

# **CITY OF PERU**

  

# **EMPLOYEE MANUAL**



*Approved and Adopted by the Peru City Council*

*March 2, 2020*

*Ordinance No.*

***THIS IS NOT AN EMPLOYMENT CONTRACT***

**EMPLOYEE ACKNOWLEDGMENT OF RECEIPT**

I acknowledge having received a copy of the City's Personnel Manual. I understand that it is my responsibility to read and comply with the policies, practices, rules, and regulations explained in this Manual. I understand that this Manual is designed only to introduce me to the City and to serve as a guide to present City policies, practices, and procedures. **I UNDERSTAND THAT THE CITY HAS THE RIGHT TO MODIFY, AMEND, OR WITHDRAW ANY OR ALL OF THE POLICIES OR PROCEDURES DESCRIBED IN THIS MANUAL AT ANY TIME.**

Although the City of Peru hopes that all employees will enjoy a long and mutually beneficial career with the City, **I UNDERSTAND THAT THERE IS NO GUARANTEE OF FUTURE EMPLOYMENT OR EMPLOYMENT UNDER ANY SPECIFIC CONDITIONS. I UNDERSTAND THAT THIS MANUAL IS NOT AN EMPLOYMENT CONTRACT OF ANY KIND AND THAT IT DOES NOT CREATE ANY RIGHTS IN THE NATURE OF AN EMPLOYMENT CONTRACT REGARDLESS OF WHETHER IT HAS BEEN DISTRIBUTED TO NEW OR EXISTING EMPLOYEES, NOR DOES IT PROVIDE ANY DUE PROCESS RIGHTS IN THE EVENT OF DISCIPLINE OR DISCHARGE.** I also understand that nothing shall restrict my right to terminate my employment at any time with or without notice or cause. I further understand that no representative of the City other than the Mayor has any authority to enter into any employment contract of any kind. Any contract or promise of employment must be in writing and must be signed by the Mayor.

\_\_\_\_\_  
EMPLOYEE'S SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
EMPLOYEE'S NAME (PRINTED)

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## ARTICLE I - INTRODUCTION

### Section 1.1 Purpose of Manual

This Manual describes the current personnel policies, which apply to you as a member of the City's work force. This Manual is designed only to introduce you to the City and to serve as a guide to present City policies, practices, and procedures. This manual supersedes all prior Manuals. **THE CITY HAS THE RIGHT TO MODIFY, AMEND, OR WITHDRAW ANY OR ALL OF THE POLICIES OR PROCEDURES DESCRIBED IN THIS MANUAL AT ANYTIME.**

Although the City of Peru hopes that all employees will enjoy a long and mutually beneficial career with the City, there is no guarantee of future employment or employment under any specific conditions. **THIS MANUAL IS NOT AN EMPLOYMENT CONTRACT OF ANY KIND AND IT DOES NOT CREATE ANY RIGHTS IN THE NATURE OF AN EMPLOYMENT CONTRACT REGARDLESS OF WHETHER IT HAS BEEN DISTRIBUTED TO NEW OR EXISTING EMPLOYEES, NOR DOES IT PROVIDE ANY DUE PROCESS RIGHTS IN THE EVENT OF DISCIPLINE OR DISCHARGE.** Nothing shall restrict your right to terminate your employment at any time with or without notice or cause. All employees of the City of Peru, unless covered by a written employment agreement, are employees at will who can be discharged at any time, with or without cause and with or without notice. No representative of the City other than the Mayor has any authority to enter into any employment contract of any kind. Any contract or promise of employment must be in writing and must be signed by the Mayor.

### Section 1.2 Applicability

Unless otherwise noted, these personnel policies apply to all employees of the City of Peru government except that these policies do not apply to the following:

- a. Elected Officials;
- b. Officers elected by the City Council;
- c. Persons employed to make or conduct a temporary and special inquiry, investigation or examination on behalf of the City Council;
- d. Volunteer personnel who receive no regular compensation from the City; and

These personnel policies shall apply to Police and Fire Department employees only to the extent not inconsistent with the rules and regulations as established by the Board of Fire and Police Commissioners' and the Peru Police Department's Procedural General Orders manual and the Peru Fire Departments Standard Operating Procedures manual. Sworn supervisors within the Police Department may be provided with certain benefits consistent with the FOP collective bargaining agreement. If you have any questions regarding how this Manual applies

to you because of your position with the City, speak to your immediate supervisor.

### **Section 1.3 Employment Status and Type**

Employees may be categorized many different ways for purposes of this Manual. Your position may be categorized on one or more of the following bases:

- a. Full-Time Employee - An employee in a position normally scheduled to work the City's stated full-time hours for that position in any calendar week and who is eligible for all City benefits. The City determines whether or not an employee is a full-time employee.
- b. Part-Time Employee - An employee occupying a position normally scheduled to work less than regularly scheduled full-time hours in any calendar week and who is not eligible for City benefits. The City determines whether or not an employee is a part-time employee.
- c. Temporary Employee - An employee employed for a period of less than six (6) consecutive months, or for a specific task, who may or may not work full-time hours and who is not eligible for City benefits. The City determines whether or not an employee is a temporary employee.
- d. Probationary Employee - An employee who has yet to complete his or her probationary period.
- e. Regular Employee - An employee who has successfully completed his or her probationary period.
- f. Sworn Employee - An employee in a position considered to be sworn under Illinois law. Generally such employees hold positions of police officers and firefighters covered by the Board of Fire and Police Commissioners Act, 65 ILCS 5/10-2.1-1 et seq.
- g. Exempt Employee - An employee paid on a salary basis who works in an executive, administrative or professional capacity determined by the City to be exempt from the overtime provisions of the Fair Labor Standards Act (FLSA). Exempt employees are not entitled to overtime under the FLSA. Notwithstanding any provisions of this Manual, the discipline of such employees shall be in accordance with FLSA regulations regarding exempt salaried employees.
- h. Non-Exempt Employee - An employee who is not in a position determined to be exempt from overtime under the FLSA. Such employees are eligible for overtime pay.

These classifications are descriptive only, may be changed at any time, and do not constitute a guarantee of employment for any specified period of time.

**Section 1.4 Conflict with Other Regulations or Agreements**

In the event there is a conflict between the policies contained in this Manual and a current written individual employment agreement, collective bargaining agreement, or applicable rules and regulations of the Police Department, Fire Department or the Board of Fire and Police Commissioners, the terms of the agreement or applicable rules and regulations will apply. No one other than the Mayor has the authority to enter into a contract contrary to the terms of this manual.

**Section 1.5 Distribution of Manual**

The Employee Manual is distributed at the time of initial employment with the City. It is the employee's responsibility to read and understand the policies included in this Manual. If there are any questions about any of the information contained in this Manual, refer them to your immediate supervisor, Department Head or Human Resources Manager.

**ARTICLE II - EMPLOYEE CONDUCT****Section 2.1 Equal Employment Opportunity**

The City of Peru provides equal employment opportunities for all employees or prospective employees. It does not discriminate in its employment policies and practices against any person for any reason, including actual or perceived sex, sexual orientation, color, race, religion, national origin, ancestry, age, marital status, order of protection status, pregnancy, arrest record, military status, unfavorable discharge from military service (except for those dishonorably discharged), physical or mental disability or any other protected group status.

**Section 2.2 Non-Harassment Policy**

The City of Peru considers sexual harassment to be illegal and a violation of Title VII of the Civil Rights Act of 1964 and the Illinois Human Rights Act. The City will not tolerate harassment of City employees by anyone, including any supervisor, co-worker, vendor, client or customer of the City.

Definition. Harassment consists of unwelcome conduct, whether verbal, physical, or of a visual nature, that is based upon a person's protected status, including actual or perceived sex, sexual orientation, race, color, ancestry, national origin, religion, age, disability, marital status, military status, pregnancy, order of protection status, arrest record, unfavorable discharge from military service (except for those dishonorably discharged, or any other protected status under applicable law. The City will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile or offensive working environment.

Sexual harassment deserves special mention. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and any other verbal or physical conduct of a sexual

nature, when (a) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; (b) submission to or rejection of such conduct is used as a basis for any employment decision affecting such individuals; or (c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile or offensive work environment. Examples of sexual harassment include but are not limited to:

Verbal: Sexual innuendo, suggestive comments, insults, threats, jokes about gender-specific traits, or sexual propositions;

Non-Verbal: Making suggestive or insulting noises, gestures, leering, whistling or obscene gestures; and

Visual: Posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.

Physical: Touching, pinching, brushing the body, coercing sexual intercourse or assault.

Textual/Electronic: "Sexting" (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).

For purposes of this policy, the phrase "working environment" is not limited to a physical location an employee is assigned to perform his or her duties.

Department Head's Responsibility. Each Department Head has the responsibility to maintain his or her workplace free from harassment. This duty includes informing all employees of the substance of this policy and assuring them that prompt action will be taken in response to claims of harassment including remedial action when circumstances dictate.

Employee's Responsibility. Any employee who believes that he or she has been the subject of harassment should report the alleged incident as soon as possible (preferably within 48 hours) to either his or her (1) Department Head, (2) Supervisor, (3) Human Resources Manager or (4) the Mayor.

Retaliation Prohibited. The City prohibits retaliation against anyone for reporting harassment, assisting in making a complaint, or cooperating in an investigation of harassment. Retaliation is unlawful under both the Illinois Human Rights Act and the Illinois Whistleblower Act.

Complaint Procedure. An investigation of all complaints will be undertaken immediately and, if appropriate, prompt action will be taken to alleviate the offensive conduct. To the fullest extent practicable, the City will keep complaints and the terms of their resolution confidential. Any supervisor, agent, employee or non-employee who has been found by the City to have harassed a City employee will be subject to appropriate disciplinary actions depending upon the totality of

circumstances; this action could range from a warning up to and including discharge.

Complaints by an elected/appointed official against another elected/appointed official shall be submitted to the Human Resources Manager who shall, in consultation with the City Attorney, ensure that an independent review is conducted with respect to such allegations.

An employee who believes that he or she has been the subject of harassment or retaliation for complaining about harassment also has a right to file a charge of civil rights violations with the Illinois Department of Human Rights within 300 days of the harassment, to have that charge investigated by the Department and, if substantial evidence to support the charge is found to exist, to have such an opportunity as is provided by law and applicable regulations to engage in conciliation with the Employer and/or to have the charge heard in a public hearing before an Administrative Law Judge of the Illinois Human Rights Commission. For further information, any such employee may call or write to the Illinois Department of Human Rights, 100 W. Randolph Street, Room 10-100, Chicago, Illinois 60601, (312) 814-6200, or the Illinois Human Rights Commission, 100 W. Randolph Street, Room 5-100, Chicago, Illinois 60601 (312)814-6269.

The City recognizes that the issue of whether harassment has occurred requires a factual determination based on all the evidence received. The City also recognizes that false accusations of sexual harassment can have serious effects on innocent men and women. We trust that all employees will continue to act in a responsible and professional manner to establish a working environment free of harassment.

Training. The City will provide sexual harassment prevention training on an annual basis as required by law.

False and Frivolous Complaints. False and frivolous charges refer to cases where the accuser is using a harassment complaint to accomplish some end other than stopping harassment. It does not refer to charges made in good faith, which cannot be proven. Given the seriousness of the consequences for the accused, a false and frivolous charge is a severe offense that can itself result in disciplinary action, up to and including termination.

### **Section 2.3 Drug-Free Workplace Policy**

The City wishes to protect its employees, citizens and the general public from the dangers posed by the unlawful sale, manufacture, distribution, dispensation, possession or use of drugs in the workplace. It will take all reasonable steps to ensure a drug-free workplace during the performance of any government contract or grant work.

Policy. City policy strictly prohibits all employees from unlawfully manufacturing, distributing, dispensing, possessing, or using controlled substances in the workplace. For purposes of this Policy, the term “controlled substances” means substances listed in the Illinois Controlled Substances Act, and includes cannabis

Notice of Convictions. As a condition of employment, all employees directly engaged in

performing work under any state contract or grant must agree to comply with this policy and must agree to notify the Mayor no later than five (5) days after any conviction for a violation of a criminal drug statute occurring in the workplace. The City will report such convictions to the contracting or granting state agency within ten (10) days. The phrase “conviction for a violation of a criminal drug statute” means a finding of guilt, a no contest plea or an imposition of sentence by any judicial body for any violation of a state or federal criminal statute involving the manufacture, distribution, dispensation, use or possession of any controlled substances.

Penalties for Violation. Consistent with any applicable collective bargaining agreement or obligation, any employee who violates this policy or is convicted of such a crime is also subject to discipline up to and including discharge. Where appropriate, the City may require employees who are convicted of such crimes to participate satisfactorily in a drug rehabilitation or counseling program. These actions will be taken no later than thirty (30) days after receiving notice of such a conviction.

#### **Section 2.4     Drug-Free Awareness and Drug & Alcohol Testing Policies**

The City believes strongly that employees should be aware of the dangers of drug abuse. Employees should also be aware of available counseling, rehabilitation and employee assistance programs.

The City’s Drug-Free Workplace Policy is set forth at Section 2.3 of this Manual. Additionally, the City has adopted a drug and alcohol testing policy for all full and part-time employees pursuant to the Federal Motor Carrier Safety Regulations and the City’s own independent authority. Employees who violate these Policies are subject to discipline up to and including discharge.

The City is aware of the risks posed by drugs. Drugs can contribute to such problems as lung cancer, liver disease, respiratory failure, and heart attacks and are closely associated with such diseases as AIDS and hepatitis. In addition, drugs can cause motor vehicle accidents and workplace injuries. Drugs also have a number of more insidious effects: they can rob the user of his or her ability to deal constructively with anxiety and stress; they can undermine the user’s ability to plan for and reach long-term goals; and they can destroy professional and family relationships. Finally, lives can be ruined when illegal drug users are arrested, jailed or injured by drug-related violence.

We have gathered a variety of pamphlets and other materials about drug abuse. Those materials are available from the Human Resource Manager. From time to time, we may schedule workshops or programs to discuss the dangers of drug abuse. The following counseling, rehabilitation and other assistance is available to employees with drug or alcohol abuse problems:

- A.     Assessment and Evaluation
- B.     24-Hour Emergency Telephone Service
- C.     Supervisory Training
- D.     Employee Training

#### E. On Site Visits

Any employee who uses illegal drugs or abuses medication or alcohol is urged to contact Health Directions, the City's Employee Assistance program. Health Directions is a division of North Central Behavioral Health Systems, Inc., and may be reached at 1-800-288-5912, 24-hours a day, seven days a week. Such contacts will be kept confidential.

### **Section 2.5 Medical Cannabis**

The City seeks to establish guidelines to provide a safe, healthy and secure work environment for City employees and other individuals doing business with the City. This Medical Cannabis Policy outlines the City's expectations and requirements for creating and maintaining a drug free environment in accordance with the Illinois Medical Cannabis Pilot Program.

Policy. All employees, including Registered Qualifying Patients, are strictly prohibited from using, possessing, selling, distributing or being impaired by cannabis while on the City's property, while on duty, while on call, while acting in any capacity in his or her employment with the City, or while operating a vehicle or machine leased or owned by the City. All employees are subject to this policy while on property owned, controlled or operated by the City, including all offices, facilities, structures, fixtures, installations, land, parking areas, sidewalks, common areas under the control of the City, automobiles, trucks, and all other vehicles and equipment whether owned, leased, rented, or used by the City, or any place where an employee can reasonably be expected to be observed by others.

All employees working for the City of Peru are expected to report fit for duty for scheduled work and to be able to perform assigned duties safely and acceptably without any limitations due to the use or aftereffects of medical cannabis. Any employee found to use, sell, possess, distribute or be under the influence of cannabis while on City premises, performing City related duties, or while operating any City vehicle or equipment, is subject to disciplinary action, up to and including termination of employment. Any cannabis found on the premises will be turned over to the appropriate law enforcement agency.

If an employee arrives at the workplace and there is reasonable cause to suspect that the employee is under the influence of cannabis, the supervisor shall immediately remove him/her from the work environment. In the event that there is any doubt as to whether the employee is or is not impaired, the supervisor should err on the side of caution and remove him/her from the work environment.

Qualifying Patients. All employees who are Registered Qualifying Patients, as defined by the Act, must submit to the Department of Human Resources documentation illustrating that they are a Registered Qualifying Patient, including documentation of the employee's diagnosis of a "debilitating medical condition" and the employee's Register Identification Card. All Registered Qualifying Patients are expected to consult with their personal physician to determine if the use of medical cannabis will have any potential negative effects on job performance. All Registered Qualifying Patients are required to report to their supervisor if there is any potential risk,

limitation or restriction for whatever reason that may require modification of duties or temporary reassignment and provide appropriate medical verification on restrictions in the performance of duties. The following employees are prohibited from becoming a Registered Qualified Patient: active duty police officers, firefighters and CDL holders.

Each Registered Qualifying Patient must carry his/her Registry Identification Card, issued by the Department of Public Health. Law enforcement personnel will have access to a verification system maintained by the Department of Public Health.

Roles and Responsibilities. City Management, at all levels, strives to provide a safe and effective working environment and to support the well-being of each employee through awareness and appropriate training. The City shall ensure that supervisors shall receive at least sixty minutes of training on recognizing cannabis use. The training shall cover the physical, behavioral, speech, and performance indicators of probable cannabis use. It is the responsibility of all supervisors to be able to identify situations that may cause concerns about an individual's ability to perform his or her job, and take appropriate steps. The supervisors must rely on objective and observable criteria. A supervisor may consider an employee to be impaired when the employee manifests specific, articulable symptoms, while working that decrease or lessen his or her performance of the duties or tasks of the employee's job position. Symptoms may include, but not limited to, unusual speech, demeanor, agility, coordination, or involvement in an accident that results in serious damage to equipment or property or carelessness that results in any injury to the employee or others.

If an employee believes an individual holding a more senior position is in violation of this policy they are encouraged to get a second opinion where possible. They are also expected to notify their supervisor, department head or the Human Resources Department.

Unexpected circumstances can arise when an off-duty employee is requested to work. It is the employee's responsibility to refuse the request to work and ask that the request be directed to another person, if the employee is unfit due to the influence of cannabis.

Disciplinary Action. Where necessary, any employee who is suspected of violating the provisions of this policy will be removed from City premises, pending an investigation and a decision on appropriate consequences. Any employee found to be in violation of this policy is subject to disciplinary action, up to and including termination of employment, and may be criminally prosecuted.

Registered Qualifying Patients who test positive for cannabis may not be penalized solely for their status as a Registered Qualified Patient unless failing to do so would:

- Put the City in violation of federal law; or
- Cause the City to lose a monetary or licensing-related benefit under federal law or rules.

Nothing in this provision shall be construed to create or imply a cause of action for any person against the City for:

- Actions based on the City's good faith belief that a Registered Qualifying Patient used or possessed cannabis while working;
- Actions based on the City's good faith belief that a Registered Qualifying Patient was impaired while working; or
- Injury or loss to a third party if the City neither knew nor had reason to know that the employee was impaired.

## **Section 2.6     Fitness Examination**

After an offer has been made, employment with the City may be conditioned upon the passing of a physical examination and drug and alcohol test administered by a medical professional appointed by the City at the City's expense.

## **Section 2.7     Residency**

Residency in an unincorporated area must be within 10 miles of the city limits of the City of Peru. Residency in an incorporated municipality is permitted if the city of residency city limits and the city limits of the City of Peru are within 10 miles of each other. Sworn supervisors within the Police Department, with the exception of the Chief of Police, shall follow the same residency requirements defined in the FOP collective bargaining agreement for the patrol officers that is currently in place and as amended from time to time. Restrictions if an employee resides outside the City limits are:

- If called in for overtime, overtime pay starts upon the employee's arrival at the work site.
- During an employee's work shift they shall not be permitted to leave the City limits for meal breaks or other personal business if operating a City vehicle.

## **Section 2.8     Personally Assigned Vehicles**

Personally Assigned Vehicles (PAV) are designated to necessary employees of the City in order to enhance the ability of employees subject to frequent call back to do so more effectively or when determined appropriate in sole discretion of the department head. Priority consideration may be given to the following eligible employees who request a PAV.

- Employees who reside in, or who are in reasonable proximity to, this municipality so they can quickly respond to call backs.
- Employees who, by reason of their position, are subject to frequent call backs to major events or other emergencies.
- Employees who require a specific vehicle to perform their required duties.

A PAV may be a marked or unmarked City vehicle for use by a specific employee. Only non-probationary employees are eligible for PAV assignment. Employees on a leave of absence, leave without pay, or on suspension are not eligible for PAV assignment. Employees on extended leave (normally of one week or more) shall leave their PAV at the appropriate City facility at the end of the work day preceding the start of the leave.

All safety and use provisions applicable to the use of City vehicles are applicable to the operation of PAVs unless otherwise stated in this policy. Only the assigned employee may operate the PAV unless extenuating or other reasonable circumstances dictate. Whenever operating a PAV, employees shall carry their City of Peru identification card.

Personal use of a PAV is prohibited unless contemporaneous with travels to or from City work and is not outside of a normal course of travel and said personal business is not against any other rule, regulation, policy, or procedure to applicable employee City duties e.g. an employee may conduct personal business on the way to or from their work assignment or during the course of their work day while on sanctioned breaks. Long distance travel using PAVs is prohibited unless connected with official City business authorized in advance by a department head.

No equipment or accessories shall be installed in/on PAVs without prior approval. Employees assigned a PAV retain no expectation of privacy in those vehicles. The City retains the right to enter and inspect PAVs at any time without prior notice, with or without cause. PAVs shall be kept clean at all times and shall be made available for scheduled maintenance and inspections.

Disciplinary action may be taken for violations of these guidelines for use of PAVs.

### **Section 2.9 Attendance and Appearance**

Employees are to report promptly to their designated workplace and devote their entire efforts during working hours to their assigned duties. Department Heads are responsible for the attendance of employees of their department and are to keep complete attendance records including leave time, sick leave, overtime, etc. Records of attendance are to be forwarded to the Finance Officer.

All employees are to dress and conduct themselves in a professional manner. Each department has a specific dress code that is determined by the Department Head.

### **Section 2.10 Unauthorized Absence, Tardiness and Notification of Absence**

Absence from work, including any absence for a single day or part of a day that is not authorized in accordance with established procedures, will be considered an unauthorized absence and shall be subject to disciplinary action. If an employee is unable to report for work due to illness or another uncontrollable condition, or is going to be late for the start of his/her shift, the Department Head or Supervisor must be notified prior to the beginning of his/her shift. The Department Head will specify the procedure for notification.

An employee who is absent for three (3) consecutive days without authorization will be deemed to have resigned.

### **Section 2.11 Solicitation**

Solicitation will not be permitted during working time or during non-working time in areas where it will disturb other employees who are working. Distribution or circulation of printed material by employees will not be permitted during working time or during non-working time in

areas where it will disturb other employees who are working. “Working time” refers to that portion of any workday during which an employee is supposed to be performing any actual job duties; it does not include other duty free periods of time. Solicitation and distribution by non-employees on City property is strictly prohibited.

### **Section 2.12 Bulletin Boards**

It is the policy of the City to keep employees informed as to general policies, procedures, and other pertinent information by posting notices in specified areas on City bulletin boards. Employees should check the bulletin boards daily to ensure they do not miss important postings. Notices placed on these boards keep everyone informed about day-to-day operations. These boards are used for official City communications and City business only. To ensure bulletin boards are only used for permissible City communications and business, all proposed postings must be approved in advance by the Department Head. The unauthorized posting of notices on City bulletin boards and the posting of any notices outside of City bulletin boards is strictly prohibited. Nothing herein shall prohibit employees from utilizing bulletin boards open to the public provided they are utilized in accordance with applicable rules for such boards.

### **Section 2.13 Security Inspections**

To safeguard the property of employees and the City, the City reserves the right to inspect any packages, parcels, purses, handbags, briefcases, lunch boxes, or any other possessions or articles carried to and from the City’s property by employees. In addition, the City reserves the right to search any employee’s office, desk, computer, files or other area or article on City premises. In this connection, it should be noted that all offices, desks, computers, files and so forth, are the property of the City and are issued for the use of employees only during their employment with the City. No employee shall have any expectation of privacy in terms of their offices, desks and computers. Inspections may be conducted at any time at the discretion of the City. The City is not responsible for the loss of personal property.

### **Section 2.14 On-the-Job Safety/Reporting of Accidents**

Employees are expected to exercise caution and observe all established safety rules and regulations applicable to his/her position and in the operation of tools, equipment and motor vehicles in connection with City business.

The following safety rules apply to all employees of the City:

- a. Basic responsibility for safety rests with Department Heads and from them, to their designated safety representatives, supervisors and employees.
- b. Any employee acting in a supervisory capacity shall require all employees under their supervision to comply with all applicable safety rules and practices.
- c. Any employee having knowledge of any unsafe condition or work practice shall report such condition or practice to their immediate supervisor, departmental safety representative, or department heads.

- d. All employees shall use reasonable precautions in the performance of their duties and act in such a manner as to assure maximum safety to themselves, their fellow employees and the public.
- e. All employees shall familiarize themselves with the safety rules applicable to their jobs and shall consult with their supervisor on any safety rule or practice not understood, or whenever work conditions present unforeseen hazards.
- f. No employee shall remove or make ineffective any safeguard, safety device or safety appliance except for the purpose of replacement, repair or adjustment.
- g. Employees shall keep their work areas clean, orderly and, to the extent possible, free from all recognized safety hazards.
- h. All employees shall work in appropriate clothing, including footwear, suitable for the type of work being performed and shall wear or use appropriate safety devices or personal protective equipment as provided, or directed.
- i. The City shall provide Hepatitis B, Tetanus, and TB vaccinations if job position places employee at risk. The City determines which positions place employees at risk for these illnesses. If an employee refuses the vaccination, then the employee must sign a declination statement.
- j. The City shall provide all necessary protective equipment and protective clothing determined to be necessary by the City for the job. The City shall replace worn clothing that it has provided, so long as the wear is normal wear and tear and not the result of an employee's failure to properly take care of the clothing.
- k. When driving or riding as a passenger in a City-owned vehicle, or in a personal vehicle while on City business, employees shall wear properly adjusted and fastened seat belts.
- l. Employees shall comply with all applicable local, state and federal traffic laws when operating a City vehicle or personal vehicle while on City business.
- m. Any employee who suffers an on-the-job injury, illness, or is involved in an accident while operating either City equipment, a City-owned vehicle, or a personal vehicle on City business, shall immediately report the incident to his or her supervisor or Department Head, who will in turn forward the pertinent information to the Human Resources Manager. The Human Resources Manager shall then process the information.

Individual departments may adopt any safety rules that address particular operations or hazards that exist within that department and which are not inconsistent with the general safety rules listed above.

Any employee found to be in violation of the general safety rules or applicable departmental safety rules may be subject to disciplinary action.

## **Section 2.15 Return to Work Policy**

Purpose. The City of Peru strives to assist employees to return to work at the earliest possible date following an injury or illness. However, this policy is not intended to supersede or modify the procedures applicable to employees eligible for reasonable accommodation under the Americans with Disabilities Act (ADA) or leave benefits under the Family and Medical Leave Act (FMLA).

Eligibility. The policy only applies to regular full and part time employees who are on leave as a result of injury and who are receiving workers' compensation benefits.

Temporary Alternative Work. The City of Peru defines Temporary Alternative Work as temporary, modified work assignments within the employee's physical abilities, knowledge, and skills.

When possible, temporary alternative work will be made available to injured employees to minimize or eliminate time lost from work. The City of Peru cannot guarantee a temporary alternative work assignment and is under no obligation to offer or create any specific position for purposes of offering placement to such a position.

In the event an employee refuses temporary alternative work (outside the employee's FMLA benefits period) and the employee satisfies the restrictions and ability to perform temporary alternative work, the City is not obligated to provide a different alternative position. In such cases, the City will notify the insurance carrier of the employee's refusal of the alternative work.

Procedure. To obtain a temporary alternative work assignment the employee must request a Return-To-Work form and a Job Description from Human Resources and provide them to the attending physician for completion.

If the attending physician releases the employee to return to work on modified duty and has completed the Return-To-Work form, that form must be returned to the department supervisor and Human Resources within 24 hours. The supervisor and Human Resources will review the Return-To-Work form and determine a temporary alternative work assignment for the employee if appropriate and the alternative work falls within the business needs.

Temporary alternative work assignments are developed based on the physical capability of the employee, the business needs of the City, and the availability of such work. The City will determine the availability, appropriateness, and continuation of all alternative work assignments. The employee must notify their supervisor and Human Resources within 24 hours of any and all changes in medical conditions.

Any employee returning to a temporary alternative work assignment must not exceed the duties of the alternative position or go beyond the doctor's restrictions. If any medical restrictions change, the employee must immediately notify his or her supervisor and provide the supervisor a copy of the new medical release. Supervisors will monitor work performance to

ensure the employee does not exceed the requirement set by the attending physician.

### **Section 2.16 Accident Review Board**

Purpose. It is the purpose of this Policy to provide guidelines for the review of City involved vehicular accidents excluding accidents involving Peru Police employees.

Policy. It is the policy of the City of Peru to review all City involved vehicular accidents to determine the cause, policy compliance and make recommendations for policy change, corrective training or disciplinary action.

City Vehicle Accidents. If there is an accident involving a City vehicle, the procedure will be as follows:

- a. All employees of the City of Peru who are involved in any traffic accident, regardless of the extent of damage, will immediately notify their Supervisor.
- b. A state crash report will be completed on all accidents pursuant to IDOT regulations or when directed by law enforcement.
- c. A CAD or other law enforcement documentation must be completed for all other accidents not documented by a state crash report.

Accident Review Board. The organization and responsibilities of the Accident Review Board will be as follows:

- a. The Accident Review Board shall be appointed by the Administrative Services Manager and shall consist of the following individuals: (1) Department Head or designee, (2) the supervisor of the work group, (3) a peer level employee.
- b. The Accident Review Board will be responsible for reviewing all employee involved vehicular accidents requiring a state crash report. The Department Head or Administrative Services Manager may also refer accidents wherein only a CAD has been generated when it is determined a pattern exists involving a particular employee or when special circumstances exist. They will determine the facts relating to the accident and report their findings with any recommendations to the Department Head.
- c. The Department Head or designee will act as the chairperson of the board and shall be responsible for scheduling and presiding over the hearing.
- d. The Chairperson or designee of the Accident Review Board will be responsible for recording and reporting the findings and recommendation of the hearing board to the Administrative Services Manager utilizing the Accident Review Report.
- e. The Accident Review Board shall meet as soon as practical after an employee involved accident.

Procedure. The procedure for the Accident Review Board will be as follows:

- a. Reporting agencies responsible for investigating City of Peru employee accidents include one or more of the following: (1) Peru Police Department, (2) La Salle County Sheriff's Office, (3) Illinois State Police, (4) any other agency that holds jurisdiction.
- b. In the event of an accident that was non-injury or involved minor property damage, it is the responsibility of the supervisor to go to the scene of the accident investigation, notify applicable department head, and gather information and reports and forward them to the applicable department head.
- c. In the event of an accident that resulted in an injury or major property damage, it is the responsibility of the supervisor to go to the scene and make notifications to the Department Head and the Administrative Services Manager.
- d. In the event of an accident, the Department Head or designee of the department of the employee involved shall (1) Notify the Accident Review Board, Administrative Services Manager and other related persons of the date, time, and location of the accident review in writing, and (2) preside over the review process, documenting the proceedings and findings and then forward these to the Administrative Services Manager.
- e. In the event of an accident, the Accident Review Board will have the following responsibilities:
  - The Accident Review Board will review all reports, all applicable City policies, practices, orders, and applicable state laws. The board may also hear testimony of all witnesses and will provide the vehicle operator the opportunity to explain the circumstances surrounding the accident.
  - When all the facts and testimony have been presented the Board will prepare a report (Accident Review Report) based on the information obtained. This report will be forwarded to the Administrative Services Manager and will contain the Board recommendations for policy changes, corrective training, and/or disciplinary action.
  - When considering recommendations for training/discipline for employees the Board will determine if the vehicle operator was negligent or at fault in any way. Negligence will be defined as indifferent, inattentive, or careless in driving or a failure to exercise care or precaution. It is the element, not the severity of any damage or injury. Any crash referred in which the Board determines the employee was not at fault or negligent, will generally lead to a recommendation of no action. Any crash referred in which there is a determination of some level of the employee being at fault or negligent, will result in a recommendation of an appropriate course of action which may include but is not limited to such things as training, counseling, reprimand, or suspension. The board shall consider the employee's accident history when making recommendations.

Administrative Services Manager. The responsibilities of the Administrative Services Manger

will be as follows:

- a) The ASM will review the Accident Review Report and recommendations made by the board. The final decision and corrective action to be taken (policy change, mandate corrective training, effect disciplinary action) if necessary, will be made by the ASM. The decision of the ASM will be forwarded to the members of the Board and to the employee/driver stating what action is to be taken as soon as is practical after the hearing.
- b) The involved employee has the right to appeal when applicable pursuant to the terms of the collective bargaining agreement or applicable department policy and/or City of Peru Employee Manual.
- c) All documentation relating to an employee-involved accident shall be filed with the office of Human Resources to be placed in accident investigation files.

### **Section 2.17 Conceal Carry**

The City strives to maintain a safe workplace environment for its employees and visitors. Workplace safety is enhanced by adopting this Conceal Carry Policy in accordance with the Illinois Firearm Concealed Carry Act.

Policy. All property, buildings, or portions of buildings, as well as City vehicles, owned or under the control of the City are designated as “Prohibited Areas” for concealed carry licensees to carry their firearm. All Prohibited Areas that are buildings must clearly and conspicuously display a 4”x6” sign on the premises, which states that concealed firearms are prohibited. Signs shall be in accordance with the design approved by the Illinois State Police. The Police Chief or his designee shall be responsible for the placement and maintenance of the signage.

All employees, regardless of whether they are licensed under Illinois law, are strictly prohibited from carrying a concealed firearm into any Prohibited Area, and from carrying a concealed firearm while acting in any capacity in his or her employment with the City.

A firearm may be transported into a parking area within an employee’s personal vehicle if the firearm and its ammunition remain locked in a case out of plain view within the parked vehicle. “Case” is defined as a glove compartment or console that completely encases the firearm and its ammunition, the trunk of the vehicle or a firearm carrying box, shipping box or other container. The firearm may only be removed for the limited purpose of storage or retrieval from within the trunk of the vehicle. A firearm must first be unloaded before removal from the vehicle. Upon locking the firearm in such case, the employee shall notify the Police Department that he/she has placed a firearm in his/her vehicle, and shall include the specific location of such vehicle in the parking area controlled by the City.

Enforcement. Any employee found to have carried a firearm into a Prohibited Area knowingly, or under circumstances in which the employee should have known that he or she was in possession of a firearm, may be subject to discipline up to and including, but not limited to, immediate termination of employment, subject to such other employment rules or regulations as may be applicable.

Any individual visiting or conducting business on City property found to have carried a firearm into a Prohibited Area knowingly, or under circumstances in which the person should have known that he or she was in possession of a firearm, may be banned from the City property.

Any individual found to have carried a firearm into a Prohibited Area knowingly, or under circumstances in which the individual should have known that he or she was in possession of a firearm, may be subject to administrative action by the City and possible arrest and prosecution. Violations of this Policy may result in referrals to external law enforcement agencies.

Exception. The provisions of this Policy do not apply to the possession of firearms in any Prohibited Area if the firearm is carried by a sworn City of Peru law enforcement officer, or a sworn law enforcement officer of a jurisdiction other than the City of Peru, where said officer is required to carry a firearm as a condition of his or her employment, or is authorized to carry a firearm while not on-duty.

### **Section 2.18 Threats, Violence, and Weapons (Workplace Violence)**

The City's policy is to strive to maintain a work environment free from intimidation, threats, or violent acts. This includes, but is not limited to, intimidating, threatening or hostile behavior; physical abuse; vandalism; arson; sabotage; use of weapons; carrying unauthorized weapons of any kind while on duty, in City vehicles or on City property; or any other act, which, in management's opinion, is inappropriate to the workplace. In addition, jokes or offensive comments regarding violent events will not be tolerated and may result in disciplinary measures.

If an employee feels they have been subjected to any of the behaviors listed above or witness such behavior, the employee is requested to immediately report the incident to their immediate supervisor, Department Head or Mayor. Complaints will be promptly and thoroughly investigated. Based upon the results, disciplinary action up to and including termination will be taken against the offender, if appropriate.

Employees also are empowered to contact the proper law enforcement authorities without first informing management if they reasonably believe that a threat to their safety or that of others exists.

### **Section 2.19 Outside Employment**

Employees may hold outside employment with Department Head approval, including self-employment, which will not: (1) interfere with the performance of City duties; (2) present a potential conflict of interest; (3) result in outside work during an employee's work shift; and (4) involve the use of City equipment or supplies.

### **Section 2.20 Use of City Equipment and Resources**

At no time should any employee, while on-duty or off-duty, use City assets for personal use or gain. Nor should any employee allow the use of City equipment or resources for the personal

use or gain of any other individual or organization. Employees may only use City equipment and resources when it is reasonable that the use of City equipment or resources is needed to aid in the performance of their official duties. There may be from time to time situations where a department head may make a judgement to authorize the use of City equipment or resources outside normal operations. This shall only be authorized when it would aid in the delivery of critical services to the citizens of Peru. It is the policy of City of Peru that a department head must authorize the special use of City equipment or resources on a case-by-case basis and only with final approval by the Administrative Services Manager.

### **Section 2.21 Compliance with Personnel Policies**

Employees with the City of Peru are expected to abide by and conform to the City's established personnel policies, guidelines, work practices and procedures. Failure to do so may result in disciplinary action.

## **ARTICLE III - EMPLOYMENT STATUS**

### **Section 3.1 Probationary Period**

The probationary period is an important part of the employee's performance evaluation process. It is during this time that the employee's conduct and job performance are most closely observed and evaluated so as to assure the City that the employee has satisfactorily performed their position's assigned duties and for rejecting any employee whose conduct and/or performance is not satisfactory. During the probationary period you are an employee-at-will. As a result, you may be suspended, laid off or terminated with or without cause and with or without notice at the sole discretion of the City. Successful completion of the probationary period does not confer any contract rights whatsoever.

The employment status with the City shall be considered probationary for a minimum period of six (6) months of continuous service from the effective date of the appointment, promotion, or reinstatement or as otherwise provided for by the Rules and Regulations of the Board of Fire and Police Commissioners as it applies to sworn members of the Police and Fire Department.

If an employee has not been separated from employment by the completion of the probationary period, the employment status shall be changed to that of a regular (i.e., non-probationary) employee.

### **Section 3.2 Discharge During Probationary Period**

At any time during the probationary period, an employee may be dismissed from employment, with or without cause, at the sole discretion of a Department Head.

**Section 3.3 Layoff**

The City shall determine whether layoffs are necessary based on a change of duties or a lack of funds. If it is decided that layoffs are necessary, the City will lay off an employee based on seniority (see 3.4), job qualification, job performance, and the best interests of the City. Callbacks will be handled in the same fashion when the City determines to increase staffing in the positions that were laid off no more than 60 days prior. Upon call back, all benefits will be reinstated and the time of the layoff will not be treated as interrupting any requirement of continuous service, provided, however, that no employee shall accrue any benefits for the time period that said employee is laid off.

**Section 3.4 Seniority**

An employee's seniority shall be the period of the employee's most recent continuous regular full-time employment with the City of Peru. A seniority list for each department indicating the length of service of each employee with the City shall be maintained by the Human Resources Manager and made available to Department Heads upon request. Earned seniority shall not be lost due to illness, authorized leave of absence, military service, or temporary layoff not to exceed sixty (60) days. Seniority is not earned during a period of absence exceeding 30 consecutive calendar days. However, an employee will continue to earn seniority while on Family and Medical Leave pursuant to the Family and Medical Leave Act, but not to exceed 12 weeks. All seniority rights shall be lost by resignation or dismissal. 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.

**ARTICLE IV - DISCIPLINARY ACTION****Section 4.1 Reasons for Discipline**

Reasons for disciplinary action may include, but are not limited to, the following:

- a. Incompetence, negligence, inefficiency, or failure or inability to perform your assigned duties;
- b. Abusiveness in your attitude or language, or in your conduct resulting in physical harm, injury, or harassment to City employees or the public;
- c. Violation of City drug and alcohol policies;
- d. Violation of any lawful or official regulation, order or rule, or your failure to comply with any lawful direction given by your superior;
- e. Conviction of a felony or any criminal misdemeanor determined by the City to be related to job duties;

- f. Causing damage to public property or waste of City supplies through negligence or willful misconduct, or failure to take reasonable care of City property;
- g. Falsifying employment applications or City records;
- h. Absence from scheduled work without prior authorization;
- i. Claiming sick leave under false pretenses;
- j. Absence without authorization for a period of three (3) days (an involuntary resignation), or a failure to report after leave of absence has expired or has been disapproved, revoked, or canceled by the employee's superior;
- k. Excessive or chronic absenteeism or tardiness;
- l. Failure to comply with established safety rules;
- m. Insubordination; and
- n. Any other reason as determined by your Supervisor, Department Head or the Mayor.

These examples are not all-inclusive, and other conduct not specifically covered above may result in disciplinary action depending upon the circumstances.

#### **Section 4.2 Discipline Procedure**

The City recognizes the value of progressive discipline in appropriate situations, but reserves the right to impose discipline at any level depending upon the facts, circumstances and severity of each instance. Disciplinary action or measures may include but are not limited to the following:

- a. Positive Discipline: Is when a supervisor attempts to deal with the employee's misconduct by encouragement and persuasion. This type of discipline may include counseling, training and professional assistance.
- b. Negative Discipline: This type of discipline includes verbal or written reprimands, suspension or discharge.

With the exception of counseling, training, professional assistance and verbal reprimands, you will be notified in writing of any disciplinary action taken against you before the discipline is imposed.

Notwithstanding any provisions of this Manual, the discipline of exempt salaried employees shall be in accordance with the FLSA, 29 C.F.R. § 541.118.

### **Section 4.3 Appeal of Discipline**

Regular employees may submit an appeal to the Mayor in writing when they have been served with a letter of discharge, demotion, or suspension. Requests for review of the discipline must be received by the Mayor within five (5) calendar days. The decision of the Mayor shall be final.

## **ARTICLE V - EMPLOYEE PERFORMANCE EVALUATION**

### **Section 5.1 Performance Review**

The employee performance evaluation system is designed to record work performance for both the department and the employee, providing recognition for good work and developing a guide for improvement. The City utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to promotion, reassignment, discipline, demotion and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The City evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to sex, race, color, national origin, religion, age, disability or other protected classes.

Evaluation Process. Employee Performance Evaluations will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's supervisor. Other supervisors directly familiar with the employee's performance during the rating period may be consulted by the immediate supervisor for their input.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document the discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with the opportunities to correct performance issues as they arise.

Employees shall be evaluated no less than once a year. Police Department employees shall be evaluated in accordance with the Police General Orders Manual.

The following rating scale will be used with the performance evaluations.

N/A – Not Applicable or too soon to rate.

UNSATISFACTORY – Performance is totally unacceptable and fails to meet the requirements

of the position.

**IMPROVEMENT NEEDED** – Performance is deficient in certain areas. Improvement is necessary.

**GOOD** – Competent and dependable level of performance. Meets performance standards of the job.

**VERY GOOD** – Results clearly exceed most position requirements. Performance is of high quality and is achieved on a consistent basis.

**OUTSTANDING** – Performance is exceptional in all areas and is recognizable as being far superior to others.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement. A rating under any job dimension marked other than "GOOD" shall be substantiated in the rater comments section.

Evaluation Interview. When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable objections to any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for the upcoming evaluation period should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities.

Evaluation Review. After the supervisor finishes the discussion with the employee, the performance evaluation is signed by the Supervisor (Rater) and the employee.

Evaluation Distribution. The original performance evaluation shall be maintained in the employee's personnel file.

## **ARTICLE VI - HOURS OF WORK AND OVERTIME**

### **Section 6.1 Calculation of Overtime**

Non-exempt employees are eligible for overtime compensation and will be paid at 1.5 times your hourly rate for all hours worked in excess of 40 hours per week. In computing overtime pay, hours shall include all hours actually worked, holidays, vacations, paid sick leave and time off pursuant to compensatory time. Employees shall be permitted to maintain forty (40) hours of compensatory time.

## **Section 6.2 Regular Hours of Work**

Each Department Head shall determine and establish the weekly and daily work schedule of the department's employees. The Department Head shall specifically designate the starting time, quitting time and lunch periods. Changes in work schedules shall be in the best interest of the City as determined by Department Heads. The City workweek shall be forty (40) hours per week, unless otherwise specified by the Department Head or Mayor.

## **Section 6.3 Overtime Scheduling**

Time worked in excess of forty (40) hours in a workweek constitutes overtime work for non-exempt employees. Before performing any overtime work employees must receive approval from their supervisor or Department Head. Different hourly standards may be used for sworn police and fire employees. Overtime is scheduled and assigned based on the skills and qualifications required for the work that is to be performed and the needs of the City.

A regular, full-time, non-exempt employee who is required to return to work, outside of their normal working hours (as determined by the Department Head), after having left work shall receive a minimum of two (2) hours pay at the applicable rate.

## **ARTICLE VII - LEAVE TIME**

### **Section 7.1 Vacation Leave**

Eligibility and Allowances. All regular, full-time employees shall be eligible to take paid vacation time after the completion of one (1) year of continuous full-time employment with the City. Vacation allowances for regular full-time employees shall be earned annually and based on consecutive years of employment with the City. Consecutive time shall not be lost due to illness, authorized leave of absence, military leave or a temporary layoff not to exceed sixty (60) days. Vacation leave shall be granted after an employee's employment anniversary date and earned according to the following schedule:

<u>Completed Years of Continuous Service</u>	<u>Vacation</u>
one (1) year	40 hours
two (2) years	80 hours
seven (7) years	120 hours
twelve (12) years	160 hours
twenty (20) years or more	200 hours (Rev 5/2/2005 Ord #4176)

Regular part-time employees transferring to full-time employment will be eligible for vacation without a waiting period. The employee will be credited with service time that is equivalent to 50% of their part time consecutive years of service with the City and will then follow the above vacation schedule. This shall only apply to non-collective bargaining unit employees.

Employees shall be entitled to carry over 80 hours of vacation to the next year. In the event vacation is denied due to operational needs, the employee may elect to carry over to the next year (not to exceed six (6) months) or receive compensation for unused vacation time.

Vacation time is not earned during a period of absence exceeding 30 consecutive calendar days. However, an employee will continue to earn vacation time while on Family and Medical Leave pursuant to the Family and Medical Leave Act, but not to exceed 12 weeks.

Full-time employees will be compensated for any accrued but unused vacation time at the regular rate of pay at the time of separation from the City. In the case of retirement with an IMRF pension; the payout shall be made so that the City is not subject to any accelerated payment by IMRF, i.e. after the first full calendar month after the month in which the retirement occurs. For example, if an employee retires on June 20, the payout will be made in August.

Vacation Pay. The rate of vacation pay shall be the employee's regular straight-time rate of pay in effect for the employee's regular job assignment on the payday immediately preceding the employee's vacation.

Scheduling. Each Department Head shall establish guidelines for the scheduling of vacations.

## **Section 7.2 Holiday Leave**

The following are paid holidays for all regular full-time employees:

New Year's Day  
 Good Friday  
 Memorial Day  
 Independence Day (July 4th)  
 Labor Day  
 Veterans' Day  
 Thanksgiving Day  
 Day after Thanksgiving  
 Christmas Eve  
 Christmas Day

When a recognized holiday falls on a Saturday, the Friday immediately preceding the holiday shall be recognized as the holiday. When a recognized holiday falls on a Sunday, the Monday immediately following the holiday shall be recognized as the holiday.

If the Mayor and City Council, in their discretion, add holidays for a given year beyond those listed above, then such additional holiday(s) shall be granted to eligible employees. If the City grants one or more such additional holidays in one year, it will not be obligated to continue to grant them in future years.

Eligibility Requirements. To be compensated for a holiday, an employee must work the full

scheduled day before and after the holiday, in addition to the full holiday when scheduled as part of their normal Departmental work schedule. Days or parts of days not worked for the following reasons will be considered as a day worked for the purpose of holiday eligibility pay: failure to work because of vacation, sick leave (supported by a doctor's certificate), or any other leave approved and granted by a supervisor or Department Head.

Holiday Pay. Employees who satisfy the eligibility requirements shall be paid, for each holiday for which they satisfy the eligibility requirements, an additional regular day's pay in effect when the holiday occurred if the holiday falls on a scheduled day off and the employee does not work the holiday.

Whenever it is necessary for an employee to work on a holiday, he or she shall be entitled to compensatory time off at a time approved by a supervisor or Department Head. If compensatory time off is not practicable, the employee shall be compensated at time and one-half plus the holiday pay at regular time.

### **Section 7.3     Personal Days**

All regular, full-time employees shall be granted three (3) paid personal days which shall be awarded each year on an employee's anniversary date and must be used within one (1) year of their granting. Employees wishing to use in hourly increments may have up to 24 hours. Unused personal days or remaining hours may not be accumulated or carried over from one year to the next.

### **Section 7.4     Sick Leave**

Purpose and Allowance. Sick leave with pay is provided as a benefit in recognition that employees do contract various illnesses from time to time and that their financial resources may be diminished in such instances if pay is discontinued, and that it may not be in the best interest or health of the employee or fellow employees to work while sick. Any employee contracting or incurring any non-service connected sickness or disability shall receive sick leave with pay as set forth in this Article. Sick Leave is not to be used for routine medical appointments but may be used for medical treatment or procedures that are not able to be scheduled outside of working hours. In accordance with the "Employee Sick Leave Act", the use of sick leave may be extended to family members on the same terms to which an employee is allowed to use sick leave. The amount of sick leave hours to be used for a family member's sickness or disability shall not exceed 48 hours in a calendar year.

Days Earned in Accumulation. Regular full-time employees shall be allowed eight (8) hours of paid sick leave per month beginning the first of the month following 30 days after being hired as a full-time employee. Sick leave is not earned during a period of absence exceeding 30 consecutive calendar days. However, an employee will continue to earn sick leave while on Family and Medical Leave pursuant to the Family and Medical Leave Act, but not to exceed 12 weeks.

Notification. Notification of absence due to sickness shall be given to an employee's supervisor

or Department Head as soon as possible on the first day of such absence and every day thereafter, no later than two (2) hours before the start of the employee's work shift, or as specified by the Department Head. Failure to properly report an illness may be considered an absence without pay and may subject the employee to discipline.

Medical Examination. The City may, at its discretion, require an employee to submit to a physician's verification of illness. A doctor's certificate must be supplied if an employee is sick for three (3) or more consecutive days. The City may also require a physician's verification that the employee is well enough to return to work. Falsification of any verification of illness may result in discipline, up to and including discharge.

Sick Leave Accrual & Utilization. Sick leave may be utilized only for the purposes specified herein. Sick leave shall accrue to a maximum of 1200 hours. Eligible employees who have attained at least 50 years of age; are immediately eligible to retire with an IMRF, an Illinois Downstate Police Pension or a Firefighters' Pension; retire in good standing with the City; and provide not less than 60 days advance written notice of their retirement can, upon retirement, buy back 100% of the employee's accrued sick leave days for the purpose of off-setting the cost of continued health insurance coverage provided by the City. The City shall pay the monthly health insurance premium on behalf of the retired employee until the amount in the sick leave bank is exhausted. Any employee who retires and does not choose to participate in the City's health insurance plan shall receive 50% of his accrued sick leave upon retirement in a lump sum or may use 100% towards IMRF benefits. Any such payout shall be made so that the City is not subject to any accelerated payment by IMRF, i.e., after the first full calendar month after the month in which the retirement occurs. For example, if an employee retires on June 20, the payout will be made in August.

#### **Section 7.5 Duty-Related Illness or Injury**

In the event of a work-related accident, illness, or death that occurs while on the job, employees are eligible for worker's compensation as provided by law. Should an employee require to be off work due to a work-related injury or illness, the first three (3) days off will be compensated by the employee's benefit time if applicable. If the employee requires to be off work for longer than three (3) days, then the employee will receive compensation through the City's workers' compensation insurance carrier. The initial three (3) days where an employee utilizes benefit time will be credited back to the employee only in the event that the employee is required to off work longer than fourteen (14) calendar days.

#### **Section 7.6 Funeral Leave**

In the event of a death in the immediate family, a regular full-time employee may take three (3) consecutive scheduled workdays off and receive regular straight-time pay if the employee attends the funeral. Immediate family shall include employee's spouse, civil union partner, child (including stepchildren), parent, step parent, brother, sister, mother-in-law or father-in-law. Such leave period ordinarily shall start the day after the employee learns of the death, unless the employee learns of the death while on duty, in which case the employee may elect to begin funeral leave immediately. In the event of a death of an employee's grandparent, aunt, uncle, niece, nephew, brother-in-law, or sister-in-law, a regular full-time employee may

take two (2) consecutive scheduled workdays off and receive regular straight-time pay provided the employee attends the funeral. An employee shall provide satisfactory evidence of the family member's death and of the employee's attendance at the funeral if so requested by the City. Employees are requested to notify their supervisor or Department Head as soon as possible upon the death of the family member.

### **Section 7.7 Military Leave**

Military leave shall be granted in accordance with applicable law. Employees must apply for such leave as soon as they are aware of the need for such leave.

### **Section 7.8 Jury Duty**

Employees will receive their regular earnings for the period of time they are required to be absent from work for jury duty, upon submission of their jury duty pay to the City. Should an employee be excused early from jury duty, before their regular shift is over, they are required to return to work for the remainder of their shift.

### **Section 7.9 Unpaid Discretionary Leave**

Leaves 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 City and the employee. Such leave shall require the approval of the Department Head.

### **Section 7.10 Sabbatical Leave Policy**

Scope of Leave. Employees may apply to the City Council for a "sabbatical leave" of up to one year. "Sabbatical leave" is unpaid leave which can be used to pursue interests or activities outside of the workplace, provided such activities are directly related to an employee's work duties or otherwise impart a considerable benefit to the City. Sabbatical leave will only be granted to the extent that an employee's endeavors towards such interests or activities conflict with the regular performance of the employee's job duties, and any interests or activities for which a sabbatical leave is granted should engage the time and energy of the employee essentially as fully as do his or her City job duties. Only one City employee will be permitted to take sabbatical leave at a time. An individual employee is eligible to receive a sabbatical only once in his or her employment with the City.

Eligibility. To be eligible for a sabbatical leave, an employee must have been employed by the City for a minimum of five (5) consecutive years. The employee must have a record of good performance and attendance over the course of the employee's employment with the City. Leave shall only be granted if an employee plans to return to his or her employment with the City for a minimum of one year following the leave.

Application. An employee who desires to take sabbatical leave must make a written application to the City Council that includes the following information:

- The dates of the proposed leave.
- An overview of the purpose of the leave.
- A statement from the employee as to how the leave will benefit the City or his or her ability as an employee.
- A statement from the employee indicating the work history that supports the request for leave.
- A statement from the employee's supervisor(s) addressing the employee's eligibility for leave based on work history.
- A pledge that the employee will return to work for a minimum of one (1) year following leave.

Such application shall be submitted to the City Council at least three (3) months prior to the intended start of the leave.

Terms of Leave. The City Council retains full discretion to grant or deny sabbatical leave, to determine whether the requested sabbatical leave benefits the City and to place limitations on the leave in addition to those detailed in this policy.

Acceptance of sabbatical leave shall carry with it the obligation to continue as an employee of the City not less than one (1) year immediately succeeding the leave.

Any changes in the terms of leave as approved by the City Council must be approved by the Council.

Benefits During Leave. Sabbatical leave shall be unpaid. No benefits shall accrue during the term of the sabbatical leave (including paid time off and service credits for pension purposes). While on sabbatical leave, the employee may elect to continue group health insurance at the employee's own expense in accordance with federal COBRA law.

## **Section 7.11 Family and Medical Leave Act**

Section 7.11.1 Purpose. It is the policy of the City of Peru to provide up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) of unpaid family and medical leave during a 12-month period to eligible employees in accordance with the Family and Medical Leave Act ("FMLA").

The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law. If you have any questions, concerns, or disputes with this policy, you may contact the Human Resources Manager.

Section 7.11.2 Eligibility. In order to qualify to take family and medical leave under this policy, an employee must meet all of the following conditions:

- (1) The employee must have worked for the City 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be

counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.

- (2) The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

Section 7.11.3 Reasons for Leave. A leave may be requested for any of the following reasons:

- (1) The birth of a child and in order to care for that child.
- (2) The placement of a child for adoption or foster care and to care for the newly placed child.
- (3) To care for a spouse, child or parent with a serious health condition (described below).
- (4) Your own serious health condition which renders you unable to perform the functions of your position (described below).

A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice per year.

If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the City may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

- (5) Qualifying exigency leave for families of members of the National Guard or Reserves of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.

An employee whose spouse, son, daughter or parent either has been notified of an impending call

or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: 1) short-notice deployment, 2) military events and activities, 3) child care and school activities, 4) financial and legal arrangements, 5) counseling, 6) rest and recuperation, 7) post-deployment activities and 8) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

“Covered Active Duty” means:

- (a) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and
- (b) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.

- (6) Military caregiver leave (also known as covered service member leave) to care for an injured or ill service member or veteran.

An employee whose son, daughter, parent or next of kin is a covered service member may take up to 26 weeks in a single 12-month period to care for that service member.

Next of kin is defined as the closest blood relative of the injured or recovering service member.

The term “covered service member” means:

- (a) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- (b) a veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

The term “serious injury or illness” means:

- (a) In the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's

active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and

- (b) In the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered service member, means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in the line of duty on an active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

Section 7.11.4 Amount of Leave. An eligible employee can take up to 12 weeks for the FMLA circumstances (1) through (5) above under this policy during any 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the City will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA circumstances (6) above (military caregiver leave) during a single 12-month period. For this military caregiver leave, the City will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total 26 weeks available.

If a husband and wife both work for the City and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the City and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

Section 7.11.5 Employee Status and Benefits During Leave. While an employee is on leave, the City will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the City will require the employee to reimburse the City the amount it paid for the employee's health and dental insurance premium during the leave period.

Under current City policy, the employee pays a portion of the health and dental premiums. While on paid leave, the City will continue to make payroll deductions to collect the employee's share of the premiums. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the City Clerk's Office by the 5<sup>th</sup> day of each month.

If the employee contributes to any additional insurance benefit plans, the City will continue making payroll deductions while the employee is on paid leave. While the employee is on

unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums, or the City may elect to maintain such benefits during the leave and pay the employee's share of the premium payments. If the City does pay the employee's share of the premiums the City will recover the costs incurred whether or not the employee returns to work. The City will also have the right to discontinue coverage during the leave if the employee does not pay their portion of the premiums.

Section 7.11.6 Employee Status After Leave. An employee who takes leave under this policy may be asked to provide a fitness for duty clearance from the health care provider. This requirement will be included in the employer's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one which is virtually identical in terms of pay, benefits and working conditions. The City may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

Section 7.11.7 Use of Paid and Unpaid Leave. FMLA leave is unpaid. An employee who is taking FMLA leave because of their own serious health condition must use all available sick leave followed by available vacation and personal days at the same time FMLA leave is being used. An employee who is taking FMLA leave to care for a family member, in accordance with the "Employee Sick Leave Act", must use available sick leave, not to exceed 48 hours, followed by available vacation and personal days. An employee that is on workers' compensation leave will also use FMLA leave at the same time. An employee who is taking FMLA leave to care for a child after their birth or placement for adoption or foster care must use all available vacation and personal days at the same time as FMLA leave is being used. An employee who is using FMLA military caregiver leave or military FMLA leave for a qualifying exigency must use all available vacation and personal days at the same time as the FMLA leave.

Section 7.11.8 Intermittent Leave or a Reduced Work Schedule. An employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period).

The City may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

For the birth, adoption or foster care of a child, the City and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

If an employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the City before taking intermittent leave of working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

Section 7.11.9 Certification for the Employee's Serious Health Condition. The City will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Employee's Serious Health Condition. You may obtain this form from the Human Resources Manager or the following website (<http://www.dol.gov/esa/whd/forms/WH-380-E.pdf>).

The City's Human Resources Manager may directly contact the employee's health care provider for verification or clarification purposes. Before the Human Resources Manager makes direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the City will obtain the employee's permission for clarification of individually identifiable health information.

The City has the right to ask for a second opinion if it has reason to doubt the certification. The City will pay for the employee to get a certification from a second doctor, which the City will select. The City may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the City will require the opinion of a third doctor. The City and the employee will mutually select the third doctor, and the City will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

Section 7.11.10 Certification for the Family Member's Serious Health Condition. The City will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Family Member's Serious Health Condition. This form may be obtained from the Human Resources Manager or the following website (<http://www.dol.gov/esa/whd/forms/WH-380-F.pdf>).

The City's Human Resources Manager may directly contact the employee's family member's health care provider for verification or clarification purposes. Before the Human Resources Manager makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the City will obtain the employee's family member's permission for clarification of individually identifiable health information.

The City has the right to ask for a second opinion if it has reason to doubt the certification. The City will pay for the employee's family member to get a certification from a second doctor, which the City will select. The City may deny FMLA leave to an employee whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the City will require the opinion of a third doctor. The City and the employee will mutually select the third doctor, and the City will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

Section 7.11.11 Certification of Qualifying Exigency for Military Family Leave. The City will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Service member. This form may be obtained from the Human Resources Manager or the following website (<http://www.dol.gov/esa/whd/forms/WH-385.pdf>).

Section 7.11.12 Recertification. The City may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days and only when circumstances have changed significantly, or if the City receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the City may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence. The City may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

Section 7.11.13 Procedure for Requesting FMLA Leave. All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to the Human Resources Manager. Within five business days after the employee has provided this notice, the Human Resources Manager will complete and provide the employee with the Department of Labor Notice of Eligibility and Rights.

When the need for the leave is foreseeable, the employee must provide the City at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the City's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

Section 7.11.14 Designation of FMLA Leave. Within five business days after the employee has submitted the appropriate certification form, the Human Resources Manager will complete and provide the employee with a written response to the employee's request for FMLA leave using the Department of Labor's Designation Notice.

Section 7.11.15 Intent to Return to Work from FMLA Leave. On a basis that does not discriminate against employees on FMLA leave, the City may require an employee on FMLA leave to report periodically on their status and intent to return to work.

**Section 7.12 Victims' Economic Security and Safety Act Policy**

The City complies with and supports the Victims Economic Security and Safety Act ("VESSA") (820 ILCS 180/1).

Policy. Eligible City employees are entitled to use unpaid victims' economic and security and safety leave for up to twelve (12) work weeks per 12-month period for any one or more of the following reasons:

- A. Seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic, sexual or gender violence to the employee or the employee's family or household member;
- B. Obtaining services from a victim services organization for the employee or the employee's family or household member;
- C. Obtaining psychological or other counseling for the employee or the employee's family or household member;
- D. Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic or sexual violence or ensuring economic security;
- E. Seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic, sexual or gender violence.

Definitions.

- A. "12-Month Period" means a rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day or partial leave day taken;
- B. "Family or Household Member" means a spouse, parent, son, daughter, and persons jointly residing in the same household;
- C. "Parent" means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a child;
- D. "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 18

years of age, or is 18 years of age or older and incapable of self-care because of a mental or physical disability;

- E. "Domestic Violence, Sexual Violence, or Gender Violence" means domestic violence, sexual assault, gender violence or stalking.
- F. "Domestic Violence" means abuse, as defined in Section 103 of the Illinois Domestic Violence Act of 1986, by a family or household member, as defined in Section 103 of the Illinois Domestic Violence Act of 1986.
- G. "Sexual assault" means any conduct proscribed by: (i) Article 11 of the Criminal Code of 2012 except Sections 11-35 and 11-45; (ii) Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 2012; or (iii) a similar provision of the Criminal Code of 1961.
- H. "Gender Violence" means harm or threatened harm inflicted upon individuals and groups that is based at least in part on the basis of their actual or perceived gender.

Coverage and Eligibility. Both full and part-time employees are eligible to apply for this leave.

Intermittent or Reduced Leave. An employee may take leave intermittently (a few days or a few hours at a time) or on a reduced leave schedule.

Substitution of Paid Time Off/Family/Medical Leave.

- A. Leave under this policy is unpaid; however, an employee may elect to substitute accrued paid vacation, sick or personal time for an equivalent amount of victims' economic security and safety leave. Such substitution will not extend the total amount of allowable leave beyond twelve (12) workweeks;
- B. When the employee's need for the leave also qualifies as family/medical leave pursuant to the Family and Medical Leave Act (FMLA), FMLA leave will run concurrently with leave taken pursuant to this policy.

Notice Requirement. An employee is required to give 48 hours notice to the City in the event of a foreseeable leave. In unexpected or unforeseeable situations, an employee should provide as much notice as is practicable, usually verbal notice within one or two business days of when the need for leave becomes known.

Certification.

- A. For leaves taken pursuant to this policy, the employee may be required to submit a certification demonstrating the need for the leave. The certification must be provided by the employee as soon as reasonably possible, but in most cases, within 15 days after requested;
- B. The certification requirement may be satisfied by the submission of a sworn

statement from the employee and one of the following:

1. Documentation from a victim services organization, attorney, clergy, or medical or other professional from whom the employee or the family/household member has sought assistance from in addressing domestic or sexual violence and/or its effects;
  2. A police or court record;
  3. Other corroborating evidence.
- C. All documentation related to the employee's need for the leave pursuant to this policy will be held in strict confidence and will only be disclosed as required/permitted by law.

Effect on Benefits.

- A. An employee granted a leave under this policy will not lose any benefits accrued prior to the taking of the leave, but is not entitled to seniority or benefit accrual during the leave period.
- B. An employee granted leave under this policy will continue to be covered under the City's health insurance and welfare plans under the same conditions as coverage would have been provided if the employee had been continuously employed during the leave period. Any required employee contributions will be either through payroll deduction or by direct payment to the City. The employee will be advised in writing at the beginning of the leave period as to the amount and method of payment. Employee contribution amounts are subject to any change in rates that occurs while the employee is on leave.
- C. If an employee's contribution is more than 30 days late, the City may terminate the employee's insurance coverage.
- D. If the City pays the employee contributions missed by the employee while on leave, the employee will be required to reimburse the City for delinquent payments (on a payroll deduction schedule) upon return from leave.
- E. If the employee fails to return from unpaid leave pursuant to this policy for reasons other than (1) the continuation, reoccurrence, or onset of domestic or sexual violence that entitles the employee to leave; or (2) circumstances beyond the employee's control (certification required within a reasonable period of time as to the reason the employee is unable to return), the City may seek reimbursement from the employee for the portion of the health insurance premiums paid on behalf of the employee (also known as the employer contribution) during the period of leave.

Job Protection.

- A. If the employee returns to work from a leave pursuant to this policy, the employee will be reinstated to his/her former position or an equivalent position with equivalent pay, benefits, status and authority.
- B. The employee's restoration rights are the same as they would have been had the employee not been on leave. Thus, if the employee's position would have been eliminated or the employee would have been terminated but for the leave, the employee would not have the right to be reinstated upon return from leave.
- C. If the employee fails to return from a leave pursuant to this policy, the employee will be reinstated to the employee's same or similar position, only if available, in accordance with applicable laws. If the employee's same or similar position is not available; the employee's employment may be terminated.

Reasonable Accommodation.

- A. The City will attempt to provide reasonable accommodations for persons who are entitled to protection under VESSA, unless such accommodations would impose an undue hardship.
- B. Reasonable accommodation applies to applicants and employees and may include adjustment to a job structure, workplace facility, or work requirement, transfer, reassignment, or modified schedule, leave, a changed telephone number or seating assignment, installation of a lock, or implementation of a safety procedure in response to actual or threatened domestic, sexual, or gender violence.
- C. A qualified individual is an individual who, but for being a victim of domestic, sexual, or gender violence or with a family or household member who is a victim of domestic, sexual, or gender violence, can perform the essential functions of the employment position that such individual holds or desires.

**ARTICLE VIII – EMPLOYEE BENEFITS AND SERVICES**

**Section 8.1 Health and Dental Insurance**

Summary plan descriptions, which explain coverage of the employees' health and dental insurance in greater detail, are available from the Human Resources Manager. The actual plan documents are the final authority in all matters relating to benefits described in this Manual or in the summary plan descriptions and will govern in the event of any conflict.

**Section 8.2 Group Life Insurance**

Full-time employees will receive term life insurance at an amount determined by the City Council.

**Section 8.3 Voluntary Life Insurance**

Additional voluntary life insurance for employees, their spouse, and their eligible dependents is also available for employees enrolled in IMRF. The total cost of this coverage is paid by the employee through payroll deduction and is completely optional.

**Section 8.4 Voluntary Supplemental Benefits**

Additional voluntary insurance benefit plans are available to full-time employees. Detailed information regarding the various plans are available from the Human Resources Manager.

**Section 8.5 Employee Assistance Program (EAP)**

The City's Employee Assistance Program is administered through Health Directions, a division of North Central Behavioral Health Systems, Inc. They will provide assessment, counseling, and referral services to the employee and their immediate family members for any personal concerns, including health, marital, family, financial, alcohol, drug, legal, emotional or stress. The EAP is professional and services are provided on a confidential basis. Contact the Human Resource Manager for further details.

**ARTICLE IX - PENSION COVERAGE**

**Section 9.1 Pension Coverage**

The benefits and eligibility for the Illinois Municipal Retirement Fund ("IMRF"), Downstate Police Pension, and Firefighters' Pension are determined by Illinois statutes. A summary of the applicable pension plan shall be made available to employees upon request.

**ARTICLE X - EMPLOYEE TRAINING**

**Section 10.1 Training and Conferences**

The City will pay the costs of training, business trips and conferences directly related to an employee's job, consistent with budget guidelines, and with the approval of the Department Head.

## **Section 10.2 Educational Assistance**

With the approval of the department head and final approval of the appropriate committee, the City shall pay the cost of books and tuition for regular, full-time employees upon proof of enrollment in college courses related to and required for the completion of a job related undergraduate or graduate degree. The employee shall reimburse the City the entire amount for each course and associate books if the employee does not obtain a grade of "C" or higher upon completion of each course.

An employee who receives an undergraduate or graduate degree at the City's expense shall be responsible for reimbursing the City for 100% of the cost of books and tuition if the employee voluntarily leaves employment with the City prior to one year after the employee's date of completion. Payback thereafter shall be as follows:

After one (1) year:	90%
After two (2) years:	80%
After three (3) years:	70%
After four (4) years:	60%
After five (5) years:	0%

## **ARTICLE XI - EMPLOYEE GRIEVANCES**

### **Section 11.1 Employee Grievances**

If an employee has a complaint or grievance concerning working conditions (except for wage increases) or other matters relating to his/her job, they have the right to appeal in writing to the Department Head. If the grievance cannot be settled with the Department Head, the Department Head shall submit a report, in writing, to the Mayor. The Mayor's decision in the matter is final.

## **ARTICLE XII - PERSONNEL RECORDS**

### **Section 12.1 Access to Personnel Records**

The Human Resources Manager will maintain employee personnel records for each employee. Individual Department Heads may, if they choose, retain duplicate personnel records. An employee's personnel records will include the employee's application for employment, earnings history, positions held, attendance and vacation records, hours worked, performance reviews and other relevant personnel documents. Certain employee records (i.e. medical records and notices) will be kept in a separate file in accordance with federal law.

City personnel records are highly confidential and will only be made available to appropriate City employees and officials and the employee for whom the records are maintained, except in the case where disclosure is ordered to a party in a legal action or arbitration, if the

information is requested under the Freedom of Information Act, or requested by a government agency as a result of an employee claim or complaint. The employee may designate in writing a representative to view the employee's personnel records.

All work-related commendations, grievances, complaints and written warnings by or from either the employee or the employee's Department Head or supervisor will become part of that employee's personnel record. If an employee disagrees with certain items in his/her file, such as a disciplinary action, the employee may submit a concise statement of disagreement for inclusion in his/her personnel file.

## **ARTICLE XIII – SOCIAL MEDIA POLICY**

### **Section 13.1 Employee Use of Social Media**

This policy provides guidance for employees use of social media, which should be broadly understood for purposes of this policy to include blogs, wikis, microblogs, message boards, chatrooms, electronic newsletters, online forums, social networking sites and other sites and services that permit users to share information with others in a contemporaneous manner. The City uses social media to increase awareness of and accessibility to its programs, resources and services in order to serve its mission.

The following principles apply to both professional use of social media on behalf of the City of Peru and personal use of social media when referencing the City of Peru.

- a. Employees should be aware of the effect their actions may have on their images, as well as the City's image. The information that employees post or publish may remain public information for an extended period of time.
- b. Employees should be aware that the City of Peru may observe content and information made available by employees through social media. Employees should use their best judgment in posting material that is neither inappropriate nor harmful to City of Peru, its employees, or citizens.
- c. Although not an exclusive list, some specific examples of prohibited social media conduct include posting commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libelous or that can create a hostile work environment.
- d. Employees are not to publish, post or release any information that is considered confidential, in draft form or otherwise not public. If there are questions about what is considered confidential, employees should check with their supervisor.
- e. Social media networks, blogs and other types of online content sometimes generate press and media attention or legal questions. Employees should refer these inquiries to their supervisors and authorized City spokesperson.

- f. If while using social media on the City's behalf, employees encounter a situation while using social media that threatens to become antagonistic, employees should disengage from the dialogue in a polite manner and seek the advice of a supervisor.
- g. Employees should get appropriate permission before referring to or posting images of current or former employees, members, vendors or suppliers. Additionally, employees should get appropriate permission to use a third party's copyrights, copyrighted material, trademarks, service marks or other intellectual property. No comments with any kind of negative, mocking, condescending, harassing, threatening, defamatory, disparaging or discriminatory connotation should be made about any entity or member of the public, including but not limited to, elected officials, fellow employees, volunteers, patrons, vendors, suppliers or organization affiliated or doing business with the City.
- h. Only those employees responsible for the City's social media sites should be actively participating and working on those sites during work hours. Social media use shall not interfere with an employee's responsibilities at City of Peru. City computer systems are to be used for business purposes only. When using City of Peru computer systems, use of social media for business purposes is allowed, but personal use of social media networks or personal blogging of online content is prohibited and could result in disciplinary action.
- i. If employees publish content after-hours that involves work or subjects associated with City of Peru, a disclaimer should be used, such as this: "The postings on this site are my own and do not represent the City of Peru positions, strategies or opinions."
- j. Express only your personal opinions. Never represent yourself as a spokesperson for the City of Peru. If the City is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of the City of Peru, fellow employees, citizens, suppliers or people working on behalf of the City of Peru. If you do publish a blog or post online related to the work you do or subjects associated with City of Peru, make it clear that you are not speaking on behalf of the City of Peru. It is best to include a disclaimer such as "The postings on this site are my own and do not reflect the views of the City of Peru."
- k. It is highly recommended that employees keep City of Peru related social media accounts separate from personal accounts, if practical.
- l. Content that is posted on City-sponsored social media sites is subject to the Illinois Freedom of Information Act, as well as, Illinois records retention requirements.

- m. Violations of this policy by City employees may result in disciplinary action, up to and including termination of employment.
- n. While City employees have the right to self-expression enjoyed by members of the public as a whole when discussing matters of public concern, City employees, as public representatives, are cautioned that speech made to pursuant to official duties is not protected speech under the First Amendment and may form a basis for discipline if deemed a violation of any City policy.