



## **The City of Lake Forest**

### **Personnel Policies and Practices May 1, 2020**

**Employee Information Site:  
[www.citylf.org](http://www.citylf.org)**

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**PERSONNEL POLICIES AND PRACTICES  
OF  
THE CITY OF LAKE FOREST**

**May 1, 2020**

**INTRODUCTION**

The policies, as presented herein, shall constitute the Official Personnel Policies and Practices of The City of Lake Forest for all regular fulltime and part-time employees of the City, except the City Manager. These policies do not apply to temporary or seasonal employees. Administrative Directives governing personnel and referred to throughout these policies are available for viewing and printing on the Employee Information Site located at [www.citylf.org](http://www.citylf.org). They are also available for employee inspection by contacting the Human Resources Department.

**EMPLOYMENT AT WILL**

**The intent of these policies is to give the employee a brief description and general information concerning City employment policies.**

**The employment relationship between the City and its employees is employment at will, which means that either the City or the employee may end the employment relationship at any time, for any reasons, without notice, warning or cause. This means that in the absence of a written employment agreement, the City and its employees shall not be bound to an employment contract or a commitment to employment for a definite period of time. Either party can terminate the employment relationship at any time and for any reason. Neither these policies, nor any other policy, procedure or practice of the City constitutes a contractual commitment between the City and its employees, and they do not prove any guarantee or assurance of continued employment or a term or condition of employment for any period of time.**

**The employment relationship may be governed by a number of sources, including but not limited to The City of Lake Forest Charter, the City Code, the Personnel Policies and Practices, Board of Fire and Police Commissioners Rules and Regulations, department policies and procedures, state and federal law, statutes and regulations, and available funding. All of the benefits provided to employees by these policies are subject to budgetary constraints. Further, in the event any of the provisions of these policies conflict with the terms of an applicable collective bargaining agreement, the terms of the collective bargaining agreement shall govern. The City has the right to modify or eliminate its employment policies from time to time in its sole discretion, without prior notice.**

## CORE VALUES AND CODE OF CONDUCT

**Values Statement:** The core values of the City are important to the philosophy of the organization. These values shape our expectations of each other in the workplace. They are the basis of our individual and collective conduct.



<b>Integrity:</b>	Unconditional adherence to our moral and ethical values.
<b>Respect:</b>	Being considerate and accepting of others.
<b>Trust:</b>	Being dependable, demonstrating confidence and faith in others and being willing to let go and to empower others.
<b>Excellence:</b>	Commitment to professional growth, teamwork, optimum community service, and doing what is right.

**How We Work:** We work collaboratively in teams, where everyone is valued and accountable to one another. We strive to be ethical, respectful, and promote excellence in the delivery of service to the residents.

### Code of Conduct

1. We work ethically and collaboratively, in an environment where everyone is valued and accountable.
2. We follow our policies and procedures consistently and professionally. We know our jobs and do our jobs the right way.
3. We follow the policies and operating guidelines for the areas in which we operate.
4. We speak up and report if we see something that isn't right, and we are protected from retaliation when we do speak up.

### Reporting

The City prides itself on its adherence to all federal, state, and local laws/regulations, including ethics laws, *including without limitations Chapter 40 of the City Code*. Therefore, the City asks that any violation of federal, state, or local law or regulation or City policy, violation of ethical standards or requirements, a mismanagement or abuse of authority, or other improper or unlawful conduct that is witnessed or learned of by an employee or any other individual conducting business with or on behalf of the City be reported immediately to the Director of Human Resources or the City Manager (or the Mayor if the conduct involved the City Manager) to allow the City to investigate and, if applicable, correct the situation or condition.

All reports of illegal and dishonest activities or of actions that may be in violation of this policy will be promptly investigated and the City will take appropriate corrective or disciplinary action against persons violating this policy, in addition to any other legal compliance actions.

The City will not take any retaliatory action against an employee if the employee refuses to participate in an activity or discloses or threatens to disclose an activity or policy or procedure that the employee in good faith has reasonable cause to believe is a violation of the law. Any whistleblower who believes he/she is being retaliated against must contact the Director of Human Resources immediately. Accountability in government, financial responsibility and delivery of quality services are key components to preserving the public's trust. Based on our core values, all employees share the responsibility to ensure that the City demonstrates this accountability, as well as the proper stewardship of the financial resources and property entrusted to us.

## **PURPOSE/POLICY**

It is the declared policy of The City of Lake Forest that employment in the City government shall be based on merit, free from personal and political considerations, and that just and equitable incentives and conditions of employment will be maintained to promote efficiency and economy in the operation of the City government.

The City maintains that employees are its most important asset, whose health and safety are of the utmost consideration. Therefore, providing a safe work environment is a matter of continuing concern, equal in importance to all other operational considerations. (See Admin. Dir. Section 6, Employee Safety Procedures)

In addition, all employees must be allowed to work in an environment free from unlawful discrimination and harassment, including sexual harassment. The City prohibits sexual overtones and intimidation, as well as any other form of sexual or other types of harassment in the workplace. The City also prohibits anyone from taking any adverse action against an employee for making a good faith complaint of harassment. (See Admin. Dir. 2-13, Anti-Harassment)

Violence in the workplace will also not be tolerated. Weapons are prohibited on any City property or job site with the exception of sworn police officers, and all threats will be viewed with the assumption that they will be carried out. All reports of such incidents will immediately be thoroughly investigated. If found to be valid, disciplinary action will be taken, up to and including dismissal. The reporting procedure outlined in the Anti-Harassment directive noted above may also be utilized for reporting acts of violence. To the extent permitted by the Firearm Concealed Carry Act, any employee may store a firearm or ammunition concealed in a case within a locked vehicle or locked container out of plain view within the vehicle in the parking area of a City facility. Employees may not store a firearm or ammunition within a vehicle in parking areas that constitute a prohibited area.

## **AUTHORITY**

The City Manager, by City Council directive, is responsible for the administration of the following personnel rules and regulations and is vested with full authority to establish by administrative directive terms and conditions of employment consistent with policy established by the City Council.

## **POLICIES AND PRACTICES ESTABLISHED**

If the following Personnel Policies and Practices conflict with the Rules and Regulations of the Board of Fire and Police Commissioners of The City of Lake Forest with regard to sworn fire and police employees, the Board's rules shall be followed. Said Rules and Regulations are hereby made a part of these Personnel Policies and Practices.

The employees who are covered by any applicable collective bargaining agreement (and any subsequent Agreements signed during the duration of these policies) shall be governed by the provisions of those agreements, to the extent that any of the Personnel Policies and Practices conflict with the agreements. In all other circumstances, including where the agreements are silent, these Personnel Policies and Practices shall govern.

## **1. EMPLOYMENT POLICY**

### **1.1.0 Authority to Employ Personnel**

Authority to employ individuals for all positions in the City service, except offices appointed by the Mayor (Police Chief) or by the Mayor with the advice and the consent of City Council (Fire Chief, City Engineer, City Clerk), is vested in the City Manager.

### **1.2.0 Employment Procedure**

It is the policy of the City to employ and fill vacancies on the basis of merit and, whenever it is in the best interests of the City, to promote City employees to higher positions when vacancies occur.

The City also will make reasonable accommodations, as required by law, for qualified individuals with disabilities unless doing so would result in an undue hardship. (See Admin. Dir. 5-2, Request for Accommodation)

All persons seeking employment with the City shall first make electronic application to the Department of Human Resources on the City website. Employees who are unable to submit an application electronically will be afforded the ability to submit a paper application or offered another form of accommodation as warranted. No person will be employed and placed on the City payroll until appropriate and satisfactory background, employment, and medical examinations have been completed and information necessary for pension plan, payroll deduction and other required data are determined. (See Admin. Dir. 2-10, Medical Examination Policy)

Once hired, all employees will be given a comprehensive orientation program which addresses pay and benefit issues, City policies and procedures, safety issues, instruction in the proper use of equipment and any other factors necessary to enable the employee to perform in the job. (See Admin. Dir. 2-8, Employee Orientation)

### **1.3.0 Equal Opportunity Employer**

The City's equal employment opportunity policy applies to all terms, conditions and privileges of employment including hiring, probation, training, placement, promotion, transfer, compensation, benefits and employee programs, discipline, termination, layoff and recall, and retirement. All employees will be judged on the basis of merit, training, experience, ability to perform the job, and compliance with applicable retirement and pension plan requirements. The City does not discriminate against a person because of race, color, sex, religion, age, disability, national origin, ancestry, creed, marital status, sexual orientation, citizenship status, military status, veteran status, genetic history, pregnancy or any other class protected by law. Every person will be given an equal opportunity for employment with the City, and the City shall comply strictly with all applicable Federal, State and local employment and labor laws, including making reasonable accommodations for qualified individuals with disabilities unless doing so would result in an undue hardship. (See Admin. Dir. 5-2, Request for Accommodation)

### **1.4.0 Drug-Free Workplace**

The use and misuse of alcohol and drugs by The City of Lake Forest's employees is contrary to a drug-free workforce and workplace. The use of these substances increases the potential for accidents, absenteeism, substandard performance, turnover, misconduct, poor employee morale, damage to property, injury to the public and/or other employees, or degradation of trust in the City to effectively service its citizens. In addition, employees who are "drivers" as that term is defined pursuant to the Omnibus Transportation Employee Testing Act of 1992, and other employees in safety-sensitive positions, are subject to drug and alcohol testing as set forth in federal regulations and pursuant to

procedures described in two Alcohol and Drug Policies. (See Admin. Dir. 2-2, Alcohol and Drug Policy for CDL License Holders, and 2-3, Alcohol and Drug Policy)

### **1.5.0 Employment of Relatives**

In order to avoid an actual or potential conflict of interest in employee hiring, supervision and/or allocation of duties, employment and personnel decisions shall not be made on the basis of nepotism or under circumstances which reasonably create the appearance of nepotism to the public. For purposes of this policy, the terms “immediate family” and “relatives” are a spouse, parents, parents-in-law, siblings, sisters/brothers-in-law, children. These types of relationships in the workplace are strongly discouraged, however, case-by-case consideration will be given to any current employees that would be adversely affected by a strict application of this policy.

- a. The City generally does not permit two or more relatives to work in the same department, division or section in circumstances where one relation occupies a position that supervises the other relation or has influence involving the relation’s employment, promotion, supervision, salary advancement or other personnel decisions. In the case of temporary positions, however, more than one member of a family may be employed within the same department, and in the same division or section, as long as a direct or indirect supervisory/subordinate relationship between the relatives does not exist.
- b. If employment of immediate family members exists, or is later established, or is deemed to be in the best interest of the City, and an actual or potential conflict arises, the City Manager, the Director of Human Resources and the appropriate Department Head(s) will endeavor to resolve the conflict by conciliation, transfer or other appropriate action, including termination. These situations will be resolved on a case-by-case basis. The City staff will present recommendations in each such case to the PCA for review and approval.
- c. This policy does not apply to those individuals who are uncompensated and who serve on The City Council or advisory City Boards and Commissions. This policy also does not apply to the hiring of persons whose application and appointment are under the jurisdiction of the Board of Fire and Police Commissioners of the City.

### **1.6.0 Secondary Employment**

No regular fulltime employee of the City is permitted to engage in any outside work, business venture or other activity considered as secondary fulltime or part-time employment without the department head's knowledge and written approval. Such employment will not be acceptable under a number of conditions, including, but not limited to:

- a. Where secondary employment would extend beyond 20 hours a week, except during an employee's regular days off, holiday or vacation periods.
- b. Where the nature or place of employment might bring disfavor on the City.
- c. Where secondary employment would involve the employee's appearance in City uniform, involve use of City equipment, or in any manner be considered as a conflict of interest with the employee's municipal position.
- d. Where secondary employment would involve running personal expenses through the City’s accounts.
- e. Where it appears that secondary employment has an adverse effect on the employee's attendance, punctuality or sick leave record.
- f. Where secondary employment impairs the employee's ability to discharge the duties and responsibilities of his/her City job.
- g. Where an employee might be considered to be using his/her City position to influence, to solicit business for the outside employment, or where there is any appearance of impropriety.



Employees who engage in secondary employment shall do so only with the understanding and acceptance that their primary duty, obligation and responsibility is to The City of Lake Forest. All City employees are subject to call at any time for emergencies, special assignment, or overtime duty, and no secondary employment may infringe on this obligation.

No non-exempt employee will be allowed to work secondary employment within another department of the City. Exempt employees will be allowed to work secondary employment within another department of the City only with the approval of the Director of Human Resources and City Manager.

### **1.7.0 Professional Appearance**

*The City expects all employees to exercise appropriate judgment with regard to personal appearance, dress and grooming to be most effective in the performance of their workplace duties. The City recognizes that personal appearance is an important element of self-expression and strives not to control or dictate appropriate employee appearance, specifically with regard to jewelry or tattoos worn as a matter of personal choice.*

*In keeping with this approach, the City allows reasonable self-expression through personal appearance, unless a) it conflicts with an employee's ability to perform his or her position effectively or with his or her specific work environment, or b) it is regarded as offensive or harassing toward co-workers or others with whom the City conducts business and has contact with employees.*

*All non-uniformed employees are permitted to dress in business casual clothes from Monday through Thursday, and to dress in casual clothes on Fridays during the year. Business Casual attire means clothing that allows employees to feel comfortable at work, yet appropriate for an office environment. Each employee should choose business casual clothing that displays professionalism, while keeping his/her workday schedule in mind. Employees who are hosting or attending meetings with external client/vendor/business representatives must wear appropriate clothing, including business attire. On Fridays, employees may wear more casual attire unless a Friday meeting calls for Business Casual attire. (See Casual Dress Guidelines)*

*Factors that management will consider to determine whether attire, jewelry or tattoos may pose a conflict with the employee's job or work environment include:*

- *Personal safety of self or others, or damage to company property.*
- *Ability to wear required PPE.*
- *Productivity or performance expectations.*
- *Offensiveness to co-workers, customers, vendors or others in the workplace based on racial, sexual, religious, ethnic, or other characteristics or attributes of a sensitive or legally protected nature.*
- *Depiction of nudity, violence, or otherwise offensive images or language must be covered at all times.*

*If management determines an employee's attire, jewelry or tattoos may present such a conflict, the employee will be encouraged to identify appropriate options, such as removal of excess or offensive jewelry, covering of tattoos, or other reasonable means to resolve the conflict.*

*An environment of mutual cooperation, respect, and fair and consistent treatment for all employees is the City's goal. Nonetheless, the City is legally responsible for ensuring that no employees are subject to harassment or a hostile work environment. As an initial step toward resolution of any complaint or offense under this policy, supervisors and managers will be responsible for explaining the policy and answering employee questions. If an agreeable solution cannot be reached with the department head, the Director of Human Resources will follow City procedures to resolve the issue.*

## 2. OFFICIAL PAY PLAN

### 2.1.0 The Official Pay Plan

The salary ranges and position titles as maintained by the Department of Human Resources shall constitute the Official Pay Plan for all employees of The City of Lake Forest except the City Manager.

### 2.2.0 Administration of Pay Plan

The City Manager, as chief administrative officer of the City, shall be responsible to the City Council for the administration and interpretation of the Official Pay Plan and shall set salaries for all employees within the limits of the salary ranges established herein. The City Manager shall apprise the City Council from time to time regarding the appropriateness of municipal salary levels, taking into consideration cost of living, area employment conditions, level of employee performance and other appropriate factors. All salary adjustments shall be authorized by the City Manager following consideration of recommendations by department heads, who shall certify each employee's eligibility and qualifications for such salary adjustment. The City Manager shall apprise the City Council of compensation adjustments for the Executive Staff during the annual budget review process or at the time of original appointment. The City Manager is further authorized to establish and administer an employee evaluation and development program to be used to determine employee job effectiveness, performance, and individual employee development. Such a program serves as an important factor in consideration of employee salary adjustments. Additionally, the City Manager shall have the authority to establish personnel review boards to administratively review and recommend employees for probation and salary adjustments. (See Admin. Dir. 2-18, Employee Performance Compensation and Evaluation)

### 2.3.0 Salary Administration Procedure

The following paragraphs detail the salary administration procedures for the City.

#### 2.3.1 Establishment of Salary Ranges and Position Titles

The Official Pay Plan for City service consists of the established annual pay ranges and the titles of regular, fulltime positions which are to be compensated within each pay range. The City Manager recommends adjustments to the salary plan from time to time, which become effective when approved by the City Council.

The Official Pay Plan establishes salary ranges which recognize that individual ability and exhibited job performance are the basic considerations in salary administration. The Plan also recognizes that it is desirable to provide the opportunity for employees to attain, within a reasonable period following employment, a salary level appropriate to their position and skills exhibited based on their performance. The various ranges are available upon request from the Director of Human Resources.

Pay Range: For the Operational, Clerical, Professional, and Supervisory Classifications, there are seven steps within each range, with Step 1 being the lowest and Step 7 the highest. Progression through each step is based solely on exhibited performance. Progression through the Managerial, Administrative and Executive Classifications is based solely on exhibited performance.

### **2.3.2 Applicability of Salary Ranges and Position Titles Schedule**

Salary ranges represent fulltime compensation for each position title to be paid to regular, salaried employees of the City. Pension participation will be required for non-sworn employees working 1,000 hours or more in a year in qualifying positions.

### **2.3.3 Original Appointment**

Employees shall normally be appointed at the minimum level of the range authorized for the position, or Step 1. However, employees may be hired at a level higher than the minimum with the expressed approval of the City Manager, who shall have authority to establish initial employment compensation at any salary level within the range authorized by the City Council for the position. Employees appointed at the initial increment for their position salary range shall be eligible for a salary increase upon satisfactory completion of a probationary period and recommendation for salary adjustment by the department head. In no case will a new employee be appointed to a step higher than Pay Step 4 unless special approval is granted by the City Manager. No employee shall be considered for regular appointment or salary increase if he/she is determined to not satisfactorily perform the assigned duties of the position.

The City Manager may authorize increases larger than one step, subject to budgetary constraints, if the performance and skills exhibited during the probationary period warrant additional compensation.

### **2.3.4 Probationary Period**

All persons employed by the City to fill a regular position shall serve a probationary period. Except as noted below, such probationary period shall continue for six months, providing the employee's performance is satisfactory. Such period may be extended not to exceed six additional months if, in the opinion of the department head, Director of Human Resources and City Manager, an extended period is necessary to fully evaluate the employee for regular appointment. Probationary employees are not guaranteed employment through their probationary period and remain subject to termination at the will of the City.

Sworn police and building inspectors serve a minimum 18-month probationary period. Sworn firefighters serve a minimum 12-month probationary period which may be extended until paramedic licensing has been achieved. Community Services Officers and Water Plant Operators serve a minimum 12-month probationary period.

During the probationary period, the employee must exhibit an ability to learn and handle the job for which he/she was hired. No employee shall be appointed regular employee status without having first been thoroughly evaluated by his/her supervisor and having his/her performance discussed with them. A decision as to whether the employee should be appointed to regular employee status will then be made by the department head, the Director of Human Resources and the City Manager. Should satisfactory job performance not be attained by the end of the period, the probationary period may be extended for up to six months with the agreement of the department head, the Director of Human Resources and the City Manager, or the employee shall be dismissed.

Upon successful completion of the probationary period as determined by the department head, the employee will be appointed to "regular" employee status. Continued employment is dependent upon the employee's satisfactory job performance, adherence to City and departmental rules and regulations, honesty, and the City's available funding. Successful completion of the probationary period and appointment to "regular" employee status does not alter the employee's at-will employment relationship. (See Admin. Dir. 2-18, Employee Performance Compensation and Evaluation; and 2-5, Use of Personnel Action Report)

### **2.3.5 Administration of Plan**

Any new employee or an employee who has been promoted or transferred will receive a one-step pay increase upon successful completion of the probationary period, called the initial step increase. In the case of any employee promoted or transferred to Pay Step 7, this increase shall not be granted.

After the initial pay step increase, each subsequent increase will be based on the employee's annual May 1 evaluation and will take into consideration demonstrated satisfactory job performance. The increment salary increase shall generally follow the pay steps established by the City Council for the particular salary class, except that employees may receive a larger increase upon the approval of the City Manager if performance and skills demonstrated clearly warrant such consideration. Smaller incremental salary increases may also be granted if job performance does not warrant a full step increase. In those instances, a performance improvement plan (PIP) may be developed to assist the employee in improving performance.

### **2.3.6 Pay Plan Adjustments**

Based on economic conditions and other factors, the pay plan may be periodically adjusted by the City Council. At the time of such adjustments, all regular, fulltime employees will be eligible for salary increase consideration at the newly assigned salary rate or any portion thereof, depending on their evaluation applicable to their respective salary classification.

A department head, upon a formal evaluation of any employee and following consultation with said employee, can recommend that no increase be granted based on a failure to perform assigned duties in a satisfactory manner. If an adjustment is withheld, a performance improvement plan may be established with the employee, and the employee may be reevaluated at an established time set by the department head and the Director of Human Resources. An adjustment may be granted by the City Manager when said employee's performance has improved to a satisfactory extent, however, any missed steps or back pay increases will not be made up in order to have the employee "catch up" to where their pay would have been with satisfactory performance.

### **2.3.7 Promotions**

Promotions in the City service shall be based upon merit and ability to fulfill the requirements of the position as described. If in the best interests of the City, vacancies in higher positions will be filled by promotion of qualified employees from subordinate jobs.

Promotional examination, education, oral interview, review of past work record and exhibited interest are factors which may be considered in determining the qualifications of an employee for promotion. All promotions are made upon department head recommendation to and approval by the City Manager, unless otherwise vested with the Mayor and/or City Council. All employees promoted or hired into a supervisory position will receive hands-on supervisory training as deemed appropriate by the department head and Department of Human Resources. Such training may include but not be limited to 10-Minute Manager segments; professional organization supervisor training programs (IPELRA) and leadership programs (Midwest Leadership Institute); leadership readings and onsite training developed and offered by the Department of Human Resources (i.e., Harassment, Alcohol and Drug Awareness; FMLA and ADA).

When an employee is transferred or promoted from one position or salary range to another, his/her salary may be adjusted by the City Manager and the employee may be placed on probation as determined by the City Manager. The salary will be at an increment within the new salary range. In the case of promotions, the City Manager may authorize a salary increase within the new salary range which reflects the increased duties and responsibilities assigned the employee. The City Manager shall recommend to the City Council promotional candidates for those positions appointed by the

Mayor and/or City Council as set forth in Article VI of the City Code (Police Chief, Fire Chief, City Engineer, City Clerk).

### **2.3.8 Job Transfers**

Job transfers are of two types: (1) those requested by the employee, and (2) those made by the City, either temporary or permanent, where the best interest of departmental operations is served. Such changes shall occur only upon approval of the City Manager.

Any employee may be required by the City to perform in another department of the City when necessary or proper for the efficient and effective use of personnel in carrying out the business of the City.

### **2.3.9 Reclassification**

An employee's position may be re-established by the City Manager to a higher or lower salary range to properly reflect assigned duties and responsibilities and subject to budgetary constraints. The City Manager shall have the authority to reassign and place an employee at a lower salary range.

### **2.3.10 Resignations, Layoffs**

To resign from City service in good standing, an employee shall give his/her department head at least two week's written notice of his/her intention to resign. Under exceptional circumstances, the City Manager may waive the two-week notice requirement, thereby allowing the employee to leave in good standing.

Any City employee may be laid off without reflection on his/her standing for lack of work or funds. The City usually will attempt to give at least two weeks' notice of the effective date of a layoff to each regular employee affected. (See Admin. Dir. 2-30, Severance Pay)

### **2.3.11 Tree Trimmer Pay**

Forestry employees who are classified as tree trimmers shall receive tree trimmer pay in the amount of \$50 per month in addition to their established monthly rate.

### **2.3.12 Additional Duty Pay**

The City Manager shall have the authority to assign additional duty responsibilities on an as-needed basis to regular employees which will be special or collateral assignments in addition to the employee's regular position. Employees receiving additional duty pay will only receive the pay as long as the additional responsibilities are required of that employee; the pay is not guaranteed. Employees assigned an additional duty position shall be eligible, upon authorization by the City Manager, for a salary adjustment, which shall be in effect only so long as authorized by the City Manager and subject to budgeting constraints. (See Admin. Dir. 2-14, Additional Duty Pay Administration)

The standards for awarding additional duty pay shall be as follows:

- a. The additional duties must represent skills not normally associated with the position classification and its description.
- b. The individual must be performing duties not normally assigned to the position and the additional duties must represent forty percent (40%) of the individual's time.

- c. The individual must act as working leader for a crew of three (3) or more for sixty percent (60%) of the individual's time. This must include: assigning personnel; directing personnel; being held responsible for crew performance by first-line supervisor; and being assigned as acting supervisor periodically.
- d. The additional duties must represent assigned managerial responsibilities either as an “acting” or “interim” position or as an “assistant to” position.

Performance will be considered in making annual additional duty pay evaluations.

### **2.3.13 Additional Merit Pay**

The City Manager, with the concurrence of the City Council, shall have the authority to establish an additional merit pay policy as defined in Administrative Directive 2-22.

### **2.3.14 Longevity Pay**

In addition to regular compensation and in recognition of continued service to the City, employees are eligible for \$35 per year of service after 5 years through 9 years; \$40 per year of service beginning 10 years through 14 years; \$50 per year of service beginning 15 years through 19 years. Employees with more than 19 years receive \$75 per year of service. Subject to budgetary constraints this sum shall be paid in a lump sum amount during December each year, and years of service shall be calculated as of December 31 of the year in which the longevity pay is being paid. It is subject to all normal withholding. Employees who leave employment prior to the issuance of the longevity checks will not receive the longevity bonus.

## **2.4.0 Positions**

### **2.4.1 Department Heads and Staff Assistants**

The City Manager shall, within established salary levels approved by the City Council, have full discretion and authority to periodically adjust salaries of those persons in the Executive, Managerial, and Administrative classifications of the Pay Plan. Performance of such professional personnel will be reviewed at least annually on May 1. Increases shall not extend salary levels beyond the maximum annual rates established for the positions unless it is determined that the employee deserves a merit adjustment based on exhibited performance. The City Manager shall apprise the City Council of any such salary adjustment.

### **2.4.2 Job Sharing**

The City recognizes that allowing fulltime employees with special needs to share their regular, fulltime positions with another employee without reducing the efficiency of the position or the established hours of work for the position is often beneficial.

Any regular, fulltime employee in good standing may apply in writing to the department head for approval of a job-sharing arrangement. All requests will be forwarded to the Director of Human Resources for review and coordination. If an appropriate person solely at the City's discretion is not found to share the position within 60 days, the request will be denied.

All job-sharing arrangements shall be governed by a job sharing agreement, which is effective for a maximum period of 12 months, but can be canceled with 30-days' notice by the employee or the City. The agreement may be extended upon a written request from the employee and approval of the department head. (See Admin. Dir. 2-12, Job Sharing Program)

### **2.5.0 Residency Requirement/Housing Allowance Compensation**

Although highly desirable, most employees are not required to maintain residency within the City limits. Fire and police sworn personnel not covered by a collective bargaining agreement must live within a 27-mile radius of the Public Safety Building. Police and Fire sworn personnel covered by a collective bargaining agreement must abide by the terms of the agreement. Employees of these two departments must have the express permission of the Chief of Police or Fire Chief and the approval of the City Manager to reside outside those limits. All other City employees, except as noted below, must live within a reasonable distance to the City that will not prevent them from fulfilling the duties and responsibilities of their position.

The City Council recognizes that it is sometimes desirable and in the best interest of the community to have certain members of the staff reside within the City. These positions may consist of the following:

City Manager  
Police Chief  
Fire Chief  
Director of Public Works  
Director of Community Development

Each position will be considered on an individual basis. The City Manager is authorized to require such residency and to provide housing assistance, with prior concurrence of the City Council, to those employees if they are required by the City Manager to establish their residency within the City. The City Manager's housing compensation will be determined solely by the City Council.

### **2.6.0 Emergency Response Personnel**

Employees required to make emergency responses may, at the department head's discretion, be allowed to take City vehicles home at night. This exception is being made to accommodate those individuals who require immediate access to equipment and radio communications in emergency situations. (See Admin. Dir. 1-12, Assigned Vehicle Use)

### **2.7.0 Fringe Benefits**

The City has established policies and guidelines for the proper handling and taxing of certain employee fringe benefits to ensure compliance with IRS guidelines. Included in these benefits are guidelines on uniforms, logo wear, laptop computers and other miscellaneous items that may be subject to being taxed. (See Admin. Dir. 2-15, Employee Fringe Benefits)

### **2.8.0 Deductions from Exempt Employee Salaries**

Exempt employees are not answerable merely for the number of hours they work. They work as few or as many hours as are necessary to accomplish the tasks expected of them. For this reason, and subject to the exceptions below, City policy provides the compensation of exempt employees should not be reduced for any partial-day absence (other than intermittent or reduced schedule FMLA leave); any partial-week absence occasioned by the City or its operating requirements, including holidays and partial-week shutdowns; or because of variations in the quality or quantity of work performed. Deductions from the compensation of exempt employees are proper under the following circumstances:

- a. Partial day absences for intermittent or partial day FMLA leave;
- b. Full-day absences for personal reasons, other than sickness or disability;

- c. Full-day absences due to the employee's own sickness or injury (including work-related injuries and FMLA-related absences). Such deductions will be made in accordance with the City's paid time off plans and state worker's compensation laws and regulations;
- d. Deductions from pay for penalties imposed in good faith for infractions of safety rules of major significance;
- e. Any portion of a workweek that the exempt employee does not work at the commencement and termination of employment; and
- f. Full workweeks in which no work is performed.

The City reserves the right to require an employee to utilize paid time off benefits for partial-day absences occasioned by personal reasons or by the employee's own illness or injury. The City also reserves the right to offset from an exempt employee's compensation any amount received in a particular workweek in jury duty fees, witness fees or military pay.

Improper deductions from the salary of exempt employees are a serious violation of City policy. The City encourages any exempt employee who believes his or her salary has been improperly reduced to report the problem immediately to his or her immediate supervisor or the Director of Human Resources. The City will review the deduction to determine if it was proper. The review process may require the employee to provide information or present documents to the City. The employee will be notified of the results of the City's review. If the City determines that the deduction was improper, the employee will be reimbursed for the improper deduction as soon as practicable. Employees are assured that the City is committed to comply, and expects all supervisors and managers to comply, with this policy and to carefully avoid making improper deductions from the salary of exempt employees. Employees also are assured that no retaliatory action will be taken for reporting improper deductions. Employees who suspect retaliation should report their concerns immediately to his or her immediate supervisor, the Director of Human Resources or the City Manager.

Note: The City's attendance and disciplinary action policies are applicable to exempt employees even though an absence may not be one for which a deduction from salary may be taken.

### **3. HOURS OF WORK**

#### **3.1.0 Workweek Defined**

The workweek commences at 12:01 a.m. on Sunday and ends at midnight on the following Saturday. Except as otherwise provided in this Part 3, the hours of work comprising fulltime City employment shall be 40 hours per week and a minimum of 1,000 hours per year for IMRF pension purposes. For Fire Department personnel, including Paid-on-Premise personnel, it shall be 204 hours averaged over a 27-day period; and for Police Department personnel, it shall be 171 hours averaged over a 28-day period. It is the personal responsibility of each employee to be at his/her work station and fully prepared to begin work at the time the established departmental shift/work day begins.

#### **3.2.0 Workday Defined**

The workday for each employee shall be the 24-hour period from the time that work is scheduled to begin until that time shall occur again. This definition shall be used whenever workday is referred to in these policies. A 30-minute unpaid meal break is included as part of the workday unless otherwise defined for specific positions.

#### **3.3.0 Overtime Work**

It is the policy of the City to keep work in excess of established schedules at a minimum and to permit such work only when it is necessary to meet City operating requirements. All overtime work performed by a nonexempt employee must be approved by the employee's immediate supervisor prior



to the work being performed. Unauthorized overtime work will subject the employee to discipline, including dismissal.

### **3.4.0 Established Hourly Rate Defined**

The established hourly rate shall be at the rate specified in Section 2, Official Pay Plan, for the position salary range held by the employee at the time the overtime compensation is earned. The rates established by the Official Pay Plan shall be the official rates for all overtime compensation.

### **3.5.0 Compensation for Overtime Work**

Employees shall be compensated for overtime work at the following rates:

- a. **Police Department** – Eligible sworn police personnel covered by the collective bargaining agreement shall be compensated as determined by their agreement. Sworn police personnel not covered in the bargaining unit shall be compensated at 1½ times their established regular rate, computed on a per-hour basis for all authorized police work in excess of the regularly scheduled 8¼-hour work day and beyond the regularly scheduled work week, and for all authorized police work when called back after normal working hours or on regularly scheduled days off, including holidays. Whenever eligible sworn police personnel not covered by the collective bargaining agreement are called back to work on a temporary basis, a minimum of two hours of overtime compensation will be paid.
- b. **Fire Department** – Eligible sworn fire personnel covered by the collective bargaining agreement shall be compensated as determined by their agreement. Sworn fire personnel not covered in the bargaining unit shall be compensated at 1½ times their established regular rate, computed on a per-hour basis for all authorized fire work in excess of the regularly scheduled 24-hour work day and beyond the regularly scheduled work week, and for all authorized fire work when called back after normal working hours or on regularly scheduled days off, including holidays. Whenever eligible sworn fire personnel not covered by the collective bargaining agreement is called back to work on a temporary basis for emergency calls, a minimum of two hours of overtime compensation will be paid.
- c. **Public Works, Parks and Forestry Personnel** – Eligible regular fulltime and part-time employees in these areas shall be compensated at 1½ times their regular rate, computed on a per-hour basis for all authorized work in excess of the normal working day and beyond the regularly scheduled work week and for all authorized work when called back after normal working hours on regularly scheduled days off, including holidays. Fulltime and part-time employees will be compensated at 1½ times their regular rate for any authorized work in excess of 40 hours in a work week. In the event that shift changes are approved which increase the regular work day but cause the work week to remain at 40 hours, overtime will not be compensated until the hours worked extend beyond 40 hours per week. Whenever an employee in these sections, who is eligible to receive overtime, is called back to work on a temporary basis from off-duty status, a minimum of two hours of overtime compensation at 1½ times the hourly rate will be paid. During snow removal emergency shift work, employees shall be paid as determined by the snow removal policy.
- d. **All Other Regular Fulltime and Part-Time Employees** – Eligible regular fulltime and part-time employees, except as noted above, shall be compensated at 1½ times their regular rate, computed on a per-hour basis for all authorized work in excess of the normal working day and beyond the regularly scheduled work week and for all authorized work when called back after normal working hours on regularly scheduled days off, including holidays. Fulltime and part-time employees will be compensated at 1½ times their regular rate for any authorized work in excess of 40 hours in a work week. In the event that shift changes are approved which increase the

regular work day but cause the work week to remain at 40 hours, overtime will not be compensated until the hours worked extend beyond 40 hours per week. Whenever an employee of this category is called back to work on a temporary basis, a minimum of one hour of overtime compensation will be paid.

**e. Compensatory Time**

It is the policy of The City of Lake Forest to schedule overtime work only when deemed necessary to meet City operational needs. Regular, fulltime, non-exempt employees in the following departments may elect to take compensatory time-off in lieu of overtime compensation by signing the appropriate agreement for their department or if covered by any applicable collective bargaining agreement (and any subsequent agreements signed during the duration of these policies): Community Development, CROYA, Finance, Human Resources, Office of the City Manager, Public Works, Parks and Recreation and Senior Resources. Compensatory time-off will be granted to the participating employee at a rate of 1.5 hours of compensatory time for every hour of overtime worked.

Compensatory time-off may not be taken unless the participating employee has received prior approval from his or her department head. Once a participating employee has worked overtime and received approval from his or her department head, the employee may schedule and take his or her earned compensatory time-off. A participating employee who has accrued compensatory time and has requested its use will be permitted to use that time within a reasonable period after making the request, so long as the use of that compensatory time-off does not unduly disrupt the operations of the City or the Department. Participating employees requesting compensatory time off must adhere to the same rules set forth for department vacation requests.

No participating employee shall accumulate more hours of compensatory time during a given 12-month period as set forth in the appropriate agreement he or she signed. Once a participating employee works overtime to the extent that he or she accrues the maximum compensatory time hours, the employee will be paid overtime compensation for any further overtime hours worked. Accrued hours will not be carried forth into a new 12-month period as set forth in their agreement. Employees will be issued a check for all compensatory time not used within the defined period in which it was earned equal to the number of hours accrued. The City may at any time substitute overtime cash payments in exchange for compensatory time-off hours.

The City reserves the right to modify this policy and the accrual, use, and payment of compensatory time-off at any time upon notice to affected employees, subject to applicable federal and state law.

- f. No Pyramiding – Hours worked shall not be counted twice for purposes of overtime pay (that is, no pyramiding). Vacation or personal day hours shall not be counted toward daily or weekly overtime if the employee works on his or her scheduled vacation or personal day.

**3.6.0 Positions Ineligible for Overtime Compensation**

The overtime compensation provisions of Section 3.5 of this Directive shall not apply to positions in the Managerial and Administrative or Executive pay plan schedules of the Official Pay Plan of The City of Lake Forest or other positions determined to be exempt by the department head, Director of Human Resources and City Manager based on the Fair Labor Standards Act and Illinois Minimum Wage Act guidelines.

### **3.7.0 Flex Time**

Office employees may be eligible to take time off during their normal workday and make the time up at another time. This may include, but not be limited to, time off for such things as personal business, doctor/dental appointments, and school visitation. This time must be requested in writing to the department head or his/her designee at least 24 hours in advance and approval will depend on available staffing levels. The written request must include the reason for the request, the date and time needed off and when the time will be made up. No time will be granted in excess of three hours, and it must be made up within the same seven-day work period. In certain emergency situations, the department head has the discretion to waive the 24-hours advance notice requirement.

#### 4. HOLIDAYS WITH PAY

##### 4.1.0 Days Designated

The City of Lake Forest holidays shall be as listed below, unless changed by the City Manager. Holidays will normally be paid based on an 8-hour shift, excluding year-round special shifts such as, but not limited to, Fire and Sanitation.

1.	<b>New Year's Day</b>	January 1
2.	<b>Personal Day</b> (day of employee's choice with department head approval in lieu of Martin Luther King Day)	Earned January 1
3.	<b>Personal Day</b> (day of employee's choice with department head approval in lieu of Presidents' Day)	Earned February 1
4.	<b>Personal Day</b> (day of employee's choice with dept head approval)	Earned May 1
5.	<b>Memorial Day</b>	Federal Holiday
6.	<b>Independence Day</b>	July 4
7.	<b>Labor Day</b>	First Monday in September
8.	<b>Veterans Day</b>	November 11
9.	<b>Thanksgiving Day</b>	4 <sup>th</sup> Thursday in November
10.	<b>Thanksgiving Friday</b>	Friday after Thanksgiving
11.	<b>Christmas Eve Day</b>	December 24
12.	<b>Christmas Day</b>	December 25

Personal days must be used within the calendar year in which they are earned. Time remaining on January 1 of the following year will be deleted from the employee's accruals unless special arrangements are made in advance with the employee's department head. Should special arrangements be made, the department head will complete a personnel action form noting the exception. Police and Fire personnel must use these days within the fiscal year.

##### 4.2.0 Holiday Falling on Weekend, Working Days

When any of the above holidays falls on a Sunday, the following Monday is considered the holiday; if any falls on Saturday, the preceding Friday is celebrated as the holiday. For employees who maintain essential City services or who work on shift assignments, or for regular employees on vacation, the policy shall be followed that when a holiday falls on one of their regular days off or during their vacation period, they receive another day off as scheduled by their department head.

For those who receive another day off in lieu of the holiday, the time must be used within the fiscal year in which it is earned. Time remaining on May 1 of the following fiscal year will be deleted from the employee's accruals unless special arrangements are made in advance with the employee's department head in consultation with the Director of Human Resources. Should special arrangements be made, the department head will complete a personnel action form noting the exception.

Whenever Christmas Eve and/or Christmas Day falls on a Saturday or Sunday, the preceding Friday and following Monday will be observed as the Christmas Eve and Christmas Day holidays unless otherwise designated by the City Manager.

#### **4.3.0 Holiday Bonus**

When a probationary or regular fulltime employee is scheduled to work a minimum eight-hour shift on a City holiday, that employee will receive a holiday bonus of \$160. Employees “swapping” days with a regularly scheduled employee will be eligible to receive this holiday bonus in lieu of the person with whom they “swapped”. For employees working shifts in 24-hour/7-days-a-week departments, the employee who works the official holiday is paid the bonus, not the employee who works the “celebrated” holiday (i.e., if July 4 falls on a Saturday and is celebrated by the City on Friday, July 3, the employee who works on July 4 receives the bonus). This bonus is subject to all normal withholding. It does not apply to employees who are called back for emergency work, but only those scheduled to work as part of their normal shift in order to maintain appropriate coverage. Employees called back for emergency situations or coverage will be covered under Section 3.5.0 of these policies. Executive Classification employees are exempt from this holiday bonus. Employees covered by a collective bargaining agreement shall be compensated as determined by their agreement.

## 5. LEAVE POLICY

### 5.1.0 Vacation Schedule

<u>Completed Years of Service</u>	<u>Hours Accrued Per Pay Period</u>	<u>Hours Accrued Per Year</u>
1 to 5	3.08	80
6	3.38	88
7	3.69	96
8	4.00	104
9	4.31	112
10	4.62	120
11	4.92	128
12	5.23	136
13	5.54	144
14	5.85	152
15-19	6.15	160
20	6.46	168
21	6.77	176
22	7.08	184
23	7.38	192
24+	7.69	200

Vacation hours accrued at the end of each pay period are available for use, dependent upon individual department policies and the department head's discretion. New employees may use the vacation benefits accrued with their department head's discretion. Employees are not allowed to use vacation time before it is earned, thus creating a negative balance.

A regular part-time employee will earn vacation and holiday time with pay equal to the percentage of time worked compared to a regular, fulltime employee.

Due to different hours of work, Fire Department personnel working shift assignments shall accrue vacation benefits at an equal, but different formula rate than other municipal employees. The annual accrual is the same.

Vacation leave should be taken on consecutive days. Eligible leave should be taken during the fiscal year earned or it is subject to forfeiture as provided below. Depending upon departmental or personal circumstances, a period of vacation leave may be restricted to two (2) weeks at any one period and, in certain cases, eligible vacation may be deferred to the following fiscal year with the approval of the City Manager. Every effort will be made to grant vacation during periods requested by employees, consistent with the operational needs of the various departments. The City reserves the right, by action of the department head and the City Manager, to approve or disapprove actions with regard to granting of vacation requests.

Holidays observed or periods of significant illness occurring during a vacation leave period are not charged against vacation leave, but are charged against applicable holiday or sick leave.

Employees are not permitted the choice of working for extra pay instead of taking their vacation. However, in special **emergency** circumstances, when in the best interests of the City and upon the approval of the City Manager, the City may purchase a portion of the accrued vacation of an employee at the employee's then-established salary rate.

Employees are not permitted to accrue more vacation than they earn in one year plus 80 hours (112 hours for sworn fire personnel). Time exceeding the earned amount plus the 80 hours (112 hours for sworn fire personnel) on May 1 of the fiscal year will be deleted from the employee's accruals unless special arrangements are made in advance with the employee's department head in consultation with the Director of Human Resources. Should special arrangements be made, the department head will complete a personnel action form noting the exception.

Upon separation from City service, a regular employee will be paid for accrued but unused vacation leave, up to their allowable annual maximum plus 80 hours (112 hours for sworn fire personnel). If an employee separates from City service and has been given special permission to accrue more vacation in that year, as described above, the employee will be paid out for any of those accrued hours at the time of termination.

### **5.2.0 Sick Leave with Pay**

All regular, fulltime employees accrue paid sick leave benefits at the rate of 3.69 hours per pay period to a maximum of 960 hours. An employee who utilizes sick leave for an entire pay period does not earn sick leave for that period.

Sick leave with pay is authorized only if employees notify their department head or immediate supervisor of the necessity for absence in advance of the assigned time to start work. An employee whose work requires a substitute for a particular shift assignment is required to give reasonable notification in advance of the assigned time to start. An employee using paid sick leave benefits is not authorized to work secondary employment while unable to work for the City unless authorized by the employee's department head.

Sick leave with pay may be used for:

- a. Any bona fide personal illness, injury or pregnancy.
- b. Quarantine for contagious disease.
- c. Doctor/dental appointments.
- d. Illness of immediate family member (includes parents, in-laws, step parents, children, spouse, siblings, grandchildren and grandparents or at the department head's discretion)

As a condition to the granting of paid sick leave benefits, any employee may be required to file a certificate of health examination by a practicing physician approved by the City and conform to any medical advice contained therein as directed by the City Manager. A Personnel Action Report must be filed whenever an employee is out for 3 consecutive work days, and a signed medical release must be received in order for the employee to return to work. If, in the opinion of the City Manager upon recommendation of the department head and Director of Human Resources, an employee is unfit to perform essential functions of the job with or without accommodation, or if the health or safety of other employees or the public is jeopardized, such employee may be offered the opportunity to apply for eligible pension or disability benefits and may be granted a leave of absence without pay or may be separated from City service. (See Admin. Dir. 2-5, Use of Personnel Action Form)

While every effort will be made to accommodate employee requests, use of sick leave under items c and d may be denied if emergency situations exist or staffing levels require the employee's presence.

In a case of very serious or prolonged personal illness, an employee who uses all accumulated sick leave may use all accumulated vacation and holiday leave for sick leave purposes before being removed from full pay status. However, regardless of any other City policy or procedure, the time on leave for a prolonged personal illness or on light duty may not exceed six (6) months (or 30 days beyond the expiration of benefits pursuant to the Public Employee Disability Act for fulltime sworn police and fire personnel entitled to such benefits), even if the employee has not exhausted all

accumulated leave, unless an exception is made by the City Manager or otherwise required by law, such as by the leave requirements of the Family and Medical Leave Act or the accommodation requirements of the Americans with Disabilities Act. Upon exhaustion of the above benefits, the employee may have the opportunity to apply to the appropriate pension or retirement plan for eligible disability benefits or for a leave of absence as defined in Section 5.6 of this policy. (See Admin. Dir. 2-6, Limited Duty Policy)

Every year, employees who use four or fewer sick days may choose to receive a payout of some of their unused sick time, based on the following table:

<b># of sick days used during the year</b>	<b># of days that may be paid out (at 100% of salary)</b>	<b>Amount of sick days employees may accrue (up to maximum of 960 hours)</b>
0 days	5 days	Balance of their 12 days (12 – (days used) – (days paid out))
1 or 2 days	3 days	Balance of their 12 days (12 – (days used) – (days paid out))
3 or 4 days	1 day	Balance of their 12 days (12 – (days used) – (days paid out))
5 or more days	No payout	Balance of their 12 days (12 – (days used) – (days paid out))

The payout is valued at 100% of salary, and it doesn't matter how many hours the employee has saved in their sick bank, only how many sick days the employee used that year. Usage of more than four (4) hours of sick time during a scheduled shift, including partial hours, will constitute use of a sick day for purposes of this policy. For firefighters, use of a sick day refers to one 16-hour shift, but, for purposes of this policy, payouts are made based on an 8-hour day. The employee can choose to receive this payout in cash less standard withholdings, or they may have it transferred to their 457 account on a pre-tax basis.

If an employee's total sick leave accrual has reached the 960-hour maximum, the employee will not be permitted to bank any additional sick leave. However, the employee may still participate in the payout options described in this policy.

If an employee's total sick leave accrual has not reached the 960-hour maximum, and the employee elects to take an annual payout, any sick time not paid out will be placed into a separate accrual bank that may not be paid out at a later date. If the employee elects not to take an annual payout, all sick leave will be placed into a separate accrual bank that may be paid out at a later date. The two banks together cannot exceed 960 hours.

On separation in good standing, an employee having time accrued and not previously bought down will be eligible for a buyout based on the following guidelines: a minimum accrual of 480 hours and not more than 952 hours of sick leave shall receive compensation equal to 20% of all hours accrued at the employee's current straight pay rate; an employee having a minimum of 953 hours of sick leave accrued shall receive compensation equal to 40% of all hours accrued at the employee's current straight pay rate. Employees who have not accrued at least 480 hours of sick leave or who have done an annual payout will not receive any compensation for that time upon separation from employment.

Illinois Municipal Retirement Fund (IMRF) allows retiring members who joined before June 1, 2014, up to one year additional pension service credit for unpaid, unused sick leave accumulated with their last employer. One month of service is credited for every 20 days, or fraction thereof, of unpaid,



unused sick leave not to exceed 240 days (one year). Those who joined IMRF on or after June 1, 2014, cannot convert unused, unpaid sick leave to service credit.

### **5.2.1 Voluntary Sick Leave Donation Program**

All regular full- and part-time employees with a minimum of 160 hours of sick leave on the books may be eligible to donate up to 40 hours of accumulated sick leave per occurrence (more with department head approval) to another regular full- or part-time employee who has a catastrophic illness or injury either to themselves or an immediate family member.

A catastrophic illness or injury is one that is expected to incapacitate the employee or an immediate family member for an extended period of time, provided taking extended time off work creates a financial hardship for the employee because all sick leave and other paid time off has been exhausted. Examples may include, but are not limited to, life threatening injury or illness, cancer, AIDS, heart surgery, stroke, etc. An immediate family member includes parents, in-laws, children, spouse, siblings and grandparents or at the department head's discretion.

The employee receiving donations (recipient) must have exhausted all available leave (sick, vacation, holiday, etc.) before becoming eligible to apply for this program. To apply, the employee must notify the Director of Human Resources in writing of his/her desire to have a notice posted requesting donated time. No donations will be accepted without the recipient's written request.

Employees wishing to donate time (donors) should notify the Director of Human Resources in writing, noting how much time they wish to donate and whether or not they wish to remain anonymous in their donations. They will have the time deducted from their sick leave banks and this time will not count towards any other buy-back programs. However, the donors will not be penalized in any way by having this time deducted, such as being included in any other sick leave incentive programs.

All donated time must be in increments of 8 hours and will be considered on an hour-for-hour basis, regardless of the pay level of the donor and recipient. Any unused donated time will be returned to the donors on a prorated basis.

This policy shall in no way extend the time off beyond 6 months unless an exception is made by the City Manager or otherwise required by law and will work in conjunction with all other City policies.

### **5.3.0 Emergency Leave**

Absences because of death of a member of the immediate family (includes parents, in-laws, children, spouse, siblings and grandparents or at the department head's discretion), when the employee's presence is required away from work, can be taken as paid emergency leave. The use of leave for this purpose shall not exceed 24 hours in a calendar year, and only when specifically authorized by the employee's department head. Time in excess of 24 hours must be taken from the employee's accrued vacation time and must be approved by the department head.

Hospitalization of any member of the immediate family when it can be clearly shown that an employee's presence is required can also be used as paid emergency leave. Immediate family includes parents, in-laws, children and spouse only. The use of leave for this purpose shall not exceed 24 hours in a calendar year. Time in excess of 24 hours must be taken as sick leave and have department head approval.

In the case of leave for a hospitalization, if the leave is foreseeable based on planned medical treatment, employees are required to make a reasonable effort to schedule the treatment so as not to

disrupt unduly the operations of the department, and also required to provide 30 days advance notice, or, if the treatment is in less than 30 days, such notice as practicable.

The emergency leave consists of a total of 24 hours per year, whether used for a funeral or hospitalization, and the employee is not compensated if the leave is not used.

#### **5.4.0 On-the-Job Injury and Disability Leave**

If an employee is injured on the job, no matter how slightly, the injury must be promptly reported to the immediate supervisor and a written accident report filed. Medical and hospital expenses incurred due to bona fide work-related injuries will be paid in accordance with City policy and applicable provisions of the Illinois Worker's Compensation Act, provided proper and prompt notice of the accident has been reported by the employee to the department head. (See Admin. Dir. 6-3, Accident and Injury Investigation)

A regular fulltime employee on injury leave may be compensated up to a maximum of 30 calendar days at the salary rate he/she was making at the time of the accident, less deduction of the amount paid by the City's Worker's Compensation insurance carrier (fulltime sworn police and fire personnel entitled to benefits pursuant to the Public Employee Disability Act are covered for up to 365 calendar days). After the 30-day time period (or 365-day time period for fulltime sworn police and fire personnel who are entitled to benefits pursuant to the Public Employee Disability Act), employees may elect to use accumulated sick leave and/or vacation credits to continue receiving full pay. If so, the employee will be charged at a rate of 33-1/3% from accumulated leave. Should the employee not elect such action or should all such accumulated credits be exhausted, the employee may apply for disability under provisions of the applicable retirement or pension fund. Once the employee is no longer receiving full compensation from the City, he/she may be eligible to receive compensation payable under the Illinois Worker's Compensation Act in addition to eligible retirement or pension fund benefits. (See Admin. Dir. 2-6, Limited Duty)

This policy shall in no way extend an employee's total leave period or time performing light-duty work beyond six (6) months (or 30 days beyond the expiration of benefits pursuant to the Public Employee Disability Act for fulltime sworn police and fire personnel entitled to such benefits) unless an exception is made by the City Manager or otherwise required by law. This policy will be applied in conjunction with all other City policies. (See Admin. Dir. 2-6, Limited Duty Policy)

All vacation, sick leave and holiday leave earned while on injury leave shall accrue at the employee's regular rate.

#### **5.5.0 Military Service, Training**

The City will follow all applicable Federal, State and local laws regarding employees who are required to fulfill a military commitment.

#### **5.6.0 Family Military Leave Act**

Any employee who has been working for at least 12 months, who has worked at least 1,250 hours in those months, and who is the parent or spouse of a person called to state or United States military service lasting longer than 30 days is entitled to unpaid family military leave of up to 30 days while the deployment order is in effect. If leave will consist of five or more consecutive work days, at least 14 days' notice is required. Employees taking leave for less than five consecutive work days must give as much advanced notice as is practicable. Employees requesting leave must consult with their supervisor to schedule the leave so it does not unduly disrupt the operations of the City. An employee may not take family military leave unless the employee has used all accumulated vacation leave and

holiday leave. The City may require certification from the proper military authority to verify the employee's eligibility for the family military leave requested.

### **5.7.0 Leave of Absence**

The City Manager, in his/her discretion, may grant a leave of absence with or without pay to any regular employee a period as the City Manager may determine, not exceeding twelve (12) consecutive months. All requests for such leave must be submitted in writing by the employee via his/her department head to the City Manager. Such leave will be granted only when it will not adversely affect departmental operations and is not detrimental to the best interests of the City.

Upon expiration of the approved period of absence, the employee may be reinstated in the position held at the time leave was granted. An employee who fails to return to full duty at the expiration of the leave shall be deemed to have resigned and will be separated with cause.

During the leave of absence, the employee will not be eligible for City benefits. Should the employee wish to remain covered by the City's insurance during the leave of absence, COBRA laws will apply unless the leave is a paid leave, in which case the insurance will be paid in the same manner as if the employee were actively working.

### **5.8.0 Absence Without Leave**

Absence of an employee from duty, including any absence for a single day or part of a day, that is not specifically authorized shall be without pay and serve as a basis for disciplinary action. An employee who absents himself/herself from the job for three consecutive days without authorized leave shall be deemed to have resigned and will be separated with cause.

### **5.9.0 Family and Medical Leave (FMLA Leave)**

#### **Employee Eligibility, Leave Entitlement, and Job Restoration**

Employees who have been employed by the City for at least 12 months and who have worked at least 1,250 hours during the prior 12 months may take up to 12 weeks of unpaid leave per 12-month period in accordance with the Family and Medical Leave Act of 1993 ("FMLA"). The 12-month period shall be measured forward from the date an employee first uses any family and medical leave. ("FMLA leave").

FMLA leave is available for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse (including a same-sex spouse), son or daughter (leave rights are extended to those who assume the role of caring for a child regardless of the legal or biological relationship if the requisite family relationship exists), or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.
- Military family leave for a qualifying exigency.
- Military Family leave to act for caregiver purposes.

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than

three (3) consecutive calendar days combined with at least two (2) visits to a health care provider or one (1) visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment. In most cases, serious health conditions do not include short-term conditions, such as the cold, flu, earache, upset stomach, or a migraine.

In the case of FMLA leave for serious health conditions, the leave may be taken intermittently or on a reduced-hours basis if such leave is medically necessary. If the need for intermittent or reduced-hours leave is foreseeable based on planned medical treatment, the employee generally must schedule the treatment in a manner that does not unduly disrupt the City's operations. Also, if intermittent or reduced-hours leave is required, the City may temporarily transfer the employee to another position with equivalent pay and benefits that better accommodates such leave.

In the case of an FMLA leave for the birth or placement of a child, intermittent or reduced-hours leave cannot be taken without the approval of the Department Head and Director of Human Resources. If both spouses are employed by the City, the combined FMLA leave for the birth or placement of a child, or to care for a parent who has a serious health condition, shall not exceed 12 weeks.

Employees who return to work from an FMLA leave within their maximum 12 weeks per 12-month period will be reinstated to their former position or to an equivalent position with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed by the City during the FMLA leave period. Therefore, if changes in the City's business occur during an employee's FMLA leave and the employee would have been terminated, laid off or reassigned had he/she been on active status, the employee is not guaranteed reinstatement.

If an employee does not return to work following the conclusion of FMLA leave, the employee will be considered to have voluntarily resigned, unless the employee requests and is granted a personal leave of absence or remains off work on an approved leave. In either case, the City cannot guarantee the availability of a position when the period of leave exceeds the job-protected leave period provided by the FMLA. In addition, certain key employees may be denied restoration to their prior or an equivalent position.

#### **Military Family Leave: Qualifying Exigency**

Eligible employees make take up to 12 weeks leave for a "qualifying exigency" arising out of the foreign deployment of the employee's spouse, son, daughter, or parent who is a member of the Armed Forces (including the National Guard and Reserves) and who is on covered active duty or has been notified of an impending call or order to covered active duty. Qualifying exigencies include (i) addressing any issues that arise from the short-notice deployment (deployment within 7 or fewer days of notice); (ii) Attending military events and related activities, such as official ceremonies, programs, events and informational briefings, or family support or assistance programs sponsored by the military, military service organizations, or the American Red Cross that are related to the member's deployment; (iii) certain childcare and related activities (e.g., arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling in or transferring a child to a new school or day care facility); (iv) care of the military member's parent who is incapable of self-care; (v) making or updating financial and legal arrangements; (vi) attending counseling for the employee, the military member, or the child of the military member; (vii) certain post-deployment activities within 90 days of the end of the military member's covered active duty; and (viii) taking up to 15 calendar days of leave to spend time with a military member who is on short-term, temporary Rest and Recuperation leave during deployment.

### **Military Family Leave: Caregiver**

Eligible employees may also take up to 26 weeks of leave to care for a covered service member or a covered veteran during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is receiving medical treatment, recuperation, or therapy, or is in outpatient status, or is on the temporary disability retired list for a serious injury or illness. A serious injury or illness is one that is incurred by a servicemember in the line of duty on active duty that may cause the servicemember to be medically unfit to perform the duties of his or her office, grade, rank, or rating. A serious injury or illness also includes injuries or illnesses that existed before the servicemember's active duty and that were aggravated by service in the line of duty on active duty.

A covered veteran is a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and meets each of the following criterion:

- was a member of the Armed Forces (including a member of the National Guard or Reserves);
- was discharged or released under conditions other than dishonorable; and
- was discharged within the five-year period before the eligible employee first takes FMLA military caregiver leave to care for him or her.

Note: With respect to military family caregiver leave, an eligible employee is limited to a combined total of 26 weeks of leave for any FMLA-qualifying reasons during the single 12-month period. Up to 12 of the 26 weeks may be for an FMLA-qualifying reason other than military family caregiver leave.

### **Notice And Certification**

Requests for FMLA leave should be submitted in writing to the employee's Department Head. The Department Head should immediately forward the request to the Director of Human Resources. Employees must provide 30 days' advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the City's normal call-in procedures for reporting absences. Leave to accommodate planned medical treatment should, when possible, be scheduled to avoid disruption of City operations. Employees taking intermittent leave must comply with the City's normal call-in procedures unless their condition precludes them from doing so. Employees must provide sufficient information for the City to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. If an employee seeks leave for a reason for which he or she has previously been granted FMLA leave within the past 12 months, the employee must specify the reason for which FMLA leave was previously taken.

After receiving a request for FMLA leave, the City will inform the employee whether he or she is eligible under the FMLA. If the employee is eligible, the City will inform the employee about any additional information the employee must provide to qualify for FMLA leave as well as the employee's rights and responsibilities concerning FMLA leave. If the employee is not eligible for FMLA leave, the City will inform the employee why he/she is not eligible.

Employees requesting FMLA leave may be required to submit a certification from their health care provider establishing the existence of a serious health condition, the need for the leave and its probable duration. The medical certification form may be obtained from the Director of Human Resources' office. When required, such certification must be submitted as soon as practicable, but, in no event, later than 15 calendar days after the request. If the City concludes that an employee's medical certification is insufficient, it will notify the employee in writing of the additional information that is necessary to complete the certification. The employee then has seven (7) calendar days to provide the requested

information. The City reserves the right to require a second and/or third medical opinion by a health care provider of its choice.

The City will then inform the employee whether leave will be designated as FMLA-protected and, if known, the amount of leave that will be granted. The City will also notify the employee if it determines that the leave is not FMLA-protected.

Employees on FMLA leave must periodically notify the Director of Human Resources of their status and intention to return to work, and may be required to submit periodic medical re-certifications. Employees who are expecting to return to work early from FMLA leave must inform the Director of Human Resources as soon as practicable. In addition, in order to return to work after an FMLA leave due to the employee's own serious health condition, the employee must submit a certification from his/her health care provider that the employee is able to resume work and perform the essential functions of the employee's job, i.e., fit for duty. An employee will not be returned to work until the employee has submitted this documentation.

Failure to meet the notice and certification requirements may result in denial of a request for leave; counting the employee's days off against his or her attendance record; disciplinary action, up to and including termination; or denial of reinstatement following the leave.

### **Prohibition On Working**

As with other forms of leave, except where express authorization is given, employees on FMLA leave are prohibited from performing any work, paid or unpaid, for any other person or entity, including the employee's own business. Violations of this prohibition may result in FMLA leave being revoked and the employee's prior days off being counted against his or her attendance record; disciplinary action, up to and including termination; or denial of reinstatement following the leave.

### **Health Insurance And Other Benefits**

During an FMLA leave, the City will continue to pay its portion of the group health insurance premiums, and the employee must continue to pay his/her share of the premiums (including the employee's share of any premium increases). The employee's failure to pay his/her share of the premiums will result in loss of coverage. If the employee does not return to work after the leave expires, the employee must reimburse the City for all premiums the City paid during the leave, unless the employee does not return because of the continuation, recurrence or onset of a serious health condition, or other circumstances beyond the employee's control.

Employees will not lose any employment benefits earned and accumulated before their FMLA leave begins. However, employees on illness and disability leaves, including leaves for their own serious health condition, must use all accumulated sick leave and then all accumulated vacation and holiday leave. Employees on leave for the birth or placement of a child must use all accumulated vacation and holiday leave. An employee on leave for the birth or placement of a child may not use accrued sick leave. Use of accumulated leave for an extended period for any reasons covered under this policy will be considered as part of the 12 (or 26) weeks of FMLA leave. Upon exhaustion of FMLA leave, the employee may request an unpaid leave of absence as defined in Section 5.6 of these policies. Employees will continue to earn additional paid vacation days and sick days during their FMLA leave only for so long as they remain in a paid status under the terms of this policy.

### **Enforcement**

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

**This policy is intended to comply with the Family and Medical Leave Act of 1993, as amended, and its regulations. The City will be guided by the specific provisions of the FMLA and related regulations issued by the U.S. Department of Labor when interpreting and applying this policy in individual cases.**

#### **5.10.0 Victim's Economic Security and Safety Leave**

##### **Eligibility and Leave Entitlement**

Pursuant to the Victims' Economic Security and Safety Act ("VESSA"), employees who are victims of domestic or sexual violence, or have a family or household member who is a victim of domestic or sexual violence, are permitted to take up to twelve (12) weeks of unpaid leave during any twelve (12)-month period to:

- a. Seek medical attention for, or to recover from, physical or psychological injuries caused by domestic or sexual violence to the employee or a family or household member;
- b. Obtain services from a victim services organization for the employee or a family or household member;
- c. Obtain psychological or other counseling for the employee or a family or household member;
- d. Participate in safety planning, relocating, or taking other actions to increase the safety of the employee or a family or household member; or
- e. Seek legal assistance or remedies to ensure the health and safety of the employee or a family or household member.

##### **Notice and Certification**

Employees must give their immediate supervisor or department head at least 48 hours advance notice of their intention to take leave unless such notice is not practicable.

The City may require certification to verify that the employee or the employee's family or household member is a victim of domestic or sexual violence or to verify that leave is for one of the five purposes listed under "Eligibility and Leave Entitlement."

##### **Health Insurance and Other Benefits**

During the leave, the City will continue an employee's health care coverage on the same basis as prior to the leave. The City may recover the premium it paid for maintaining coverage if:

- a. The employee fails to return from leave after the period of leave to which the employee is entitled has expired; or
- b. The employee fails to return from leave for any reason other than the continuation, recurrence, or onset of domestic or sexual violence that entitles the employee to leave under VESSA, or other circumstances beyond the employee's control. The City may require the employee to submit a certification that he or she is unable to return to work. All information provided to the City will be kept confidential unless disclosure is requested or consented to in writing by the employee or otherwise required by applicable federal or state law.

Employees will not lose any employment benefits earned and accumulated before their VESSA leave begins. Employees may elect to use their earned and accumulated paid vacation days and sick days in conjunction with their VESSA leave and should notify their immediate supervisor if they choose to do so. Employees will continue to earn additional paid vacation days and sick days during their VESSA leave only for so long as they remain in a paid status under the terms of this policy.

### **Reinstatement**

The City will restore an employee to his or her former position or to an equivalent position with equivalent pay, benefits, and other employment terms, provided the employee returns to work at the end of his or her scheduled leave.

The City fully supports the concept of VESSA leave. Accordingly, the City will not interfere with or restrain any employee in the exercise of VESSA leave rights, nor will it retaliate or discriminate against anyone who seeks to enforce these rights.

### **5.11.0 Pregnancy Accommodation**

Pursuant to the Pregnancy Accommodation Amendment to the Illinois Human Rights Act, effective January 1, 2015, the City will accommodate pregnant employees. Under the Act, pregnancy is defined as “pregnancy, childbirth, and conditions related to pregnancy and childbirth”. It is a civil rights violation with respect to pregnancy, childbirth, and related conditions:

- a. not to make reasonable accommodations, if so requested, unless it can be demonstrated that the accommodation would impose an undue hardship on the ordinary operations of the City;
- b. to deny employment opportunities or benefits to or take adverse action against an otherwise qualified job applicant or employee;
- c. to require a job applicant or employee to accept an accommodation that the applicant or employee chooses not to accept; or
- d. to require an employee to take leave under any leave law or policy of the City if another reasonable accommodation can be provided.

Employees who would like to make a request for accommodation under this policy should contact the Human Resources Department. The City may request an employee to provide certain information from her health care provider regarding the request for accommodation. Upon presentation of medical documentation supporting the need for a workplace accommodation, the City will consider accommodation of pregnancy to the extent such accommodation does not pose an undue hardship on the ordinary operation of the business of the City.

### **5.12.0 Miscellaneous Leave Policies**

Department heads have authority to approve vacation, jury duty (when the employee receives an official summons), on-the-job injury leave, emergency and sick leave with pay. Such leaves of absences may be requested by the employee, approved by the department head and reported to the Human Resources Department. Leaves of absence for other purposes, with or without pay, may be authorized by the City Manager.

A regular employee selected for **jury duty** may be granted a leave of absence and receive his/her regular salary. Any jury pay or fees shall be signed over to the City.

In cases where an employee attends **court sessions as a defendant**, subpoenaed witness or plaintiff in conjunction with that employee’s employment, the employee may be paid for the period of absence.



An employee receiving full pay shall sign over to the City any payments received for court appearances.

**Blood Component Therapy donors** must register their participation in the program with their supervisors. They may be excused with pay to participate in this program provided there is an immediate need by the blood bank.

The City complies with the **Illinois School Visitation Rights Act** by allowing employees to take up to eight hours of unpaid leave per school year, with no more than four hours being taken in one day. An employee requesting leave under this Act must provide a written request for the leave at least seven days in advance, except in the case of emergencies. This leave is intended to be used as a last resort by employees who have no other paid (vacation or personal) leave available and who have made every attempt to schedule the visit during non-working hours. The employee must provide his/her supervisor with documentation of the visit as provided by the school administrator within 2 working days of the school visitation. If notice is not provided within the required time frame, the employee is subject to the City's standard disciplinary procedures for unexcused absences. This is unpaid leave, however, the City will make every effort to accommodate an employee who wishes to make up the time, provided it is not disruptive to normal City operations.

**Voting Leave** – The City encourages employees who desire to do so to exercise their right to vote before or after working hours. Employees who are registered to vote and who are not otherwise able to vote outside working hours are eligible to receive up to two (2) hours off with pay in order to vote in a general or special election, or an election where propositions are submitted to a popular vote. All requests for such time off must be submitted to an employee's immediate supervisor or department head two (2) days prior to the election day and the City may specify the hours during which employees may absent themselves from work in order to vote.

## **6. RETIREMENT AND DEFERRED COMPENSATION**

### **6.1.0 Retirement, Pension Plans**

Regular fulltime and regular part-time employees in qualifying positions working over 1,000 hours in a year shall be covered by retirement or pension plans in accordance with statutory requirements. The authorized retirement and pension plans for City employees shall be the Illinois Municipal Retirement Fund. For sworn Police and Fire personnel, the authorized plans are the Police Pension Fund and the Firefighters' Pension Fund.

Plan members who first participated in the plans on or after January 1, 2011 will be considered Tier 2 members and their benefits will be defined by this tier of their appropriate pension fund.

### **6.2.0 Deferred Compensation Plan**

Employees may participate in a deferred compensation plan as authorized by the City Council. Employees must execute Joinder Agreements with the applicable organization, and the agreements must be approved by the City Manager.

Employees have the option of utilizing the City contribution to the Flexible Spending Account as a contribution to their deferred compensation account as described under Section 8.6 of these policies.

### **6.3.0 Out-of-State Service Credit**

Employees participating in the Illinois Municipal Retirement Fund may be eligible to be credited with additional time on their pensions if they have participated in a public employee pension system in another state prior to joining the City. Applications will be considered by the City Council if the employee is in good standing and has been with the City for a minimum of two years but not more than three years. Requests received after the three-year timeframe will not be considered. Consideration will be on a case-by-case basis, and approval will be based on various factors including budgetary constraints. The employee is responsible for initiating the application process through the Human Resources Department. All applicable IMRF rules apply.

### **6.4.0 Retiree Health Savings Plan**

All regular fulltime and regular part-time employees will be required to participate in a Retiree Health Savings Plan (RHS) as authorized by the City Council by having 1% of their salary placed into an RHS account. Before-tax contributions will be placed into the individual accounts at the beginning of each quarter, with payroll deductions occurring on a per-pay-period basis. This section shall not apply to collective bargaining agreements.

## **7. DISCIPLINE, GRIEVANCES AND FEEDBACK**

### **7.1.0 Procedure in Handling Disciplinary Action, Grievances**

The City Manager, as the chief administrative officer of the city, is responsible to the Mayor and City Council for the administration of all affairs, departments and offices of the City. As directed by the City Manager, department and division heads are responsible for the maintenance of a high standard of efficiency on the part of assigned employees, and for enforcement of good discipline, safety and proper personal conduct. They are authorized to use appropriate disciplinary measures as approved by the City Manager. Such action may consist of a warning or the recommendation for demotions, suspensions without pay or dismissal, even for a first offense, as defined below:

Warning — written reprimand.

Demotion — Reduction in salary or assignment to a position of less responsibility or both.

Suspension Without Pay — Temporary separation from the City service without pay for disciplinary purposes where the cause is not considered sufficiently grave to require dismissal.

Dismissal — Permanent separation from the City service for such causes including, but not limited to, serious misconduct (on or off duty); insubordination; unsatisfactory job performance; dishonesty; violation of the City's alcohol and drug-free workplace policies; carelessness, negligence or violence toward City property, fellow employees or the public; endangering other employees and/or the public through careless, negligent or substandard job performance; unauthorized or excessive absences; habitual tardiness; or personal acceptance and appropriation of any fee, reward, gift, tip or other remuneration received solely for the performance of official duties or in connection with his/her municipal employment.

The City generally endorses the practice of corrective counseling. However, the level of discipline to be applied in a specific circumstance will be determined solely by the City and discipline shall not be issued in any particular order or manner. The City may consider the seriousness of the offense, the repetitive nature of the action, and the employee's prior work and disciplinary record when handing out discipline.

The disciplinary procedures set forth in this policy do not apply to police and fire personnel who are subject to the disciplinary rules set forth in the Illinois Municipal Code and in applicable collective bargaining agreements. (See Admin. Dir. 2-19, Disciplinary Procedures)

### **7.2.0 Appeals from Disciplinary Action**

Upon notification by the department head, an employee receiving disciplinary action of a suspension or dismissal has the right to a hearing before the City Manager. The employee must file a written request within 48 hours of notification of the disciplinary action which states the basis of the appeal and the remedy that is being requested. The decisions of the City Manager made in accordance with approved policy shall be final. This does not apply to employees covered by the Board of Fire and Police Commissioners. (See Admin. Dir. 2-19, Disciplinary Procedures)

### **7.3.0 Insurance Ramifications**

Any employee suspended for more than 30 days may maintain their City-provided insurance at their own expense. An employee who is dismissed may or may not be eligible for continuation of medical and dental coverage at their expense. Federal COBRA guidelines will apply.

#### **7.4.0 Employee Feedback**

To create an organization-wide environment for the expression of ideas, concerns and opinions of all employees, a communication system has been established to supplement the organization's formal chain-of-command. This feedback process has been undertaken to involve employees in the decision-making process, to create teamwork, to develop effective communications and cooperation throughout the organization and to build employee commitment to organizational goals. (See Admin. Dir. 2-11, Organizational Feedback/Information Sharing)

## **8. INSURANCE AND HEALTH BENEFITS**

All of the benefits provided by the City are subject to the terms of the relevant insurance policies. The City has the right to change benefits and policies from time to time. In an effort to create informed, responsible consumers of the insurance benefits, the City may work with an Employee Benefit Committee to further this cause.

### **8.1.0 Authorization for Payment of Health Insurance Premium**

Upon written application, group medical insurance coverage is available to all regular employees. The Basic Plan is designated as the City's basic health plan.

The City will pay a portion of the cost of the health insurance plan for individual employee coverage. If desired, employees may extend coverage to their families; the City will pay a portion of the cost of the total health insurance plan for dependent coverage on a monthly basis as approved by the City Council.

Application for these benefits must be made within thirty (30) days from the date of employment or during an annual open enrollment period.

### **8.2.0 Authorization for Payment of Dental Insurance Premium**

Upon written application, group dental insurance coverage is available to all regular employees.

Application for these benefits must be made within thirty (30) days from the date of employment or during an annual open enrollment period.

The City will pay all or a portion of the cost of the total dental insurance plan for individual employee coverage. If desired, employees may extend coverage to their families by paying the dental insurance plan dependent coverage portion.

### **8.3.0 Authorization for Payment of Life Insurance Premium**

Upon written application, group life insurance with accidental death and dismemberment coverage may be available to all regular employees with additional voluntary coverage available for employee purchase.

### **8.4.0 Health and Dental Insurance Program for Retired Employees**

Employees who retire may continue their health and dental insurance at their expense. This benefit will be administered in a manner as set forth in Administrative Directive 2-20, Continued Benefits for Retired Personnel.

### **8.5.0 Employee Assistance Program**

The City recognizes that our most important asset is our people. We are committed to providing an Employee Assistance Program (EAP) that will promote the well-being of our employees and family members.

Alcohol and other drug abuse, emotional, marital, family, financial, legal and other related problems can affect job performance, employee health, safety and morale. Most problems can be successfully resolved if identified in early stages and if referral is made to appropriate resources for treatment. Employees are encouraged to voluntarily seek the services of the EAP to help them and their family.

While most employees will seek the services on a self-referral basis, referral to the EAP can also be made by management based upon on job performance difficulties. Requesting help from the EAP will not cause disciplinary action. Problems affecting an employee's family may also affect the employee's work performance. Therefore, the EAP is available to employee immediate family members.

All EAP client records will be kept strictly confidential and will not be noted in any official company record or in the employee's personnel file. Information from the EAP may only be released with the written permission of the employee, in response to state or federal statutes/regulations or by court order. In the event of a supervisory referral to the EAP, the supervisor will only be informed whether the employee is participating in the EAP. The supervisor will not be notified of any specific information about the employee's problem, unless specified written consent to do so is provide by the employee. Voluntary self-referrals are not reported to the company unless required by law by virtue of the specific nature of the job assignment and government regulations.

The City has made arrangements with Family Services of Lake County whereby employees and/or their family members can receive counseling. A family member is defined as a spouse, child or parents. The first 12 sessions will be paid for entirely by the City. The City will pay 75% of the next 12 sessions. Thereafter, should counseling continue past 24 sessions, the City will pay 50%. The employee will be charged for the portion of the fee the City does not pay (i.e., 25% and 50%) on the basis of ability to pay. When a period of time has elapsed between counseling sessions, Family Services of Lake County will make the determination on whether or not it is a new event or a continuation of a previous event for billing purposes.

The City has also made arrangements through Morneau Shepell. Employees or their family members can initiate service by phone or web 24 hours a day, 7 days a week. They will be connected to an experienced, Masters-level counselor. The EAP counselor will conduct an assessment of the caller's concerns and offer crisis intervention, short-term counseling and problem solving. The EAP has a large network of affiliate counselors who must meet various qualification standards, including education level (a minimum of a Master's degree and state licensure or certification), experience with assessment, EAP counseling and a knowledge of local community resources), and the ability to schedule appointments within 2 business days of the initial call. Follow-up is an important part of the case process, and clients are contacted at a minimum of two times after the initial call. Counselors use follow up as an opportunity to ensure services are being provided to clients as well as to ensure the quality of the referral.

Other types of programs may also be available. To find out about any additional programs, the Director of Human Resources should be contacted. (See Admin. Dir. 2-3, Alcohol and Drugs; Admin. Dir. 2-2, Alcohol and Drug Policy for CDL Holders)

### **8.6.0 Flexible Spending - FLEX**

All fulltime and regular part-time employees are allowed to participate in the FLEX PLAN. The Internal Revenue Code Section 125 permits employees to take advantage of current tax laws, while providing some flexibility in benefit selections.

The City will provide between \$150-\$200 under the Think Healthy Wellness Program per flex plan year for each regular employee to be used for unreimbursed medical expenses only. Regular part-time employees will receive a pro-rated amount to be used for unreimbursed medical expenses. Employees must qualify to earn these Think Healthy contributions annually. Employees will be allowed to make additional contributions to cover reimbursement (before-tax dollars) in the following areas:

- Medical insurance premium
- Dental insurance premium

- IMRF Voluntary Life insurance premium
- Certain AFLAC premiums
- Vision care (examination, prescription glasses)
- Hearing care (examination and aid)
- Prescription drugs
- Day care services (\$5,000 annual maximum)
- Medical and dental care deductibles
- Unreimbursed medical and dental expenses

Should an employee choose, the Think Healthy City contribution may be placed in a deferred compensation program. Employees must insure they do not exceed the maximum allowable contribution amount by use of the Think Healthy dollars in this manner.

Whichever option chosen, employees will have to participate in the Think Healthy program in order to receive the City's contribution by choosing from a list of healthy options and program offerings during the year. This will be explained each year prior to the time to sign up for the flex plan.

The flex plan runs from January 1 through December 31 of each year. Every eligible employee, whether they receive the City contribution or not, will be asked to make an election to participate in this program in November through an online enrollment process. Those choosing to participate will have their elected amount withheld through payroll deductions based on **24** pay periods.

All funds contributed to the flex account must be used within the year in which they are pledged. Employees have 90 days following the end of the plan year to submit charges to the flex account, however, the charges must have been incurred during the plan year and must be received by the plan administrator with appropriate documentation before the end of this 90-day period. Between \$50 and \$500 of unused funds may be rolled into the following year. Other unused funds are not reimbursable to the employee, but will be used for employee benefits or functions, including the Think Healthy Program.

### **8.7.0 Continuation of Benefits**

The right to COBRA Continuation Coverage was created by a federal law, the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended (COBRA). COBRA Continuation Coverage can become available to employees when an employee would otherwise would lose group health coverage. It also can become available to other members of the employee's family who are covered under the Plan when they otherwise would lose their group health coverage. The entire cost (plus a reasonable administration fee) must be paid by the person. Coverage will end in certain instances, including if the employee or dependents fail to make timely payment of premiums. Employees covered by the City's insurance have a right to choose this continuation coverage if they lose their group health coverage because of a reduction in hours of employment or the termination of employment for reasons other than gross misconduct.

A covered spouse has the right to choose continuation coverage if he/she loses group health coverage for any of the following reasons:

- a. Employee's death.
- b. Employee's hours of employment are reduced;
- c. Employee's employment ends for any reason other than his or her gross misconduct;
- d. Employee becomes entitled to Medicare benefits (under Part A, Part B, or both); or
- e. Employee and spouse become divorced or legally separated.

In the case of the dependent child of an employee, he/she has the right to continuation coverage if group health coverage is lost for any of the following reasons:

- a. The parent-Covered Employee dies;
- b. The parent-Covered Employee's hours of employment are reduced;
- c. The parent-Covered Employee's employment ends for any reason other than his or her gross misconduct;
- d. The parent-Covered Employee becomes entitled to Medicare benefits (Part A, Part B, or both);
- e. The parents become divorced or legally separated; or
- f. The child stops being eligible for coverage under the plan as a "dependent child."

Under the law, employees or a covered dependent has the responsibility to notify the Human Resources Department in the event of divorce, legal separation, or a child losing dependent status within 60 days of any of the above-named actions or the day coverage would end under the plan because of the action, whichever is later. They will then be advised of their or their dependent's responsibilities relative to continuation of coverage. Under the law, the employee and/or dependent has at least 60 days from the date of employer notification or the date they would have lost coverage because of the event to let Human Resources know that they want continuation coverage.

Any children born or adopted during COBRA coverage are qualified beneficiaries and, as such, have the same rights as employees. Consequently, COBRA participants may change their coverage status upon the birth or adoption of a child.

If continuation of coverage is not chosen, the group health insurance coverage will terminate. If they choose continuation coverage, the City is required to give coverage which, as of the time coverage is being provided, is identical to the coverage provided under the plan to similarly situated employees or family members. The law requires that employees be afforded the opportunity to maintain continuation coverage for 36 months unless group health coverage is lost because of a termination of employment or reduction in hours. In that case, the required continuation coverage period is 18 months. However, the law also provides that continuation coverage may be cut short for any of the following reasons:

- a. The Employer no longer provides group health coverage to any of its employees.
- b. The premium for continuation coverage is not paid.
- c. They become covered under another group health plan as an employee or otherwise.
- d. They become eligible for Medicare Part A or Part B, whichever comes first.

Persons with COBRA continuation health coverage as a result of termination of employment (or reduction in hours) and who are disabled under the Social Security Act at the time of the qualifying event can extend the continuation period from 18 months to 29 months. To be eligible for this extension, the qualified beneficiary must notify the Human Resources Department before the end of the initial 18 months of COBRA coverage and within 60 days of receiving notice from Social Security. In the event certification of disability under the Social Security Administration takes place for any qualified beneficiary at the time or within 60 days of the time COBRA coverage begins, coverage may be continued for 29 months. If the individual entitled to the disability extension has non-disabled family members who are entitled to COBRA continuation coverage, the non-disabled family members are also entitled to the 29-month extended period of coverage. The maximum premium for the additional 11 months of coverage is 150% of the cost of coverage rather than the 102% rate set for the initial 18 months.

### **8.8.0 HIPAA Privacy Rule**

The City complies with the HIPAA Privacy Rules in dealing with your personal health information (PHI). (See Admin. Dir. Section 7)



## **9. MISCELLANEOUS REGULATIONS**

### **9.1.0 Physical Fitness**

It shall be the responsibility of each employee to maintain the standards of physical fitness required for performing his/her job. Whenever a department head determines that the mental or physical condition of an employee is endangering the safety of fellow workers or causing the employee's inability to perform essential job functions, the employee may be requested to submit to a medical examination by a City-approved physician, without expense to the employee, for the purpose of determining the employee's fitness for duty (including whether the employee's physical or mental condition poses a threat to the employee or others).

If the employee is found not to be fit for duty, it shall be the duty of the employee, when recommendations are made by the examining physician, to follow all directives and recommendations concerning his/her physical condition or be subject to disciplinary action, including dismissal.

Where appropriate, the City will work with an employee who is a qualified individual with a disability to provide his/her with a reasonable accommodation to allow him/her to perform his/her essential job functions, provided the accommodation does not pose an undue hardship on the City.

Certain positions will be required to take regular physical exams based on OSHA standards. These will be paid for by the City. (See Admin. Dir. 2-10, Medical Examination Policy)

### **9.2.0 Personal Use of City Property**

The use of any City property for personal use is prohibited. However, the facilities at the Municipal Services Garage may be used by regular City employees outside normal work hours. Special guidelines apply. (See Admin. Dir. 6-7, Use of Fleet Maintenance Garage)

### **9.3.0 Political Activity**

While on duty by the City, all employees shall refrain from soliciting or receiving any subscription, contribution, or political service from any person for any political purpose pertaining to the government of the City. Further, they shall not work at the polls (politically) or circulate petitions or campaign literature for elective City officials while at work or on duty. Individuals employed by the City in any capacity will not be considered for appointment to any City board or commission, except as directed by State Statute (i.e., Police and Fire Pension Boards). The Mayor, with the approval of the City Council, may waive this restriction if it is determined to be in the best interest of the City.

However, nothing in this section shall be construed to prevent employees from becoming or continuing to be members of any lawful political organization, from attending lawful political meetings, from expressing their views on political matters, or from voting with complete freedom in any election.

### **9.4.0 Public Information**

Information concerning the business and financial operations of the City is either routinely published or available to outside interests through the Freedom of Information Act. Many times, however, employees come in contact with unique information of a confidential nature. Information concerning individual residents, or other employees is considered confidential and documents should not be allowed to remain in plain view or issues discussed with anyone who does not have a need to know. Any inquiries by the media or press should be referred to the City Manager or the appropriate department staff in order to assure the correct spokesperson and correct factual information is

released. It shall be the responsibility of the City Manager or his designate to verify and/or disseminate all information released in the name of the City.

All have a responsibility to safeguard the confidentiality of individual residents and fellow employees.

### **9.5.0 On-the-Job Safety**

As a regular part of City employment, each employee is expected to conduct himself/herself and handle equipment in such a manner as to avoid accidents. Employees are responsible for observing all safety rules and using available safety devices and are responsible to report unsafe conditions or equipment to their supervisor or department head. (See Admin. Dir. Section 6, Employee Safety Procedures)

The Illinois Mandatory Seat Belt Law mandates the use of safety belts for both the drivers and front seat passengers of public and private vehicles. The provisions of this law will apply as an official policy to all City vehicles being driven on public roadways to, from or between job sites, and also during extended periods of driving. Certain necessary exemptions are allowed under the law, including those permitted for vehicles where the driver or passengers frequently stop and leave the vehicle, provided the speed of the vehicle between stops does not exceed 15 miles per hour. The following vehicles will therefore be exempted from the routine use of safety belts:

- Public Works scooters
- Vehicles used for mowing and litter pick up
- Vehicles used for catch basin cleaning and reading water meters
- Parking enforcement

These exemptions do not apply when these vehicles are being driven on public roadways to, from or between job sites, and during extended periods of non-stop driving. The exemption only applies for the periods when these vehicles will be frequently stopping or involved in non-roadway driving situations.

To promote personal and vehicular safety, departmental safety committees shall be established to investigate accidents and unsafe conditions. The committees will review details encompassing each accident and unsafe condition, as requested, and will submit its findings with recommendations to the department head, who will determine final disposition of each case. Disciplinary action up to and including termination may be taken against employee(s) if employee negligence is proven to be a factor contributing to the accident or the cause of an unsafe condition.

### **9.6.0 Public Relations**

All City employees shall be responsible for providing municipal services to the public in a courteous, polite manner free from discrimination because of race, color, sex, religion, age, disability, national origin, ancestry, creed, marital status, sexual orientation, citizenship status, veteran status, military status, genetic history or any other class protected by law.

### **9.7.0 Gifts and Gratuities**

City services are not to be extended by employees in exchange for special awards, gifts or other remuneration from outside individuals or organizations. When an employee receives any offering as a result of their status as a City employee, such receipt must be reported in writing at once to their department head and retention of the gift will be conditioned on the department head's approval based on department policy and in accordance with State and local laws then in effect.

### **9.8.0 Patents**

Any City employee inventing or designing a product for the City while in its employ shall enter into all necessary and proper agreements to assign all that right and property interest in and to such design and/or patent to The City of Lake Forest without compensation.

### **9.9.0 City-Owned Recreational Facilities**

Upon showing either an employee I.D. card or proof of retirement from City service, a regular fulltime or regular part-time employee or retired employee and his/her dependents, if non-residents, may utilize the following at resident rates:

- Golf Course (memberships will be sold at the resident senior rate; special off-hour day rates also may apply)
- Boat Ramp
- Beach\*
- Library
- Recreation Center

\*Current regular fulltime or regular part-time employees, retirees or spouse of a deceased retiree will be eligible to receive one beach pass or City vehicle sticker, if a resident, at no cost each year.

### **9.10.0 Purchase of City Cemetery Lots**

Any fulltime or regular part-time employee of The City of Lake Forest is eligible to purchase Lake Forest Cemetery lots at the resident rate. (Authorized by the Lake Forest Cemetery Commission on December 6, 1983.)

### **9.11.0 Smoking Ban**

To set forth policies governing City employee compliance with the Lake Forest Smoking Ban Ordinance, the following restrictions will be in place for employees:

- All buildings are smoke free, including the use of electronic cigarettes (e-cigarettes);
- No one is allowed to smoke within 25 feet of an entrance to any City building;
- Smoking is not allowed in any City vehicle;
- Smoking is not allowed in City parks;
- Smoking is not allowed at the train platforms;
- Smoking is not allowed in Market Square, including sidewalks in the Square;
- Smoking is not allowed at the Beach;
- Golfers are allowed to smoke at the Deerpath Golf Course, however, they must be 75-feet away from the clubhouse; and
- Smoking is allowed in parking lots as long as it is not within 25 feet of an entrance to any City building.

(See Admin. Dir. 2-28, Lake Forest Smoking Ban Ordinance Compliance)

### **9.12.0 Education/Training Reimbursement**

Recognizing the correlation between formal education and training achievement and the level of employee performance, an education/training reimbursement policy has been adopted based on availability of funds to provide reimbursement for costs incurred while participating in certain education and training activities. In order to receive reimbursement through this program, application

forms must be submitted during budget preparation to the employee's department head, who will then submit them to the Director of Human Resources if it is determined that the course meets the criteria for reimbursement. (See Admin. Dir. 2-9, Education/Training Reimbursement)

### **9.13.0 Employee Use of Computers and Electronic Communications Systems**

The Computers and Electronic Communications Systems (email, Internet, personal computers, smart phones and tablets) is a valuable tool owned and maintained by the City. Use of the systems is afforded to employees for the purpose of improving their ability to perform the duties of their jobs. All users must abide by the terms and conditions of the policy. (See Admin. Dir. 2-4, Electronic Communications Systems Policy)

### **9.14.0 Restrictions on Duty-Issue Firearms Possession**

In order to comply with the requirements of a Federal law signed into law on September 30, 1996, which enacted a prohibition on the possession by or transfer or sale of firearms to individuals convicted of misdemeanor domestic violence crimes, the City must obtain information regarding convictions for such offenses from those employees to whom the City provides a duty-issue firearm or firearms. (See Admin. Dir. 2-23, Restrictions on Duty-Issue Firearms Possession)

### **9.15.0 Cell Phone Usage (City-owned and Personal)**

The City has established guidelines for the safe usage of City-owned and personal cell phones and to ensure compliance with IRS guidelines. Cell phone equipment owned or issued by the City is to be used primarily to facilitate the conduct of official City business.

Employees assigned City cell phones must select one of two options regarding personal use of the cell phones and sign an acknowledgement regarding their choice:

- Employees must sign an agreement that they will not use the City cell phone for personal calls except in emergency situations or as noted below; or
- Employees may have their personal cell phone lines added to the phones issued by the City and use those lines for personal calls with the provider billing the employee separately

Employees are not allowed to use City cell phones for personal calls unless they have chosen the appropriate option noted above or unless they meet the following criteria:

- It reasonably could not have been made at another time. Examples of circumstances that may be authorized use during regular work hours are:
  - Calls to home or doctor if employee is injured or becomes sick at work.
  - Calls to notify an employee's family or other appropriate parties of a schedule change caused by official business or transportation schedule changes or delays.
  - Calls when an employee is required to work overtime without advance notice. The call may be to advise family or other appropriate parties of the schedule change and to make alternate transportation arrangement or child care/dependent care arrangements.
- The call does not adversely affect the performance of duties by the employee and is of reasonable duration.

Once a cell phone (City-owned or personal) is in use by a City employee certain "rules of the road" must be followed to ensure the safety of the employee using the cell phone and anyone that employee may come in contact with. The use of any wireless device while driving is prohibited. This includes all cell phone, direct connect and two-way radio communication (with the exception of public safety radios). Employees must use hands-free options in accordance with state law when the use of a cell phone is required, refrain from discussion of complicated or emotional discussions and keep their

eyes on the road. Special care should be taken in situations where there is traffic, inclement weather or the employee is driving in an unfamiliar area. Employees whose job responsibilities include regular or occasional driving and who use a cellular communication device, whether City-owned or personal, are expected to refrain from using their phone while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. (See Admin. Dir. 2-16, Cell Phone Usage)

#### **9.16.0 Use of Personally-Owned Devices**

The City permits authorized employees to use their personally owned devices in conjunction with the performance of their job duties, subject to the policies set forth in the City's Administrative Directive for the Use of Personal Mobile Devices for City Business. (See Admin. Dir. 2-4a, Use of Personal Mobile Devices for City Business)