ORDINANCE 2016-029  PASSED: SEPTEMBER 26, 2016

ADOPTING COMPREHENSIVE REVISIONS TO CHAPTER 3 “CITY ADMINISTRATION,” APPROVING THE PERSONNEL MANUAL AND BENEFITS HANDBOOK, AND RATIFYING PAY PLANS.

WHEREAS, the City of DeKalb is a home rule municipality with the power and authority conferred to it pursuant to the provisions of the Illinois Municipal Code and has heretofore adopted certain provisions of Chapter 3 relating to the wages and benefits provided to City employees; and

WHEREAS, the City Council hereby determines that it is necessary and advantageous and protects the public health and welfare to update the City's personnel policies, and to adopt the best practice of utilizing a personnel manual and benefits handbook in lieu of codifying such provisions in City Code;

THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of DeKalb, DeKalb County, Illinois, as follows:

Section 1. Comprehensive Revisions Adopted:

A. Chapter 3 Revisions Adopted: The City hereby adopts the revisions to Chapter 3 as shown in redline in the attached Exhibit A.

B. Personnel Manual and Benefits Handbook Adopted: The City hereby adopts the Personnel Manual attached hereto as Exhibit B and the Benefits Handbook attached hereto as Exhibit C. The City Manager shall be authorized to make revisions to the Personnel Manual or Benefits Handbook unless otherwise provided herein. Any revisions which: a) change applicable residency requirements; b) result in the City incurring any unbudgeted expense; c) result in the provision of additional paid benefits to any City employee (except where the expense has been authorized by City Council or is expressly required by law); or d) increase the monetary compensation of any City employee (except where otherwise authorized) shall require the express approval of the City Council of the City of DeKalb, either through the approval of a motion, resolution or ordinance, in order to take effect.

C. Pay Plans and Compensation Adjustment Policies Ratified: The City Council has previously approved pay plans for full time and part time City employees through its budget process (“Pay Plans”). Such Pay Plans are hereby ratified and affirmed by the City Council. Future amendments to such Pay Plans shall require the approval of the City Council. Further, the City Council has previously adopted a merit-based compensation adjustment system for City employees. Such merit-based compensation adjustment system is hereby ratified and affirmed, and the City Manager or designee is authorized and directed to implement the same within budgeted amounts on an annual basis. Non-bargaining unit employees shall be placed
or moved within their respective pay ranges as contemplated at the discretion of the City Manager. The City Manager shall also determine which pay range is applicable to any given budgeted position, and which position each affected employee holds. The City Manager shall further be authorized to adopt updated job titles, job descriptions and to undertake periodic revisions to the job descriptions from time to time as required.

Section 2. All ordinances or portions thereof in conflict with this ordinance, including the prior versions of the ordinances included above, are hereby repealed.

Section 3. Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and affect the same as if the invalid provision had not been a part of this Ordinance.

Section 4. This Ordinance shall be in full force and effect after passage and publication pursuant to law. Publication date: September 27, 2016. Effective date: October 6, 2016.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a regular meeting thereof held on the 26th day of September, 2016, and approved by me as Mayor on the same day. Passed by an 8-0 roll call vote. Aye: Jacobson, Finucane, Marquardt, Snow, Noreiko, Baker, Faivre, Rey.

ATTEST:

[Signature]

JENNIFER JEEP JOHNSON, City Clerk

[Signature]

JOHN A. REY, Mayor
Chapter 3

CITY ADMINISTRATION

Latest Revision: 11-23-2015 09-12-2016
Sections:

3.01 ELECTIONS AND REGISTRATION OF VOTERS.
3.02 PERSONS ENTITLED TO VOTE.
3.02-5 REDISTRICTING THE CITY.
3.03 GENERAL ELECTIONS.
3.04 WARDS.
3.05 MANAGERIAL FORM OF GOVERNMENT.
3.06 MAYOR.
3.07 CITY MANAGER.
3.08 POWERS AND DUTIES OF THE CITY MANAGER.
3.08-5 ASSISTANT CITY MANAGER. (2014-24)
3.09 POWERS OF THE MAYOR AND COUNCIL.
3.10 SCOPE OF DEPARTMENTS.
3.11 POWERS AND DUTIES OF APPOINTIVE OFFICERS AND EMPLOYEES.
3.12 AUDIT.
3.13 CITY CLERK. (12-96)
3.16 CITY ATTORNEY. (2014-02)
3.17 DEPARTMENT OF PUBLIC WORKS.
3.19 BOARD OF LOCAL IMPROVEMENTS.
3.20 BOARD OF FIRE AND POLICE COMMISSIONERS. (12-71)
3.21 ACTS OF AGENTS OR EMPLOYEES; LIABILITY OF LICENSEE; KNOWLEDGE.
3.22 FEES TO CITY TREASURY.
3.23 LEGAL DEFENSE AND INDEMNIFICATION OF CITY OFFICERS AND EMPLOYEES.
3.24 CITY SEAL.
Portions of Chapter 3 have been amended by Ordinance 2015-017.

Section 1. Pay and Compensation Study-Adopted

Effective May 1, 2015 the following changes in this section of the Ordinance shall be implemented:

A. Pay Ranges Adopted: The Pay and Compensation Ranges attached hereto as Exhibit A are and shall be adopted, and the pay ranges contemplated therein shall be the effective pay ranges for full-time non-bargaining unit City Employees. The Pay and Compensation Ranges attached hereto as Exhibit B are and shall be adopted, and the pay ranges contemplated therein shall be the effective pay ranges for part-time non-bargaining unit City Employees.

B. Placement Within Pay Range: Non-bargaining unit employees shall be placed within their respective pay ranges as contemplated by Exhibits A and B at the discretion of the City Manager. The City Manager shall also determine which pay range is applicable to any given budgeted position, and which position each affected employee holds. The City Manager shall further be authorized to adopt updated job titles, job descriptions and to undertake periodic revisions to the job descriptions from time to time as required.

i. Full-Time, Non-Bargaining Unit Employees whose current base-pay compensation falls below the minimum of the pay range contemplated shall be brought to the minimum of the range contemplated.

ii. Part-Time, Non-Bargaining Unit Employees whose current base-pay compensation falls below the minimum of the pay range contemplated shall be brought to the minimum pay range contemplated over a three-year period.
 iii. Employees whose current base-pay compensation falls above the maximum pay-range contemplated shall be maintained at their current base-pay compensation until such time as the maximum pay-range is in excess of their base-pay compensation.

iv. Every employee’s job description shall clearly denote whether such position is exempt from the requirement of paying overtime based upon the requirements of the Fair Labor Standards Act, or is not exempt from such requirement.

C. Compensation Increases: Employees who are within the relevant compensation range for their position shall be eligible for base-pay compensation increases based upon employee performance within the relevant performance review period, up to the maximum of the applicable compensation range. The City Manager is authorized to implement a performance evaluation tool and performance-based compensation adjustment system within the sums budgeted by the City Council for that purpose. Provisions of Chapter 3 which contemplate other forms of compensation increases (including but not limited to step increases, cost-of-living adjustments or otherwise) shall no longer be applicable.

i. In the event that an employee is currently earning at or in excess of the maximum base-pay compensation applicable to the relevant position, any performance-based pay increase shall not be added to base pay, but rather shall be paid out in equal installments over the course of the following year, with the total amount being divided by the number of pay periods for the year. In the event that the employee changes positions or separates from employment during that year, the employee shall not be eligible for any subsequent payments following change of position or separation from employment.

ii. In the event that an employee is currently earning near the maximum base-pay compensation and a proposed performance-based compensation adjustment would increase the employee’s base-pay compensation above the relevant compensation range for the employee’s position, then: a) the employee’s base-pay shall be increased to the maximum of the applicable range; and, b) any remaining portion of the performance-based pay increase shall be paid out pursuant to Section 1(C)(i) above.

D. Acting Pay Classification: In the event any employee is acting out of classification and assumes responsibilities of a higher classification, the City Manager shall have the discretion, but not the obligation, to provide a temporary, ten percent (10%) “acting pay” increase in base-pay compensation.

Section 2. Superseding Chapter 3.

To the extent of any conflict between the pay ranges contemplated by Exhibits A and B and the pay ranges contemplated by any other City ordinance, the pay ranges contemplated by Exhibit A shall be controlling until the City adopts a new pay range, by ordinance, which supersedes this ordinance. Further, the City hereby adopts the following pay, benefit and compensation requirements. To the extent of any conflict between these requirements and the provisions of Chapter 3 of the City Code, these provisions shall control.

It is the express intention of the City to adopt a comprehensive revision of Chapter 3 in conjunction with a Personnel Manual and Benefits Handbook, within the next fiscal year, at which time such revised Chapter 3
and Manual shall supersede this Ordinance.

A. Residency Requirements: Notwithstanding the adoption of new titles for various positions, pending an update to Chapter 3, the residency provisions of Chapter 3 shall remain active for those positions which were subject to a residency requirement as titled immediately before adoption of this Ordinance.

B. Tuition Reimbursement: The City Manager shall be authorized to adopt a tuition reimbursement policy to provide for the expenditure of any funds budgeted for said purpose by the City Council. Unless and until such policy is adopted, no tuition reimbursement shall be available unless previously approved by the City. Following adoption of such policy, tuition reimbursement shall only be available in compliance with the requirements of the policy, and within amounts budgeted for that purpose.

C. Normal Workweek: All full-time, non-bargaining unit employees shall have a forty (40) hour workweek, scheduled based upon departmental and organizational needs, as directed by the employees’ supervisor or department head. In the absence of a specific direction to the contrary, normal working hours of the non-bargaining unit employees shall be Monday-Friday, 8:00am to 5:00pm and 7:00am to 4:00pm, with a one-hour, unpaid lunch break at the time scheduled by a supervisor or department head. The normal workweek for scheduling shall be based upon a week starting on midnight Sunday and concluding at midnight the following Saturday.

D. Compensation of FLSA Non-Exempt, Non-Bargaining Unit Employees:

i. Prospectively, non-exempt employees shall be eligible for overtime pay (pay at one and one half times (1.5x) their normal base pay rate), for hours actually worked in excess of forty (40) hours in a given workweek. Employees shall not receive overtime unless more than forty hours are actually worked, and the use of any paid time off within a workweek shall not count towards this forty hour requirement.

ii. Within ninety (90) days of the date of adoption of this Ordinance, the City shall pay out all accumulated compensatory time, that the City is legally obligated to pay, that these employees have earned prior to the date of adoption of this ordinance, in excess of two-hundred and forty (240) hours (per employee).

iii. Following that payment, these employees shall not be permitted to bank more than 240 hours of banked compensatory time. These employees shall not be eligible to earn new compensatory time following the date of adoption of this ordinance. Any time worked which is eligible for overtime treatment shall be paid as overtime.

iv. Any hours under 240 which are banked at the time of the payment contemplated in subsection (D)(ii) above shall remain banked. Such hours shall remain for use by the employee as paid time off prospectively and if not used shall be paid out at the time of the employee’s separation from employment from the City.
v. There shall be no voluntary payout of accumulated compensatory time at the employee’s preference. Compensatory time shall be paid out either: 1) as required by this ordinance (for hours in excess of 240); 2) as paid time off; or, 3) upon separation from employment.

E. Compensation of FLSA Exempt, Non-Bargaining Unit Employees:

i. Following adoption of this ordinance, these employees shall not be eligible for overtime pay, and shall not be authorized to accumulate compensatory time.

ii. Compensatory time reflected on the City’s records in excess of four-hundred and fifty (450) hours shall be discounted consistent with the provisions of Chapter 3 at the time of adoption of this Ordinance (which incorporates a cap of 450 hours of compensatory time accumulation). Compensatory time of 450 hours or less shall remain banked. To the extent permitted by law such time shall remain frozen at the employee’s current rate of pay, immediately before the adoption of this ordinance. Such hours shall remain banked for use by the employee as paid time off prospectively (credited hour for hour without regard to employee pay rate), and if not used, shall be paid out at the time of the employee’s separation from employment by the City (at the current rate of pay, immediately before adoption of this ordinance). To the extent permitted by law the payout at time of separation shall be based on the percentage schedule included in Chapter 3, based upon employee years of service at time of separation from employment (i.e. 1 year of employment, 10% payout, 2 years of employment, 20% payout, up to 10 or more years of employment, 100% payout). Any provision of Chapter 3 which limits compensatory time payout for these employees based upon the nature of separation shall continue to be applicable.

iii. There shall be no voluntary payout of accumulated compensatory time at the employee’s preference. Compensatory time shall be paid out either: 1) as paid time off; or, 2) upon separation from employment.

iv. In the case of any employee who has previously taken a voluntary payout of accumulated paid time off, the records of the City shall be revised to reflect the presumption that, at the time of such voluntary payout, the employee had accumulated no more than the maximum of 450 hours of compensatory time that employees were permitted to bank under Chapter 3 as it existed prior to the adoption of this ordinance. (e.g., an employee who had payroll records showing 1,000 hours of accumulated compensatory time, who took a payout of 450 hours of compensatory time one year ago, would only carry forward new compensatory time hours earned since the date of payout. An employee who had payroll records showing 1,000 hours of accumulated compensatory time, who took a payout of 300 hours of compensatory time one year ago, would only carry forward new compensatory time hours earned since the date of payout, plus the 150 hours that the employee did not receive a payout for which were within the 450 hour limitation contemplated by Chapter 3.)

v. For employees who are on a 40 hour work schedule immediately prior to adoption of this Ordinance, all references to 450 hours in subsections ii and iv shall instead be 480 hours.

vi. Exempt, Non-Bargaining Unit Employees shall be treated as professional employees, and
their schedule may be adjusted from time to time, at the discretion of their supervisor, to offset for instances where the employees are called upon to work substantially in excess of the ordinary expectations of professional employees based upon the organizational needs of the City.

F. Use of Compensatory Time:

Any employee eligible to utilize previously accumulated, banked compensatory time under the provisions of this Ordinance shall only be permitted to utilize compensatory time with the advance approval of their supervisor or department head. Exempt employees may utilize such compensatory time in blocks of 4 hours or 8 hours. Compensatory time shall be used on a first in first out basis.

EXHIBIT A

<table>
<thead>
<tr>
<th>Pay Range</th>
<th>Titles</th>
</tr>
</thead>
<tbody>
<tr>
<td>PAY GRAD</td>
<td>MINIMUM</td>
</tr>
<tr>
<td>1</td>
<td>Administrative–Associate</td>
</tr>
<tr>
<td>2</td>
<td>Administrative Assistant–Legal Assistant</td>
</tr>
<tr>
<td>3</td>
<td>Executive Assistant</td>
</tr>
<tr>
<td>4</td>
<td>Accountant Assistant–Transportation Planner–Administrative Analyst</td>
</tr>
<tr>
<td>5</td>
<td>Management Analyst Crime Free Housing &amp; Inspection Coordinator–Community Services Coordinator</td>
</tr>
<tr>
<td>6</td>
<td>Public Works Superintendent (Streets, Utilities, Support Service) Senior Accountant Project Implementation</td>
</tr>
</tbody>
</table>
### EXHIBIT B

#### Part-Time Non-Bargaining Unit Pay Plan

<table>
<thead>
<tr>
<th>PAY GRADE</th>
<th>Titles</th>
<th>HOURLY PAY</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Office Associate (PT)</td>
<td>19.27 - 26.96</td>
</tr>
<tr>
<td></td>
<td>Customer Service Representative (title change: was Cashier) (PT)</td>
<td>19.27 - 26.96</td>
</tr>
<tr>
<td>B</td>
<td>Community Service Officer (PT)</td>
<td>20.43 - 29.62</td>
</tr>
<tr>
<td></td>
<td>Administrative Associate (PT)</td>
<td>20.43 - 29.62</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PAY GRADE</th>
<th>Titles</th>
<th>HOURLY PAY</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Airport Manager</td>
<td>80,888 - 117,302</td>
</tr>
<tr>
<td></td>
<td>Economic Development Coordinator-Principal Planner</td>
<td>80,888 - 117,302</td>
</tr>
<tr>
<td></td>
<td>Assistant Human Resources Director-Transportation</td>
<td>99,100 - 134,821</td>
</tr>
<tr>
<td></td>
<td>Police Commander</td>
<td>84,366 - 122,330</td>
</tr>
<tr>
<td></td>
<td>Technical Services Supervisor</td>
<td>103,348 - 122,330</td>
</tr>
<tr>
<td></td>
<td>Assistant Public Works Director-Deputy Police Chief</td>
<td>92,981 - 134,821</td>
</tr>
<tr>
<td></td>
<td>Deputy Fire Chief</td>
<td>92,981 - 134,821</td>
</tr>
<tr>
<td></td>
<td>Assistant Finance</td>
<td>98,81 - 143,277</td>
</tr>
<tr>
<td></td>
<td>Police Chief</td>
<td>98,81 - 143,277</td>
</tr>
<tr>
<td></td>
<td>Fire Chief</td>
<td>98,81 - 143,277</td>
</tr>
<tr>
<td></td>
<td>Public Works Director</td>
<td>98,81 - 143,277</td>
</tr>
<tr>
<td></td>
<td>Deputy Finance Director</td>
<td>98,81 - 143,277</td>
</tr>
<tr>
<td></td>
<td>Assistant City Manager</td>
<td>110,45 - 160,157</td>
</tr>
<tr>
<td></td>
<td>City Manager</td>
<td>110,45 - 160,157</td>
</tr>
</tbody>
</table>

Ordinance 2016-029

Chapter 3, “City Administration”
3.01 ELECTIONS AND REGISTRATION OF VOTERS.

a) The City of DeKalb has not adopted and is not operating under the provisions of Articles 6, 14 and 18 of the Election Code of the Illinois Compiled Statutes, Chapter 10.

b) Pursuant to Article 4 of the Election Code of the State of Illinois, this city adopts the system of registration of voters maintained by the County Clerk of DeKalb County and makes the same applicable to all elections held in the city.

c) Article 4 of the Election Code of the State of Illinois (10 ILCS 5/4) be, and the same is hereby adopted and made applicable to all elections held in the City of DeKalb for the nomination at a primary and the election of officers of the city.

d) A certified copy of this section shall be filed in the office of the County Clerk of DeKalb County by the City Clerk.

3.02 PERSONS ENTITLED TO VOTE.

All persons who are entitled to vote at any general election for state officers, and who have a permanent abode within the city may vote therein at any election for city officers.

3.02-5 REDISTRICTING THE CITY.

The wards of the City of DeKalb as heretofore established and as may hereafter be established shall be reapportioned according to population. In the formation of the reapportioned wards the population of each shall be as nearly equal as possible, and the wards shall be of as compact and contiguous territory, as possible. The method for reapportionment shall be as follows:
That whenever pursuant to Article I, Section 2 of the United States Constitution, there shall be taken an actual Enumeration within every ten years in such manner as the Congress of the United States shall by law direct, the City Council shall, by using the census tracts derived from said Enumeration, apportion the population among the wards accordingly. Said reapportionment of population shall be completed within two years following the Federal decennial year and no later than October 1 of the current year (1972) and by that day and month every subsequent ten years hereafter.

3.03 GENERAL ELECTIONS.

A general election for city officers shall be held on the first Tuesday of April of every odd numbered year. (82-80)

3.04 WARDS.

The wards of the City of DeKalb as designated in the “Official Ward Map”, a copy of which is on file in the Office of the City Clerk, are hereby established and shall be the election districts for all municipal elections hereafter held in the City of DeKalb. Said Official Ward Map shall be periodically revised as new territory is annexed to the City. An official copy of said map shall be on display and available in the office of the City Clerk, who shall also be responsible for providing a copy to the DeKalb County Clerk, as the Consolidated Elections Official, at least sixty (60) days prior to each municipal election date. (98-28)

3.05 MANAGERIAL FORM OF GOVERNMENT.

The City shall be governed under the managerial form of municipal government under the provisions of the Illinois Municipal Code, Article 5.

3.06 MAYOR.

a) Oath. The Mayor shall, before entering upon the duties of office, take and subscribe to the oath prescribed by law for city officers. (2014-24; 2015-16)

b) Tax Sales. The Mayor, or designee, is hereby authorized to attend tax sales in the county and bid there at, in behalf of the City, on any real or personal property offered for sale, to enforce the collection of any tax or special assessment in which the City is interested; and may purchase at any such sale in behalf of the City. (97-95)

c) Part-time Position. The Mayor shall be considered on a part-time basis in carrying out the duties of the office of Mayor. (80-54)

d) Power to Appoint Members of Boards, Commissions and Committees. The Mayor shall appoint all members of boards, commissions, committees of the City of DeKalb, with the advice and consent of the City Council, except as otherwise provided in this Code. (91-73, 97-95)
e) Power to Remove Members of Boards, Commissions and Committees. The Mayor, with a three-fourths majority vote of the Corporate Authorities then holding office, may remove a member of any board, commission or committee, at any regular Council meeting.

f) Power to Approve Intergovernmental Agreements. In the event that the Mayor determines that circumstances relating to a proposed intergovernmental agreement are such that the proposed agreement requires action that cannot be delayed until the next available agenda for a regularly scheduled meeting of the City Council of the City of DeKalb, the Mayor or a designee thereof shall be authorized to sign, approve and enter into such agreement on behalf of the City, provided that: 1) the agreement has a term that is equal to or shorter than the remaining then-current term of office of the Mayor; 2) the agreement does not involve the expenditure of funds in excess of the then-current City Manager’s spending authority; 3) the agreement does not involve the expenditure of funds in excess of the amounts budgeted, appropriated and otherwise available for the intended purpose; and, 4) the proposed agreement is an intergovernmental agreement pursuant to Illinois law, with another public entity or association or coalition thereof. For purposes of this Agreement, use of budgeted City staff time and/or otherwise budgeted City resources or consumables (e.g. use of previously authorized and purchased salt to aid another unit of local government during a snow emergency), shall not be counted towards the value of the expenditure at issue. (12-54, 2014-24)

3.07 CITY MANAGER.

a) Creation of Office. There is hereby created the office of City Manager, an administrative office of the City of DeKalb.

b) Appointment and Removal. The City Manager shall be appointed by the Mayor and Council voting jointly. The City Manager shall serve and hold office for a term of office specified by virtue of an employment agreement. The City Manager shall be entitled to the benefits provided in this Chapter 3, unless specific benefits are approved or precluded by the City Council in an employment agreement. The City Council may approve an employment agreement with the City Manager that exceeds the term of the Mayor holding office at the time the agreement is executed. The City Manager shall be appointed without regard to political or religious beliefs, and shall be chosen solely on the basis of executive and administrative qualifications, with special reference to training and actual experience in, and knowledge of, accepted practice in respect to the duties of the office as hereinafter set forth. At the time of appointment the City Manager need not be a resident of the City, but shall become a resident after taking office and shall reside in the City during the remainder of tenure. (2014-02)

The City Manager may be removed pursuant to the terms of the then-current City Manager employment agreement. (2014-02)

During the absence or disability for any reason of the City Manager, the Assistant City Manager shall perform the duties of the position of City Manager, until such time as the City Council shall appoint an alternate. During any short-term or planned absence of the City Manager, the City Manager shall appoint an interim manager from among the City’s Department Heads or their subordinates. Any such Acting City
Manager shall have the full authority of the City Manager during their term of service as Acting City Manager. (2014-02, 2014-24)

c) Bond. The City Manager shall execute a bond in the amount of $1,000 conditioned upon the faithful performance of duties, with a surety company as surety thereon. Such bond shall be approved and filed with the City and the cost thereof shall be borne by the City. (04-04; 2015-16)

d) Interest in Contracts. The City Manager shall not be interested directly or indirectly in any contract, work or business of the City, or in the sale of any article to the City, or in the purchase of any property belonging to the City, or sold for taxes or assessments, or sold by virtue of legal process at the suit of the City. (77-38, 04-04)

3.08 POWERS AND DUTIES OF THE CITY MANAGER.

The City Manager shall be the chief administrative officer of the city government with powers and duties as follows: (2014-24)

a) The City Manager shall supervise and be responsible to the Council for the proper management and efficient operation of all City Departments, except to the extent that jurisdiction over the functions and employees of said departments and offices are expressly vested in others by statute. (97-95, 04-46, 05-06, 05-76, 2014-24)

b) The City Manager shall cooperate with the City Clerk, and other elected officials and shall render to them all such assistance as possible in the performance of their respective duties. The City Manager shall cooperate with the Plan Commission, the Board of Appeals, the Library Board, the Board of Fire and Police Commissioners and other administrative or quasi-judicial boards and commissions which may be appointed from time to time by the Mayor or Council. (04-46, 2014-24)

c) The City Manager shall appoint and remove all officers, department heads and employees of the City, except the Deputy City Clerks; and that employees of the library shall be appointed by the Library Board, and policemen and firemen shall be appointed by the Board of Fire and Police Commissioners, taking into consideration the recommendation of the Manager. (97-95, 04-46, 2014-24)

d) The City Manager shall be the chief law enforcement officer of the city and shall see that all laws and ordinances of the City of DeKalb and State of Illinois are enforced. (2014-24)

e) The City Manager shall prepare and present to the Council at the end of each fiscal year an annual budget indicating an estimate of income and expenditure for the ensuing year for the consideration of the Council. The City Manager shall also be responsible for the preparation of the annual appropriation and tax levy ordinances. The City Manager shall have supervision over the accounting work of the city and shall cause to be kept a full and complete book of accounts showing the exact condition of the financial affairs of the city to the extent that such supervision is not vested in the Treasurer by the Illinois Compiled Statutes. (2014-24)
f) The City Manager shall keep current inventories showing all the property and equipment of the city, and be responsible for its care and custody. (2014-24)

g) The City Manager shall grant all licenses except as otherwise provided by Illinois Compiled Statutes or by the DeKalb Municipal Code. All licenses issued by the City Manager shall comply in all respect to ordinances of the City of DeKalb and Illinois Compiled Statutes and shall be issued only to such persons as shall be deemed qualified to be licensed. (04-46, 2014-24)

h) The City Manager shall attend all the regular and special meetings of the Council unless excused by the Council. The City Manager or a staff liaison shall attend all regular and special meetings of the boards or commissions now in effect or which may be appointed in the future. (2014-24)

i) The City Manager shall render a monthly report to the Council covering the work of each department or operation of the City. The City Manager shall also, as soon as possible, after the end of each fiscal year of the city prepare a written report summarizing the work of such fiscal year. (2014-24)

j) The City Manager shall cause to be rendered, in cooperation with the Treasurer, monthly statements showing the exact financial condition of the city at the end of the preceding month and a financial statement for each fiscal year. (2014-24)

k) The City Manager shall from time to time make recommendations to the Council relative to the adoption of such ordinances and resolutions as may be deemed necessary or expedient in the best interest of the City of DeKalb together with such special reports as he may deem advisable or as the Council requests. (2014-24)

l) The City Manager shall devote all time to the discharge of duties during reasonable hours. (2014-24)

m) The City Manager shall have the authority to dispose, sell or give away personal property of the City of DeKalb pursuant to Code Section 54.16. The City Manager shall keep records of all dispositions of personal property accomplished under this section and shall annually report such dispositions to the City Council. (89-54, 2014-24)

n) The City Manager shall perform such other duties as may be required by the Council not inconsistent with the ordinances of the City of DeKalb or Illinois Compiled Statutes. In the event of any vacancy in any Department Head position, the City Manager shall have the authority to serve as Acting Department Head, or to appoint a City Employee for said purpose. Any authority of any Department Head of the City of DeKalb or subordinate employee thereof is derived from the authority of the City Manager and is subject to the oversight and supervision of the City Manager. (2014-24)

o) The City Manager shall have the authority to waive otherwise applicable City fees, including but not limited to building permit fees, plan review fees, application fees, or other fees whatsoever, up to the limit of the City Manager’s spending authority, for projects or initiatives of other units of government, projects on City property or in City-owned buildings, or projects relating to the Egyptian Theatre, provided that any
expenditures incurred are within the then-current budget. Further, the City Manager may waive any otherwise applicable fee for any City project, without regard to cost. The City Manager shall make a written report to the City Council following any such waiver. (2014-39)

3.08-5 ASSISTANT CITY MANAGER. (2014-24)

a) There is hereby created the position of Assistant City Manager, who shall be appointed and removed at the discretion of the City Manager. The Assistant City Manager shall have those duties and responsibilities as assigned by the City Manager, including, but not limited to, serving as Acting City Manager in the City Manager's absence, coordinating collective bargaining activities, assisting the City Manager with general administrative matters, providing professional assistance to various City boards and commissions and coordinating various special projects. (87-63, 04-46, 05-06, 2014-24)

3.09 POWERS OF THE MAYOR AND COUNCIL.

The powers of the Council shall be purely legislative. However, all functions, powers, and duties conferred or imposed upon the City Manager shall be subject to the superior right and power of the Mayor and Council to govern the city. All acts of the City Manager performed pursuant to this chapter shall, unless otherwise expressly provided be final and conclusive unless and until superseded by the action of the Council.

3.10 SCOPE OF DEPARTMENTS.

The scope, duties, organization, and functions of administrative city departments and divisions thereof shall be determined by the City Manager taking into consideration the recommendations of the affected department head, consistent with generally accepted management principles, methods and procedures. (2014-24)

3.11 POWERS AND DUTIES OF APPOINTIVE OFFICERS AND EMPLOYEES.

All appointive officers and employees shall have such powers and duties as determined by the Illinois Compiled Statutes or as established by ordinance. (97-95)

3.13 AUDIT.

At the close of each fiscal year an independent audit of all city accounts shall be conducted independently of the City Manager, Assistant City Manager and Finance Director. Such audit shall be made by Certified Public Accountants, selected by the Council, licensed by the State of Illinois, and fully experienced in municipal accounting. Copies of such audit shall be made available for public inspection and filed with the City Clerk. (05-06, 2014-24)

3.14 CITY CLERK. (12-13)
a) Oath. The City Clerk shall, before entering upon the duties of the office, take and subscribe the oath required by law for city officers, and execute a bond with surety to be approved by the Council, payable to the City in the penal sum of $1,000 conditioned for the faithful performance of the duties of the office and the payment of all monies received by the Clerk according to law and the ordinances of the City. (12-96, 2014-24; 2015-16)

b) Seal. It shall be the duty of the City Clerk to keep the corporate seal of the City, and affix the same to all papers requiring the corporate seal.

c) Council Records. The City Clerk shall attend all meetings of the Council and keep a full record of the Council proceedings in its journal. The Clerk shall also be responsible for keeping a full record of all closed sessions and/or closed meetings of the Council, in accordance with then-current Illinois law. Notwithstanding the foregoing, the City Clerk may be excluded from executive session where appropriate or required in accordance with Illinois law. In the absence of the Clerk and Deputy Clerk, the Council may appoint a recording secretary to assume said duties.

The Clerk shall record in a book to be kept for that purpose; all ordinances passed by the Council, and on each ordinance shall make a memorandum of the date of the passage and the publication of such ordinance.

d) Custodian of Documents. The City Clerk shall keep, file and safely preserve all ordinances passed by the Council, and shall have the charge, custody and control of all deeds, cases, warrants, vouchers, books and papers of any kind, the custody and control of which is not herein given any other officer. The Clerk shall also be responsible for the recording, publication or distribution of any action of the City Council that requires such recording, publication or distribution.

e) Notice of Election. The City Clerk shall notify all persons elected or appointed to offices of the election or appointment within five days after the result of the election is declared, or appointment made; and generally do and perform such duties as may be required of him/her by the Council and the ordinances of the City. (12-96)

f) Documents to Successor. The City Clerk shall upon the termination, in any manner, of the term of office, deliver to the duly appointed or elected and qualified successor, all books, documents, records, papers, moneys or other property of the City in the Clerk’s custody. (2014-24)

g) Publication of Treasurer’s Report. It shall be the duty of the City Clerk, at the end of each fiscal year, to cause to be published in such newspaper published in the City as may be selected by the Council, the City Treasurer's annual report.

h) Office Hours. The City Clerk shall keep the office in the Municipal Building open for the transaction of business of the City, except upon Saturdays, Sundays or legal holidays, during the same hours as other City administrative departments. (2014-24)

i) Deputy City Clerks. The City Manager shall determine the staffing of the City Clerk’s office. The City Manager may hire one or more full or part time City employees whose duties may include working in the City
Clerk’s office. From the City personnel and staff who are authorized by the City Manager to work in the City Clerk’s office, the Clerk may appoint one or more Deputy Clerks from time to time, who shall be responsible for the proper discharge of any duties undertaken by said Deputies to the same extent as if done by the City Clerk personally. Said appointment as Deputy Clerk may be made on a temporary or provisional basis, as needed, to fulfill the City Clerk’s obligations when the City Clerk is unable to do so. All City personnel who are authorized to work in the City Clerk’s office shall remain Chapter 3 employees of the City and shall remain under the supervision of the City Manager. (12-96, 2014-24)

With the approval of the City Manager or his designee, the City Clerk may appoint other current City personnel or staff, outside the City Clerk’s office, to serve as Deputy City Clerks from time to time. (2014-24)

The City Clerk shall not be authorized to appoint as a Deputy Clerk any person who is not a then-current employee of the City. Any person appointed as a Deputy Clerk in accordance with the restrictions of this subparagraph (i) may fulfill any role of the Clerk. (12-96, 2014-24)

j) The Deputy City Clerks may be removed from the position of appointed Deputy City Clerk by the City Clerk at any time, and for any reason with or without cause; said removal shall not cause the person in question to be terminated from employment by the City. The Deputy City Clerks may also be removed for cause at any time by a majority vote of the Mayor and Council voting jointly. The action of the Mayor and Council in removing a deputy shall be final. The appointment of a Deputy City Clerk shall expire at the completion of each term of office of the City Clerk unless otherwise terminated sooner under the provisions of this Section. Further, the appointment of any City personnel or staff as a Deputy City Clerk shall automatically terminate in the event that said appointee is terminated from employment within the City, or terminated from employment within the City Clerk’s Office. (12-96)

k) Salary. The City Clerk shall receive such salary and compensation as shall from time to time be fixed by ordinance. The City Council shall review the salary for the City Clerk at the last regularly scheduled Council meeting in June, preceding a general municipal election. (2014-24)

l) The Deputy City Clerks shall be eligible for the same pay, merit and benefits as they would be entitled to in the absence of appointment as Deputy City Clerk; no person shall be entitled to further or additional compensation and benefits by virtue of appointment to serve as a Deputy City Clerk.

m) Benefits. The City Clerk shall not be entitled to any benefits or additional compensation other than the salary established by the City Council, other than utilization of any funding for training that the City Council shall expressly authorize. (12-96)


a) There is hereby created the position of Community Development Director, who shall be appointed and removed at the discretion of the City Manager. The Community Development Director shall have those duties and responsibilities as assigned by the City Manager. Planning and Economic Development within the City of DeKalb shall be under the direction and supervision of the Community Development Director. The duties of other City employees under the supervision of the Community Development Director who have
responsibilities relating to Planning and Economic Development shall be as assigned by the Community Development Director from time to time.  (2014-24)

b) Duties of the Community Development Director: The Community Development Director shall devote all productive time to the duties of the City at all reasonable hours and in particular shall:  (2014-24)

1. Exercise general supervisory responsibility for the enforcement of adopted developmental regulations, including, but not limited to: zoning, subdivision and planning regulations of the City of DeKalb.

2. Provide for and maintain a Comprehensive Plan and a Unified Development Ordinance for the City of DeKalb.

3. Coordinate the current and long-term planning activities for the City of DeKalb.

4. Attend, or provide for a designee to attend, all regular and special meetings of the Plan Commission and any other boards or commissions as may be assigned by the City Manager, providing staff assistance to all such boards and commissions.

5. Provide for programs, activities and services to facilitate neighborhood improvement or preservation, address housing needs and facilitate orderly community growth and development.

6. Perform other duties and responsibilities as may be required by the City Manager.  (2014-24)

7. Whenever, throughout this Municipal Code, the title of Chief Planning Official, Building Official, Planning and Economic Development Official, or City Planner is used, such title shall mean the Community Development Director.  (2014-24)

8. The Community Development Director shall coordinate, supervise and oversee the economic development activities of the City and shall coordinate with other local entities involved in economic development within the City.  (2014-24)

9. The Community Development Director may delegate all or some of the duties outlined above to other City employees within the Community Development Department from time to time.  (2014-24)

c) Additional duties of the community Development Director shall include coordinating the building issues with regard to private and public property within the City.  The Director shall:

1. Exercise general supervisory responsibility for the enforcement of adopted codes including, but not limited to building, plumbing, electrical, mechanical, fire prevention, existing structures, handicap accessibility, traffic control, drainage and nuisance regulation of the City.  (2014-24)

3. Attend, or provide for a designee to attend, all regular and special meetings of the Zoning Board of Appeals, Building Board of Appeals, Plumbing Board of Appeals, Electrical Commission and any other boards or commissions as may be assigned by the City Manager, and provide for staff assistance to all such boards and commissions. (2014-24)

3.17 CITY ATTORNEY. (2014-02)

   a) The City shall obtain legal services by virtue of a written agreement with an attorney licensed to practice law in the State of Illinois. The City Attorney shall undertake all actions directed or authorized by the Mayor and City Council, and shall work under the supervision and direction of the Mayor and City Council. The City Attorney shall work cooperatively with all City officers, employees and departments. The City Attorney shall prepare such contracts, ordinances or other documents as may be required by the City from time to time. The City Attorney shall also serve as prosecutor of any violations of City Code or Ordinance.

3.18 DEPARTMENT OF PUBLIC WORKS.

   a) Establishment. There is hereby created the Department of Public Works for the City. This department shall consist of the Director of Public Works and such other officers and employees as may be provided by the City Council. (04-46)

   b) Director of Public Works. There is hereby created the office of Director of Public Works, who shall be appointed and removed at the discretion of the City Manager. The City Manager shall serve as ex-officio Director of Public Works until this office is filled by appointment. The director shall have control and supervision over all officers and employees assigned to the department subject to the control of the City Manager. (04-46)

   c) Functions. The Director of Public Works shall have charge of and supervision over all public property owned by the City, including all streets, sidewalks, alleys, public ways, parks, parkways, municipal buildings and all other property of the City not specifically assigned to some other officer. (04-46)

   d) The Director of Public Works shall have charge of, and be responsible for the care, maintenance and operation of the City water distribution system; storm water and sanitary sewer systems owned by the City and all street and sidewalk drainage. (04-46, 2014-24)

   e) The Director of Public Works shall have charge of the street lighting system, and shall be responsible for the maintenance, repair and extension thereof. (04-46, 2014-24)

   f) All physical properties of the City, including the water distribution, parks, playgrounds, and all municipal utilities not assigned to some other department or officer are assigned to the Director of Public Works. (04-46)

   g) All construction, repair or extension of any, building, sewer, or lighting system, water mains, and any
appurtenances thereto, and all other construction, repair or maintenance work conducted by the City, shall be
done by or under the supervision of the Director of Public Works unless specific direction to the contrary is
made by the City Council. (04-46)

h) The Director of Public Works shall have charge of the agreement/contractor responsible for collection
and disposal of garbage and refuse. (04-46, 2014-24)

i) The Director of Public Works shall have charge of and be responsible for the condition of all motor
vehicles, trucks and other equipment of the City; and of all buildings or places in which the same are housed
or kept. (04-46, 2014-24)

j) The Director of Public Works shall have charge and custody of all physical property of the City, other
than records, not assigned to some other officer or employee. Subject to the supervision of the City Manager,
the Director of Public Works shall have charge of the operation of the water distribution system, the sewer
system and disposal plant, and the care and maintenance of streets. (04-46, 2014-24)

k) The Director of Public Works shall have care and custody of all City owned buildings. (77-39, 04-46, 2014-
24)

l) Additional duties of the Director of Public Works shall include coordinating Environmental Pollution
Control issues. The Director shall: (05-76)

1. Be responsible to the Environmental Pollution Control Commission for the day-to-day
administration of environmental pollution control laws now or hereafter adopted by the City of DeKalb; and,

2. Investigate complaints of violations of environmental pollution control laws now or hereafter
adopted by the City of DeKalb and to make inspections and observations of environmental pollution
conditions; and, (2014-24)

3. Encourage and conduct studies, investigations and research relating to the biological, physical,
chemical, engineering, and meteorological aspects of environmental pollution; and its causes, prevention,
control and abatement as the Commission may deem advisable and necessary; and,

4. Enlist voluntary cooperation by the public, municipalities, counties, communities, and civic,
technical, scientific and education societies; and,

5. Provide for the training of City employees in the proper investigation and reporting of complaints
about any environmental pollution.

m) The Director of Public Works shall also: (2014-24)

1. Manage the activities of the department in a manner consistent with established policies and
procedures pursuant to the direction of the City Manager. (2014-24)
2. Prepare an annual budget for submission to the City Manager; prepare an annual report for submission to the City Manager; and prepare any other studies or reports as may be required by the City Manager. (2014-24)

3. Perform other duties and responsibilities as may be required by the City Manager. (2014-24)

4. Supervise all construction, repair or extension of any pavement and roadways. The Director of Public Works shall review and recommend approval, amendments, or alterations relating to surface drainage, land alteration and erosion control, storm water control, traffic control and traffic studies, parking issues, and floodplain and wetland issues. The Director of Public Works shall have charge of and supervision over assuring conformance of activities meeting engineering standards for bridges, sidewalks, traffic signals, water facilities, parking lots, and extensions of streets, alleys, and sewers. (04-46, 2014-24)

3.19 BOARD OF LOCAL IMPROVEMENTS.

a) There shall be a Board of Local Improvements to be composed of the Mayor and four members appointed by the Mayor with the consent of the City Council (at such times as the City has a need for such Board pursuant to applicable laws). (2014-24)

b) In making a local improvement by special assessment, the Board of Local Improvements, the Mayor and the City Council shall follow the procedures set forth in 65 ILCS 5/9-2-1 et.seq. with amendments thereto adopted prior to the adoption of this Section. Said Division 2 of Article 9 of Chapter 65 is hereby adopted by the City of DeKalb, not less than three (3) copies of said Act having been on file in the office of the City Clerk for not less than fifteen (15) days prior to the adoption of this ordinance. The Board of Local Improvements and the City Council shall have all the powers and duties set forth in said Statute, incorporated herein by reference. (77-38)

3.20 BOARD OF FIRE AND POLICE COMMISSIONERS. (12-71)

a) There shall be a Board of Fire and Police Commissioners as provided by law, which shall consist of three (3) members whose terms shall be for three (3) years. Such members shall be appointed by the Mayor, with the consent of the Council.

b) The Board of Fire and Police Commissioners shall have charge of all appointments to the Fire and Police Department, except: 1) the Chief of each department; 2) the Assistant or Deputy Chiefs; and, 3) Lieutenants or any successively higher rank in the Police Department. The Board shall conduct and hold all entrance and promotional examinations in the manner required by law. It shall also assume all other duties as provided by the Illinois Compiled Statutes.

c) The Board of Fire and Police Commissioners shall give promotional preference to, or award credits for military or naval service to individuals seeking promotional appointments within the Fire and Police Departments in accordance with the requirements of Illinois law.
d) The Board of Fire and Police Commissioners shall be authorized to establish Rules and Procedures for its operation, in accordance with the requirements of Illinois law, with any such Rules and Procedures requiring the approval of the City Manager and the Chiefs of the Fire and Police Departments.

3.22 ACTS OF AGENTS OR EMPLOYEES; LIABILITY OF LICENSEE; KNOWLEDGE.

Every act or omission, of whatsoever nature, constituting a violation of any of the provisions of this Act by any officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of such employer and licensee, and said employer or licensee shall be punishable in the same manner as if said act or omission had been done or committed by him personally. (95-48)

3.25 FEES TO CITY TREASURY.

a) All officers, shall pay all the fees collected by them into the City Treasury. (2014-24)

b) Any officer violating the provisions of this section shall be personally liable and also liable on any applicable insurance policy of the City, for all moneys received as fees and not paid into the treasury in accordance with the provisions of this Section, and the same may be recovered in an action of debt in the name of the City, in the same manner as fines, penalties and forfeitures may be collected. (77-04, 2014-24, 2015-16)

3.26 LEGAL DEFENSE AND INDEMNIFICATION OF CITY OFFICERS AND EMPLOYEES.

a) Definitions. For purposes of this Section the term "officer" shall include any elected or appointed official of the City, and the term "employee" shall include all employees of the City, whether under civil service or not; including firemen and policemen. (86-15)

b) Indemnification. Any officer or employee who is liable for the payment of any claims or damages, excluding punitive damages, arising out of the course and scope of employment shall be entitled to indemnification by the City provided that the acts or omissions resulting in such liability were done in good faith and without malicious or felonious intent. For the purposes of this Section, the term "arising out of the course and scope of employment" shall not include any action which occurs during a period of time in which the officer or employee is engaged in outside employment or is rendering contractual services to someone other than the City. Whether the acts were done in good faith, without malicious or felonious intent, and within the course and scope of employment shall be determined by the City, and such determination shall be final for the purposes of the representation and indemnity of this Section; provided, however, that in the event such representation and indemnity have been denied by the City, if upon a trial on the merits the City determines that the officer or employee was acting in good faith, without malicious or felonious intent and within the scope of employment the indemnification hereunder shall be granted and reasonable legal expenses incurred in the defense of the claim reimbursed. The City shall not be liable for any settlement of any such claim or suit effected without its consent, and the City reserves the right to assert any defense and make any settlement of any claim or suit that it deems expedient. (86-15)
c) Representation in actions. The City shall have the right and duty to provide legal representation through the City Attorney, or in its discretion through the selection of outside legal counsel, to any officer of employee sued in connection with any claim for damages or other civil action against such person arising out of the course and scope of employment, provided that such officer or employee is entitled to indemnification as set forth in this Section. Such legal representation shall be provided at no cost to the officer or employee, and any officer or employee may have his or her own counsel assist in the defense at the sole expense of the officer or employee. The officer or employee shall cooperate fully with the City in preparation and presentation of the case, and the failure to cooperate shall waive such officer's or employee's right to representation and indemnity under this Section. (86-15)

d) City's defenses. Nothing in this Section shall be construed as waiving the City's defense of governmental immunity to it or its employees or officers in any action brought against the City of such officer or employee. For any suit or claim arising under the Illinois Local Governmental and Governmental Employees Tort Immunity Act, the indemnity provided by this Section shall be limited to the statutory limits applicable to the City provided in said Act, as amended. (86-15)

e) Notice. The provisions of this Section shall apply only where the City has been given notice of the action brought against any City officer or employee within ten (10) days of service of process upon the officer or employee. (86-15)

f) Disciplinary actions. Nothing in this Section shall prevent the City from taking disciplinary action against any officer or employee for conduct defended or indemnified by the City under this Section, either before or after conclusion of the civil suit. (86-15)

g) Suits in behalf of the City. Nothing in this Section shall require the City to indemnify any officer or employee for recoveries made against him or her in suits by or on behalf of the City. The City Council may however, authorize the City Attorney or another licensed attorney to represent any officer or employee in a suit brought by a taxpayer in behalf of the City against the officer or employee. (86-15, 2014-24)

3.27 CITY SEAL.

The seal herein provided is declared to be the common and corporate seal of the City, and shall be used in all cases which by the ordinances of the City or by law or custom, it is or may be necessary for the City or any department or officer thereof, to use a seal.

The seal is described as follows: Upon the top of the shield of the Baron DeKalb shall rest the great golden eagle of the State of Illinois and upon the face of the shield, diagonally from the lower left to upper right, a golden strand of barbed wire which shall represent the invention and first manufacture of that product in the City. A white scroll shall be in the upper left section representing the exceptional educational facilities of the City from elementary education through advanced degrees at Northern Illinois State University. Stalks of golden corn, representing the discovery and development of hybrid seed and the many pioneering contributions made to the agricultural industry by citizens and industry of the city, shall occupy the lower section of the seal. The background shall be a ribbon on which shall be inscribed, "DeKalb" and the numbers
"1856," said numbers representing the year in which the City was incorporated.

**3.28 SURETY BONDS.**

Wherever in this code a bond is required to be given to the City, such bond shall have as a surety thereon, a regular surety company authorized and licensed to do business under the laws of the State of Illinois.

**3.29 DELETED (2015-16)**

**3.30 INSURANCE POLICIES AND CLAIMS SERVICE AGREEMENTS. (12-59)**

a) The City Council may, from time to time, approve the procurement, funding and execution of one or more policies of insurance covering the activities of any or all City property or personnel, in such form of coverage as the City Council shall determine to be appropriate.

b) In order to provide for the administration of such insurance policies, the City Council may, by ordinance or resolution, approve of a Claims Service Agreement or other similar agreement with an insurance company or other party, whereby the other party agrees to service claims initiated with respect to the City, governed under the terms of the policy or policies of insurance procured by the City, whether within or outside the limits of any deductible or self-insured retention amounts.

c) Subject to the limit of funds appropriated and budgeted for such purpose and any applicable legal restrictions, the City Council’s approval of such a Claims Service Agreement or other similar agreement shall constitute authority for the party that the City has contracted with to expend funds from a City Claim Fund or other reserve fund established by the City in cooperation with such party. Such authorization shall also be restricted to any discretionary authority limits that such agreement imposes on the other party, or any other applicable restrictions imposed by the Claims Services Agreement.

d) Where approved by ordinance or resolution, the City may authorize a designated representative of the City to exercise supplemental spending authority in excess of any other specifically delegated spending authority, for the limited purpose of increasing the discretionary authority limits relative to individual, discrete claims against or involving the City, in circumstances where such designated representative believes such action is necessary to protect the City’s best interests, or to promote the public health, safety or welfare.

e) All City staff and officials are authorized to take all lawful steps necessary to comply with the terms of any approved policies of insurance or Claims Service Agreements on behalf of the City.

f) The City of DeKalb shall obtain and maintain in place insurance coverage providing for the faithful performance of the duties of the City Manager, Finance Director, department heads, and all City employees including but not limited to sworn police officers. Said insurance shall also provide for the faithful performance of duties of the elected and appointed officials of the City of DeKalb. Said insurance coverage shall have policy limits as determined by the City Council from time to time. (2015-16)
3.31 MUNICIPAL RETIREMENT FUND AGENT.

a) Name. There is hereby created and established the position of Municipal Retirement Fund Agent.

b) Duties. The Municipal Retirement Fund Agent shall be the official agent of the City of DeKalb in all matters concerning the Illinois Municipal Retirement Fund, and said Agent shall, on behalf of the City, sign all affidavits, keep full and complete records of receipts, expenditures, payroll deductions and taxes levied and appropriated for the Retirement Fund, and act as administrative head of the Retirement Fund for the City. The agent shall annually prepare and present to the Council of said City a complete and full report of the City’s IMRF-related acts and doings as such agent at the final meeting of the Council in each fiscal year. (2014-24)

c) Term of Office. The Municipal Retirement Fund Agent shall be appointed by the City Manager by and with the consent of the Council for an indefinite term or until a successor shall be appointed, and said appointee shall be selected from the employees or officers of the City. (82-80)

3.32 HARDSHIP RETIREMENT ASSISTANCE.

a) All full-time employees may apply for hardship retirement assistance as defined below. Such assistance shall consist of a maximum of three years of individual and dependent health insurance coverage provided by the City under the same terms and conditions regarding coverage, co-insurance, and deductibles as established by applicable labor/management agreements or by the appropriate sections of the municipal code which are in effect at the time of application.

b) Hardship Retirement shall be applicable when the employee has a physical or mental limitation which has developed over a period of time that demonstrably impairs the employee's ability to effectively perform the duties of the employee's position. In order to be considered for hardship retirement assistance the employee must meet the following criteria.

1. The employee must apply for hardship retirement assistance to the City Manager in writing 30 days prior to the beginning of the municipal fiscal year in which the employee is seeking to retire.

2. The employee must be eligible to draw a partial or full retirement under the pension plan in which the employee is a participant.

3. The employee must be in good standing with the City. Good standing shall be defined as the lack of any disciplinary actions against the employee in the five fiscal years prior to the application for hardship retirement assistance in which the final outcome of such disciplinary action resulted in the employee suffering a demotion or loss of wages.

c) A panel consisting of one alderman selected by the City Council, the City Manager or designee, a
representative of the employee's labor union if the employee is a full member, and the employee's Department Head shall review all applications for hardship assistance and shall provide their recommendations to the City Council for their approval.

d) The City Council shall approve any hardship retirement assistance by majority vote.

e) The City Council may amend or discontinue this program at any time. If the Council takes such action, employees currently receiving assistance through this program shall continue to receive all benefits previously approved by the City Council when the employee's application was considered. (93-80)

3.33 ESDA DISASTER PLAN.

1. There is hereby created a City of DeKalb ESDA to prevent, minimize, repair and alleviate injury and damage resulting from disaster caused by enemy attack, sabotage, or other hostile action, or from natural or man-made disaster, in accordance with "The Illinois Emergency Services and Disaster Act of 1975."

This ESDA shall consist of the Coordinator and such additional members as may be selected by the Coordinator.

2. The Coordinator of the DeKalb ESDA shall be the City Manager. The Coordinator shall have direct responsibility for the organization, administration, training, and operation of the ESDA, subject to the direction and control of the Mayor of the City of DeKalb as provided by statute. In the event of the absence, resignation, death or inability to serve as the Coordinator, the appointed personnel in the line of succession to the City Manager shall serve as ESDA Coordinator.

3. The City ESDA shall perform such ESDA functions within the City as shall be prescribed in and by the state ESDA plan and program prepared by the Governor, and such orders, rules and regulations as may be promulgated by the Governor, and in addition shall perform such duties outside the corporate limits as may be required pursuant to any Mutual Aid agreement with any other political subdivision, municipality or quasi-municipality entered into as provided in "The State ESDA Act of 1975."

4. All or any members of the City organization may be designated as members of a mobile support team created by the Director of the State ESDA as provided by law. The leader of such Mobile Support Team shall be designated by the Coordinator of the City ESDA organization. Any member of a Mobile Support Team who is a City employee or officer while serving on call to duty by the Governor, or the State Director, shall receive the compensation and have the powers, duties, rights and immunities incident to such employment or office. Any such member who is not a paid officer or employee of the City, while so serving, shall receive from the State reasonable compensation as provided by law.

5. The Coordinator of ESDA may negotiate Mutual Aid Agreements with other cities, counties or political subdivisions of the State, but no such agreement shall be effective until it has been approved by the City Council and by the State Director of ESDA.
6. If the Governor proclaims that a disaster emergency exists in the event of actual enemy attack upon the United States or the occurrence within the State of Illinois of a major disaster resulting from enemy sabotage or other hostile action, or from man-made or natural disaster, it shall be the duty of the City ESDA to cooperate fully with the State ESDA and with the Governor in the exercise of emergency powers provided by law.

7. Members of the ESDA who are paid employees or officers of the City, if called for training by the State Director of ESDA, shall receive for the time spent in such training the same rate of pay as is attached to the position held.

8. The Finance Director may receive and allocate to the appropriate fund, any reimbursement by the State to the City for expenses incident to training members of the ESDA as prescribed by the State Director of ESDA, compensation for services and expenses of members of a Mobile Support Team while serving outside the City in response to a call by the Governor or State Director of ESDA, as provided by law, and any other reimbursement made by the State incident to ESDA activities as provided by law. (2014-24)

9. The City Council may, on recommendation of the City Coordinator of ESDA, authorize any purchase of contracts necessary to place the City in a position to combat effectively any disaster and to protect the public health and safety, protect property, and provide emergency assistance to victims in the case of any man-made or natural disaster.

In the event of enemy caused or other disaster, the City Coordinator of ESDA is authorized, on behalf of the City, to procure such services, supplies, equipment or material as may be necessary for such purposes, in view of the exigency without regard to the statutory procedures or formalities normally prescribed by law pertaining to City contracts or obligations, as authorized by "The State ESDA Act of 1975," provided that if the City Council meets at such time he shall act subject to the directions and restrictions imposed by that body.

10. Every person appointed to serve in any capacity in the City ESDA organization shall, before entering upon any duties, subscribe to the following oath, which shall be filed with the Coordinator: (2014-24)

"I, __________, do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the State of Illinois, and the territory, institutions and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I, nor have I been a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time as I am affiliated with the DeKalb ESDA organization, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence."

11. The Mayor of the City Council is authorized to designate space in a City building, or elsewhere, as
may be provided for by the City Council for the City ESDA and its office.

12. The City Council may make an appropriation for ESDA purposes in the manner provided by law, and may levy in addition for ESDA purposes only, a tax not to exceed five (5) cents per one hundred (100) dollars of the assessed value of all taxable property in addition to all other taxes, as provided by "The State ESDA Act of 1975"; however, that amount collectable under such levy shall in no event exceed $0.25 per capita. (76-66, 94-86, 2014-24)

13. Ordinance 94-86 shall be in force from and after its passage and approval, as provided by law. Ordinance 94-86 shall supersede and make null and void any previous ordinance dealing with the establishment of an ESDA Department for the City of DeKalb.

3.40 COMPENSATION. (2014-02)

a) All appointed officers of the City of DeKalb (other than the City Manager) shall have their compensation fixed in the annual budget ordinance and for all purposes whenever any provision of the Code requires compensation to be fixed by ordinance for an appointed officer, it shall be so fixed in the annual budget ordinance. The compensation established in the annual budget ordinance shall be for a period commencing with the fiscal year for which the ordinance is passed and ending with said fiscal year. The foregoing requirement shall apply to:

1. Officers originally appointed during the fiscal year to an existing office or a newly created office after the adoption of the annual budget ordinance for that year, or;

2. Probationary officers whose performance and compensation is reviewable during the fiscal year after the adoption of the annual budget ordinance for that year.

New or probationary officers as described above shall have their compensation fixed by separate ordinance or by amendment to the annual budget ordinance. The annual budget ordinance may also be amended to provide for other changes to compensation during the fiscal year.

b) The elected officers and members of appointive boards and commissions shall receive such compensation as shall be fixed in an ordinance other than the annual budget ordinance.

3.41 PAYMENT OF EMPLOYEES AND OFFICERS.

a) Salaries of Elected Officials. The salaries of all elected officials of the City of DeKalb as set by ordinance shall be paid every other week (26 times a year) upon the same payday as regular City employees.
b) Salaries of other employees fixed by ordinance. The salaries of other employees which are fixed by ordinance shall be paid every other week (26 times a year) for the work performed during the two week period ending on the preceding Sunday.

c) Wages of other employees. All other employees shall be paid every other week (26 times a year) on an hourly basis for the number of hours actually worked during the two week period ending on the preceding Sunday.

d) Establishment of payday. The day upon which compensation is to be paid to all City employees shall be set by the Finance Director and shall not be more than six days after the end of the two week pay period.

3.42 COMPENSATION CHANGES. (2014-02)

a) Elected officials and members of appointive boards and commissions shall receive such changes in compensation as may be provided for by ordinance.

b) Management employees other than the City Manager shall receive changes in compensation pursuant to Sections 3.41, 3.42 and 3.43 of this Chapter or as may otherwise be provided by ordinance. Compensation of the City Manager shall be as established by employment agreement.

c) Employees who are members of collective bargaining units or whose positions are otherwise covered by collective bargaining agreements with the City shall receive such changes in compensation as may be provided for in such collective bargaining agreements or as may otherwise be provided by ordinance.

d) All other employees, except employees of the DeKalb Public Library, shall receive such changes in compensation as authorized by the City Council pursuant to the City of DeKalb Part-time Employee Program, the City of DeKalb Temporary Employee Program and other relevant programs approved by the City Council.

3.43 MANAGEMENT PAY PLAN. (2014-02)

a) The following positions, with grade classifications, for purposes of this Section 3.43, are established:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grade 1</td>
<td>Deputy City Clerk</td>
</tr>
<tr>
<td>Grade 2</td>
<td>Administrative Associate</td>
</tr>
<tr>
<td>Grade 3</td>
<td>Executive Secretary</td>
</tr>
<tr>
<td></td>
<td>Legal Assistant — Liability</td>
</tr>
<tr>
<td></td>
<td>Legal Assistant — Corporate</td>
</tr>
<tr>
<td></td>
<td>Neighborhood Program Specialist/CDBG Coordinator</td>
</tr>
<tr>
<td></td>
<td>Administrative Assistant</td>
</tr>
<tr>
<td></td>
<td>Assistant Transportation Planner (2014-24)</td>
</tr>
</tbody>
</table>
— Grade 4 Transportation Planner (2014-24)
— Executive Assistant
— Grade 5 Plans Examiner
— Community Services Planner
— Economic Development Coordinator
— Management Analyst (2014-24)
— Grade 6 City Planner
— Chief Building Inspector
— Chief Property Maintenance Inspector
— Deputy Information & Technology Director
— Accountant (2014-24)
— Grade 7 Assistant Public Works Director – Airport/Airport Manager
— Human Resources Director
— Accounting Services Manager
— Communication Coordinator
— Project Implementation Engineer
— Principal Planner
— Operations/Maintenance Section Manager
— Crime Free Housing and Inspection Coordinator (2014-24)
— Grade 8 Assistant Public Works Director – Street Operations (2014-24)
— Assistant Public Works Director – Water Resources (2014-24)
— Information & Technology Director
— Police Lieutenant
— Economic Development and Policy Administrator
— Assistant Finance Director (2014-36)
— Grade 9 Assistant Public Works Director – Building/Engineering/Transportation
— Planning & Economic Development Director
— Assistant Fire Chief
— Police Commander
— Grade 9.5 Deputy Fire Chief
— Deputy Police Chief
— Grade 10 Director of Public Works
— Fire Chief
— Police Chief
— Finance Director (2014-24)
— Community Development Director (2014-24)
— Assistant City Manager (2014-36)
— Grade 11

b) The City Manager at any time may recommend to the City Council the addition or removal of positions from classification as management positions.

c) The City Manager shall be responsible for maintaining an official copy of the Management Pay Plan,
which shall include titles, job descriptions, and rules of administration and policy, and for incorporating the Management Pay Plan into the Management Policy Manual.

—d) The schedule of salaries as adopted from time to time by the Mayor and City Council shall consist of an increasing step (1 through 12) rate of pay for each management position. These salaries are based on the job content, its value within the organization and comparative salary data from other communities.

—e) The Management Pay Plan provides a salary schedule as annually adopted by the City Council and shall be kept on file in the City Clerk’s office. That, pursuant to Section 3.43(e) and other related sections of City Code, the City hereby adopts a new Management Pay Plan, in the form attached hereto as Exhibit “A,” and a new Part Time Pay Plan, in the form attached hereto as Exhibit “B.” (2015-46)

—f) The City Manager shall recommend to the City Council the appropriate salary grades for newly created or revised positions.

—g) The City Manager shall determine at which step in the appropriate grade to place new employees upon hire or entry into the step pay plan.

—h) The City Council shall review and evaluate this management pay plan every year. The City Manager shall recommend to the City Council the appropriate cost-of-living increase prior to, at or near the start of each fiscal year. The step pay plan schedule shall be adjusted to reflect the cost-of-living increase as may be granted by the City Council—(2014-24)

—i) Progression within an employee's respective pay grade shall be based upon a two segment pay increase program consisting of 1) excellence of performance (merit increase) and 2) an across-the-board cost of living increase. The annual Performance Evaluation report shall be the determining factor in deciding whether the employee will receive a merit increase. It is in the discretion of the City Manager to decide whether an employee will receive a merit increase each year. If the City Manager has determined that an employee will receive a merit increase, it will be awarded on the employee’s appointment anniversary date to his/her current position. The City Council shall annually consider the cost of living adjustment for management employees; said cost of living adjustment shall be applied uniformly to all management positions. The across-the-board cost of living adjustment shall be made as part of the annual budget process, shall be awarded to management employees on July 1 of each year, and shall be calculated using an average of the following indices for the year in question:

1. Social Security Increase,
2. Chicago-Gary-Kenosha SMSA CPI,
3. Midwest Urban CPI,
4. U. S. City CPI,
5. Current Fiscal Year Comparable Communities’ Average COLA Increases, and
6. Current Fiscal Year Local Comparable Communities’ Average COLA Increases.

—j) Employee movement within a salary grade established for positions shall be by performance only, as
set forth in Section 3.44, except that the City Manager shall have authority to adjust a salary within the terms of an employee’s letter of hire.

— k) The City Manager may adjust an employee’s salary with up to a 10% increase when that employee assumes responsibilities of a higher position or otherwise assumes responsibilities outside the employee’s customary responsibilities. (2014-24)

— l) The compensation of the City Manager shall be as established by applicable employment agreement.

3.44 MANAGEMENT MERIT PAY PROGRAM: (90-61, 12-52)

a) For the purpose of this Section 3.44, the positions established in Section 3.43 are established. (99-06)

b) The City Manager at any time may recommend to the City Council the addition or removal of positions from classification as management positions for purposes of this Section.

c) The City Manager shall be authorized to establish and maintain rules, regulations, procedures, criteria, forms and other administrative matters relative to the administration of this Section. Said rules, regulations, procedures, criteria, forms and other administrative matters shall be made available to all employees covered by this Section.

d) The Management Merit Pay Program provides for the movement by employees, based upon annual performance, within a salary grade for management positions established in the management pay plan, Section 3.43, and for the provision of lump sum performance bonuses not incorporated into the base salary of employees. Based upon performance and comparable salary data, employees may be awarded merit increases or merit bonuses.

e) Merit performance increases or merit bonuses are based upon the annual performance for management employees during the twelve (12) months preceding the employee’s appointment anniversary date. Merit performance increases and merit performance bonuses for all positions covered by this Section shall be determined by the City Manager. The City Manager shall present to the City Council an annual request for sufficient funding to implement merit increases and merit performance bonuses. City Manager merit increases or bonuses shall be determined by the City Council. (04-55)

— f) Based upon the determinations of the City Manager and the approval of funds by the City Council, employees covered by this section may be awarded merit increases in accordance with the step pay plan set forth in Section 3.43. An employee is not automatically entitled to a merit increase. Whether an employee receives a merit increase will be dependent upon employee performance for that fiscal year. If an employee receives a merit increase, the employee may be moved to the next step in his/her grade in the pay plan at the discretion of the City Manager. Employees who are at Step 12 in the plan are no longer eligible for a merit increase as part of their base salary, but may receive a lump sum merit payment in the amount of 2.0%, which will not be incorporated into the employee’s base salary, based upon the employee’s performance. (04-55, 12-52, 2014-24)
g) Salary adjustments for the City Manager shall be as contemplated by the applicable employment agreement.  

3.45 MANAGEMENT BENEFITS PLAN.

a) Covered Positions. For the purpose of this Section 3.45, the positions established in Section 3.43 are established:  

b) Changes to Covered Positions. The City Manager at any time may recommend to the City Council the addition or removal of positions from classification as management positions for purposes of this Section.  

c) City Manager. In addition to the salary and benefit plans established herein, the City Manager shall receive any other benefits as may be authorized in an employment agreement (and shall not be eligible for any benefits specifically precluded by an employment agreement or by this Chapter 3).  

d) Previous Agreements. This Section 3.45, as comprehensively revised on January 13, 1986, supersedes all previous applicable sections, understandings or provisions except agreements entered into with employees hired prior to November 1, 1977, and any subsequent official employment agreements executed by the City Manager.  

e) Management Policy Manual. A management policy manual which shall include the pay and benefits plan, job descriptions and applicable policies, procedures and rules shall be maintained in the Human Resources office and available for inspection by management employees.  

f) Probationary Period. New appointees shall serve a probationary period of six months. At the end of the probationary period, the appointee shall be evaluated by his/her immediate supervisor to determine whether the appointee is to be retained, demoted or discharged. Retention, demotion or discharge shall be determined by the City Manager.  

g) Evaluations. All employees shall be evaluated at least annually by their immediate supervisor to determine whether the employee is to be retained, demoted, discharged, potentially eligible for promotion or eligible for merit pay. All final determinations regarding employee evaluations shall be made by the City Manager. Consideration of discipline, discharge or promotion may also be made outside of any formal evaluation process.  

h) Holidays. Paid holidays for employees shall be as follows:  

   New Year's Day  
   Martin Luther King, Jr. Day  
   Presidents' Day  
   Memorial Day
Independence Day
Labor Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving
Christmas Eve Day
Christmas Day
Two (2) floating holidays

In the event that any of the above holidays fall on a Saturday, then the preceding Friday shall be observed as the holiday. In the event that any of the above holidays fall on a Sunday, then the following Monday shall be observed as the holiday. (04-04)

Floating holidays shall be credited on the date of hire and on January 1 for every year thereafter. Floating holidays may not be accumulated or carried forward from year to year. (04-85, 04-121, 04-55, 05-76)

i) Vacations. (2015-045)

1. Full-Time, Non-Bargaining Unit Employees shall be entitled to vacation time with pay as follows:

(a) New employees shall be credited a pro-rated portion of their first year’s vacation accrual on their date of hire. Said proration shall be calculated based upon the month of hire, with the employee being credited 1/12 of their total annual vacation allotment per full or partial month of employment remaining in the calendar year. For example, an employee hired July 5 would receive 6/12 of the employee’s annual vacation allotment on their date of hire. New employees who receive this pro-rated allotment shall not accrue additional vacation time until the start of the following calendar year, and they shall thereafter accrue in accordance with the schedules outlined herein.

(b) Existing employees shall accrue vacation by pay period, and shall accrue 1/26 of their total annual allotment of vacation each pay period, commencing on January 1, 2016. Vacation allotments shall be based on the following schedule:

<table>
<thead>
<tr>
<th>Years of Continuous Service Completed</th>
<th>Annual Allotment (in days)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 3</td>
<td>10</td>
</tr>
<tr>
<td>3 years up to 7 years</td>
<td>15</td>
</tr>
<tr>
<td>7 years up to 15 years</td>
<td>20</td>
</tr>
<tr>
<td>15 years or more</td>
<td>25</td>
</tr>
</tbody>
</table>

2. The City Manager shall be authorized to negotiate and determine placement of new employees within this vacation schedule, including allotment of additional initial vacation days and including placement based upon years of service in a position of relevant experience.
3. Employees may carry over vacation days from one year to the next as long as the total number of vacation days maintained by an employee at no time exceeds thirty-two (32) days without the prior approval of the City Manager. In order to avoid exceeding the thirty-two (32) day maximum, an employee must either use vacation time or submit a written request to the City Manager for pay in lieu of vacation and/or the ability to carry forward more than the maximum thirty-two (32) days. The approval, limitation or conditioning of such requests is within the discretion of the City Manager. Absent approval of such a deviation, excess vacation accruals shall be stricken from the City’s records, and no employee shall accrue more than the accrual limit described herein.

4. In the case of retirement, resignation in good standing or death of an employee, the employee shall be paid for all unused vacation time up to the maximum accrual of thirty-two (32) days. Compensation shall be at the rate of pay being earned at time of separation. Any vacation accrual in excess of thirty-two (32) days shall not be paid.

5. Vacation selection shall be year-round. Department Heads shall submit vacation schedules to the City Manager, and all other employees shall submit such schedules to their Department Head. No vacation shall exceed ten (10) consecutive workdays without prior authorization by the employee’s immediate supervisor. The City Manager may cancel scheduled vacation in the event of an emergency or as otherwise determined by the City Manager. The City Manager may deny a requested scheduled vacation based on scheduling needs or problems.

j) Sick Leave.

1. Employees shall be credited with five (5) days of paid sick leave upon the date of hire and thereafter shall accumulate one (1) additional day of sick leave for each month of service to a maximum of three hundred thirty (330) working days. (04-55)

2. Sick leave may be used for personal illness or injury, illness by the employee's spouse, children, step-children or parents, or for preventative medical or physical treatment or examination.

3. Employees using sick leave may be required by the City Manager or the employee's immediate supervisor to submit physician's substantiation of the illness or injury.

4. In the event that an employee uses all accumulated sick leave, the employee shall utilize all other accumulated paid leave. In the event that all paid leave is used, the City Manager may place the employee on unpaid leave of absence for a period of not to exceed six (6) months. The City Council may authorize an additional six (6) month leave of absence. Once all leave options have been exercised, at the City Manager's discretion, the employee shall either be placed on indefinite disability leave or shall be terminated.

5. In the event of retirement, resignation in good standing or death, employees or their estates shall be compensated, at the rate of pay at the time of separation, for unused sick leave up to ninety (90) days as follows: (04-121, 04-55)

**PERCENT REIMBURSABLE**
YEARS OF ACCUMULATED SERVICE SICK LEAVE

<table>
<thead>
<tr>
<th>Service</th>
<th>Sick Leave</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-1</td>
<td>0%</td>
</tr>
<tr>
<td>1-2</td>
<td>10%</td>
</tr>
<tr>
<td>2-3</td>
<td>20%</td>
</tr>
<tr>
<td>3-4</td>
<td>30%</td>
</tr>
<tr>
<td>4-5</td>
<td>40%</td>
</tr>
<tr>
<td>5-6</td>
<td>50%</td>
</tr>
<tr>
<td>6-7</td>
<td>60%</td>
</tr>
<tr>
<td>7-8</td>
<td>70%</td>
</tr>
<tr>
<td>8-9</td>
<td>80%</td>
</tr>
<tr>
<td>9-10</td>
<td>90%</td>
</tr>
<tr>
<td>over 10</td>
<td>100%</td>
</tr>
</tbody>
</table>

k) Disability.

1. Any employee who is incapacitated from sickness or injury in the course of employment with the City so that he is physically or mentally disabled to an extent or in such a manner that he can no longer perform normal duties shall be entitled to leave on account of such disability with full pay up to a maximum of one (1) year. The City may require an employee receiving or to receive disability benefits to undergo medical examinations to determine physical and/or mental incapacitation, projected date to return to normal duties or availability for restricted hours or duties. (2014-24)

2. An employee who is receiving benefits under the Worker's Compensation Act or the Worker's Occupational Disease Act shall be paid the difference between base pay and the aforementioned benefits for up to the maximum one (1) year period.

3. During the period of disability, the injured employee shall not be employed in any other manner with or without monetary compensation. Any employee who is employed in violation of this provision forfeits disability compensation.

4. During the period of disability, up to the maximum one (1) year period, the employee shall receive full pay and shall continue to receive health, dental and life insurance benefits provided by the City. The employee shall not accrue vacation, sick leave or other benefits. Only the portion of the employee's salary paid by the City (i.e. not worker's compensation payments) is subject to payroll deductions and counts toward pension creditable service.

5. After the one (1) year period, the City will cease to pay the difference between worker's compensation and regular salary and will cease "fronting" worker's compensation payments. The employee may continue health and life insurance benefits by reimbursing the City the monthly cost of said premiums. The employee will be placed on disability leave of absence for an indefinite period, to be terminated by the City Manager or as allowable by law. (2014-24)

6. An employee who is injured in the course of employment shall immediately notify his/her
department head and the City Manager's office and immediately file or have filed necessary accident or injury reports.

i) Leave of Absence (except disability leave).

1. The City Manager may authorize a leave of absence without pay for a period not to exceed six (6) months. An additional six (6) month period may be authorized by the City Council. Employees on leave of absence for periods in excess of two (2) weeks are not eligible for any benefits except that group health insurance may be continued at the discretion of the City Manager. The employee may continue said benefits by paying to the City the costs of the benefit.

m) Insurance. (03-97, 04-46, 06-57, 08-73, 96-11, 10-60, 12-26)

1. All employees shall pay twenty percent (20%) of the City’s premium for the hospital and medical plan coverage which they select. The employees may select individual, single plus one (1) or family coverage at their annual enrollment. Medical, hospitalization, dental and life insurance benefits are as set forth in approved plan handbooks and are subject to change by action of the City Council.

2. A retired employee (one who is eligible for retirement under his/her specific retirement program) may maintain hospital, medical and dental insurance for the employee and eligible family by reimbursing the City for the City's costs as more fully outlined below.

3. Effective April 2, 2012 City contributions toward the cost of health insurance benefits for full-time employees of the City who are currently or who were previously covered by this Chapter 3 or a predecessor City Ordinance describing a management benefits plan (hereafter referred to as “Employee” or “Employees”) shall be modified as follows below. Part-time employees shall not be eligible for any of the following insurance benefits. For purposes of calculating years of continuing, creditable service to the City, only years spent in full-time positions shall be included.

A. For Employees who have retired, voluntarily left employment, or have been involuntarily terminated prior to the effective date of amendment of this Ordinance, retiree health insurance benefits shall be provided as follows:

i. Employees who voluntarily retired from employment by the City at a time when then-eligible to receive the post-retirement health insurance benefit (at age 55 or older), immediately following ten or more years of continuous, creditable service to the City (“Past Retirees”), shall be eligible for continuing post-retirement health insurance benefits under the version of this Section 3.45 (or predecessor version of the management benefits plan Ordinance) that was then-current at the time of retirement. While the plan description for the City Medical Plan under which benefits are afforded may change, the Past Retirees’ entitlement to City contributions towards or payment of health insurance premiums or other post-employment health benefits, if any, shall remain unchanged.

ii. Employees who do not satisfy subsection 3.45(m)(3)(a)(i), including but not limited to
employees who were terminated for cause and including employees who quit, were involuntarily terminated (not for cause, as a reduction in force or layoff) or otherwise separated from employment voluntarily at a time when not then eligible for retirement benefits (e.g. before the age of 55 or without ten or more years of continuing creditable service to the City), and employees who for any other reason were ineligible for post-retirement health benefits immediately upon their separation from the City, shall not be entitled to receive any post-retirement health insurance payments, benefits or contributions, even after achieving the age of 55.

B. Employees who are current employees of the City as of April 1, 2012 and who:

i. Provide notice of their intent to retire not later than July 27, 2012;

ii. Work their last day with the City on or before December 31, 2013, provided that their last day is on or after the date on which such employee becomes eligible to retire under his or her retirement program;

iii. After having accrued ten or more years of continuing, creditable service to the City in some capacity (whether under the terms of a collective bargaining agreement or as a non-union employee), (“Notice Retirees”),

shall be eligible to receive employee hospital, medical and dental insurance, the premiums for which shall be paid by the City upon reaching the age of 55 (whether they reach such age before or after retirement). Said employee may obtain family coverage by reimbursing the City for the City’s costs. During the period of time after retirement and prior to reaching the age for Medicare eligibility (hereafter referred to as “Medicare Age”), City retiree health insurance benefits shall be primary coverage for the employee, or secondary if the employee has other health insurance coverage that the employee elects to utilize. During the period of time after reaching the age of 65, the City retiree health insurance benefits shall be secondary coverage. Employees who retire under this Section 3.45(m)(3)(b) shall not be eligible for any City contribution, subsidy or match for any 457 Plan participation or Post Employment Health Plan (PEHP). Employees may participate in such 457 or PEHP programs if otherwise eligible, at their sole expense. If such employees retire prior to reaching age 55, they shall not be eligible for any City contribution or subsidy of individual health insurance premiums for the period of time after retirement and before reaching age 55. During such period, if an employee wishes to maintain coverage on the City Plan, the employee may maintain such coverage by paying the full premium for such coverage. If a retired employee discontinues hospital and medical insurance coverage for self, spouse, and/or any or all of dependent, unmarried children, said retired employee will not be able to reinstates coverage unless all evidence of insurability (as determined by the City’s insurance broker) is met. The City has no obligation to pay the premium of a retired employee reaching the age of fifty-five (55) who has discontinued coverage unless all evidence of insurability (as determined by the City’s insurance broker) is met. (2014-24)

C. For current employees who: 1) were hired prior to March 1, 1986; 2) have attained 10 or more years of continuing, creditable service with the City; and, 3) at the time of hire were hired by the City to work in the Police or Fire Departments (“Tier 1 Employees”):

i. If the retiree wishes to receive coverage under the City’s Medical Plan (defined herein as
the City Medical Plan which is then-current at time of retirement), the City shall pay 80% of the premium cost for the retiree’s coverage under the City’s Medical Plan, excluding spouse and dependents, during retirement, commencing at age 55 (or older, if the retiree works past age 55) and continuing until the employee reaches Medicare Age.

ii. After an employee reaches Medicare Age, the City shall pay 100% of the premium cost for the retiree’s coverage under the City’s Medical Plan, excluding spouse and dependents, during retirement. Such coverage shall be secondary in nature.

iii. The City shall contribute annually an amount matching any contribution made by the employee to a preferred 457 plan up to a maximum of $2,000 annually while the employee remains employed by the City. (Employees are free to contribute additional amounts beyond the $2,000, without any city match.) At and following retirement, the City shall have no obligation to make any contributions, match or subsidy towards a 457 plan or PEHP. (2014-24)

iv. If the employee seeks to receive coverage for a spouse or dependents under the City Plan during retirement, the retired employee will have to pay 100% of all premium costs for the spouse and dependents.

D. For employees other than Tier 1 employees, who were hired before December 31, 2001, who have attained 10 or more years of continuing, creditable service with the City (including fire/police employees hired on or after March 1, 1986 who are now or who elect to be governed under the provisions of this Section 3.45 and including non-fire/police employees hired on or before December 31, 2001) (“Tier 2 Employees”):

i. If the retiree wishes to receive coverage under the City’s Medical Plan (defined herein as the City Medical Plan which is then-current at time of retirement), the City shall pay 80% of the premium cost for the retiree’s coverage under the City’s Medical Plan, excluding spouse and dependents, during retirement, commencing at age 55 (or older, if the retiree works past age 55) and continuing until the employee reaches Medicare Age.

ii. After an employee reaches Medicare Age, the City shall contribute $2,000 per year towards a PEHP, to be paid starting when the employee reaches Medicare Age, and terminating upon the retired employee’s death. The coverage outlined under section 3.45(m)(3)(d)(i) shall terminate at the time the employee reaches Medicare Age.

iii. The City shall contribute annually an amount matching any contribution made by the employee to a preferred 457 plan up to a maximum of $2,000 annually while the employee remains employed by the City. (Employees are free to contribute additional amounts beyond the $2,000, without any city match.) At and following retirement, the City shall have no obligation to make any contributions, match or subsidy towards a 457 plan (but the PEHP obligation outlined in the preceding paragraph shall remain).

iv. If the employee seeks to receive coverage for a spouse or dependents under the City Plan during retirement, the retired employee will have to pay 100% of all premium costs for the spouse and dependents.
E. For employees hired on or after January 1, 2002 and before January 1, 2012 (“Tier 3 Employees”), the City shall have no obligation to pay any health insurance premiums after retirement. If the employee seeks to receive coverage under the City Plan, the retired employee will have to pay 100% of all premium costs for self and dependents. The City shall contribute annually an amount matching any contribution made by the employee to a preferred 457 plan up to a maximum of $3,000 annually while the employee remains employed by the City. (Employees are free to contribute additional amounts beyond the $3,000, without any city match.) At and following retirement, the City shall have no obligation to make any contributions, match or subsidy towards a 457 plan or PEHP. (2014-24)

F. For employees hired on or after January 1, 2012 (“Tier 4 Employees”), the City shall have no obligation to pay any health insurance premiums after retirement, and shall have no obligations to make any contributions, subsidy or match towards any 457 plan, PEHP, or other similar plan. If the employee seeks to receive coverage under the City Plan, the retired employee will have to pay 100% of all premium costs for self and dependents. (2014-24)

G. Any Past Retiree, Notice Retiree, or Tier 1-4 Employee shall be eligible for participation in and coverage under the City Plan after retirement, regardless of such Retiree/Employee’s eligibility for subsidy or contribution towards the cost of such plan. Any Retiree/Employee who opts to participate in or utilize the City Plan following retirement from the City shall be responsible for whatever portion of the cost of premiums and charges related to such coverage that the City is not responsible for under the terms of this Section 3.45(m). For example, following retirement, Tier 2 Employees shall be responsible for 20% of the cost of an individual premium and 100% of the cost of a spouse/dependent’s coverage premium. Tier 4 Employees, following retirement, shall be responsible for 100% of individual, spouse or dependent coverage premiums. All such premium payment obligations shall be subject to the pre-payment requirement outlined in subsection (6) below.

4. Any employee authorized to receive benefits during employment as outlined above, such as participation in a PEHP or 457 Plan shall participate in a plan administered by a choice of vendors acceptable to the City. In addition, any employee eligible for participation in a 457 plan shall be eligible to change the amount of contribution into the plan (and, if applicable and up to the limit, the City’s matching contribution), not more than four times per calendar year. (2014-24)

5. A. The City agrees that retiree health insurance benefits shall not be diminished for employees included in section 3.45(m)(3)(a) (Past Retirees) nor shall it be diminished for employees included in sections (m)(3)(b), (m)(3)(c), (m)(3)(d), or (m)(3)(e) (Notice Retirees, Tier 1, Tier 2, Tier 3, collectively referred to as “Current Entitled Employees”). The plan description for the City’s Medical Plan is subject to change at any time. However, the benefits afforded to Current Entitled Employees, in terms of percentage of employee/employer contribution towards health insurance premiums, or amount of employer match or contribution towards 457 or PEHP, shall not be diminished, as reflected in the individual agreements with Employees. (In other words, while the plan design, actual benefits and cost of the plan and similar factors may be altered, the employee’s liability for payment and the City’s responsibility for contributions and percentage premium subsidy shall remain consistent.)
B. The City shall execute an individual agreement with each affected Current Entitled Employee, in a form acceptable to the City Manager, outlining current post-retirement health insurance related benefits under this section 3.45(m), if any, that are applicable for the Current Entitled Employee, within one hundred and twenty (120) days of the date of amendment of this section 3.45(m).

6. For any retired Employee who is responsible for paying any self or spouse/dependent health insurance premium to the City for any period of time, such premium shall be paid from the retired Employee to the City at least fifteen (15) days prior to the date on which the premium is required to be paid by the City. Failure to timely make the advance payment of the premium to the City shall result in termination of coverage.

7. For an employee to be entitled to this post-retirement health insurance benefit under section 3.45(m)(3)(b), 3.45(m)(3)(c), or 3.45(m)(3)(d) (i.e. Notice Retirees, Tier 1 Employees and Tier 2 Employees), the employee must either:

a.—Retire from employment at a time when eligible to receive the post-retirement health insurance benefit (e.g., under section 3.45(m)(3)(c), retire at age 55 years or older, immediately following 10 or more years of continuous, creditable service to the City); or

b.—Retire from employment, after having 10 or more years of continuous, creditable service to the City, as the direct and proximate result of a disability that: 1) is incurred as a compensable, work-related injury while in the course of employment by the City; and, 2) precludes and prevents the employee from having or maintaining any employment, by the City or otherwise;

Employees who do not qualify for post-retirement health insurance benefits by meeting one of the eligibility criteria under this section 3.45(m)(7), shall not be eligible for City-paid post-retirement health insurance benefits under section 3.45(m)(3)(b), 3.45(m)(3)(c), 3.45(m)(3)(d) or 3.45(m)(3)(e). For example, employees who are terminated by the City, for cause, shall not be eligible for City-paid, post-retirement health insurance benefits. Employees who retire before the age of 55 shall not be eligible for City-paid, post-retirement health insurance benefits. Employees who are terminated involuntarily, as a not-for-cause termination, prior to the age of 55 shall not be eligible for City-paid, post-retirement health insurance benefits. (12-52)

8. If a retired employee discontinues hospital and medical insurance coverage, said employee will not be able to reinstate coverage unless all evidence of insurability (as determined by the City’s insurance broker) is met. The City has no obligation to pay the premium of a retired employee who has discontinued coverage unless all evidence of insurability (as determined by the City’s insurance broker) is met. If a retired employee is eligible for any contribution towards the cost of family, spouse or dependent coverage, these same requirements of providing satisfactory evidence of insurability (as determined by the City’s insurance broker) shall apply.

9. In the event of the death of an employee, the employee's dependents, as defined by the City's group insurance program, shall be eligible for participation in the City's group insurance program by reimbursing the City for fifty percent (50%) of the applicable premium cost. Eligibility for participation shall end if 1) the employee's spouse remarries; or 2) if the dependents are eligible for group insurance coverage through another plan.
10. Retired employees who are covered by other insurance, either through a subsequent employer or a spouse’s employer, may maintain City insurance coverage to be coordinated as secondary coverage to the active employer’s insurance.

11. The City acknowledges that it currently maintains collective bargaining agreements with the International Association of Firefighters (IAFF), the American Federation of State, County and Municipal Employees (AFSCME), and the Fraternal Order of Police (FOP). For any City employee who currently or prospectively receives benefits under the terms of this Section 3.45 and who previously received benefits under the terms of a collective bargaining agreement between any employee group and the City, such employee shall be entitled to post-retirement health care benefits as follows. Within thirty days after the latest to occur of a collective bargaining employee (whether IAFF, AFSCME or FOP) becoming a management employee by: 1) being hired or appointed to a permanent (i.e. non-interim) management position; 2) successfully completing any applicable probationary period for a non-interim management position; or, 3) completing an interim hiring or appointment position and becoming the permanent (i.e. non-interim) hiree or appointee to a management position, such employee shall notify the City, in writing, of the election as to what post-retirement health insurance benefits he wishes to receive (whether the benefits contemplated by the collective bargaining agreement he used to be covered under, or the benefits contemplated by the provisions of Section 3.45). At such time, the City and the affected employee shall enter into an individual agreement documenting the employee’s election and establishing that employee’s post-retirement health insurance benefits (and eligibility for contribution or match for 457 or PEHP plans during employment). In the event the employee fails to make an election within the above described thirty-day period, such employee shall default to coverage under the Chapter 3 plan, as outlined in Subsection 11(b) below.

A. If the affected employee elects to retain the post-retirement benefits then afforded under the collective bargaining agreement that he used to be employed under, such benefits shall be specified and carried forward for the affected employee, unless and until such individual agreement is modified by agreement of the City and the affected employee, without regard to the subsequent changes, if any, in the collective bargaining agreement. To determine such an employee’s eligibility for post-retirement health benefits under the collective bargaining agreement, the City shall utilize the language of whatever document is binding on the employee immediately prior to conversion to a Chapter 3 employee (i.e. the terms of the then-current collective bargaining agreement, unless superseded by an individual agreement for post-retirement insurance benefits), and shall calculate the benefit due using the employee’s accumulated years of service, age, and other eligibility criteria at the date of retirement (as if the employee had remained under the terms of the applicable portion of the collective bargaining agreement). The provisions of this subsection 11(a) only apply to post-retirement related health benefits (i.e. post-retirement health insurance subsidies or contributions, and during employment or post-retirement 457 or PEHP contributions or matches, if any), and do not apply to any other benefits, compensation or collective bargaining agreement terms or entitlements, whatsoever. The provisions of this subsection 11(a) do not create the right or ability to invoke any grievance resolution provisions contemplated by any collective bargaining agreement.

B. If the affected employee elects to obtain the benefits afforded under this Section 3.45, the employee shall receive post-retirement health care benefits within the same tier of employment that the employee enjoyed while working in a collective bargaining unit, and such benefits shall be specified and carried forward for the affected employee, unless and until such individual agreement is modified by agreement of the City and the affected employee, without regard to the subsequent changes, if any, in the language of this Section 3.45. For example, a fire department employee who enjoyed Tier 1 status under the then-current collective bargaining agreement between the City and the union representing fire department employees would retain Tier 1 status after retirement.
personnel would, upon becoming a Chapter 3 employee of the City and electing to receive Chapter 3 post-retirement health care benefits, remain at Tier 1, and would receive benefits under this Section 3.45 as a Tier 1 employee. Employees shall be grouped into tiers as follows:

<table>
<thead>
<tr>
<th>Chapter 3 Employee Benefit Level</th>
<th>Equivalent IAFF Employee Benefit Level</th>
<th>Equivalent AFSCME Employee Benefit Level</th>
<th>Equivalent FOP Employee Benefit Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tier 1</td>
<td>Employees hired prior to 3/1/86</td>
<td>N/A</td>
<td>Employees hired prior to 3/1/86</td>
</tr>
<tr>
<td>Tier 2</td>
<td>Employees hired on or after 3/1/86, and before 7/1/01</td>
<td>Employees hired prior to 1/1/91 with 20 or more years of service</td>
<td>Employees hired on or after 3/1/86, and before 7/1/01</td>
</tr>
<tr>
<td>Tier 3</td>
<td>Employees hired on or after 7/1/11 and before 7/1/11</td>
<td>Employees hired on or after 1/1/91 and before 1/1/12</td>
<td>Employees hired on or after 7/1/11 and before 7/1/11</td>
</tr>
<tr>
<td>Tier 4</td>
<td>Employees hired on or after 7/1/11</td>
<td>Employees hired on or after 1/1/12</td>
<td>Employees hired on or after 7/1/11</td>
</tr>
</tbody>
</table>

(2014-24)

n) IMRF. Employees shall receive the benefits of the "Illinois Municipal Retirement Fund" and shall make the necessary employee contribution unless eligible for benefits under a police or fire pension plan, in which case the employee shall have an option to choose one plan.

—o) Severance Pay. An employee leaving the service of the City involuntarily due to layoff or elimination of a position shall receive one (1) week’s pay as severance pay. An employee so laid off or whose position has been eliminated after having completed two (2) or more years consecutive service shall receive two (2) week’s pay as severance pay or as may be agreed upon by the City Manager. (04-46)

p) Work Schedule. The normal work week is Monday through Friday. Normal scheduled work days are 7 ½ hours or 8 hours, depending on the department. Normal scheduled work weeks are 37 ½ hours or 40 hours, depending on the department. Employees shall not receive any direct overtime pay. Employees shall work any additional hours necessary to carry out duties or as required by the department head or City Manager.

q) Compensatory Time and Compensatory Paid Leave. (02-103, 04-84, 05-76)

1. Employees covered by Chapter 3 of the DeKalb Municipal Code shall not be entitled to overtime payment for hours worked in excess of their regularly scheduled work period. For these hours, the following compensatory time and compensatory paid leave regulations shall be in effect. Notwithstanding the
foregoing, the City Manager shall not be subject to the provisions of this subsection q), and shall not be eligible for Compensatory Time. (2014-02)

2. All management employees other than the City Manager shall maintain and submit accurate records of all hours worked beyond an employee's regularly scheduled work week on the employee's time sheet. These hours shall be listed as compensatory time and shall be submitted to the Finance Division where an accurate accounting of such hours used and accumulated shall be maintained. (2014-02)

3. Hours worked in excess of the regularly scheduled 37.5 or 40 hour work week shall be counted as one compensatory time hour per one hour worked.

4. Employees scheduled to work 37.5 hours per week may take up to 75 hours of compensatory paid leave per fiscal year. Employees scheduled to work 40 hours per week may take up to 80 hours of compensatory paid leave per fiscal year.

5. Compensatory time may be taken in conjunction with vacation leave with the approval of the Department Head or City Manager where appropriate.

6. DELETED (2015-045)

7. There will be no monetary reimbursement for compensatory time other than as set forth in these provisions.

8. The accumulation of compensatory time shall start January 1st of each year. At the end of each calendar year, all compensatory time balances unused for the year just ending will be added to hours banked for maximum accumulation.

9. At the end of each calendar year, all remaining compensatory time balances in excess of 75 hours shall be allowed to accumulate from year to year up to a maximum of 60 days, but all hours accrued in this manner shall not be available for use by the employee except as provided in paragraph 10 below.

10. In the event of retirement, resignation in good standing, or death, employees or their estates shall be compensated at the rate of pay at the time of separation for unused compensatory time up to the maximum 60 days as follows:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Accumulated Compensatory Time</th>
<th>Percent of Reimbursable</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-1</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>1-2</td>
<td>10%</td>
<td>10%</td>
</tr>
<tr>
<td>2-3</td>
<td>20%</td>
<td>20%</td>
</tr>
<tr>
<td>3-4</td>
<td>30%</td>
<td>30%</td>
</tr>
<tr>
<td>4-5</td>
<td>40%</td>
<td>40%</td>
</tr>
<tr>
<td>5-6</td>
<td>50%</td>
<td>50%</td>
</tr>
<tr>
<td>6-7</td>
<td>60%</td>
<td>60%</td>
</tr>
</tbody>
</table>

Chapter 3 - 42
<table>
<thead>
<tr>
<th>Range</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-8</td>
<td>70%</td>
</tr>
<tr>
<td>8-9</td>
<td>80%</td>
</tr>
<tr>
<td>9-10</td>
<td>90%</td>
</tr>
<tr>
<td>Over 10</td>
<td>100%</td>
</tr>
</tbody>
</table>

1. Employees may request a one (1) time buyout of all or a portion of their accumulated compensatory leave, up to a maximum of sixty (60) days, prior to the time of retirement. Such buyout shall be paid at the then-current rate of pay for that employee. Only one (1) buyout payment shall be permitted to be made prior to the employee’s retirement. (06-57)

t) Other Leave.

1. Any employee required to serve on jury duty will receive the difference between regular pay and jury pay.

2. Employees may be granted up to five (5) days leave of absence with pay in the event of the death of an employee's grandparent, father, mother, brother, sister, spouse, child, step-child, or grandchild and up to three (3) paid days for spouse's grandparent, father, mother, brother, or sister. Two (2) days for others, or an additional two (2) days may be granted by the City Manager when extensive travel and/or other circumstances warrant. (04-55)

s) Mileage Allowance. Should an employee be required to provide his/her own transportation in order to accomplish the duties of his/her job, he/she shall receive reimbursement at the current Internal Revenue Service mileage rate. (93-51, 97-95)

t) Education Tuition Reimbursement. (05-76)

1. Tuition reimbursement is offered to encourage management employees to improve job-related skills and abilities, increase their value to the City and to assist them in preparing for future advancement with the City.

2. The tuition reimbursement program does not include special seminars, workshops or "short courses" of a few days duration which are considered on an individual and/or departmental basis as in-service training and are budgeted for accordingly.

3. The tuition reimbursement program is intended for courses offered by an accredited college or university which are directly related to an employee's current or prospective job duties or are part of a degree program directly related to an employee's current or prospective job duties.

4. Application for tuition reimbursement may be made by any full-time management employee who has completed his/her probationary period. Applications will not be considered if the employee is eligible for or receiving funds for the same course from any other source.

5. Applications are to be submitted for approval by the department director and City Manager in
advance of beginning the course on forms provided by the City Manager's office to all departments.

6. Reimbursement shall be limited to an amount equal to six credit hours per semester at Northern Illinois University. This amount shall be determined on the first day of each calendar year and shall remain in effect for that calendar year. (97-95)

7. Reimbursement for tuition and required text books shall be according to the following schedule:

(a) 100% tuition and lab fee reimbursement and 50% reimbursement for required text books up to the fiscal year maximum for courses completed with a grade of "C" or better, or numerical equivalent;

(b) 50% tuition and lab fee reimbursement and 50% reimbursement for required text books up to the fiscal year maximum for courses completed with a "satisfactory" or "passing" grade under a "pass/fail" option.

(c) 0% tuition and lab fee reimbursement and 0% reimbursement for required text books for courses not completed or completed with a grade less than "C" or its numerical equivalent or "unsatisfactory" or "failing" under a "pass/fail" option.

8. In order to receive tuition and lab fee reimbursement, employees must submit an official school transcript or an official grade card showing the course, the grade and the tuition cost. In order to receive reimbursement for required text books, employees must show proof of books required and receipt for purchase.

9. Other expenses such as student fee, lab fees, parking, mileage, etc. are not eligible for reimbursement.

10. Employees are encouraged to schedule classes during non-regular work hours. Hours in classes attended during non-regular work hours shall not be counted as hours worked or credited toward compensatory time or leave. Attendance of a class during regular work hours requires the prior approval of the department head and City Manager. Hours in classes attended during regular work hours shall be counted as hours worked.

11. The City Manager will budget funds each year for the tuition reimbursement program. The amount budgeted shall be the limit of funds available during the fiscal year. Priority of applications shall be governed by the time and date completed applications are received by the City Manager. The City Manager has authority to reduce the amount of funds available during a fiscal year for this program at any time.

u) Promotion Policy

1. There is hereby established a procedure for providing internal promotion opportunities to positions established as management, administrative or confidential pursuant to City ordinance or collective bargaining agreements. The following positions are not covered by this policy: (90-12, 04-46)
City Manager - City Clerk - Deputy City Clerk

2. The City shall establish a set of minimum requirements for each position covered under this policy. These minimum requirements shall be included in job descriptions for each position and shall be maintained up to date and current. Such requirements may include, but are not limited to, the following: years of pertinent experience, level of education, technical skills, certifications and performance on any required tests or examinations. (04-46)

3. In the event that a vacancy occurs, or a new position is created, a notice of the vacancy and a copy of the job description shall be posted in employee areas. Any employee meeting the minimum requirements shall be entitled to apply for the position within a fourteen (14) day period from the date the notice is established. (04-46, 04-55)

4. Applications from employees shall be in the form as provided by the Human Resources Director and are to be submitted to the Human Resources Director. The Human Resources Director, in conjunction with the immediate supervisor and the department head of the vacant position, shall review each application to determine if the minimum requirements have been met, and shall advise each applicant of his/her status. (04-46)

5. Any employee meeting the minimum requirements for the vacant position shall be scheduled for an interview with the selection team established by the City Manager for the position. (04-46)

6. Selection of an employee for a promotion shall be based upon several factors, including, but not limited to, the following: level of qualifications above the minimum requirements, results of performance evaluations, recommendation of the employee's current immediate supervisor, managerial/administrative ability, supervisor ability and the overall assessment of the selection team regarding ability to perform required duties and responsibilities of the new position. (04-46)

7. Final decisions regarding a promotion shall be made by the City Manager. (04-46)

8. In the event that an employee is promoted, the employee's new salary and benefits shall be as established by the City Manager, subject to City ordinances and City Council authorization. (04-46)

9. The City reserves the right, after having followed the procedure established herein, not to fill the vacancy by promotion and to proceed with the next steps in the recruitment process, which include formal advertisement, acceptance of applications, testing, interviews and selection. Any employee is entitled to participate in this next phase in the selection process. (04-46)

10. To facilitate promotional opportunities and encourage employees to qualify for promotional opportunities, the City shall make efforts to assist employees to meet minimum requirements and shall establish a system of at least annual employee performance evaluations. (04-46)

11. The City Manager may modify this promotion policy in the event of unusual circumstances regarding a particular promotion provided that any such modifications are consistent with the intent of this Ordinance 2016-029.
3.46 RESIDENCY REQUIREMENTS FOR EMPLOYEES AND OFFICERS.

a) All employees serving in emergency response positions hired or appointed on or after October 1, 1977, shall, within a period of fifteen (15) months from their appointment or hiring, become residents within an area depicted in the attached “Employee Residency Boundary Map,” provided that if any portion of the incorporated limits of a city, town, or village is included within this area, then all of such city, town, or village shall be included within the area wherein persons covered by this Section 3.46 shall reside. The boundaries so established are depicted on Exhibit "A" and made a part of this Ordinance; said Exhibit "A" shall be available for inspection in the City Clerk's office. (98-107, 04-20)

b) The City Manager is authorized to grant extensions for compliance with the requirement to establish residency within fifteen (15) months of the date of hire, with said extensions not to exceed a period of an additional twelve (12) months. (98-107, 04-20, 04-46)

c) The following positions are classified as emergency response positions under this Chapter 3 (with additional positions classified as emergency response positions under the City’s various collective bargaining agreements): (98-107, 01-30, 04-46, 05-06, 10-38, 12-52)

   Deputy Fire Chief (12-71)
   Assistant Fire Chief
   Deputy Chief of Police (12-71)
   Police Commander (12-71)
   Police Lieutenant
   Communications Coordinator
   Information & Technology Director (04-20)
   Assistant Director of Public Works (04-20)
   Chief Building Inspector (05-06) (10-38)
   Chief Property Maintenance Inspector (05-06) (10-38)
   Operations/Maintenance Section Manager (10-38)

d) Existing employees being involuntarily reassigned to an emergency response or department head position will not be required to move into the residency boundaries established by this ordinance unless they move from their current address. (98-107, 04-46)

e) If appropriate, new positions will be identified as an emergency response position at the time of creation. (98-107, 04-46)

f) Employees in the positions of police chief and fire chief hired after February 1, 2011 shall be required to establish residency within the corporate limits of the City within fifteen (15) months of the date of hire,
with the City Manager authorized to grant extensions for a period not to exceed an additional six (6) months. (90-12, 97-95, 04-55, 11-02)

    g) Residency requirements for City Manager shall be as required by the applicable employment agreement. (2014-02)
CITY OF DEKALB

PERSONNEL MANUAL

September 26, 2016

Contact the Human Resources Department with questions about this document
# TABLE OF CONTENTS

1. Introduction .............................................................................................................. 4

2. Organization Mission, Vision and Core Values ...................................................... 4

3. Policies

   Administrative Policies ............................................................................................. 6
   Anti-Bullying ............................................................................................................. 6
   Appearance & Attire ................................................................................................. 7
   Attendance ............................................................................................................... 10
   Benefit Disclaimer .................................................................................................. 11
   Break Periods .......................................................................................................... 11
   Communications - Open Door ............................................................................... 12
   Confidential Information ......................................................................................... 12
   Conflict of Interest and Ethics ............................................................................... 13
   Discipline Procedure ............................................................................................... 14
   Drug and Alcohol Usage ......................................................................................... 19
   Emergency Closing ................................................................................................ 24
   Employee Assistance Program ............................................................................... 24
   Employee Recognition ............................................................................................ 25
   Equal Employment Opportunity Employer ......................................................... 26
   Family and Medical Leave Act (FMLA) .................................................................. 26
   General Leave of Absence ...................................................................................... 30
   Hiring & Selection .................................................................................................. 30
   Identification Cards ................................................................................................. 32
   Jury Duty ................................................................................................................ 32
   Light Duty .............................................................................................................. 33
   Medical Examinations ............................................................................................. 34
   Military/Training Leaves ........................................................................................ 34
   No Solicitation - No Distribution ........................................................................... 36
   Non-Discrimination and Anti-Harassment ............................................................. 37
   Nursing Mothers ..................................................................................................... 40
   Other Legally Required Leaves .............................................................................. 40
   Outside Employment ............................................................................................... 40
   Parking .................................................................................................................... 41
   Pay Day & Pay Periods ........................................................................................... 42
   Pay Deduction & Garnishments ............................................................................ 42
   Performance Management ...................................................................................... 42
   Personnel Records .................................................................................................. 43
   Probationary Period ................................................................................................ 44
   Privacy Waiver ........................................................................................................ 45
   Reasonable Accommodation ................................................................................... 45
Reduction in Force ................................................................. 45
Safety ...................................................................................... 45
Separation of Employment .................................................... 46
Smoking ............................................................................... 47
Social Media Use ................................................................. 48
Technology Resources ......................................................... 49
Telephone Usage ................................................................. 53
Time Keeping ....................................................................... 55
Use of City Resources .......................................................... 55
Vehicles ............................................................................... 56
Victims’ Economic Security and Safety Act (VESSA) .............. 58
Wellness Reimbursement Program ........................................ 59
Workers’ Compensation ....................................................... 59
Workplace Violence ............................................................ 60
INTRODUCTION

The City of DeKalb (herein after referred to as the “City”) has developed a Personnel Manual designed to communicate the City’s policies, rules, regulations, and procedures applicable to all City employees, and is available via the City Intranet. Employees are required to be familiar with the manual and adhere to all sections contained herein. All employees must acknowledge receipt of the Personnel Manual upon hire and periodically throughout the course of employment.

The Personnel Manual is not an employment contract, and the City reserves the right to make changes to policies, rules, regulations, and procedures at any time. However, the City does recognize collective bargaining agreements with labor organizations certified by the Illinois Labor Relations Board. In the event of a conflict between the policies in this Personnel Manual and the terms of any applicable collective bargaining agreement, the terms of the collective bargaining agreement shall govern as to that conflict. With City Manager approval, each department within the City has the right to develop more restrictive policies to address particular department needs. Any supplemental department policies developed will be in accordance with the Personnel Manual and subject to review.

Employment with the City is at will, which means that either the employee or the City can terminate the employment relationship at any time and for any reason.

Questions about the information contained in this Personnel Manual, should be directed to an employee’s immediate supervisor or Human Resources. The City appreciates an employee’s efforts and contributions and hopes their tenure with the City will be both challenging and rewarding.

ORGANIZATION MISSION, VISION AND CORE VALUES

The community has an expectation to receive the best possible service that the City can provide. Employees should always bring courtesy and consideration to the performance of their duties. Employees are likely to be the only contact the community has with City government and, therefore, the most important contact. The attitude employees convey becomes that of the entire City government and, in the view of the community, reflects the attitude of the entire City. The community relies on staff, and so does the organization. To help guide employees with their everyday interactions with the community and staff, the City has adopted a mission statement, vision statements and core values. It is imperative that employees adhere to the expectations of the City as outlined below.

Mission Statement

A mission statement is a short description of the reason an organization or program exists. Mission statements help guide decisions about priorities, responsibilities, and actions, and as such are at the core of a strategic plan. Following is the mission of DeKalb City government developed as part of this collaborative community planning process:
Deliver high quality municipal services to those who live, work, learn in or visit our community.

Core Values

Core values are beliefs or convictions that guide and direct behavior and support purpose and vision. The City of DeKalb will utilize the following core values to guide its actions, shape the culture of city government, and form the basis of its standards-based performance review process.

- **Integrity**: The state of being honest, fair, and ethical in every situation, even if it’s unpopular.
- **Professionalism**: Serving with the highest level of respect, skill, and judgment in each situation.
- **Excellence**: The expectation of engaging in outstanding levels of performance.
- **Service**: Providing City services at the highest level for the advancement of the community.
- **Collaboration**: Working together to benefit from the resources, knowledge, wisdom and understanding of others.
- **Accountability**: Taking responsibility for our decisions and actions while doing everything possible to achieve the desired results.

Vision Statements

Vision statements complement the mission by describing the future state of the community if the mission were fully realized. DeKalb's vision statements, which are complemented in the plan with detailed goals, strategies and actions, are as follows:

**Vision of a Sense of Place**  
DeKalb is proudly known as a welcoming, safe, and vibrant city offering economic, educational, social, cultural, and recreational opportunities for everyone.

**Vision of Community Vitality and a Vibrant Downtown**  
DeKalb’s neighborhoods, the downtown, and NIU’s campus are interconnected in a dynamic interplay of energy and creativity that retains and attracts businesses with living-wage jobs.

**Vision of Inclusiveness**  
Diversity is valued and celebrated, with all people treated with dignity, equity and respect.
Vision of Accessibility
DeKalb’s diverse and integrated transportation network provides a wide variety of local and regional transportation options in an efficient and user friendly manner.

Vision of Efficient, Quality, Responsive Services
Through sound fiscal stewardship and collaboration with community stakeholders, City government identifies and coordinates the resources needed to sustain a vibrant DeKalb.

ADMINISTRATIVE POLICIES

Administrative Policies are issued by the City Manager and serve the purpose of clarifying or establishing methods of conduct or procedure. Administrative Policies are derived from laws and City policy, and provide a road map on how such policies and laws are to be put into practice. These documents reflect the practical implementation of City ordinances, policies and practices and should be adhered to in the same manner as all other City policies. For more information, see Administrative Policies on the City intranet.

ANTI-BULLYING

To preserve a positive and productive work environment, the City will not tolerate verbally or physically abusive conduct by anyone which harasses, disrupts, or interferes with another person’s work performance or which creates an intimidating, offensive or hostile working environment.

In addition to personal harm, bullying in the workplace interferes with another person’s work performance; therefore it is not tolerated. Bullying refers to actions or conduct, whether verbal or physical, toward or about an individual that has the purpose or effect of substantially interfering with an employee’s work or work environment and that adversely affects an employee’s ability to contribute to work or the work environment by placing the employee in reasonable fear of physical harm and/or by causing emotional distress. Bullying may occur verbally, physically, in writing (including emails, text messages and online postings) or non-verbally/non-physically (i.e. hand gestures). Bullying may also involve an abuse of power across different classifications of employees.

Bullying includes an individual’s repeated, intentional and/or targeted actions directed toward an employee (or a group of employees) that have the purpose or effect of abusing, intimidating, demeaning, degrading, threatening, coercing, and/or humiliating the employee(s). Workplace bullying is often characterized through purposeful use of insulting, hurtful, hostile, vindictive, cruel or malicious behaviors that undermine, disrupt or negatively impact an employee’s ability to do his or her job.

Some examples of bullying include, but are not limited to:

- Persistent or arbitrary criticism. Publicizing humiliating or false information about an employee’s work or reputation.
- Gossip, rumors and innuendo.
- Deliberately intruding on a person’s privacy.
- Tampering with a person’s personal belongings or work equipment.
- Excessive teasing.
- Pranks, tricks or practical jokes that have the intent or effect of humiliating or embarrassing a person.
- Yelling or use of profanity or demeaning language; verbal abuse, threats and intimidation.
- Withholding necessary information or purposefully giving the wrong information.
- Setting another employee up to fail. Deliberately undermining or sabotaging another employee’s work.
- Systemic isolation, exclusion, ignoring or ostracizing of an individual from work, work interactions and the work environment.
- Deliberate, inappropriate or cruel jokes targeted toward an employee or made at an employee’s expense.
- Staring, glaring or nonverbal intimidation and displays of hostility.

If an employee experiences or witnesses any conduct they believe is inconsistent with this policy, the City expects the employee to immediately report the conduct to their immediate supervisor, department director, Human Resources Director, Assistant City Manager or City Manager. The City will investigate all complaints arising under this policy, and if it is determined that any employee has engaged in inappropriate conduct under this policy, the City will take appropriate disciplinary action, up to and including termination. Retaliation against any person who has complained about bullying or who otherwise participated in an investigation of bullying will not be tolerated. Retaliation will result in severe discipline, up to and including termination.

All employees are expected to stop bullying in the workplace by demonstrating appropriate behavior, consistent with these standards, and avoiding engaging in behavior that is inconsistent with these standards.

**APPEARANCE & ATTIRE**

The City delivers services to the public in a dignified and professional manner. To project a professional image, it is the responsibility of each employee to report for work with a presentable appearance. Employees are expected to dress neatly and appropriately, and in a manner that reflects the nature of their work. This policy outlines the expectations regarding an employee’s appearance and dress during working hours or at any time one is acting as a representative of the
City, such as public meetings and City functions outside the workplace.

The policy shall apply to all City employees. The department director will determine which of the below attire categories employees are required to follow based on general and unique responsibilities. Uniformed City employees are required to meet standards of dress as required by their supervisor, department director, or their designee.

Reasonable accommodation will be made for employees’ religious beliefs and disabilities whenever possible, consistent with the City’s necessity to present a professional appearance to the public.

**Logo Apparel**

City logo apparel is suitable to be worn by City employees only. Logo apparel may be worn on-duty where a uniform is not required or while off-duty where approval has been granted by the department director. Employees who wear these items either at work or off-duty must realize that they clearly represent the City. When discarding City logo apparel, it should be destroyed. It should not be donated or given to non-city employees or organizations. Employees engaged in inappropriate activities or behavior while in logo apparel, on-duty or off-duty, could be subject to corrective action, up to and including termination.

Employees are not allowed to wear apparel that has any type of graphics or lettering, with the exception of clothing brand logo, no larger than a pocket-sized. To avoid the appearance of impropriety or conflict of interest, employees are not allowed to wear any type of apparel that advertises a business with whom the City may reasonably conduct business (e.g. construction firms, service companies, professional firms or developers). This restriction shall not be considered to apply to professional organizations of which the employee is a member, or training organizations which promote understanding of City Government.

**Office Personnel**

Office personnel should wear business or business casual attire at all times (with the exception of Fridays as noted below). Collared shirts, knit tops, blouses, sweaters, turtlenecks, dress capri pants, slacks, skirts and dresses are recommended. Sleeveless blouses and sweaters are acceptable. Skirt length should be appropriate for business wear and not excessively short or revealing. Employees must wear shoes that are clean and free of tears, and female employees may wear open toed heeled sandals or sandals with an ankle strap when appropriate for the work environment/situation.

**Field Personnel**

Those employees working in the field (i.e. Public Works) may dress more casually, including blue jeans. Hats may be worn in the field only, provided they adhere to the logo guidelines. Uniform t-shirts may be worn neatly if they are clean, hemmed at the bottom and on the sleeves, and without tears. Employees may wear shorts, provided that they are knee-length; free from rips or tears; are a single solid color; are made from a non-stretch cotton or twill type material and are
neatly hemmed. However, shorts are not permitted to be worn when the employee is performing work tasks that require leg coverings to protect the individual from injury, nor when outside temperatures are less than 60 degrees.

Friday Attire

Blue jeans may be worn in the office on Fridays only, or on rare occasions as authorized by a supervisor, when assigned work duties dictate (i.e. cleaning out store room, moving inventory, working outdoors, etc.), and they must be clean and free of any rips or tears. All other apparel guidelines must be adhered to.

Inappropriate Attire

Inappropriate attire includes any clothing exposing the body in a manner inappropriate for a business environment, clothing that is torn, ripped or dirty in appearance, faded, worn, or frayed denim jeans. Clothing with any advertising, slogans, cartoon figures, pictures, or commentary. Sweatpants, all styles of shorts, any color denim attire (other than jeans on Friday), parachute pants, pajama/sleep pants, leggings (if not worn under a tunic blouse or dress), overalls, stirrup pants, spandex or other form-fitting pants. Athletic apparel, flip-flops, Crocs type footwear, slippers, beach shoes, athletic sandals, gym shoes/sneakers, sports team apparel. Tie-dye, tank tops or spaghetti strap tops, unless worn with an overshirt or jacket, midriff tops, halter tops, tube tops, low-cut revealing shirts or tops, sheer, see-through or mesh clothing. Excessively short skirts/dresses (more than 2 inches above the knee), skorts or exposed undergarments.

Appearance

- Hats, visors, sunglasses are not appropriate in the office environment. Head covers that are required for religious purposes or to honor cultural tradition are allowed.

- Brands, body piercings, ear gauges and other body art are inappropriate for the work place, and shall not be visible during working hours or work related functions. Accessories should be conservative and not excessive. Earrings are permitted, except in work situations where the risk of injury may be increased. Tattoos below the shoulder line are permitted except if deemed offensive or unprofessional. Employees may wear no more than two pairs of earrings, which are conservative and in good taste. In all cases, an employee’s appearance shall not interfere with the ability to safely and effectively perform the requirements of the job.

- Perfumes or cologne should be used sparingly.

- Hair length and style for both men and women shall be conservative and must be a color that is natural.

- Facial hair should be well groomed and may not interfere with the use of personal protective equipment.
- Always observe proper rules of personal hygiene.

The City Manager, department director, or their designee may prohibit or allow any attire due to special circumstances or activities that may be occurring on that given day.

Supervisors are responsible to ensure that employees dress in a safe, appropriate, and professional manner. Employees will be sent home and directed to return to work in proper attire if clothing or personal hygiene fails to meet these standards, as determined by the department director or their designee. Employees will not be compensated for the time used to correct their attire. Disregarding this policy may result in disciplinary action up to and including termination.

These guidelines are not intended to be all-inclusive, but rather should help set the general parameters for appropriate attire. Employees should use good judgment and common sense about items not specifically addressed. In all cases, employees should be well-groomed and professional, with attire that is clean and in good taste. Questions about acceptable work attire should be directed to the employee’s immediate supervisor or department director.

**ATTENDANCE**

The efficient operation and success of the City and the department is largely dependent upon an employee’s consistent and regular attendance. Employees shall report promptly at the designated starting time ready to begin their assigned duties.

In the event that an employee is unable to report for work due to illness or other emergency, the employee must notify their supervisor at least one hour prior to the start of their shift verbally or through other electronic communication as approved by their immediate supervisor. Notification of an absence does not guarantee approved use of benefit time for the absence. Any employee who is absent three consecutive days without contacting their immediate supervisor will be considered to have resigned from City service.

For full-time employees, supervisors are required to notify Human Resources of any absence in excess of one week for anything other than approved vacation, compensatory, or personal time. For part-time employees, supervisors are required to notify Human Resources of any absence in excess of one week or when monthly required hours are not fulfilled, for any reason.

**Absenteeism**

Absences in excess of six occurrences or two occurrences in the case of 24 hour fire personnel, within a rolling 12 month period will require a physician’s statement verifying the employee’s incapacity to report for work due to illness or other medical condition prior to any sick time being paid. For this purpose, an occurrence is defined as an uninterrupted, continuous absence(s) from work of a full day or shift that qualifies for sick leave usage, (e.g. an absence for three consecutive full days or shifts from work is considered one occurrence). This requirement may be waived based on the attendance record of the employee, with the approval by both the department director and Human Resources Director. Additionally, any occurrence lasting more than three days will require a physician’s statement prior to returning to work. The City reserves...
the right to request that employees provide a physician’s statement at any time should sick leave abuse be suspected

Tardiness

Employees are expected to report to duty and be prepared to begin work at the start of the work shift. Excessive absenteeism or tardiness is grounds for disciplinary action. Instances of absenteeism or tardiness covered by the Family Medical Leave Act of 1993, however, will not be counted as instances of absenteeism or tardiness for disciplinary action purposes. In addition, patterns of absenteeism such as before or after days off, patterns of occurrences during a month, etc. may be grounds for identifying abuse, whether or not established guidelines are exceeded.

BENEFIT DISCLAIMER

Details of the insurance plans offered by the City are described in the Benefit Summary document. The Benefit Summary document and information on cost of coverage will be provided in advance of enrollment, and is available on the City Intranet, to eligible employees. Summary plan descriptions (SPDs), which explain coverage of the medical, dental and vision insurance benefits in greater details, are available from the Human Resources Department and the City’s Intranet. The SPDs are the final authority in all matters relating to the benefits described in this Manual, the Benefits Handbook or in the summary plan description and will govern in the event of any conflict. Additionally, the City reserves the right to change insurance carriers, change health maintenance organizations, self-insured, and/or change or eliminate any benefits at any time in accordance with applicable law.

The City contributes to the cost of the insurance plan at levels authorized by the City Council. Employee contributions towards premiums for such plan are subject to change at the City’s discretion.

Unless otherwise set forth in an agreement, upon termination of employment or retirement, employees may elect to continue coverage in accordance with the Plan, under COBRA and/or under the City health insurance plan, at their own expense, in accordance with Illinois legislation. Some employees may qualify for a retiree insurance subsidy as specified in their collective bargaining agreement, individual agreement, or the Benefits Handbook whichever may apply.

BREAK PERIODS

The scheduling of an employee lunch period and rest breaks are at the discretion of their immediate supervisor. Employees may be required to take these breaks at different times, as departmental operations may dictate. Due to the responsibility of certain positions, an uninterrupted lunch period cannot be guaranteed. In this case, the employee will be paid for the lunch period. Rest breaks may be established, not to exceed 15 minutes, once in the morning and once in the afternoon. Employees must be scheduled to work at least five consecutive hours to be eligible for a rest break. If a rest break is missed or not taken by the employee, no additional compensation will be awarded. Under no circumstances will rest breaks be combined to provide a 30 minute break during the work day.
Unpaid lunch periods are normally established for one hour. These breaks may be shortened to one-half hour, with approval from the employee’s immediate supervisor.

Non-exempt employees are not permitted to use their work station to take a meal break. All employees are required to be out of public view while taking a meal break within City buildings.

**COMMUNICATIONS – OPEN DOOR**

The City strives to maintain an “open door” policy of communications, whereby employees are free to ask questions, make suggestions and voice concerns to each other, or to any level of management. The City encourages employees to come forward with questions or concerns about City policies or any other aspect of employment. Employees should first discuss a question or concern with a supervisor who has primary responsibility for resolving employee concerns and who has frequent knowledge of operational issues to address a solution. Supervisors do not have the authority to amend or alter the administration of these policies, and employees with questions or concerns about these policies are also welcome to address the Human Resources Department. The goal of this process is to afford due consideration of issues, concerns or suggestions and promote satisfactory resolution of these employee issues.

**CONFIDENTIAL INFORMATION**

Confidentiality is extremely important in order to maintain the public and community’s trust. In the course of one’s work for the City, one may obtain knowledge of confidential or sensitive work-related information, including information about citizens and non-public information about operations and employees. Such confidential information includes personal or private information of employees, customers, citizens, and vendors, such as personal telephone numbers, personal email addresses, home addresses, personal license plates or other unique identifiers, personal financial information, medical information, information about minors, and other sensitive information. Other confidential information includes trade secrets, reports and analysis prepared by the City or third parties that have not been released to the public, information provided for audit purposes that has not been released to the public, information related to other actions that remain under review or in a preliminary or draft state, attorney-client communications, or other information that is not subject to disclosure under state or federal law.

Do not allow confidential information to remain in plain view or discuss issues with anyone who does not have a need to know. All City employees have a responsibility to safeguard the confidentiality of individual residents and fellow employees. Employees should be aware of what is discussed openly, where it is discussed and with whom it is discussed.

The City Manager, department director or their designee is authorized to disseminate such information. No employee shall release confidential or sensitive work-related information to the public or to co-workers at any time, by any means, whether electronically or otherwise, for any reason, unless the employee has been specifically authorized to release the information. Similarly, employees shall direct all media inquiries to the City Manager, department directors or their designee. Employees are not authorized to comment to the media or public on behalf of the City or disclose internal matters that involve the operations and management of the City and its
departments that are not of public importance or concern, except as authorized by the City Manager or department director.

**CONFLICT OF INTEREST AND ETHICS**

It is the intention of the City to avoid any and all business and financial transactions where there may be a possible conflict of interest. Therefore, it is the policy of the City that no employee shall have a financial interest, direct or indirect, in any contract with the City, or be financially interested, directly or indirectly, in the sale to or by the City of land, materials, supplies, or services, except on behalf of the City as an employee.

**Ethics**

State law provides for the City to appoint an Ethics Officer to answer questions and give advice or direction on compliance. The City’s Ethics Officer is the City Manager.

Additionally, the City has established guidelines for ethical standards of conduct which shall govern City employees in the performance of City business and the duties of their respective jobs:

**Acceptance of Gratuities:** In accordance with the Gift Ban Act, no City employee shall, through his or her position with the City, intentionally solicit or accept any gift from any prohibited source as defined under the Illinois State Officials and Employees Ethics Act, 5 ILCS 430/5 et al. Municipal employees may be required to file a Statement of Economic Interest each year.

No City employee or official shall directly or indirectly solicit, accept, or receive any gift or consideration from any “prohibited source” in violation of any federal or state statute, rule or regulation. This prohibition also applies to and includes the spouse or civil union partner of and immediate family living with the covered employee or official.

“Prohibited source” is identified as any person or entity, who:

- Is seeking some sort of official action from the City (e.g. a monetary grant, any sort of license, zoning/planning approval or permit).
- Does business or is seeking to do business with the City (e.g. a contractor, vendor or bidder).
- Conducts activities regulated by the City (e.g. liquor licensee, business licensee or a public utility).
- Has interests that may be affected by the performance or non-performance of an employee’s official duties (e.g. a contractor or business that is inspected by the City, a developer who would benefit from some regulatory decision or change in law, or persons subject to enforcement of particular laws).

A “gift” is anything of value and includes things such as money, services, loans, tickets to sporting events, entertainment or travel, food, drink, clothes, or discounts not generally available
to the public or all public employees.

If an employee or other individual covered by this policy is given a gift in violation of the Gift Ban Act, the gift must (1) be given back or (2) the gift or cash equivalent must be given to a Section 501(c)(3) charity.

**Decision Making:** An employee should carefully assess whether there is any doubt about a potential issue with a conflict of interest with their private employment or a business they own which could be a violation of the Ethics Act.

**Confidential Information:** No City employee shall disclose or use, without authorization, confidential information concerning property or affairs of the City to advance a private interest with respect to any contract or transaction which is or may be the subject of official action of the City.

**Financial Interest:** No City employee shall have a financial interest or personal interest in any legislation coming before the City Council or participate in discussion with or give an official opinion to the City Council unless the employee discloses on the record of the Council the nature and extent of such interest.

**Political Activity**

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

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

For purposes of this section “while on duty” includes those hours employees are scheduled to work and are working for the City.

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

**Discipline Procedure**

It is the expectation and responsibility of all City employees to conduct their day-to-day activities in a businesslike manner, within established rules of good conduct and professionalism while adhering to the City’s core values. Violations require appropriate action by supervisory personnel as specified in this and other sections of the Personnel Manual. The City strives to ensure consistent application of discipline procedures and fair treatment of all employees.
When deemed appropriate, the City will attempt to counsel and coach employees before taking any disciplinary action up to and including terminating employment. Depending on the circumstances, it may be appropriate to counsel an employee regarding his or her performance deficiencies or conduct versus issuing disciplinary action. In those situations, if the counseling does not result in an improvement or the misconduct continues, disciplinary action may be taken to address the issue.

The following disciplinary actions are generally used by the City when needed to correct employee conduct or performance. However, nothing stated herein limits the discretion of the City to impose any level of discipline within the “at-will” employment relationship between the City and its employees.

The forms of discipline include the following:

- **Oral Reprimand** – This action documents a serious discussion between the supervisor and employee. The supervisor will document the specific reasons for reprimand and steps to be taken to correct the issue.

- **Written Reprimand** – This action is generally used in response to conduct that a supervisor deems to be a more serious violation or where an oral reprimand has not resulted in a satisfactory change in the employee’s performance. This action is typically the final warning issued before a suspension without pay is imposed.

- **Suspension** – When deemed appropriate by the City or when a reprimand has already been issued, an employee may be suspended without pay. Suspensions will be based on the normal full work shift of the employee and must be served concurrently and on scheduled work days.

- **Termination** – Termination from employment is issued where conduct or performance has not improved to a satisfactory level after counseling and disciplinary actions, or where the circumstances and severity of the offense warrant termination.

Any disciplinary action must be reviewed by the Human Resources Director. Disciplinary action at the level of Suspension or Termination must receive prior approval from the Human Resources Director and City Manager. Exempt employees may only be suspended in full week increments. Employees in their probationary period may be disciplined at any level, for any reason, up to and including termination. Any disciplinary action taken against a probationary employee must be reviewed by the Human Resources Director prior to issuance.

The following list of unacceptable actions/behaviors has been developed and may serve as the basis for any level of discipline. While specific, this list is not intended to be all-inclusive. Any serious misconduct may result in disciplinary action, up to and including termination from employment.

- Poor work performance or inefficiency.

- Unacceptable attendance (absence or tardiness).
• Loafing or sleeping on the job. (Excludes firefighters assigned to a 24 hour shift to the extent permitted by department work rules).

• Unauthorized absence from the work area on a scheduled work day.

• Any conduct inconsistent with good customer relations found offensive to the general public or other employees.

• Threatening, intimidating, assaulting or coercing another employee.

• Creating unsafe or unsanitary work conditions.

• Refusal to cooperate or provide truthful information during an officially sanctioned investigation.

• Violation of the City's smoking policy.

• Disregard for one's appearance, attire or personal hygiene.

• Accepting gratuities from residents or vendors.

• Inducing another employee to violate any City policy or department rules and regulations.

• Violations of City policy or department rules and regulations.

• Negligence in the performance of work duties.

• Negligent or deliberate waste or damage of City property.

• Failure to comply with established safety rules.

• Using City time for political activities.

• Misuse or illegal use of City equipment or tools including but not limited to telephones, computer systems, copiers, printers, vehicles, or machinery.

• Unauthorized solicitation or distribution by an employee during work hours.

• Failure to report the use of prescription drugs that may impair the employee’s ability to perform work safely.

• Failure to report an accident involving damage to City property or the property of others, or from which injuries to employees or to others have resulted.
• Failure to report an incident or situation that could result in injury to persons or damage to property.

• Activity that may constitute a criminal offense or violation of a City ordinance which inhibits the employee from performing their duties, reflects negatively on the image of good public service, or damages the credibility of the employee in the performance of their responsibilities.

• Falsification or misrepresentation of records or information, including timesheets, medical and insurance forms, employment applications, purchase orders, employment records, and other documents and materials.

• Insubordination - refusal or disregard for a supervisor's instructions.

• Consumption, possession, manufacture, or being under the influence of alcohol or controlled substances while on duty or upon reporting to duty.

• Theft or attempted theft.

• Unauthorized possession or removal, attempted possession or removal, or purposeful misplacement of any City property or property of employees, customers, or the general public.

• Violations of the City’s policies against discrimination, harassment, bullying, or retaliation.

• Creating or contributing to workplace harassment of other employees.

• Abuse or unauthorized use of any City computer system, information technology, or electronic communication tools.

• Unauthorized access or possession of confidential information.

• Unauthorized possession or use of City records or property.

• Violations of the City’s workplace violence policy.

• Violations of the City’s social media policy.

• Violating confidentiality expectations.

• Unauthorized disclosure or inappropriate use of City confidential information, including but not limited to business, customer, employee, or City resident personal information.

• Fraudulent use or misuse of bereavement, disability, or sick leave.

• Filing a fraudulent Workers' Compensation claim.
Unauthorized possession of a weapon, explosives, firearms, or harmful objects, while on City property.

Gambling or conducting games of chance on City time or on City property, including athletic event pools.

Use, sale, transfer or possession of narcotics or illicit drugs, while on duty.

Intentional or negligent violation of any safety rule that is designed to protect City property, residents, employees or the community.

Dishonesty.

Refusal to comply with a request for drug screening or alcohol testing where reasonable suspicion exists or where required by state or federal laws.

Failure of the employee to submit to treatment for alcohol or drug abuse after testing positively in random, post-accident, or reasonable suspicion testing.

Refusal to contact EAP in a timely manner following a mandatory referral, or failure to remain in compliance with the treatment as directed.

Deliberately creating a hazardous work situation.

Working overtime or additional hours outside of the normal schedule for non-exempt employees without first having the overtime or additional hours authorized and pre-approved by the department director or their designee.

Failure of supervisory employees to adhere to or implement City policies (e.g., FMLA, restricted duty requirements, discrimination and harassment policies, etc).

Engaging in conduct, on duty or off, which reason, morals, or common sense indicate to be wrong and not in the best interest of the City, its residents, or employees, or that is or could be detrimental to the City or the City’s relationship with its customers, residents, or employees.

Boisterous or disruptive activity in the workplace.

Revocation or suspension of an employee’s license or certification which is a requirement of their position.

Violations of other rules and policies not specified.
DRUG & ALCOHOL USAGE

Drug-Free Workplace

The use of illegal drugs and the abuse of legal drugs and alcohol by City employees presents unacceptable risks to the safety and well-being of other employees and the public, invites accidents and injuries, and reduces productivity. In addition, such conduct violates the reasonable expectation of the public that the employees who serve and protect them will obey the law and be fit and free from the adverse effects of drugs and alcohol abuse.

In the interest of having employees who are fully fit and capable of performing their jobs, and for the safety and well-being of employees and residents, the City has established this program that will allow the necessary steps, including drug and/or alcohol testing, to implement the general policy regarding drugs and alcohol. The City requires ongoing compliance as a condition of employment. Failure to comply may result in disciplinary action up to and including termination.

To assist employees to understand and avoid the perils of drug and alcohol abuse, the City is involved in an ongoing educational effort to prevent and eliminate drug and alcohol abuse that may affect the workplace. Through this policy and related efforts, the City will attempt to inform employees about the dangers of alcohol and drug abuse, the City’s Alcohol and Drug Policy, the availability of treatment and counseling for employees who voluntarily seek such assistance, and the sanctions that the City will impose for violations of this policy.

The City recognizes that substance abuse is a medical problem that may be successfully treated. Early detection and treatment of alcohol or drug abuse is important for successful rehabilitation and for reduced work, personal, and social disruption. The City therefore encourages employees who believe that they have a drug or alcohol problem to seek the assistance of its Employee Assistance Program.

Employees are strictly required to comply with this policy and to report any conduct in violation of this policy immediately. By law (30 ILCS 580/3 et al.) employees are mandated to notify the employer of any criminal drug and alcohol statute conviction for a violation occurring at the workplace no later than five days after such conviction.

Prohibited Activities

All City employees shall be governed by the principles of an alcohol and drug free workforce and workplace. The workplace includes all buildings, offices, lockers, facilities, grounds, parking lots, places and vehicles owned, leased or managed by the City, and the employee's personal vehicle while engaged in the business of the City, and all areas where City-business is conducted, whether on or off-City premises.

The term "drug" shall include any controlled substance listed in 720 ILCS 570/101 et seq. of the Illinois Compiled Statutes, known as the Controlled Substance Act, for which the person tested does not submit a valid, pre-dated prescription. The term "drug" includes both illegal drugs and prescription and over-the-counter medication, which have not been legally obtained, are not being
used for prescribed purposes, are not being taken according to prescribed dosages or are otherwise wrongfully used or sold. In addition, it includes "designer drugs" which may not be listed in the Controlled Substance Act, but which adversely affect perception, judgment, memory, and coordination.

The following actions are strictly prohibited:

- Being impaired by or under the influence of alcohol, illegal drugs or controlled substances, or having any of the same present in their bodily systems, while on duty or on City property.

- The manufacture, distribution, dispensation, sale, possession or use of alcohol, illegal drugs or controlled substances while on duty ("on duty" includes working hours, on-call time, and rest breaks and meal periods) or on City property (which includes any City-owned or leased vehicle and other equipment).

- Tampering with, adulterating, or substituting a test specimen or causing another person to tamper with, adulterate, or substitute a test specimen.

- Refusing to submit to testing according to the procedures outlined in this policy or failing to cooperate in the testing process, including any refusal to sign any required form consenting to testing and to the release of test results to the City.

Violation of these policies may result in disciplinary action up to and including termination.

Use of Prescribed or Over-the-Counter Medication

Use of medication administered, prescribed by, or under the supervision of a physician and according to the prescribing physician’s lawful directions or non-prescription medication in conformity with the manufacturer’s specified dosage is not prohibited by this policy. Employees are prohibited from being under the influence of prescribed medical cannabis or any derivative thereof during work hours. Further, an employee taking medication must notify their supervisor or the Human Resources Director of any known side effects that might affect the employee’s job performance. In addition, if the employee drives a vehicle or operates equipment in connection with his or her job, the employee must obtain the advice from the physician that the medication will not affect the employee’s ability to safely operate a motor vehicle or equipment, or otherwise function in his or her position. If required by the City, the employee shall produce written evidence that any prescription medication has been lawfully prescribed by a physician, as well as information from the physician concerning any potential side effects of the medication.

Testing

In addition to procedures set forth in an applicable collective bargaining agreement, employees are subject to testing when a supervisor or manager has reasonable suspicion to believe that their work behavior and ability are impaired from possibly being under the influence of alcohol, illegal drugs or other dangerous substances. Testing also occurs when there is direct evidence of drug or alcohol use or possession on-the-job. Employees are tested after an injury or accident in a City
owned, leased or supported vehicle or operating any other City equipment causing reasonable suspicion of legal or illegal drug use or alcohol abuse, such as where there has been a fatality, the issuance of a citation for a moving traffic violation to any individual involved in the accident, an injury requiring treatment at a medical facility, or the vehicle is disabled or removed from service. Tests will be conducted at a qualified medical facility selected by the City to do drug and alcohol testing. Failure or refusal of an employee to submit to testing will be treated as a positive test result and could result in immediate termination. Test results will be maintained in the employee's medical file and will be released to the employee if requested in writing.

Voluntary Requests for Assistance

An employee may desire to come forward on a self-initiated basis to seek help for an alcohol or drug problem and to voluntarily resolve that problem. Employees are encouraged to do so before they are found in violation of this policy. Voluntary requests for help will be kept confidential in accordance with federal and state law.

The employee will not be subject to disciplinary action for voluntarily coming forward for help. However, an employee will not avoid discipline up to and including termination by seeking such assistance after being requested to take an alcohol and/or drug test or violating City policies. If an employee continues working while seeking assistance from the EAP, the employee must continue to meet all established standards of conduct and job performance set forth by the City. In addition, once an employee has violated City policies, compliance with a prescribed treatment will not guarantee an employee a right of reemployment.

DOT Driver Testing Policy

In addition to testing under this policy, the City will comply with provisions of the United States Department of Transportation rules and regulations that require employers to test drivers who hold a Commercial Driver’s License (CDL) for the misuse of alcohol and controlled substances.

The City must administer the following types of drug and alcohol tests:

- **Post- Offer-Employment Testing.**

  The City must test covered applicants for controlled substances post-offer, as well as current employees applying to move into a safety-sensitive function.

  The City is required to contact the employee’s previous employer(s) for which the employee was employed and held a CDL license.

- **Reasonable Suspicion Testing.**

  The City must test a covered employee for controlled substances and/or alcohol when it has reasonable suspicion to believe that the employee has violated the prohibitions in the rules or if the employee’s behavior and appearance indicate drug or alcohol misuse. The City’s determination that reasonable suspicion exists must be based on specific, contemporaneous
observations by a trained supervisor/manager concerning the appearance, behavior, speech, or body odors of the employee.

Written record must be made of the observations leading to a controlled substance reasonable suspicion test, and signed by the supervisor/manager or City official who made the observations, within 24 hours of the observed behavior or before the results of the controlled substances test are released, whichever is earlier. A supervisor/manager, who has been professionally trained in observation techniques, as required by the OMNIBUS Act, must observe the behavior during, just before, or just after performing a safety related function.

If reasonable suspicion testing is not conducted within two hours following the determination of reasonable suspicion of alcohol misuse, the City must prepare and maintain on file a record stating the reasons why the test was not conducted. If the test is not conducted within eight hours after the determination of reasonable suspicion of alcohol misuse, the City must prepare and maintain on file a record stating the reasons why the test was not conducted, the City must cease attempts to conduct the test and shall state in the record the reasons for not administering the test.

- **Post-Accident Testing.**

The City must test covered employees who are involved in a vehicle accident on City property or a City vehicle involved in an accident on a public road that results in:

1. A fatality;
2. The driver receives a citation for a moving traffic violation and;
3. There was bodily injury to a person who immediately received emergency medical treatment away from the accident scene or;
4. There was disabling damage to a vehicle that required the vehicle to be towed away from the accident scene.

Drivers must immediately tell his/her supervisor/manager about every accident, even if the accident does not meet the above criteria. Failure to promptly report an accident may result in discipline, up to and including termination.

A driver involved in an accident that meets the criteria above must take an alcohol test within two hours. If the test is not conducted, the City must prepare and maintain on file a record stating the reasons why the test was not conducted. If the test is not conducted within eight hours after the accident, the City must cease attempts to conduct the test and shall state in the record the reasons for not administering the test. A drug test must be administered within 32 hours of the accident; if the test was not conducted, the City must cease attempts to conduct the test and shall state in the record the reasons for not administering the test. The results of a urine test for the use of controlled substances, conducted by Federal, State or local officials having independent authority for the test, shall be considered to meet the requirements of this
policy, provided such test conforms to applicable Federal, State or local requirements, and that the results of the tests are obtained by the City.

The department must immediately contact the Human Resources Department to notify them of the accident. In turn, the supervisor should immediately take the employee to a testing facility within two hours of the accident. In after hours or weekend situations, supervisor/managers who have questions may call the Human Resources Director or their designee via cell phone.

If the regular testing facilities are unavailable, Kishwaukee Community Hospital Emergency Department is to be utilized. The facility should be told that the employee needs post-accident drug and alcohol testing done per D.O.T. requirements.

- **Random Testing.**

  The City’s third party administrator randomly selects a number of covered employees at various times each year for unannounced alcohol and drug testing. The number of employees selected must be sufficient to equal an annual rate of not less than 10% of the total number of employees subject to alcohol testing and at least 50% of drivers will have to take a random drug test or the current D.O.T rate.

  Every employee in the selection pool has an equal chance of being selected each time a drawing is made. Selection for testing will be performed on a sufficiently random basis by the Consortium. Employees will not know when testing is complete for the year nor when to anticipate the next selection. A surplus of names will be generated so that another selection may be made in place of an employee who is temporarily on leave. Dates for administering random testing must be spread reasonably throughout the year and should not be predictable.

- **Return to Duty Testing and Follow-Up Testing.**

  This policy does not require the City to refer an employee to drug or alcohol treatment nor does this policy limit the City’s ability to discipline or terminate an employee upon an initial positive test. However, if an employee is permitted to return to work and/or resume safety-sensitive functions after the employee has tested positive for drugs or alcohol at a level of .04 or higher, the City will conduct a return-to-duty test and any follow up testing as recommended by a Substance Abuse Professional (SAP).

  Conditions for returning to a safety-sensitive function after an alcohol violation of any of the above prohibitions include:

  1. The employee is evaluated by a SAP for a drug or alcohol problem.

  2. Passes a return-to-duty drug or alcohol test with a result below .02. It is the responsibility of the employee to pay for the costs of administering return-to-duty alcohol tests.
3. The SAP determines that the employee has properly followed any prescribed drug or alcohol rehabilitation program, education and/or treatment, as required.

4. Each covered employee who has been identified as needing assistance in resolving drug or alcohol misuse, shall be subject to a minimum of six unannounced, follow-up drug or alcohol tests administered by the City over a following twelve month period. As well as any additional testing for a period up to a maximum of 60 months from the date the employee returns to duty. It is the responsibility for the employee to pay for the costs of administering follow-up drug or alcohol tests.

**EMERGENCY CLOSING**

Employees are expected to make every reasonable effort to report to work in all weather conditions. Rare instances may occur, however, where unusually severe weather conditions prevent one from reporting for duty as scheduled. Examples include severe snow storms or flooding. In such cases, employees should notify their immediate supervisor of the inability to report to work. Any such instance shall be treated as an excused absence without pay. However, employees may choose to use previously accumulated personal, vacation or compensatory time in order to be compensated for the absence.

When the decision to close non-essential operations is made either before or during the workday, employees will be notified by their immediate supervisor or other City official. In this circumstance, employees are not authorized to report to work or remain on the premises. Time off from scheduled work will be unpaid for non-exempt employees. However, with supervisory approval, employees may use available paid leave time, such as accrued personal, vacation, or compensatory time.

Employees in essential operations may be asked, ordered, or given permission to stay at work on a day when their department is officially closed.

**EMPLOYEE ASSISTANCE PROGRAM**

The City makes available an Employee Assistance Program (EAP) to all full-time and part-time employees. The EAP services are free to all employees and their immediate household, (spouse or civil union partner, dependents, and anyone who is a permanent resident of an employee’s household including civil union partners and their dependents), and is available to provide assistance with work or personal concerns. In addition to counseling services, EAP offers legal, financial, and work-life services. Please contact the Human Resources Department for details about these services.

Most individuals access EAP services on their own for themselves or their dependents. However, occasionally a referral may come from their immediate supervisor. Normally, supervisory referrals are made when a supervisor observes or becomes aware of an employee’s behavior impacting good job performance. If the supervisor becomes aware of off duty behavior or actions that call into question their fitness for duty, the supervisor will contact the Human Resources Department immediately to determine if a formal referral to the EAP should be made. The
supervisor makes the referral and reviews the employee’s work performance issue with the EAP counselor; however, the responsibility for contacting the EAP and setting an initial assessment appointment rests on the employee. In order to maintain confidentiality, supervisors will be informed only about attendance, compliance with treatment, and time needed off work (if necessary).

Any employee or family member who seeks assistance from the EAP is assured of confidentiality. Employees, at their discretion, may grant permission in writing for information to be released by the EAP to certain individuals, which may be revoked or modified at any time. Any information concerning assessment, treatment or referrals is strictly confidential and kept in accordance with regulations governing medical records and personal information. The only exceptions to the above are situations in which the EAP counselor believes the client is a danger to themself or others, there is suspected child or elder abuse, or when ordered by the courts to release information.

EMPLOYEE RECOGNITION

The contributions employees make daily while doing their job are important to the City’s mission to deliver high quality municipal services to the community. In recognition of the continued employee contributions and dedication to the City and the community, the City offers the following appreciation for full-time and part-time employees.

Service Appreciation

The City will recognize employees in five year increments. Employees with 5, 10, 15, 20, 25, 30, etc. years of service will be honored throughout the applicable fiscal year during a City-wide employee recognition event. At that time, the employee will be presented with a service pin and certificate of appreciation reflecting their years of service.

Employees separating from the City in good standing with five or more years of service may be recognized during a recognition event that may be attended by all current employees. The event will be the responsibility of the employee’s department and will be funded by the department's budget.

Special Recognition

Special recognition of employees for outstanding community or professional achievements will be recognized with a certificate of appreciation to be presented at a City Council meeting. Such recognition will be considered on an individual basis and requires the prior approval of the City Manager.

Retirement Appreciation

The City recognizes employees at the time of their retirement for their dedicated years of service to the community. The employee must have served with the City for a minimum of 20 years and is separating in good standing to be eligible for a retirement plaque, recognition event and
applicable separation pay. The department director will coordinate with the City Manager’s Office to schedule the recognition event for the retiring employee.

Employees eligible for separation pay receive $25.00 per year of service not to exceed $500, included in the employee’s final pay out, subject to applicable taxes and deductions.

**EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER**

The City is committed to providing equal employment opportunity to all qualified persons without regard to race, color, national origin, citizenship, ancestry, sex, sexual orientation, pregnancy, age, disability, genetic information or background, religious affiliation, marital status, military status, order of protection status, arrest record, or any other legally protected status.

**FAMILY AND MEDICAL LEAVE ACT (FMLA)**

Employees who have completed one year of continuous service and have worked at least 1,250 hours in the previous 12 months of employment may be granted a total of 12 weeks of leave in a rolling 12 month period measured backward from the date an employee uses any FMLA leave for their own serious health condition which prevents them from working, to care for their spouse or civil union partner, child (to age 18) or parent who has a serious health condition, to care for their child after birth or placement of a child for adoption or foster care placement, or because of any qualifying exigency.

When the City employs both spouses or both civil union partners, they are jointly entitled to a combined total of 12 workweeks of family leave for the birth and care of a newborn child, for placement of a child for adoption or foster care or for qualifying exigencies. This limitation does not apply to leave due to the employee’s own medical condition. When the City employs both spouses or both civil union partners, both employees are jointly entitled to a combined total of 26 workweeks of family leave to care for a covered service member with a serious injury or illness.

Leave for birth and care, or placement for adoption or foster care must conclude within 12 months of the birth or placement.

**Intermittent Leave**

FMLA leave may be taken intermittently, in separate blocks of time, or by reducing normal weekly or daily work schedules, only when it is medically necessary to care for a seriously ill family member, or because the employee is seriously ill and unable to work. The use of intermittent leave for the purpose of a birth or care or placement for adoption or foster care is subject to the Human Resources Director’s approval. Intermittent leave must be scheduled with minimal disruption to an employee’s job. Medical appointments and treatments related to an employee’s or family member’s serious health condition should be scheduled outside of working hours or at such times that allow for a minimal amount of time away from work.

If intermittent leave is foreseeable based on planned medical treatment, employees may be required to transfer temporarily to an available alternative position offered by the City for which
the employee is qualified and which better accommodates recurring periods of leave. Employees will be entitled to equivalent pay and benefits, but will not necessarily be assigned the same duties in the alternative position.

**Military Caregiver Leave**

Military Caregiver Leave permits eligible employees to take up to 26 weeks of leave to care for a covered service member. This leave is a one-time only requirement of the City, and shall only be available during a single 12-month period. Employees may take this type of leave intermittently or on a reduced schedule when medically necessary. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. The eligible employee can take up to 26 weeks of leave in a year (26 weeks total, not 26 weeks for Military Caregiver Leave plus 12 weeks of FMLA leave for other reasons outlined in the original Family Medical Leave Act).

In addition to spouses or civil union partners, children, and parents, the “next of kin” are eligible for this type of leave. The law defines next of kin as the service member’s “nearest blood relative.” This could include a number of relatives not covered by the Family Medical Leave Act entitlement, such as siblings, aunts, uncles, nieces, nephews, and cousins.

**Use of Paid Time Off During FMLA Leave**

Employees must utilize any accrued sick, vacation, compensatory time, or floating holidays during the Family Medical Leave period prior to non-paid time being approved. Paid time off will run concurrently with Family Medical Leave consistent with applicable leave policies. During periods of non-paid leave, the accrual of sick and vacation time will cease and the period will be subtracted from the employee's total years of seniority for purposes of longevity pay or vacation accrual.

**Notice and Certification**

Under those circumstances where the need for FMLA is foreseeable, an employee contemplating the use of such leave shall provide the Human Resources Department with a written notice thirty days in advance of the expected birth, placement for adoption, foster care, planned medical treatment, or medical procedure for which FMLA is requested. If 30 day notice is not practicable due to lack of knowledge, a change in circumstances, or medical emergency, notice shall be given as soon as possible. If the request is for an intermittent leave or leave on a reduced schedule basis, the employee shall also advise the Human Resources Department of the reasons why the leave schedule is medically necessary along with the schedule of treatment.

When an employee seeks leave for a FMLA qualifying reason for the first time, the City will designate the leave as covered by this policy whether or not the employee has expressly requested FMLA leave. When an employee seeks leave, however, due to a FMLA qualifying reason for
which the City has previously provided the employee FMLA protected leave, the employee must specifically reference either the qualifying reason for leave or the need for FMLA.

In all instances, the employee must answer questions and provide sufficient information to allow the City to determine whether an absence is for a FMLA qualifying reason. Failure to provide such information can result in a delay or denial of FMLA coverage.

When an employee requests FMLA leave or the City acquires knowledge that leave may be for a FMLA purpose, the Human Resources Department will provide notice to the employee of their eligibility to take leave, and inform the employee of their rights and responsibilities under FMLA. When the City has enough information to determine that leave is being taken for a FMLA qualifying reason, the City will notify the employee that the leave is designated and will be counted as FMLA leave.

Any employee seeking FMLA leave for medical reasons shall be required to first provide medical certification to Human Resources within fifteen calendar days of request unless it is not practicable under the particular circumstances to do so, despite the employee's diligent good faith efforts.

An employee who is required to provide such certification may be required to submit to a second or third medical exam as to the serious medical condition. The exam(s) would be at the City’s expense. The employee may also be required to provide periodic recertification should the need arise. FMLA regulations allow the Human Resources Department to contact the medical physician for two purposes only: clarification and/or authentication of the medical certification. The Human Resources Department may not request additional information beyond that included in the Medical Certification form. At no time may the employee’s direct supervisor contact the physician for clarification or additional information.

The Human Resources Department may request recertification at any reasonable interval, but not more often than every thirty days, unless:

- The employee requests an extension of leave.
- A significant change in circumstances occurs.
- Human Resources receives information that casts doubt upon the continuing validity of the leave.
- The employee is unable to return to work after the leave due to a serious health condition.

As part of the recertification, 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.

In all instances of intermittent FMLA leave, the City requires recertification every six months. Employees shall provide a certification in support of leave on an annual basis if the need for leave
continues for the same reason, subject to a second and third medical opinion as appropriate.

While on leave, an employee will be required to provide the Human Resources Department with periodic reports from their treating physician regarding the employee's status and ability or intent to return to work. If the circumstances of the leave change, and the employee can return to work earlier than the originally anticipated date or needs an extension of leave, the employee must give ten business days’ notice to the Human Resources Department.

The Human Resources Department may require the employee to provide medical documentation from their treating physician when the employee is able to return to work to verify fitness for duty in accordance with City policy or every 30 days where an employee takes intermittent leave for a condition that raises reasonable safety concerns regarding the employee’s ability to perform job duties.

If an employee fails to provide the requested medical documentation, the Human Resources Department may deny the leave itself, deny continuation of the leave or deny reinstatement until the appropriate medical documentation is provided.

Maintenance of Health Benefits

The City will maintain group health insurance coverage for any employee on FMLA leave who chooses to retain their coverage. Coverage will be maintained on the same terms as if the employee was continuing work, with the same premium payments due as if the employee was currently working. If the employee is utilizing accrued paid leave balances while on FMLA leave, the premiums will be deducted from the employee's paycheck. If the FMLA leave is unpaid leave, the employee must make arrangements with the Human Resources Department for the insurance premium payments.

An employee can choose not to retain their health insurance coverage during the term of their FMLA leave. Upon their return to work, the employee’s coverage will be reinstated on the same terms as they were prior to taking the leave, subject to any changes that may have occurred in the plan during their leave.

If an employee’s premium payment is more than 30 days late, the City will terminate the group health plan coverage. The City will send the employee a written notice of its intent to terminate coverage at least 15 days before coverage is to cease.

Job Restoration

Upon return from FMLA leave, the employee will be restored to their original job, or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment.

During the term of an unpaid FMLA leave, the employee will not accrue additional benefits nor will they lose any benefits that accrued prior to leave.
GENERAL LEAVE OF ABSENCE

The City may authorize a leave of absence without pay for appropriate reasons. A leave of absence may be granted to an employee for such period of time as the City may determine and approval will be made on a case-by-case basis, according to the types of leave that are applicable to the circumstances. An employee must submit a written request to the Human Resources Department for consideration and approval. An employee is required to exhaust available paid vacation, compensatory time, floating holidays and, if applicable, sick leave. Non-paid time off is only allowable if an employee has exhausted other paid time off and must be approved by the department director and the Human Resources Director.

Initial approval of leave will not exceed 12 consecutive workweeks. Extensions may be granted for additional periods of up to 12 additional workweeks, not to exceed a total of 24 workweeks, unless a further definitive period of leave may be appropriate as a reasonable accommodation. During the leave period, the employee may be required to report periodically to the Human Resources Department on the status and the employee’s ability or intent to return to work. No leave of absence will be granted to an employee for the purpose of accepting employment elsewhere, including self-employment.

Unless otherwise required by law, length of service and benefits will not accrue for an employee while on leave, but will begin to accrue again when an employee returns to work. During an approved leave, an employee may continue health insurance under the applicable group health insurance plan to the extent provided in such plan and by law. Employees may be required to pay the entire premium amount for continuation of benefits according to their benefit plan. Except where required by law, the granting of a leave of absence is not a guarantee of employment following the leave of absence. A failure to return to work at the end of an approved leave will be considered a voluntary separation from employment.

HIRING & SELECTION

The City is an equal opportunity employer and, as such, prohibits unlawful discrimination in the hiring, promotion, reassignment, transfer, compensation, administration of benefit plans, and all other conditions of employment. As an equal opportunity employer, the City does not consider race, color, national origin, citizenship, ancestry, sex, sexual orientation, age, disability, genetic information or background, religious affiliation, marital status, military status, or any other legally protected status to be pertinent to conditions of employment and will not be a consideration in the City’s selection process. The City does not hire employees younger than 18 years of age.

Human Resources will post vacancies on the City’s website. Employees who wish to be considered for an open position must apply and submit all required documentation. Qualified employees will be considered for vacancies based on their work experience, training, formal education, and work performance at the City. In some instances, employees may be offered a position without the required degree, certification, or licensure, provided they obtain the required credentials in an appropriate period of time to be determined by the Human Resources Director and department director, with final approval from the City Manager.
Employees may be required to complete a drug screen, background check, physical examination, polygraph, psychological examination, and other job-related tests, as required by the Human Resources Department, in order to assess their skills or qualifications for certain positions as part of the selection process.

The City reserves the right to recruit externally and internally simultaneously, as well as to hire the most qualified candidate, whether that individual is an internal or external candidate. Current qualified employees may still be considered along with qualified candidates outside the City.

Rehire of Former Employees

Former employees who left the City in good standing and are eligible for rehire may be considered for employment. To be considered for an open position former employees must apply and submit all required documentation. Former employees may be required to complete a drug screen, background check, physical examination, polygraph, psychological examination, and other job-related tests, as required by the Human Resources Department, in order to assess their skills or qualifications for certain positions as part of the selection process regardless of previous employment. Qualified former employees will be considered along with all other qualified candidates. Rehired employees begin benefits just as any other new employee. Previous service with the City will not be considered in calculating longevity, leave accruals or any other benefits.

A former employee who was terminated for violating a policy or who resigned in lieu of termination from employment due to a policy violation shall be ineligible for rehire.

The City Manager reserves the right to establish policies which specifically govern the hiring of former City employees.

Hiring of Relatives

It is the policy of the City to provide all employees with equal employment opportunities for career advancement without fear of favoritism or penalty, actual or implied, based on family relations. The City will not hire any relative of a current City employee or current elected or appointed official for employment with the City. Employees or officials may not influence the hiring of others. Relative is defined as spouse or civil union partner, child or step-child, parent or step-parent, guardian, sibling, mother-in-law, father-in-law, sister-in-law, brother-in-law, or other relative living at an employee's residence.

Where two employees are married or become civil union partners in the course of their employment, the following shall apply:

- One may not directly, or indirectly, supervise the other whether within the same Department or within the City’s overall supervisory authority.

- One may not have any input to performance reviews or personnel related matters of the spouse or civil union partner.
If employees become related to an elected official or appointed officer after employment, every effort will be made to identify a resolution to the conflict in coordination with the related individuals.

In addressing conflicts under this policy, if an agreed solution cannot be reached, the City Manager will implement such actions as may be necessary to resolve the conflict, including but not limited to involuntary separation from employment.

**IDENTIFICATION CARDS**

Every City employee will be issued a picture identification card for official duties with the City and must be worn visibly at all times during hours of employment, except where the card may pose a safety hazard. Employees are required to have the identification card in their possession at all times. Some employees will be issued cards that are used with the City’s electronic proximity card security system. Employees must keep their card secured, and are prohibited from placing stickers, pins, or any other attachment on the card, lanyard or clip. In the event a card is lost, stolen, or damaged, it is the employee’s responsibility to report the loss immediately to Information Technology.

The card is the property of the City and must be returned to the City upon termination or the employee may be subject to criminal prosecution and final paycheck may be withheld until the card is returned or verification of the card’s disposition is verified. Fraudulent use of a City identification card or allowing another person, including another employee, to use or misuse an identification card for any reason may result in disciplinary action, up to and including termination and/or criminal prosecution. Willful neglect, loss, or refusal to display the identification card will be grounds for disciplinary action.

The City will provide employees with a clip or lanyard for displaying the identification card. If employees choose to use their own personal lanyard or clip, it must be approved by their immediate supervisor, be professional in appearance, and cannot display any advertising, slogans, cartoon figures, pictures, or commentary, or any logo other than the City logo. These devices are subject to the same prohibition regarding stickers, pins, etc. as outlined above.

**JURY DUTY**

The City supports employees who are performing their civic responsibility by serving jury duty when called. Full-time employees will receive their normal compensation if required to perform jury duty during their normal work schedules. Employees are not eligible for travel expenses to perform jury duty, and any monies received from the court may be retained to cover these expenses. The employee must notify the City in advance of the first day of jury duty or whenever practical. Employees should indicate jury duty on their timesheet. If the employee is unable to do this, their supervisor may do it for them. Any requests for jury duty must be forwarded to the Human Resources Department for review and approval. Employees are required to provide proof of attendance in order to receive their normal compensation while attending jury duty.
LIGHT DUTY

The purpose of establishing a light duty policy is to provide temporary work for employees who are injured or incapacitated to such an extent that they cannot be assigned to regular duty but are healthy enough to perform modified duties. Light duty may be allowed where necessary and if meaningful work is available for which the employee is qualified to perform.

The purpose of light duty is to provide a progression of job duties that will return injured workers to their regular full duty positions. Light duty is a temporary measure and is not intended to remove or replace an employee’s regular job duties on an extended or permanent basis. Nothing in this policy shall be construed to require the City to create a light duty assignment for an employee. Employees will only be assigned to light duty work when the City determines that a need exists and only as long as such need exists. While on light duty, medical appointments and treatments should be scheduled outside of working hours or at such times that allow for a minimal amount of time away from work. To ensure the employee is able to return to work as promptly as possible, the City expects that employees will adhere to their light duty restrictions during all of their off duty hours, absent expressed written approval from a treating physician.

Eligibility

Light duty assignments are temporary and are reserved for employees who will be able to recover from their injuries or medical condition to perform the essential functions of the job. This temporary, modified, or restricted duty assignment may include a modification of the employee’s current duties, reassignment to other duties within the department, or assignment outside the employee’s department. The terms and conditions of the light duty assignment, including job tasks and hours, shall be determined exclusively by the City.

The City may require an employee who is receiving Workers’ Compensation benefits to return to work in a light duty assignment that the employee is qualified to perform. Light duty assignment will only be considered where the employee’s treating physician or a City designated physician has determined that the employee is physically able to perform the light duty assignment in a safe manner.

Generally, a light duty assignment may be offered to an employee when there is a reasonable expectation that the employee will be able to return to regular duty within 90 days. An employee assigned to light duty will be assessed at the end of each 30 day period to determine status and ability to return to full duty. A light duty assignment will only be extended beyond ninety days if there is a reasonable expectation of a return to full duty within a short period of time.

It is the intention of any light duty assignment to facilitate the employee’s return to the workplace while ensuring that the employee remain focused on achieving maximum medical improvement so that they may return to full duty with the City. While on light duty, employees will generally not be permitted to work overtime or engage in any secondary employment including self-employment. Employees must limit their physical activities to comply with the medical restrictions as outlined by their treating physician while at work as well as during their off duty hours. Failure to adhere to the medical restrictions outlined by the physician, either at work or
during off duty hours may result in the termination of the light duty assignment and may be grounds for disciplinary action up to and including termination of employment.

If an employee is unable to resume regular job duties at the end of an authorized period of light duty work, the Human Resources Department will meet with the employee to discuss the employee’s status. The City may send an employee to a physician of its choice to determine if the employee is fit to return to work.

Generally, if at any point an employee is medically determined to have permanent or indefinite work restrictions, the temporary light or restricted duty assignment will not be considered or continued. In that event, the City will review the employee’s situation to determine the appropriate steps to be taken, if any, under the Americans with Disabilities Act, other applicable law, and other relevant City policies.

**MEDICAL EXaminATIONS**

The Human Resources Department may direct any employee to undergo a physical, psychological examination and medical test at any time, when such an examination or test may be necessary to determine the employee's fitness to perform the required duties of the position. All such examinations and tests will be performed by licensed medical professionals as appointed by the City, and at the City's expense.

Circumstances that may warrant an examination may include, but is not limited to, the following:

- An inability to perform job-related duties because of a physical or mental problem or condition.
- The employee's return from an extended absence because of a serious injury, when time lost has exceeded 30 working days.
- The employee's return from a leave of absence, with or without pay.
- The transfer of an employee to a position that requires greater physical capabilities.
- To verify an employee's use of frequent and/or questionable sick time or disability benefits.
- An employee who appears to be working while under the influence of alcohol or drugs.
- Following an on-duty incident or accident.

**MILITARY/TRAINING LEAVES**

Any employee who is a member of any active or reserve component of the Armed Services, the Illinois National Guard, or the Illinois Naval Militia, shall be allowed military leave from employment with the City for any period actively spent in military service including basic
training and special or advanced training, whether or not within the State of Illinois, and whether or not voluntary. Such leave shall be granted for a cumulative period of service of no longer than five years, except as otherwise required by law. Employees must present a copy of their orders prior to taking military leave.

Military Leave by Type and Corresponding Pay and Benefits:

Voluntary Enlistment

Full-time and part-time employees who are inducted or join the armed services to serve a tour of duty are granted a military leave of absence without pay that coincides with the period of active service.

Leave Due to Mobilization by Presidential Order

Full-time and part-time employees who are members of any reserve component of the United States Armed Forces, including the Illinois National Guard, are entitled leave and to differential pay as provided by State law. This becomes effective when the employee is mobilized to active duty by an order from the President of the United States and only for the duration of the emergency.

- Health insurance and any other benefits that the employee was receiving at the time of mobilization will continue during this leave period as well.

- Employees mobilized by order of the President must submit copies of the orders and documentation of base salary prior to deployment, if possible.

Leave Due to Annual Training

In accordance with the Military Leave of Absence Act, full-time employees who are members of any reserve component of the United States Armed Forces or Illinois State Militia are entitled to leave and full pay to attend annual training. During this leave, which generally will not exceed 15 days, the employee’s seniority and other benefits shall continue to accrue. Part-time employees are provided leave but will not receive pay or benefits.

Leave Due to Training

Full-time employees who are members of the aforementioned Military Services are entitled to leave and to differential pay to attend basic training, up to sixty days of special or advanced training or any other training or duty required by the Armed Forces. The employee’s seniority and other benefits shall continue to accrue. Part-time employees are granted leave but not pay to attend basic training.

Procedures for Differential Pay and Benefit Continuation

Differential pay will be paid to the employee in the form of a 1099. Differential payments are not
subject to FUTA, FICA, or income taxes. In accordance with the Public Employee Armed Services Rights Act, vacation time and sick time will continue to accrue while the employee is on leave. Any benefits the employee had before taking leave are preserved as well. Health insurance premiums may be deducted from the differential payments. In the event there is no deduction made for health insurance premiums, the employee is responsible for remitting payment to the City for monthly premiums.

**Procedures for Leave Reporting**

Employees must provide the Human Resources Department with at least 30 days advance written notice prior to the start of leave for military service except in cases of national emergency. Such notice must include, without limitation, a copy of the employee’s orders. Upon return to the City from military service, employees must submit a statement signed by an appropriate military official indicating the time spent in military training and/or service. Members of the National Guard or Reservists who have an advance schedule of monthly drills will provide that to their supervisor and the Human Resources Department along with any other information which would prove helpful in scheduling for the employee’s absence.

Upon the completion of active duty, employees must request reinstatement within 90 days after discharge to resume employment with the City. Barring changed circumstances, the City will reinstate an employee to the same or similar position without loss of seniority, benefits, or the rate of pay in effect prior to induction. An employee shall have no greater right to reinstatement than otherwise provided by law and must return from service with a qualifying discharge and able to perform the essential job functions of the former position.

**NO SOLICITATION – NO DISTRIBUTION**

Solicitation either verbal or electronically by employees for any purpose (e.g. for money, goods or services, including selling products, or to contribute to, join, or support any organization, endeavor, or project) is not permitted during work time. Employees may submit information for items to be posted on the City’s Intranet Trading Post during non-work time. An employee seeking to solicit support for fundraising events to help individuals, the community, and non-profit organizations may submit a request for posting on the City Intranet during non-work time. All information posted on the Intranet is subject to approval by Information Technology.

Distribution or circulation of literature or printed material by employees is not permitted during work time. Distribution or circulation of such material will not be permitted at any time (whether work or non-work time) in work areas as defined by the Department Director.

“Work time” refers to that portion of any work day during which the employee engaged in solicitation or distribution and or/the employee being solicited or receiving the distribution is supposed to be performing any actual job duties. It does not include other, duty-free periods of time, such as lunch or break periods.

“Work areas” refers to areas of City property where employees normally perform work, or where work is in fact being performed.
Solicitation and the distribution of literature by non-employees on City property is strictly prohibited.

The City maintains official bulletin boards throughout the workplace to communicate information to employees. Only the City Manager, department directors or their designees can post notices on the bulletin board. Employees cannot post notices on the bulletin board and must not remove, deface or damage materials posted by the City.

**NON-DISCRIMINATION AND ANTI-HARASSMENT**

It is the City’s policy to maintain a work environment free from all forms of harassment and discrimination and to insist that all employees be treated with dignity, respect, and courtesy. It is a violation of City policy for any employee to harass or discriminate against another individual in the workplace based upon race, color, religion, sex, national origin, age, mental or physical disability, ancestry, sexual orientation, veteran status, military status, marital status, order of protection status, arrest record, or any other protected category as defined by applicable law. This policy forbids any employee, supervisor, manager, vendor, client, customer, or other person to discriminate against, harass, or retaliate against any employee or applicant of the City. Violations of this policy will be considered grounds for disciplinary action, up to and including termination.

**Prohibited Conduct:**

This policy prohibits harassment or other workplace discrimination based on an employee’s or applicant’s legally protected status. This includes conduct, whether verbal, physical, or visual, that disparages or shows hostility or aversion toward an individual based upon a legally protected status. The City will not tolerate harassing conduct that has the purpose or effect of interfering unreasonably with an individual’s work performance, affecting an individual’s tangible job benefits, or creating an intimidating, hostile, or offensive work environment.

The conduct forbidden by this policy specifically includes, but is not limited to:

- Derogatory terms, nicknames, slurs, negative stereotyping, or intimidating acts that are based on a person’s protected status; and

- Written or graphic material circulated, available on the City’s computer systems, or posted or distributed within the workplace that shows hostility toward a person or persons because of their protected status.

The City prohibits any such conduct in the workplace and in any work-related setting outside the workplace, such as during business trips, training, seminars, meetings, and work-related social events. This policy prohibits harassment or other workplace discrimination based on an individual’s protected status, even if it does not rise to the level of a legal violation.
Sexual Harassment

Sexual harassment deserves special mention. Sexual harassment can take several forms. Sexual harassment includes any harassing conduct based on gender or sexual orientation, regardless of whether the conduct is sexual in nature. Any unwelcome conduct based on gender or sexual orientation is also forbidden by this policy regardless of whether the individual who engaged in the harassment and the individual being harassed are of the same or different genders.

Sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature or a discriminatory nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment; or when
- Submission to or rejection of such conduct by an individual is used as a basis for employment or decisions affecting an employee; or when
- Such conduct has the purpose or effect of substantially interfering with an individual’s employment or performance or creating an intimidating, hostile, or offensive employment environment.

Sexual harassment, as defined above, may include, but is not limited to the following:

- Repeated, unwelcome, sexually-oriented verbal “kidding,” criticism, or demeaning sexual innuendoes.
- Unwelcome touching, such as patting, pinching, or other physical contact of a sexual nature.
- Sexually demeaning or leering expressions, sexually suggestive or insulting noises, whistling, or comments, or obscene gestures.
- The display of sexually-oriented visuals.
- Suggesting sexual involvement to or demanding sexual involvement of another employee, over whom the employee has supervisory authority or where such person has made it clear to an individual that such suggestion or demand is accompanied by implied or explicit threats concerning employment status or similar personal concerns.
- Repeated unwelcome humor about sex or gender specific traits or stereotypes.
- Sexual harassment may also include intentionally mistreating an individual because of the individual’s gender, and engaging in such harassing conduct continuously for such a period of time that the mistreatment substantially interferes with the employee’s ability to perform his/her job.
Responsibility of Employees

Each individual employee has the responsibility to refrain from prohibited discrimination or harassment in the workplace. It is important that employees be sensitive to other employees’ feelings. What may seem innocent behavior or a joke, may not be perceived the same way by another employee. Every employee is expected to avoid any behavior or conduct that could be interpreted as prohibited conduct under this policy.

Reporting Complaints of Discrimination or Harassment

If an employee experiences or witnesses any conduct they believe is inconsistent with this policy, the City expects the employee to immediately report the conduct to his or her immediate supervisor, department director, Human Resources Director, Assistant City Manager or City Manager. This policy does not require that the employee report the conduct to any individual who is engaging in the conduct. If the employee believes that any person to whom such a report should be directed is involved in or associated in any way with the alleged conduct, then the report should be directed to another department director not involved in the conduct. Employees need not follow the chain of command to report a complaint or discuss offending behavior with the employee offender.

Any supervisor or manager who has knowledge of suspected prohibited conduct, or to whom a complaint has been made, must promptly report the conduct to the department director and the Human Resources Director. The failure of a supervisor to report suspected violations of this policy may result in disciplinary action, up to and including termination.

Employees are encouraged to use the above complaint procedure to report and resolve their complaints of discrimination, harassment, or retaliation. However, all employees have the right to file formal charges with the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC). Employees may contact the IDHR at 100 West Randolph Street, Suite 10-100, Chicago, Illinois 60601 (312-814-6245); employees may contact the EEOC at 500 West Madison Street, Suite 2800, Chicago, Illinois 60661-2506 (1-800-669-4000).

City Investigation and Response

All reports describing conduct that is inconsistent with this policy will be investigated promptly. The City may put reasonable interim measures in place, such as a leave of absence or a transfer, while the investigation takes place. Although complete confidentiality in investigating complaints and imposing any discipline cannot be guaranteed, the City will attempt to preserve confidentiality to the extent that the needs of the situation permit.

If an investigation reveals that a violation of this policy or other inappropriate conduct has occurred, then the City will take corrective action, including discipline up to and including termination, as is appropriate under the circumstances, regardless of the job positions of the parties involved. The City may discipline an employee for any inappropriate conduct discovered.
in investigating reports made under this policy, regardless of whether the conduct amounts to a violation of law or even a violation of this policy. If the person who engaged in conduct that violates this policy is not employed by the City, then the City will take whatever action is reasonable and appropriate under the circumstances.

Policy Prohibiting Retaliation

The City forbids that any employee treat any other employee, former employee, or applicant adversely for reporting discrimination or harassment, for assisting another employee or applicant in making a report, for cooperating in a harassment investigation, or for filing an administrative claim with a governmental agency. Any employee who retaliates against another for exercising their rights under this policy shall be subject to discipline up to and including immediate termination. All employees who experience or witness any conduct they believe to be retaliatory should immediately follow the complaint reporting procedures stated above.

Any questions concerning this policy should be directed to the Human Resources Director.

NURSING MOTHERS

Each employee is entitled to a reasonable amount of break time to express breast milk for the employee’s infant child. If possible, this time should run concurrently with the employee’s break time that is already provided. The City will provide an appropriate and private location for such activity. Please contact the Human Resources Department for additional information.

OTHER LEGALLY REQUIRED LEAVES

In some circumstances, federal, state, or local law might provide for the provision of leave benefits beyond those listed in this manual. The law might impose restrictions on the employee regarding the manner in which such leave can be taken. The City will respect all legally required leaves. If an employee has any questions about those benefits, they should please speak with the Human Resources Department.

OUTSIDE EMPLOYMENT

The City recognizes that, on occasion, employees may seek a second job outside their employment with the City. The City must approve all outside or secondary employment in writing including self-employment.

The City expects employees to devote the time and effort necessary for the successful accomplishment of the City work for which they are responsible. The City will not approve secondary or outside employment in conflict with this primary obligation. Further, an employee may not undertake any proposed outside employment that:

- Appears to create a conflict of interest situation.
- Requires the use of City facilities, equipment or material.
- Causes doubt as to the observance of ethical standards of professional ethics.

- Obligates the employee to be available to the outside employer during his or her normal working hours with the City.

- Requires the use of the City name for advertisement purposes or otherwise, in connection, with such outside employment.

Employees are cautioned to consider carefully the demands that additional work activity will create before requesting approval to seek or accept outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work emergency callbacks, overtime, or different hours. It is expected that an employee will not participate in outside employment if that employee is unable to perform their job duties with the City due to illness and/or as a result of being on an administrative or medical leave. If outside work activity does cause or contribute to job-related deficiencies, the City may rescind its approval of such employment and, if necessary, normal disciplinary procedures will be followed to deal with the specific performance deficiency.

**Approval for Outside Employment**

Employees must request prior approval in writing, from their department director, before an employee undertakes outside employment. Failure to do so may be cause for disciplinary action, up to and including termination. Employees must seek approval to accept outside employment, including self-employment. The Outside Employment Request Form is located on the City’s Intranet. The form should be submitted to the employee’s department director. The department director should then sign and forward the request, with a recommendation to approve or disapprove, to the Human Resources Director for final approval.

The City typically approves secondary employment activities for a period not to exceed one year. An additional approval is required for continuance of the activity beyond the initial approved period. The Human Resources Director will initiate the re-approval process; however, if the employee does not confirm the need for re-approval prior to the end of the authorized period, the authorization will expire. Permission to engage in secondary employment may be revoked at any time at the City’s discretion.

**Parking**

Each City facility has designated parking area(s). Employees are required to use the spaces provided and are not permitted to park in visitor designated spaces. Violations of handicap parking are enforced by City ordinance. Parking on curbs or in non-designated areas is strictly prohibited, even if designated employee parking space is not available. These parking regulations are provided for resident and employee safety. The City assumes no responsibility for any damage or loss that results from the use of City parking areas by employees or the general public.
**PAYDAY & PAY PERIODS**

Employees are paid every other week for a total of 26 pay periods a year. Pay periods begin on Sunday and end on Saturday in the two week period. Non-exempt employees shall be paid on an hourly basis for the number of hours actually worked during the two week period. The pay day will normally fall on a Thursday however paychecks may be received earlier if a pay day coincides with the observance of a holiday.

The City takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck that employees are paid on the scheduled payday and improper deductions are not taken. Employees who believe their pay has been improperly deducted should report such improper deduction to the Finance Department. The complaint will be promptly investigated and the results of the findings will be reported to the complaining employee. The employee may appeal the decision to the Human Resources Director if unsatisfied with the findings of the investigation. Any employee whose pay is improperly deducted shall be reimbursed for such no later than the next pay period after the improper deduction is communicated to the Finance Department.

**PAY DEDUCTIONS & GARNISHMENTS**

The law requires that the City make certain deductions from an employee’s compensation. Among these are applicable federal, state, local income taxes, and state-mandated pension contributions. The City offers programs and benefits beyond those required by law. Eligible employees may also voluntarily authorize deductions from their paychecks to cover the cost of participation in these programs. Other payroll deductions shall be allowed only upon approval by the Finance Director.

Employee earnings are subject to legal processes that lead to the reduction of pay. These legal processes (levy, garnishment, order, attachment, etc) require the City to withhold money from the employee’s pay and to submit those funds to a third party. Each legal process must be handled just as the law directs. If an employee owes a debt directly to the City, the employee and the City may enter into a non-court ordered agreement to repay the City through payroll deduction. Questions concerning why deductions were made and calculated should be directed to the Finance Department.

**PERFORMANCE MANAGEMENT**

Performance Management involves ongoing communication between the employee and their supervisor, in support of accomplishing the mission and goals of the City while exemplifying the core values. The performance management process includes setting objectives, identifying goals, providing feedback, evaluating results, and performance coaching and development. Supervisors are required to oversee employee performance and provide feedback throughout the year to recognize successes and address concerns in a timely fashion.
Performance Review

Performance reviews provide feedback on accomplishments and continuous improvement efforts. They promote common understanding of an employee’s needs, work objectives, accomplishments, and standards of performance expectations, and provide supervisors with a useful tool to aid in coaching and development. The formal performance review is an opportunity for the employee and their supervisor to determine whether previously discussed performance expectations and goals have been met, to discuss professional development opportunities, and to identify options for acquiring additional skills and knowledge to further the employee’s career growth.

Formal performance reviews will be conducted annually. The review period will be January through December of each year. Newly appointed and promoted employees will receive a performance review six months from their appointment or promotion date. All performance reviews are completed, routed, and signed electronically. An electronic signature on the completed performance review means that the employee had an opportunity to discuss the document with their supervisor and does not signify agreement with the supervisor's assessment.

Performance reviews are submitted to the Human Resources Department to ensure ratings are justified through performance examples and that a consistent standard of high performance is utilized, which will result in consistent evaluations across the City. Completed performance reviews are forwarded to the department director or their designee for final review.

Performance reviews are not subject to appeal. If an employee is in disagreement with the performance review, they are encouraged to discuss their concern with their supervisor. Employees may also express their disagreement or concern with the content of their performance review by adding comments to the document.

PERSONNEL RECORDS

The City is required by state and federal laws to maintain employment and medical records on all employees throughout the course of their employment. Personnel files and medical records are maintained by Human Resources and are confidential. The information contained therein can only be released if requested by the employee, by court order, as required by the Freedom of Information Act, in compliance with the Personnel Record Review Act or on a need-to-know basis by City management or its designated representatives.

Any inquiries by outside parties as to an employee’s work record must be directed to the Human Resources Department. Supervisors of employees are restricted from providing employment information to an outside party for any reason, e.g., reference checks, verification of employment, etc. Verification of income by an outside financial business must be sent to payroll in the Finance Department.

All employees shall provide and update when warranted their current address, home phone number, emergency contact phone number, names and dates of birth of spouse or civil union partner and dependents, current marital status or other changes in personal information. All
employees must also report any changes in certifications or licenses required for the employee’s position, including any change in the employee’s driver’s license status. City staff will request, use, and retain only personal information about employees that is required for business or legal reasons.

Review of Personnel Records

The Human Resources Department is the official keeper of personnel records for every employee. Employees have the right to review their personnel records up to two times per 12 month period and up to one year after date of termination. Employee inspections should be provided within seven working days after the employee makes the request. However, if the Human Resources Department can reasonably show that such deadline cannot be met, it shall have an additional seven days to comply. Employee review of personnel records must be done in the presence of a representative from the Human Resources Department to preserve the integrity of the records. Employees are not permitted to remove any part of the personnel record from the Human Resources Department. Human Resources will provide copies of the employee’s records within a reasonable time period at the employee’s request. If an employee demonstrates that they are unable to review their personnel records at the Human Resources Department, upon the employee's written request, an alternative City facility may be accommodated or a copy of the personnel file may be provided electronically.

Any employee who desires to have their union representative inspect their personnel record may do so by completing a written request for such, addressed to Human Resources Department. Review of records by the union representative must be conducted in the same manner as the employee.

**PROBATIONARY PERIOD**

The first 12 months of continuous, on-the-job employment for a new position is referred to as a probationary period. The probationary period should be considered a work analysis period for both the employee and the City where both parties are afforded an opportunity to evaluate the working relationship. This probationary period may be extended up to an additional six months at the discretion of the department director, and with approval from the Human Resources Director and City Manager. Extension of the probationary period may be necessary to fully evaluate the employee’s ability to successfully perform the responsibilities of the position or correct a problem.

Employees will receive a formal performance review from their immediate supervisor approximately six months into the probationary period in order to provide performance feedback. Employees will receive another performance review at the end of the 12 month probationary period to assess continued employment.

During the probationary period, as well as at all times after, employment may be terminated at any time, without cause and for any reason. Employees accepting any appointment with the City must remain in the new position for the equivalent of the position’s normal probationary period before applying for a promotion, demotion, or transfer to another position. This provision may
be waived if it is determined by the consenting department directors that it is in the best interest of the City, and if final approval is obtained from the City Manager.

**PRIVACY WAIVER**

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

**REASONABLE ACCOMMODATION**

With respect to applicants and employees with disabilities who are otherwise qualified for the job, it is the City’s policy to make reasonable accommodations in accordance with applicable law. Persons with disabilities may request reasonable accommodations by directing their request to the Human Resources Director via their department director. The City will engage in an interactive process with employees to determine the nature of limitations and potential accommodations that might remove such limitations. As part of this interactive process, the City may request an employee to provide certain information from their health care provider regarding the employee’s ability to perform the essential job functions with or without a reasonable accommodation.

The City will also consider accommodation of pregnancy upon presentation of medical documentation supporting the need for a workplace accommodation; to the extent such accommodation does not pose an undue hardship on the ordinary operation of the business of the City.

**REDUCTION IN FORCE**

If the City, in its discretion, determines it is necessary to reduce the overall workforce due to lack of work, lack of available funds, or for any other reason, the City may consider the skills, abilities and past work performance of employees in determining the continuing scope and composition of the workforce. Seniority will not have a direct bearing on who is or is not subject to a reduction in the workforce. Rather the City will consider what needs will fulfill the City’s objectives and mission and will implement a reduction in force based on such business reasons within its discretion.

**SAFETY**

To provide a safe and healthful work environment for employees, customers, and visitors, the City has established a workplace safety program.

The City provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, or other written or verbal communications. A Safety Team has been established to help monitor the City’s safety program and to facilitate effective communication between
employees and management about workplace safety and health issues.

Employees and supervisors receive periodic workplace safety training applicable to their jobs. The training covers potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards.

Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with their supervisor or department director. The City prohibits any retaliation or reprisal against any employee who reports concerns about safety issues.

Each employee is expected to obey safety rules that may differ by department. Employees should check with their supervisor or department director for specific department policies. Employees must immediately report any unsafe condition to their supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination.

In the case of any occurrence that results in injury, regardless of how insignificant the injury may initially appear, employees are required to immediately notify their supervisor. Such reports are necessary to comply with laws and initiate Workers’ Compensation benefit procedures.

**SEPARATION OF EMPLOYMENT**

It is City policy to ensure that employment separations are handled in a professional manner with minimal disruption to ongoing work functions. Employees are required to provide a minimum of two weeks’ notice to facilitate a smooth transition out of the organization and to leave in good standing. Department directors and/or employees seeking retirement from the City are required to provide a minimum of 30 days’ notice to leave in good standing. Employees will not be allowed to rescind a resignation once the resignation has been confirmed and accepted by the City. The City Manager may permit an employee to withdraw an irrevocable notice based on substantially changed circumstances arising after the employee submitted their notice to retire or resign.

Moreover, the City Manager may reduce the notice period as specified above if the City Manager determines it is in the best interest of the City.

The employee must notify in writing their immediate supervisor and the Human Resources Department of their intent to terminate the employment relationship. The Human Resources Department will contact the employee to schedule an exit interview and to facilitate the employee’s separation from employment. The Human Resources Department will notify all necessary City departments of the separation.

The separating employee must return all City property at the time of separation to their immediate supervisor, including but not limited to uniforms, cell phones, keys, technology resources and identification cards. The separating employee is also subject to any department policies/procedures that may be in place for forfeiting and/or reimbursing equipment, training
expenses, etc. Failure to return some items may result in deductions from final paycheck or other legal action to enforce the City’s rights.

Departing employees must confirm their forwarding address to ensure that benefits and tax information are received in a timely manner.

**SMOKING**

The Smoke-Free Illinois Act requires that public places and places of employment must be completely smoke-free inside and within 15 feet from entrances, exits, windows that open, and ventilation intakes. In the interest of promoting health and safety, the City’s smoke-free policy applies to all City facilities (including vehicles), all City employees, and all residents and vendors who visit City facilities. Smoking is permitted only in designated smoking areas and employees must properly dispose of smoking materials in the appropriate receptacle provided by the City. The use of smoking materials refers to the lighting and smoking of cigarettes, cigars, pipes, and or other similar items such as electronic cigarettes and “vaping” devices, as well as the use of smokeless tobacco products.

The designated smoking areas will be as follows:

- City Hall – 15 feet from the outside of the detached garage adjacent to the employee parking lot.
- Fire Department, Station 1 – rear of the station in the grass break area 15 feet from the Southwest corner of the building.
- Fire Department, Station 2 – rear of the station near the fenced enclosure 15 feet from the Southeast corner of the building.
- Fire Department, Station 3 – rear of the station near the dumpster enclosure 15 feet from the Northwest corner of the building.
- Police Department – 15 feet from the building at the Communications patio, staff break room patio or West side staff entrance only.
- Public Works, Street Maintenance Building – 15 feet from the Southeast corner of the building outside of the wash bay.
- Public Works, Water Resources Maintenance Building – 15 feet from the Southwest corner of the building outside of the vehicle storage area.
- DeKalb Taylor Municipal Airport – 15 feet from the Northwest corner of the building in the parking lot area.

These prohibitions are absolute. In no instance may a smoker request permission, or a non-smoker grant permission, for smoking to take place in any of the areas or under any of the
circumstances previously described in this section.

**SOCIAL MEDIA USE**

Use of social media presents certain risks and carries with it certain responsibilities. The City has established the following guidelines regarding the use of City information and resources in third-party web pages. These guidelines also identify situations where an employee’s social media activity may adversely affect their job performance or the performance of fellow employees or otherwise adversely affect the City’s legitimate business interests, which may serve as grounds for discipline up to and including termination. This policy is not intended to prevent employees from engaging in protected, concerted activity.

**Guidelines**

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including an employee’s own or someone else’s blog, journal, or diary, personal website, social networking website or application (such as Facebook, Snapchat), website, web bulletin board or a chat room, whether or not associated or affiliated with the City. Employee use of social media can lead to personal and professional legal ramifications for the employee and the City; therefore, the City expects employees to follow these guidelines with respect to any form of electronic communication.

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

Employees should carefully read these guidelines as well as the City’s policies regarding Technology Resources, Discipline Procedure, Non-Discrimination and Anti-Harassment, and Anti-Bullying to ensure postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated. Employees may be subject to disciplinary action, up to and including termination.

Employees should always be fair and courteous to the City, residents, co-workers, suppliers, vendors and other organizations or individuals who work on behalf of the City. Employees are more likely to resolve work-related complaints by speaking directly with their co-workers and/or supervisors, than by posting complaints to a social media outlet. Employees should avoid using statements, photographs, video or audio that reasonably could be viewed as harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm
someone’s reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or City policy.

Employees should always be honest and accurate when posting information or news, and correct mistakes quickly. The Internet archives almost everything; therefore, even deleted or altered postings can be searched. Employees should never post any information or rumors that they know to be false about the City, residents, co-workers, suppliers, vendors or other organizations or individuals working on behalf of the City.

**Appropriate Content**

Employees should maintain the confidentiality of City Confidential Information (as defined in the City’s Confidential Information policy). Employees should never represent themselves as a spokesperson for the City, unless specifically authorized to do so. If the City is a subject of the content an employee is creating, they must be clear and open about the fact that they are an employee and their views do not represent those of the City, fellow employees, residents, suppliers, vendors, or other organizations or individuals working on behalf of the City. Employees are required to include a disclaimer such as “The postings on this site are my own and do not necessarily reflect the views of the City of DeKalb.”

**Social Media at Work**

The use of personal social media should not interfere with an employee’s work obligations. Limited, sporadic use is permitted as long as there is no interference with work obligations.

Use of social media may be work-related as authorized by the employee’s immediate supervisor or consistent with the City’s policies. Employees may not use City email addresses to register on social networks, blogs, or other online tools utilized for personal use. Employees should not have an expectation of privacy in their use of any City equipment or technology resources. Information displayed on any City computer or other equipment may be viewed and/or recorded by the City.

**TECHNOLOGY RESOURCES**

The City uses electronic communications and information technology equipment that, when properly used, support our activities and enable us to better serve the community. While the City encourages the use of its systems, such use carries with it important responsibilities. Non-exempt employees should not be using the electronic systems for work outside their normal work day unless such work has been approved in advance.

Users of the City’s electronic communications and information technology equipment, systems, or all other technology resources should have no expectation that any information created by, transmitted over, or stored on the City’s systems is or will remain private. The City reserves the right to utilize any equipment or system for determining hours worked. These systems are owned and/or controlled by the City and are accessible at all times by the City without notice for maintenance, upgrades or any other business or lawful purposes. Use of passwords to gain access
to the computer system or to secure particular files or messages does not imply that users have an expectation of privacy in any material created or received on the computer system.

Employees are not permitted to introduce unauthorized computer hardware, software, or peripherals on to City networks. Electronic equipment is provided to employees with the understanding that the employee will make reasonable accommodations to protect it. If the equipment is damaged, lost, or stolen due to the employee’s own negligence, the employee may be subject to disciplinary action up to and including termination.

Proper Use

Other than occasional personal use of telephones, voicemail, internet access, and cell phones or other wireless communications equipment, City-provided technology resources may be used only for legitimate business-related communications. Occasional personal use means infrequent, incidental use that is professional, in good taste, does not violate City policies regarding conduct in the workplace and does not interfere with City business, the performance of the user’s duties or the availability of technology resources. All use of City technology resources, including any occasional personal use, is subject to applicable City policies.

Monitoring

As with all other City property, the City retains the right to search, monitor, inspect, intercept, review, access and/or disclose all City technology resources and all data created, entered, received, stored, viewed, accessed or transmitted via those resources for any reason, at any time, and without further advance notice or consent of a user by persons designated by or acting at the direction of the City Manager, or as may be required by law or as necessary for, or incidental to, auditing, security and investigative activities, to ensure effective technology resource administration and policy compliance, and for other legitimate management reasons.

Data Ownership

All data created, entered, received, stored, accessed, viewed or transmitted via City technology resources are City property. Business-related data may not be used for any purpose unrelated to City business. Users specifically consent to the access by and disclosure to the City of messages and other files created, entered, accessed, viewed, sent, or received on the City’s systems which are stored by a third-party electronic communication service or remote computing service.

No Privacy

Users have no expectation of privacy in connection with the use of City technology resources, including the creation, entry, receipt, storage, access, viewing or transmission of data including emails. All wireless communication bills of City provided wireless equipment are subject to review by the City. Further, at any time upon request, the employee may be asked to produce the communications device for return or inspection. Even records transacted on personal devices pertaining to the transaction of public business may be subject to disclosure under FOIA.
No Harassment

Users are absolutely forbidden from using the City’s technology resources in any way that may be construed to violate the City’s equal employment opportunity or harassment-free workplace policies. This prohibition includes sexually explicit or offensive images, messages, cartoons, jokes, ethnic or religious slurs, racial epithets or any other statement or image that might be construed as harassment or disparagement on the basis of race, color, religion, sex, national origin, age, disability, sexual orientation, or any other status protected by law. Users are required to take all reasonable steps to avoid and eliminate receipt of any potentially offensive material; claiming to be a passive recipient of prohibited material is unacceptable. Prohibited conduct includes sending email messages to someone who has requested the user not do so.

Unlawful Use

City technology resources may not be used to intentionally or unintentionally violate any local, state, federal or international civil or criminal law, including copyright and patent laws and/or U.S. Securities and Exchange Commission regulations. Unlawful activity includes but is not limited to lotteries, raffles, betting, gambling for anything of value (e.g., final four tournaments, fantasy football) and participating or facilitating in the distribution of unlawful materials. Users likewise may not upload, post, email or otherwise transmit any data that is threatening, abusive, malicious, tortious, defamatory, libelous, vulgar, obscene, or invasive of another’s privacy. In addition, the City’s technology resources may not be used to job-search outside of the City’s employ or run or solicit outside business ventures.

Unauthorized Access

Unauthorized access to or use of technology resources email or data, and use and/or disclosure of other users’ passwords are strictly prohibited. For example, users are prohibited from accessing other users’ files or communications without any legitimate business purpose (e.g., to satisfy idle curiosity or to “snoop”), regardless of the security designation assigned to a particular file or communication.

Proprietary Rights

City technology resources may not be used to violate proprietary rights, including copyright, trademark, trade secrets, right of publicity or any other intellectual property rights. Users may not post or download any data (including software) protected by copyright or patent law.

The City owns the licenses of all the software and other programs of any kind installed on its computer system. The only allowable programs are those authorized or installed by the City.

Passwords and Security

All City technology resources should be secured by the use of passwords when not in use or when the employee is not present. For instance, when an employee leaves their work area, they must lock their computer, which would require a password to regain access.
All passwords and security used in connection with City technology resources, including voice mail access codes, are City property and must be made available to the City. Employees will be responsible for content of any use under their log-in. For this reason, as well as security of information/files, employees should never share log-in and password details, unless directed to do so by their immediate supervisor or IT.

Users must understand their use of passwords will not preclude access, monitoring, inspection, interception, review, or disclosure by authorized City personnel. The City also may unilaterally assign and/or change passwords and personal codes. The security of the City’s technology resources is every user’s responsibility.

Electronic Communications

Electronic communications may not be used for solicitation, distribution or circulation for non-work related matters. Electronic communication should be appropriate and professional in keeping with generally accepted business standards. Electronic communications sent to any City email distribution list should only be used for work related subjects and must have the approval of the appropriate department director before being sent. All electronic communications may be subject to disclosure under FOIA. Employees should reference the Email Retention Administrative Policy for further guidelines.

Internet

All access to the Internet by City employees will be done in a professional manner and in compliance with all applicable laws and City policies. The Internet will not be used for any illegal, unprofessional or illicit purposes, e.g., intentionally accessing sites which include pornographic material, using the City’s equipment in connection with secondary employment. The City reserves the right to monitor all Internet use. Any misuse, abuse or illegal use of the Internet could result in corrective action, up to and including termination.

Intranet

The City’s Intranet is available for employees to access pertinent business related documents and information and various City applications and resources. All non-business related information will reflect a professional tone and is subject to approval. Employee contact information and photographs located in the Employee Directory should not be released to the public and cannot be used for non-work related purposes. Photographs cannot be used, altered, or duplicated without the consent of the Human Resources Director and the employee. The City reserves the right to monitor and delete information considered inappropriate for the workplace.

Electronic Recording

Employees are prohibited from recording any meeting or conversation while conducting City business without the express written consent of the department director and the Human Resources Director. Any violation of this policy may result in corrective action, up to and including
termination and/or criminal prosecution.

Employment Termination

On or before an employee’s last day of work, the employee shall return or otherwise surrender possession to all City technology resources (including computers, cell phones, laptops, software programs, computer peripherals), electronically stored data (including all confidential and proprietary information as well as user passwords), and data storage devices in their possession, custody or control. Upon separation of employment, the City will terminate user access to the City’s technology resources. All documents created, modified, or saved on City and personal technology resources that relate to the conduct of City business must be retained according to the City’s record retention schedule.

Moving/Disconnecting Equipment

Under no circumstances shall any computer or printer or any equipment attached thereto be disconnected or moved without the consent of IT.

TELEPHONE USAGE

Use of City-Provided Cellular Phones

Where the position demands immediate access to an employee, the City may issue a business cellular phone to an employee for work-related communications. Non-exempt employees are not allowed to perform work outside of assigned work hours, without prior approval including work on City-provided cellular phones. Unauthorized use could result in disciplinary action up to and including termination.

The City highly discourages employees from utilizing a City issued cell phone for personal use. Very limited personal use may be authorized by the department head. Records of electronic communications on City phone or other technology are City-owned and may be considered public information subject to disclosure under the Freedom of Information Act (FOIA), including: telephone numbers called, length and date of call, e-mails, text messages, voicemails, and any other digital files recorded via the City’s technology resources.

Employees in possession of City equipment such as cellular phones, chargers, and additional optional equipment are expected to protect the equipment from loss, damage or theft. Any device used for business purposes must be password-protected. Upon resignation or termination of employment or at any time upon request, the employee may be asked to produce the phone for return or inspection. Employees must present the phone immediately upon request in good working condition and at no time are employees authorized to delete any data from the device. Employees unable to present the phone upon request, may bear the cost of a replacement and be subject to disciplinary action up to and including termination.

Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may
be subject to legal action for recovery of the loss.

**Personal Cell Phone Usage**

The City recognizes many employees have their own cell phones or other personal communication devices (e.g., iPads, laptops, tablets, etc.). While the City does not prohibit employees from possessing such devices while at work or on City premises, discretion is expected with their use during work time. Personal phone calls and messaging must be limited to non-work time and made in a manner that does not disturb employees who are working. Employees are expected to devote working time to performance of job duties, and any use of communications devices during working time for messaging or functions other than brief calls (e.g., check on status of children with babysitter, etc.) and/or an emergency is strictly prohibited. Employees should instruct individuals who need to reach them during working hours to limit such contact to truly important and/or emergency situations.

Cell phones and other wireless communication devices should be turned off during meetings or in other situations where the receiving of a call would interrupt and/or interfere with the employee’s job duties and responsibilities. In such situations, personal cell phones or other wireless communication devices should be set to vibrate, non-ringing/alarm function. Employees may not wear hands-free wireless devices on City premises during working hours, except when an employee is using such device for business purposes. The City will not be liable for the loss of personal communications devices brought into the workplace.

**Business Use of Personal Communication Devices**

The City will provide configuration information for Exempt employees who choose to use their personal communication devices for City business, including accessing their City e-mail, calendar, and contacts. The City reserves the right to monitor, access, retrieve and delete any information stored in or created on an employee’s personal communication device and any information accessed, received by, viewed or transmitted via the City’s networks. Any device used for business purposes must be password-protected. Upon resignation or termination of employment, or at any time upon request, the employee will be required to produce the wireless device for inspection. Employees unable to produce the phone upon request, may be subject to disciplinary action up to and including termination. Records transacted on personal devices pertaining to the transaction of public business may be subject to disclosure under FOIA.

Any employee who maintains any City information on a wireless device must notify his/her department director immediately if the device is lost or stolen. The City retains the right to manage and control the use and security of a wireless device, even a personal device, utilized for City business, including as necessary by removing or “wiping” data from the device, even if such action results in the loss of personal information.

**Cellphone Use in Vehicles**

Use of a cellular telephone while driving is prohibited. Employees whose job responsibilities include regular or occasional driving within the City and who are issued a communications device for business use are required to use hands-free operations or pull off to the side of the road and
safely stop the vehicle before placing or accepting a call. Texting or sending e-mails or other written communications is prohibited while operating a vehicle. The City will not tolerate and does not authorize conduct in violation of these safety laws in City vehicles, using City devices or in any other manner by an employee in the course of performing duties for the City.

Office Phones

Office phones are provided for conducting business for the City of DeKalb. As with any City provided equipment, an employee’s personal use should not be excessive and should not interfere with the performance of their job. Excessive personal calls during the work day can interfere with employee productivity and be distracting to others. The City encourages a reasonable standard of limiting personal calls during work time. Employees are expected to make any personal calls on non-work time where possible and to ensure that friends and family members are aware of the City’s policy. Flexibility will be provided in emergency circumstances.

The City reserves the right to monitor phone calls, voice mail messages, text messages, photographs or other data transmitted or stored on any telephone equipment at any time and for any lawful reason.

Time Keeping

All employees are required to complete the approved timesheet provided by the Finance Department to account for hours worked and benefit time used. Non-exempt employees are required to record actual hours worked and unpaid meal break on their timesheet. Non-exempt employees are required to report in uniform, if applicable, and ready to work at the beginning of their shift. Upon completion of their shift, employees should conclude their duties for the day and note their hours worked prior to departing City premises. Non-exempt employees must obtain authorization from their supervisor prior to working outside their assigned work hours, including accessing technology, responding to communications, placing phone calls, or other actions related to an employee’s assigned work duties. Non-exempt employees are not allowed to work “off the clock” under any circumstances.

Non-exempt employees performing work outside of assigned work hours, not authorized could result in disciplinary action up to and including termination. All time worked by non-exempt employees must be recorded on the employee’s timesheet. The timesheet must be signed by the employee and approved by the department director or their designee.

Use of City Resources

The City has made a substantial investment its property, equipment, tools, and other resources to assist all employees in the performance of their jobs. These resources include, but are not limited to, telephone equipment, computers, copiers, office supplies, postage machines, cellular telephones, radio equipment, power tools, machinery, vehicles and facilities. These resources are to be used consistent with City policies and any personal use must be authorized in advance by the City Manager.
VEHICLES

The City of DeKalb will provide vehicles or reimburse employees for use of their own private vehicles for transportation required in the performance of their City duties. The City will check the motor vehicle records for all current employees on an annual basis. Any employee without a valid driver’s license and without auto insurance will not be allowed to operate a City vehicle or drive on City business. Employees must notify the City of any change in status of their driver’s license immediately. If driving is an essential job function and the employee cannot be reasonably accommodated, the employee will be terminated.

Use of City Vehicles

All vehicles will be assigned to certain positions or part of a vehicle pool. All permanent vehicle assignments and take home privileges, whether obtained from the pool or assigned in conjunction to a position, will be initiated by the City Manager or Department Heads, and approved by the City Manager. All employees must comply with the following requirements when operating City vehicles:

- City vehicles are to be driven by City of DeKalb employees only.
- City vehicles are not to be used for purposes other than City business, except as otherwise stated in this policy.
- City vehicles are not to be used to carry any passengers other than those connected with City business, except with prior authorization from their supervisor.
- Seat belts are to be worn by all employees and passengers in both the front and back seat, while the vehicle is in motion.
- All accidents and damage to City vehicles and/or private property are to be reported promptly to their immediate supervisor, the local law enforcement, and the Finance Department.
- Employees must operate the vehicle in a safe and lawful manner at all times to ensure that all state and local traffic laws are obeyed.
- Cell phone use is prohibited while driving unless a hands free device is utilized.
- An employee to whom a City vehicle is assigned shall be responsible for ensuring the security of said vehicle and its contents.
- There will be no pickup or delivery of employees to or from their place of residence except in unusual circumstances (bad weather, vehicle trouble, etc.) and all exceptions must be approved by the Department Head.
- City vehicles are to be driven only by those employees holding a valid and proper driver’s license.
Transporting alcoholic beverages in a City vehicle is prohibited at all times, except for official Police transport of evidence. Driving a City vehicle to a gathering where alcoholic beverages will be consumed is strictly prohibited, unless the event is an official City related function. At no time may the driver of a City vehicle consume alcoholic beverages prior to, or while operating a City vehicle.

No take home vehicles may be driven outside the residency limits set by City policy for Emergency Response Personnel. Any exceptions must be for extensive travel for department use only, or as approved by the City Manager.

Any Tollway I-Pass that is assigned to a specific vehicle shall be used for travel for official City use only.

Any Tollway I-Pass that is signed out to department personnel for specific travel times/days shall be used for official department use only.

Any driving and/or parking violations received while in possession of a City Vehicle shall be the sole responsibility of the employee and reported to their supervisor immediately.

Each fleet vehicle is assigned a gas pump key which will unlock only the pump assigned to that vehicle. The gas pump key is kept with the ignition and trunk keys. The Public Works Department issues gas keys to appropriate personnel. If a gas pump key is lost or stolen or if a vehicle is in need of repair, the employee must immediately report it to the Public Works Department.

Take Home or Assigned Vehicles: Employees are responsible for delivering the vehicle to the Public Works Department for the maintenance of the vehicle on a regular schedule as determined by the Mechanic.

Use of Personal Vehicles

When a vehicle is not available, employees may use personal vehicles for City business. Use of a personal vehicle for City business must be approved by the immediate supervisor. Reimbursement will be made for mileage at the IRS rate in effect at the time. Requests for reimbursement shall be submitted on a form provided by the Finance Department. Should an employee become involved in an accident while driving a personal vehicle on City business, the employee's liability and collision insurance as required by state law will cover the loss. No claims will be approved from the City's self-insurance funds to cover damage or liability losses by an employee driving a personal vehicle on City business. However, the City's Workers' Compensation plan may be applicable in this situation.

Employees who utilize their personal vehicle for travel connected with their position will periodically be asked to provide proof of licensure and automobile insurance coverage required under state statute. In addition, drivers are required to report any medical condition which may inhibit their ability to operate a motor vehicle safely. It is the responsibility of the employee to report any such conditions according to state statute to their immediate supervisor.
Compensable Travel Time

Unless otherwise indicated in a collective bargaining agreement, travel by employees for approved City business within an established 35 mile radius of the City will be considered normal commuting time and not paid work time. Travel outside the established 35 mile radius, except for exempt employees, will be considered compensable in accordance with the applicable regulations under the Fair Labor and Standards Act. Travel resulting in compensable time and expenses incurred by the employee must have prior approval from the City Manager.

VICTIMS’ ECONOMIC SECURITY AND SAFETY ACT (VESSA)

Illinois statutes provide that employees who are victims of sexual or domestic violence must be offered job protected leave. In some instances, leave may be granted to an employee who has a family member, including those based on a civil union partnership, who is a victim of such acts. Eligible employees may be granted up to a maximum of 12 weeks leave. Employees may elect either non-paid or paid time off in the form of vacation, floating holiday, or compensatory time during the leave. Employees may elect to use sick time if the leave time is necessary for the employee or family member to recover from injuries or seek medical treatment for themselves. Other eligible reasons for requested leave may be, but not limited to, obtaining legal representation, participation in counseling, or safety training.

Employees must formally request the necessary leave from their department, with final approval from the Human Resources Department. The City reserves the right to request documentation to substantiate the eligibility and need for the leave, such as documentation provided by a victim service, attorney, police, court records, etc.

Employees who utilize VESSA leave will be restored to the same or similar position upon return. This leave is not intended to confer a right to leave beyond the twelve weeks of leave available under the Family Medical Leave Act (FMLA).

WELLNESS REIMBURSEMENT PROGRAM

Full-time employees may participate in the City’s Wellness Reimbursement Program if they have voluntarily chosen medical coverage from one of the City’s plans.

The maximum benefit is $250 per calendar year for employees who have single coverage or $500 per calendar year for employees who elect single +1 or family coverage. The entire $500 family maximum may be used by one member of the family or a combination of family members. Wellness benefits are reimbursable at 100% subject to all applicable withholdings and deductions processed through payroll. Wellness benefits may be used for the following services, not to exceed the annual benefit maximum:

- Health Club Membership.
- Weight Loss Program (program fees only, food is not eligible).
- Smoking Cessation Program.
- Fitness Classes.
- Health Scans (if not otherwise covered by medical insurance or flexible spending).

This is a reimbursement program meaning employees must pay the expense out-of-pocket and submit a receipt for reimbursement within the same calendar year the expense was incurred. Receipts must be submitted to the Human Resources Department for reimbursement.

**WORKERS’ COMPENSATION**

If an employee is injured in the course of their work, they may be eligible for benefits under the Workers’ Compensation Act. Workers’ Compensation pays for approved medical treatment associated with the injury and lost work time exceeding three work days. Prompt medical care is the first priority. All work related illness or injury must be reported to the employee’s direct supervisor immediately, followed by the supervisor notifying the Human Resources Department of the injury and nature of the claim within 12 hours of the injury.

Applicable forms are to be completed for every personal injury/illness sustained while in the course of employment with the City even if no time is lost and no medical treatment is received. All forms must be submitted to the Human Resources Department within 72 hours of the injury or illness. The current Workers’ Compensation reporting packet is available on the City’s Intranet.

The City maintains a self-insured Workers’ Compensation Program. Under the program, the City retains a third party to act as the administrator and process temporary disability and medical payments. The plan administrator is charged with the responsibility to investigate any injury for compensability under the Workers’ Compensation Act, as well as monitoring the medical case management of the employee’s treatment.

Although employees are entitled to seek the medical opinion and treatment by a physician of their choice, the plan administrator has authority to order additional medical examinations and evaluations by the City’s physicians. The plan administrator may accept the most credible medical opinion if more than one physician is involved, or order additional examinations and evaluations to obtain a consenting medical opinion. Refusal to participate in an independent medical exam ordered by the plan administrator will result in a suspension of benefits. In the event an injury is found to be ineligible under Workers’ Compensation, any lost time will be deducted from the employee’s available sick leave. If sick leave is exhausted, employees will utilize other available paid leave. Any outstanding medical treatment and expenses will become the employee’s responsibility.

The City believes it is in everyone's best interest to return employees with work-related injuries to full or modified duty as soon as practical. Efforts will be made to accommodate any work restrictions as determined by the physician(s), which will depend on the employee’s restrictions and the business needs of the City. Light duty may be allowed where necessary and if meaningful
work is available for which the employee is qualified to perform as outlined in the Light Duty Policy. Refusal of restricted duty will result in the suspension of Workers’ Compensation benefits.

Falsification of a work-related injury is fraud and grounds for disciplinary action, up to and including termination.

The payment of temporary disability benefits determined to be compensable under the Workers’ Compensation Act is made on the basis of 66 2/3% of an employee’s earnings, subject to statutory maximums. The City will provide the remaining earnings to the employee with appropriate payroll deductions for a 12 month period of time. Sworn employees may be eligible to receive 100% of their earnings for a 12 month period of time.

**WORKPLACE VIOLENCE**

Nothing is more important to the City than the safety and security of its employees. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on City property will not be tolerated. Violations of this policy will lead to disciplinary action, which may include termination, arrest, and prosecution. Any person who makes substantial threats, exhibits threatening behavior, or engages in violent acts on City property shall be removed from the premises as quickly as safety permits, and shall remain off City premises pending the outcome of an investigation. The City will initiate an appropriate response. This response may include, but is not limited to, suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or criminal prosecution of the person or persons involved.

No existing City policy, practice, or procedure should be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring, or a life-threatening situation from developing.

All City employees are responsible for notifying their department director and the Human Resources Director of any threats, which they have witnessed, received, or have been told that another person has witnessed or received. Even without an actual threat, employees should report any behavior they have witnessed which they regard as threatening, or violent, when that behavior is job related or might be carried out on a City site, or is connected to City employment. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons who were threatened or were the focus of the threatening behavior. If the department director is not available, employees should report the threat to their supervisor.

In addition, all individuals who apply for or obtain a protective/restraining order which lists City facilities as being protected areas must provide to the Human Resources Director and the department director a copy of the petition and declarations used to seek the order, a copy of any temporary protective/restraining order which is granted, and a copy of any protective or restraining order which is made permanent.
The City understands the sensitivity of the information requested and will attempt to preserve confidentiality to the extent that the needs of the situation permit.

No Weapons

Any City employee who is acting in the course of his or her employment, unless specifically authorized for law enforcement purposes, is prohibited from carrying a concealed firearm. Employees will be permitted to retain weapons in their personal vehicles, in parking lots, in strict conformance with all requirements of the then-current version of the Illinois law on concealed carry of firearms. However, employees are not permitted to bring firearms into any City facilities, nor to carry firearms in any fashion, whether on City property or private property, when acting in the course of their employment. Employees are not permitted to carry firearms when responding to ‘on-call’ callbacks, or when working off-site. On their private time and off City property, employees remain free to engage in whatever conduct they deem appropriate, within the confines of the law. However, when employees are acting in the course of their employment or are within any City facility, they are prohibited from carrying concealed firearms. Employees are also prohibited from carrying a concealed firearm when on any City-owned property such as the parking lot of a City facility, the work area around City buildings, or similar areas, except: a) when legally entering/exiting a parking lot and storing the firearm in accordance with the requirements of the law; or b) when off-duty and present upon a public street/sidewalk/park/other similar area owned by the City. (Please note that even when employees are on their own time, they are prohibited from carrying a concealed firearm in a City facility).
CITY OF DEKALB

BENEFITS HANDBOOK

September 26, 2016

Contact the Human Resources Department with questions about this document
TABLE OF CONTENTS

1. Introduction .......................................................................................................................... 4

2. Employment ........................................................................................................................ 4
   Employee Classifications ........................................................................................................... 4
   Seniority .................................................................................................................................. 5
   Work Schedule ......................................................................................................................... 5
   Lunch Period ............................................................................................................................ 5
   Telework Program ................................................................................................................... 5
   Severance Pay ......................................................................................................................... 6
   Observance of Religious Holidays ......................................................................................... 6
   Residency Requirements ......................................................................................................... 6

3. Compensation ...................................................................................................................... 7
   Appointment Rate ................................................................................................................... 7
   Adding New Positions to the Pay Plan .................................................................................... 7
   Reclassification ..................................................................................................................... 7
   Pay for Performance .............................................................................................................. 7
   Employees Paid Outside the Pay Grade .................................................................................. 8
   Promotions ............................................................................................................................. 8
   Demotions ............................................................................................................................... 8
   Reassignments ....................................................................................................................... 8
   Transfers ................................................................................................................................ 9
   Equity Adjustments ............................................................................................................... 9
   Overtime ................................................................................................................................ 9
   Compensatory Time .............................................................................................................. 9
   Pension .................................................................................................................................. 10
   Sick Time Reimbursement Plan ............................................................................................. 10
   Acting Pay ............................................................................................................................... 11
   Exempt Employees .............................................................................................................. 11
   Non-Exempt Employees ........................................................................................................ 11
   Uniform Allowance .............................................................................................................. 12
   Tuition Reimbursement ....................................................................................................... 12

4. Paid Leave ............................................................................................................................ 13
   Vacation ................................................................................................................................. 13
   Sick Leave ............................................................................................................................. 14
   Holiday Pay ........................................................................................................................... 15
   Bereavement Leave ............................................................................................................... 15
5. Insurance Plans ................................................................................................................. 16

   Medical Insurance ............................................................................................................. 16
   Surviving Dependent Coverage ....................................................................................... 16
   Wellness Reimbursement Program .................................................................................. 16
   Dental Insurance ............................................................................................................. 17
   Vision Insurance ............................................................................................................. 17
   Group Term Life/AD & D Insurance ............................................................................... 17
   Flexible Spending Program ............................................................................................ 17
   Retirement Insurance Benefits ....................................................................................... 18
   Termination of Benefits .................................................................................................. 23
**INTRODUCTION**

The City of DeKalb (herein after referred to as the “City”) has developed a Benefit Handbook as a supplement to the Personnel Manual to communicate the City’s policies and procedures for those additional benefits afforded to non-bargaining unit employees. Employees currently in a bargaining unit, should refer to the collective bargaining agreement for their negotiated benefits as the associated benefits contained within this handbook pertain only to non-bargaining unit employees, unless specifically negotiated. Non-bargaining unit employees, are required to familiarize themselves and adhere to all sections of the handbook. All non-bargaining unit employees must acknowledge receipt of the Benefit Handbook.

This Benefit Handbook is not an employment contract, and the City reserves the right to make changes to policies, rules, regulations, and procedures at any time and without notice. With City Manager approval, each department within the City has the right to develop more restrictive policies to address particular department needs. Any supplemental department policies developed will be in accordance with this Benefit Handbook and subject to review.

Employees have the right to terminate their employment at any time. The City reserves the same right to terminate one’s employment at any time, subject only to the terms of any governing collective bargaining agreement, written contract, or applicable law.

**EMPLOYMENT**

This section addresses additional policies, rules, and regulations governing many of the general terms and conditions that will be observed throughout employment with the City of DeKalb on a daily and annual basis as a non-bargaining unit employee.

**EMPLOYEE CLASSIFICATIONS**

The City establishes the following guidelines and definitions for types of employment and for entitlement to benefits.

**Full-Time**

An employee who is assigned to a position that normally works a schedule which equates to an average of 40 hours per work week.

**Part-Time**

An employee who is assigned to a position that normally works a shift schedule less than 40 hours per week. Part-time employees shall not be eligible for benefits other than as required by law.

**Seasonal Employee**

An employee whose work assignment is limited in duration to less than two consecutive quarters during a calendar year. Seasonal employees are employed for a specific function, part-time or full-time and for a temporary or limited period of time. Seasonal employees must reapply for employment following the regular employment application procedures and are subject to reemployment at the sole discretion of the City.
SENIORITY

Seniority is the basis on which employees accrue vacation and other benefits and is based on an employee’s original hire date as a full-time employee. An adjusted service date will determine the accrual of vacation and other benefits if an employee has a break in service or other qualifying event. Unless otherwise specified, part-time service shall not count towards the accrual of any benefit time.

Absent written approval from the City Manager, rehired employees begin benefits just as any other new employee. Previous service with the City will not be considered in calculating longevity, leave accruals or any other benefits.

WORK SCHEDULE

Full-time employees will normally be assigned to work 40 hours per week. Due to operational demands, Department Directors, with approval from the City Manager, may adjust an employee’s work schedule as operational conditions require. Some employees may be required to attend City Council, committee, or other meetings outside of normal business hours. Questions regarding an employee’s work schedule should be directed to their immediate supervisor.

LUNCH PERIOD

Unpaid lunch periods are normally established for one hour and are scheduled based on the needs of the department. These periods may be shortened to one-half (1/2) hour, with approval from an employee’s supervisor. This request must be an exception, and not a regular occurrence.

TELEWORK PROGRAM

The telework program is an available management tool that can be utilized to increase productivity and to accommodate the special needs of the City and an employee. A telework arrangement may be considered only in those situations where it is found to have a mutual benefit for the community, the City, and the employee. The formal telework program is intended for situations of one month or longer. This does not limit a Department Director’s discretion to engage in informal arrangements on an occasional basis when such arrangements are mutually beneficial.

The intent is to allow full-time exempt employees and their supervisor to design a telework arrangement through a written understanding, Telework Authorization form, which will provide the specific details for allowing an employee to work away from their principal work site. In extraordinary circumstances a telework arrangement may be deemed appropriate for a full-time non-exempt employee. Any arrangement involving full-time non-exempt employees requires approval from the Department Director and the Human Resources Director.

Telework is not an entitlement. Telework is a special program to be used at the supervisor's discretion with approval of the Department Director and the Human Resources Director. While telework may facilitate an employee working around family responsibilities, it is not intended to be a substitute for family care. It may be discontinued at any time, for any reason, at the sole discretion of the City.
Performance evaluation requirements will not change, although the supervisor's method of monitoring and evaluating performance may focus more on results than direct observation. Deadlines, goals, and objectives must be clearly defined within the Telework Arrangement Authorization.

Employees must comply with all City personnel manual, administrative policies, and department rules and regulations. Failure to do so may result in removal from the telework program and/or disciplinary action.

Employees who have been approved for telework have no expectation of privacy with regards to any files or electronic devices that are used for work related matters. The City reserves the right to inspect all files, documents, and electronic devices at any time.

**SEVERANCE PAY**

An employee leaving the service of the City involuntarily due to layoff or elimination of a position shall receive one week's pay as severance pay. An employee so laid off or whose position has been eliminated after having completed two or more years’ consecutive service shall receive two week's pay as severance pay or as agreed upon by the City Manager.

**OBSERVANCE OF RELIGIOUS HOLIDAYS**

Reasonable effort will be made to accommodate an employee’s request for time off on a recognized religious holiday not observed by City policy. Employees shall use accrued vacation, floating holidays, or compensatory time. Unpaid time off will only be approved if vacation, floating holidays, or compensatory time is exhausted. Requests to observe a religious holiday shall be made to the employee’s immediate supervisor at least two weeks in advance.

The City also offers paid holiday leave as discussed in the paid leave section of this handbook.

**RESIDENCY REQUIREMENTS**

Please refer to the Chapter 3 of the City of DeKalb’s Municipal Code for information regarding residency requirements.

**COMPENSATION**

Positions will be assigned to pay grades based on several factors including prevailing labor market wage rates, responsibilities, skills, qualifications, and economic considerations of the City.

The City Manager may periodically review the pay grades and, when appropriate, recommend to the City Council adjustments to the pay ranges based on labor market considerations and economic considerations of the City. The pay plan may be adjusted in order to remain competitive with the market, consistent with the City’s base compensation strategy. Such adjustments, when appropriate, are typically made on January 1st of each year. The City Council will have final approval of annual adjustments to the pay plan.
APPOINTMENT RATE

New hires will generally be offered a salary in the first quartile of the pay grade. New hire salaries will take into consideration the compensation of current employees in similar jobs in the City as well as the new employee’s relevant education and experience. New hire compensation will be determined by the Human Resources Director in consultation with the Department Director. Compensation above the midpoint of the grade will also require approval of the City Manager.

ADDING NEW POSITIONS TO THE PAY PLAN

In order to achieve the goals and objectives of the organization, it is sometimes necessary to add new classifications or to modify the organizational structure. This often results in responsibilities being redistributed.

The evaluation of new positions for placement in the appropriate pay grade will be done at the beginning of the recruitment process. The Human Resources Department will conduct an evaluation process to determine at which pay grade the new position should be placed. The process will include the development of a job description, the completion of a job analysis questionnaire by the supervisor, and the evaluation of the position using the City’s formal job evaluation tool.

RECLASSIFICATION

A reclassification is defined as a situation where a job’s duties, responsibilities, and level of authority in the organization have changed significantly. Department Directors may, at their discretion, request the Human Resources Director to re-evaluate the classification of a position if, in their opinion, the job has changed significantly. Changes in the volume of work that do not result in a significant change to the nature of the job will not be considered for re-evaluation. The process for re-evaluating jobs will be consistent with the process for evaluating new jobs.

In the case of a reorganization or redistribution of duties and responsibilities, duties added to one job may be accompanied by a reduction in responsibilities to another job. Reclassifications and changes in pay grade assignments will be made both upward and downward.

PAY FOR PERFORMANCE

Movement through the pay grade will be based on performance. Increases will be calculated based upon the budget, employee performance ratings, and the relationship between an employee’s current compensation and the midpoint of the salary grade. Each year the Human Resources Department will develop performance compensation matrices that will provide guidelines for determining employee performance increases based upon the budget allocated.

Performance based salary adjustments within a pay range are typically awarded on January 1st of each year. Employees must have at least six months of service to be considered for an adjustment.

In the event that an employee is currently earning at or in excess of the maximum base-pay compensation applicable to the relevant position, any performance-based pay increase shall not
be added to base pay, but rather shall be paid out in equal installments over the course of the following year, with the total amount being divided by the number of pay periods for the year. In the event that the employee changes positions or separates from employment during that year, the employee shall not be eligible for any subsequent payments following change of position or separation from employment.

In the event that an employee is currently earning near the maximum base-pay compensation and a proposed performance-based compensation adjustment would increase the employee’s base-pay compensation above the relevant pay range for the employee’s position, then: a) the employee’s base-pay shall be increased to the maximum of the applicable range; and, b) any remaining portion of the performance-based pay increase shall be paid out in equal installments over the course of the following year, with the total amount being divided by the number of pay periods for the year.

**EMPLOYEES PAID OUTSIDE THE PAY GRADE**

It is possible that an employee will be found to be paid below the minimum of their pay grade or above the maximum due to changes in market conditions. If an employee’s pay is below the minimum of their pay grade, their pay will be adjusted up to the minimum as soon as practical. If an employee’s pay falls above the maximum of their pay grade, their pay will be frozen until such time as market conditions increase the pay grade maximum above their current pay.

**PROMOTIONS**

A promotion is defined as a non-temporary assignment to a position in a higher pay grade. In the event an employee is selected for a promotion, their rate of pay will be assigned in the new grade at a rate at least 5% higher than their previous rate of pay. Promoted employees will not be assigned at a rate of pay below the minimum or above the maximum of the new grade. All promotions and the initial salary level in the new position require approval of the Human Resources Director.

Employees must have at least six months of service in their new position to be considered for a performance based adjustment.

**DEMOTIONS**

Demotions are defined as a non-voluntary assignment to a position in a lower pay grade. Should an employee be demoted, their adjusted salary will be determined on a case by case basis by the Human Resources Director in consultation with the Department Director. Absent approval from the City Manager, the new salary will not be less than the minimum or exceed the maximum of the new pay grade assignment.

**REASSIGNMENTS**

Voluntary acceptance of a reassignment to a position having a lower assigned pay grade shall result in the employee’s salary being set at a rate of pay within the new pay grade. Should an employee be reassigned, their adjusted salary will be determined on a case by case basis by the Human Resources Director in consultation with the Department Director. Absent approval from
the City Manager, the new salary will not be less than the minimum or exceed the maximum of the new pay grade assignment.

**TRANSFERS**

A transfer is defined as the movement of an employee from a position in one pay grade to a different position in the same pay grade. If an employee is awarded a transfer, they will retain the same rate of pay regardless if the transfer entails a change of departments or division.

**EQUITY ADJUSTMENTS**

From time to time, it may be necessary to adjust an employee’s compensation in order to correct internal compensation inequities. Equity adjustments may be necessary in order to appropriately differentiate compensation between new hires and long-term employees, supervisors and subordinates, and/or similar situations.

Equity adjustments will be carefully evaluated for the impact on the employee, the supervisor, subordinates, and similarly classified positions. All equity adjustments must be approved by the Human Resources Director and the City Manager.

**OVERTIME**

The City adheres to the requirements for overtime compensation under the Fair Labor Standards Act (FLSA), as outlined by regulations of the Wage and Hour Division. In accordance with these regulations, positions are classified as either exempt or non-exempt from eligibility for overtime. Actual hours worked in a work week must exceed forty hours, exclusive of paid leave time, in order for non-exempt employees to be eligible for overtime. Please see the Exempt Employees and Non-Exempt Employees sections of this Handbook for more information on eligibility.

**COMPENSATORY TIME**

Employees shall not be allowed to accrue compensatory time in lieu of overtime payments. Employees who have already accumulated compensatory time under the City’s prior policies shall not be allowed to accrue any additional compensatory time. Their use of time already accrued shall be governed by the following policies:

**Non-exempt Employees**

Hours previously accumulated shall remain for use by the employee as paid time off, and if not used shall be paid out at the time of the employee’s separation from employment with the City. There shall be no voluntary payout of accumulated compensatory time at the employee’s preference. Compensatory time shall be paid out only: 1) as paid time off; 2) upon separation from employment, or 3) subject to budgetary constraints as determined by the City Manager, in the event an employee is promoted or transferred to a higher pay grade, any accrued compensatory time will be liquidated and paid in a lump sum prior to the employee receiving their promotion or transfer.
Exempt Employees

To the extent permitted by law exempt employees’ compensatory time shall be frozen at the rate of pay on April 13, 2015. Such hours shall remain banked for use by the employee as paid time off (credited hour for hour without regard to employee pay rate), and if not used, shall be paid out at the time of the employee’s separation from employment by the City at the rate of pay on April 13, 2015. To the extent permitted by law the payout at time of separation shall be based on the following percentage schedule, based upon an employee’s years of service at time of separation from employment: one year of employment, 10% payout; two years of employment, 20% payout; etc. up to ten or more years of employment, 100% payout.

There shall be no voluntary payout of accumulated compensatory time at the employee’s preference. Compensatory time shall be paid out only: 1) as paid time off; 2) upon separation from employment, or 3) subject to budgetary constraints as determined by the City Manager, in the event an employee is promoted or transferred to a higher pay grade, any accrued compensatory time will be liquidated and paid in a lump sum prior to the employee receiving their promotion or transfer.

Use of Compensatory Time – All Employees

Any employee eligible to utilize previously accumulated, banked compensatory time shall only be permitted to utilize compensatory time with the advance approval of their supervisor or Department Director. Exempt employees may utilize such compensatory time in blocks of four hours or eight hours. Compensatory time shall be used on a first in first out basis.

PENSION

City employees may be qualified to participate in a pension plan pursuant to Illinois state law. Each plan has specific and unique rules regarding conditions of retirement and administration. All of these plans provide survivor/disability benefits and require contributions by both the employee and the City. The City authorizes eligible IMRF participants to purchase a maximum of two years’ service credit for time served in the military. Employees are encouraged to review and update their beneficiary on a regular basis to assure the information is current. The City is not responsible for administering the benefits under these plans.

SICK TIME REIMBURSEMENT PLAN

Employees who participate in a state pension plan may be eligible to convert unused sick time into service credits at the time of retirement. Sick time conversion is governed by the state laws regarding such benefits. Any employee who elects the retirement conversion benefit shall not be entitled to any other form of payment for accrued unused sick time at the time of retirement. Employees who do not convert sick time into service credits may qualify for the following benefits.

For employees hired prior to July 1, 2016, in the event of retirement, resignation in good standing or death, employees or their estates shall have the option to be compensated, at the rate of pay at the time of separation, for unused sick time up to 720 hours as follows. Taking advantage of this benefit may impact the employee’s eligibility for certain pension benefits provided under state law. Employees are encouraged to discuss this option with the Human Resources Department and their financial advisors before making a decision.
PERCENT REIMBURSABLE

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Accumulated Sick Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-1</td>
<td>0%</td>
</tr>
<tr>
<td>1-2</td>
<td>10%</td>
</tr>
<tr>
<td>2-3</td>
<td>20%</td>
</tr>
<tr>
<td>3-4</td>
<td>30%</td>
</tr>
<tr>
<td>4-5</td>
<td>40%</td>
</tr>
<tr>
<td>5-6</td>
<td>50%</td>
</tr>
<tr>
<td>6-7</td>
<td>60%</td>
</tr>
<tr>
<td>7-8</td>
<td>70%</td>
</tr>
<tr>
<td>8-9</td>
<td>80%</td>
</tr>
<tr>
<td>9-10</td>
<td>90%</td>
</tr>
<tr>
<td>over 10</td>
<td>100%</td>
</tr>
</tbody>
</table>

For employees hired on or after July 1, 2016, in the event of retirement or resignation, employees shall have the option to be compensated 50%, at the rate of pay at the time of separation, for unused sick time up to 720 hours. In order to qualify for this benefit employees must have at least 20 years of continuous service with the City at the time of separation and provide at least 90 days’ notice of their retirement or resignation. This payment shall be made into the employee’s deferred compensation account. If an employee does not have a deferred compensation account, one will be established for them. Taking advantage of this benefit may impact the employee’s eligibility for certain pension benefits provided under state law. Employees are encouraged to discuss this option with the Human Resources Department and their financial advisors before making a decision.

ACTING PAY

Employees assigned to an acting status will not be eligible for any additional benefits or compensation afforded the position they are acting for. In the event it is necessary to place someone in an acting position for a period of time greater than 30 calendar days, the City Manager may grant an acting pay rate if it is determined to be in the best interest of the City.

EXEMPT EMPLOYEES

Exempt employees are those who have met the criteria established by the Fair Labor Standards Act (FLSA) and Minimum Wage Act, and are not eligible for overtime compensation. Exempt employees receive a weekly salary that covers all work performed in the week, including work in excess of their regular schedules.

NON-EXEMPT EMPLOYEES

Non-exempt employees are those employees to whom the City is required to pay overtime compensation in accordance with the FLSA. All non-exempt employees will be compensated at time-and-one-half for any hours actually worked in excess of 40 hours in a work week. Paid benefit time shall not count as hours worked.
Department Directors have the authority to schedule employees for overtime as the workload of the department requires. The refusal of an employee to work overtime, without proof of personal hardship, is grounds for disciplinary action, up to and including termination. All overtime must be approved by the Department Director and any unauthorized overtime can be grounds for disciplinary action, up to and including termination. Overtime will be distributed as equally as practical and reasonable among qualified employees.

**Uniform Allowance**

Employees who are required to wear an approved City uniform will receive an annual lump sum allowance in an amount determined by the City Manager to purchase and/or maintain their uniforms. The Department Director may recommend changes to required uniform dress, with final approval by the City Manager. Any monetary assistance to facilitate a change in uniforms will be at the City Manager's discretion.

**Tuition Reimbursement**

The tuition reimbursement program is available to all full-time employees pursuing a job related undergraduate or graduate degree. To be eligible for reimbursement, employees must have completed their probationary period and be enrolled in a course that is required in order to obtain an undergraduate or graduate degree. Approved degree programs must be directly related to the employee’s current position or prospective job duties. An employee must submit a completed Course Request Form with all necessary information for final approval from the Human Resources Department prior to the start of the course.

Any employee who accepts undergraduate tuition reimbursement does so with the understanding that they assume a responsibility of one year of service from the date of the reimbursement. In the event the employee voluntarily terminates prior to the completion of the required one year of post reimbursement service, the total amount of reimbursements paid to the employee in the preceding 12 months becomes due and payable from the employees final paycheck, or other arrangements may be made to repay the City prior to termination of employment.

Any employee who accepts graduate tuition reimbursement does so with the understanding that they assume a responsibility of three years of service from the date of the reimbursement. In the event the employee voluntarily terminates prior to the completion of the required three years of post-reimbursement service, the total amount of reimbursements paid to the employee in the preceding 36 months becomes due and payable from the employees final paychecks or other arrangements may be made to repay the City prior to termination of employment.

For both undergraduate and graduate programs, only courses taken at an accredited state or private college/university creditable towards an approved degree program will be eligible for reimbursement. Reimbursement requests must be made by completing a Tuition Reimbursement Request Form located on the City Intranet. Proof of satisfactory completion (grade of "B" or better) and proof of payment or approved deferred payment for tuition will be required prior to any reimbursement. The maximum schedule for reimbursement per semester will be set annually in accordance with tuition charged by Northern Illinois University, not to exceed an amount equal to six credit hours per semester for undergraduate or graduate program for which the employee is enrolled. The program covers the cost of tuition only. Actual invoice with cost
breakdown and documentation of the final grade must be attached to the Tuition Reimbursement Request Form. Administrative fees, lab fees, cost of books, etc. are not eligible for reimbursement. The acceptance of reimbursement by the employee acknowledges that they have not received payment from any other financial assistance program. If other financial assistance is available to the employee, the City will reimburse only the remaining eligible expense. Tuition reimbursement may be considered compensable income and taxable according to IRS regulations - Section 127.

The tuition reimbursement program does not include special seminars, conferences, workshops, webinars, skills based training, professional development courses, certificate programs, or continuing education courses. These non-degree educational opportunities are approved on a departmental basis with budgeted funds.

Employees are encouraged to schedule classes during non-regular work hours. Attendance at a class during regular work hours requires the prior approval of the Department Director and Human Resources Director.

The Human Resources Department will budget funds each year for the tuition reimbursement program. The amount funded for this program is contingent upon approval of the fiscal year budget. Course Request Forms are approved based on available funds and timing of submission to the Human Resources Department. The City Manager has authority to reduce the amount of funds available during a fiscal year for this program if necessary.

**PAID LEAVE**

The City provides paid time off to its full-time employees. Part-time employees do not qualify for paid leave time. This section sets forth the categories of paid time available and circumstances under which it is applicable. Any paid time off must be requested and approved by the employee’s supervisor or their designee. The smallest increment of paid time reported cannot be less than 30 minutes. Under certain circumstances, approval must be obtained from the Human Resources Director and/or City Manager. Non-paid time off is only allowable if an employee has exhausted other paid time off and must be approved by the Department Director and the Human Resources Director. Under no circumstances will an employee be allowed to substitute non-paid time for available sick, vacation, floating holiday or compensatory time. These benefits are an important aspect of an employee’s overall employment package with the City. Any abuse, misuse, or misrepresentation of any time off benefit may result in a loss of benefits and/or disciplinary action, up to and including termination.

**VACATION**

Full-Time, Non-Bargaining Unit Employees shall be entitled to vacation time with pay as follows:

New employees shall receive a pro-rated portion of their first year’s vacation accrual on their date of hire. The pro-rated amount shall be calculated based upon the month of hire, with the employee being credited 1/12 of their total annual vacation allotment per full or partial month of employment remaining in the calendar year. For example, an employee hired July 5 would receive 6/12 of the employee’s annual vacation accrual on their date of hire. New employees who receive this pro-rated amount shall not accrue additional vacation time until the start of the
following calendar year, and they shall thereafter accrue in accordance with the schedules outlined herein.

Existing employees shall accrue vacation by pay period, and shall accrue 1/26 of their total annual amount of vacation each pay period. Vacation accruals shall be based on the following schedule:

<table>
<thead>
<tr>
<th>Years of Continuous Service</th>
<th>Annual Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 3 years of service</td>
<td>80 hours</td>
</tr>
<tr>
<td>3 up to 7 years of service</td>
<td>120 hours</td>
</tr>
<tr>
<td>7 up to 15 years of service</td>
<td>160 hours</td>
</tr>
<tr>
<td>15 years or more of service</td>
<td>200 hours</td>
</tr>
</tbody>
</table>

The City Manager is authorized to negotiate and determine placement of new employees within this vacation schedule, including additional initial vacation days and placement based upon years of service in a position of relevant experience.

Probationary employees will not be allowed to use vacation during their first six months unless they receive approval from their Department Director. Employees will be allowed to carry over a maximum of 120 hours from one year to the next. Any accrual beyond this maximum will be forfeited on December 31st of each year. Upon written request from the employee the City Manager may approve the carryover of vacation time in excess of this limitation in unusual circumstances. The written request shall include both the reason for the request and the employee’s plan for drawing down the excess vacation time.

Upon separation from employment, the employee shall be paid for all unused vacation time up to the employee’s maximum accrual. Compensation shall be at the rate of pay being earned at time of separation.

Vacation scheduling is at the discretion of the Department Director or their designee. Normally, vacation requests should be submitted at least two weeks prior to the requested time off, and will be approved in the order in which they are received. In granting vacation requests, Department Directors or their designees may take into consideration activity levels of the department, current staffing, and operational needs. No vacation shall exceed fourteen calendar days without prior authorization by the employee’s Department Director. The City Manager may cancel scheduled vacation in the event of an emergency or in other unusual circumstances. Vacation cannot be converted to another form of paid time off or to non-paid time once the vacation period has commenced. If a recognized holiday falls in the middle of a scheduled vacation, the employee will be paid holiday pay, not vacation pay.

**SICK LEAVE**

Full-time employees accrue sick time at a rate of eight hours per month. Employees will be allowed to accumulate a maximum of 2,080 hours. Sick leave may be used for personal illness or injury, illness by the employee's spouse, children, step-children or parents, or for preventative medical or physical treatment or examination. Whenever possible preventative or routine
appointments should be scheduled outside an employee’s normal work hours. When it is not possible to schedule an appointment outside normal work hours, the employee shall attempt to schedule the appointment at the beginning or end of the shift.

New employees shall receive 40 hours of paid sick leave upon the date of hire. They shall not accrue any sick leave during their first five months of employment. Beginning with the sixth month and each month thereafter employees shall accrue eight hours of sick leave for each month of service.

**HOLIDAYS**

Full-time employees will be granted 11 paid holidays and two floating holidays. Employees will receive two floating holidays on their date of hire and on January 1 for every year thereafter. Floating holidays may not be accumulated or carried forward from year to year. The paid holidays for employees shall be as follows:

- New Year's Day
- Martin Luther King, Jr. Day
- Presidents’ Day
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Eve Day
- Christmas Day

In the event that any of the above holidays fall on a Saturday, then the preceding Friday shall be observed as the holiday. In the event that any of the above holidays fall on a Sunday, then the following Monday shall be observed as the holiday.

**Holiday Pay**

Full-time employees shall receive eight hours of pay on a recognized holiday or floating holiday. Full-time, non-exempt employees who are required to work on a recognized holiday shall receive their normal wages for hours worked in addition to their eight hours of holiday pay. Part-time employees are not eligible for holiday pay.

**BEREAVEMENT LEAVE**

Full-time employees may be granted up to three days leave of absence with pay in the event of the death of an employee’s grandparent, father, mother, brother, sister, spouse, child, step-child, grandchild, spouse's grandparent, father-in-law, mother-in-law, brother-in-law, or sister-in-law. The City Manager may approve up to two additional days when extensive travel and/or other circumstances warrant.

Bereavement leave is intended to provide employees with time off to attend services and/or make arrangements for the deceased, if time off is needed. Under no circumstances will previously
approved paid or non-paid time off be converted to bereavement leave, after the commencement
of the paid or non-paid time off period. Generally speaking, leave may be granted from the day
of death, up to and including the day after services. In the rare instances where this criteria may
not be applicable due to an extended delay in the holding of services, intermittent leave may be
granted, but will not exceed three days.

**INSURANCE PLANS**

The City provides eligible employees with a comprehensive benefit package which allows them
to select from a variety of different benefit options. The following is a brief description of
insurance benefits offered by the City for non-bargaining unit employees. The City reserves the
right to make changes to these benefit plans at any time without prior notification. Open
enrollment for most benefit plans is held annually.

These descriptions in no way alter or modify the information contained in the official plan
documents. In all cases, the official plan documents will rule in the administration of the
program. For further information concerning these benefits, contact the Human Resources
Department or obtain insurance information and plan documents located on the City Intranet.

**MEDICAL INSURANCE**

Qualified employees may voluntarily choose medical coverage from one of several plan options
offered by the City. Employees who opt out of coverage under the medical plans, must provide
proof of credible coverage through an alternate plan. If they do not provide proof of credible
coverage, they will automatically be enrolled for single coverage in the City’s basic plan, which
shall be considered the plan with the lowest premiums. Dependent coverage is available to
qualified employees, subject to the provisions for each plan. For detailed information including
plan benefits and plan costs, refer to the plan document and enrollment materials or contact the
Human Resources Department.

**SURVIVING DEPENDENT COVERAGE**

In the event of the death of an active employee, the employee's dependents, as defined by the
City's group insurance program, shall be eligible for participation in the City's group insurance
program by reimbursing the City for 50% of the applicable premium cost. Eligibility for
participation shall end if 1) the employee's spouse remarries; 2) if the dependents are eligible for
group insurance coverage through another plan; or 3) six months after the death of the employee.

**WELLNESS REIMBURSEMENT PROGRAM**

Full-time employees may participate in the City’s Wellness Reimbursement Program. The
Wellness Reimbursement Program is described in the Personnel Manual.
**DENTAL INSURANCE**

Dental care benefits may be provided to eligible employees and their eligible dependents. For detailed information including plan benefits and plan costs, refer to the plan document and enrollment materials or contact the Human Resources Department.

**VISION INSURANCE**

The City may provide a vision care plan for eligible employees and their eligible dependents. For detailed information including plan benefits and plan costs, refer to the plan document and enrollment materials or contact the Human Resources Department.

**GROUP TERM LIFE/AD & D INSURANCE**

Qualified employees may receive group term life and accidental death and dismemberment coverage insurance paid by the City. Subject to the terms of the plan, these employees may elect to purchase additional coverage and pay the additional premiums with pre-tax dollars. Subject to the terms of the plan, employees who separate from the City may convert their life insurance plan and pay their own premiums.

**FLEXIBLE SPENDING PROGRAM**

Medical and dependent care flexible spending accounts, are components of the flexible spending program under IRS Code, Section 125. Eligible employees who choose to participate are allowed to pay their contributions to these programs on a pre-tax basis. However, participation is irrevocable throughout the plan year unless a qualifying event occurs, such as a change in marital or civil union status, birth, death, etc., during the plan year. The following is a brief description of each component:

- **Medical Spending Account** - Employees who elect to participate in this benefit may establish an account to fund qualifying medical expenses. Participating employees will have payroll deductions made on a pre-tax basis and deposited in a non-interest bearing account. Subject to IRS rules, the employee will not be required to pay taxes on these reimbursements at a later date.

  Any tax liability that may be assessed by the IRS due to submission of ineligible expenses is the responsibility of the employee. Participation in this plan must be renewed each year and is subject to specific annual amounts, as determined by the IRS. In addition, any monies left in this account at the end of the plan year are subject to forfeiture, pursuant to IRS rules and plan requirements.

- **Dependent Care Spending Account** - Employees who elect to participate in this benefit may establish an account to fund qualifying dependent care expenses. Qualifying expenses are for dependent care that enable the employee or their spouse, or civil union partner, to work, such as after school care, day care, preschool (under some circumstances), elder care, etc. Participating employees will have payroll deductions made on a pre-tax basis and deposited in a non-interest bearing account. Subject to IRS rules, the employee will not be required to pay taxes on these reimbursements at a later date.
Any tax liability that may be assessed by the IRS due to submission of ineligible expenses is the responsibility of the employee. Participation in this plan must be renewed each year and is subject to specific annual amounts as determined by the IRS. In addition, any monies left in this account at the end of the plan year are subject to forfeiture, pursuant to IRS rules and plan requirements.

The above explanation is not intended to contradict the governing plan document in any way, nor is it a complete explanation of the Flexible Spending Program or its components. For further information contact the Human Resources Department or obtain a Summary Plan Description located on the City Intranet.

RETIREMENT INSURANCE BENEFITS

Employees who retired prior to January 1, 2016 may be eligible for retirement insurance benefits as provided in Ordinance 12-26.

A retired full-time employee (one who is eligible for retirement under their specific retirement program) may maintain hospital, medical, and dental insurance for the employee and eligible family by reimbursing the City for the City's costs as more fully outlined below. For purposes of calculating years of continuing, creditable service to the City, only years spent in full-time positions shall be included.

The level of retirement insurance benefits is dependent on the employee’s date of hire, years of service, and department. The Tiers of coverage are as follows:

- **Tier One**

  1. Tier One employees are limited to the following:

     a. Employees who were hired prior to March 1, 1986; and

     b. had attained 10 or more years of continuing, creditable service with the City as of April 2, 2012; and

     c. at the time of hire were hired by the City to work in the Police or Fire Departments.

  2. Tier One benefits are as follows:

     a. If the retiree wishes to receive coverage under the City’s Medical Plan (defined herein as the City Medical Plan which is then-current at time of retirement), the City shall pay 80% of the premium cost for the retiree’s coverage under the City’s Medical Plan, excluding spouse and dependents, during retirement, commencing at age 55 (or older, if the retiree works past age 55) and continuing until the employee reaches Medicare Age.

     b. After an employee reaches Medicare Age, the City shall pay 100% of the premium cost for the retiree’s coverage under the City’s Medical Plan, excluding spouse and dependents, during retirement. Such coverage shall
be secondary in nature.

c. The City shall contribute annually an amount matching any contribution made by the employee to a preferred 457 plan up to a maximum of $2,000 annually while the employee remains employed by the City. (Employees are free to contribute additional amounts beyond the $2,000, without any City match.) At and following retirement, the City shall have no obligation to make any contributions, match or subsidy towards a 457 plan or PEHP.

d. If the employee seeks to receive coverage for a spouse or dependents under the City Plan during retirement, the retired employee will have to pay 100% of all premium costs for the spouse and dependents.

- Tier Two

1. Tier Two employees are limited to the following:

   a. Employees other than Tier 1 employees, who were hired before December 31, 2001; and

   b. had attained 10 or more years of continuing, creditable service with the City as of April 2, 2012 (including fire/police employees hired on or after March 1, 1986 who are now or who elect to be governed under the provisions of this Section and including non-fire/police employees hired on or before December 31, 2001).

2. Tier Two benefits are as follows:

   a. If the retiree wishes to receive coverage under the City’s Medical Plan (defined herein as the City Medical Plan which is then-current at time of retirement), the City shall pay 80% of the premium cost for the retiree’s coverage under the City’s Medical Plan, excluding spouse and dependents, during retirement, commencing at age 55 (or older, if the retiree works past age 55) and continuing until the employee reaches Medicare Age. This coverage shall terminate at the time the employee reaches Medicare Age.

   b. After an employee reaches Medicare Age, the City shall contribute $2,000 per year towards a PEHP, to be paid starting when the employee reaches Medicare Age, and terminating upon the retired employee’s death.

   c. The City shall contribute annually an amount matching any contribution made by the employee to a preferred 457 plan up to a maximum of $2,000 annually while the employee remains employed by the City. (Employees are free to contribute additional amounts beyond the $2,000, without any City match.) At and following retirement, the City shall have no obligation to make any contributions, match or subsidy towards a 457 plan (but the PEHP obligation outlined in the preceding paragraph shall
remain).

d. If the employee seeks to receive coverage for a spouse or dependents under the City Plan during retirement, the retired employee will have to pay 100% of all premium costs for the spouse and dependents.

- **Tier Three**

  1. Tier Three employees are limited to the following:

     a. Employees hired on or after January 1, 2002 and before January 1, 2012.

  2. Tier Three benefits are as follows:

     a. The City shall have no obligation to pay any health insurance premiums after retirement. If the employee seeks to receive coverage under the City Plan, the retired employee will have to pay 100% of all premium costs for self and dependents.

     b. The City shall contribute annually an amount matching any contribution made by the employee to a preferred 457 plan up to a maximum of $3,000 annually while the employee remains employed by the City. (Employees are free to contribute additional amounts beyond the $3,000, without any city match.) At and following retirement, the City shall have no obligation to make any contributions, match or subsidy towards a 457 plan or PEHP.

- **Tier Four**

  1. Tier Four employees are limited to the following:

     a. All employees hired on or after January 1, 2012.

  2. Tier Four benefits are as follows:

     a. The City shall have no obligation to pay any health insurance premiums after retirement, and shall have no obligations to make any contributions, subsidy or match towards any 457 plan, PEHP, or other similar plan. If the employee seeks to receive coverage under the City Plan, the retired employee will have to pay 100% of all premium costs for self and dependents.

- **Plan Participation Requirements** - Any past retiree, notice retiree, or Tier 1-4 employee shall be eligible for participation in and coverage under the City Plan after retirement, regardless of such retiree/employee’s eligibility for subsidy or contribution towards the cost of such plan. Any retiree/employee who opts to participate in or utilize the City Plan following retirement from the City shall be responsible for whatever portion of the cost of premiums and charges related to such coverage that the City is not responsible for under the terms of this Section. For example, following retirement, Tier 2 employees shall be responsible for 20% of the cost of an individual premium and 100% of the cost of a
spouse/dependent’s coverage premium. Tier 4 employees, following retirement, shall be responsible for 100% of individual, spouse or dependent coverage premiums. All such premium payment obligations shall be subject to the pre-payment requirement as follows:

1. For any retired employee who is responsible for paying any self or spouse/dependent health insurance premium to the City for any period of time, such premium shall be paid from the retired Employee to the City at least 15 days prior to the date on which the premium is required to be paid by the City. Failure to timely make the advance payment of the premium to the City shall result in termination of coverage.

Any employee authorized to receive benefits during employment as outlined above, such as participation in a PEHP or 457 Plan shall participate in a plan administered by a choice of vendors acceptable to the City. In addition, any employee eligible for participation in a 457 plan shall be eligible to change the amount of contribution into the plan (and, if applicable and up to the limit, the City’s matching contribution), not more than four times per calendar year.

The City agrees that retiree health insurance benefits shall not be diminished for employees who retired prior to January 1, 2016 nor shall it be diminished for employees included in Tiers One, Two, or Three (collectively referred to as “Current Entitled Employees”). The plan description for the City’s Medical Plan is subject to change at any time. However, the benefits afforded to Current Entitled Employees, in terms of percentage of employee/employer contribution towards health insurance premiums, or amount of employer match or contribution towards 457 or PEHP, shall not be diminished, as reflected in the individual agreements with Employees. (In other words, while the plan design, actual benefits and cost of the plan and similar factors may be altered, the employee’s liability for payment and the City’s responsibility for contributions and percentage premium subsidy shall remain consistent.)

The City shall honor all executed individual agreements signed by employees in Tiers One, Two and Three.

For a Tier One, Two, or Three employee to be entitled to this post-retirement health insurance benefit, the employee must either:

a. Retire from employment at a time when eligible to receive the post-retirement health insurance benefit; or

b. Retire from employment, after having 10 or more years of continuous, creditable service to the City, as the direct and proximate result of a disability that: 1) is incurred as a compensable, work-related injury while in the course of employment by the City; and, 2) precludes and prevents the employee from having or maintaining any employment, by the City or otherwise.

Employees who do not qualify for post-retirement health insurance benefits by meeting one of the eligibility criteria under this section, shall not be eligible for City-paid post-retirement health insurance benefits. For example, employees who are terminated by the City for cause shall not be eligible for City-paid, post-retirement health insurance benefits. Employees who retire before the age of 55 shall not be eligible for City-paid, post-retirement health insurance benefits. Employees who are terminated involuntarily, as a not-for-cause termination, prior to the age of 55 shall not be eligible for City-paid, post-retirement health insurance benefits.
If a retired employee discontinues hospital and medical insurance coverage, said employee will not be able to reinstate coverage unless all evidence of insurability (as determined by the City’s insurance broker) is met. The City has no obligation to pay the premium of a retired employee who has discontinued coverage unless all evidence of insurability (as determined by the City’s insurance broker) is met. If a retired employee is eligible for any contribution towards the cost of family, spouse or dependent coverage, these same requirements of providing satisfactory evidence of insurability (as determined by the City’s insurance broker) shall apply.

Retired employees who are covered by other insurance, either through a subsequent employer or a spouse’s employer, may maintain City insurance coverage to be coordinated as secondary coverage to the active employer’s insurance.

The City acknowledges that it currently maintains collective bargaining agreements with the International Association of Firefighters (IAFF), the American Federation of State, County and Municipal Employees (AFSCME), and the Fraternal Order of Police (FOP). For any City employee who prospectively receives benefits under the terms of this Section and who previously received benefits under the terms of a collective bargaining agreement between any employee group and the City, such employee shall be entitled to post-retirement health care benefits as follows.

- Within 30 days of a collective bargaining employee becoming a non-bargaining unit employee by: being hired, promoted, transferred, or appointed to a permanent non-bargaining unit position. Such employee shall notify the City, in writing, of the election as to what post-retirement health insurance benefits he wishes to receive (whether the benefits contemplated by the collective bargaining agreement he used to be covered under, or the benefits contemplated by the provisions of this Section). At such time, the City and the affected employee shall enter into an individual agreement documenting the employee’s election and establishing that employee’s post-retirement health insurance benefits (and eligibility for contribution or match for 457 or PEHP plans during employment). In the event the employee fails to make an election within the above-described 30-day period, such employee shall default to coverage under this benefit plan.

- If the affected employee elects to retain the post-retirement benefits then afforded under the collective bargaining agreement the employee used to be employed under, such benefits shall be specified and carried forward for the affected employee, unless and until such individual agreement is modified by agreement of the City and the affected employee, without regard to the subsequent changes, if any, in the collective bargaining agreement. To determine such an employee’s eligibility for post-retirement health benefits under the collective bargaining agreement, the City shall utilize the language of whatever document is binding on the employee immediately prior to conversion to a non-bargaining unit position (i.e. the terms of the then-current collective bargaining agreement, unless superseded by an individual agreement for post-retirement insurance benefits), and shall calculate the benefit due using the employee’s accumulated years of service, age, and other eligibility criteria at the date of retirement (as if the employee had remained under the terms of the applicable portion of the collective bargaining agreement).

The provisions of this subsection only apply to post-retirement related health benefits (i.e. post-retirement health insurance subsidies or contributions, and during employment or post-retirement 457 or PEHP contributions or matches, if any), and do not apply to any other
benefits, compensation or collective bargaining agreement terms or entitlements, whatsoever. The provisions of this subsection do not create the right or ability to invoke any grievance resolution provisions contemplated by any collective bargaining agreement.

- If the affected employee elects to obtain the benefits afforded under this Benefits Handbook, the employee shall receive post-retirement health care benefits within the same tier of employment that the employee enjoyed while working in a collective bargaining unit, and such benefits shall be specified and carried forward for the affected employee, unless and until such individual agreement is modified by agreement of the City and the affected employee, without regard to the subsequent changes, if any, in the language of this section. For example, a fire department employee who enjoyed Tier 1 status under the then-current collective bargaining agreement between the City and the union representing fire department personnel would, upon becoming a non-bargaining unit employee of the City and electing to receive post-retirement health benefits under this handbook, remain at Tier 1, and would receive benefits under this handbook as a Tier 1 employee.

**Termination of Benefits**

Upon termination of employment, employees will receive pay for any unused vacation earned and accumulated at the time of termination.

Health Insurance: Employee health insurance terminates the last day of employment. Information for Consolidated Omnibus Budget Reconciliation (COBRA) continued health coverage will be provided by Human Resources.