, step-parents, step-children, foster child, or foster parent, or any relative living in the same household with the employee. “Extended Family” shall be defined as aunts, uncles, and cousins.

## **SECTION 2 – EMPLOYMENT POLICIES AND PROCEDURES RELATED TO HOURS WORKED & PAY CALCULATION**

### **2.01 Hours of Work**

For all employees other than employees in the Police Department, the Village's workweek begins at 12:01 a.m. on Monday and ends at midnight on the following Sunday. For employees in the Police Department, the Village's workweek begins at 7:01 a.m. on Monday and ends at 7:00 a.m. the following Monday. Specific work hours and starting and quitting times will vary by location and position. An employee's work hours and starting and quitting times may be changed or adjusted, as deemed appropriate, in response to operational needs.

### **2.02 Attendance & Punctuality**

Regular and prompt attendance is an essential part of an employee's overall job performance and is critical to the smooth and efficient operation of the Village. Absenteeism and tardiness are expensive, disruptive, and place an unfair burden on other employees and your supervisor. Accordingly, it is imperative that all employees report to work regularly, be ready to perform their assigned duties at the beginning of their scheduled workday, and work their full scheduled workday.

In the rare instances when employees cannot avoid being late for work or are unable to report to work as scheduled, they must notify their supervisor *prior to* their regularly scheduled starting time. Employees are expected to provide their supervisor with an explanation of the reason for the absence or tardiness, and a statement as to when the employee expects to arrive at or return to work. (*Note: Employees may be required to present a doctor's statement or other documentation substantiating the reasons for the absence or tardiness, to furnish medical certification of a serious health condition, and/or to submit to an independent medical examination by a doctor designated and paid for by the Village.*)

The foregoing notice requirements apply to *each* day of absence or tardiness, including consecutive days. Any employee who fails to report to work on three (3) consecutive workdays without notifying his or her supervisor will be considered to have voluntarily resigned from employment with the Village. The termination date will be the last day worked.

Even though an employee provides proper notice of his or her absence or tardiness, continued irregular attendance or excessive absenteeism or tardiness constitutes unsatisfactory performance and will subject the employee to disciplinary action, up to and including discharge.

### **2.03 Severe Weather**

Severe weather conditions can disrupt the Village's operations and interfere with work schedules, as well as endanger the well-being of our employees. If extreme weather conditions require closing Village offices, employees will be notified by their supervisor, or his or her designee. If weather or traveling conditions delay or prevent an employee from reporting to work, the employee should notify the Village in accordance with the procedure set forth under the attendance and punctuality policy.

### **2.04 Overtime Pay**

Employees generally should be able to complete their assigned work during regularly scheduled hours. However, employees may be required to work additional hours, including weekends and holidays, as necessary to meet operational needs or emergencies. The Village will try to give reasonable advance notice of required overtime work.

Employees who otherwise are unable to complete their work during regularly scheduled hours should discuss the situation with their supervisor. Nonexempt employees must receive prior authorization from their supervisor in order to work any overtime. When authorized, the supervisor will approve the overtime hours for payroll purposes by initialing the employee's timesheet.

Nonexempt employees other than sworn officers in the Police Department will be paid overtime at one and one-half (1-1/2) times their regular hourly rate of pay for all hours worked in excess of forty (40) in any workweek. When determining an employee's eligibility for overtime pay, actual hours worked and paid leave time will be counted. Unpaid time off will not be counted as "hours worked."

Non-exempt employees may elect to take compensatory time-off instead of being paid overtime compensation. Compensatory time-off will be granted at a rate of one and one-half (1-1/2) hours of compensatory time for every hour of overtime worked. Compensatory time-off may not be taken unless the employee has received prior approval from his or her supervisor. Once an employee has worked overtime and received approval from his or her supervisor, the employee may schedule and take his or her earned compensatory time-off. An employee who has accrued compensatory time and has requested the use of that time will be permitted to use that time within a reasonable period after making the request so long as the use of that compensatory time-off does not unduly disrupt the operations of the Village or the employee's Department.

Employees may accrue compensatory time throughout the fiscal year, which ends on each April 30. However, employees may not accumulate more than eighty (80) hours of compensatory time. Once an employee works overtime to the extent that he or she accrues eighty (80) compensatory time hours, the employee will be paid overtime compensation for any further overtime hours worked. An employee will

be paid for any compensatory time that is not used by April 30 of each year. Upon termination, an employee will be paid for unused compensatory time at a rate of compensation not less than: the average regular rate received by such employee during the last three years of the employee's employment or the final regular rate received by the employee, whichever is higher.

## **2.05 Call Back Pay**

Nonexempt employees called back to duty for overtime work shall be compensated for a minimum of two (2) hours overtime.

## **2.06 Time Records – Nonexempt Employees**

Federal and state laws require the Village to keep accurate time records to ensure that employees are paid properly for the hours they work. Time sheets are used to record hours worked. All nonexempt employees must sign "in" on the Village's time sheets when they arrive at work or return from a meal period (but, in no event, more than five minutes before their scheduled starting time or the end of their meal period), and must sign "out" when they leave work for the day or meal period (but, in no event, more than five minutes after their scheduled quitting or meal time). For purposes of this policy, "scheduled starting time" and "scheduled quitting time" include any overtime hours authorized by the employee's supervisor.

Although nonexempt employees are allowed this five-minute window period to sign "in" and sign "out", they are neither expected nor permitted to begin working before their scheduled starting time or to continue working after their scheduled quitting time, including unpaid meal times. Employees who sign in or out in violation of this policy, or who work hours other than those that they are scheduled to work (including authorized overtime), will be subject to disciplinary action.

Employees must record on their weekly time sheet any and all work performed away from their assigned worksite or outside of assigned hours, whether authorized or not. Such time shall be noted prior to the close of the pay period unless otherwise approved in writing by the Village Manager.

Employees who fail to sign in or out as required must obtain a written verification from their supervisor as to the hours they actually worked in order to be paid for that time. Employees may not alter their time sheets in any way. Employees who believe there is an error on their time sheet must bring the matter to the attention of their supervisor or the Finance Administrator immediately.

Employees must sign in and out *only* on their *own* time sheets. Signing another employee's time sheet, or falsifying or tampering with a time sheet, will subject all employees involved to disciplinary action, up to and including discharge.

## **2.07 Paycheck Distribution**

Wages and salaries are distributed via direct deposit or by check during the workday. Employees who desire to change the method by which they are paid should speak to the Finance Administrator. Pay stubs should be examined by employees as soon as they are received. Any discrepancies should be reported promptly to the employee's supervisor or the Finance Administrator.

## **2.08 Payroll Deductions Applicable To All Employees**

Social security, federal income taxes, and state income taxes are deducted automatically from all employees' paychecks according to law. As a matter of convenience to employees, deductions for such things as group insurance premiums will be made upon their written authorization.

In some cases, mandatory deductions from an employee's pay also must be made for wage assignments, garnishments or child support payments.

Employees will be required to complete all applicable forms necessary for deductions, such as federal form W-4.

## **2.09 Payroll Deductions Applicable Only To Exempt Employees**

Exempt employees are not answerable merely for the number of hours they work. They work as few or as many hours as are necessary to get the job done. For this reason, and subject to the exceptions below, Village policy provides the compensation of exempt employees should not be reduced for any partial-day absence; any partial-week absence occasioned by the Village or its operating requirements, including holidays and partial-week shutdowns; or because of variations in the quality or quantity of work performed.

Deductions from the compensation of exempt employees are proper under the following circumstances:

1. Full-day absences for personal reasons, other than sickness or disability;
2. Full-day absences due to the employee's own sickness or injury (including work-related injuries). Such deductions will be made in accordance with the Village's paid time off plans and state worker's compensation laws and regulations;
3. Deductions from pay for penalties imposed in good faith for infractions of safety rules of major significance;

4. Any portion of a workweek that the exempt employee does not work at the commencement and termination of employment; and
5. Full workweeks in which no work is performed.

The Village reserves the right to require an employee to utilize paid time off benefits for partial-day absences occasioned by personal reasons or by the employee's own illness or injury.

The Village also reserves the right to offset from an exempt employee's compensation any amount received in a particular workweek in jury duty fees, witness fees, or military pay.

Improper deductions from the salary of exempt employees are a serious violation of Village policy. The Village encourages any exempt employee who believes his or her salary has been improperly reduced to report the problem immediately to his or her immediate supervisor or the Village Manager. The Village will review the deduction to determine if it was proper. The review process may require the employee to provide information or present documents to the Village. The employee will be notified of the results of the Village's review. Should the Village determine that the deduction was improper, the employee will be reimbursed for the improper deduction as soon as practicable. Employees are assured that the Village is committed to comply, and expects all supervisors to comply, with this policy and to carefully avoid making improper deductions from the salary of exempt employees. Employees also are assured that no retaliatory action will be taken for reporting improper deductions. Employees who suspect retaliation should report their concerns immediately to their immediate supervisor or the Village Manager.

*Note:* The Village's attendance and disciplinary action policies are applicable to exempt employees even though an absence may not be one for which a deduction from salary may be taken.

## **2.10 Expense Reimbursement**

It is a policy of the Village of Kenilworth to reimburse employees for all necessary expenditures or losses incurred by the employee within the employee's scope of employment and directly related to services performed for the Village of Kenilworth. The Village is not responsible for losses due to an employee's own negligence, losses due to normal wear or losses due to theft unless the theft was a result of Village's negligence.

1. Definitions. For the purposes of this Policy, the following terms have the meaning ascribed to them in this Paragraph.
  - a. *Employee* means an employee, officer or official of the Village of Kenilworth. Municipal officers and officials may be subject to additional conditions or restrictions for reimbursement of expenses

related to their specific offices and other state statutes or local ordinances.

- b. *Necessary expenditures* means all reasonable expenditures or losses required of the employee in the discharge of employment duties and that inure to the primary benefit of the Village of Kenilworth, subject to the provisions of this Policy.

2. Guidelines for Necessary Expenditures. Authorized expenditures include: cell phone expenses, lap top, tablet, mileage, tools, equipment, Internet, meals, registration fees, training expenses, tolls and parking fees.

Unauthorized expenditures include home Internet service, personal cell phone expenses, mileage incurred on personal vehicles, alcoholic beverages and entertainment expenses.

Any expenditure that is not requested and approved prior to purchase is deemed an unauthorized expenditure and may not be reimbursed.

Reimbursement of travel, meal or lodging expenses incurred by an employee is guided by the Policy for Reimbursement of Travel, Meal and Lodging Expenses, pursuant to the Local Government Travel Expense Control Act (50 ILCS 150/).

3. Pre-Approval for Authorized Expenditures. An employee shall submit a written request to purchase or encounter an expense related to any of the above authorized expenditures at least three business days in advance of incurring the expense on the "Expense Reimbursement Form" (attached). Following approval of the expense, the employee will be reimbursed as provided section IV. If the expense is not approved following a written request, the employee will not be entitled to reimbursement.

In the event that an expense is not pre-approved, reimbursement will be subject to the discretion of the Village Manager.

4. Reimbursement Procedure for Authorized Expenditures. An employee shall submit an "Expense Reimbursement Form" (attached) at least three business days in advance of incurring an expense along with appropriate supporting documentation not later than 30 calendar days after incurring the expense. Where supporting documentation is nonexistent, missing or lost, the employee shall submit a signed statement regarding any such receipts.

An employee may not be entitled to reimbursement if the employee has failed to comply with this Expense Reimbursement Policy.



## 2.11 Reimbursement of Travel, Meal, and Lodging Expenses

1. Applicability. This Policy applies to all officers, whether elected or appointed, and employees of the Village.
2. Definitions. For the purposes of this Policy, the following terms have the meaning ascribed to them in this Paragraph 2.
  - A. *Approved Activity* means (i) a conference, program, seminar, or event relating to the Village, or (ii) official business of the Village. See Paragraph 3 of this Policy.
  - B. *Entertainment* means shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless the entertainment is ancillary to an Approved Activity. For purposes of this Policy, “ancillary” means an element of a program or activity that is supportive of the primary element of that program or activity, but is not itself the primary element.
  - C. *Miscellaneous Charges* means reasonable costs for Wi-Fi access, telephone service, photocopying, and other miscellaneous expenses (such as, for example, the cost of a meal for a business guest) as determined by the Village Manager based on the particular Approved Activity.
  - D. *Travel Expenses* means expenditures related to transportation, meals, lodging, related services, and Miscellaneous Charges, directly incident to an Approved Activity. Travel Expenses do not include the registration fee for a conference, program, seminar, or event, which registration fee must be approved separately.
3. Approved Activities Eligible For Reimbursement. Travel Expenses are eligible for reimbursement for the following Approved Activities:
  - A. Continuing education and professional development relating to the officers or employee’s office or duties.
  - B. Conferences, seminars, and similar events relating to the officers or employee’s office or duties.
  - C. Offsite meetings related to Village business.
4. Expense Reimbursement Request Form. An officer or employee seeking reimbursement of Travel Expenses related to an Approved Activity must complete and submit the Village’s “Travel Expense Reimbursement Request” form.
5. Maximum Reimbursements. The following limits on reimbursements of Travel Expenses apply to each officer or employee for a single Approved Activity. The Village Manager may approve exceptions to these limits, subject to approval by the Board of Trustees.

- A. Maximum Total Reimbursement Expenses for Transportation. The Maximum Total reimbursement for Expenses shall be the sum of the actual costs of: 1) the lowest available fare for train, bus, or air travel; 2) car rental fees, but only for compact or mid-sized cars, and only if other transportation is not provided; 3) fares for shuttle or airport bus service, where available; 4) public transportation for other ground travel; 5) taxi fares, but only if other surface transportation is not reasonably available; and 6) mileage expenses for the use of a personal vehicle as allowed under subparagraph (a) of Paragraph 6.
  - B. Maximum Individual Expenses. No reimbursement for a single Travel Expense related to an Approved Activity may exceed the following amounts:
    - i. Meals: Meal expenses per day shall be the then-current amount set forth in the Federal regulations governing the reimbursement of meal expenses for Federal employees for the applicable location.
    - ii. Overnight lodging: Lodging expenses shall be the then-current amount set forth in the Federal regulations governing the reimbursement of lodging expenses for Federal employees for the applicable location.
    - iii. Airfare (round trip total): The lowest available fare for air travel for round-trip travel in economy class with two or fewer connections during the period no greater than one day prior or after the authorized Approved Activity.
    - iv. Miscellaneous Charges: \$30 per day.
6. Travel Expenses Anticipated to Exceed Limits. Any Approved Activity that is anticipated to exceed the maximum Travel Expense limit under Subparagraph (a) of this Paragraph 5, or any single Travel Expense limit under Subparagraph (b) of this Paragraph 5, must be approved by the Village Manager in advance of the Approved Activity.
7. General Standards. The following general standards apply to reimbursements:
- A. Mileage. Mileage reimbursement will be based on the current rate set by the IRS in IRS Publication 463 "Travel, Entertainment, Gift, and Car Expenses" at the time the miles are driven.
  - B. Cost Estimate for Advanced Approval. If reimbursement funds will be provided to the officer or employee in advance of the Approved Activity, then the Village Manager must approve an estimate of the reimbursable Travel Expenses related to that Approved Activity. The estimate must be submitted by the officer or employee to the Village Manager using the Village's "Advancement of Reimbursement Funds Request" form. See Attachment B to this Policy. After the

conclusion of the Approved Activity, the officer or employee must complete and submit the Travel Expense Reimbursement Request in accordance with Paragraph 4 of this Policy.

- C. Receipts. The officer or employee must provide a receipt or other reasonable proof of each Travel Expense for which the officer or employee seeks reimbursement, unless the Village Manager determines that, for good cause, no receipt or other proof is necessary for a particular Travel Expense. If a Travel Expense includes a Miscellaneous Charge for the benefit of a person other than the officer or employee, such as, for example, the cost of a meal for a business guest, then the officer or employee must identify the person for whom the Miscellaneous Charge was incurred.
- D. Board of Trustees Approval. A Travel Expense for an Approved Activity for (i) any officer or employee that exceeds the maximum allowed under this Policy or (ii) any member of the Board of Trustees must be included in the Village's accounts payable report to the Board of Trustees and approved by roll call vote at an open meeting.
- E. Emergencies. The Village Manager may approve reimbursements for Travel Expenses exceeding maximum limits or otherwise not in conformance with the standards of this Policy in the case of an emergency or other extraordinary circumstance. That approval must be in writing, stating the nature or the emergency or other extraordinary circumstance.
- F. No Reimbursement for Entertainment. The Village will not reimburse any Travel Expense incurred for Entertainment.
- G. Village Credit Card Charges. Charges in payment of Travel Expenses made by an officer or employee on a Village credit card are subject the terms and standards of this Policy.
- H. Under no circumstances will reimbursement for expenses related to the spouse of the officer or employee be authorized unless associated with an employment recruitment activity as authorized by the Village Board of Trustees.

## **2.12 Termination & Resignation**

Because the employment relationship is "at-will," the Village and its employees retain the mutual right to terminate the relationship at any time with or without warning, notice, or cause.

In the event you find it necessary to resign or you decide to retire, please notify your supervisor. Written notification is preferred, and it is customary that you give at least two (2) weeks' notice so that the Village can make arrangements to find a replacement.

Employees will receive final compensation, including accrued but unused vacation time, accrued but unused holiday time, and accrued but unused compensatory time, with their final paycheck.

## **SECTION 3 – COMPENSATION**

### **3.01 Performance Reviews**

Periodic performance reviews are important to the Village and each of its employees. Periodic reviews give supervisors an opportunity to review the employee's progress on the job, acknowledge effective performance, address any work-related problems, and establish goals for future performance, growth, and career development.

It is the supervisor's responsibility to keep his or her employees advised of their progress and performance. However, employees who feel uncertain as to how they are doing or where they stand, should not hesitate to ask their supervisor. Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis.

Formal performance reviews generally are conducted at or near the end of an employee's probationary period and annually thereafter. Employees in the Police Department may receive formal performance reviews more frequently. Among the factors considered are the employee's job knowledge, quality and quantity of work, attendance, cooperation, dependability, attitude, attention to work place safety and the Village's safety policies and ability to work as a team member.

All performance reviews will be discussed with the employee and should be signed and dated by the employee and his or her supervisor. Employees will have the opportunity to express their comments on the review, in writing. The reviews and any such comments will become a part of the employee's personnel file.

### **3.02 Open Door Policy**

The Village maintains an open door policy and encourages employees to speak openly with supervisory and management personnel. Your ideas or suggestions on improved work methods and procedures are welcomed.

Feel free to discuss work-related issues of concern with your supervisor. If your supervisor is unable to provide assistance, or if you have a strong personal reason for not presenting the issue to your supervisor, you may contact the Village Manager. Every level of management, including the Village Manager, is available to help resolve your problems.

### **3.03 Promotions and Transfers**

The Village attempts to advertise in-house first to fill vacant positions with Village employees before advertising to the general public following a practice of upward mobility whenever possible. Employees are encouraged to apply for positions in

which they believe they are qualified. Selection of an employee for a promotion is based on several evaluation criteria including past work record, education, and knowledge of the job duties. In all instances, the Village retains the right to recruit and employ the most qualified candidate for a position.

If the employee accepts a transfer or promotion, it will be the responsibility of the two affected departments along with the employee, to reach agreement on a transfer date or promotion. Transfers may be initiated by the Village in instances where the Village's best interest may be served. Temporary duty assignments may be made by the Village Manager for a specified time or assignment as necessary. Such appointments are made on an "acting" basis and the employee returns to his or her regular position upon completion of the assignment.

Transfers and promotions do not change a person's date of hire. If the position to which an employee transfers carries benefits different from those of the previous position, the benefits of the new position apply. Any exceptions must be stated in writing and be authorized by the Supervisor and Village Manager.

### **3.04 Longevity Pay**

All full-time employees employed prior to April 1, 2017 shall receive longevity pay according to the following schedule:

|                |               |
|----------------|---------------|
| After 5 Years  | 0.5% Annually |
| After 10 Years | 1.0% Annually |
| After 15 Years | 1.5% Annually |
| After 20 Years | 2.0% Annually |

## **SECTION 4 – EMPLOYEE BENEFITS & LEAVE POLICIES**

### **4.01 Eligibility for Benefits**

Full-time employees shall be eligible to receive all employee benefits provided by the Village. Part-time or seasonal employees who work 30 or more hours per week for more than 120 days in a year may be entitled to receive health care benefits as required by the Affordable Care Act. Part-time or seasonal employees who work more than 1,000 hours in a calendar year are required to participate in the IMRF retirement plan or other retirement plans as may be offered.

### **4.02 Group Insurance Plan**

All full-time employees are eligible to participate in the Village's group insurance plan commencing on the first day of employment. The plan includes a comprehensive benefits package. Employees hired after April 1, 2017, shall contribute 15% of the cost of health and dental coverage. Employees hired prior to April 1, 2017 shall contribute approximately 13% of the cost of health and dental coverage.

Eligible employees will be provided with a benefits booklet explaining the exact coverages and benefits, their costs, applicable claims procedures, and continuation and conversion rights. All coverages, benefits, costs, and other insurance conditions and procedures are subject to change. Additional information regarding the Village's group insurance plan is available from the Finance Administrator.

### **4.03 Insurance Continuation (Cobra)**

In accordance with federal law (COBRA), the Village offers employees and their families the opportunity for a temporary extension of medical and dental insurance coverage (called "continuation coverage") at group rates in certain instances where coverage under the Village's plan would otherwise end. Employees and their family members who qualify for this coverage will be notified at the appropriate time.

### **4.04 Worker's Compensation Insurance**

The Village provides a comprehensive workers' compensation insurance program at no cost to employees. This program provides protection for employees in the event of lost work time or medical expenses due to an injury or illness sustained in the course of employment.

Employees who sustain a work-related injury or illness must inform their supervisor *immediately*. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable the employee to secure necessary

medical treatment and to qualify for workers' compensation benefits as quickly as possible.

#### 4.05 Retirement Plan

All full-time non-sworn employees participate in the Illinois Municipal Retirement Fund (IMRF) as required by State law. Sworn employees in the Police Department participate in the Village of Kenilworth Police Pension Fund.

Employees hired after April 1, 2017 will be automatically enrolled in the deferred compensation program (457 Plan) at 2% of their salary level. Employees may opt-out at any point.

#### 4.06 Paid Vacations

All full-time employees are eligible to accrue paid vacation days starting on the first day of employment based on the following schedule:

| Year of Employment | Annual Vacation Hours Accrued |
|--------------------|-------------------------------|
| 0 to 6 Years       | 80 Hours                      |
| 7 to 14 Years      | 120 Hours                     |
| 15 to 24 Years     | 160 Hours                     |
| After 25 Years     | 200Hours                      |

However, Police Department personnel hired on or before November 1, 2009, are eligible to accrue paid vacation days based on the following schedule:

| Year of Employment | Annual Vacation Hours Accrued |
|--------------------|-------------------------------|
| 0 to 6 Years       | 96 Hours                      |
| 7 to 14 Years      | 144 Hours                     |
| 15 to 24 Years     | 192 Hours                     |
| After 25 Years     | 240 Hours                     |

New employees earn paid vacation days during their probationary period. Police Department personnel may not use their vacation time until they have been employed by the Village for one year. All other employees may not use their vacation time until they have been employed by the Village for 180 days. Full-time employees *accrue* the vacation days for which they are eligible on a *pro rata* basis during the calendar year. Employees may be permitted to “borrow” vacation days upon completion of a vacation advance repayment agreement. Such agreement must be approved by the employee's supervisor and the Village Manager.

Employees are expected to take their full vacation entitlement in the calendar year in which it is accrued. However, employees hired after the adoption of this policy (October 13, 2009) may carry over from one year to the next the number of vacation days they were entitled to accrue as of December 31 of the prior calendar



year. Additionally, employees hired prior to November 1, 2009, are permitted to carry over all vacation days earned through December 31, 2012. As of December 31, 2012, the Village will purchase all accrued vacation time in excess of one year's accrual from employees hired prior to the adoption of this policy at each employee's then-established salary rate. Beginning January 1, 2013, employees hired prior to the adoption of this policy will also be limited to carrying over from one year to the next the number of vacation days they were entitled to accrue as of December 31 of the prior calendar year. Employees may use vacation days in two hour increments so long as the time is at the beginning or end of the shift and does not impact staffing levels.

Employees generally may not work and be paid in lieu of taking a vacation. Vacations are encouraged for the benefit of employees, their families, and the Village.

When practicable, employees must provide two weeks advance *written* notice to their immediate supervisor of their desire to schedule vacation time. All vacation requests are subject to supervisor approval. If the number of employees requesting vacation during the same period would cause a strain on service or operations, vacation requests will be granted based on the timing of the requests, employee seniority and/or operational needs. The Village reserves the right to approve or change scheduled vacations depending on operational needs.

Vacation pay is based on a regular workweek and is equal to the employee's regular, straight time earnings. Upon termination of employment, employees will receive pay for any unused paid vacation earned and accumulated at the time of termination.

#### **4.07 Paid Holidays**

All full-time employees other than employees in the Police Department are eligible for time off with pay on the following holidays:

- New Year's Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Day After Thanksgiving
- Christmas Eve
- Christmas Day
- Three Floating Holidays (Personal Days)

Other dates may be designated as holidays at the discretion of the Village. Employees in the Police Department accrue paid holiday time off each month to

be used in accordance with department procedures, but not necessarily on the days listed above.

Holiday pay is equal to the employee's regular base pay for the day. The three floating holidays/personal days may be used with the approval of his or her supervisor in two hour increments so long as the time is at the beginning or end of the shift and does not impact staffing levels.

To qualify for holiday pay, an employee must work the *full* scheduled workdays immediately before and after the holiday, unless the employee's absence has been authorized by his or her supervisor.

#### **4.08 Paid Sick Leave**

The Village of Kenilworth permits full-time employees to use paid sick leave in the event of the employee's own non-work related illness or injury (e.g., medical or dental appointments, short-term illness, disease, medical procedures, and recovery periods) or to care for the employee's child, stepchild, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent, who is ill or injured. Employees do not accrue sick days, and sick days are not cumulative; they do not carry over from year to year. Furthermore, there is no provision for payment of unused sick days upon termination of employment.

For the purpose of this section, the following definitions shall apply:

**Unscheduled Sick Leave:** Unexpected or unplanned leave related to the onset of illness or non-work related injury. Unscheduled sick leave may convert to scheduled sick leave upon the determination of a qualified physician, psychiatrist and/or psychologist of the anticipated duration or number of work days to be missed related to recovery or treatment of the injury or identified medical condition.

**Scheduled Sick Leave:** Sick leave related to a planned medical or dental appointment; scheduled medical or dental procedure; or leave time determined to be necessary for recovery from illness or injury as certified by a qualified physician, psychiatrist and/or psychologist.

Sick leave is only to be used for bona fide illnesses and injuries. Sick leave is *not* to be used as personal days or as additional vacation days. Falsification or abuse of the paid sick leave benefit including falsifying sick leave reports will lead to disciplinary action up to and including termination.

In order to receive sick leave pay, an employee must notify his or her supervisor in advance that he or she will be absent or call in on the day of the absence at least one (1) hour prior to the employee's scheduled start time. This allows the employee's Department to plan for the absence. All employees shall complete a

“Sick Leave Use” form for each instance of non-work related illness or injury. This form shall be turned in to the employee’s supervisor immediately upon returning to work.

Employees are encouraged to schedule doctors and other medical appointments outside working hours or toward the beginning or end of the workday. An employee's failure to do so may result in his or her supervisor denying the use of paid sick leave to attend doctor's appointments on a case-by-case basis, depending on the specific situation.

As a condition to the granting of paid sick leave benefits, an employee may be required to submit a report completed by a practicing physician and conform to any medical advice contained therein.

In the case of an illness or injury that lasts for more than three (3) consecutive workdays, an employee will be required to provide a signed report from a physician certifying that a medical condition existed which prohibited the employee from reporting to work.

It is the policy of the Village of Kenilworth to maintain reasonable standards for determining appropriate employee sick leave usage. It is reasonable for employees to occasionally be absent due to illness or injury. However, abuse or excessive use of scheduled or unscheduled sick leave privileges creates ethical, economic and occasionally safety-related issues for employees and residents alike.

When an employee's use of unscheduled sick leave is excessive (which generally means the employee has taken more than twelve (12) days of unscheduled sick days in a consecutive twelve (12)-month period) or suggests the employee is abusing this policy, the Village may require the employee to perform one or more of the following actions:

1. Provide a signed report from a practicing physician certifying that a medical condition existed which prohibited the employee from reporting to work.
2. Meet with his or her supervisor and cooperate in establishing a plan to correct the situation.
3. Submit to a Fitness-For-Duty examination, either medical or psychological.

The following non-exclusive list identifies the type of conduct that may suggest an employee is abusing this policy:

1. Short-term sick leave use consistently attached to regularly scheduled days off.
2. Short-term sick leave use on days that had been previously requested off and subsequently denied.
3. Excessive use of unscheduled sick leave.

Employees are expected to maintain the standards of physical and mental fitness required for performing their jobs. If there is a reasonable question concerning an employee's fitness for duty, or fitness to return to duty following a leave of absence, the Village may require, at its discretion and expense that the employee submit to medical examination, psychiatric examination, and/or psychological examination by a qualified physician, psychiatrist and/or psychologist selected by the Village. It shall then be the duty of the employee, when recommendations are made by the examining physician, psychiatrist and/or psychologist, to follow all directives and recommendations concerning the employee's physical or mental condition. The Village will take steps to reasonably accommodate those qualified individuals with disabilities who can perform the essential functions of their job with or without an accommodation pursuant to federal and state law.

In the case of scheduled leave for serious health conditions, the leave may be taken intermittently or on a reduced hours basis only if such leave is medically necessary and if the Village Manager approves such leave. If the need for intermittent or reduced hours leave is foreseeable based on planned medical treatment, the employee is responsible for scheduling the treatment in a manner that does not unduly disrupt the Village's operations. Also, if intermittent or reduced hours leave is required and approved, the Village may temporarily transfer the employee to another position that accommodates such leave better than the employee's regular position.

Employees who return to work from a scheduled leave will generally be reinstated to their former position or to an equivalent position with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed by the Village during the scheduled leave period. Therefore, if changes in the Village's business occur during an employee's scheduled leave and the employee would have been terminated, laid off or reassigned had he or she been on active status, the employee is *not* guaranteed reinstatement. Moreover, in certain circumstances, conditions may have changed during the employee's absence or it may have become necessary to fill or eliminate the employee's position. In such cases, reinstatement may be dependent on the continued availability of a position and the Village's business needs.

### **Parental and Birthing Leave**

Parental Leave: an employee who becomes a parent through birth or placement of adoption or foster care of a child will be granted 80 hours of paid parental leave.

Birthing Leave: an employee who births a child will be granted 320 hours for normal delivery or 400 hours for a cesarean section for medical recovery. In the event of a condition relating to the birth that causes an employee to be unable to return to work at that time, the employee may request an extension subject to these policies. (Employees must submit medical documentation confirming the type of delivery.)

If both parents are employed by the Village, the combined Parental and Birthing leave for the birth or placement of a child shall not exceed 440 hours.

### **Notice and Certification**

Requests for scheduled leave should be submitted in writing to the Village Manager. The requests should be submitted at least thirty (30) days before the leave is to begin, or as soon as possible if thirty (30) days' notice is not possible. The request should set forth the reasons for the needed leave so as to allow the Village to determine whether the leave qualifies under this policy; the anticipated start date of the leave; and the anticipated duration of the leave. The request may be submitted to the Village Manager either in person or by telephone, telegraph, facsimile ("fax") machine or other electronic means.

Employees requesting scheduled leave in connection with their own health matter may be required to submit a certification from their physician, psychiatrist, and/or psychologist stating, among other things, the date on which the serious health condition began; the probable duration of the condition and any current period of incapacity; the medical facts known to the health care provider regarding the serious health condition; and that the employee is unable to perform the functions of his or her position due to the serious health condition. When required, such certification must be submitted as soon as practicable, but, in no event, later than fifteen (15) calendar days after the onset of the serious health condition. The Village has the right to require a second and/or third medical opinion by a health care provider of its choice.

Employees requesting scheduled leave to care for the employee's spouse, child or parent may be required to submit a certification from the health care provider of the spouse, child or parent stating, among other things, the date on which the serious health condition began; the probable duration of the condition and any current period of incapacity; the medical facts known to the health care provider regarding the serious health condition; and that the employee is needed to care for the patient.

Employees on scheduled leave must periodically notify the Village Manager of their status and intention to return to work, and may be required to submit subsequent recertification's on a reasonable basis. In addition, in order to return to work after

a scheduled leave due to the employee's own serious health condition, the employee must submit a certification from the health care provider that the employee is able to resume work, *i.e.*, that the employee is fit for duty.

Failure to meet the applicable notice and certification requirements may result in counting the employee's days off against his or her attendance record and result in a reduction of accrued vacation time, personal holiday time, or compensatory time; disciplinary action, up to and including termination; denial of a request for leave; or denial of reinstatement following the leave.

### **Prohibition on Working**

As with other forms of leave, except where express written authorization by the Village Manager is given, while on sick leave, employees are prohibited from performing any work, paid or unpaid, for any other person or entity, including the employee's own business. Violations of this prohibition may result in sick leave being revoked and the employee's prior days off being counted against his or her attendance record; disciplinary action, up to and including termination; or denial of reinstatement following the leave.

### **Health Insurance and Other Benefits**

During a scheduled sick leave, the Village will continue to pay its portion of the group health insurance premiums, and the employee must continue to pay his or her share of the premiums (including his or her share of any premium increases which occur while the employee is on leave) via regular payroll deduction. If the employee does not return to work after expiration of the leave, the employee will be required to reimburse the Village for all of the employer's portion of the group health insurance premiums which it paid during the leave, unless the employee does not return because of the continuation, recurrence or onset of a serious health condition, or other circumstances beyond the employee's control.

Employees will not lose any employment benefits earned and accumulated up to the date their scheduled sick leave begins. At no time shall an employee receive more paid sick leave in a rolling 12-month period than the employee worked during the previous rolling 12-month period. Once an employee has exhausted all of the paid sick leave time to which he or she is entitled, the employee is required to use his or her earned and accumulated paid vacation leave, unless the leave otherwise is paid (*e.g.*, because the employee is receiving workers' compensation benefits). For uninterrupted schedule sick leave of 160 hours or less, employees will continue to earn additional paid vacation days during their leave. For uninterrupted scheduled sick leave in excess of 160 hours, employees will not accrue vacation time or any other leave time for any period in excess of 160 hours. Upon exhausting all of the above benefits, if the employee is unable to return, the employee may apply to the appropriate pension or retirement plan for eligible disability benefits, resign or retire if applicable.

Employees, who believe this policy has been improperly or unfairly applied, or who have questions concerning the policy, are encouraged to discuss the issue with their supervisor or the Village Manager.

**Attendance Incentive**

Any full-time employee who utilizes no scheduled or unscheduled sick leave during a calendar year, and was a full time employee for that entire calendar year, will receive a \$100.00 attendance incentive in January of the following year. This attendance incentive will be cumulative for consecutive calendar years of attendance when the employee uses no sick leave (e.g. 1 year = \$100, 2 years = \$200, 3 years = \$300, etc.).

**Additional Non-Mandated Service member Family Leave**

The Village will also provide eligible employees with unpaid leave to care for a covered service member ("FM Service member Leave"). To be eligible for FM Service member Leave, an employee must: (1) have been employed by the Village for at least twelve (12) months, (2) have worked at least 1,250 hours during the prior twelve (12) months, and (3) be the spouse, son, daughter, parent, or next of kin of a covered service member" FM service member Leave is only available in a single twelve (12)-month period. The maximum amount of FM service member Leave available under this policy is twenty-six (26) weeks less any FM Leave taken during the applicable twelve (12)-month period. The other terms and conditions of FM service member Leave are the same as those set forth above for FM Leave.

The term "covered service member" means a 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.

The term "outpatient status", with respect to a covered service member, means the status of a member of the Armed Forces assigned to:

1. A military medical treatment facility as an outpatient; or
2. A unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

The term "serious injury or illness," in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

#### **4.09 Bereavement Leave**

In the event of the death of a spouse, child, step-child, parent, parent-in-law, grandparent, brother or sister, employees may be granted up to three (3) scheduled work days off for the purpose of attending the related memorial and funeral services. Bereavement pay is based on a regular workweek and is equal to the employee's regular, straight time earnings for such days, upon submission of supporting documentation (e.g., an obituary notice or death certificate). Additional time off without pay may be granted in appropriate circumstances.

#### **4.10 Jury Duty**

All employees will be granted time off when called to jury duty. Employees should notify their supervisors that they have received a jury summons as soon as possible. All employees shall receive full pay for time spent on jury duty up to a maximum of thirty (30) workdays. Any additional days shall be unpaid. Employees are expected to report for work immediately upon release by the court.

In order to receive full pay from the Village for time spent on jury duty, employees must tender to the Village of Kenilworth any fees received for service as a juror.

The Village or the employee may request an excuse from jury duty if the employee's absence would create serious operational difficulties or other hardships.

#### **4.11 Visitation Leave**

For employees who have been employed by the Village for at least six (6) continuous months, the Village will grant up to eight (8) hours of unpaid leave each school year—up to four (4) hours on any given day—so that the employee can attend school conferences or classroom activities related to the employee's child if the conference or classroom activities cannot be scheduled during non-work hours. Prior to taking leave under this policy the employee must have exhausted all accrued vacation leave and personal days. An employee wishing to utilize leave under this policy must provide his or her immediate supervisor with a written request for leave at least seven (7) days in advance of the time the employee is seeking to use this leave. In emergency situations, no more than twenty-four (24) hours notice shall be required. Employees must consult with their supervisor in order to schedule the leave so as not to disrupt unduly the operations of the Village. An employee who utilizes leave under this policy may be able to make up the time on a different day or shift as directed by the Village if reasonable opportunity exists for the employee to make up the time taken. Employees must provide verification that the school visitation occurred as scheduled within two (2) working days of the leave.



#### **4.12 Military Leave**

All leaves of absence for military purposes will be handled in accordance with applicable federal and state laws, including the Uniform Services Employment and Reemployment Rights Act.

#### **4.13 Family Military Leave**

Spouses, parents, children and grandparents of individuals called to military service of at least thirty (30) days in length by the State of Illinois or the United States may take up to fifteen (15) days of unpaid leave. Leave may be taken in blocks or intermittently. If leave will consist of five (5) or more consecutive workdays, at least fourteen (14) days' notice is required. Employees taking leave for less than five (5) consecutive days must give advanced notice as is practicable. Scheduled leaves must not unduly disrupt the operations of the Village. The Village may require certification from the proper military authority to verify the employee's eligibility for the family military leave requested.

In order to be eligible for this leave, employees must be employed with the Village for at least twelve (12) months and for at least 1,250 hours during the twelve (12)-month period immediately preceding the commencement of leave. In addition, leave is not available under this policy unless the employee has exhausted all accrued vacation leave, personal leave, and any other leave that may be granted to the employee, except sick leave and disability leave. Interested employees should contact the Village Manager for additional information.

#### **4.14 Blood Donation Leave**

Full-time employees who have been employed by the Village for at least six (6) months may receive up to one (1) hour of paid leave every fifty-six (56) days to donate blood. However, employees may take leave only after obtaining approval from their supervisor.

#### **4.15 Victims' Economic Security and Safety Act Leave**

The Victims' Economic Security and Safety Act ("VESSA") provides an employee who is a victim of domestic or sexual violence, or who has a family or household member who is a victim of domestic or sexual violence, with up to twelve (12) weeks of unpaid leave per any twelve (12) month period to address issues arising from domestic or sexual violence. Interested employees should contact the Village Manager for additional information.

#### **4.16 Voting Leave**

The Village encourages employees who desire to do so to exercise their right to vote before or after working hours. Employees who are registered to vote and who are not otherwise able to vote outside working hours are eligible to receive up to two (2) hours off without pay in order to vote in a general or special election, or an election where propositions are submitted to a popular vote. All requests for such time off must be submitted to an employee's supervisor prior to the Election Day and the Village may specify the hours during which employees may absent themselves from work in order to vote.

#### **4.17 Lactation Accommodation**

Each employee is entitled to a reasonable amount of break time to express breast milk for the employee's infant child. If possible, this time should run concurrently with the employee's break time that is already provided. The Village will provide an appropriate and private location for such activity.

#### **4.18 Tuition Reimbursement**

From time to time, subject to budget constraints and the personnel needs of the Village, the Village may reimburse tuition payments made by full-time employees who take undergraduate or graduate level courses to obtain a job-related degree, provided they comply with all parts of this policy. Tuition reimbursement does not include books, fees or other non-tuition expenses.

Administration, Police, and Public Works each receive a maximum of \$6,000 in tuition reimbursement each fiscal year to be distributed among employees requesting reimbursement. The amount of funding made available may vary from year to year based upon budgetary conditions.

##### **Eligibility**

To be eligible for the Tuition Reimbursement Program, an employee must meet all of the following requirements:

1. The employee must be full-time and has been employed with the Village for at least one year.
2. The course or courses must be offered at an accredited college or university.
3. The employee must be enrolled at the accredited college or university, in a course of studies that is job-related and that will result in obtaining a job-related degree. Whether a course of studies and a degree are job-related will be determined by the Chief of Police or Village Manager, based on a consideration of all relevant factors, including the employee's current job classification, job classifications the employee may occupy as part of a

- normal career progression, and related fields of study that would benefit job performance for the Village.
4. The employee must be in good standing, with annual evaluations that are at least satisfactory for the prior three year period.
  5. The employee must meet all other requirements of the Tuition Reimbursement Program, including the procedural requirements.
  6. The employee must sign an agreement accepting the terms of the Tuition Reimbursement Program, including the repayment requirement section.

#### Procedures

To participate in the Tuition Reimbursement Program, an employee must comply with all of the following procedures:

1. Submit the completed application to the employee's Supervisor 5 months prior to the effective date of the budget for the fiscal year during which payment is requested to be made.
2. Agree in writing to refund tuition reimbursement payments if the employee leaves the employment of the Village according to the repayment schedule, and consent to having the Village deduct the amounts to be refunded to the Village from the employee's final pay.
3. Provide timely and satisfactory documentation to the employee's Supervisor of the following:
  - a. the required curriculum and course offerings;
  - b. enrollment;
  - c. amount of tuition billed;
  - d. amount of tuition paid; and
  - e. successful completion of the course work.

Only original documents on official letterhead from the academic institution will be accepted as proof of compliance with these requirements.

4. The Village will evaluate all applications for participation in the Tuition Reimbursement Program. The Village reserves its full discretion to decide whether, to what extent, and to whom it will pay tuition reimbursements during the next fiscal year, so as to assure the greatest benefit to the Village from reimbursing employees' tuition. In exercising that discretion, the Village may establish funding priorities based on the proposed course of study of the applicants in relation to the Village's needs, which may include, without limitation, considering any or all of the following criteria:
  - a. the amount of funds available;
  - b. the number of applications received in any given fiscal year;
  - c. the academic institution or degree program selected;
  - d. the needs of the Village as a whole;
  - e. the particular needs of one or more departments;

- f. the length of time an applicant has been employed;
  - g. the length of time an employee has been enrolled in a degree program and the likelihood that the employee will complete that program while still employed by the Village; and
  - h. the quality of both the employee's job performance and the employee's academic performance.
5. If the college or university's course offerings or curriculum change, or if registering for an approved course creates a conflict with an employee's work schedule, the employee shall provide appropriate documentation to his/her Supervisor, who may approve enrollment in an alternate course.
  6. To receive reimbursement, prior approval must be obtained from the Village if the employee desires to change the course of studies, the degree being sought, or the college or university at which he or she is studying.

#### Loss of Eligibility for Tuition Reimbursement

An employee who has obtained preliminary approval for reimbursement may be denied the actual reimbursement if any of the following occur:

1. The employee does not submit required documentation on required forms;
2. The employee's work performance is deemed unsatisfactory;
3. Disciplinary action resulting in unpaid leave has been imposed upon the employee;
4. The employee does not provide the signed proper documentation required of this policy;
5. The employee fails to take an approved course, changes the course of study or the degree being sought, or changes the college or university at which he or she is studying, without first obtaining the approval of the Village;
6. The employee leaves the employment of the Village before the completion of the course; and
7. The employee does not receive an acceptable grade for the course work.  
To be acceptable, the grade must be at least one of the following:

Reimbursement is based on a sliding scale:

| <b>Undergraduate Courses</b>          | <b>Graduate Courses</b>               |
|---------------------------------------|---------------------------------------|
| A grade of "A" = 100% reimbursement   | A grade of "A" = 100% reimbursement   |
| A grade of "B" = 75% reimbursement    | A grade of "B" = 75% reimbursement    |
| A grade of "C" = 50% reimbursement    | A grade of "Pass" = 75% reimbursement |
| A grade of "Pass" = 75% reimbursement | A grade of "Fail" = 0% reimbursement  |
| A grade of "Fail" = 0% reimbursement  |                                       |

Only original documents on official letterhead from the academic institution will be accepted as proof of compliance with these requirements.

### Repayment Requirement

Any employee who desires to participate in the Tuition Reimbursement Program shall, as a condition of participation, sign a consent form that allows the Village to deduct any amounts due the Village from the final paycheck of the employee at the time of separation from employment.

Upon leaving the employment of the Village, the employee shall repay the Village in full for all reimbursements received under this program as provided for in the paragraph below immediately preceding the employee's last date of employment. If the amount of repayment owed to the Village exceeds the employee's final payout at separation of employment, the Village will invoice the employee for the unpaid balance, and the former employee shall pay said invoice in 60 days. Unpaid invoices will be subject to the Village's normal collection proceedings.

### Repayment Schedule upon Leaving Employment

The repayment schedule for those leaving employment is based on a rolling three (3) year period from the date of the Village's last reimbursement of the employee's tuition (e.g., at the end of a semester).

| Employee remains in Village employment: | Amount of tuition reimbursement re-paid by employee: |
|---|--|
| Less than 1 year                        | 100%   |
| 1 to 2 years                            | 80%  |
| 2 to 3 years                            | 50%  |
| 3+ years                                | 0%   |

## **SECTION 5 – EMPLOYEE CONDUCT POLICIES**

### **5.01 Workplace Violence**

The Village will not tolerate violence in the workplace for any reason. Employees who threaten, intimidate or strike any co-worker, supervisor, or other person with whom they come in contact in the performance of their job duties, or who engage in any other actual or threatened behavior of a hostile, aggressive, or violent nature while on duty or on Village property, will be subject to immediate termination.

Any employee who has been subjected to or threatened with any act of violence should immediately report the matter to the employee's immediate supervisor or the Village Manager. The matter will be thoroughly investigated. No situation is too small for us to address. Retaliation against any individual who reports actual or threatened acts of workplace violence will not be tolerated.

All employees other than sworn Police Department employees are not permitted to possess any firearms or other weapons while on duty or on Village property, even if they are kept in the employee's vehicle. Any employee who is found to be in possession of a weapon while on duty or on Village property will be subject to immediate termination. The Village reserves the right to search the person, vehicle and personal property of employees for weapons or other contraband while on duty or on Village property. The Village also reserves the right to search all Village property (including, but not limited to, employee offices, desks, and lockers) for such contraband. Employees who fail to submit to or cooperate fully in such searches will be subject to disciplinary action, including termination.

Supervisors must carefully monitor employee behavior to insure that no actual or threatened acts of a hostile, aggressive or violent nature occur in the workplace. Supervisors who witness any such behavior or suspect that such behavior exists must report it immediately to the Village Manager. Supervisors who tolerate actual or threatened hostile, aggressive or violent behavior in the workplace, or who fail to promptly report such behavior as provided in this policy, also will be subject to appropriate disciplinary action, including termination.

### **5.02 Drug/Alcohol-Free Workplace Policy**

#### **General Policy and Rules**

Drug and alcohol use and abuse not only threaten the health of the user, but also create a danger to the life and safety of fellow employees on the job. They also have an adverse effect on the quality of the services that we provide and are extremely costly in terms of absenteeism, reduced productivity, and related problems in the workplace. For these and other reasons, the Village of Kenilworth is committed to creating and maintaining a workplace free of drugs and alcohol.

Consistent with the foregoing, the Village has adopted the following rules regarding drugs and alcohol. All employees are required to abide by these rules as a condition of their employment with the Village:

1. The manufacture, distribution, dispensation, sale, possession, or use of alcohol, illegal drugs or controlled substances while on duty or on Village property is absolutely prohibited and will subject employees to immediate discharge. Employees who are impaired by or under the influence of alcohol, illegal drugs or controlled substances, or who have any of the same present in their bodily systems, while on duty or on Village property, also will be subject to discharge. Police officers who are on duty may possess alcohol, illegal drugs or controlled substances in connection with their job duties.
2. Off-the-job, illegal manufacture, distribution, dispensation, sale, possession, or use of illegal drugs or controlled substances may adversely affect an employee's job performance, the safety of other employees and the public, and the public's trust in the Village and its ability to provide quality services. Accordingly, such conduct also will subject employees to disciplinary action, up to and including immediate discharge.
3. The Village reserves the right to search the person, vehicle, and personal property of employees for contraband (including, but not limited to alcohol, illegal drugs, controlled substances, and drug paraphernalia) while on duty or on Village property. The Village also reserves the right to search all Village property (including, but not limited to, employee offices, desks, and lockers) for such contraband. Employees who fail to submit to or cooperate fully in such searches will be subject to disciplinary action, up to and including immediate discharge.
4. Each employee must notify the Village Manager of any conviction under a criminal drug statute which the employee receives for a violation occurring while on duty or on Village property within five (5) days of such conviction.
5. Use of medication administered, prescribed by, or under the supervision of a physician and according to the prescribing physician's lawful directions or non-prescription medication in conformity with the manufacturer's specified dosage is not prohibited by this policy. However, employees taking a prescribed drug or controlled substance must maintain the same in the original container identifying the drug or substance, dosage, date of prescription, name of the person for whom it was prescribed, and authorizing physician. An employee taking medication must also notify his or her supervisor of any known side effects that might affect the employee's job performance and review with his or her supervisor any work restrictions that should be observed while taking the medication. In addition, if the employee drives a vehicle or operates equipment in connection with his or

- her job, the employee's physician must have advised the employee that the medication will not affect the employee's ability to safely operate a motor vehicle or equipment, or otherwise function in his or her position. If required by the Village, the employee shall produce written evidence that any medication has been lawfully prescribed or administered by a physician, as well as information from the physician concerning any potential side effects of the medication.
6. To avoid being disciplined for having a positive test result, an employee must notify the Village of his or her use of prescription or non-prescription medication before any laboratory test is performed on the employee's specimen and the positive test result must be consistent with the ingredients of such medication. The wrongful use or sale of prescription or non-prescription medication is a violation of this policy.
  7. Employees may be required to submit to a drug and/or alcohol test as a condition of continued employment. Employees who fail to submit to the required tests and/or test positive for alcohol, illegal drugs or controlled substances will be subject to immediate discharge.
  8. Employees are required to report known violations of these rules directly to their supervisor or the Village Manager. The Village will use its best efforts to protect the anonymity of all employees involved and will treat the information as confidential.
  9. Employees who recognize that they have a drug and/or alcohol problem are encouraged to voluntarily seek medical or other professional assistance to correct the problem. No employee will be disciplined or discharged for doing so. However, the employee must continue to observe all of the Village's policies and rules, including those relating to the use and possession of drugs and alcohol. Seeking professional assistance or participating in a drug and/or alcohol rehabilitation program will not insulate an employee from discipline, up to and including immediate discharge, for violation of the Village's policies and rules.

### **Definitions**

The following definitions apply for purposes of the Village's drug/alcohol policy and rules:

1. The terms "drugs," "illegal drugs," and "controlled substances" include controlled substances as defined in the federal Controlled Substances Act (21 U.S.C. § 812 *et seq.*) and the Illinois Controlled Substances Act (720 ILCS 570/100 *et seq.*), and cannabis as defined in the Illinois Cannabis Control Act (720 ILCS 550/1 *et seq.*). The terms specifically include, but are not limited to, marijuana, cocaine, PCP, heroin, LSD, amphetamines, and barbiturates.



2. The term “Village property” includes, but is not limited to, all Village offices, work areas, lunch or break rooms, rest rooms, parking lots, buildings and grounds, vehicles, desks, and lockers, wherever located, which are owned, leased or operated by the Village, or which are used by employees in connection with the performance of their duties on behalf of the Village.
3. The term “conviction” means a finding of guilt, including a plea of *nolo contendere*, or imposition of a sentence or both, by any judicial body charged with determining violations of federal or state criminal drug statutes.
4. The term “criminal drug statute” means a criminal statute involving the manufacture, distribution, sale, possession, or use of any controlled substance.

### **5.03 Prescription, Over-the-Counter, and Licensed Drug Use**

Employees who use a prescription drug that may cause adverse side effects (i.e., drowsiness or impaired reflexes or reaction time) or are a Registered Qualified user of Cannabis under the Compassionate Use of Medical Cannabis Pilot Program (while such program is active and lawful) are required to inform their supervisor of any known side effects that might affect the employee’s job performance or present a threat of harm to other employees or the public. Employees are responsible for informing their supervisor of the possible effects of the drug on work performance and expected duration of use. If the usage of such medication poses a safety risk for the employee or others, the employee may not work until a release is obtained from the employee’s treating physician. Any use of a controlled substance shall fall under this policy. The Village’s policies prohibit the use of medically prescribed marijuana in the workplace or being under the influence of marijuana as a “qualifying patient” under the Illinois Compassionate Use of Medical Cannabis Pilot Program Act (while such program is active and lawful) during the work day or work activities.

### **5.04 Employee Conduct and Work Rules**

The Village expects an employee’s conduct and performance to conform to general standards of good conduct, professionalism, and business ethics; the requirements of his or her job; published and common sense health and safety rules and practices; and applicable federal, state and local laws, rules, and regulations. There are certain, fairly obvious types of conduct that are unacceptable and will subject an employee to disciplinary action, up to and including discharge. The following, non-exclusive list of such conduct is offered for the guidance of employees:

1. Theft or unauthorized possession of Village property or the property of fellow employees, regardless of value.

2. Provoking or engaging in a fight or threatening harm to others while on duty or on Village property, or engaging in other conduct that violates the Village's Workplace Violence Policy, unless necessary to perform your job duties in the Police Department.
3. Engaging in abusive, discourteous or profane language or conduct while on duty or on Village property.
4. Insubordination, including failure or refusal to promptly carry out the orders or instructions of a supervisor or the Village Manager. (Note: This includes the failure or refusal to work overtime required by the Village.)
5. Acts of dishonesty, including falsification or alteration of attendance records, time sheets, or other employment-related documents.
6. Gambling in any form while on duty or on Village property.
7. Misrepresentation or omission of material facts on an employment application, resume or other document used to secure or retain employment with the Village.
8. Manufacturing, distributing, dispensing, selling, possessing, using, being impaired by or under the influence of alcohol or illegal drugs while on duty or on Village property unless necessary to perform your job duties in the Police Department.
9. Failing to submit to or cooperate fully in searches for contraband (including, but not limited to, drugs or alcohol, drug paraphernalia, and stolen goods or materials) or related investigations.
10. Using or possessing firearms, explosives or other dangerous weapons while on duty or on Village property unless necessary to perform your job duties in the Police Department.
11. Committing any criminal offense while on duty or on Village property, or which otherwise may adversely affect the employee's work or work relationships or the Village's reputation.
12. Violating the Village's policy or rules regarding attendance and punctuality.
13. Failing to provide adequate and acceptable verification of illness or injury, or substantiating documentation for absences due to other reasons, or failing to submit to examination by Village-designated doctors, when required by the Village.

14. Engaging in unlawful discrimination, harassment or other conduct that violates the Village's Equal Employment Opportunity and Prohibition of Unlawful Harassment Policy.
15. Using working time for personal matters.
16. Unauthorized or excessive personal use of the Village's telephones, equipment, systems, or supplies.
17. Poor workmanship, substandard productivity, or unsatisfactory work performance.
18. Damaging or improperly using, caring for or maintaining Village property, including tools, equipment, machinery, databases, or software.
19. Exceeding time limits on meal periods, or taking meal periods at other than designated times, without authorization from your supervisor.
20. Stopping or leaving work before the end of a scheduled work period without authorization from your supervisor.
21. Sleeping, loafing, or wasting time during a scheduled work period.
22. Creating disharmony among employees or interfering with other employees on the job.
23. Violating the Village's rules regarding solicitation and distribution of literature.
24. Posting materials on the Village's bulletin board without proper authorization, or defacing, marking, damaging, destroying, or removing materials posted by the Village.
25. Failing to observe any of the Village's safety policies or rules or engaging in other unsafe or unhealthy conduct, including removing, bypassing or otherwise altering safety guards or devices.
26. Violating the Village's smoking policy.
27. Unauthorized examination, use or disclosure of Village records or confidential information.
28. Violating Article XII, Chapter 2 of the Village Code, titled Village Officials and Employees Ethics.
29. Failing to follow Village policies, rules, or supervisory instructions.

30. Misrepresentation regarding a leave of absence, or obtaining other employment during a leave of absence without proper authorization from the Village.

31. Bringing or allowing visitors on Village property without proper authorization, and other violations of the Village's policy on security/visitors.

32. Violating the Village's Electronic Communications Policy.

All disciplinary action is within the Village's discretion. Cases of unacceptable work behavior will be handled on an individual basis, subject to such penalties as the Village may deem appropriate. Relevant factors include, but are not limited to, the nature of the offense, the surrounding circumstances, and the employee's prior work record. The Village generally endorses the concept of corrective counseling, which is predicated on the assumption that employees, when given the opportunity to correct work behavioral problems, will do so. Therefore, when deemed appropriate, the Village will attempt to apply corrective counseling before discharging an employee. Nevertheless, in any given case, the disciplinary action imposed by the Village can range from informal counselings, to written warnings, to suspensions without pay, to immediate discharge. Furthermore, nothing stated herein should be construed as imposing a requirement of "cause" for discipline or discharge, or as otherwise limiting the prevailing "at-will" employment relationship between the Village and its employees.

### **5.05 Attitude**

All employees should bring to work a good personal attitude that reflects a spirit of cooperation. Approaching your job positively can help in coping with problems that can occur in our day-to-day activities. Personal growth and job progress can often be the result of working in harmony with others.

### **5.06 Business-Like Behavior**

As a representative of the Village, you are expected to act in a business-like manner. The Village of Kenilworth has built a reputation of quality service. Each employee has a responsibility to perform his or her job duties with pride and professionalism.

### **5.07 Dress Code**

At the Village of Kenilworth, we strive to maintain a relaxed yet professional atmosphere. It is important for employees to dress in a neat and clean manner that is appropriate for a business environment. Employees violating this dress code will be subject to disciplinary action. Employees working in a department where a uniform is required are expected to wear the approved uniform and appropriate personal protective equipment while on duty.

## **5.08 Solicitation & Distribution**

In order to protect employees from annoyance, harassment, and interference, and to maintain a workplace free of undue litter, the Village has adopted the following rules concerning solicitation and distribution of literature:

1. Employees shall not engage in solicitation of any kind during *working time*. (“Solicitation” includes, among other things, sales of products or raffle tickets, requests for donations or contributions, solicitations for lotteries or sports pools, and solicitations for membership in or support of any organization or cause.)
2. Employees shall not distribute literature in *working areas* at *any time*.
3. Employees shall not distribute literature in *non-working areas* during *working time*.
4. Non-employees shall not be permitted to distribute literature or solicit our employees at any time on Village property.

As used in these rules, the term “working time” means the period of time that an employee is supposed to be performing his or her job duties. It includes the time when either the employee soliciting or distributing literature or the employee being solicited or receiving literature is supposed to be working. “Working time” does not include free time such as time allotted for break or lunch periods or periods before or after work.

## **5.09 Business Ethics/Conflict of Interest**

All employees are expected to conduct their business affairs in accordance with a strict code of business ethics and in compliance with Article XII, Chapter 2 of the Village Code, titled Village Officials and Employees Ethics, as amended. Conflicts of interest -- real and perceived -- are to be avoided. A conflict of interest will be deemed to exist whenever an employee has a relationship or interest that might adversely affect his or her judgments or decisions on behalf of the Village. Any question as to whether a conflict of interest might exist should be referred to the Village Manager.

Employees are expected to deal with suppliers, contractors, and others doing business with the Village without favor or preference based on any personal considerations or opportunities for personal gain.

## **5.10 Gifts and Gratuities**

All employees and any spouse of or immediate family member living with an employee, shall comply with Article XII, Chapter 2 of the Village Code, titled Village

Officials and Employees Ethics. Invitations to educational, industry, or recreational events may be accepted only with the prior approval of the Village Manager. Village employees may accept food and refreshments of nominal value as permitted by the Village Code. If you have any questions as to whether a gift is appropriate, you should consult your supervisor or the Village Manager.

### **5.11 Housekeeping**

Work areas, rest rooms, and eating areas are to be kept neat and orderly. Maintenance personnel need the cooperation of all employees to help keep the facility in a good state of repair and to maintain good housekeeping standards.

### **5.12 Serving the Public**

All Village employees shall be responsible for providing municipal services to the public in a courteous, polite manner free from discrimination based on race, color, sex, sexual orientation, religion, age, disability or handicap, national origin, ancestry, marital status, citizenship status, veteran status, or any other class protected by applicable law.

### **5.13 Political Activity**

It is the Village's desire to foster governmental efficiency, ensure that employees can perform their jobs without being pressured to support specific Village or other political candidates, and to ensure that regulations are not interpreted favorably for supporters of candidates for political office.

Employees of the Village may not engage in political activities at any time on Village owned property or while on duty, or while they may be identified as an employee of the Village by any means such as uniform, insignia, and/or motor vehicle, or in any other manner. Political activities include, but are not limited to, campaigning as a candidate for public office, soliciting or receiving funds for a political party or candidate for public office, soliciting votes for such party or candidate, attending political rallies or press conferences, circulating petitions, distributing political literature, or encouraging others to do any of the above.

For purposes of this section "while on duty" includes those hours you are scheduled to work and are working for the Village.

No employee shall be disciplined or rewarded by reason of his/her political affiliation, personal political contributions, or political beliefs by the Village.

### **5.14 Contributions and Honorariums**

Speeches and presentations made either during working time or for which the Village provides travel expense reimbursement, are made without charge. If an

organization wishes to give an honorarium or contribution for such a presentation, the remuneration must be made to the Village or the Kenilworth Police Pension Fund, not to the individual employee.

### **5.15 Employee Privacy Policies**

The Village reserves the right to search lockers, desks, filing cabinets, computers, Village-assigned email or electronic storage accounts, and personal belongings located on Village property at any time, particularly where there is a suspicion of employee misconduct. If personal belongings are to be searched, the Village will make reasonable efforts to notify the employee and allow them to be present. The Village will conduct such searches in a manner reasonably intended to address the legitimate operational and management reasons for the search.

## **SECTION 6 – ELECTRONIC RESOURCES, COMMUNICATIONS AND DOCUMENT RETENTION**

### **6.01 Introduction**

The purpose of this section is to provide guidance as to the proper use of the electronic resources and communication system of the Village. This section covers the use of all forms of electronic communications including but not limited to computers (e.g., desktop and portable computers, servers, networks, printers, software and data storage media), e-mail, voice mail, fax machines, external electronic bulletin boards, Intranet, the Internet, and other similar tools that may be introduced in the workplace and applies to all employees as defined in this section. Furthermore, this policy will address records management concerns and the need to distinguish records from non-records and the continued preservation of needed e-mail records along with the prompt erasure of those which have outlived their utility by approved records retention and disposition schedules. Every employee and officer is expected to read, understand, and follow the provisions of this section and will be held responsible for knowing its contents. Anytime the word “shall” or “should” is used in this section, it is considered mandatory and not directory language. Use of the Village’s electronic communication systems constitutes acceptance of this section and its requirements.

### **6.02 Use of Electronic Resources and Communications**

The Village’s electronic resources and communication systems are intended for business use only. Incidental and occasional use of these electronic communication systems for non-work purposes may be permitted at the discretion of the Village. Any permitted non-work use must be infrequent, incidental use that is professional, in good taste, does not violate Village policies regarding conduct in the workplace and does not interfere with Village business, the performance of the user’s duties or the availability of technology resources. All use of Village electronic resources and communications -- including any occasional personal use -- is subject to applicable Village policies.

Before using the electronic communication systems for business or personal use, employees must understand that any information that is created, entered, sent, received, accessed, or stored in these electronic communication systems will be the property of the Village and shall not be private. As with all other Village property, the Village retains the right to search, monitor, inspect, intercept, review, access and/or disclose all Village electronic resources and communications and all data created, entered, received, stored, viewed, accessed or transmitted via those resources for any reason, at any time, and without further advance notice or consent of a user by persons designated by or acting at the direction of the Village Manager, or as may be required by law or as necessary for, or incidental to, auditing, security and investigative activities, to ensure effective technology resource administration and policy compliance, and for other legitimate



management reasons. Users specifically consent to the access by and disclosure to the Village of messages and other files created, entered, accessed, viewed, sent, or received on the Village's systems which are stored by a third-party electronic communication service or remote computing service.

Employees should use the same care and discretion when composing e-mails and other electronic communications as they would for any formal written communication. Business-related data may not be used for any purpose unrelated to Village business. Employees should abide by the Nondiscrimination and Equal Opportunity and Harassment and Discrimination Policies of the Village by refraining from using offensive, harassing, vulgar, obscene, or threatening communications – including disparagement because of age, citizenship, color, disability, gender, national origin, marital status, pregnancy, sexual orientation, arrest record or religion. This policy prohibits communications creating, distributing or soliciting sexually oriented messages or images. Any messages or information sent by employees to other individuals via electronic communications such as the Internet or e-mail are statements identifiable and attributable to the Village. Consequently, all electronic communications sent by employees, whether business or personal, shall be professional and comply with this policy.

### **6.03 Prohibited Activities**

Under no circumstances shall employees use the Village's electronic resources or communication systems for creating, possessing, uploading, downloading, accessing, transmitting or distributing material that is illegal, sexually explicit, or discriminatory. Employees shall not use these electronic resources or communication systems for illegal activities such as gambling. Employees shall not engage in any use that violates copyright or trademark laws.

Employees shall not use e-mail or other electronic communications to disclose confidential or sensitive information that would be in violation of HIPPA laws or the IL Identity Protection Act (5 ILCS 179/1). Under no circumstances shall employees represent their own views as those of the Village, unless authorized by the Village. Employees shall use their real names when sending e-mail messages or other electronic communications and shall not misrepresent, obscure, or in any way attempt to subvert the information necessary to identify the real person responsible for the electronic communication. Sending an e-mail message under a fictitious or false name is a violation of this policy. Likewise, using another user's account or login ID constitutes a violation of this policy

Employees shall not use the Village's electronic resources or communication systems to gain unauthorized access to remote computers, other systems, or to damage, alter, or disrupt such computers or systems in any way. Nor shall any employee use someone else's code or password or disclose anyone's code or password including their own. Employees shall not enable unauthorized individuals to have access to or use the Village's electronic resources or

communication systems or otherwise permit any use that would jeopardize the security of the Village's electronic resources or communication systems.

#### **6.04 Privacy**

Although employees may use passwords to access some electronic resources or communications, these resources and communications shall not be considered private. Employees should always assume that any communications, whether business-related or personal, created, sent, received or stored on the Village's electronic resources or communications systems may be read or heard by someone other than the intended recipient. Employees should also recognize that e-mail messages deleted from the system might still be retrieved from the computer's back-up system when requested by authorized personnel. Consequently, messages that were previously deleted may be recreated, printed out, or forwarded to someone else without the employee's knowledge. Therefore, it is emphasized that e-mail messages should not be considered private and may be discoverable communications subject to the Freedom of Information Act or in litigation. Since messages may be retained at different locations or levels of the systems, employees must remember that their communication may be retrieved at some time. Discretion, therefore, is an important consideration when using this or any other technology to send, record, and/or retain communications.

#### **6.05 Licensing**

Employees shall not install software for which the Village has not paid the appropriate licensing fee. Additional licensing fees may be incurred every time software is installed for a new user. Consequently, before software is installed on a computer, employees have a duty to ensure that all appropriate licensing fees have been paid and to notify Information Technology to ensure such installation will not be detrimental to the Village's computer system. Employees should notify the Village Manager if they discover unlicensed software on computers. Employees shall not copy software for distribution to any third party or for home use unless such copying is permitted by the software license agreement and is approved by the Village Manager. The installation of software for trial periods authorized by a vendor is not a violation of this policy if approved by the employee's supervisor.

#### **6.06 Encryption**

Employees shall not password protect or otherwise privately code their files, computers, or other electronic devices owned by the Village without prior authorization from the Village. Use of encryption software must be specifically approved by the Village Manager prior to using such software for the storage, receipt, and transmission of data. If encryption software, passwords or personal codes are used, the employee shall give the password to the Village Manager. All employees must change their passwords on a regular basis.

### **6.07 Viruses and Tampering**

The intentional introduction of viruses or attempts to breach system security or other malicious tampering with any of the Villages electronic resources or communication systems is expressly prohibited. Employees or Officers shall immediately report any viruses, tampering, or other system breaches to the Village Manager.

### **6.08 Disclaimer of Liability for Use of the Internet**

The Village is not responsible for material viewed or downloaded by the employee from the Internet. The Internet provides access to a significant amount of information, some of which contains offensive, sexually explicit, and inappropriate material. It is difficult to avoid contact with this material. Therefore, employees using the Internet do so at their own risk.

### **6.09 Duty Not to Waste Electronic Resources**

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

### **6.10 Use of Credit Cards on the Internet**

Before making any purchases on the Internet, employees who are authorized to use Village credit cards shall ensure that they are using a secured site.

### **6.11 Computer Security**

The computer resources and the data stored therein are critical to the ability of the Village to perform its business. These computer resources and data are subject to compromise and illicit modification if proper computer security techniques are not employed. Therefore, the Village employs a security password system to enable controlled entry into its electronic communication systems. Disclosing individual system passwords to others is strictly prohibited. Computers left unattended should be either powered off, logged off the network, or password protected with a screen saver.

## 6.12 E-Mail Addresses

The Village owns all e-mail addresses provided to its employees, including any names and/or references associated with the Village's e-mail system. Use of the Village owned email address for personal correspondence is strictly prohibited. Upon separation of employment from or removal from an office of the Village, all rights to this e-mail address shall cease and shall be deemed to be owned by the Village regardless of content of any message. Further, the Village reserves the right to keep an employee's e-mail address active for a reasonable period of time following separation of employment with or removal from office of the Village to ensure that important business communications reach the Village.

## 6.13 Freedom of Information Act

Under the Freedom of Information Act, communications may be considered public records and, therefore, subject to disclosure absent a specific exemption. Employees must forward requests for information or public records to a FOIA Officer.

## 6.14 Violations

Violations of this policy shall subject the employee to disciplinary action, up to and including, termination. Employees who observe violations of this policy are obligated to report those violations to the Village.

## 6.15 Document Retention

- A. Act: The Illinois Local Records Act (50 ILCS 205/1 *et seq.*) governs the retention and disposition of public records, regardless of physical form. Often the content of messages may constitute a formal, public record and must be retained according to established retention schedules; however, some e-mail messages are informal, temporary communications that do not qualify as "public records" (e.g. junk mail, invitations, etc.). Employees have the same responsibilities for e-mail messages as they do for any other public record and must distinguish between official, public records and informal, non-record information. Electronic communications which are considered public records must be preserved in either reproduced paper format or electronic format. If the employee prints out an official public record from the Village's electronic communication system and retains the record in hard copy, the electronic copy may be deleted immediately.
- B. Public Records: Under the Illinois Local Records Act, "public record" means "any book, paper, map, photograph, digitized electronic material, or other official documentary material, regardless of physical form or characteristics, made, produced, executed, or received by any agency or officer pursuant to law or in connection with the transaction of public business and preserved or

appropriate for preservation by such agency or officer, or any successor thereof, as evidence of the organization, function, policies, decisions, procedures, or other activities thereof, or because of the informational data contained therein.” 50 ILCS 205/3. It is important to note that a public record is not determined by the medium used (email, text, paper, etc.) but rather whether the content relates to public business. Even a personal email address or personal cell phone text message are considered public records if official Village business is discussed.

Factors to consider and determine if a document (whether electronic or not) is a public record:

1. Was the document created or received in connection with the transaction of public business? E-mails, text messages or letters received or sent that were of a personal nature may be deleted but all others shall be retained.
2. Is it official documentary material? For example, does the e-mail contain a draft letter versus the final letter? Drafts may be deleted if a final version is prepared.
3. Is the document subject to disclosure under the Freedom of Information Act? If so, it is likely an official document to be retained.
4. Does the document result from some action or transaction that clearly relates to the official work of the Village of Kenilworth? For example, if it relates to the creation of policy or procedures regarding public employment matters, the correspondence must be retained.
5. Is the material “appropriate for preservation by such agency or officer; or any successor thereof, as evidence of the organization, function, policies, decisions, procedures, or other activities thereof, or because of the informational data contained therein?” This eliminates the necessity of keeping documents which do not relate to the official actions of the Village. If action is taken or a lack of action is based upon the contents of an e-mail, the e-mail must be retained.
6. Does the document have any historical significance? What is the importance of the document? Does keeping or discarding the document further the goal of the Act - the “efficient and economical management of local records?” If yes, retain the e-mail.
7. Is this a final document? For instance, many e-mail documents rapidly become stale and do not reflect “function, policies, decisions, procedures, etc.,” when a matter is finalized. Therefore, the Village can simply keep the final document and delete prior drafts. However, a closer question

exists relative to e-mail exchanges where the parties are sending communications to prepare the final document.

8. Internal documents created by employees on work-related topics which do not facilitate action such as transmittal notes, notifications, announcements, and the like may be discarded.
9. Documents containing drafts, notes, or interoffice memoranda that are not retained by the Village in the ordinary course of business may be discarded. Carbon copies of e-mails may be discarded where the sender or primary recipient retains a copy of the message along with any attachments thereto.

If the decision to discard is unclear after considering the above guidelines, then consult the Village Manager.

- C. Electronic Communications ("E-Mail"): All non-public record e-mails should be deleted as soon as they have fulfilled their purpose. If an e-mail message is determined to be a public record, it shall be retained in the appropriate file or saved to a specific named folder to avoid the possibility of automatic deletion.

## **SECTION 7 - SOCIAL MEDIA AND NETWORKING POLICY**

### **7.01 Social Media Policy**

Social media can be a fun and rewarding way to share your life and opinions with family, friends and co-employees around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. The Village has established the following rules regarding the use of Village information and resources in third-party web pages. These rules also identify situations where your social media activity may adversely affect your job performance or the performance of fellow employees or otherwise adversely affect the Village's legitimate business interests. This policy is not intended to prevent employees from engaging in protected, concerted activity.

### **7.02 Guidelines**

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal, or diary, personal web site (such as Facebook), social networking or web site, web bulletin board or a chat room, whether or not associated or affiliated with the Village. Because your use of social media can lead to personal and professional legal ramifications for you and the Village, the Village expects you to follow these guidelines with respect to any form of electronic communication.

The same principles and guidelines found in other Village policies set forth in this Personnel Policies Manual (as more fully described below) apply equally to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind any of your conduct that adversely affects your job performance, the performance of fellow employees, or otherwise adversely affects the protection of confidential and/or proprietary information belonging to the Village, our suppliers, vendors, or our legitimate business interests, may result in disciplinary action, up to and including, termination of employment.

### **7.03 Duty to Follow the Rules**

Carefully read these guidelines as well as the Village's policies regarding Technology, Professional Conduct, and Harassment and Discrimination, and ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action, up to and including, termination of employment.

#### **7.04 Be Respectful**

Always be fair and courteous to the Village, your co-employees, suppliers, vendors and other organizations or individuals who work on behalf of the Village. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-employees and/or management or utilizing the Village's Complaint procedure, than by posting complaints to a social media outlet. Avoid using statements, photographs, video or audio that reasonably could be viewed as harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or Village policy.

#### **7.05 Be Honest and Accurate**

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about the Village, residents, co-employees, suppliers, vendors or other organizations or individuals working on behalf of the Village. Whenever promoting the Village, make sure to disclose that you are an employee of the Village. This is important to comply with truth in advertising and other related laws.

#### **7.06 Appropriate and Respectful Content**

Maintain the confidentiality of Village Confidential Information (as defined in the Village's confidentiality policy). Employees should never represent themselves as a spokesperson for the Village, unless specifically authorized to do so pursuant to Village policy. If the Village is a subject of the content you are creating, be clear and open about the fact that you are an employee and that your views do not represent those of the Village, fellow employees, residents, suppliers, vendors, or other organizations or individuals working on behalf of the Village.

It is best to include a disclaimer such as **"The postings on this site are my own and do not necessarily reflect the views of the Village of Kenilworth."**

#### **7.07 Social Media at Work**

The use of social media should only occur before or after your shift or during a break or lunch, using your personal device. Village computers or tablets should never be used to access personal social media at work. Should your use of social media become an issue, your supervisor will bring it to your attention and your time may be limited, and/or disciplinary action taken.



Use may be work-related as authorized by your supervisor or consistent with the Village's Communications policies. You may not use Village email addresses to register on social networks, blogs, or other online tools utilized for personal use. Remember, too, that you should not have an expectation of privacy in your use of any Village equipment. While the Village would never intentionally capture and keep your passwords to any of your social media accounts, information displayed on any Village computer or other equipment may be viewed and/or recorded by the Village.

### **7.08 Retaliation Prohibited**

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

### **7.09 Cell Phones and Other Mobile Devices**

While at work employees are expected to exercise the same discretion in using personal cellular phones and other mobile devices (such as tablets, readers, etc.) as is expected for the use of other Village equipment phones. Personal phone calls and messaging must be limited to non-work time, or otherwise cleared through the employee's immediate supervisor, and must be made in a manner that does not disturb employees who are working. Employees are expected to devote working time to performance of job duties, and any use of communications devices during working time for messaging or functions other than a phone call that has been cleared through the employee's immediate supervisor is strictly prohibited. Violations of this policy will be subject to discipline, up to including termination. The Village will not be liable for the loss of personal cellular phones, mobile devices, or similar electronic devices brought into the workplace.

The Village will provide configuration information for employees who are approved to access their Village e-mail, calendar, and contacts via their personal cell phone. Employees must be aware that in providing such access, the Village reserves the right to monitor, access, retrieve and delete any Village information stored in or created on an employee's personal cell phone and any information accessed, received by, viewed or transmitted via the Village's networks.

Any employee utilizing a personal or Village-owned electronic communication device for the performance of Village business agrees to maintain the security and confidentiality of Village data and information, including by protecting the phone with a password lock, limiting access and storage of confidential data on the communication device and deleting all such information from the issued communication device regularly. Any employee who maintains any Village information on a communication device must notify the Village immediately if the

device is lost or stolen. The Village retains the right to manage and control the use and security of a communication device utilized for Village business, including as necessary by removing or “wiping” data from the device, even if such action results in the loss of personal information. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce a personal cell phone for return or inspection or otherwise to provide the Village with access to the device.

## **SECTION 8 - USE OF VILLAGE EQUIPMENT, MATERIALS & INFORMATION**

### **8.01 Personal Telephone Use**

Because telephone lines must be kept open for internal and external business communications, the use of the Village's telephones for personal matters generally is not permitted. Use of the telephones should be limited to non-working time (*i.e.*, break and lunch periods) and emergency situations only.

### **8.02 Cell Phones and Similar Electronic Devices While Driving**

As of January 1, 2014, the State of Illinois prohibits the use of hand-held devices while driving. Talking is allowed as long as the driver is using a hands free device, such as a headset or speaker phone built into the car. Drivers violating this law are subject to State and local fines.

Cellular phone usage applies to any device that makes or receives phone calls, leaves messages, sends text messages, accesses the Internet, or downloads and allows for the reading of and responding to email whether the device is Village-supplied or personally owned.

While on Village business, the Village requires employees to abide by all State, local, and Federal laws regulating the use of any cell phone or similar device while driving. An employee who uses a Village supplied device or a Village supplied vehicle or equipment is prohibited from using a hand held cell phone or similar device while driving, whether the business conducted is personal or Village related.

This prohibition includes receiving or placing calls, text messaging, accessing the Internet, receiving or responding to emails, checking for phone messages, or any other purpose related to the Village, elected officials, residents, contractors, volunteer activities, meetings, or civic responsibilities performed for or attended in the name of the Village; or any other Village or personally related activities not named here while driving.

### **8.03 Use and Care of Village Equipment & Property**

Each employee is provided the necessary supplies and/or equipment used in the performance of his or her job duties. Equipment essential in accomplishing job duties often is expensive and difficult to replace. When using the Village's property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards and guidelines.

Village vehicles, equipment, and supplies may be used only for authorized Village purposes. No Village vehicles, equipment, tools or supplies may be

removed from Village premises for personal use or used for non-village purposes without the advanced written approval of the Village Manager. Village vehicles, equipment and property shall not be used to display any markings or insignia not authorized by the Village Manager.

Employees must *immediately* complete an incident report and notify their supervisor if any equipment, machines or tools are damaged, defective or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others.

The improper, careless, negligent, destructive or unsafe use or operation of equipment can result in disciplinary action, up to and including discharge.

#### **8.04 Return of Property**

Employees are responsible for all Village property (including tools, equipment, manuals, and other written materials) issued to them or otherwise in their possession or control. Employees must return all Village property immediately upon request or upon termination of employment. The Village will take all available legal actions necessary to recover and protect its property.

#### **8.05 Duplication, Removal & Return of Materials**

Employees are prohibited from copying, duplicating or removing from Village property any software, data, documents, files, records, correspondence, notes, memoranda, brochures, catalogues, manuals, financial records or other materials relating to the Village's business, except as required in the course of the employee's employment, and in any such case, the employee must promptly return the materials to the Village. All such materials (including any copies or duplicates), whether prepared by the employee or otherwise coming into his or her possession, are the exclusive property of the Village and must be turned over to the Village immediately upon request.

#### **8.06 Confidential Information**

In the course of their employment, employees may acquire or be granted otherwise prohibited access to confidential information. Employees are prohibited from directly or indirectly divulging, using or permitting the use of any such confidential information, except as required in the course of their employment with the Village. Any employee who violates this policy will be subject to disciplinary action, up to and including discharge, as well as possible legal action.

Upon termination of employment for any reason, the employee immediately must turn over to the Village all confidential information (including copies and

duplicates) that is in the employee's possession or otherwise subject to his or her control. Employees may not retain any copy, duplicate, or note memorializing any confidential information of the Village.

### **8.07 Bulletin Boards**

The Village maintains a bulletin board to communicate information to employees. Employees are encouraged to check the bulletin board on a daily basis to keep informed of Village news. Only supervisors are authorized to post notices on the bulletin board. Employees generally are not permitted to post notices on the bulletin board and must not remove, deface or damage materials posted by the Village.

## **SECTION 9 - Employee Safety & Health Policies and Procedures**

### **9.01 Safety Commitment**

The Village of Kenilworth is committed to the highest standards for the safety of employees. An employee's demonstrated commitment to safety and safe working procedures while on the Village's premises is expected at all times.

### **9.02 Accidents**

Employees must *immediately* complete an Incident Report and notify their supervisor of any work-related injury or illness—no matter how minor. Failure to report an incident immediately, in writing, may result in disciplinary action up to and including immediate termination. The Village will investigate reported accidents and take appropriate corrective actions to prevent recurrence.

### **9.03 Smoking**

In keeping with the Village's intent to provide a safe and healthy work environment, smoking, use of e-cigarettes, or other use of tobacco by employees in Village buildings and Village vehicles is prohibited. In accordance with the Smoke Free Illinois Act, 410 ILCS 82/1 *et seq*, employees are not permitted to smoke within 15 feet of an entrance to any Village building or facility.

### **9.04 Security/Visitors**

For security and safety reasons, all visitors to the office areas of the premises must enter through the reception area, be approved by the Village, and be escorted by an employee at all times while in the office areas. This requirement applies to all outside visitors, including former employees. However, this requirement does not apply to visitors to common areas of the Village's buildings.

### **9.05 Safety Rules**

The following rules have been established by the Village for the protection of its employees. All employees are expected to cooperate in observing these rules and to help make the Village a safe and orderly place to work.

1. Always read and follow operating procedures and observe hazard warnings and follow instructions for all materials and equipment. This includes, but is not limited to, following pesticide label instructions.
2. Never operate any equipment unless you are authorized to do so by your supervisor.

3. Do not operate defective equipment. Report defective or hazardous equipment to your supervisor.
4. Obtain full instructions from your supervisor before operating equipment with which you are not familiar.
5. Make sure that all safety attachments are in place and properly adjusted before operating any equipment.
6. Do not operate any equipment at unsafe speeds. Shut off equipment not in use.
7. Wear protective garments, devices, and equipment necessary to be safe on the job (for example, respirator, gloves, and goggles). Wear proper shoes. Sandals or other open-toed or thin-soled shoes should not be worn.
8. Do not wear loose, flowing clothing, dangling jewelry, or long hair while operating or in close proximity to moving equipment.
9. Never repair or adjust any equipment unless you are specifically authorized to do so by your supervisor.
10. Never clean, repair or adjust any machine while it is in motion.
11. Put tools and equipment away when not in use.
12. Do not lift items that are too bulky or too heavy to be handled by one person. Ask for assistance.
13. Keep all aisles, stairways, and exits clear of boxes, skids, equipment, and clutter.
14. Do not place equipment and materials so as to block emergency exit routes, fireboxes, sprinkler shut-offs, machine or electrical control panels, or fire extinguishers.
15. Stack all materials neatly and make sure piles are stable.
16. Keep your work area, equipment, and all other Village facilities which you use clean and neat.
17. Do not participate in horseplay, or tease or otherwise distract fellow workers. Do not run on Village premises; always walk unless necessary to perform your job duties.

18. All pest control materials are to be transported and stored properly in suitable containers that are clearly labeled.

19. Always drive defensively, observing all traffic laws and adjusting speed according to road conditions, unless necessary to perform your job duties in the Police Department. Remember, wear your seat belt at all times.

Never take chances. If you are unsure, ask your supervisor. *Let common sense be your guide.*



## EMPLOYEE ACKNOWLEDGMENT

I hereby acknowledge receipt of the Village of Kenilworth Employee Handbook, effective March 19, 2019, and agree to read all of the Handbook's provisions. I understand that the Handbook has been developed for the general guidance of the Village's employees and is *not* a contract, an offer to form a contract, a guarantee of employment for any particular term, or a guarantee of any particular benefits, procedures, terms, or conditions of employment. I also understand that this Handbook supersedes and replaces any and all previous employee handbooks, personnel policy manuals, and policy statements, whether written or oral, issued by the Village.

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Date

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Signature

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Print Name