

## CHAPTER 11

### EMPLOYEE REGULATIONS

#### ARTICLE I - SUBSTANCE ABUSE POLICY

**11-1-1** **POLICY.** The Village is dedicated to providing safe and efficient service to our citizens. Our employees are our most valuable resource in ensuring the quality of this service. The goal of the Village is therefore, to provide our employees with a workplace environment which promotes health and safety.

In order to meet this goal, we hereby endorse the Federal Highway Administration's anti-drug policy and regulations. The Village will not tolerate unauthorized use, possession or sale of controlled substances by its employees. Drug testing will be an integral part of our program. We will provide training, education and other assistance to our employees to help them understand their responsibilities in achieving a drug-free environment.

Noncompliance with this policy or violation of the regulations may result in severe disciplinary action.

**11-1-2** **SCOPE.** All employees of the Village, who are required to have a Commercial Drivers License (CDL) and are required to drive or perform safety sensitive functions including but not limited to loading, unloading, vehicle inspection, maintenance or mechanical repair. All employees of the Village who supervise any of the above mentioned activities are considered to be in safety sensitive positions and are included in this program.

**11-1-3** **TEST.** The Village, in accordance with the Federal Highway Administration (FHWA) requirements will perform the following types of tests:

(A) **Pre-employment.** All individuals who the Village intends to hire or use, on a permanent or temporary basis, and fall under the guidelines of this policy will be tested.

(B) **Reasonable Cause.** When a supervisor or official the Village, trained in the detection of probable drug use, directly observes an employee whose conduct or appearance is indicative of the use of a controlled substance.

(C) **Random.** The Village will conduct unannounced testing on a random selection of employees. **Fifty percent (50%)** of our employees will be tested for controlled substances and **twenty-five percent (25%)** will be tested for alcohol each year.

(D) **Post-Accident.** An employee, following a reportable accident will be tested for controlled substances as soon as possible following that accident, but in no case later than **thirty-two (32) hours** after the accident. Alcohol test must be conducted within **two (2) hours** of the accident. Reportable accidents shall be defined as any accident involving property damage of **Three Hundred Dollars (\$300.00)** or more, and/or personal injury requiring professional medical attention. **(Ord. No. 2003-164; 07-01-03)**

(E) **Return to Duty.** Before an employee returns to duty, he/she must undergo a return to duty alcohol test with a result indicating a breath alcohol level of less than **0.02** if the conduct involved alcohol, or a control substance test with a verified negative result if the conduct involved controlled substance use.

(F) **Follow-Up Testing.** Any employee rehired/reinstated following a positive alcohol or controlled substance test, will be subject to unannounced follow-up alcohol or controlled substance testing. The number and frequency of such follow-up testing shall be as directed by the Substance Abuse Professional (SAP), and consist of at least **six (6) tests** in the first **twelve (12) months**. Follow-up testing requirements will not exceed **sixty (60) months**.

**11-1-4 DISCIPLINARY ACTION.** Any employee who refuses to submit to alcohol or controlled substances testing or fails to provide adequate breath for alcohol testing, without a valid medical explanation or fails to provide adequate urine for controlled substances testing, without a genuine inability to provide a specimen (as determined by a medical evaluation) or who engages in conduct that clearly obstructs testing will be terminated. In the event of post-accident or reasonable cause test for controlled substances, the donor shall remain in visual contact of the collection site person and consume fluids (not more than **twenty-four (24) ounces**) for up to **two (2) hours** from the beginning of the collection procedure or until a complete specimen is provided. Inability to provide a specimen will be medically evaluated as stated above and appropriate disciplinary action will be taken.

When a positive test result is received, the MRO must contact the employee in question promptly, directly and in confidence. A staff person under the supervision of the MRO may make the initial contact with the employee, and a medically licensed or certified staff person may gather information from the employee. However, with few exceptions, the MRO must speak directly with the employee before verifying a test as positive.

If after making all reasonable efforts and documenting these efforts, the MRO is unable to reach the employee directly, the MRO will contact the designated Village management official who must direct the employee to contact the MRO. If after making all reasonable efforts, the management official is unable to reach the employee the employee will be placed on unqualified status.

The MRO may verify a test as positive without having communicated directly with the employee about the test results under the following circumstances:

- (A) The employee expressly declines the opportunity to discuss the test.
- (B) The employee has not contacted the MRO within **five (5) days** of being instructed to do so by the designated management representative. In the event that this occurs, and the employee can document a circumstance which unavoidably prevented him/her from contacting the MRO, the MRO may elect to re-open verification.

Employees testing positive for controlled substances or alcohol will be subject to discipline up to and including termination.

If an employee is convicted of or pleads guilty or no contest to a felony charge involving controlled substances or alcohol, such employee will be subject to disciplinary action. The Village, in its sole discretion, may take whatever action it deems appropriate.

**11-1-5 CONTROLLED SUBSTANCES.**

- (A) Amphetamine
- (B) Cocaine
- (C) Opiates
- (D) Phencyclidine (PCP)
- (E) Marijuana (Cannabinoid)

**11-1-6      ALCOHOL.** No employee shall report for duty, or remain on duty under the influence of alcohol. Employees with an alcohol concentration of **0.02** but less than **0.04**, will not be allowed to perform any safety sensitive functions for at least **eight (8) hours (twenty-four (24) hours** for drivers). Any test of **0.04** or greater is positive. Appropriate disciplinary action will be taken for any violation of this policy.

**11-1-7      PREPARATION FOR TESTING.** A urine drug testing custody control form must be initiated at the time of collection and accompany all specimens to the laboratory.

A custody control form conforming to the requirements of this Section must be used. It must be a carbonless record form containing **seven (7) copies.**

The custody and control form must have the following items:

- Preprinted specimen identification number (unique to each specimen)
- Employee SSN or I.D. number
- Employer name, address, I.D. number
- Medical review officer (MRO) name and address
- Drugs the specimen will be tested for
- Type of test (i.e. pre-employment, random, etc.)
- Record of temperature check of specimen
- Chain of custody recording each transfer of the specimen (reason for transfer, printed name and signature of each person handling specimen, date of each transfer)
- Collectors name, location of collection and date of collection
- Remarks concerning collection
- Collector certification statement and collectors signature
- Laboratory name, address, lab accession number for the specimen, test results, remarks concerning lab testing
- Laboratory certification statement, name and signature of laboratory official
- MRO certification statement, signature and date
- Donor name, daytime phone number, date of birth
- Donor certification statement, signature and date

**[NOTE: Donor information (other than SSN or I.D. number) will not be provided to the laboratory.]**

Employee will be provided a wrapped or pre-packaged specimen bottle or collection container in which to urinate.

The specimen bottle will be sealed with a tamper proof seal and must have the specimen identification number recorded on the bottle seal or label.

All specimens must be shipped in a shipping container, sealed with a tamper proof seal, signed and dated by the collector.

Collection site personnel must be trained to carry out the required collection procedures or, if they are licensed medical professionals or technicians, they must have instruments for conducting the required collection procedures.

Generally, supervisors of employees being tested should not collect the specimen. Collection site personnel must be the same gender as the donor when a collection is conducted under direct observation. When a collection is conducted in a public restroom or other facility that does not afford the donor complete privacy, a medical professional or technician of either gender may collect the specimen; however, if a non-medical collector is used, the collector must be the same gender as the donor.

Written instructions and/or procedures concerning specimen collection will be provided to collection site personnel, and to employer representatives, and employees upon request.

**11-1-8 SPECIMEN COLLECTION PROCEDURES.** Designated specimen sites must have:

- An enclosure for urinating in private.
- A toilet or receptacle large enough to contain a complete void.
- A source for washing hands.

The collection site must be secure to prevent unauthorized access during the collection process.

The collection must be kept in sight of the donor and collection site person until sealed and ready for shipment.

Employees are required to have individual privacy when providing a specimen except when:

(A) The employee presents a specimen that is outside the accepted temperature range and he/she refuses to have an oral body temperature measurement, or the body temperature measurement varies more than **one (1) degree Centigrade** from the specimen temperature.

(B) The collector observes the employee attempting to adulterate or substitute the specimen.

(C) The employee's last provided specimen was determined to be diluted.

(D) The employee has previously tested positive.

In (A) and (B) above the employee must provide a specimen under the direct observation. In (C) and (D) the employee may require a direct observation of collection.

Specific procedures must be followed during collection of the specimen, including:

- (1) Positive I.D. of the donor (photo I.D. or supervisor confirmation).
- (2) Removal of outer garments only, empty pockets (employees should not undress or wear a hospital or other examination gown).
- (3) Wash hands prior to collection of specimen.
- (4) Water sources in the collection site must be secured.
- (5) Bluing agent must be added to toilet tank and bowl.
- (6) Collector remains outside the enclosure.
- (7) Donor may flush toilet only after releasing specimen to collector.
- (8) The specimen should contain at least **60 ml** of urine.

If the donor cannot provide a sufficient volume of urine, he/she should remain at the collection site for up to **two (2) hours** and be provided fluids (not more than **twenty-four (24) ounces**) to drink.

The collector must measure the temperature of the specimen within **four (4) minutes** after collection and inspect the specimen for color and unusual signs of contamination.

The specimen (must be from a single void) is divided into **two (2) bottles**. The first or primary specimen must contain at least **45 ml** of urine; the second or split specimen contains the remainder of the urine, up to **60 ml**.

Collector and donor must complete the process together, including:

- (1) Sealing and labeling of specimen bottle.
- (2) Donor initialing bottle label or seal.
- (3) Signing and dating of custody control form.

Collector must prepare specimen for shipment, including signing and dating a seal on shipping container.

**11-1-9      EMPLOYEE OPTIONS.** An employee, at his expense and within **seventy-two (72) hours** of being notified that the primary sample for controlled substances has tested positive, may have the second sample forwarded to another laboratory for a confirmatory test. Should the confirmatory test be negative, the employee will be regarded as negative and reimbursed for the cost of the confirmatory test.

**11-1-10      ALCOHOL TESTING.** The employee will be required to breath into an evidentiary breath testing ("EBT") device (also known as a breathalyzer), which will immediately register the alcohol concentration and print out the results. A confirmatory breath test will be required before the test is considered "positive" (i.e., over the **0.02** concentration level requiring sanctions). If the screening breath test shows an alcohol concentration of **0.02** or greater, the employee must wait **fifteen (15) to twenty (20) minutes** before giving another breath sample for a confirming test.

The EBT device will be regulated by the National Highway Traffic and Safety Administration ("NHTSA"). The person conducting the test must have specific training as a "Breath Alcohol Technician".

**11-1-11      LABORATORY ANALYSIS PROCEDURES.**

- (A) The Village will use DHHS/NIDA certified drug testing laboratories.
- (B) Basic laboratory analysis procedures require:
  - (1) Use of a chain of custody document to track specimens throughout lab processes.
  - (2) Accession area of lab, for storage of specimens. Small portions (aliquots) are used for the analysis.
  - (3) Screening of specimens using immunoassay. Cut-off levels are established to determine if a specimen contains drug metabolites. If the amount of metabolite is below the cutoff, the specimen is reported as negative.
  - (4) Specimens that are positive in the initial screening to be tested on gas chromatography/mass spectrometry (GC/MS). If the amount of metabolite is above the cutoff level, the specimen is confirmed positive; if it is below the cutoff level, it is reported as a negative result.
- (C) All results are reported (in writing or by electronic means, not by telephone) to the medical review officer.
- (D) Quantitative levels (the specific amount of metabolite found) are reported only to the MRO when requested.
- (E) The MRO receives the certified copy of the lab results.
- (F) The laboratory will send a quarterly report of all testing conducted for the Village. This report contains statistical data; not individual specimen results.
- (G) The laboratory will retain all records related to the specimens for a minimum of **two (2) years**.
- (H) The laboratory will provide secure storage of all positive specimens for at least **one (1) year**.
- (I) The Village, the DOT agency, or DHHS may inspect the laboratory at any time.

**11-1-12      NOTIFICATION OF TEST RESULTS AND RECORDKEEPING.**

(A)            The MRO will report to the Village whether an employees test was positive or negative and, if positive, the identity of the controlled substance for which the test was positive.

(B)            The Village shall notify its employee or applicant of the results of a controlled substance test.

(C)            The Village shall notify:

(1)            An applicant of the results of a pre-employment controlled substance test conducted under these guidelines, provided the applicant request such results within **sixty (60) days** of being notified of the disposition of the employment application; or,

(2)            An employee of the results of a periodic, random, reasonable cause, or post accident test conducted under these guidelines, provided the results were positive. The employee will also be advised of what controlled substance was identified in any positive test.

(D)            The Village will ensure that all records related to the administration and results of the drug testing program for its employees subject to these testing requirements are maintained for a period of **five (5) years** except that individual negative test results will be maintained for a minimum of **twelve (12) months**.

(E)            The medical review officer (MRO) will be the sole custodian of individuals test results. The medical review officer will retain the reports of individual test results for a minimum of **five (5) years**.

(F)            The Village will retain in the employees qualification file such information that will indicate only the following:

(1)            The types of controlled substances testing for which the employee submitted a urine specimen.

(2)            The date of such collection.

(3)            The location of such collection.

(4)            The identity of person or entity:

(a)            Performing the collection,

(b)            Analysis of the specimens, and

(c)            Serving as the MRO.

(5)            Whether the test finding was "positive" or "negative" and, if "positive" the controlled substances identified in any positive test.

The Village will produce upon demand and permit the Federal Highway Administrator to examine all records related to the administration and results of controlled substance testing performed under these guidelines.

The Village will maintain an annual (calendar year) summary of the records related to the administration and results of the controlled substance testing program performed under these guidelines.

**11-1-13      POSITIVE RESULTS.** Employees of the Village who test positive for controlled substances will be subject to discipline.

Employees who test positive for alcohol, above **0.04**, will be subject to discipline.

Employees who test positive for alcohol at or above **0.02**, but less than **0.04** will not be allowed to perform any safety sensitive job functions for at least **eight (8) hours (twenty-**

**four (24) hours** for drivers) for the first offense. Employees who test positive for alcohol at or above **0.02**, but less than **0.04** on a second or subsequent offense will be subject to discipline.

All employees of the Village, who test positive for controlled substances or alcohol at or above **0.04** will be given the name of a substance abuse professional (SAP). Employees of the Village, cannot return to safety-sensitive duties or be considered for reemployment until they have been evaluated by a substance abuse professional (SAP), successfully completed any recommended treatment, and passed a return to duty test.

The Village assumes no financial responsibility for the cost (beyond benefits provided by the Village) of a substance abuse professional (SAP), any treatment recommended by a substance abuse professional (SAP), or return to duty testing. All cost are the responsibility of the employee. The only obligation of the Village is to provide the employee with the name of a substance abuse professional (SAP).

**11-1-14      PROFESSIONAL SERVICES AND FACILITIES.**

**Collection Agency/EBT Services**

Midwest Occupational Medicine  
325 E. Madison Ave.  
Wood River, IL 62095  
(618) 251-5202

**Medical Review Officer (MRO)**

Dr. Stuart Hoffman  
480 Quadrangle, Suite A  
Bolingbrook, IL 60440

**Laboratory**

Clinical Reference Laboratory  
11850 West 85<sup>th</sup> Street  
Lenexa, Kansas 66214  
(913) 492-3652

**Employee Assistance Program**

Program Director  
George J. Dirkers MD  
325 E. Madison Ave.  
Wood River, IL 62095  
(618) 251-5202

**[NOTE: The SAP, MRO, Testing Laboratory, etc., may be changed throughout the course of the year at the sole discretion of the Village, and will not impact the intent of this policy.]**

**11-1-15      EMPLOYEE ASSISTANCE PROGRAM.** The employee assistance program of the Village will provide training and education to employees and supervisors. Training will be accomplished by lecture, written literature, and video. Training will contain at least the following elements:

- (A) The effects and consequences of controlled substance use on personal health, safety and the work environment.
- (B) The manifestation and behavioral changes that may indicate controlled substance abuse; and
- (C) Documentation of training given to employees and supervisory personnel.

**NOTE:** EAP training programs for supervisory personnel will consist of at least **one hundred twenty (120) minutes (sixty (60) minutes** for controlled substances and **sixty (60) minutes** for alcohol).

**11-1-16**      **SUBSTANCE ABUSE PROFESSIONAL.** Substance Abuse Professional (SAP), means a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission), with knowledge of and clinical experience in the diagnosis and treatment of drug/alcohol related disorders.

**11-1-17**      **CONFIDENTIALITY OF INFORMATION.** No person may obtain the individual test results retained by a medical review officer (MRO), and no medical review officer shall release the individual test results of any employee to any person, without first obtaining written authorization from the tested employee. Nothing in this paragraph shall prohibit a medical review officer (MRO) from releasing to the Village the information delineated in 49 CFR 391.87(f).

No person may obtain the information delineated in 49 CFR 391.87(f) from the Village, and the Village will not release such information about any employee or previous employee, without first obtaining written authorization from the tested employee.

**11-1-18**      **PROGRAM EVALUATION.** The Village will monitor and evaluate this program to determine its effectiveness and to identify areas needing improvement. Statistical data such as the number of employees in the program, number employees tested, and number of positive test results will be used. A comparison of pre-implementation and post-implementation data on behavioral symptoms of abuse, such as absenteeism, turnover, productivity, accident rates and employee morale. Review of the individual components of the program, e.g., the MRO, laboratory, EAP, collection and selection process.

**(Ord. Nos. 96-74A; 01-02-96 and 2003-164; 07-01-03)**



## ARTICLE II - PERSONNEL INFORMATION

### DIVISION I - GENERALLY

**11-2-1**        **EQUAL OPPORTUNITY.** The Village is an equal opportunity affirmative action employer. We do not discriminate on the grounds of race, color, creed, religion, age or sex.

**11-2-2**        **DEFINITION OF PERSONNEL.** A full-time employee is an employee who works more than **one thousand (1,000) hours** in a calendar year. Anyone working less than this will be considered a part-time employee.

**11-2-3**        **EMPLOYEE SELECTION AND RECRUITMENT.** All people applying for employment with the Village must do so on official applications provided from time to time by the Village.

(A)            **Postings.** For all full-time and part-time positions that are subject to the approval of the Village Board, and are not mayoral appointments, when a job vacancy becomes available, the vacancy for the job shall be posted at Village Hall and on the Village website for a minimum of **one (1) week**. The job vacancy, along with the job requirements of the position, if available, shall be posted by the Department Head or the applicable committee in the Village. The posting must also state the date that applications will be accepted and state the deadline for applications.

(B)            **Applications.** Applications shall be kept on file for a period of **one (1) year**.

(C)            **Interviews.** After the application deadline has expired, the Department Head, the Mayor and the committee chairperson that oversees that department shall conduct interviews of qualified applicants. An interview may not be required for any returning employee who left on good standing within the previous **twelve (12) months**.

(D)            **Background Checks.** All new applicants shall be put on notice that the Village reserves the right to conduct independent background checks on all potential employees. All potential employees shall sign any necessary documentation in order to allow the Village to conduct the background checks.

(E)            **Drug Tests.** A potential employee shall be subject to a pre-employment drug test.

(F)            After the Department Head, the Mayor and committee chairperson have conducted interviews, they shall decide on a recommendation of the most qualified candidate. With the Mayor's approval, the recommendation shall be placed on the next regular board meeting agenda for the consent of the Village Board of Trustees.

**(Ord. No. 18-328; 04-17-18)**

**11-2-4**        **RESIDENCY.** All current employees who reside in the Village shall maintain residency as a condition of their employment. After his or her first date following successful completion of any probationary period applicable to a new employee or **twelve (12) months** after his or her first date of employment, whichever date shall last occur, a newly hired individual shall be required to establish his or her permanent residence within the Village within **ninety (90) days** thereafter. Failure to establish his or her residence within the Village as aforesaid, or to maintain his or her residence within the Village thereafter, shall require immediate termination of the employment of that individual. Prior to termination, the Mayor shall give notice to the subject employee of his or her possible termination for failure to establish permanent residence in the Village and the Mayor shall afford the subject employee a reasonable opportunity to be heard on the issue. The decision of the Mayor shall be deemed a final administrative decision, unless the subject employee is protected as a member of a collective bargaining unit. Any individual hired by the Village as a part-time employee, including a voluntary fireman, must reside in the Village of Hartford, Wood River, Roxana or South Roxana. **(Ord. No. 18-327; 01-16-18)**

**11-2-5**        **EMPLOYEE PHYSICALS.** Before being given a full-time position each employee will undergo a physical examination by any physician approved by the Board of Trustees. The employee must be certified by the physician to be able to meet the physical requirements of that position of which he or she will be holding. This examination will be at the Village's expense.

**11-2-6**            **PROBATIONARY PERIOD.** The probationary period for all employees in a new administrative supervisory, or managerial position will normally be **twelve (12) months**. This is also the probationary period for an employee who is new or an employee who has been transferred or promoted. If the Board of Trustees feels it necessary, this probationary period can be either lengthened or shortened. New employees, during their probationary period, may be terminated at the discretion of the Board of Trustees. Insurance benefits for new employees will begin **thirty (30) days** after they are hired by the Village.

**11-2-7**            **ANTI-NEPOTISM.** No one will be employed where he or she would be called upon to exercise supervisory appointments, salary or payroll considerations, or grievance adjustment authority over a member of the individual's family. This is applicable to both full-time and part-time personnel. The phrase "member of the individual's family", means the spouse, son, daughter, parents, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, grandparents, step-parents, step-child, or of a person co-habiting in a conjugal relationship with the individual.

**11-2-8**            **EMPLOYEE RESIGNATION.** To resign in good standing an employee will submit his or her resignation, and give the reasons for the resignation. Upon termination of employment, all employees must give to the Village all Village property which they may have in their possession (i.e., uniforms, employee identification cards, keys, vehicles, credit cards, tools, firearms, holster, badges, etc.) All property must be surrendered before an employee receives the final salary settlement. The employee shall then be paid for all accrued vacation time if it has not been taken. The employee will not be entitled to any payment for any bonus sick days. All sums owed to the Village by the employee shall be deducted from any funds that the employee owes the Village. An itemized list of these deductions will be made to the employee.

**11-2-9**            **DISCIPLINARY PROCEEDINGS.** It is the duty of all Village employees to maintain high standards of cooperation, efficiency and economy in their work for the Village. Whenever work habits, attitudes, productivity, or personal conduct of an employee falls below a desirable standard, a supervisor, trustee or Mayor shall or will point out in writing the deficiencies to the employee at the time that they are observed. The supervisor may at any time, including the probationary period, recommend to the Board of Trustees the suspension or dismissal of any employee of the Village for dishonest, negligent, immoral, or any other conduct harmful to the operation of the Village.

Should an employee violate the rules set forth herein or such other rules as may apply to the employees position and work, the following four step will be followed by the supervisor and/or the Village Board.

- (A)                    Documentation of violation.
- (B)                    Placement of documentation in employee's personnel file.
- (C)                    Suspension of employee without pay.
- (D)                    Dismissal.

The reasons for any of the actions above shall be specified to the employee and appropriate discipline instituted. Generally disciplinary action will be progressive in severity according to the offense and the number of violations that have occurred.

The following list of infractions cover some, but not all, the reasons for discipline. These reasons are not all inclusive.

- (1)                    Failure to follow Village rules, regulations and directives.
- (2)                    Under influence or use of intoxicants or illegal use of a controlled substance while on the job or consumed before arriving on the job.
- (3)                    Being absent from work without proper authorization or approval, shall be sufficient cause for disciplinary action. If an employee is absent without proper authorization, deduction shall be made from his pay for the period of his absence.
- (4)                    Being habitually late, or more than **three (3) times** tardy;
- (5)                    Failure to remedy deficiencies in performance after notice of deficiencies have been delivered to the employee;
- (6)                    Being wasteful of material, property or working time while on the job;
- (7)                    Inability to get along with fellow employees so that the work being done is hindered and not up to the required levels of the Village; and

(8) Being convicted of a felony of infamous crime or crimes involving moral turpitude.

An employee who has been dismissed will be entitled to payment for accrued but unused vacation time. This includes vacation time for the present fiscal year prorated to the date of dismissal. There will be no compensation for accrued unused sick leave or any bonus for employees. A dismissed employee will surrender to the Village all Village property which they may have in their possession. All money that the employee owes to the Village will be deducted from any money that the employee will receive from the Village. An itemized list of these deductions will be made to the individual. No payment will be made to the dismissed employee until all of the property of the Village has been returned.

**11-2-10 GRIEVANCE.** Employees having grievances will have the right to appeal to their supervisor. When any employee, regardless of their job, feels that their grievance has not received due consideration from the supervisor, they will then put their grievance in writing and submit it to the Village Committee. The matter will then be discussed. After this time, the committee shall investigate all phases of the situation. In all cases this investigation will include a personal interview with the employee concerned and the supervisor. After the committee has completed the investigation, it will then report to the Board of Trustees at the next regular Village Board meeting which follows the conclusion of the investigation. The employee concerned may present his or her case at this meeting if they so desire. Employees covered under Union contract refer to the Grievance section in their contract.

**11-2-11 ON THE JOB INJURY OR ILLNESS.** If an employee is injured while performing the tasks associated with their job, they must report the injury immediately. The Village will not be liable for payment of expenses due to injury if the employee did not go to a licensed physician. However, in the case of an emergency, the employee may go to the nearest available medical service for treatment and notify his or her supervisor of the treatment. The immediate supervisor will then notify the Village office and give all of the information regarding the incident, such as:

- (A) time and place of the accident;
- (B) exact cause and circumstances of injury;
- (C) witness;
- (D) nature and location of injury;
- (E) the name of the attending physician.

**11-2-12 SCHOOLING.** All employees who attend job related schools or conferences will receive their base rate wages.

**11-2-13 - 11-2-14 RESERVED.**

## **DIVISION II - BENEFITS**

All full-time employees who have completed at least **twelve (12) months** of continuous work with the Village shall be entitled to certain employee benefits.

**11-2-15**      **AMOUNT OF BENEFITS.**

(A)            The payments of benefits will be made on regularly scheduled pay dates.

(B)            This schedule is the maximum amount of employee benefits for any fiscal year.

**11-2-16**      **DISABILITY BENEFITS.** If an employee is unable to perform his or her usual duties because of sickness or non-work related injury, they will be eligible to receive disability benefits, provided that they show medical evidence from a licensed physician. The certificate must specify the nature of the disability, the treatment that the employee received and a prognosis concerning the nature and extent of disability.

This absence will be considered disability leave and the employee will have a leave of absence from the service of the Village for the length of the disability, or until a time that he or she will receive regular retirement as required under the rules of the Illinois Municipal Retirement Fund.

**11-2-17**      **DISABILITY BENEFITS.** Refer to IMRF disability benefits.

**11-2-18**      **DEFINITION OF SICK LEAVE.** Sick leave is considered personal illness or injury, quarantine at home, or doctor or dental appointments. This does not apply to the sickness of any other person or family member. In case of sickness an employee must promptly notify his or her immediate supervisor by telephone or messenger. Employees who are absent for more than **two (2) consecutive working days** will be required to bring a certificate from a licensed physician that says that the employee is unable to perform their normal duties. This certificate should state the nature of the employee's sickness or injury. It should also state the length of time that the employee will be absent from work.

If an employee is unable to return to work after the sick leave and his vacation and personal days have already been used up, the employee may make an application under the terms of any other appropriate leave.

**11-2-19**      **SICK PAY BENEFITS SCHEDULE.** Sick leave shall accumulate at the rate of **one (1) workday** for each calendar month of continuous service during which there were no unpaid leaves of absence.

Union employees refer to Sick Pay Benefits in Union Contract.

**11-2-20**      **WORKER'S COMPENSATION.** For each disability the employee will be eligible to receive worker's compensation benefits supplemented by the Village so that the employee receives the equivalent of his base full-time pay. The total benefits received by the employee from the worker's compensation plus the amounts paid by the Village cannot amount

to more than the worker's original full-time pay. When employees acquired entitlement expires the employee will receive only the payment from the Insurance Company. Union employees refer to Worker's Compensation in Union Contract.

The Village office will then prepare the appropriate forms and report to the insurance company that carries a policy for the Village worker's compensation coverage. The employee will then be granted compensation until the time that the insurance company-approved physician says that the employee be able to resume their normal duties. When the approved physician feels the employee is able to return to normal duty, the employee will submit a written release from the physician before resuming his normal position. Necessary time off for an employee injured in the performance of their job will be charged to sick leave.

**11-2-21      RETIREMENT.** All employees who are full-time workers and are under **seventy (70) years** of age must participate in the Illinois Municipal Retirement Fund regarding retirement, surviving spouse benefits, disability and insurance. Rules governing the IMRF will be enforced and distributed at the time of enrollment. Upon retirement employees must surrender all Village property which they may have in their possession.

**11-2-22      LEAVE WITHOUT PAY.** The Board of Trustees may grant any full-time employee leave without pay, for up to month, when it is in the interest of the Village to do so. Any leave without pay exceeding a period of **thirty (30) days** may be granted only by the Board of Trustees. This approved leave without pay does not mean a break in employment service.

All requests for a leave of absence shall be submitted in writing by the employee to the Board of Trustees. The request shall state the reason the leave of absence is being requested and the length of time off that the employee desires. If employee has not returned to work on date specified and does not notify the Village, then it will be considered a termination of employment.

Employees on unpaid leave of absence have three options with regard to the pension plan:

(A)            He may continue the entire plan in force by paying the entire contribution to the Village each month.

(B)            He may continue the term life insurance in force by paying the contribution allocation for term insurance to the Village each month.

(C)            Leave everything in the plan on a paid up basis upon returning from leave. No contributions need be made in this event, but no life insurance will be in effect.

When the employee returns from the unpaid leave of absence, the Village resumes the total contribution on the first of the month following his return. Employees shall normally be returned to the position they held at the time the leave of absence was granted. However, when a leave of absence is granted for an extended period of time, in excess of **ninety (90) days**, the Village cannot guarantee the availability of the position. In such cases, the Village will make every effort to provide a comparable position.

Absence from work without proper authorization or approval shall be sufficient cause for disciplinary action. If an employee is absent without proper authorization, deduction shall be made from his pay for the period of his absence.

**11-2-23      MATERNITY LEAVE.** In order to obtain maternity leave, the certificate of a physician showing the need for sick leave will not be required, but length of time off and date to return to work must be in writing. However, before an employee is allowed to return to work after being absent on maternity leave, the employee must present a certificate from her physician certifying that she is able to perform her duties without risk to the employee. If the employee does not return to work on date specified or notify the Village then it will be considered a termination of employment.

**11-2-24      ELECTION.** Employees will not be allowed to circulate political petitions during regular working hour.

**11-2-25      OVERTIME.** The work week for a full-time employee is **forty (40) hours**. Time worked by hourly employees in excess of **forty (40) working hours** in any **one (1) week** will be credited as time and one half. All overtime will be distributed among the employees in each division as evenly as possible. Employees covered under Union Contract refer to section in contract.

**11-2-26      TIME CARDS.** Time sheets or cards will be furnished to all hourly personnel and will be completed for each work day at the end of that work day. Time sheets or cards will show:

- (A) the legal name of the employee;
- (B) the daily hours worked by the employee;
- (C) the total hours worked by the employee; and
- (D) other pertinent information which may be required.

It must be properly signed by the employee at the end of each work week. Time sheets or cards will be submitted no later than the Monday following the previous Friday. Sick time, vacation time, and all other leave time will be recorded in the permanent work records kept in the Village. Part-time and hourly employees will be paid for actual hours worked during their pay period.

The official payroll record of the Village will be maintained in the Village office, based on the time sheets or cards submitted. It is vital that the time sheets have both the time worked and the time off to be accurately prepared. It is the responsibility of each individual employee to review their own time record for accuracy. It is also the employee's responsibility to bring to the attention of the supervisor any discrepancies in the time record. If no correction is made, the presumption is that the official record is correct.

**11-2-27      HOLIDAYS.** The holidays that will be observed by the Village will begin at the start of the regular day shift. These holidays are as follows:

- New Year's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day

Day after Thanksgiving Day

Christmas Day

All employees will receive **one (1)** personal floating holiday.

To be eligible for unworked holiday pay, the employee must work all the hours scheduled on the last scheduled work day before the holiday and the first scheduled work day following the holiday.

**11-2-28 HOLIDAY PAY.** When an employee is required to work one of these holidays, except their Personal Day, the pay rate will be at one and half times the normal rate of pay, plus normal holiday pay that the employee would have received. No other compensatory time will accrue for the working holidays. Police officers refer to Union Contract.

**11-2-29 JURY DUTY.** When a full-time employee is called for jury duty and serves upon the jury, the employee will receive his regular rate of pay minus any pay received from jury service. The employee will present proof to the Employer that he did serve or report as a juror and the amount of pay, if any received therefor.

**11-2-30 FUNERAL LEAVE.** Full-time employees of the Village will receive up to **three (3) days** funeral leave with full pay from the Village for attending a family funeral. The employee's supervisor must be notified of the leave before the employee takes the leave. The employee will be paid for only the regularly scheduled workdays of the designee.

The immediate family is defined as:

- (A) spouses
- (B) parents
- (C) siblings
- (D) children
- (E) stepchildren
- (F) father-in-law
- (G) mother-in-law
- (H) grandparents
- (I) grandchildren
- (J) half-brother
- (K) half-sister
- (L) brother-in-law
- (M) sister-in-law
- (N) daughter-in-law
- (O) son-in-law

Additional time without pay may be granted at the sole discretion of the Mayor or his designee.

**11-2-31 VACATION TIME.** Employees are entitled to a vacation after **one (1) full years** has elapsed from the date of their being hired. After this first anniversary date of hiring, the employee's vacation time will be **two (2) weeks**. This vacation must be taken before the end of that same fiscal year.

(A) Those employed for **ten (10) years** will be entitled to **three (3) weeks** which must be taken within the same fiscal year.

(B) Those employed for **fifteen (15) years** will be entitled to **four (4) weeks** which must be taken within the same fiscal year.

(C) Those employed for more than **twenty (20) years** will be entitled to **five (5) weeks** which must be taken within the same fiscal year.

If any employee wishes to work through part of his vacation, they will receive pay instead of their vacation. This pay will be at straight time. But this will be limited to **one-half (1/2)** of the number of days of vacation which employee is entitled. The rest of these days will have to be taken by the employee as a vacation.

**11-2-32      OPERATION OF VILLAGE OWNED VEHICLE.** Village vehicles are furnished to employees to be used in "good faith" to perform their jobs.

Disciplinary action will be taken on any unauthorized use of a Village vehicle. Unauthorized use of a vehicle is defined as follows:

(A) Operating a vehicle under the influence of intoxicants or drugs.

(B) Personal use of vehicle after work hours.

(C) Transporting private citizens on non-Village business.

**11-2-33 - 11-2-34      RESERVED.**

### **DIVISION III - COLLECTIVE BARGAINING AGREEMENTS**

**11-2-35      POLICE CLERKS AND WATER CLERKS.** The collective bargaining agreement between the Police Clerks & Water Clerks and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (USW) is found in Exhibit "A" of this Chapter.