CHAPTER 11

EMPLOYEE PROVISIONS

ARTICLE I - GENERALLY

11-1-1 POLICY ESTABLISHED.

(A) This policy is established by the Village through the Board of Trustees, hereinafter termed the Board, regarding employees of the Village.

(B) Nothing contained in this Chapter should be construed as creating a contract for employment between the employee and the Village. Employees of the Village serve as employees at will. The Village reserves the right to amend, modify, eliminate or terminate in part or in whole or repeal any ordinances, resolutions, motions, policies, regulations, guidelines related to benefits provided by the Village to its employees.
(Ord. No. 1002; 06-18-01)

11-1-2 RECOGNITION. All matters pertaining to wages, hours, benefits, disciplinary action, group insurance, sick leave, holiday pay, vacation pay, and other terms and conditions of employment for employees of the Village occupying positions covered will apply as outlined herein.

(A) Linemen are subject to **twenty-four (24) hour** telephone standby which shall be shared equally.

(B) Light plant operators are subject to shift work.

(C) Water, sewer, and street maintenance men are subject to **twenty-four (24) hour** telephone standby which shall be shared equally. They are subject to work as power plant operators when needed.

(D) The authority and responsibility of the Board to establish management of the business and direct the working forces consistent with the provisions of the adopted organizational chart shall not be abridged. **(Ord. No. 788; 08-19-91)**

(E) The employees recognize that reasonable rules and regulations must be enforced to assure efficient and safe operations and that a full day's work shall be expected of each employee. In the interest of harmonious relations, the employees will use their influence to encourage other employees to abide by the rules and to work efficiently and safely.

(F) There will be no discrimination against any employee because of sex, race, creed, color, or natural origin.

11-1-3 EMPLOYMENT.

(A) (1) Applications for employment will be filed with the Office Manager and reviewed by the Village Administrator and the appropriate Department Director. Those candidates considered to be best qualified shall be interviewed jointly by the Department Director and the Village Administrator. The Village Administrator shall submit what, in his or her opinion, are the three best qualified applicants to the Village President. The Village President shall appoint one of the three candidates, subject to the advice and consent of the Village Board.

(2) Qualification for employment is based on knowledge, ability, training, and experience in relation to the actual job requirements needed for satisfactory performance of job duties. Adherence to the normal selection procedures will assure the hiring of the most qualified applicants to fill the available openings. No appointment shall be made on the basis of favoritism, or any other partial means, due to political or personal influence within the Village.

(3) When employees are engaged, they must first undergo a physical examination and drug screening by a resident physician to determine their physical fitness for employment. The Village will pay for these professional services.

(B) After employment, the first **sixty (60) calendar days** of employment shall be considered a probationary period. The hourly rate during the probationary period shall be **One Dollar ($1.00)** less per hour than the prevailing rate for the position.

(1) An employee who is in his or her probationary period when an annual rate adjustment otherwise applicable to his or her position takes effect shall not receive such adjustment until the completion of the probationary period. At the completion of the probationary period the employee's rate shall be increased by first eliminating the **One Dollar ($1.00)** per hour probationary reduction and then by applying the percentage increase applicable to his or her position. **(Ord. No. 1292; 07-21-08)**

(C) Any employee reporting for normal work hours under the influence of alcoholic beverages, drugs, narcotics, or consuming alcoholic beverages during work, shall be deemed incompetent and is subject to discharge. If employees are called out after regular hours and are then deemed unable to perform their duties by the Village Administrator or Department Directors, they shall be sent home without compensation. Repeated violations of departmental rules or gross misconduct may necessitate the discharge of any rules or gross misconduct may necessitate the discharge of any employee. The Village Administrator has the authority to discharge any employee guilty of the above violations.

(D) Village employees shall give the Village Administrator **two (2) weeks** notification in writing when they are resigning from their jobs. The **two (2) weeks** notification period does not include accumulated vacation due to termination. If an employee fails to give the proper **two (2) weeks** notification, the Village Administrator may recommend to the Village Board for approval or disapproval, that the employee be denied all or a portion of the employee's accumulated vacation pay.

(E) Authorization is established for the creation of personnel classified as part-time position(s) within the Village workforce. Person(s) employed in the positions shall meet the requirements of full-time personnel as required by the Village Code excepting the residency requirement provisions. Part-time employees, whether hired, employed, or appointed, are not subject to the residency provisions established in **Section 11-1-13**.
(Ord. No. 877; 05-20-96)

11-1-4 <u>POSITION CHANGES.</u>

(A) The Village Administrator shall determine qualifications and prescribe duties of officers and employees not otherwise prescribed by ordinance. The Village Administrator may require an officer or employee to perform duties in **two (2)** or more

departments, consistent with policies determined by the Board, and make such rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the Village.

(B) A promotion is defined as a transfer to a job for which a higher rate of pay has been established.

(C) In the event of an opening in the department of the Village, notice will be given to all employees who will have one week to notify the Village Administrator of their interest in the position. The Village Administrator or designated representative will then have **one (1) week** in which to interview each applicant, review these applications, and make a recommendation to the Board. If, in the opinion of the Board, none are qualified, it will be necessary to hire from outside applications.

(D) In the event of a reduction of forces, employees who are laid off will be given **two (2) weeks** advance notice.

(E) Personnel filling a part-time position with the Village may be chosen to fill a vacant position provided such a position exists during the part-time employment period of said part-time employee and the employee being considered is qualified for the position available. This action may be taken without any form of solicitation or advertisement for applications for the position being filled if the Mayor and Board of Trustees approves such hiring.

(Ord. No. 768; 08-06-90)

11-1-5 <u>WORKING HOURS.</u>

(A) The normal scheduled workweek will be **forty (40) hours** for each full-time employee, including paid sick days and paid holidays.

(B) The workweek for each employee will be from **12:01 a.m. Monday** to **midnight (12:00)** the following Sunday.

(C) The work schedule for employees assigned to power plant operations may require shift hours. When required to work in excess of **forty (40) hours** per week, work performed will be actual time worked to the nearest **five (5) minutes** and will be paid as overtime at the rate of time and one-half. When called out from home, a minimum of **two (2) hours** call-out time will be paid, however, working past quitting time will be actual time worked.

(D) The work schedule for linemen, water, sewer, and street maintenance workers will be Monday through Friday from **7:00 a.m.** until **12:00 p.m. noon** and **12:30 p.m.** until **3:30 p.m.** The work schedule for office personnel will be Monday through Friday from **8:00 a.m.** until **5:00 p.m.** with each employee receiving one hour off for lunch as scheduled by the appropriate village supervisor. Work performed in addition to these hours will be actual time worked to the nearest **five (5) minutes** and will be paid as overtime at the rate of time and one-half, provided the employee has accumulated **forty (40) hours** in the work week. When called out from home, a minimum of **two (2) hours** call-out time will be paid, however, working past quitting time will be actual time worked. The regular working hours are subject to change by the Village Administrator when, in his or her opinion, weather conditions require such change.

(E) A meal allowance of **Seven Dollars Fifty Cents ($7.50)** will be granted if required to work three hours or more over a normal workday or when called out to work in excess of four hours overtime. **(Ord. No. 1292; 07-21-08)**

(F) Double time will be paid for unscheduled Sunday work.

(G) An employee may elect to accept compensatory time in lieu of overtime, vacation, or holiday pay pursuant to the provisions of this division. "Compensatory time" is defined as hours during which an employee is not working, which are not counted as hours worked during the applicable workweek or other work period for purposes of overtime compensation, and for which the employee is compensated at the employee's regular rate. (29 USC 207 (o) (6) (B))

(1) All compensatory time will be provided at rate of time and one-half for each hour of overtime, vacation, or holiday pay. (Examples: One hour of overtime payable at time and one-half would yield one and one-half hours of compensatory time. One hour of unscheduled Sunday or holiday time payable at double time or double time and one-half would also yield one and one-half hours of compensatory time with no additional compensation being paid.)

(2) The employee shall notify the supervisor of his or her intent to select compensatory time no later than the day after the overtime was acquired or the day payroll is due to be submitted, whichever is earlier.

(3) If the supervisor approves the request for compensatory time, such approval shall be in writing and a copy provided to the employee, payroll clerk, and the Village Administrator's office.

(4) The employee must take the compensatory time within **four (4) weeks** following the week in which the time was earned. Compensatory time may not be taken within the same week as earned. If the employee is unable to use the compensatory time within the allotted time frame, he or she will automatically receive the overtime, vacation, or holiday pay for the time earned and the requested compensatory time will be removed from the records.

(5) The Village is under no obligation to grant any requested compensatory time, and in the event that the supervisor, in his or her sole discretion, decides that the employee is needed on the job, the supervisor may so inform the employee and the employee shall remain on duty and shall receive payroll compensation as provided in this Section or may request alternate day(s) to receive compensatory time within the allotted time period. The Village shall have full discretion as to the approval and use of compensatory time and the decision of the Village to have an employee available during regular working hours supersedes the right of an employee to claim any accumulated compensatory time in lieu of payroll compensation.

(6) Any employee may not accumulate more than **sixteen (16) hours** of compensatory time.

(7) Salaried employees of the Village, being the Village Administrator, Office Manager, Public Works Director, Assistant Public Works Director and the Chief of Police, being executive or administrative positions, are not eligible for compensatory time.

(H) A **Two Hundred Dollar ($200.00)** annual allowance on work clothing will be provided for employees of the Public Works Department, upon the supervisor's approval and submittals of receipts. The allowance may only be used for work clothes necessary for job performance and not otherwise provided by the Village. Work boots must be ANSI approved safety shoes in order to qualify for reimbursement. **(Ord. No. 1292; 07-21-08)**
(Ord. No. 974; 10-16-00)

11-1-6 HOLIDAYS.

(A) (1) The following observed holidays will be considered official holidays:

New Year's Day	Veteran's Day
President's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving Day
Independence Day	Christmas Eve Day
Labor Day	Christmas Day
Good Friday	Employee's Birthday
Martin Luther King, Jr. Birthday	

(Ord. No. 1138; 04-05-04) (Ord. No. 1181; 07-18-05)

(2) In the event the holiday falls on the weekend, the Village will observe the holiday closest to the actual day. When an employee is called out on an emergency on the above listed holiday, he or she will be paid his or her holiday pay, plus **one and one-half (1 ½) times** for **eight (8) hours**. Any time required to work in excess of **eight (8) hours** will be paid at **two and one-half (2 ½) times** the rate of normal pay.

(B) Employees required to work on any holiday as outlined in division (A) of this Section will be paid at the rate of time and one-half, plus holiday pay, provided he or she has worked his or her scheduled day before or after such holiday.

(C) When an official holiday falls within an employee's vacation period, an extra day will be added with pay to his or her vacation.

(D) Each employee shall select a personal holiday of their choice to be taken with proper supervisory notification. The personal holiday may be taken on any working day the employee is regularly scheduled for work. The holiday will be granted to each employee at the rate of one per calendar year.

(E) Each employee shall receive their birthday off as a paid holiday. In the event the birthday falls on a regular day off, the birthday paid holiday shall be scheduled as close as possible to the actual birthday, subject to the Department Director's discretion. The holiday will be granted to each employee at the rate of one per fiscal year. **(Ord. No. 1093; 05-19-03)**
(Ord. No. 966; 05-01-00)

11-1-7 SICK LEAVE AND FAMILY DEATH LEAVE.

(A) Village employees will earn sick leave at the rate of **one (1) day** per month. The sick leave can be carried forward to succeeding years, but not to exceed **two hundred forty (240) workdays** at the beginning of any calendar year. On **January 1st** of the year an employee celebrates their **fifth (5th) year** employment anniversary, and all years thereafter, employees shall be granted **twelve (12) sick days**, subject to the maximum number of workdays allowed. If sick days are abused, disciplinary action will be taken by the Department Director or the Village Administrator. **(Ord. No. 1292; 07-21-08)**

(B) Sick leave begins to accrue from date of employment. Sick leave is payable only after completing **sixty (60) calendar days** of employment with the Village. Sick pay may be drawn while on worker's compensation. The sum of sick pay and worker's compensation may not exceed normal wages.

(C) No sick pay will be paid prior to having been earned and a doctor's certificate shall be required after **two (2) days** absence. Employees must notify their

Department Director of their inability to work at least **one (1) hour** prior to the employee's scheduled shift. Failure to notify their Department Director will result in the day off without pay. Daily notification is required. **(Ord. No. 768; 80-06-90)**

(D) In the event or the death of a spouse, parent, spouse's parent, child, brother, or sister of any employee, the employee shall be allowed up to **three (3) days** off with pay at the base rate provided the employee attends the funeral and furnishes proof thereof, if requested by the Village, and further provided that the Village shall not be required to pay for an employee's regularly scheduled day off. **One (1) day** will be granted for grandparents of employees or spouse's grandparent with pay.
(Ord. No. 947; 08-16-99)

11-1-8 **INSURANCE.** The Village shall provide a health benefits plan to full-time Village employees. The Village shall provide all full-time employees with the terms and conditions of the health benefits plan in writing when the plan is amended from time to time. **(Ord. No. 1401; 10-17-11)**

11-1-9 **PAY PERIODS.** Employees will be paid every other Friday, with the Village holding back the current week's wages. Pay periods will be every other Friday.

11-1-10 **VACATIONS.**

(A) The following managerial employees of the Village, Village Administrator, Public Works Director, Office Manager and Chief of Police, shall receive **two (2) weeks** of paid vacation following the successful completion of their probation period. All other Village employees with **one (1) year** of active service from the time of his employment will receive a paid vacation of **one (1) week (forty (40) hours)**.

(B) Each employee with **two (2) years** of service, but less than **nine (9) years** of accredited service from the time of his or her employment, shall take **two (2) weeks (eighty (80) hours)** vacation annually.

(C) Each employee with **nine (9)** or more years of accredited service from the time of his or her employment shall take a **three (3) week (one hundred twenty (120) hours)** vacation annually; **eighteen (18) years** of service, **four (4) weeks**' vacation annually **(one hundred sixty (160) hours)**; **one (1) day** per year for each year over **eighteen (18) years**' service.

(D) Vacation time will not be taken in advance. Vacation normally shall be scheduled at least **twenty (20) days** in advance and shall be granted at such time as is deemed, by the Department Director, to be in the public interest and may be used in accordance with this Section, provided approval is given by the employee's Department Director. Vacation may be taken in no less than **four (4) hour increments** unless approved by the Department Director. **(Ord. No. 768; 08-06-90)**

(E) An employee may take time off without pay with the approval of the Department Director and the work load permits. **(Ord. No. 768; 08-06-90)**

(F) If called back from vacation for village emergency, the employee shall be paid vacation time, plus time and one-half.

(G) Vacation time must be used in the year it is earned and cannot be accumulated. Any vacation time not used shall be forfeited, provided that, upon the written request of an employee, the Village Board may authorize the payment to that employee for part

or all of any unused vacation time or may grant an extension of time within which the employee may use the vacation time, not to exceed **sixty (60) days**. If the employee does not use the vacation time within the extension period, it shall be paid to the employee. **(Ord. No. 1069; 10-21-02)**

11-1-11 **JURY DUTY.** Employees required to serve on jury duty will receive their regular pay minus the amount of money earned while serving such duty. The amount due from the Village will be determined by the Village Clerk. Proof of compensation for jury duty will be required.

11-1-12 **GRIEVANCE PROCEDURE.**

(A) **Purpose.**

(1) It is inevitable that over a period of time there will be some problems and misunderstandings in any organization. An employee problem exists when an employee feels dissatisfied with some aspect of his or her work over which he or she has no control. These problems are often referred to as grievances. It is important to employees and supervisors alike that these problems be presented and decisions made. Unless the problem is expressed clearly to the person in authority, often it cannot be understood and therefore cannot be solved.

(2) The Village has adopted the following outlined procedure to be used by an employee who sincerely feels that he or she has a real work problem and who desires that it be reviewed by higher authorities. The objective of this procedure is to describe to the employee, the immediate supervisor, and higher authorities the steps to be used to provide an answer to employee problems. Employees are also encouraged, without resort to this formal procedure, to discuss informally with supervisors any problems within the scope of the grievance procedure, and supervisory and administrative personnel are to be accessible for such discussion. The Village supports a policy of having supervisors meet with any employee on an informal basis to exchange views and opinions on all matters relating to the conditions of employment.

(B) **General Provisions.**

(1) Whenever possible grievances will be handled during the regularly scheduled working hours of the person involved.

(2) In the event of the unavailability of a supervisor, the grievance shall then be processed at the next higher step in the procedure.

(3) Any problems or grievance shall be considered settled at the completion of any step, if all parties are satisfied. Dissatisfaction on someone's part is implied in the movement of the grievance from one step to the next.

(4) The grievance procedure form shall be used in processing employee problems or grievances. Forms will be available either through the department or at Village Hall.

(5) The filing of a grievance and the entire grievance procedure is to operate without discrimination, restraint, coercion, or reprisal on the part of any supervisor or employee. The filing of a grievance, or the intention to file, does not relieve an employee in any way of his or her responsibility to perform any and all of his or her assigned duties promptly and completely.

(6) When organizational structure or special departmental circumstances do not permit the normal steps to be followed in processing a grievance, the Village Administrator may modify or interpret the plan so as to provide fair and equitable procedures to be used.

(7) An employee complaint, dissatisfaction, or problem need not be submitted or accepted by management as a grievance subject to the grievance procedure if the employee fails to file the written grievance, as required in step two, later than **thirty (30) calendar days** following the date of the incident, event, or activity which gave rise to the grievance.

(C) **Steps.**

(1) **Step One.**

(a) The employee will explain orally the situation and problem to the employee's immediate supervisor.

(b) The immediate supervisor will, either alone or after consultation with his or her superiors, reach a decision and communicate it orally to the employee within **three (3) work days** after being informed of the situation causing the grievance.

(c) Every possible effort should be made by all parties concerned to settle employee problems at this level on an oral basis.

(2) **Step Two.**

(a) If the employee is not satisfied with the oral decision rendered, he or she will submit the problem in writing on the grievance procedure form to his or her immediate supervisor. The problem being submitted shall also include the proposed remedy.

(b) The immediate supervisor, either alone or after consulting his or her superiors, will notify the employee in writing of his or her decision on the appropriate space on the grievance procedure form. This form shall be returned to the employee.

(3) **Step Three.**

(a) If the grievance is not settled at the second step, the employee shall submit the grievance in writing to the employees department director by the use of the appropriate space on the grievance procedure form. The Department Director need not act, if he or she so wishes, on any grievance referred which is received later than **five (5) work days** after the date the written decision was returned to the employee by the immediate supervisor.

(b) The employee's Department Director shall use the appropriate space on the grievance procedure form to notify the employee of his or her decision.

(4) **Step Four.**

(a) If an employee does not have his or her grievance settled to his or her satisfaction based on the decision of the Department Director, he or she may file an appeal with the Village Administrator. The employee shall complete the appropriate space on the grievance procedure form and submit it to the Village Administrator within **three (3) work days** following the date the written decision was returned to the employee by the Department Director.

(b) The Village Administrator shall study the record of the appeal and may hold an informal hearing to obtain any additional information. The hearing shall be held by the Village Administrator, or by any representative authorized by the Village Administrator to serve as the hearing officer. The Village Administrator shall render a decision within **five (5) work days** following receipt of the record or, if an informal hearing has been held, within **five (5) work days** following the close of such hearing.

(c) Upon receipt of the Village Administrator's decision, the Department Director will carry out the terms of the decision with the appropriate action.

(5) **Step Five.** (Applies only to those grievances delineated in the section above.)

(a) If an employee does not have his or her grievance settled to his or her satisfaction based on the decision of the Village Administrator, he or she may file an appeal through the Village Administrator to the Board of Trustees.

(b) The appeal shall be requested in writing and directed to the Village Administrator within **five (5) working days** after the effective date thereof. Upon such appeal, both the appealing employee and the appointing authority shall have the right to be heard publicly and to present evidence. At the hearing of such appeals, technical rules of evidence shall either confirm the action of the Village Administrator or recommend an alternate course of action.

(c) The Board shall file a written statement of its findings and recommendations with the Village Administrator within **ten (10) work days** following the close of the hearing. The Village Administrator shall render a decision in writing within **five (5) work days** of his or her receipt of the findings and recommendations, and the decision shall be final. The grievance, all written documents which may have been considered by the Board, the findings and conclusion of the Board, and the decision of the Village Administrator shall be promptly filed in the office of the Village Clerk and shall be a public record.

(Ord. No. 768; 08-06-90)

11-1-13 **<u>LIMITATION ON LOCATION OF RESIDENCE.</u>** Effective **April 1, 2009**, all full-time Village employees shall maintain their place of residence within the boundaries of the Freeburg High School District or within the boundaries of the Village, whichever is greater, consistent with the provisions set forth as follows. **(Ord. No. 1310; 02-17-09)**

(A) Employees who are appointed on or after **May 7, 1996** and who reside outside the prescribed area as of the effective date of this appointment and are subject to emergency call out requirements must comply with the residency requirement prior to the completion of **six (6) months** of service.

(B) Current employees hired prior to **May 7, 1996** and residing outside the prescribed area may continue to do so, but when and if the employee relocates his or her residency, he or she must do so within the prescribed area or have permission from the Village Board for a location outside the prescribed area.

(C) The following full-time Village positions and any others so determined by the Board from time-to-time are subject to emergency recall and, therefore, the prescribed area residency requirement.

Title	***Department***
Village Administrator	Administration
Chief of Police	Police
Public Works Director	Public Works
Electric Head Lineman	Electric
Public Works Crew Leader	Public Works
Police Sergeant	Police
Police Officers	Police
Electric Lineman	Electric
Crew Worker II	Public Works
Crew Worker I	Public Works
Electric Apprentice Lineman	Electric

(D) An employee's place of residence shall be determined in conformance with state statute determining residence for voting purposes and shall include the following factors:

(1) Actual physical presence at the residence address as a dwelling place.
(2) Intent to remain at said address as a permanent abode.
(3) Receipt of utility bills at residence address.
(4) Register to vote at residence address.
(5) Registration of driver's license at residence address.
(6) Record title holder of residence address property or tenant under a valid lease for said premises.

(E) Current employees who are separated from the service of the Village and later resume employment by the Village must comply with the residency requirement so stated in division (B) of this Section.

(F) The following positions are exempted from the residency requirement.

(1) Employees that were appointed before **May 7, 1996** and resided outside the Village and have continued to do so at the same residence. In the event the employee moves from the residence,

the employee must comply with the provision set forth in division (B) of this Section.

(2) Clerical employees and such other position classifications as may be determined by the Board of Trustees not to be subject to emergency recall.

(3) All part-time employees whether hired, appointed, or commissioned may continue to reside outside the corporate limits during their duration of part-time employment. In the event the part-time employee status is upgraded to full time and he or she is subject to the emergency call out provision of this statute, the employee will have **one hundred eighty (180) days** from the date the full-time upgrade was effective to comply with the residency requirement as set forth in division (A) of this Section.

(Ord. passed 06-03-96)

11-1-14 **EMPLOYEE INTERNET USE POLICY.** Certain Village employees will employ electronic mail on a daily basis at work as a primary tool for communications. The Village may rely upon this medium to communicate information, and all applicable employees will be responsible for checking and reading messages daily.

The network is provided for employee use to conduct business, research and to communicate with others. Communications over the network are often public in nature. Therefore, general rules and standards for professional behavior and communications will apply.

Electronic mail and telecommunications are not to be utilized by employees to share confidential information about Village business or employees because messages are not entirely secure.

The network administrator and/or Village Administrator may review files and communications to maintain system integrity and to ensure that employees are using the system responsibly. Users should not expect files stored on Village servers and workstations will be private.

The following behaviors are not permitted on Village computers:

(A) Sharing confidential information of Village business or employees.

(B) Sending or displaying offensive messages or pictures.

(C) Assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition.

(D) Using obscene language.

(E) Harassing, insulting or attacking others.

(F) Engaging in practices that threaten the computer network (e.g., loading files that may introduce a virus)

(G) Violating copyright laws.

(H) Using others' passwords.

(I) Trespassing in others' folders, documents, or files.

(J) Intentionally wasting limited resources.

(K) Employing the network for commercial purposes.

(L) Violating regulations prescribed by the network provider.

(M) Conducting union business.

The network administrator and/or Village Administrator will report inappropriate behaviors to the Village President who will take appropriate disciplinary action. Any other reports of inappropriate behavior, violations, or complaints will be made to the Village President

for appropriate action. Violation may result in a loss of access and/or any other disciplinary action the Village President and Village Board deem necessary. When applicable, law enforcement agencies may be involved.

Each employee will be given copies of this policy and procedures and will sign an acceptable use agreement before being assigned access to the network. **(Ord. No. 1005; 08-06-01)**

11-1-15 **DRUG-FREE WORKPLACE AND SUBSTANCE ABUSE POLICY.** The Village is committed to providing a safe healthy and efficient working environment for all employees. To help achieve this goal, employees are prohibited from:

(A) reporting to work with any illegal drug in his/her system, possessing, distributing, selling, manufacturing, or the usage of any illegal drug;

(B) reporting to work with any alcohol in his/her system, consuming alcoholic beverage while on Village premises, in Village vehicles, or while on Village business or time, or bringing alcohol onto Village premises or job sites, unless specifically approved by the Village Board of Trustees; and,

(C) abusing prescription drugs or possessing prescription drugs that have not been prescribed for the employee by a physician.

An employee who violates this policy is subject to corrective action up to, and including, termination of employment. Use of some drugs is detectable for several days. Detection of such drugs or the presence of alcohol will be considered as usage. Refusal to submit to a drug and/or alcohol screen is grounds for immediate termination.

Employees using prescription drugs according to a physician's instructions or using over-the-counter drugs for medicinal purposes shall, in the event such drugs could impair their physical, mental emotional, or other faculties, notify their department head for further consideration.

The Village's substance abuse program includes several components to support its efforts to remain drug-free, including:

- Supervisory training;
- Employee awareness program;
- Drug testing of all applicants;
- Drug testing for accidents involving personal injury requiring medical attention and/or property damage;
- Drug testing when a supervisor reasonably suspects that an employee is using during working hours;
- Drug testing on a random basis at the discretion of the Board.

All information relating to drug and/or alcohol screens is to be kept strictly confidential. The information will be kept in each employee's medical file, which will be maintained separately from the employee's personnel file. These medical files will be kept locked and secured, and access will be limited to the Mayor, Personnel Committee, Administrator and Health Insurance Coordinator in the Village. Under no circumstances shall the results of a drug and/or alcohol screen be discussed with individuals that do not have a work-related need to know.

If employees are involved in an accident causing damage to property or requiring medical attention, it is mandatory that the employee be screened to determine whether they test positive for drugs and/or alcohol. **NOTE: A positive drug or alcohol test may result in the loss of Workman's Compensation benefits.**

If a supervisor reasonably suspects that an individual is at work and using alcohol and/or drugs, the supervisor should notify the department head or Mayor to seek authorization to test the employee. The supervisor will be granted permission to test the employee if sufficient objective symptoms exist to indicate the employee may be using drugs and/or alcohol. Symptoms may include, but are not limited to, slurred speech, uneven gait, impaired mental functions, extremely dilated pupils, smell of alcohol present, or erratic behavior. The supervisor or department head should make a written record of the employee's name, the date, time and symptoms present. This documentation should be attached to the test results and kept in the confidential medical file as justification for why the tests were performed. In the State of Illinois, "reasonable suspicion" is defined as anything more than a hunch. Drug testing may include both blood and urine samples.

In the case of employees being tested for reasonable suspicion of substance abuse, the supervisor shall take the employee to the testing facility designated by the Village and shall arrange for transportation of the employee to his or her home after the testing.

The individual tested for reasonable suspicion shall not return to work the day of testing, but shall be sent home with pay. Pending the outcome of the testing, the employee shall not be permitted to return to work but shall continue to receive their normal pay. If testing results are negative, the employee will be allowed to return to work with no loss in pay. If the test results are positive, the employee shall cease to receive pay, must be re-tested, and must test negative before being allowed to return to work. The employee's normal pay shall resume upon returning to work. At the employee's option, accumulated sick leave and/or vacation can be taken to avoid loss of pay.

Violations of this policy, whether discovered by random testing, compulsory testing following an accident, or by employee admission shall be handled as follows.

For the first violation the employee will be offered an opportunity to enter a substance abuse rehabilitation program.

If the employee chooses not to enter a substance abuse rehabilitation program after a first offense, he or she must test negative before being allowed to return to work and, after returning to work, will be subject to random testing for the next **three (3) years**. A positive test result during that **three (3) year** period will result in the employee's termination.

If the employee chooses to enter a substance abuse rehabilitation program after a first offense, he or she must test negative before being allowed to return to work and, after returning to work, will be subject to random testing once every **three (3) months** for **one (1) year**. If the employee again tests positive during that **one (1) year** period, he or she shall have the option of entering an additional rehabilitation program. Whether or not the employee enters such additional rehabilitation program, he or she will be subject to random testing for an additional **three (3) years** and another positive test result during that **three (3) year** period will result in termination.

Any employee, who is allowed to return to work following a violation of this policy, whether or not he or she is participating in a substance abuse rehabilitation program, shall be expected to maintain satisfactory job performance. Nothing contained in this policy shall be construed to prevent an employee from being disciplined for any other misconduct, which may occur while using or under the influence of prohibited drugs and/or alcohol. Any employee convicted under any drug or alcohol related criminal statute shall be deemed to be in violation of this policy.

While the Village does not condone the abuse of alcohol, prescription drugs, and/or the use of illegal drugs, the Village does recognize that addiction to drugs and/or alcohol can be treated. If an employee recognizes a personal addiction or abuse problem and seeks assistance from management, the Village will assist the employee in seeking treatment. This treatment

will be at the sole cost and expense of the employee. The confidential nature of the employee's counseling and rehabilitation for drug and/or alcohol abuse will be preserved.

While the Village health insurance plan may provide rehabilitation benefits under certain conditions, such benefits are not guaranteed and it shall be the responsibility of the employee to qualify for any available benefits. Employees are encouraged to read the health insurance plan in force from time to time for further information.

Access to the Village's premises is conditioned upon its right to inspect or search the person, vehicle, or personal effects of any employee or visitor. This may include any employee's office, desk, file cabinet, closet, locker, or similar place. Because even a routine inspection or search might result in the viewing of an employee's personal possessions, employees are encouraged not to bring any item of personal property to the workplace that they do not want revealed to the Village.

Any prohibited materials (or materials that may be found to be prohibited) that are found in an employee's possession during an inspection or search will be collected by management and placed in a sealed container or envelope. The employee's name, date, circumstances under which the materials were collected, and by whom they were collected will be recorded and attached to the container or written upon the envelope. If after further investigation, the collected materials prove not to be prohibited, they will be returned to the employee, and the employee will sign a receipt for the contents. If the prohibited materials prove to be illegal and/or dangerous, they will not be returned to the employee but will be turned over to the appropriate law enforcement agency.

From time to time and without prior announcement, inspections or searches may be made of anyone entering, leaving or on the premises or property of the Village. Refusal to cooperate in such an inspection or search is grounds for termination. No employee shall place or utilize a lock on any Village property including lockers, desks or cabinets without providing the Village with a spare key to gain access to the locked area in the event the employee is unable or unwilling to open the lock. **(Ord. No. 1207; 02-06-06)**

ARTICLE II – LABOR AGREEMENTS

11-2-1 **VILLAGE STAFF CONTRACT.** A labor agreement between the Village and the International Union of Operating Engineers Local 148 representing certain Village Hall employees is hereby included in **Appendix "A"**. **(See 5 ILCS 315/21) (Ord. No. 1509; 07-07-14)**

11-2-2 **PUBLIC WORKS EMPLOYEES CONTRACT.** A labor agreement between the Village and the International Union of Operating Engineers, Local 148 representing the Public Works Department employees is hereby included in **Appendix "B"**. **(See 5 ILCS 315/21) (Ord. No. 1508; 07-07-14)**

11-2-3 **POLICE DEPARTMENT CONTRACT.** A labor agreement between the Village and the Policemen's Benevolent Labor Committee representing the Police Department employees is hereby included in **Appendix "C"**. **(See 5 ILCS 315/21) (Ord. No. 1503; 06-02-14)**

(See also 65 ILCS 5/8-1-7)