

## CHAPTER 12

## EMPLOYEE CODE

## ARTICLE I – PERSONNEL RULES

**12-1-1**        **DEFINITIONS.** The following terms as used in this Chapter shall have the meanings indicated:

(A)        **Department Head or Superintendent.** Any elected or appointed person who has direct supervision and responsibility for personnel, records, funds, maintenance and service to be performed by a municipal department.

(B)        **Part-Time Employees.** Any person who works less than **forty (40) hours** per week or less than **twelve hundred (1200) hours** per year.

**12-1-2**        **APPLICABILITY.** The provisions of this Code will apply to all municipal employees.

**12-1-3**        **APPOINTMENT OF OFFICIALS AND SUPERVISORY PERSONNEL.** The Mayor, with the advice and consent of the Village Board, shall appoint all personnel with departmental supervisory or official capacity, except elected officials.

**12-1-4**        **EMPLOYMENT OF PERSONNEL.** The Village Board, subject to approval by the Mayor, shall have the authority to employ the necessary personnel, as authorized by board action, to perform the necessary duties of their respective departments. It shall be the Village Board's duty to determine by the physician's report and the applicant's history whether the applicant has the necessary qualifications for performing the duties required before approving the employment of the job applicant.

**12-1-5**        **PHYSICAL EXAMINATION.** Applicants seeking appointment or employment shall complete a standard application form as provided by the Village, and shall pass a complete physical examination to be given by the Village physician before starting work. A report of the physician's findings shall be on a standard form provided by the Village. This provision shall apply to full-time employees. The physician's examination fee shall be paid for by the Village. This provision shall not apply to those employees hired in an emergency, or for part-time employees.

**12-1-6**        **PROBATIONARY PERIOD.** The first **sixty (60) days** service of an employee is a probationary period during which there shall be no responsibility on the part of the Village for the continued employment of the new employee. Termination of employment during this probationary period shall not be subject to challenge by employee. When the probationary period is completed, seniority will date back **sixty (60) days** from the date of completion of probationary period.

**12-1-7**        **RESIDENCE REQUIREMENT.** Personnel hereafter employed by the Village must be bona fide residents of the Village, except at the time of appointment or employment when they need not be residents of the Village but shall establish residence in the Village within **six (6) months**. This provision may be waived by the Village Board. Personnel shall maintain an up-to-date record of residence address with the Village Clerk.

**12-1-8      ACCIDENTS.** Personnel involved in, or having any knowledge of, any accident whereby any person employed by the Village, or any property or equipment owned or operated by the Village involved, shall immediately report the accidents and pertinent information to the department supervisor who shall forward such information to the office of the Clerk. The Clerk shall record the information on **three (3) copies** of the applicable accident form, **one (1) copy** to be forwarded to the insurance carrier, **one (1) copy** to the Village Attorney, and **one (1) copy** retained on file in the Clerk's office.

**12-1-9      DISMISSAL.** The department head or the Mayor may dismiss an employee at any time for just cause. An employee who is dismissed shall be given written notice of the reasons for the action, copies of which notice shall be forwarded to the Mayor and Village Clerk.

**12-1-10      OUTSIDE EMPLOYMENT.** No municipal employee shall engage in any outside employment which will impair the performance of his duties or be detrimental to the municipal service.

**12-1-11      DUES AND CHECKOFF.** Employees may authorize the Village Clerk to deduct or check off from their paycheck, the amount of their dues to a labor union, organization or association, to which the employee belongs so long as such labor union, organization or association shall have a minimum of **six (6) employees** of the Village, authorizing such deduction, or provided that more than **fifty percent (50%)** of the eligible members of any given municipal department authorize such deduction or checkoff. Any employee desiring such deduction or checkoff shall sign an authorization card which shall be effective until the end of the municipal fiscal year in which that card is submitted to the Village Clerk. If any employee desires to revoke the authorization during the municipal fiscal year, he shall so notify the Village Clerk in writing at least **thirty (30) days** prior to the date he wishes to revoke the authorization.

**12-1-12      GRIEVANCE.** Employees with any grievance arising out of their employment by the Village, except requests for a general wage increase, shall have the right of appeal to their immediate department supervisor. Appeal shall be made in writing and may be presented by the employee individually, or by the employee's selected representative. In the event the grievance cannot be settled between the department supervisor and the employee, or his selected representative, the department supervisor shall submit a report in writing, **one (1) copy** to the chairman of the department's committee, and **one (1) copy** to the Mayor. The Mayor shall have the final decision in the matter.

**12-1-13      EMPLOYEE ORGANIZATIONS.** Employees of the Village may fully and freely associate themselves in organizations of their own choosing for their mutual benefit. No employee shall be required to join any such organization as a condition of employment or continuation thereof and the right of an employee with or without such an organization to petition the Mayor and the Village Board is hereby recognized. Employees of the Village shall have the right to organize and designate representatives of their own choosing from among themselves for the purpose of collective bargaining and the right of such representative to meet with the Mayor and Village Board is hereby recognized. Employees shall have the right to negotiate with the Mayor and Village Board without representative if they see fit to do so. Such collective bargaining or negotiation shall be conducted at a designated time and place as is agreed upon by the employees and their representatives and the Mayor and Village Board.

**12-1-14      RIGHT TO STRIKE.** Because the public health, safety and welfare may be adversely affected thereby, no employee shall have the right to engage in or encourage any form

of sit down, slow down, or in fact any form of work stoppage or strike for any reason, against the Village. A refusal by an employee to perform an assignment injurious to his health or physical safety, shall not be considered a violation of this Section.

**12-1-15      MILITARY LEAVE.**

(A) Any permanent municipal employee who is inducted into the armed forces of the United States for training or service, shall be granted a leave of absence without pay for the duration of such time required for such purposes, and for a period of **ninety (90) calendar days** following the period of actual service. Upon termination of such service, the employee shall have the right to return to his position within said **ninety (90) days** provided the position still exists and employee is still otherwise qualified. Vacancies resulting from leave granted under this Section shall be filled only on a temporary basis. **One (1) voluntary enlistment** shall be considered the same as induction for the purpose of this Section, but reenlistment shall not.

(B) Permanent employees who are members of regular reserve components of the armed forces or the National Guard may be granted **two (2) weeks** leave each year for active-duty training. Upon presentation of the proper evidence, the difference in pay between the employees' regular pay and the military pay will be allowed.

**12-1-16      LEAVE OF ABSENCE.** Leave of absence without pay may be granted for a period not to exceed **sixty (60) days** when the granting of such leave is in the mutual interests of the Village and the employee. Such leave shall require approval of the department supervisor and the Mayor. A leave of absence with pay and not to exceed **three (3) working days** shall be granted by the department supervisor or the Mayor in the event of a death in the immediate family of an employee. A leave of absence without pay and not to exceed **five (5) working days** at any **one (1) time**, for the purpose of attending upon conventions or other official union business shall be granted by the department supervisor or the Mayor, to not more than **one (1) union official** for each union local representing employees of the Village. The employee shall not accrue employee benefits while on leave without pay, except as provided in **Section 12-1-25** herein. Such request for leave of absence to attend union conventions or other official union business must be submitted to the appropriate department supervisor at least **three (3) days** in advance, and such leave of absence is limited to **twenty (20) days** per year for each employee.

**12-1-17      ABSENCE WITHOUT LEAVE.** No employee may absent himself from duty without permission of his department head. Absence without leave shall be sufficient cause for forfeiture of all rights and privileges earned while employed. An employee absent for **three (3) consecutive working days** without notice and without sufficient reason shall be considered to have resigned.

**12-1-18      SPECIAL LEAVE.** Employees or officials on special leave for official Village business, special education, or training, upon authorization by the Village Board, shall receive a regular pay during the period of the leave. It is further provided that the Board may authorize that all necessary expenses be paid by the Village.

**12-1-19      TRAVELING EXPENSE.** Request for travel expense funds for official Village business, special education or training shall be submitted to the Village Board for approval, except due to an immediate need, the Mayor and not less than **two (2) members** of the finance committee, may approve such travel expense funds in lieu of board action. Upon such approval the Village Treasurer shall make payment. All expenses incurred for official Village business, special education or training shall be reported within **five (5) days** upon return to duty, which reports shall be submitted to the office of the Village Clerk. In the event that the travel expense reported is greater than the amount advanced or authorized by board action, a claim may be filed and submitted to the Board and upon approval of the claim, authorized payment will be made.

**12-1-20 RETIREMENT.** Personnel shall retire from municipal duty at the age of **seventy (70)** and the day of such retirement shall be at the end of the municipal fiscal year in which their **seventieth (70th) birthday** is attained. Provided, however, that the Board may waive this provision when any of the following conditions exist.

(A) Extension of duties for each municipal year may be granted upon a determination by a Village physician that an employee or official is physically able to perform his normal duties.

(B) That a qualified replacement is unavailable.

(C) Or that such an extension is for the best interests of the Village.

It is further provided that seasonal or part-time employees over the age of **seventy (70)**, upon determination by the Village physician that the personnel are physically able to perform the normal duties during each municipal fiscal year, may be employed by the department supervisors and Mayor, without approval from the Board, to perform the duties as directed by the department supervisors. (Ord. No. 92-9; 01-19-93)

**12-1-21 RESIGNATION.** To resign in good standing, appointed personnel shall submit resignations to the Village Board **one (1) calendar month** in advance of the effective date of their resignation. Employed personnel shall submit resignations to the Village Board **one (1) month** in advance of the effective date of their resignation.

**12-1-22 WORKDAYS AND WORK WEEK.** Unless otherwise agreed upon or provided for and except in case of emergency, as determined by the department supervisor or Mayor, the municipal work week shall be **forty (40) hours** per week. There shall be provided at least **eight (8) hours** rest in each **twenty-four (24) hour** period. Department supervisors shall establish a normal workday specifically designating the starting time, the quitting time, and the lunch period. Employees shall be at their places of work according to these departmental regulations. All departments shall maintain a daily attendance record of employees, and file a daily absentee report, and/or a termination report with the Village Clerk and shall furnish periodic reports to the Mayor and Board. The above-described **forty (40) hour** municipal work week shall not apply to full-time employees of the Police Department, who are scheduled to work as follows:

(A) in each two-week period, the full-time employee of the police department shall be scheduled for duty for **seven (7) twenty-four (24) hour** days, and during each **twenty-four (24) hour** period such employee shall be "on patrol" for **eleven and one-half (11 ½) hours** and shall be "on call" for **twelve and one-half (12 ½) hours**; such employee can engage in personal pursuits during "on call" hours, and "on call" hours shall not be compensable except for "call out" hours as provided below in **Section 12-1-27**; and

(B) such employee shall be deemed, for the purpose of determining entitlement to "compensatory time" for overtime as provided in **Section 12-1-24**, to work **eighty and one-half (80 ½) hours** per **two (2) week** period; and

(C) notwithstanding the above scheduling, such employee shall be deemed, for purposes of calculating an hourly rate of pay for "holiday" pay and for "call out" pay as provided in **Sections 12-1-26** and **12-1-27**, respectively, to work **two thousand eighty (2,080) hours** per year.

(Ord. No. 15-04; 2015)

**12-1-23 OVERTIME.** Overtime work is work in addition to the established schedule of hours of work per week and shall be kept to minimum. Payment for overtime will be at the rate of time and one-half for each hour of overtime put in by the employee. Overtime payment when required will not be paid more than once for the same day or hours. For full-time employees of the police department, overtime work is work in addition to the established schedule of work per **two (2) week** period, as described in **Section 12-1-22**. Full-time employees of the police department shall be compensated for overtime work in the following manner: for each hour of overtime worked, such police department employee shall receive **one and one-half (1 ½) hours** of "compensatory time" during the same or a succeeding **two (2) week** period. (Ord. No. 15-04; 2015)

**12-1-24      SENIORITY.** A seniority list for each department indicating the length of service of each employee with the Village shall be brought up-to-date by the Village Clerk each year during the first month of the municipal fiscal year, and a copy be provided to each department head, and to the designated union representative in those departments in which an employee is represented by a union. Such seniority list shall also be posted on a bulletin board in each department. Earned seniority shall not be lost due to illness, authorized leave of absence, military service, or temporary layoff. The seniority of a part-time or seasonal employee that may be greater than a full-time employee shall not entitle the part-time employee to seniority rights over the full-time employee and the seniority list shall indicate by designation, the part-time or seasonal employee. All seniority rights shall be lost by resignation or dismissal. Seniority and qualifications shall govern all promotions.

**12-1-25      LAYOFF AND RECALL.** Department heads shall lay off employees when necessary due to changes in duties or lack of work or funds. Seniority and qualification shall govern all layoffs and recalls, except that the president of a union representing a majority of the employees in such department shall have preferred seniority, providing he is qualified to do the work that is to be performed.

**12-1-26      HOLIDAYS.** Holidays to be observed with pay are New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Thanksgiving Friday, Christmas Eve, Christmas Day, and New Year's Eve. When any such holiday falls on Sunday, the Monday next following shall be held and considered such holiday. When any such holiday falls on Saturday, the Friday preceding the Saturday holiday shall be held and considered such holiday. Holiday pay shall be limited to the regular scheduled hours of the normal workday that are worked on the holiday.

Temporary, part-time and seasonal employees paid on an hourly basis are excluded from the provisions of this Section.

When an employee is assigned to work on a holiday, the employee shall be compensated for the hours worked on such holiday at **one and one-half (1 ½) times** the employee's regular rate of pay, in lieu of the employee's regular pay for such day.  
(Ord. No. 15-04; 2015)

**12-1-27      CALL OUT PAY.** Employees whose work responsibilities require them to respond to emergency situations, and who are called out for such work at a time when such employee is not scheduled to work, shall be paid "call out" pay for such work at **one and one-half (1 ½) times** such employee's regular rate of pay, which such employee being given credit for a **two (2) hour** minimum, even if a shorter period is actually worked. "Call out" pay shall be in lieu of the employee's regular rate of pay for such hours, and such hours shall not also be paid as "overtime" pursuant to **Section 12-1-23.** (Ord. No. 15-04; 2015)

**12-1-28      VACATION.** Full-time employees and full-time appointed officials shall be entitled to vacation leave with pay as follows:

**Forty (40) hours** after anniversary date of **one (1) year** employment; **eighty (80) hours** after anniversary date of **two (2) years** employment; **one hundred twenty (120) hours** after anniversary date of **six (6) years** employment, and **one hundred sixty (160) hours** after anniversary date of **ten (10) years** employment. Except as provided herein, vacation leave shall not be cumulative and shall not be carried over from year to year.

Notwithstanding the foregoing, an employee shall be entitled to carry over to the succeeding year a maximum of **forty (40) hours** of vacation leave that the employee would otherwise have been required to have taken during the immediately preceding year. Additionally, the Mayor or his designee may, at his discretion and in the best interests of the Village, allow additional earned vacation leave to accumulate and to be carried over to the succeeding year when requested on a form to be provided by the Village. Any grant of

authorization to carry over additional vacation leave shall be evidenced by the Mayor or his designee signing the request form.

Personnel desiring vacation leave shall submit a request, on a form to be provided by the Village, at least **thirty (30) days** in advance, except that personnel desiring vacation leave during the months of June, July, August or September shall submit their request prior to **May 1** of each year. The grant of a request for vacation leave shall be made by the Mayor or his designee signing the request form. The Mayor or his designee shall schedule vacations giving due consideration to seniority of employment, the needs of the Village, and the remaining staff available to perform the necessary duties of the department.  
(Ord. No. 15-01; 01-20-15)

**12-1-29      TERMINAL PAY.** Employees who leave the employment of the Village for any reason shall receive all pay which may be due them with the following qualifications.

(A) Employees shall be paid for all unused accrued vacation leave that has not been forfeited prior to separation from employment, provided that the department supervisor is notified by the employee of the employee's leaving **two (2) weeks** in advance, or sufficient reason is given is the absence of such notice.

(B) In case of death of an employee, the employee's estate shall be paid for accrued regular pay and for accrued vacation pay that has not been forfeited prior to separation from employment.

(Ord. No. 15-01; 01-20-15)

**12-1-30      SICK LEAVE.** Except as otherwise provided by the Public Employee Disability Act, full-time employees and full-time appointed officials who have completed at least **four (4) months** of employment with the Village shall be entitled to receive pay during unavoidable absence from duty due to sickness or accident as follows:

<u>Length of Employment</u>	<u>Paid Leave</u>
4 months or more, but less than 1 year	40 hours
1 year or more, but less than 3 years	80 hours
3 years or more, but less than 6 years	120 hours
6 years or more, but less than 10 years	140 hours
10 years or more	160 hours

Any amount actually received by personnel pursuant to the Worker's Compensation Act shall be deducted from pay for allowed sick leave. Any claim for pay for allowed sick leave must be accompanied by a certificate signed by a duly licensed physician or surgeon to verify such sickness or accident. Sick leave shall not be cumulative and shall not carry over from year to year, and no payment for unused sick leave shall be made to an employee upon termination of employment. (Ord. No. 15-01; 01-20-15)

**12-1-31      PAY REVIEW.** It shall be the annual duty of the Village Board, during the month of May, to re-exam the contents of this Chapter and to review the salaries of every full-time employee of the Village, and the Board shall make adjustments accordingly. This Section shall not be construed to prevent employees from being granted promotions and/or raises at other times. (Ord. No. 15-01; 01-20-15)

## ARTICLE II – RULES AND REGULATIONS

### DIVISION I - DRUG FREE WORKPLACE POLICY

**12-2-1 DRUG FREE WORKPLACE.** All employees, as a condition of employment, shall comply with the Village's Drug Free Workplace Policy that is found in this Division.

**12-2-2 PURPOSE OF POLICY.** Drug abuse affects all aspects of our lives - it threatens the workplace as well as the home, the school, and the community. The Village must take a firm stance against illicit drug use. The use of drugs, which term for the purposes of this policy shall include alcohol in the workplace, is unacceptable since it can adversely affect health, safety, and productivity, as well as public confidence and trust. When drug use and/or involvement interferes with an employee's efficient and safe performance of work responsibilities and/or reduces the employee's dependability and accountability, it creates a problem for the whole organization.

Drug abuse inflicts notable human expense. Personal tragedies, feelings of anxiety and depression, and diminishing coping skills are reflected on an individual level. Dysfunctional and strained relationships mark the heavy burden felt by the families of the drug and alcohol abuser.

The cost of drug abuse, both on a personal and organizational level, is unacceptable. The rising incidence in substance abuse makes it imperative that the Village combat this issue by implementing a zero-tolerance policy of drug use in the workplace.

**12-2-3 DRUG FREE WORKPLACE STATEMENT.** The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance, including cannabis, is prohibited in the workplace. Controlled substance means a controlled substance as defined in the Illinois Controlled Substances Act or cannabis as defined in the Cannabis Control Act. Disciplinary action, up to and including dismissal can be taken against employees for drug violations.

All employees will, as a condition of employment:

(A) Agree not to manufacture, distribute, dispense, or possess controlled substances or alcohol in the workplace.

(B) Notify their respective Superintendent of any arrest or conviction of any local, state or federal criminal drug statute no later than **twenty-four (24) hours** after such arrest or conviction.

(C) Abide by the conditions set forth in this statement.

#### **12-2-4 VIOLATIONS.**

(A) Employees are subject to discipline, including discharge for violation of the above policy.

(B) Require the satisfactory participation and completion of a State licensed drug rehabilitation program, as sanctioned by the employer.

(C) The Village shall notify the appropriate State Agency from which grant funds were received of the employee's conviction within **ten (10) days** after receiving notice from an employee of any criminal drug statute conviction for a violation in the workplace.

**12-2-5 EMPLOYEE ASSISTANCE.** A referral network to assist those who may be experiencing problems with drugs and/or alcohol will be established for all Village employees.

**12-2-6 STATUS OF EMPLOYMENT; REHAB COSTS.** There is no requirement by the employer to keep an employee on active employment status who is receiving rehabilitative treatment if it is determined that the employee's current use of drugs prevents the individual

from performing work related duties or whose continuance on active status could constitute a threat to the property and/or safety of others. **The employee shall pay for all costs of rehabilitation.** The employee may use accumulated paid leave, and take unpaid leave pending treatment, at the discretion of the employer, and so long as the employee advised the Superintendent of use or abuse of drugs prior to occurrence of reasonable suspicion.

**12-2-7 - 12-2-9      RESERVED.**

## **DIVISION II – COMPUTER USAGE POLICY**

**12-2-10      COMPUTER USAGE PROCEDURE.** Routinely all personnel will have access to a computer. The following procedures must be adhered to:

(A) All employees will only use the “Log-in ID”, “User ID” and “Passwords” assigned to them, i.e., use of a supervisor “User ID” and “Passwords” by a line officer is prohibited unless authorized by the Administration. Use is a privilege, not a right, which may be suspended or terminated by Mayor when, in his/her judgment, this policy has been violated by the user.

No employee is authorized to share their “password” with anyone except the Supervisor assigned to overlook all passwords in the department.

(B) It is not permissible to use village computers and equipment in any inappropriate manner, such as to disgrace the department or a fellow employee. It is forbidden to use profanity or vulgar language on any department computer equipment.

(C) Only floppy disks which are requisitioned from the storerooms and the data processing department are authorized to be used in department computers. No outside floppy disks will be authorized to be used except with permission from Administration.

(D) No employee shall be allowed to do personal work at his or her village computer. This is with or without the use of any floppy disk.

(E) No employee shall be allowed to copy any village or department document to a floppy disk and use it outside the office without permission from Administration.

(F) No employee shall be allowed to have any unauthorized programs, utilities, games or files on their village PC.

(G) Any variance from the above procedures shall have prior Administration permission.

Information and data maintained in the electronic media on village computer system are protected by the same laws and policies, and are subject to the same limitations, as information and communications in other media. Said information and data are the property of the Village.

Before storing or sending confidential or personal information, users should understand that most materials on Village system are, by definition, public records. As such, they are subject to laws and policies that may compel the Village to disclose them. The privacy of the materials kept in electronic data storage and electronic mail is neither a right nor is it guaranteed.

**12-2-11 - 12-2-14      RESERVED.**



## DIVISION III – ELECTRONIC COMMUNICATIONS

**12-2-15      POLICY; INTRODUCTION/PURPOSE.** This policy is intended to serve as a guide on the proper use of the municipal electronic communication systems. This policy covers the use of all forms of electronic communications, including but not limited to e-mail, voice mail, fax machines, external bulletin boards, Intranet and the Internet, and applies to all users. Users are expected to read, understand and follow the provisions of this policy and will be held responsible for knowing its contents. Use of the electronic communication system constitutes acceptance of this policy and its requirements.

The Village provides electronic mail (e-mail) and/or Internet access to Elected Officials and Staff who need it to perform the functions of their position. The purpose of this document is to communicate to all personnel their responsibility for acceptable use of the Internet and e-mail (whether sent over the Internet or over the Village's own network). Policies and procedures are also outlined for the disclosure and monitoring of the contents of e-mail messages stored in the system when required.

The Village's objectives for Employees to use e-mail and/or the Internet include:

- (A) exchanging information more efficiently than by telephone or written memorandum;
- (B) gathering information and performing research for departments; and
- (C) reducing the handling of paper copy.

**12-2-16      POLICY DEFINITIONS.** As used in this Policy, the terms listed below shall be defined as follows:

(A) **Electronic Mail (E-Mail).** Electronic mail may include non-interactive communication of text, data, image, or voice messages between a sender and designated recipient(s) by systems utilizing telecommunications links. It may also include correspondence transmitted and stored electronically using software facilities called "mail", "facsimile", "messaging" systems or voice messages transmitted and stored for later retrieval from a computer system.

(B) **Encryption Software.** Proprietary software that changes information from its native state to an unrecognizable coded state that can only be returned to its native state with special software.

(C) **Internet.** A worldwide network of networks, connecting informational networks communicating through a common communications language or "Protocol".

(D) **Intranet.** An in-house web site that serves the users of the Village. Although Intranet pages may link to the Internet, an Intranet is not a site accessed by the general public.

(E) **World Wide Web.** An Internet client-server distributed information and retrieval system based upon hypertext transfer protocol (http) that transfers hypertext documents that can contain text, graphics, audio, video, and other multimedia file types across a varied array of computer systems.

(F) **Users.** Elected Officials, Department Heads, Employees, Volunteers, Contractors and Consultants.

(G) **Firewall.** An electronic device used to protect private networks from unauthorized access from users on the Internet.

**12-2-17      OWNERSHIP.** The electronic communication system is the property of the Village. All computer equipment, computer hardware and computer software provided by the Village are the property of the Village. All communications and information transmitted by, received from, or stored in these systems are the property of the Village.

**12-2-18      USE OF ELECTRONIC COMMUNICATIONS.** The Village's electronic communications systems, including e-mail and the Internet, are intended for Village business use only. Personal uses of the Internet and e-mail systems are prohibited. The Village reserves the right to use filtering software to block access to Internet sites that are considered inappropriate or non-productive. The filtered sites shall be reviewed and approved by the Mayor.

Before using these systems, all users shall understand that any information that is created, sent, received, accessed or stored in these systems shall be the property of the Village and shall not be private. If a User is permitted to use electronic communication systems, such use shall not violate any section of this policy or interfere with user's work performance.

Users shall use the same care and discretion when writing e-mail and other electronic communications as they would with any formal written communication. Any messages or information sent by users to other individuals via electronic communication systems, such as the Internet or e-mail, are statements identifiable and attributable to the Village. Consequently, all electronic communications sent by users shall be professional and comply with this policy.

**12-2-19      PROHIBITED COMMUNICATIONS.** Under no circumstances may any user operate the Village's electronic communications systems for creating, possessing, uploading, downloading, accessing, transmitting or distributing material that is illegal, sexually explicit, discriminatory, defamatory or interferes with the productivity of coworkers. Specifically prohibited communications include, but are not limited to, communications that promote or transact the following: illegal activities; outside business interests; malicious use; personal activities (including chat rooms); jokes; political causes; football pools or other sorts of gambling; recreational games; the creation or distribution of chain letters; list servers for non-work purposes; "spams" (mailing to a large number of people that contain unwanted solicitations or information); sexual or any other form of harassment; discrimination on the basis of race, creed, color, gender, religion or disability; or for solicitations or advertisements for non-work purposes. Users may not engage in any use that violates copyright or trademark laws.

Also prohibited is any activity that could negatively impact public trust and confidence in the Village or create the appearance of impropriety.

Users are also prohibited from posting information, opinions or comments to Internet discussion groups (for example: news groups, chat, list servers or electronic bulletin boards). Under no circumstances may any user represent their own views as those of the Village.

Users may not disclose confidential or sensitive information. Personal information such as the home addresses, phone numbers, and social security numbers of Elected Officials or Employees should never be disclosed on the Internet.

**12-2-20      NO PRESUMPTION OF POLICY.** Although users may use passwords to access some electronic communication systems, these communications should not be considered private. Users should *always assume* that any communications, whether business-related or personal, created, sent, received or stored on the Village's electronic communication systems may be read or heard by someone other than the intended recipient.

Users should also recognize that e-mail messages deleted from the system may 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 user's knowledge.

**12-2-21      VILLAGE'S RIGHT TO MONITOR USE.** Under authorization of the Mayor, the Village may monitor, intercept, access, and disclose all information created, sent, received, or stored on its electronic communication systems at any time, with or without notice to the user. The contents of computers, voice mail, e-mail and other electronic communications will be inspected when there are allegations that there have been breaches of confidentiality, security, or violations of this Electronic Communications Policy. These inspections will also be conducted when it is necessary to locate substantive information that is not readily available by less

intrusive means. Before providing access to store electronic communications such as e-mail messages, written authorization will be required from the Mayor.

The contents of the computers, voice mail, e-mail and other electronic communications may be turned over to the appropriate authority when there are allegations that there have been violations of law.

In addition, the Village will regularly monitor and maintain a log of the user's Internet access, including the type of sites accessed, the name of the server, and the time of day that access occurs. The Mayor will have access to this log upon request. They may use this information that was obtained through monitoring as a basis for employee discipline.

The Mayor may authorize individuals for investigative purposes to engage in activities otherwise prohibited by this policy.

**12-2-22      PROHIBITED ACTIVITIES.** Users shall not download software programs of any kind. No software is to be installed on Village computers without the approval of the Village Board. Users may not upload, download, or otherwise transmit copyrighted, trademarked, or patented material; trade secrets; or confidential, private or proprietary information or materials. Users may not use the Village's electronic communication systems to gain unauthorized access to remote computers or other systems or to damage, alter, or disrupt such computers or systems in any way, nor may users use someone else's code or password or disclose anyone's code or password including their own. It is a violation of this policy for users to intentionally intercept, eavesdrop, record or alter another person's Internet and e-mail messages. Users may not allow unauthorized individuals to have access to or use the Village's electronic communication systems, or otherwise permit any use that would jeopardize the security of the Village's electronic communication systems. Also, users may not post an unauthorized home page or similar web site.

Users may not make unauthorized commitments or promises that might be perceived as binding the Village. Users must use their real names when sending e-mail messages or other electronic communications and may not misrepresent, obscure or in any way attempt to subvert the information necessary to identify the actual 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.

**12-2-23      PASSWORDS.** Each user will maintain a unique password. Users must keep their passwords confidential and must never leave their computers unattended when logged into the system. Passwords shall be changed whenever a password may have been compromised or revealed or when the computer security system requests a new password.

Directories of user e-mail addresses may not be made available for public access. No visitors, contractors or temporary employees may use the Village's e-mail without prior written authorization from the Mayor.

**12-2-24      INTERNET USAGE.** Access to the Internet from any PC connected to the Village's network is only allowed in accordance with this policy. Alternate methods of Internet access, such as using a modem to access a personal dial-up Internet account is prohibited as it may compromise the Village's network security exposing it to potential harm from computer hackers.

Sessions on the Internet are logged automatically in exactly the same way that phone numbers are logged in the phone system. Do not use the Internet for tasks that you would not want to be logged.

Web browsers leave "footprints" providing a trail of all site visits. Do not visit any site where you would be reluctant to leave your name and work locations.

Use appropriate judgment before filling out a form included in a Web page. The form shall pass through many interconnecting computers and networks before reaching its destination. Other individuals will be able to eavesdrop on it. Personal or valuable information

on the form may not remain confidential. Under no circumstances should you ever put a Social Security number on the Internet.

An Internet message sent from the Village's address constitutes a Village communication; therefore, it should be composed and structured correctly. Whenever possible, spell check messages prior to transmission, especially when sending to a non-Village address.

Sending e-mail from the Village's address can be likened to sending a letter on Village letterhead. Messages may be forwarded by the recipient to others, printed in a location where others may view the message, and/or directed to the wrong recipient. Also, computer forensic experts can often retrieve e-mail previously deleted. An ill-considered remark can return to haunt the sender later.

Be courteous and follow generally accepted standards of etiquette. Protect others' privacy and confidentiality. Consider the Village's needs before sending, filing, or destroying e-mail messages. Remove personal messages, temporary records and duplicate copies in a timely manner.

**12-2-25      RECORDS RETAINED.** Certain significant types of e-mail messages or their attached files may be considered records and should be retained if required by the Village's record-retention policies. Examples of messages sent by e-mail that may constitute records include:

- (A) policies and directives;
- (B) correspondence or memoranda related to official business;
- (C) work schedules and assignments;
- (D) agendas and minutes of meetings;
- (E) drafts of documents that are circulated for comment or approval;
- (F) any document that initiates, authorizes, or completes a business transaction; and
- (G) final reports or recommendations.

**12-2-26      RECORDS DISPOSAL.** The content and maintenance of a user's electronic mailbox are the user's responsibility. The content and maintenance of a user's disk storage area are the user's responsibility. Each user should review his/her electronic records for deletion every **thirty (30) days**.

Messages of transitory or little value that are not normally retained in record-keeping systems should be regularly deleted. Informational messages, such as meeting notices, reminders, informal notes, and telephone messages should be deleted once the administrative purpose is served. If it is necessary to retain any e-mail message for an extended period, transfer it from the e-mail system to an appropriate electronic or other filing system. With the approval of the Mayor, the Village Clerk or one of his/her staff members designated by him/her is permitted to remove any information retained in an e-mail system for more than **thirty (30) days**.

**12-2-27      ACCESSING USER E-MAIL DURING ABSENCE.** During a user's absence, the Mayor may authorize the Village Clerk to access the user's e-mail messages and electronic Internet records without the consent of the user when necessary to carry out normal business functions.

**12-2-28      FIREWALLS AND NETWORK PROTECTION.** Firewalls and other devices to ensure the safety of the Village private network will be installed to protect all Village Electronic Communication Systems. Local governments are often targets of hackers and unauthorized intrusions because of the unique types of information stored on their systems. For this reason, the Village takes a *very cautious* approach to security regarding the Internet and e-mail. Policies to ensure the security of the system include but are not limited to: blocking access to certain Internet sites; filtering out potentially threatening e-mail attachments; filtering out

dangerous types of web pages including Java Script, and ActiveX programs. Other methods of security may be deployed as new threats are discovered.

Any attempts to bypass or disable the security features installed by the Village will be in violation of this policy and may result in disciplinary action.

**12-2-29      PASSWORD PROTECTION.** Users should use caution when using encryption software or password protecting their files. Password protected files cannot be retrieved without the necessary password. The Village is not responsible for any lost, damaged or inaccessible files that result from password protection.

**12-2-30      VIRUSES AND TAMPERING.** Any files downloaded from the Internet must be scanned with virus detection software before installation and execution. All computers designated as having access to the Internet and e-mail must have virus detection software installed on them. Users may not deliberately disable the virus protection capabilities of these systems. The intentional introduction of viruses attempts to breach system security, or other malicious tampering with any of the Village's electronic communication systems is expressly prohibited. Users must immediately report any viruses, tampering or other system breaches to the Mayor or a designated officer.

Many viruses are transmitted through the e-mail system as attachments. Caution should be practiced prior to the accessing of any attachments to e-mail messages. Never access any unexpected attachments without verifying the source and reason for it, even if you recognize the sender of the e-mail. It is common practice for hackers to alter the source of an e-mail in an attempt to spread a virus.

**12-2-31      DISCLAIMER OF LIABILITY FOR USE OF THE INTERNET.** The Village is not responsible for material viewed or downloaded by users 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, users of the Internet do so at their own risk.

**12-2-32      DUTY NOT TO WASTE ELECTRONIC COMMUNICATIONS RESOURCES.** Users must not deliberately perform actions that waste electronic communication resources or unfairly monopolize resources to the exclusion of other users. This includes, but is not limited to, subscribing to list servers, mailing lists or web sites not directly related to the user's job responsibilities; spending nonproductive time on the Internet; and doing large non-work-related file downloads or mass mailings. Electronic communication resources are limited, and users have a duty to conserve these resources.

**12-2-33      E-MAIL ADDRESSES.** The Village reserves the right to keep a user's e-mail address active for a reasonable period of time following the user's departure to ensure that important business communications reach their respective department.

**12-2-34      FREEDOM OF INFORMATION ACT REQUESTS.** The Village will not accept Freedom of Information Act (F.O.I.A.) requests from the public via the Internet. If a citizen e-mails a F.O.I.A. request to a user, the employee should notify the citizen that these requests must be made in writing in compliance with the Freedom of Information Code. **(See Chapter 22)**

**12-2-35      USE OF CREDIT CARDS ON THE INTERNET.** Before making purchases on the Internet, users who are authorized to use Village credit cards must ensure that they are

using a secured site. The Village recommends that users do not use their credit cards over the Internet and expressly disclaims responsibility for any loss or damages that results from credit card usage over the Internet.

**12-2-36      VIOLATIONS.** Violations of this policy may subject employees to disciplinary action ranging from the removal of electronic communication privileges to dismissal from employment. Village employees who observe violations of this policy are obligated to report the violations to the Mayor or Village Clerk.

**12-2-37      POLICY CHANGES.** The Village reserves the right to change this policy at any time with notice. Nothing in this policy is intended or should be construed as an agreement and/or a contract expressed or implied. Policy changes will be disseminated electronically or in written form within **forty-eight (48) hours** of taking effect after an ordinance has been adopted.

### ARTICLE III - SEXUAL MISCONDUCT POLICY

**12-3-1 SEXUAL MISCONDUCT POLICY STATEMENT.** The Village will not tolerate and will seek to eradicate any behavior by its employees, volunteers or students which constitutes sexual misconduct toward another employee, volunteer or student. "Sexual misconduct" means any actual, attempted or alleged sexual molestation, assault, abuse, sexual exploitation or sexual injury. "Sexual misconduct" does not include "sexual harassment".

**12-3-2 REPORTING PROCEDURES AND DESIGNATED SEXUAL ABUSE COORDINATOR.** It is the express policy of the Village to encourage victims of sexual misconduct, and their parents or guardians in the case of minors, to come forward with such claims. The Village shall designate a Sexual Abuse Coordinator, who hereinafter shall be referred to as "Coordinator", who shall remain accountable for the implementation and monitoring of this policy. The identity of the Sexual Abuse Coordinator shall remain on file with the Village. In order to conduct an immediate investigation, any incident of sexual misconduct shall be reported as quickly as possible in confidence, as follows:

(A) **Employees and Volunteers.** Employees and volunteers are required to report any known or suspected incidents of sexual misconduct. They must also report to their supervisor or the Coordinator. If the person to whom an employee or volunteer is directed to report is the offending person, the report should be made to the next higher level of administration or supervision.

(B) **Investigation and Confidentiality.** All formal complaints will be given a full impartial and timely investigation. During such investigation, while every effort will be made to protect the privacy rights of all parties' confidentiality cannot be guaranteed.

(C) **Discipline.** Any Village employee or volunteer who is determined, after an investigation, to have engaged in sexual misconduct in violation of this policy will be subject to disciplinary action up to and including discharge.

False accusations regarding sexual misconduct will not be tolerated, and any person knowingly making a false accusation shall likewise be subject to disciplinary action up to and including discharge, with regard to employees or volunteers.

The Village shall discipline any individual who retaliates against any person who reports alleged sexual misconduct or who retaliates against any person who testifies, assists or participates in an investigation, a proceeding or a hearing relating to a sexual misconduct complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

**12-3-3 CHILD ABUSE.** Sexual abuse of a minor is a crime.

(A) **Child Abuse Incident Reporting and Follow-Up.** Any case of known or suspected child abuse of a minor must be reported immediately in compliance with Illinois mandatory reporting guidelines and to the Coordinator and the Village Attorney's Office.

In the event that the Coordinator is first notified of an incident of known or suspected child abuse, the Coordinator shall immediately notify the child's parent or legal guardian as the case be, and the appropriate legal authorities as required by state or local law. The Coordinator shall prepare a Suspected Child Abuse Standard Report and immediately follow-up to investigate the incident and to ascertain the condition of the child. The Coordinator shall communicate any questions or concerns about any incident with the State's Attorney.

Any employee or volunteer involved in a reported incident of sexual misconduct or child abuse shall be immediately relieved of responsibilities that involve interaction with minors or shall be suspended, as determined by the employee's supervisor. Reinstatement of employees or volunteers involved in a reported incident of child abuse shall occur only after all allegations of child abuse have been cleared by the County.

(B) **Maintenance of Records and Documents.** The Coordinator shall maintain all records and documentation required by law or otherwise required by this and other such related policies of the Village including all documents related to procedures for hiring-screening, employee/volunteer code of conduct, training, sign-in/sign-out, pick-up and release procedures, incident reporting follow-up and disciplinary action.

## ARTICLE IV – SOCIAL MEDIA POLICY

**12-4-1      MISSION STATEMENT.** It shall be the mission of the Village to ensure its employees maintain professional conduct in their on and off work lives. This shall include the image an employee portrays of themselves on the internet and computer-related media.

**12-4-2      PURPOSE.** The purpose of this policy is to outline the expectations of employees with respect to their use of social media and social networking and the direct effect such use has upon the reputation and perception of the Village.

**12-4-3      POLICY.** Employees shall not use any form of social media or social networking, including but limited to: Facebook, Twitter, MySpace, LinkedIn, Tumblr, YouTube, Google+, Pinterest, Instagram, Foursquare, The Squad Room, UseNet groups, online forums, message boards or bulletin boards, blogs, and other similarly developed formats, in any way so as to tarnish the Village's reputation. Employees of the Village are embodiments of our mission. It is vital that each employee accept their role as ambassadors of the department, striving to maintain public trust and confidence, in not only their professional actions but also in their personal and online actions. Any online activity that has the effect of diminishing the public's trust and/or confidence in the Village will hinder the efforts of the Village to fulfill its mission. Any online actions taken that detract from the mission of the Village or reflects negatively on the position of the Village will be viewed as a direct violation of this policy. For police officers: by virtue of the position of peace officer, they are held to a higher standard than general members of the public and their online activities should reflect such professional expectations and standards.

**12-4-4      RULES AND REGULATIONS.**

(A) Employees are prohibited from using Village computers or cell phones/devices for any unauthorized purpose, including participating in social media or social networking.

(B) Employees are prohibited from using any social media or social networking platform while at work. Police officers may seek permission from the Mayor to use social media or networking for investigative or for public information purposes.

(C) Unless granted explicit permission, employees including police officers of the Village are prohibited from posting any of the following in any social networking platform, either on their own sites, the sites of others known to them, the sites of others unknown to them, news media pages, or other information exchange forums:

- (1) Any text, photograph, audio, video, or any other multimedia file related to any investigation of the police department, both current and past.
- (2) Any text, photograph, audio, video, or any other multimedia file related to any past or current action of the Village police department, either in homage or critique.
- (3) Any text, photograph, audio, video, or any other multimedia file that is related to any Village department business or event.

(D) Employees who choose to maintain or participate in social media or social networking platforms while off work shall conduct themselves professionally and in such a manner that will not reflect negatively upon the Village or its mission. In the course of operating or participating in such venues, the following rules shall apply:

- (1) Employees will be held responsible for the content that appears on their maintained social media or social networking sites and will be obligated to remove any posting or material contributed by others that reflects negatively upon the Village.



- (2) Sexually graphic or explicit material, of any kind, shall not be posted by the employee on any form of social media or social networking sites.
- (3) Sexually graphic or explicit material posted by others to the employee's social media or social networking sites shall be immediately removed.
- (4) Weaponry, owned by the Village, shall not be displayed or referenced to, in any multimedia format, on social media or social networking sites.
- (5) Weaponry, privately owned by any police officer, shall not be displayed or referenced to, in any multimedia format, on social media or social networking sites if such displays or depictions promote a disparaging image to the Village.
- (6) Any text, photograph, audio, video, or any other multimedia file included on a social media or social networking site that infers, implies, states, opines or otherwise expresses the employee's views on the public shall not be detrimental to the Village's mission now shall it, in any way, undermine the public's trust or confidence of the Village departments.
- (7) Any text, photograph, audio, video, or any other multimedia file included on a social media or social networking site that infers, implies, states, opines or otherwise expresses the employee's views on the legal, judicial or criminal systems shall not, in any way, undermine the public's trust and confidence of the Village departments.
- (8) Any posting that detracts from the Village department's mission will be considered a direct violation of this policy.

(E) Employees who are brought under administrative or internal investigation related to their performance, functionality or duties may be ordered to provide the Village, or its designated investigator, with access to the social media and social networking platforms in which they participate or maintain.

(F) Employees who are brought under administrative or internal investigation related to the Village's operation, productivity, efficiency, morale or reputation, may be ordered to provide the Village, or its designated investigator, with access to the social media and social networking platforms in which they participate or maintain.

(G) If requested, any employee shall complete an affidavit attesting to all the social media and social networking platforms in which they mail or participate.

(H) Any candidate seeking employment with the Village shall complete an affidavit attesting to all the social media and social networking platforms in which they maintain or participate.

## ARTICLE V – ANTI-BULLYING POLICY

**12-5-1      APPLICATION OF POLICY.** The Village finds a safe work environment is beneficial for employees and promotes productivity. Workplace bullying has been linked to absenteeism, drug and alcohol use, and sexual violence. The Village considers workplace bullying unacceptable and will not tolerate it. The anti-bullying policy shall apply to all individuals who are employees, volunteers and contractors. For purposes of this policy:

(A)            “Employee” is defined as an individual working for the Village for remuneration;

(B)            “Volunteer” is defined as an individual who volunteers services to the Village without remuneration;

(C)            “Contractor” is defined as an individual who contracts with the Village to provide services, or an individual who works for a contractor of the Village.

**12-5-2      DEFINITION.** Bullying is defined as any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a person that has or can be reasonably predicted to have the effect of one or more of the following:

(A)            placing the person in reasonable fear of harm to the person or the person’s property;

(B)            causing a substantially detrimental effect on the person’s physical or mental health;

(C)            substantially interfering with the person’s productivity; or

(D)            substantially interfering with the person’s ability to participate in or benefit from the opportunities offered by the employer.

Bullying may be intentional or unintentional. The Village considers the following types of behavior illustrative examples of bullying: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying.

**12-5-3      BULLYING PROHIBITED.** Bullying on the basis of actual or perceived race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental disability, military status, sexual orientation, gender-related identity or expression, unfavorable discharge from military service, association with a person or group with one or more of the aforementioned actual or perceived characteristics, and any other distinguishing characteristic is prohibited in all places of employment, and an employer shall prevent bullying in its place of employment.

(A)            No person shall be subjected to bullying:

(1)            during any period of employment activity;

(2)            while working on property of the employer, or at employer-sponsored or employer-sanctioned events or activities; or

(3)            through the transmission of information from an employment utilized telephone, computer, computer network, or other similar electronic employer-utilized equipment.

(B)            Nothing in this policy is intended to infringe upon any right to exercise free expression or the free exercise of religion or religiously based views protected under the First Amendment of the United States Constitution.

**12-5-4      DISCIPLINARY ACTION.** Any employee or volunteer who is determined, after an investigation, to have engaged in bullying in violation of this policy shall be subject to disciplinary action up to and including immediate discharge. Any contractor found to be in violation of this policy may be subject to contract cancellation.

(A) **False Accusations.** False accusations regarding bullying against employees, volunteers, contractors, or elected officials shall not be tolerated, and any person knowingly making a false accusation shall be subject to disciplinary action up to and including immediate discharge.

(B) **Retaliation for Reporting Bullying.** The Village shall discipline any employee or volunteer who retaliates against any person who reports who reports alleged bullying, or who retaliates against any person who testifies, assists or participates in an investigation, a proceeding or a hearing relating to bullying complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment. Contractors are likewise prohibited from retaliating.

**12-5-5      REPORTING AND COMPLAINT PROCEDURE.** The Village encourages all employees, volunteers or contractors to promptly report any instance of bullying behavior. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of bullying. Therefore, while no fixed reporting period has been established, prompt reporting of complaints or concerns is encouraged so that rapid and constructive action can be taken. The Village shall make every effort to stop alleged workplace bullying before it becomes severe or pervasive but can only do so with the cooperation of its employees.

Reports of bullying will be treated seriously and investigated promptly and impartially. The Village further encourages all individuals to whom this policy applies to formally report any concerns of assault, battery, or other bullying behavior of a criminal nature to the Village Attorney's office. The Village Board requires any supervisor who witnesses bullying, irrespective of reporting relationship or his/her responsibility to address it, to promptly report this conduct to the Police Chief or the Mayor.

Individuals who believe they have experienced conduct that they believe violates this policy, or who have concerns about such matter, should report their complaints or concerns verbally or in writing to his or her supervisor, or the Village Attorney, before the conduct becomes severe or pervasive. If a verbal report is made, it shall be documented in writing by the official to whom it is reported. Individuals should not feel obligated to report their complaints to their immediate supervisor first before bringing the matter to the attention of one of the other designated Village representatives identified above.

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to bullying conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that such behavior immediately stop.

## ARTICLE VI – DOMESTIC AND SEXUAL VIOLENCE POLICY

**12-6-1      PURPOSE OF POLICY.** Domestic violence can permeate the lives and compromise the safety of employees with tragic, destructive and often fatal results. Domestic violence occurs within a wide spectrum of relationships, including married and formerly married couples, couples with children in common, couples who live together or have lived together, gay, lesbian, bisexual and transgender couples, and couples who are dating or who have dated in the past. Domestic violence represents a pattern of coercive tactics which can include physical, psychological, sexual, economic and emotional abuse perpetrated by one person against another in an intimate relationship or in the same household, with the goal of establishing and maintaining power and control over the victim. In addition to exacting a tremendous toll from the individuals it directly affects, domestic violence often spills over into the workplace, compromising the safety of both victims and co-workers and resulting in lost productivity, increased health care costs, increased absenteeism, and increased employee turnover. The Village will take appropriate actions to promote safety in the workplace and respond effectively to the needs of victims of domestic violence.

**12-6-2      DEFINITION.** For purposes of this policy and pursuant to the Illinois Victims' Economic Security and Safety Act (VESSA), the following terms are defined as follows:

(A)      **"Abuser":** A person who perpetrates a pattern of coercive tactics which can include physical, psychological, sexual, economic, and emotional abuse against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim.

(B)      **"Domestic Violence":** Domestic violence means abuse by a family or household member, as defined by this policy pursuant to Section 103 of the Illinois Domestic Violence Act of 1986. Domestic violence includes sexual assault or stalking.

(C)      **"Employee":** A person working for the Village for remuneration for services.

(D)      **"Family or Household Member":** For employees with a family or household member who is a victim of domestic or sexual violence, this means spouse, parent, son, daughter, other person related by blood or by present or prior marriage, another person who shares a relationship through a son or daughter, and persons jointly residing in the same household.

(E)      **"Parent"** means biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter as defined herein.

(F)      **"Son or Daughter"** means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under **eighteen (18) years** of age, or is **eighteen (18) years** of age or older and incapable of self-care because of a mental or physical disability.

**12-6-3      VICTIMS' ECONOMIC SECURITY AND SAFETY ACT (VESSA).** The person against whom an abuser directs coercive and/or violent acts, including an employee who is a victim of domestic or sexual violence, or an employee's family or household member who is a victim of domestic or sexual violence, and whose interests are not adverse to the employee as it related to domestic or sexual violence.

**12-6-4      POLICY.**

(A)      **Employee Awareness.** The Village shall take reasonable actions to educate employees regarding the effects of domestic violence and methods to report such violence to authorities. It is the policy of the Village that information on domestic violence and available resources shall be available to employees through the Village Board and by this written policy, which shall be disseminated to employees.

(B) **Non-Discriminatory Policy.** Non-Discriminatory and Responsive Personnel Policies for Victimized Employees of the Village shall ensure that personnel policies and procedures do not discriminate against victims of domestic violence and are responsive to the needs of victims of domestic violence.

- (1) Illinois law prohibits employers from interfering with, restraining, or denying the exercise of any right provided under VESSA. This law requires employers, when given **forty-eight (48) hours** prior notification, to allow time off for employed victims of domestic or sexual violence and employees with a family or household member who is a victim of domestic or sexual violence, to take unpaid leave to seek medical help, legal assistance, counseling, safety planning, and other assistance without penalty from the employer for the employee or the family or household member who is a victim.
- (2) Illinois law prohibits employers from discriminating against any employee who is a victim of domestic or sexual violence or any employee who has a family or household member who is a victim of domestic or sexual violence.
- (3) An employee who is a victim of domestic or sexual violence, or has a family or household member who is a victim of domestic or sexual violence and whose interests are not adverse to the employee as it relates to domestic or sexual violence, may take unpaid leave from work to address domestic or sexual violence by:
  - (a) seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the victim;
  - (b) obtaining services from a victim services organization for the victim;
  - (c) obtaining psychological or other counseling for the victim;
  - (d) participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the victim;
  - (e) seeking legal assistance or remedies to ensure the health and safety of the victim, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.
- (4) The employee shall be entitled to a total of **twelve (12) workweeks** of leave during any **twelve (12) month** period. This policy does not create a right for an employee to take an unpaid leave that exceeds the unpaid leave time allowed under, or is in addition to, the unpaid leave time permitted by the federal Family Medical Leave Act. Leave may be taken intermittently or on a reduced work schedule. An employee may substitute accumulated paid leave for unpaid leave; however, the paid leave will count toward the number of workweeks used for purposes of this policy. The employee shall provide at least **forty-eight (48) hours** advance notice of the employee's intention to take leave, unless providing such notice is not practicable. No action will be taken against an employee for failing to provide **forty-eight (48) hours** advance notice if the employee provides certification that leave was used for the purposes outlined in **Section 12-6-4(B)(2)** of this Section and can demonstrate that advance notice was not practicable.
- (5) During a leave taken pursuant to this policy, the Village shall maintain coverage under its group health plan for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment for the duration of such leave. If the employee fails to return from

leave, however, the Village may recover any premium costs it paid for such coverage if the reason for the employee not returning is other than the continuation, recurrence, or onset of domestic or sexual violence or circumstances beyond the control of the employee. Neither seniority nor leave benefits will accrue to the employee during unpaid leave.

- (6) The Village, upon request, will assist the employee in determining the best use of his/her attendance and leave benefits when an employee needs to be absent as a result of being a victim of domestic violence. If an employee requests time off to care for and/or assist a family or household member who has been a victim of domestic violence, the employee's supervisor or the Village Board (or their designee) will evaluate the employee's request for leave for eligibility under existing law and collective bargaining agreements applicable to the employee and the attendance rules.
- (7) The Village requires certification from an employee for leave under this policy. The employee shall certify that the leave is for one of the purposes enumerated in **Section 12-6-4(B)** of this Section. Certification shall be provided to the employer within a time period set by the employer.
- (8) The Village understands that victims of domestic violence may lack the required documentation or have difficulty obtaining the required certification to justify absences without compromising their safety. Therefore, the Mayor or his designee shall consult with the employee to identify what documentation she/he might have, or be able to obtain, that will not compromise his/her safety-related needs and will satisfactorily meet the documentation requirement of the employer.
- (9) All information provided to the employer pursuant to notification and certification requirements of this policy, and the purposes for which leave may be requested pursuant to this policy, shall be retained in strictest confidence by the employer, except to the extent that disclosure is requested or consented to in writing by the employee, or otherwise required by applicable federal or State law. Reported information shall be kept private to the greatest extent possible by Federal law, State law, and Village policy; however, information may have to be disclosed pursuant to a subpoena, Illinois Supreme Court Rules, a court of law, or where otherwise required by law. Where medical information is received by the Village from an employee who is the victim of domestic violence, such medical information shall be kept confidential.
- (10) Employees who are victims of domestic violence and who are legally separated from a covered spouse or civil-union partner, shall be allowed to make reasonable changes in benefits at any time during the calendar year, provided the change is requested within **thirty (30) days** of the separation and is in accordance with the Village policies, rules, and regulations.
- (11) The Village will not make inquiries about a job applicant's current or past domestic violence victimization, and employment decisions will not be based on any assumptions about or knowledge of such exposure.

(C) **Accountability for Employees Who are Abusers.** The Village will hold employees, individuals who volunteer services to the Village without remuneration (hereafter "volunteers"), and individuals who contract with the Village or work for contractors of the Village (hereafter "contractors"), accountable for engaging in the following behavior: (i) using Village resources to commit an act of domestic violence; (ii) committing an act of domestic violence from or at the workplace or from any other location while on official Village business; or (iii)

using their job-related authority and/or Village resources in order to negatively affect victims and/or assist perpetrators in locating a victim and/or in perpetrating an act of domestic violence.

Any physical assault or threat made by an employee, volunteer, or contractor, while on Village premises, during working hours, while representing the Village, or at a Village-sponsored event, is a serious violation of this policy. This policy applies not only to acts against employees, but to acts against all other persons. Those found to have violated this policy will be subject to corrective or disciplinary action, up to and including discharge.

- (1) In cases in which the Village has found that an employee, volunteer, or contractor, has threatened, harassed, or abused an intimate partner at the workplace using Village resources such as work time, workplace telephones, facsimile machines, mail, e-mail or other means, said employee shall be subject to corrective or disciplinary action.
- (2) In cases in which the Village has verification that an employee, volunteer, or contractor is responsible for a domestic violence-related offense, or is the subject of any order of protection, including temporary, final or out-of-state order, as a result of domestic violence, and said employee, volunteer or contractor has job functions that include the authority to take actions that directly impact victims of domestic violence and/or actions that may protect abusers from appropriate consequences for their behavior, the Mayor shall determine if corrective action is warranted.
- (3) In cases in which any employee, volunteer, or contractor intentionally uses his/her job-related authority and/or intentionally uses Village resources in order to negatively impact a victim of domestic violence, assist an abuser in locating a victim, assist an abuser in perpetrating acts of domestic violence, or protect an abuser from appropriate consequences for his/her behavior, said individual may be subject to corrective or disciplinary action.