

CHAPTER 12

EMPLOYEE CODE

ARTICLE I – GENERAL PROVISIONS

12-1-1 **PREAMBLE.** The Illinois State Statutes dictate that the City Council performs the legislative function of the City. The City Council assigns responsibilities and delegates appropriate authority to provide necessary services to the residents of the City. The people we are serving make the final evaluation of our effectiveness in the election of the Corporate Authorities.

It is the intention of this Code to establish and preserve harmonious relations between the City and its employees for the mutual benefit of both. The fullest cooperation between the City and its employees is necessary in order that the City may secure and sustain maximum productivity by each employee. It is the City's objective to achieve the highest level of employee performance and efficiency consistent with safety, good health and sustained effort. The City recognizes that prompt and effective service to the citizens of the City in a courteous manner is essential to the continued success of the City and that true job security can only be found in the City's continued ability to satisfy its citizens' demands.

Should there exist or become a conflict between any provision of this Employee Code and a union contract that has been entered into by the City, the union contract shall govern the employees covered by that union contract.

12-1-2 **DEFINITIONS.**

(A) **Full-Time Appointed Officials** shall mean salaried personnel who are appointed annually to supervise the activities of City Departments, but shall not include personnel on disability, personal, special or sick leaves, except eligibility of personnel to participate in and receive benefits from City Insurance Plans and the Illinois Municipal Retirement Fund. **(Ord. No. 87-1; 01-06-87)**

(B) **Full-Time Hourly Employees** shall mean personnel employed **one thousand (1,000) hours** or more per year and scheduled to work a **forty (40) hour** week, but shall not include personnel on disability, personal, or special or sick leaves, except eligibility of personnel to participate in and receive benefits from City Insurance Plans and the Illinois Municipal Retirement Fund. **(Ord. No. 87-1; 01-06-87)**

(C) **Full-Time Salaried Employees** shall mean personnel employed on an annual rather than hourly basis, but shall not include personnel on disability, personal, special or sick leaves, except eligibility of personnel to participate in and receive benefits from City Insurance Plans and the Illinois Municipal Retirement Fund. **(Ord. No. 87-1; 01-06-87)**

(D) **Part-Time Employees** shall mean personnel employed less than **one thousand (1,000) hours** per year for a limited time for a specific project.

(E) **Personnel Officer** shall mean Payroll Supervisor at City Hall, and City Agent for IMRF. They shall be responsible for maintaining the Official Personnel Files on all employees. These files contain the complete history of each employee during employment by the City. The files shall consist of, but not be limited to: dates and records of sick leave, injuries, vacation, commendations, reprimands, accidents or damage involving City property, marital status, education, and special training received at City expense.

12-1-3 **HIRING PROCEDURE.**

(A) Applications for employment shall be obtained at City Hall and should be returned to City Hall for review by the City Council and the Department Heads.

(B) If possible, all vacancies may be filled with individuals presently employed by the City, who are qualified and willing to accept the vacant position. Only after determining that the vacancy cannot be filled from within, will outside hire be authorized.

(C) Established employment procedures will be used in recruiting and hiring qualified personnel. Employees will be hired without regard to race, sex, age, religion, national origin, or handicap. The City's Personnel Committee and Department Heads will be responsible for screening, interviewing and recommending to the City Council candidates to fill vacant positions that occur in their department.

(D) Applicants shall furnish information requested on employment forms provided by the Personnel Officer.

(E) Part of the pre-employment procedure shall be to contact all previous employers, supervisors, and references provided by the applicants. Reference contacts made in person or by telephone shall be documented and all contacts shall be completed prior to an offer of employment. Records of oral and written interviews and all reference responses shall become a part of the applicant's file.

(F) If applicable, tests may be used to determine qualifications of candidates for various jobs at the discretion of the Department Head or the City Council.

(G) Acceptance of an application for full-time employment is subject to a physical examination of the applicant by a local physician at the expense of the City. All employees of the City Swimming Pool shall be exempt from the physical examination requirement for employment, except for life guards.

(H) Immediately upon notification of full-time employment, the employee shall contact City Hall concerning Group Insurance and Retirement Benefits.

This Section shall be applicable to part-time employees.

(I) Notwithstanding the foregoing paragraphs of this Section, the procedures for hiring new police officers for the City shall include the following:

- (1) A physical agility test as recommended by the Illinois Law Enforcement Training and Standards Board. This requirement shall be waived in the event the applicant possesses a current certification by the Illinois Law Enforcement Training and Standard Board.
- (2) Written examination in the format sanctioned by the Illinois Chief's of Police Association.
- (3) Background check through appropriate and customary state and/or federal agencies.
- (4) An interview with the City's Police Committee and Chief of Police.
- (5) Certification of qualification by the Illinois Law Enforcement Training and Standards Boards.

(Ord. No. 02-02; 06-18-02)

12-1-4 RESIDENCY POLICY.

(A) Local residency is a condition for employment. An employee shall become a local resident within **six (6) months** after being hired, and shall remain a local resident while employed by the City. Violation of this policy shall result in termination of employment.

(B) Local residency shall be defined as residing in an area within a **nine (9) mile radius** from the center of the Court House Square in the City of Newton, Jasper County, Illinois. A map of Jasper County, Illinois showing the area located within said **nine (9) mile radius** of the center of the Court House Square in the City is attached hereto and incorporated herein by this reference.

(C) No City-owned vehicle shall be permitted outside the City limits unless it is being used for official City business. **(Ord. No. 04-4; 06-01-04)**

12-1-5 EMPLOYMENT OF RELATIVES.

(A) The City considers it improper for a Department Head to have serving under his direction, anyone whose relationship to him is that of a spouse, parent, child, brother, sister, grandparent, grandchild, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, daughter-in-law, brother-in-law, sister-in-law, or son-in-law.

- (B) Employees who are related in any of the categories listed shall not hold a position which involves the review or approval of the work of the other family member.
- (C) This Section shall be applicable to part-time employees.

12-1-6 PROBATION PERIOD.

(A) The first **six (6) months** of service after appointment or promotion to a position shall be considered the period of probation. In the event the probationary period is not completed satisfactorily, the employee shall be discharged. In the case of promotion from a lower position, the employee shall revert to a lower position, with a rate of pay equal to that which the employee would have been entitled to, without promotion.

(B) Every new or promoted employee will have a progress/evaluation report by the Department Head over that employee a minimum of every **three (3) months** during the probationary period and annually after the end of the probation period. Such report shall be submitted to the City Council, with copies placed in the employee's Personnel File, and/or other files as may be required. **(Ord. No. 05-18; 07-05-05)**

12-1-7 SECONDARY EMPLOYMENT (MOONLIGHTING).

No City employee shall work on any other job for any other employer, including self-employment, if such work interferes with the employee's performance of the City's work. Violation of this provision may subject such employee to discipline, up to and including discharge, due to interference with the employee's performance of the City's work.

12-1-8 LAYOFFS AND RECALL.

If the City determines that it is necessary to lay off employee, regular, full-time employees will be given preference in accordance with their seniority subject to their relatively equal skill and ability to perform the work without additional training. Only when skill and ability are relatively equal in the opinion of the City and the senior employee is immediately capable of efficiently performing the work expected to be available shall seniority govern. Part-time, seasonal employees from temporary employment services and probationary employees shall be laid off before applying seniority standards; provided, however, that if employees on layoff have been called and are not available or have not yet reported for work, probationary employees will be the first of these types of employees to be used.

When an employee who would otherwise be laid off has greater seniority as well as relatively equal skill and ability as an employee in any classification and that senior employee is immediately capable of efficiently performing the work expected to be available in such classification, then such employee shall be offered the opportunity to replace the lower seniority employee in such classification and perform his work at the rate for such job classification. There shall be no upgrading in a layoff or recall. Employees shall be recalled in accordance with their seniority subject to their relatively equal skill and ability to perform the work without additional training.

12-1-9 RESIGNATION.

Voluntary resignation by employees shall be submitted in writing to the Department Head at least **two (2) weeks** prior to the date of termination.

12-1-10 SUSPENSION.

An employee may be suspended without pay for a period not to exceed **five (5) days** by the Department Head, with the concurrence of the City Council, or by the City Council, for reasons of misconduct, negligence, inefficiency, insubordination, disloyalty, unauthorized absences, or other justifiable reasons, when other disciplinary actions are not considered appropriate. Employees shall be furnished written notice of all disciplinary action, indicating the effective dates of the action taken and the reason for the action taken. The recipient of the disciplinary action shall endorse a copy of the notice and that copy shall be placed in the employee's file. This Section shall be applicable to part-time employees.

12-1-11 **NORMAL WORK WEEK.** The normal work week for regular full-time employees shall consist of **forty (40) hours**; provided, that this shall not be construed as a guarantee of any work or earnings per day or per week. The Department Head shall have the authority to establish the hours of the day and the days of the week on a pre-arranged schedule that the employee shall work. Employees shall receive at least **one (1) week's** notice of a permanent shift change. The City will not make such changes for the purpose of avoiding overtime. Employees may be scheduled for staggered starting times. Employees will be given as much notice of changes in their regular starting time as is reasonably practicable under the circumstances, except in unusual circumstances not less than **one (1) week**.

12-1-12 **CALL-OUTS.** On call-outs, employees shall be paid a minimum of **one (1) hour** and if they work over **one (1) hour** but less than **two (2) hours**, they shall be paid for **two (2) hours**, and any work over **two (2) hours** shall be paid for the time actually worked, with the rate of pay being time and one-half. **(Ord. No. 96-15; 08-06-96)**

12-1-13 **HOURS OF WORK.** All departments shall observe regular office or working hours necessary for the efficient transaction of services as determined by the City Council. Working hours for appointed officials and full-time salaried employees shall be those necessary to assure acceptable job performance. This Section shall be applicable to part-time employees.

12-1-14 **TARDINESS.** Employees are expected to be present and ready to start work at the appointed starting time. Excessive tardiness may be cause for disciplinary action.

To permit a **six (6) minute** leeway for clocking in after the starting work time. If any employee punches in **ten (10) minutes** after the starting time, they shall be considered late. **(3-19-91)**

Punch-in-time for time clocks shall be **7:00 A.M.** and any portion of the first **fifteen (15) minutes** time shall be docked **fifteen (15) minutes**, the second **fifteen (15) minutes** time shall be docked **thirty (30) minutes** and etc. Employees may punch in when they please, but will not get paid until the starting time of **7:00 A.M.** Punch-out time shall be treated the same, but docked time shall be in reverse. Employees shall not be allowed to punch out early without being docked in pay. Employees are not allowed to use compensatory time to compensate for loss of pay due to being late or punching out early. Anyone who abuses punch-in time or punch-out time shall be brought before the City Council to discuss the problem. **(5-7-91)**

12-1-15 **REST BREAKS.** There shall be a paid rest break of **fifteen (15) minutes** in the first **four (4) hours** and in the second **four (4) hours** whenever employees are scheduled to be employed for **eight (8)** or more hours during the morning or the afternoon. Breaks must be taken on the jobsite or at the shop. The **fifteen (15) minute** break time includes any and all travel time. The break periods are not cumulative and work shall come first. Breaks shall be staggered within a department.

12-1-16 **HOLIDAYS.**
(A) Each regular, full-time employee who has been in the continuous service of the City for at least **thirty (30) days** prior to any of the holidays hereinafter listed, irrespective of what day of the week on which the holiday may fall, shall receive **eight (8) hours** of pay at his or her regular basic straight-time hourly rate of pay for each such holiday, provided, however, that such employee shall have worked all hours required on the last scheduled work day before and on the first scheduled work day after the holiday or holidays (in the case of two holidays on successive days) or the day or days celebrated by the City as such. The holidays shall be:

- | | |
|----------------|----------------------------|
| New Year's Day | Veteran's Day |
| Good Friday | Thanksgiving Day |
| Memorial Day | Day after Thanksgiving Day |

Independence Day	Christmas Eve Day
Labor Day	Christmas Day

(B) Eligible employees who have been scheduled to work on a holiday and fail to do so shall not receive pay for the holiday. An employee absent or not receiving pay for that day for any reason, including but not limited to, leave of absence, shall not be eligible for holiday pay. Employees who may be laid off for lack of work in a work week containing a holiday or the week before or after such holiday shall not thereby be rendered ineligible for holiday pay.

(C) Employees who work on a holiday shall be paid for such work at time and one-half their regular basic hourly straight-time rate of pay for all hours of work performed on the holiday together with, if eligible, the holiday pay provided for above.

(D) If a holiday designated above falls on a Saturday or a Sunday, the City may designate when such holiday will be observed.

(E) If a holiday falls within an employee's scheduled vacation period, the employee shall receive holiday pay.

12-1-17 VACATIONS.

Full-time employees will be granted paid vacations as follows:

After one (1) year of service	5 days
After three (3) years of service	10 days
After seven (7) years of service	15 days
After fifteen (15) years of service	20 days
After twenty (20) years of service	25 days

Employees hired prior to **May 1, 2014** will be granted paid vacations as follows:

After two (2) years of service	10 days
After seven (7) years of service	refer to chart above

Employees hired prior to **November 1, 2004** will be granted paid vacations as follows for service beyond **fifteen (15) years**:

After fifteen (15) years of service	21 days
After twenty (20) years of service	refer to chart above

Unless mutually agreed to by the supervisor and the employee, employees must give the City at least **ten (10) day's** written notice of their intention to take vacation and such requests must be approved in writing. The City will notify the employee at least **seven (7) days** prior to the requested vacation as to the status of their request.

All vacation must be used in the year earned, with no more than **five (5) days** carried over to the following year. All carried over vacation days must be used before the last pay period in April of the year they are carried forward, unless due to the request of the Employer an employee cannot take a scheduled vacation.

All vacation must be used in a minimum of **one-fourth (1/4) hour** increments.

(Ord. No. 14-09; 06-03-14)

12-1-18 PERSONAL DAYS.

Upon application in writing, leave from employment for personal reasons may be granted without pay to an employee upon written approval. Such unpaid personal leave may not be for a period in excess of **seven (7) calendar days**. During such personal leave, an employee may continue health and life insurance benefits, if available, provided he pays the full cost of such coverage. However, no other benefits shall accrue during a leave for personal reasons.

Each employee shall receive **one (1) paid personal day** per year after **one (1) year** of employment; **two (2) paid personal days** per year after **five (5) years** of employment; and **three (3) paid personal days** per year after **ten (10) years** of employment. Notification of the employees' intent to use a personal day must be made at least **two (2) days** prior to the beginning of that shift, except in case of an emergency, and must be approved. Approval for use of a personal leave day will not be unreasonably denied.

Employees can take personal leave in increments of **one-fourth (1/4) hours** or more.

Personal days shall be used during the calendar year of the entitlement and cannot be turned in for money.

Blood Donations. An employee will be allowed to use sick time off with pay to donate blood at any Blood Drive within the City limits.

12-1-19 **PAID JURY LEAVE.** When regular, full-time employees are required to perform jury service, they shall immediately notify their supervisor upon receipt of notice of call to such service. Employees whose jury duty does not require them to be absent an entire day shall immediately report their availability for work that day to their supervisor. Employees will receive their normal pay for the day, but the employee must submit their pay for jury service to the City whenever they receive it. The employee may retain any payment for mileage. Whenever considered necessary by the City because of operational needs, an employee shall cooperate with the City in requesting a postponement of jury service.

12-1-20 **SCHOOLING: APPROVAL.**
 (A) No employee shall attend any schooling program for which they wish to be reimbursed in any manner without prior approval of the Council.
 (B) No employee shall be paid his regular salary for attending school on his off-time. Off-time shall be construed to mean anytime the employee is not on a regular scheduled work shift. **(12-4-84)**
 (C) Mileage reimbursement for City Employees attending training, seminars, or other similar schooling shall be reimbursed following Internal Revenue Service guidelines in force at the time of the request for reimbursement. Meal allowance for Employees engaged in said training and/or schooling programs shall be for a total of **Thirty Dollars (\$30.00)** per day. An employee requesting meal allowance must submit receipts to get reimbursement. No overtime will be paid for travel over **eight (8) hours** in attending such training and/or schooling if it occurs on a regular work day. **(Ord. No. 09-4; 05-19-09)**

12-1-21 **SICK LEAVE.** City employees, including probationary employees shall accumulate sick leave at the rate of **four (4) hour** per pay period, which may accumulate to a maximum of **one hundred twenty (120) days**.

Sick leave may be used for personal illness of employee, or the employee's spouse, parents or children.

The Employer may require a physician's certificate after an absence of **three (3)** consecutive working days or as may be deemed necessary in other cases.

Sick leave may be used in **one-fourth (1/4) hour** increments. The City reserves the right to request proof of actual attendance at medical appointments during working hours.

12-1-22 **RETURN TO WORK FROM SICK OR DISABILITY LEAVE.** No employee shall be eligible to return to work from sick leave, or sick leave whereby the employee is receiving disability benefits, unless the employee is able to return to and perform all of his or her existing assigned duties. When an employee is under treatment by a licensed physician, the employee shall, prior to returning to work, present to the City Treasurer a release from his physician certifying that the employee is able, unconditionally, to return to and perform all of his or her existing assigned duties. **(Ord. No. 87-1)**

12-1-23 **MATERNITY.** Pregnancy, childbirth, and related conditions are considered the same as any other medical condition. Accrued sick leave shall be used during Maternity Leave.

12-1-24 **FUNERAL LEAVE.**

(A) An employee may use up to **three (3) days** with pay following the date of death in the Employee's immediate family which shall be interpreted to include: the employee's spouse, children (including step-children and foster children), grandchildren, parents (including step-mother and step-father), grandparents, brother-in-law, sister-in-law, son-in-law, daughter-in-law, siblings and the same relatives of the employee's spouse. Employees may use **one (1) day** with pay for bereavement leave in the event of an aunt or uncle.

(B) The employee shall notify the City giving as much notice as possible of the hours of necessary absence. Proof of death, relationship, and attendance at the funeral may be required by the City.

(C) Funeral leave pay shall not be due when the employee is on layoff or non-paid leave. Employees who are on vacation or holiday status on a day where they are also eligible for funeral leave will receive additional vacation/holiday(s) for the day(s) in issue.

12-1-25 **ABSENCE WITHOUT LEAVE.** An employee and Department Heads shall inform his immediate supervisor (Department Head or City Clerk) of the reason for any absence by **8:30 A.M.** on the **first (1st) day** of absence, and on each succeeding day of absence unless specific arrangements are made during initial notification. Additionally, each employee with the exception of second and third shift personnel in the Police Department and Water Plant, shall call the City Clerk's Office by **8:30 A.M.** daily as to his/her working status. Reasons for absences must be noted daily to City Clerk's office and recorded on the time sheet by the employee. All City employees shall complete a City Leave Request Form and submit it to the City Treasurer's Office. Failure to do all of the above will subject the employee to disciplinary action from the City Council. If an employee does not report the reason for being absent by the **second (2nd) day** of absence from duty, deduction of pay will be made. **Three (3)** consecutive days of absence without notice shall be considered a resignation from City employment. **(Ord. No. 01-04; 02-20-01)**

12-1-26 **INJURIES.**

(A) The City is now using a form for reporting injuries as follows: Record of First Aid Treatment for Occupational Injuries to be Completed by Employee. Name of injured, date of injury and time of day. Was first aid treatment given? Date and time, type of treatment.

(B) Type of injury specified, part of body injured, be specific. How did injury occur?
The statement shall be signed and dated by the employee and signed and dated by the Department Head. In the event medical treatment by a doctor is required, this form is to be turned into the Treasurer's office within **twenty-four (24) hours**. All reports are to be kept in the employee's personnel file in the Treasurer's office. **(Ord. No. 96-6; 02-20-96)**

12-1-27 **COMPENSATION.**

(A) Payroll for City employees shall be set up on a bi-weekly system, with the pay periods beginning at **7:00 A.M.** on Tuesday and ending **two (2) weeks** later at **7:00 A.M.** on Tuesday.

(B) Each employee is to keep a daily time sheet -- overtime and other hours to be kept separately and indicated as such.

(C) Time sheets are to be reviewed and approved by the Department Head by signature, and presented in the City Treasurer's office before **9:00 A.M.** on the day ending each pay period, for payroll approval and employee records.

All time should be reported on time card with start and quitting and number of hours worked including compensation time and explanation of compensation time. If these hours are not properly reported on time cards, the employee will be asked to fill out card correctly. If this cannot be done at the Treasurer's option, the employee may not be compensated for his unreported time. **(2-19-85)**

12-1-28 OVERTIME.

(A) Overtime may be required when, in the City's judgment it is necessary. Daily overtime assignments required to finish work assigned for that day may be performed by the employee(s) assigned such work during regular shift time. Overtime assignments on jobs commencing after regular work hours, Saturdays, Sundays or holidays shall be rotated as equally as feasible over a reasonable period of time among the employees who are immediately qualified to perform such work within the job classification.

(B) All hourly employees are eligible for overtime compensation when required to work more than a normal work week. All hours worked in excess of **forty (40) hours** per week shall be considered overtime and shall be paid for at the rate of time and one-half (1 ½) the employee's regular, basic straight-time rate. All paid time off shall count as time worked for the purpose of overtime computation.

(C) To permit any employee to be paid for **one (1) hour** of overtime if the employee is called out and the time worked is less than an hour. After **two (2) hours** of outage, the employee will be paid for time worked. **(3-19-91)**

(D) Notwithstanding the foregoing, all pool employees shall be paid overtime only after working more than **forty (40) hours** a week. **(Ord. No. 96-10; 06-04-96)**

(E) Employees may elect to receive compensatory time for overtime hours earned up to a maximum of **forty (40) hours** in a fiscal year. The said maximum **forty (40) hours** compensatory time may be carried over into subsequent fiscal years. At no time shall an employee be able to earn, use or accumulate more than **forty (40) hours** in any year.

12-1-29 GRIEVANCES. A grievance is defined as any dispute which reasonably concerns the application, interpretation or violation of any express or specific provision of this Employee Code.

An employee must present and appeal any grievance within the time limits set out in the respective steps of the grievance procedure, unless a mutual extension of time limits is agreed to.

The City will meet with an employee and that employee's union representative and subsequently respond within the time limits set out in the respected steps of the grievance procedure.

Grievances which affect all or a large group of employees, or which have general application, may be presented directly for handling at Step 2.

Any grievance arising over the application or interpretation of the provisions of this Employee Code shall be settled as soon as possible in the following manner:

Step 1. An employee having a grievance shall present it to his/her Department Head within **three (3) days** of knowledge of the occurrence of the incident.

Step 2. If satisfactory settlement is not reached in **twenty-four (24) hours**, the grievant may reduce the grievance to writing and present it to the Chairman of the applicable committee within **four (4) working days** of the occurrence of the incident.

Step 3. The grievance may be processed further by notifying the City Council, within **seven (7) working days** of the decision of the Chairman of the applicable committee, of the Union's desire to discuss the matter further with the City Council. The Business Representative of the Union and the City Council then shall meet and attempt to resolve the dispute.

Step 4. Either party shall have the right to submit the grievance to arbitration. Notification in writing of a desire to submit a grievance to arbitration must be given within **fifteen (15) working days** after completing Step 3.

Nothing contained herein shall be construed to circumvent the right of an employee to take grievance up with the Employer and have the same settled without the intervention of the Union; provided settlement is not inconsistent with any of the provisions of the applicable union contract, and further provided the union has been given the opportunity to have a representative present at the time of the settlement.

12-1-30 WORKER'S COMPENSATION INSURANCE.

(A) Any job related injury must be reported by the employee within a maximum of **twenty-four (24) hours** to the insurance administrator at City Hall.

(B) In Workman's Compensation the first **three (3) days** waiting period required before workman's compensation payment commence shall be charged against the employee sick leave. Further, the City shall not reimburse the employee for the difference between the **two-thirds (2/3)** salary paid by Workman's Compensation and the employee regular salary unless employee desires to use accumulated sick leave for the purpose. If Workman's Compensation period extends to **fourteen (14) days** the method of reimbursement for said first **three (3) days** shall be negotiated with the City Treasurer. **(2-19-85)**

(C) All time spent receiving medical attention on the date of injury, related to the injury, shall be paid as time worked at the appropriate hourly rate of pay.

12-1-31 GROUP HEALTH AND LIFE INSURANCE.

(A) The City bears the expense of the Group Insurance Premium for full-time employees. If insurance for dependents is desired by the employee, this expense will be deducted from the payroll check of the employee each month.

(B) Any City employee who has **fifteen (15) years** of service with the City and who retires at or after age **sixty-two (62)**, may, if so desired, stay with the City's Group Health and Medical Insurance Plan with the retiree paying the cost of the premiums. These premiums to be in the City Treasurer's office **one (1) work week** in advance of the company invoice due date.

(C) The City Council reserves the right to withdraw participation of retirees coverage, but will honor those retirees already enrolled in the program until age **sixty-five (65)**.

12-1-32 LIABILITY INSURANCE. Any accident claims pertaining to City vehicles and property must be reported to City Hall within a maximum of **twenty-four (24) hours**, or the employee or employee's involved will be held responsible for payment of the insurance deductible and subject to possible disciplinary action; such as suspension without pay for an indefinite period.

12-1-33 RETIREMENT. All employees who work more than **six hundred (600) hours** per year shall participate in the Illinois Municipal Retirement Fund. This pension program is established and controlled by the Illinois State Statutes which require this participation. Some employees may fall under the **six hundred (600) hour** rule and others under the **one thousand (1,000) hour** rule.

All IMRF participants are encouraged to retire at the age of **sixty-five (65)**. Earlier retirement is permitted at the employee's option.

12-1-34 SUBSTANCE ABUSE POLICY. The City does hereby incorporate and repeat verbatim the Substance Abuse Policy for the City of Newton's DOT-All C.D.L. Driver's and Substance Abuse Policies for the City's non-D.O.T., as found in Addendum "A" and "B" at the conclusion of this Chapter. **(Ord. No. 98-12; 09-01-98)**

12-1-35 REIMBURSEMENT FOR TRAINING COSTS. Any City employee who ends their employment with the City within **three (3) years** of their date of hire shall reimburse the City for all costs incurred by the City in training that individual to obtain any certification necessary for the performance of that employee's job with the City. Insofar as a City Police employee is involved, such reimbursable costs shall be the cost of the police academy training for that employee. The employee shall receive credit on a monthly prorated basis for the number of months the employee was in the actual employment of the City within the said **three (3) year** time frame. **(Ord. No. 02-09; 06-18-02)**

12-1-36 **SEXUAL HARASSMENT POLICY.** There is hereby adopted a Sexual Harassment Policy and Complaint Procedure as set forth in Addendum "C" attached hereto and incorporated herein by this reference. **(Ord. No. 02-03; 02-05-02)**

12-1-37 **DEPARTMENT HEADS SALARIES.** A Department Head Salary shall be set at one of three levels of pay: Level One (1) is for the seasoned manager that is in good standing with the City. Level Two (2) is for the less seasoned manager that is in good standing with the City. Level Three (3) is for a new or like new Department Head that is in good standing with the City. Effective June 6, 2017, the Level One (1) pay rate shall be **Twenty-Two Dollars Fifty-One Cents (\$22.51)** per hour. Level Two (2) pay rate shall be **Twenty-One Dollars Twenty-Nine Cents (\$21.29)** per hour. Level Three (3) shall be **Twenty Dollars Seventy-Nine Cents (\$20.79)** per hour. The Mayor and City Council will evaluate each Department Head's longevity and merit annually and their rate of pay will be adjusted accordingly. **(Ord. No. 17-06; 06-06-17)**

12-1-38 **EMPLOYEE BENEFITS/INJURY.**

(A) **Police Employee.** Pursuant to Illinois Statute **5 ILCS 345/1**, whenever a police officer suffers an injury in the line of duty which causes the police officer to be unable to perform the police officer's duties, the police officer shall continue to be paid by the City on the same basis as the police officer was paid before the injury, with no deductions from the police officer's sick leave credits, compensatory time for overtime accumulations or vacation or service credits with IMRF during the time the police officer is unable to perform the police officer's duties due to the result of the injury, but not longer than **one (1) year** in relation to the same injury.

(B) **Full-Time Regular Employees Who Are Not Police Officers.**

- (1) A full-time City of Newton employee (excluding police officers) who is receiving worker's compensation benefits and who is unable to work will not accrue sick time while receiving worker's compensation benefits. If a full-time employee receiving worker's compensation benefits can return to work part-time, that employee's sick time accrual will be based accordingly upon the hours worked in a normal pay period.
- (2) Vacation and personal time are governed by the City and the Union agreement. Vacation days shall be used in the year earned. Personal days shall be used during the calendar year of entitlement and cannot be turned in for money.
- (3) An employee on worker's compensation who is unable to use vacation or personal hours in the year they are accrued will not be able to carry those benefits over into the next year and the vacation hours and/or personal hours cannot be turned in for monetary compensation.
- (4) On **January 1** each employee will accrue vacation and personal time based on number of years of service, or on their anniversary date of employment if additional benefits are earned due to years of service, the said benefits would be for the year accrued, would also be subject to the above rules and cannot be turned in for monetary compensation.
- (5) When an employee, excluding police officers, is off work due to a work related injury, and is receiving worker's compensation benefits, the City will pay the injured employee's share of health insurance costs, but the employee shall be responsible for dependent care insurance costs and for any other type of withholdings the employee is having taken out of the employee's paychecks.

(Ord. No. 11-1; 02-15-11)

(Ord. No. 07-16; 12-18-07)

ARTICLE II - SEXUAL MISCONDUCT POLICY

12-2-1 SEXUAL MISCONDUCT POLICY STATEMENT. The City will not tolerate and will seek to eradicate any behavior by its employees, volunteers or students which constitutes sexual misconduct toward another employee, volunteer or student. "Sexual misconduct" means any actual, attempted or alleged sexual molestation, assault, abuse, sexual exploitation or sexual injury. "Sexual misconduct" does not include "sexual harassment".

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

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

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

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

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

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

12-2-3 CHILD ABUSE. Sexual abuse of a minor is a crime.

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

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

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

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

ARTICLE III – ANTI-BULLYING POLICY

12-3-1 APPLICATION OF POLICY. The City finds a safe work environment is beneficial for employees and promotes productivity. Workplace bullying has been linked to absenteeism, drug and alcohol use, and sexual violence. The City considers workplace bullying unacceptable and will not tolerate it. The anti-bullying policy shall apply to all individuals who are employees, volunteers and contractors. For purposes of this policy:

- (A) **"Employee"** is defined as an individual working for the City for remuneration;
- (B) **"Volunteer"** is defined as an individual who volunteers services to the City without remuneration;
- (C) **"Contractor"** is defined as an individual who contracts with the City to provide services, or an individual who works for a contractor of the City.

12-3-2 DEFINITION. Bullying is defined as any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a person that has or can be reasonably predicted to have the effect of one or more of the following:

- (A) placing the person in reasonable fear of harm to the person or the person's property;
- (B) causing a substantially detrimental effect on the person's physical or mental health;
- (C) substantially interfering with the person's productivity; or
- (D) substantially interfering with the person's ability to participate in or benefit from the opportunities offered by the employer.

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

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

- (A) No person shall be subjected to bullying:
 - (1) during any period of employment activity;
 - (2) while working, on property of the employer, or at employer-sponsored or employer-sanctioned events or activities; or
 - (3) through the transmission of information from an employment utilized telephone, computer, computer network, or other similar electronic employer-utilized equipment.
- (B) Nothing in this policy is intended to infringe upon any right to exercise free expression or the free exercise of religion or religiously based views protected under the First Amendment of the United States Constitution.

12-3-4 DISCIPLINARY ACTION. Any employee or volunteer who is determined, after an investigation, to have engaged in bullying in violation of this policy shall be subject to disciplinary action up to and including immediate discharge. Any contractor found to be in violation of this policy may be subject to contract cancellation.

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

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

12-3-5 REPORTING AND COMPLAINT PROCEDURE. The City encourages all employees, volunteers or contractors to promptly report any instance of bullying behavior. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of bullying. Therefore, while no fixed reporting period has been established, prompt reporting of complaints or concerns is encouraged so that rapid and constructive action can be taken. The City shall make every effort to stop alleged workplace bullying before it becomes severe or pervasive, but can only do so with the cooperation of its employees.

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

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

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

ARTICLE IV – DOMESTIC AND SEXUAL VIOLENCE POLICY

12-4-1 **PURPOSE OF POLICY.** Domestic violence can permeate the lives and compromise the safety of employees with tragic, destructive and often fatal results. Domestic violence occurs within a wide spectrum of relationships, including married and formerly married couples, couples with children in common, couples who live together or have lived together, gay, lesbian, bisexual and transgender couples, and couples who are dating or who have dated in the past. Domestic violence represents a pattern of coercive tactics which can include physical, psychological, sexual, economic and emotional abuse perpetrated by one person against another in an intimate relationship or in the same household, with the goal of establishing and maintaining power and control over the victim. In addition to exacting a tremendous toll from the individuals it directly affects, domestic violence often spills over into the workplace, compromising the safety of both victims and co-workers and resulting in lost productivity, increased health care costs, increased absenteeism, and increased employee turnover. The City will take appropriate actions to promote safety in the workplace and respond effectively to the needs of victims of domestic violence.

12-4-2 **DEFINITION.** For purposes of this policy and pursuant to the Illinois Victims' Economic Security and Safety Act (VESSA), the following terms are defined as follows:

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

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

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

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

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

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

12-4-3 **VICTIMS' ECONOMIC SECURITY AND SAFETY ACT (VESSA).** The person against whom an abuser directs coercive and/or violent acts, including an employee who is a victim of domestic or sexual violence, or an employee's family or household member who is a victim of domestic or sexual violence, and whose interests are not adverse to the employee as it related to domestic or sexual violence.

12-4-4 **POLICY.**

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

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

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

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

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

(C) **Accountability for Employees Who are Abusers.** The City will hold employees, individuals who volunteer services to the City without remuneration (hereafter "volunteers"), and individuals who contract with the City or work for contractors of the City (hereafter "contractors"), accountable for engaging in the following behavior: (i) using City resources to commit an act of domestic violence; (ii) committing an act of domestic violence from or at the workplace or from any other location while on official City business; or (iii) using their job-related authority and/or City resources in order to negatively affect victims and/or assist perpetrators in locating a victim and/or in perpetrating an act of domestic violence.

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

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