



# City of Geneva Personnel Policy Manual

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## ***CITY OF GENEVA MISSION STATEMENT***

*The City of Geneva through its elected and appointed officials, employees and volunteers, provides quality public services and promotes the health safety and welfare of our residents, businesses and visitors in the most cost effective manner. In doing this, the City will respect the past, respond to current concerns and plan for the future, while keeping with the historical character and heritage of the community.*

## ***CITY OF GENEVA VISION STATEMENT***

*The City of Geneva's vision will be to maintain and enhance the downtown business District, implement a long-term plan for open space restoration, maintain and expand the City's infrastructure to support existing and future development. The City will also continue to provide high level services to maintain and enhance the historic integrity of the community.*

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# **CHAPTER 1 INTRODUCTION**

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## **SECTION 1.1 WELCOME**

Congratulations on your employment with the City of Geneva, Illinois. In accepting employment with the City, you take the important responsibility of being a part of a municipal organization, which provides essential services to its citizens. Please keep in mind that our primary goal is to serve the best interests of the citizens of the City, our ultimate employer. As local public officials and employees, we are the primary service organization for City residents. Customer service must be our first priority and every citizen is our best customer. Each public contact is an opportunity for excellent performance. As such, you are a representative of the City of Geneva municipal organization and are expected to conduct yourself in an appropriate and courteous manner.

The City also recognizes that the well-being of its employees is essential to the maintenance of a high standard of operation. It is believed that the interests of the City and its employees are complementary, rather than conflicting. As a City employee, you receive many employment benefits in addition to a highly competitive salary. In return, you are expected to perform your job to the best of your ability, to be dependable, and to abide by the policies of the City.

This City of Geneva Personnel Policy Manual provides relevant information regarding City policies and benefits. Familiarity with this material will be to your advantage and is also your responsibility. If you have questions regarding the information provided herein, your Supervisor or the Human Resources Office will be happy to discuss them with you. From time to time, you will receive updated pages reflecting the changes made to policies, procedures, or benefits. Please keep your Manual current by inserting the new pages and destroying outdated pages.

## **SECTION 1.2 BACKGROUND**

The City of Geneva was incorporated in 1835 and prides itself on its history and development along the Fox River. Today, Geneva is meeting the challenge of maintaining its downtown area and the surrounding older neighborhoods while providing for the needs of its citizens. The City provides a broad range of public services including police and fire protection; water treatment, supply, and distribution; wastewater treatment; street cleaning, maintenance, and snow plowing; electric power generation and distribution; and a variety of other municipal services.

The City operates under the Mayor-Council form of government and is divided into five wards. Two Aldermen, who form the City Council, represent each ward. Together, the Mayor and the City Council serve as the policy-making body of the City. They perform such functions as passing ordinances and resolutions, approving the annual budget for expenditures and the related tax levy, making decisions on zoning matters, approving subdivisions, and generally establishing the public policies of the City.

The Mayor, with the approval of the City Council, appoints the City Administrator, Department Heads. The City Administrator serves as the Chief Administrative Officer charged with the responsibility for overall day-to-day operations of the City. Department Heads direct

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the activities of the respective operating departments. The City Administrator and Department Heads are charged with the responsibility of implementing City Council policy, maintaining operations, and providing professional input into the policy-making process.

## **SECTION 1.3 PURPOSE AND MISSION STATEMENT**

The purpose of the City of Geneva Personnel Policy Manual is to establish a sound human resources program based on policies equitable to the employees, employer, and taxpayers to be administered in a systematic application that will result in effective employee performance and morale. The objectives of such a program should establish a system of human resources management based on merit and equitable administration, establish and maintain a uniform and equitable plan of position classification and compensation based on duties and responsibilities of positions in the City service, develop a program that will make a career in municipal government attractive to persons who possess the ability, integrity and dedication to serve the public, and provide a plan for continuing growth and education of the municipal employee that will provide the competence and initiative required for effective performance, equitable compensation, and public respect.

The mission of the City of Geneva Personnel Policy Manual is to provide the City organization with a clear and comprehensive guide, relative to human resource administration, that will enable it to recruit, hire, train, compensate and retain a highly skilled work force so that the City may achieve its overall objective of serving the best interests of the citizens of Geneva, while utilizing their tax dollars in the most efficient and effective manner possible.

## **SECTION 1.4 APPLICATION AND SCOPE**

This document shall be known as the City of Geneva Personnel Policy Manual. This Manual is designed to assist employees in performing their duties and responsibilities. It does not, and is not intended to, cover every aspect of City operations. The general administrative and procedural policies of the City of Geneva Personnel Policy Manual apply to all City employees, unless stated otherwise. The benefit policies of the City of Geneva Personnel Policy Manual apply to all regular, full-time employees, unless stated otherwise. The City Administrator shall decide all disputes or questions relating to the determination of whether a policy is administrative and/or procedural in nature. Firefighters in the Geneva Fire Department, with the exception of the Fire Chief, and sworn members of the Geneva Police Department, with the exception of the Chief of Police, are also subject to the rules and regulations of the City of Geneva Board of Fire and Police Commissioners and to the provisions of the Illinois Compiled Statutes. Where a conflict exists, the rules of the Board of Fire and Police Commissioners shall prevail to the extent of the specific conflict only. Additionally, the various City departments may establish working regulations and operating procedures to supplement the policies set forth in this Manual.

In the State of Illinois, it is presumed by case law that all employees are “at will”. Except for employees under the jurisdiction of Fire and Police Commission rules and those governed by an approved collective bargaining agreement or other approved employment agreement, employment with the City of Geneva is “at will”. This means that both the employee and the

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City have the right to terminate the employment relationship at any time, for any reason not prohibited by law, or no reason, with or without notice. The at-will employment relationship cannot be modified, except by ordinance or by a duly authorized and executed collective bargaining or other written employment agreement. This Manual, and the policies it contains, is not intended to form a contract of employment either expressed or implied. As such, the City of Geneva Personnel Policy Manual may be varied from, amended, supplemented, or discontinued at any time, with or without notice. Furthermore, no policy, benefit, or procedure set forth in this Manual implies, or may be construed to imply, that it or any portion thereof is an employment contract. No property or tenure rights in employment shall be created, or deemed to be created, by this Manual. The text of this Manual is intended only to describe the policies and procedures of the City, relative to human resources management.

Upon formal adoption by the City Council, this Manual supersedes all other previous personnel rules, regulations, policies, and procedures, written or oral. In the event that any provisions of this Manual conflict with the laws of the State of Illinois or the United States Government, the applicable state or federal provision(s) shall take precedence. The term “Manual” shall mean this handbook and all of its appendices collectively.

### **SECTION 1.5 GENDER AND SINGULAR/PLURAL CLAUSE**

Whenever the male pronoun is used in this Manual, it is intended to refer to all employees, male or female. Words used in the singular also apply to the plural, and vice versa.

### **SECTION 1.6 COLLECTIVE BARGAINING**

Where the provisions of these rules conflict with those of a valid collective bargaining agreement between the City of Geneva and a recognized bargaining unit, the collective bargaining agreement shall take precedence over this Manual to the extent of the specific conflict only.

### **SECTION 1.7 AMENDMENTS**

The policies, procedures, and practices in the City of Geneva Personnel Policy Manual are subject to modification and further development as determined by the City Council, as well as changes in state and federal law. Each member of City management can assist in keeping the Manual up to date by notifying the Human Resources Office whenever problems are encountered or improvements can be made in the administration of the personnel policies. The Assistant City Administrator/Director of Administrative Services will recommend changes to the Personnel Policy Manual for review by Department Heads and consideration by the City Administrator for inclusion in the Manual. Revisions to the policies outlined in this Manual must be approved by the City Council. The City Administrator must approve any procedural changes in this Manual. The City Administrator shall determine what is policy, requiring City Council review, and what is policy relative to administrative procedural matters.

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## SECTION 1.8 SEPERABILITY

Each rule of the City of Geneva Personnel Policy Manual and each section thereof is an independent rule or section. The holding of any court of competent jurisdiction that any rule or section is void, invalid or ineffective, for any reason, does not affect the validity of any other rule or section.

## SECTION 1.9 DEPARTMENTS AND INTERGOVERNMENTAL AGENCIES

The City work force is organized into departments with specific functional responsibilities. In addition, Tri-Com, the emergency communication center for the cities of Geneva, Batavia, Elburn, St. Charles, Sugar Grove and North Aurora is referenced in this Manual where the City of Geneva personnel policies are relative to its independent operations. Following are brief descriptions of City Departments' and Tri-Com's functions:

### 1. City Administrator's Office

The City Administrator's Office is responsible for the management and administration of all City operations, directing all internal services, programs, and operations and all external laws, ordinances, and public policies as they relate to the City, and City communications. The City Administrator's Office coordinates inter-departmental actions as assigned by the City Administrator and makes policy recommendations to the Mayor and City Council and sets administrative policy; provides oversight for the internship program in partnership with Northern Illinois University's Public Administration Graduate Program; is responsible for the preparation of the annual budget and presentation to the City Council.

### 2. Administrative Services Department

The Administrative Services Department is comprised of four divisions: Administration, Information Technologies, Human Resources, and Finance. The Administrative Services Department is responsible for providing assistance to the City Administrator, the Mayor and City Council, administers special projects as assigned by the Mayor and City Administrator, acts as City liaison to various citizens' committees through the Administration Division; administers the City's information systems and cable franchise agreements through the Information Technologies Division; is responsible for the administration of employee benefits, payroll, collective bargaining, the risk management program of the City, coordinates employee training, and assists with employee selection and recruitment through the Human Resources Division; and provides financial reporting which encourages sound fiscal policy decisions; controls the City's utility billing, accounts receivable and accounts payable systems; and provides support in finance and investments through the Finance Division.

### **3. Community Development Department**

The Community Development Department includes the Building and Planning Divisions. The Community Development Department is responsible for the City's planning, zoning, and building code enforcement. Its activities range from comprehensive planning, to reviewing development proposals, to daily inspections and enforcement of City codes. The Planning Division serves as the liaison to the Plan Commission and the Historic Preservation Commission. The Building and Zoning Division serves as the liaison to the Zoning Board of Appeals.

### **4. Economic Development Department**

The Economic Development Department is responsible for all areas of economic development including tourism, with an emphasis on developing and implementing strategies and programs that will retain, expand, and attract appropriate commercial, office/research and light industrial developments to and within the City. The Department also serves as the liaison to the Geneva Chamber of Commerce and the Geneva Business Community.

### **5. Fire Department**

The Fire Department is responsible for providing various firefighting and rescue services, fire prevention, and fire inspections and investigation services to the community through its two divisions, Operations and the Fire Prevention Bureau. These services include, but are not limited to, advanced life-support emergency medical service, fire suppression, technical rescue, hazardous material spill mitigation, fire and emergency medical safety education, plan review, code enforcement, and fire cause investigation.

### **6. Police Department**

The Police Department provides for the protection of life and property, enforcement of criminal and traffic laws, prevention of crime, preservation of public peace and apprehension of violators of the law through patrol and response to calls for service. The Police Department provides community service, protection and enforcement through its two divisions, Patrol Operations and Support Services. These divisions provide administrative support functions, crime prevention, criminal investigations, patrol and community protection services, juvenile services and education, accident investigation and preventive measures, parking enforcement, and traffic enforcement.

### **7. Public Works Department**

The Public Works Department is comprised of the Administration, Engineering, Electric Utility, Streets and Fleet Maintenance, and Water and Wastewater Utility Divisions. The

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Engineering Division administers and supervises all engineering related improvements and activities within the City. This division manages the design, bidding and construction of Public Works projects and reviews plans submitted by developers to ensure the plans comply with City Ordinances. The Electric Division is responsible for the purchasing, generating, and distribution of electricity in the City. Through its Streets and Fleets Maintenance Division, Public Works is responsible for street and sidewalk maintenance and repair, snow and ice control, tree trimming, planting and removal, manage street sweeping, cemetery services, and leaf and brush collections, fleet maintenance/repair operations and the City's fuel management system. The Water and Wastewater Division is responsible for all activities regarding water and wastewater including the water supply, water treatment, wastewater collection, treatment and disposal and storm water collection.

## 8. Tri-Com

Tri-Com is the 9-1-1 public safety emergency communication center for the Cities of Geneva, St. Charles, Elburn, Batavia, Sugar Grove, and North Aurora. Tri-Com is not an operating department of the City, but was created by an intergovernmental agreement between the participating municipalities. For the convenience of operations, Tri-Com operates by way of its own independent nine-member governing board using the City of Geneva as its lead agency. Tri-Com utilizes many of the same benefit policies as the City of Geneva, as presented in this Personnel Policy Manual.

## SECTION 1.10 ASSIGNMENT AND PERFORMANCE OF DUTIES

All City employees are subject to the general rules and regulations of the City as promulgated in this Manual and in other City procedures. Nothing in this Manual precludes, or shall be construed as precluding, the establishment of written departmental rules and regulations setting forth internal departmental operational policies and procedures. If a conflict occurs between the policies of the City and the rules of any department, the policy or procedure as identified in this Manual shall govern. This Manual is intended to delineate generally significant aspects of policy of the City of Geneva affecting employees of the City. However, this Manual cannot be all-inclusive of other policies or regulations that may have a relationship in some manner to employment conditions and/or obligations.

Employees shall perform the duties that are assigned to them by their immediate Supervisor or Department Head, or as directed by the City Administrator or his/her designated representative. The City Administrator shall decide all disputes or questions relating to the respective powers, duties, or obligations of all employees. Employees under the jurisdiction of the Fire and Police Commission are also subject to the Commission's rules and regulations. Employees with approved collective bargaining agreements are also subject to the terms and conditions of said agreement.

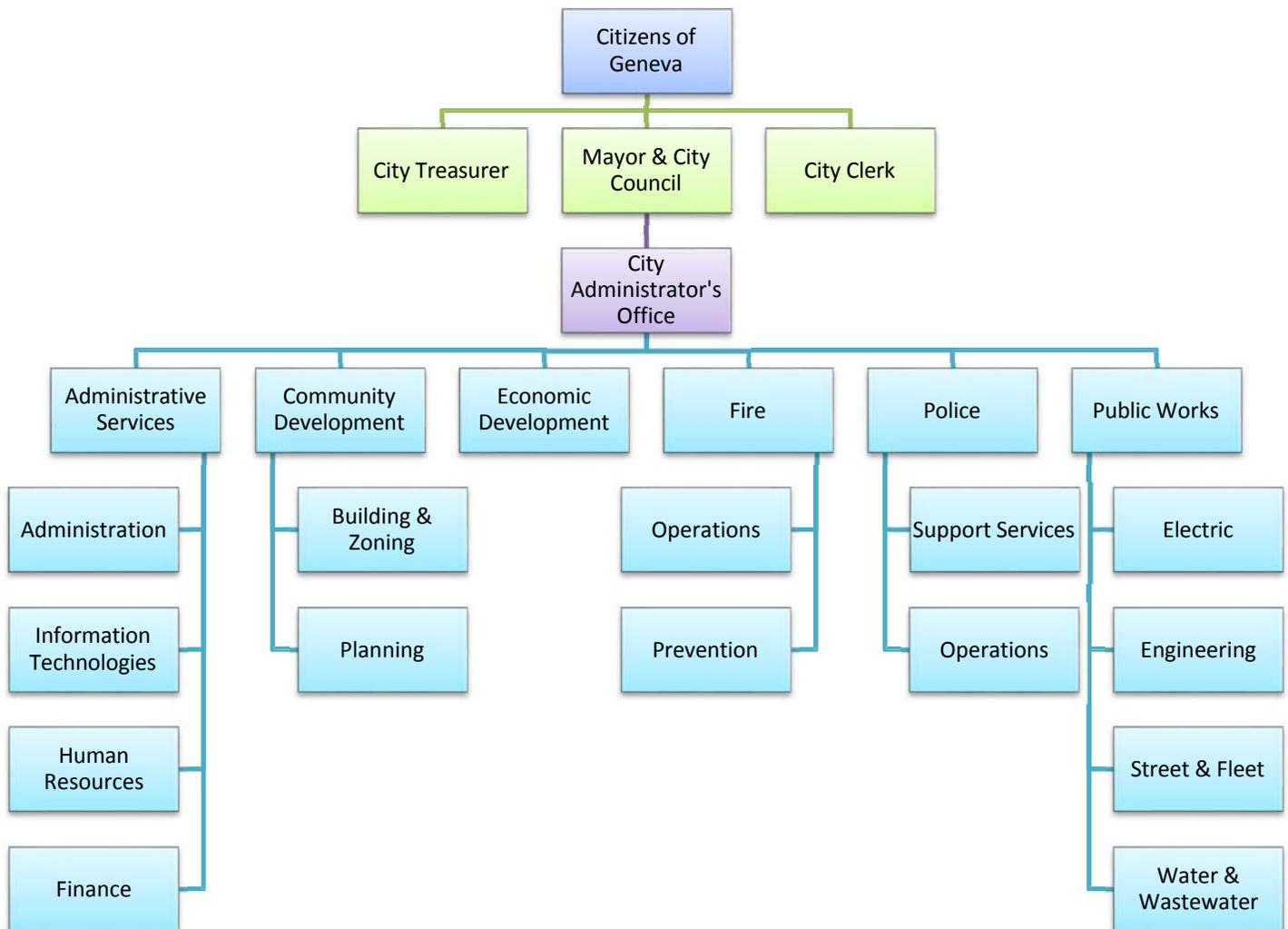
All employees receiving a copy of this Manual shall be responsible for updating their individual copy as amendments are approved and distributed to employees. Furthermore, when

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employees leave the employment of the City, they are responsible for returning their copy of the City of Geneva Personnel Policy Manual to the Human Resources Office.

All City employees who receive a copy of the Personnel Policy Manual shall sign a "Personnel Policy Manual Acknowledgment Form," which shall be forwarded to the Human Resources Office to be placed in the employee's personnel file.

## SECTION 1.11 CITY OF GENEVA ORGANIZATION CHART



## **CHAPTER 2        TERMS OF EMPLOYMENT**

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### **SECTION 2.1        DISCRIMINATION**

The City is committed to the principle of recruiting and selecting employees on the basis of demonstrated and potential ability to perform the functions of the position available and in accordance with the City's policy of equal opportunity. This philosophy is premised on the principles that no unlawful discrimination shall be tolerated due to race, sex, national origin, religion, disabilities, age, marital status, veteran status, political affiliation, sexual orientation, genetic information, or any other basis prohibited by applicable federal, state, or local fair employment laws or regulations, or the Illinois Human Rights Act. The City of Geneva assures Equal Employment Opportunity (EEO) in all of its employment practices including those pertaining to recruitment, hiring, placement, compensation, transfers, promotions, practices, evaluations, benefits, training, layoff recall, discipline, demotions, and terminations. These employment practices shall be administered in accordance with the law as set forth in Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, Title I of the Americans with Disabilities Act of 1990, the Equal Pay Act of 1963, as amended, and Title II of the Genetic Information Nondiscrimination Act of 2008. Employees are selected on the basis of their training, education, required certifications, experience, work history, and ability to meet the essential functions of the job under the Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendments Act of 2008 (ADAAA).

Furthermore, the City will not discriminate against any qualified employee or job applicant with respect to any term or condition of employment based on a physical or mental disability or the perception of a physical or mental disability. If an individual is qualified to perform the essential and fundamental functions and duties associated with a job, the City will make reasonable accommodations as necessary for applicants and employees with disabilities, provided that such accommodations do not pose a threat to safety or cause an undue hardship to the City.

#### **Complaint Procedures**

Any applicant or employee who believes that he/she has been discriminated against based on their race, sex, national origin, religion, physical or mental disability, (or the perception of a physical or mental disability), age, marital status, veteran status, political affiliation, genetic information or any other basis prohibited by applicable federal, state, or local fair employment laws or regulations, should take the following steps:

1. Report any suspected violation of the ADA, ADAAA, EEO regulations, or Federal, State, or local fair employment law to the Human Resources Manager. The report may be made initially either orally or in writing, but reports made orally must be reduced to writing before an investigation can be initiated and a resolution achieved.
2. When a complaint has been reduced to writing, the Human Resources Manager shall, within seven (7) working days, meet with the complaining party to determine the

## **CHAPTER 2      TERMS OF EMPLOYMENT**

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nature of the complaint. If it is determined that a disability or violation of employment law does not exist, the Human Resources Manager will so notify the complaining party in writing within seven (7) working days of their meeting. If it is determined by the Human Resources Manager that a disability or violation of employment law may exist, the Human Resources Manager and the respective Department Head, or his/her designee, will determine whether a disability or violation of employment law does exist and, if so, what reasonable accommodation or remedy can be made and what that reasonable accommodation or remedy is. Within seven (7) working days from the date of the meeting, the Human Resources Manager shall advise the complaining party in writing of the proposed resolution of the complaint.

3. Applicants or employees who submit a written complaint of a violation of ADA, ADAAA, EEO regulations, or a violation of employment law are encouraged to keep written notes in order to accurately record the chain of events. Every effort shall be made to keep all matters related to the investigation and various reports confidential. In the event of a lawsuit, however, the City advises that those records maintained by the City and any records maintained by the complainant may not be considered privileged from disclosure. The City will maintain written records for two (2) years from the date of the resolution, unless circumstances dictate that the records should be kept for a longer period of time.
4. The City encourages prompt reporting of complaints so that a rapid response and appropriate action may be taken. However, due to the potential sensitivity of these types of issues, no specific timeframe is established for submitting ADA, ADAAA, EEO, or employment law complaints. Delayed reporting of complaints will not, in and of itself, preclude the City from taking remedial action.
5. If an applicant or employee is dissatisfied with the outcome or resolution of an ADA, ADAAA, EEO, or employment law complaint, that individual has the right to appeal the decision. Within seven (7) working days from receipt of the Human Resources Manager's response, the applicant or full-time employee should submit his or her written comments to the City Administrator for review. The City Administrator may then refer the matter to the City Attorney for further steps, or make a recommendation to the City Council for its approval, or take any other action as is deemed appropriate.

### **SECTION 2.2      RECRUITMENT AND SELECTION**

The City is committed to the principle of recruiting and selecting employees on the basis of demonstrated and potential ability to perform the functions of the position available and in accordance with the City's policy of equal employment opportunity. In addition, the City is committed to the growth potential of current employees, and shall encourage the promotion from within the City as a first means of recruitment. In this endeavor, the City shall utilize a

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succession planning and talent management program. The purpose of incorporating such a program is to identify, select, develop, and retain individuals with leadership potential for key positions within the City. This policy aims at retaining institutional knowledge and culture as well as developing employees to lead within the organization. This policy has special emphasis on supervisory roles at the City of Geneva.

The succession planning and talent management program encourages the development of employees through mentorships and shadowing. This policy also promotes employee career development through training opportunities. Training may include management, leadership, and skill-specific certificate based training. Employees who desire to lead are strongly encouraged to engage in leadership training and be involved in leadership roles to prepare for promotion. Opportunities for training are subject to budgetary availability as determined by the City Council.

When a vacancy occurs, the Department Head shall contact the Human Resources Office for assistance through the hiring process. The HR Office will assist with drafting job posting announcements and review of the respective job description.

The following guidelines should be taken in the selection and recruitment process:

1. Notification shall be made to the Human Resources Office that a vacant position exists, along with the job posting announcement and an updated job description.
2. The vacant position shall be posted internally in all City Departments. Current City employees will be given priority consideration as long as they meet the required qualifications as noted in the job description.
3. If there are no internal candidates, or the internal candidates do not meet the posted requirements, the position shall be posted externally using the City's website and other means available, including trade websites or other publications as deemed economically feasible.
4. Although priority consideration shall be given to internal candidates, there are no guarantees that every position will be filled from within. Some positions may be posted externally at the same time as internally to ensure the best candidate for the position is selected.

All applications and resumes shall be sent to Human Resources for review of minimum qualifications prior to Department review. Once the hiring process is completed, the Department Head and/or Supervisor shall work with the Human Resources Office to ensure background checks, reference checks, and pre-employment physicals and drug screens are completed. All records will be maintained in the Human Resources Office.

Exceptions to this policy shall be for hiring processes conducted by the Police and Fire Commission and/or Tri-Com. The City of Geneva Fire and Police Commission manage recruitment, selection, and promotions for sworn personnel in the Fire and Police Departments. Entrance testing and requisite conditions of employment for full-time firefighters and sworn police personnel are required by the Board of Fire and Police Commissioners of the City. However, the Human Resources Office is available to assist as needed.

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### **SECTION 2.3      APPLICANT TRAVEL**

The City may reimburse travel expenses for selected job candidates subject to the following conditions and requirements:

1. The position being filled must be a supervisory level or critical senior management staff position. Extension of travel reimbursement to other positions or other exceptions for candidate travel requires the approval of the City Administrator.
2. The City must have specifically recruited or advertised for a particular position and the applicant's travel expenses must be approved for reimbursement in advance of travel for the purpose of an interview or other related employment meeting.
3. The travel expenses are reasonable and take advantage of discount fares and accommodations. Examples may include, seven-day advance purchase, Saturday night stay, etc.
4. The authorization to reimburse travel expenses must be obtained from the respective Department Head in advance of the travel being performed. Similarly, the Department Head must approve the travel expense claim when submitted.
5. Expenses for applicant travel must be reimbursed by the hiring department.

### **SECTION 2.4      EMPLOYEE RELOCATION ASSISTANCE**

The City may reimburse employees for relocation expenses subject to the policies and limitations herein. Eligibility is limited to employees hired for a supervisory level or critical senior management staff position. Extension of relocation assistance to other positions or other exceptions for employee relocation requires the approval of the City Administrator.

1. Reimbursement is limited to a maximum of \$5,000. Relocation assistance authorization must be obtained before an offer of employment (which includes relocation assistance) is extended. Reimbursement amounts over \$5000 may be approved only by the City Administrator.
2. Eligible reimbursement expenses are limited to actual and reasonable moving expenses and do not include house hunting trips, closing costs of home sales and purchases, rental deposits, etc. Approved expenses may include moving company fees and employee and family travel expenses. Relocation assistance may be reported as taxable income to the employee and employees should review the tax implications of their relocation reimbursement.
3. Expenses for relocation must be reimbursed by the hiring department.

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### **SECTION 2.5      POLITICAL ACTIVITY**

The support or promotion of political activities or interests by City employees during working hours or with City resources is strictly prohibited. No employee is required or expected to contribute money to any candidate or political party, or referendum supporters or opponents except on a purely voluntary basis.

### **SECTION 2.6      NEPOTISM**

It is the policy of the City that employment and personnel decisions shall not be made on the basis of nepotism, nor under circumstances which reasonably create the appearance of nepotism, to the public.

1. The City will discourage the hiring of more than one member of a family, or having more than one relative of the same family in its employ at any time. However, despite an apparent conflict with this policy, the best candidate for a position shall be hired as long as such employment does not conflict with paragraph 5 of this section.
2. A “relative” or “family member” shall mean husband, wife, children, father, mother, father-in-law, mother-in-law, brother, sister, brother-in-law, sister-in-law, grandchild, grandfather, or grandmother.
3. “Employment” does not include uncompensated appointed service on City commissions, committees, boards, or volunteers.
4. This policy does not apply to employees whose hiring precedes the candidacy and election of a family member to the City Council.
5. Subject to paragraph 4, the following employment shall be prohibited:
  - a. Hiring relatives of elected City officials, Fire and Police Commission Board members, or the City Administrator.
  - b. Hiring relatives of Department Heads in any department.
  - c. Hiring a second family member in the same division in which a relative currently works, whether or not the current employee/relative is in a supervisory position.
6. Should employees who currently work for the City become related subsequent to their hiring by the City, they shall be allowed to continue their employment with the City. However, they shall not be allowed to work in the same division.

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7. Exceptions to this policy include the hiring of paid-on-call firefighters.

### **SECTION 2.7      PHYSICAL EXAMINATIONS AND MEDICAL TESTS**

As a condition of employment, applicants and continuing employees shall, upon request, submit to a physical examination by a physician or physicians selected and paid for by the City. A physical examination shall be required for full and part-time positions. When the examination appointment is made, a copy of the job description shall be sent to the physician by Human Resources. The purpose of this examination is to verify that the employee is physically able to perform the essential job functions for which he/she was hired.

Included with this physical examination is a mandatory drug test in accordance with the City's Drug and Alcohol Policy. All employees, whether full, part-time, or seasonal are required to take a mandatory post-offer drug test. Applicants will not be required to perform a post-offer drug test unless a position with the City has been offered.

Certain Fire Department and Public Works Department employees' physical examinations shall be subject to the Respiratory Protection guidelines as established by the Illinois Department of Labor. Employment with the City is contingent upon the satisfactory outcome of said examinations.

Additional physical examinations and/or medical tests may be required if the initial examination's findings dictate them. The initial physical examination and any additional physical examinations and/or medical tests shall be conducted by a physician or physicians designated by the City.

The City Administrator or a Department Head (for their respective department) may require an employee to undergo a physical or psychological examination or medical test at any time when, in the judgment of the City Administrator or Department Head, such an examination or test may be necessary to determine the employee's fitness to perform the duties of his/her position. All such examinations and tests shall be performed by a physician or physicians designated by the City, and at the City's expense. Circumstances which may warrant a special physical or psychological examination or medical test shall include, but shall not be limited to the following:

1. Job applicants who have been offered a position with the City.
2. Inability to perform job-related duties because of a physical or mental problem or condition.
3. The transfer of an employee to a position that requires greater physical capabilities.
4. An employee's frequent and/or excessive use of sick time or disability benefits.

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5. An employee who is observed to be working in an impaired state may be required to report immediately to a physician selected by the City for an examination and testing to determine the presence of alcohol and/or controlled substances. See “Reasonable Suspicion” in the “Drug and Alcohol Use” section of this Manual for further information.
6. An employee who has been involved in an abnormal number of on-the-job injuries or repeated recurrences of a disability or disabilities from a previous on-the-job injury.
7. An employee who is involved in a vehicular accident while on duty, whether on or off City premises, as deemed necessary by the respective Department Head.

### **SECTION 2.8      BACKGROUND INVESTIGATION & REFERENCE CHECKS**

A reference check shall be completed on every new, regular, full or part-time, employee, prior to employment. A background investigation may be required for newly hired employees as outlined in this section.

Employment with the City of Geneva may not commence until the background investigation (if applicable) and reference check have been completed. Those inquiries are necessary in order to ensure that the proper person for the position is being hired. All prospective City of Geneva employees shall sign an “Applicant Information Release” form in order that the City may let former employers, educational institutions, and personal references know that the applicant about whom the City is seeking information has consented to its release to the City. Signed release forms shall be maintained in the Human Resources Office.

#### **Reference Checks**

The City shall conduct reference checks, which may include inquiries into employment references, education references, and/or personal references for all applicants. Reference check records shall be kept by the Human Resources Office for a period of one (1) year, whether the applicant is hired by the City or not, in accordance with Equal Employment Opportunity regulations for employment records having to do with hiring. “Reference Check Control” forms may be obtained from the Human Resources Office, or the Human Resources website, for convenience in documenting reference check information. Sample employment reference telephone scripts and letters are also available from the Human Resources Office and Human Resources website.

Furthermore, the City shall provide limited disclosures regarding former employees’ work history which shall be limited to (1) the dates of employment, (2) descriptions of the job(s) performed, and (3) salary or wage rates, unless the former employee has signed an “Employment Reference Release” form. “Employment Reference Release” forms outline what information, relating to the former employee, the City will disclose and to whom it may be disclosed. Release

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forms may be obtained from the Human Resources Office and the Human Resources website. Signed “Employment Reference Release” forms shall be maintained in the employee’s personnel file in the Human Resources Office.

### **Background Investigation**

The City shall conduct background investigations, which shall include inquiries into criminal records for those applicants who would need to be bonded because of access to money or valuables, carry a weapon, drive a City vehicle, have access to drugs or explosives, have access to master keys, have a great deal of contact with the public, or be filling a position that requires a criminal record check under state law or is deemed appropriate by the respective Department Head or the City Administrator. In Illinois, it is a civil rights violation for any Illinois employer to inquire about, or to use, arrest information or criminal history record information that has been ordered expunged, sealed or impounded as a basis for refusing to hire, or for segregating applicants, or as a basis for decisions regarding recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges or conditions of employment. Therefore, only legitimate conviction information obtained from the Illinois State Police in evaluating the qualifications and character of an applicant may be utilized. However, because a prospective new hire has a conviction record does not mean that he/she will not be hired. The decision to offer/not offer the position shall be based upon the offense and how it is related or relevant to the position for which the prospective new hire is being considered.

Additionally, the City shall investigate driving records for those applicants who would be driving a City vehicle. Criminal record reports obtained by the City for any employment applicants shall be kept by the Human Resources Office for a period of one (1) year, whether the applicant is hired by the City or not, in accordance with Equal Employment Opportunity regulations for employment records having to do with hiring. Confidential records shall be kept separate from customary personnel files.

### **SECTION 2.9      RESIDENCY REQUIRMENT**

The City of Geneva has established the following residency requirements:

#### **Police Department**

All police officers appointed by the Board of Fire and Police Commissioners of the City, or its successor, shall reside, as their principal place of residence, within twenty-five (25) miles of the corporate limits of the City (as measured by straight-line distances), from and after any applicable introductory period as set forth in the applicable collective bargaining agreement or designated by the Board of Fire and Police Commissioners of the City.

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### **Fire Department**

All firefighters appointed by the Board of Fire and Police Commissioners of the City, or its successor, shall reside, as their principal place of residence, within twenty-five (25) miles of the corporate limits of the City (as measured by straight-line distances), from and after any applicable introductory period as set forth in the applicable collective bargaining agreement or designated by the Board of Fire and Police Commissioners of the City. All Paid-On-Call firefighters shall reside, as their principal place of residence, within 5 miles of the corporate limits of the City (as measured by straight-line distances), from and after any applicable introductory period.

### **Public Works Department**

All full-time employees of the Department of Public Works shall reside within a radius of twelve (12) miles of the corporate limits of the City (as measured by straight-line distances), within one (1) year of employment or as set forth in an applicable collective bargaining agreement.

Exceptions to the residency requirement for all positions not covered by a collective bargaining agreement may be made by the express written approval of the City Administrator.

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### SECTION 3.1 EMPLOYMENT DEFINITIONS

All general administrative and procedural policies in the City of Geneva Personnel Policy Manual apply to all employees of the City except as noted otherwise in the text. All benefit policies in the City of Geneva Personnel Policy Manual apply to all full-time employees of the City except as noted otherwise in the text.

**Appointee:** An employee who has been duly and officially placed in an appointed employment position by the Mayor, with the consent of the City Council. City of Geneva appointed officials serve on the basis of one-year terms. The following are the appointed officials of the City of Geneva (in alphabetical order).

- Assistant City Administrator/Director of Administrative Services
- City Administrator
- Director of Community Development
- Director of Economic Development
- Director of Public Works
- Fire Chief
- Police Chief

**Full-Time Employee:** An employee who is normally scheduled to work thirty (30) or more regularly scheduled hours per week and who is hired for a specific position, and who is not a temporary, seasonal, or part-time employee.

**Part-Time Employee:** An employee who is employed in a position which normally requires the performance of duty for less than thirty (30) hours per week and who is hired for a specific position, with no specific date upon which employment ends.

**Paid-On-Call Employee:** An employee who works non-scheduled hours as a firefighter in the Fire Department. The Fire Chief has established a written Employment Policy for Paid-On-Call employees.

**Temporary Employee:** An employee who is hired for a specific position for a specific period of time, either on a full-time or part-time basis.

**Seasonal Employee:** An employee who is hired for a specific job and/or for a specified period of time. A seasonal employee may be scheduled for forty (40) or less hours per week, typically for temporary and seasonal work.

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- Hourly Employee:** An employee who is paid by the hour. An hourly employee is generally paid overtime for hours worked in excess of forty (40) hours per work week. Such an employee receives a “wage”.
- Salaried Employee:** An employee who is paid a set rate for the pay period. Such an employee receives a “salary”.
- Exempt Employee:** An employee who is not entitled to overtime compensation for hours worked in excess of forty (40) hours in any given work week in accordance with the Federal Labor Standards Act (FLSA).
- Non-Exempt Employee:** An employee who is entitled to compensation at the rate of one and one half (1.5) times his/her regular hourly pay for all hours worked in excess of forty (40) hours in any given work week (except as provided otherwise in this Manual or in a collective bargaining agreement).

### SECTION 3.2 DEDUCTIONS FROM SALARY OF EXEMPT EMPLOYEES

Executive, administrative, and professional employees of the City are classified as exempt and are not legally entitled to overtime pay for hours worked in excess of forty (40) in a work week. As a general rule, exempt employees are paid a pre-determined salary for any work week in which they perform work, regardless of the quality of their performance, or the number of hours worked during that work week. However, an employee need not be paid for any work week in which he/she performs no work, unless utilizing approved leave time as defined in this manual

This policy sets forth the circumstances when deductions can be made from an exempt employee’s salary (in addition to tax withholdings, social security, Medicare, insurance contributions and other deductions authorized by the employee). Employees are advised to check their pay stubs and are encouraged to report any mistakes to the Human Resources Office. Inadvertent mistakes will be corrected promptly.

#### Permissible Deductions

Federal wage-hour regulations permit the following deductions from an exempt employee’s salary:

1. The City may deduct from an exempt employee’s weekly salary for any full-day that the employee is absent from work for personal reasons, other than sickness or disability. If an exempt employee is absent for personal reasons, and uses an available paid personal or vacation day, the employee will be paid for that day. If, however, an exempt employee takes a personal day after having exhausted his/her entitlement to personal and vacation days, the City may deduct from the exempt employee’s salary a full day of pay for each full-day absence.

## CHAPTER 3      EMPLOYEE CLASSIFICATION AND COMPENSATION

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2. The City may deduct from exempt employees' weekly salaries for any full day that employees are absent from work for sickness or disability if the deduction is made in accordance with the City's sick leave policy, short-term or long-term disability plan, or applicable state disability insurance or workers' compensation law, or pursuant to the City's practice of providing compensation for loss of salary occasioned by sickness or disability. A deduction for such full day absences also may be made for absences due to sickness or disability occurring before employees have qualified for benefits under the applicable plan or policy and after they have exhausted the leave allowance under the plan or policy. The City is not required to pay any portion of employees' salaries for full day absences for which employees receive compensation under the plan, policy or practice. Exempt employees who need to miss work due to sickness or personal disability should speak with the Human Resources Office regarding their possible entitlement to the continuation of a portion of their salary through the applicable pension plan.
3. The City may suspend employees without pay, for any amount of time, without affecting employees' exempt status, for a violation of safety rules of major significance to the City. Such a violation would include a safety or health standard directly applicable to the City's business, or the violation of which would or could result in a serious citation under the Occupational Safety and Health Act. Disciplinary actions involving sworn Fire and Police employees are the responsibility of the Fire and Police Commission.
4. The City may suspend exempt employees from work without pay for one or more full days for serious workplace misconduct in violation of the City's workplace conduct rules, including, but not limited to, violations of the City's anti-discrimination, sexual harassment, workplace violence, and drug and alcohol policies. Disciplinary actions involving sworn Fire and Police employees are the responsibility of the Fire and Police Commission.
5. The City is not required to pay the full salaries of exempt employees in their initial or terminal weeks of employment if the employees do not work for the entirety of those weeks. The City will pro-rate the employees' salaries, in these weeks, in proportion to the days (or time) worked.
6. The City may deduct from exempt employees' weekly salaries for time that employees take as unpaid leave under the Family and Medical Leave Act (whether it is full-time leave, intermittent leave or reduced-schedule leave). For example, if employees who usually works 40 hours per week take 4 hours in intermittent-leave time, the City may reduce their weekly salary for that week by 10%. Employees should review the City's Family and Medical Leave Act Policy for further information about such leaves of absence.

Time off taken by exempt employees for partial day absences due to personal reasons, sickness or disability may be charged to an employee's available leave time.

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It is the City's policy to comply with the salary basis requirements of the FLSA. Therefore, the City prohibits all Department Heads from making any improper deductions from the salaries of exempt employees. Employees need to be aware of this policy and that the City does not allow deductions that violate the FLSA.

### **Improper Deduction Procedure**

If you have questions about deductions made from your weekly salary, please contact the Human Resources Office. If you believe that a deduction from your salary has been taken in error, please report that concern to your Supervisor and the Human Resources Office. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed on the next scheduled pay day.

### **Anti-Retaliation**

The City prohibits retaliation, in any form, against any employee who makes a complaint under this Policy or participates in the City's investigation of such a complaint.

In the event that an investigation establishes that a payroll error has occurred, the City will reimburse the employee (on the next scheduled pay day) for any improper deductions and will take all appropriate corrective action to ensure that such deductions or conduct does not occur again.

## **SECTION 3.3      COMPENSATION PLAN**

The City of Geneva Compensation Plan shall apply to all City employees, except those employees governed by a valid collective bargaining agreement or appointed officials governed by an approved employment agreement, except as otherwise noted in the text of this Manual. The City strives to assure internally equitable and externally competitive rates of pay to employees; to provide a means for planning and controlling direct payroll costs; to maintain efficient administrative procedures; and, to ensure compliance with applicable laws and regulations.

The purpose of the City's compensation plan is to encourage the retention of well-qualified, dedicated employees and to insure the effective, efficient, and safe delivery of City services. The establishment of a competitive and fair compensation system, which enables employees to move to the top of the salary and wage ranges on the basis of merit, along with quality group insurance and state retirement programs, is designed to encourage employees to make long-term commitments for employment with the City of Geneva. It is important to note that the ability to reach the top of the pay range is not guaranteed. Rather, it is dependent on the employee's performance and dedication in his or her position. Merit evaluation will be the only factors in determining salary and wage movement from the lower mid-range to the top of the range in a graded position with the goal of promoting excellence in employment performance. Department management will accomplish this through the process of annual performance appraisals. The City's general intent is to budget adequate funding for the system so it may function as designed, however it is recognized that this is determined each year during the budget

## CHAPTER 3 EMPLOYEE CLASSIFICATION AND COMPENSATION

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process and adequate funding may not always be available. In those instances, the City will do it's best to maintain the overall integrity of the system. Specific information about procedures relating to the compensation plan can be found in the "Compensation Plan Administration" document.

### **Temporary Work at a Higher Classification**

Employees may also be temporarily reclassified and appropriately compensated for assuming the responsibilities of a higher level job on a temporary basis when deemed appropriate by the Department Head and the City Administrator. An employee who is assigned the total responsibility of a job which has a higher pay grade and pay range for two weeks or more, shall be compensated at a rate commensurate with the minimum of the higher pay range, or ten percent (10%) above the employee's base rate, whichever is greater. Under special circumstances, employees assigned the total responsibilities of the job for less than two weeks, may be compensated at a higher rate of pay with approval of the City Administrator.

When it is known in advance that the regular Department Head will be off work for an extended period of time (such as a leave of absence for maternity or educational reasons), in which case an Acting Department Head may be appointed and compensated immediately, an appointed "Acting Department Head" shall be compensated no later than thirty (30) days after assuming the new duties. With the exception that when a job, which takes considerable time to learn, becomes vacant, the City Administrator may elect to postpone the higher rate of compensation until it is evident that the replacement is fulfilling the full range of the duties of the position in a satisfactory manner.

The period of temporary reclassification shall not normally exceed six (6) months but may be extended up to a period of one (1) year with approval of the Department Head, the Assistant City Administrator/Director of Administrative Services, and the City Administrator. The procedure for temporarily reclassifying an employee shall be as follows:

- a. Each Department Head is responsible for making the request to the Assistant City Administrator/Director of Administrative Services that an employee be temporarily assigned work in a higher classified job.
- b. The Assistant City Administrator/Director of Administrative Services shall determine the necessary increase to the employee's base rate of pay and authorize, with approval of the City Administrator, the appropriate temporary pay rate.
- c. The Human Resources Office shall ensure that the duration of temporary reclassification is clearly noted on the employee's personnel record.
- d. Any normally scheduled pay increase that falls during the period of temporary reclassification is calculated using employees' regular pay rate, rather than the temporary rate. The rate adjustment to employees' regular pay rate shall take effect upon their return to their regular classification. Employees' temporary rate shall take into consideration the adjustment of the employees' regular pay rate.

## **CHAPTER 3      EMPLOYEE CLASSIFICATION AND COMPENSATION**

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### **SECTION 3.4      PERFORMANCE APPRAISALS**

The performance award is designed to reward job performance, therefore, serving as an incentive system. Base salary increases and/or lump sum increases are awarded to employees whose performance is evaluated as consistently meeting or exceeding standards. The merit system is based upon the principle that standard or above standard performance should be rewarded because such performance is a greater contribution to the City than below standard performance. The performance award is strictly used to monetarily reward standard or above standard performance. Employees receiving a performance appraisal rating of “Meets Standards” or “Exceeds Standards” may be eligible for a performance pay increase based on guidelines established in the annual budget for the year.

Employees at the maximum of their salary ranges are not eligible for base salary increases. However, they may be eligible for performance awards which shall be paid in the form of lump sum payment following their performance appraisal/review.

Performance appraisals shall be conducted annually at the end of the fiscal year (April) for all full-time and part-time employees, except as otherwise noted, with salary increases implemented on May 1st. Supervisors will not receive their annual merit increase until all of their employees’ performance appraisals are complete and sent to the Human Resources Office. Mid-year performance reviews shall be conducted in October or November of the fiscal year.

Promoted employees, new employees, and employees changing to full-time status shall be appraised at the conclusion of their introductory period and on their one-year anniversary date for their first year of service in the new position. Merit increases may apply to the employee’s appraisal conducted at the end of the introductory period and/or on the employee’s one-year anniversary date as documented at the time of hiring or promotion. Thereafter, promoted, new and part-time to full-time status employees with anniversary dates before November 1<sup>st</sup> shall be eligible for subsequent merit increases each May 1<sup>st</sup>. Employees with anniversary dates November 1<sup>st</sup> through April 30<sup>th</sup> shall be eligible for subsequent merit increases one (1) year after the next May 1<sup>st</sup> following their anniversary date and each May 1<sup>st</sup> thereafter.

Employees in recognized bargaining units are evaluated under the same performance appraisal system as all other City employees on a semi-annual and annual basis.

### **SECTION 3.5      PROMOTIONS AND TRANSFERS**

The City may promote or transfer from within the City’s workforce whenever practical and when it is in the best interests of the City to do so. Employees may prepare for and seek promotional and transfer opportunities. When practical, all positions are posted within City departments at the time of the external recruitment process. Promotions of sworn police officers and firefighters are under the jurisdiction of the Fire and Police Commission Rules and Regulations and State of Illinois Statutes. Department Heads may promote or transfer eligible employees within their respective departments, except that when the promotion creates an additional position, the Department Head shall first obtain approval by the City Administrator and City Council.

All newly transferred or promoted personnel within the City shall be employed on an introductory status for a specific period (See “Introductory Period”) from the date of transfer or

## **CHAPTER 3      EMPLOYEE CLASSIFICATION AND COMPENSATION**

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promotion. When an employee transfers from one position to another position within the City, the transfer and rate of accumulation of vacation days, sick hours, and participation in a pension fund will be determined by the employee's initial date of full-time employment. Employees will not lose any accumulated benefits.

The City may change an employee or a group of employees from one job to another in the best interests of operating efficiency and meeting objectives. A transfer may take place within a department or between departments. Employees will not be transferred to a new or revised job unless the job has been analyzed, described via a formal job description, evaluated by the Assistant City Administrator/Director of Administrative Services, and approved in the City's budgeting procedure. When laterally transferred, employees will not receive adjustments in pay. Employee will retain their current pay rate. A lateral transfer occurs when employees either 1) move to a new department at the same base pay rate and classification, or 2) move to a new department which has the same pay range as their old classification, or 3) move within the same department to a new classification which has the same pay range as their old classification. Contact Human Resources for specific information about procedures relating to promotions and transfers.

### **Employee Transfers:**

Employees may be transferred to another department where such transfer shall not change the employees' pay, grade, or the date from which eligibility for consideration for a merit increase shall be counted.

### **Promoted employees:**

Employees promoted to positions in higher grades, shall receive an increase in pay to the minimum salary of the new grade or seven percent (7%), whichever is greater. The City Administrator may authorize promotional increases greater than seven percent (7%) with justification submitted by the Department Head.

## CHAPTER 4 EMPLOYMENT PRACTICES

### SECTION 4.1 INTRODUCTORY PERIOD

All newly hired and promoted employees shall be subject to an “introductory” period in order to provide time in which new and promoted employees may be observed to determine their work performance and to orient the employee to his/her work demands and surroundings. Newly hired or promoted employees’ evaluation shall be conducted at the end of their introductory period and based on the completion of the appropriate training for the position and satisfactory adaptation and performance in the position. At the end of the introductory period, the employees’ Supervisors shall complete a performance appraisal. Upon successful completion of the introductory period, employees shall attain full-time or part-time status. If the employees do not succeed in satisfactorily performing in the new or promoted position during the introductory period, they may be transferred to their previous position, terminated by the Department Head, with the concurrence of the City Administrator (subject to the approval and/or notification to the Board of Fire and Police Commissioners, if applicable), or at the Department Head’s discretion, the introductory period may be extended for an additional term (or portion thereof) for further review of the employees’ performance, not to exceed the length of the initial introductory period. The following introductory periods shall apply:

DEPARTMENT	INTRODUCTORY PERIOD
City Administrator’s Office	Six (6) Months
Administrative Services	Six (6) Months
Community Development	Six (6) Months
Economic Development	Six (6) Months
Police (Sworn)	Eighteen (18) Months
Police (Non-sworn Personnel)	Six (6) Months
Fire (Sworn & Paid-On-Call)	Twelve (12) Months
Fire (Non-sworn Personnel)	Six (6) Months
Public Works	Six (6) Months

### SECTION 4.2 CALL BACK TIME

Non-exempt employees called back to work after having been released from their regularly scheduled work day, and less than two (2) hours before the start of the next scheduled work period, shall receive a minimum of two (2) hours pay at time and one half (1.5) their regular rate of pay. Exceptions would be for union employees who are subject to the conditions of the approved collective bargaining agreement. Call back time begins when employees report for work and ends when employees leave the place of reporting. This section does not apply to employees who are scheduled in advance for overtime. Employees who are scheduled in advance for overtime shall be paid time and one-half (1.5) for overtime hours actually worked (those in excess of forty hours in a workweek) beginning when employees report for work and ending when employees leave the place of reporting.

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### **SECTION 4.3      STAND BY DUTY**

Non-exempt employees, not covered by a collective bargaining agreement, who are designated to be available for work, before or after their regularly scheduled work hours, shall be compensated in the following manner:

- Non-exempt police personnel, not covered by a collective bargaining agreement, shall be compensated one (1) hour pay at time and one-half (1.5) their regular rate of pay, for “on-call” duty for each day of the week (Monday through Sunday) including holidays. If called for duty, employees shall receive compensation for time worked.
- Non-exempt public works personnel, not covered by a collective bargaining agreement, shall be compensated four and one-half (4.5) hours per day at straight time for stand-by duty on Saturday, Sunday, or any holiday officially designated by the Geneva City Council. Two (2) hours pay at straight time for standby duty for each weekday, Monday through Friday. If called for duty, employees shall receive compensation for time worked.

### **SECTION 4.4      EMPLOYEE PERSONNEL FILES**

The City shall maintain an official personnel file on each employee as prescribed by law, in the Human Resources Office. A change of personal status may have an important effect upon employee benefits. Therefore, employees should notify their Department Head and the Human Resources Office immediately of any change in the following:

1. Legal name
2. Home address or telephone number
3. Marital status – name of spouse, date of birth (date of marriage/divorce if after date of hire)
4. Number, names, and date(s) of birth of dependents
5. Name, address and telephone number of the person to be notified in case of emergency
6. Change of beneficiary
7. Military or draft status
8. Exemptions on the W-4 tax form

An employee may inspect his or her own personnel file twice a year. An employee wishing to inspect his/her personnel file should take the following steps:

1. Submit a written request to inspect the personnel file to the Human Resources Office.

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2. Every employee will normally be allowed to inspect his or her personnel file within seven (7) working days from the date of the written request. If the City cannot reasonably meet this seven-day time period, it may request a seven-day extension.
3. Every employee will be allowed to inspect his or her personnel file twice a year at the Human Resources Office at City Hall during normal working hours, unless other arrangements are agreed upon. No employee may remove his or her personnel file from the Human Resources Office files. Employees may request copies of documents in their file, subject to copying costs.
4. The right of an employee or the employee's designated representative to inspect his or her personnel records does not apply to:
  - A. Letters of reference for that employee.
  - B. Any portion of a test document, except that the employee may see a cumulative total test score for either a section of, or the entire test document.
  - C. Materials relating to the employer's staff planning, such as matters relating to the business' development, expansion, closing or operational goals, where the materials relate to or affect more than one employee, provided, however that this exception does not apply if such materials are, have been or are intended to be used by the employer in determining an individual employee's qualifications for employment, promotion, transfer, or additional compensation, or in determining an individual employee's discharge or discipline.
  - D. Information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
  - E. Records relevant to any other pending claim between the City and employee which may be discovered in a judicial proceeding.
  - F. Investigatory or security records maintained by the City to investigate criminal conduct by an employee or other activity by the employee which could reasonably be expected to harm the City's property, operations, or business or could, by the employee's activity, cause the City financial liability, unless and until the City takes adverse personnel action based on information in such records.

Employees who disagree with information found in their file, may request removal or correction of the information by their Supervisor, and a representative of the Human Resources Office. If agreement cannot be reached regarding the removal or correction of the employees' files, employees shall be permitted to submit a written statement explaining their position. The statement shall become a permanent part of the employees' personnel file and must accompany

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any transmittal or disclosure from that file to anyone else who is legally allowed to inspect the file.

Employee personnel files and their contents are confidential and will not be made available to anyone, other than the employee, without written approval by the City Administrator or the respective Department Head. Any request for inspection of personnel files, including the employee, the Department Head, and the City Administrator shall be made in writing to the Human Resources Manager. All official personnel files will be located in the Human Resources Office for purposes of confidentiality and official record.

### SECTION 4.5 HOURS OF WORK AND WORK SCHEDULES

In general, the City of Geneva workweek begins at 12:00 a.m. on Sunday and ends at 11:59:59 p.m. on the following Saturday. The normal workweek is a consecutive seven (7) day period. The normal workday is eight (8) hours. Full-time employees are generally scheduled for forty (40) hours of work during the workweek. The normal workweek for the Fire Department, except for the Chief and Deputy Chiefs, is defined by the applicable collective bargaining agreement.

General municipal office hours are as follows:

DEPARTMENT	HOURS OF OPERATION
City Administrator's Office	8:00 a.m. to 5:00 p.m. Monday-Friday
Administrative Services	8:00 a.m. to 5:00 p.m. Monday-Friday
Community Development	8:00 a.m. to 5:00 p.m. Monday-Friday
Economic Development	8:00 a.m. to 5:00 p.m. Monday-Friday
Fire	8:00 a.m. to 5:00 p.m. Monday-Friday
Police	8:00 a.m. to 5:00 p.m. Monday-Friday
Public Works	7:00 a.m. to 4:00 p.m. Monday-Friday

All department offices shall remain open over the noon hour for the convenience of the public. The above listed office hours apply primarily to work hours for full-time office personnel. However, Police, Fire, and Public Works Departments' work schedules vary in accordance with service requirements as determined by the Department Head. The City Administrator may, from time to time, amend the normal work schedule of each employment position within the City.

All City employees are expected to work the hours they are scheduled each week and to report for work promptly. Employees shall report promptly to their designated place of work at the designated starting time and shall devote their entire efforts during working hours to assigned duties. Excessive absenteeism, tardiness, or early departure may result in disciplinary action, up to and including immediate termination of employment.

Employees may request a "flextime schedule" from their respective Department Head. If and when a flextime schedule is established, the Department Heads may consider their department needs, accessibility and service to the public, seasonal activities, and other obligations. In accommodating a flextime schedule, employees must work part of their workday between the core hours of 9:00 a.m. and 3:00 p.m. or as otherwise directed by the Department

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Head. The use of flextime is a privilege and not an entitlement; its use may be withdrawn at any time if its use creates an obstacle to providing City services. All flextime is to be approved by the Department Head in consultation with the City Administrator.

### **SECTION 4.6      LUNCH AND BREAK PERIODS**

Each municipal building has an employee lounge. Employees are encouraged to take breaks within the municipal office complex area where the employee works.

1. Lunch and break periods may vary by department. Therefore, times and locations for lunch break periods shall be at the discretion of the Supervisor. Offices and departments that maintain services during meal periods shall allow regular full-time employees an unpaid meal period (at least 30 minutes in duration) at a time scheduled by the Supervisor.
2. Employees may be required to stay on the work premises during the meal period as determined by the Supervisor.
3. Meals furnished during emergency hours: The city will provide one expensed meal after the first twelve (12) consecutive hours worked and one additional meal if over sixteen (16) consecutive hours are worked. Meals may be taken during the employee's shift or within one (1) hour after the shift worked and shall not exceed \$12.50. Meals taken outside of this time period will not be reimbursed. All meal periods during emergency hours require Supervisor approval. ("Emergency Hours" will not normally apply to Police or Fire Department employees unless so directed by the Department Head or designee.)

### **SECTION 4.7      OUTSIDE EMPLOYMENT**

Outside employment is any employment in addition to an employee's regular, full-time job with the City. Regular full-time City employees are not permitted to engage in any outside employment without prior approval of their Department Head, as such employment may adversely affect their primary employment performance and/or create, or be perceived to create, a conflict of interest.

City employees who are also Paid-On-Call Firefighters shall receive approval from their Department Head or designee prior to responding to a bona fide call by the Fire Department, if the call occurs while they are actively engaged in their regularly assigned full-time duties of their primary job assignment. City employees who are employed as a POC while also employed full-time in another department of the City, shall recognize that the full-time position with the City shall always take precedence over the part-time POC responsibilities and the Department Head of the full-time position shall have the discretionary authority to call the employee off of POC responsibilities, if the need for the employee to perform the full-time duties outweighs those of the part-time POC role. For the purpose of this Manual, such employment will not be considered outside employment.

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An “Application for Outside Employment” may be obtained from the employee’s Supervisor, the Human Resources Office, or the Human Resources website.

### **SECTION 4.8      OVERTIME/COMPENSATORY TIME**

It is the policy of the City that all work be accomplished within the normal workday. When it is necessary to work beyond the normal workday, the employee’s Supervisor must authorize all overtime. Overtime for employees in all City Departments is administered in compliance with the legislated requirements of the Fair Labor Standards Act (FLSA).

For non-exempt hourly employees, time and one-half (1.5) their regular hourly rate shall be paid for all overtime work (those in excess of forty (40) hours in a workweek or as defined in the applicable collective bargaining agreement) with the exception of Sundays and allowable holidays. Allowable holidays shall be those approved and recognized by the City Council. Overtime hours worked by non-exempt employees on Sundays or allowable holidays (actual hours worked during the 24-hour period of the designated Sunday or holiday) shall be paid at double-time rate. For the purpose of this benefit, a recognized holiday workday shall be defined as 12:00 a.m. to 11:59 p.m. on the date of the holiday or the date recognized by the City. Double-time shall also be paid after sixteen (16) continuous work hours when required. Overtime is considered work beyond forty (40) hours in any workweek, or as defined in the applicable collective bargaining agreement. Compensatory time may be granted in lieu of overtime at the mutual agreement of the employee and his or her Supervisor, subject to approval of the Department Head.

Overtime for Tri-Com employees shall be calculated as established in the existing policies, procedures, and collective bargaining agreement for that agency. Said policies are in compliance with administered legislated requirements of the Federal Fair Labor Standards Act.

Overtime for non-exempt salaried employees in all other City Departments is administered in compliance with the legislated requirements of the Fair Labor Standards Act (FLSA). This requires the payment of time and one-half (1.5) the regular rate of pay to non-supervisory (non-exempt) salaried employees for all hours worked in excess of forty (40) hours in a workweek. Time and one-half (1.5) compensatory time, at the mutual agreement of the employee and his or her Supervisor, subject to approval of the Department Head, may be utilized.

In the case of exempt executive, administrative, and professional personnel, as defined by the Fair Labor Standards Act, it is implicit in the nature of their position that time beyond the normal work schedule may often necessarily be spent on the job. While some recognition of this additional work may be made by the City Administrator, or respective Department Head, from time to time, it will be entirely at their discretion and not of a completely remunerative nature.

According to the FLSA, payments which are made for periods when the employee is not at work may be excluded from the regular rate of pay. The U.S. Department of Labor reports, “Payments which are made for occasional periods when the employee is not at work due to vacation, holiday, illness, or other similar cause, where the payments are in amounts approximately equivalent to the employee’s normal earnings for a similar period of time, are not made as compensation for his hours of employment. Therefore, such payments may be excluded from the regular rate of pay under section 7 (e) 2 of the Act and, for the same reason, no part of

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such payments may be credited toward overtime compensation due under the Act” (29 CFR 778.218). However, the City of Geneva, as a benefit to its employees, does count approved paid leaves of absence such as absence due to a, paid holiday, jury duty, paid vacation, or paid sick time as hours worked for the purpose of computing eligibility for overtime pay.

Non-exempt employees may earn compensatory time in lieu of overtime pay. For an employee to earn compensatory time, the employee must have worked at least forty (40) hours during the workweek (or the equivalent if the employee is on a schedule other than 40 hours per week). For each overtime occurrence, if employees agree to accumulate compensatory time instead of receiving overtime pay, they must receive consent to do so prior to accruing any compensatory time.

Upon completion of earning compensatory time, the employee must complete a payroll adjustment form, signed by the appropriate supervisor, which is to be submitted on a bi-weekly basis with time sheets to the Human Resources Office.

Compensatory time earned is the same rate as overtime earned; time and one half or double time. The maximum number of hours of compensatory time that can be accumulated by an employee is one hundred (100) hours. Compensatory time may be used at a minimum of one (1) hour increments and at a maximum increment of eighty (80) hours. Authorization of said time off must not unduly disrupt operations as determined by the authorizing supervisor. Employees must request, in writing, compensatory time leave at least one (1) week in advance of the requested time off.

Employees are required to utilize their accrued compensatory time by the end of the fiscal year that follows the fiscal year in which the compensatory time is earned. In order to accommodate operations and budgetary concerns, Department Heads are authorized to make exceptions to the compensatory time policy only after consultation and approval from the Assistant City Administrator/Director of Administrative Services.

### **SECTION 4.9      PAYROLL PERIOD AND PAYDAY**

The pay period for the City of Geneva is for two weeks, beginning at 12:00 a.m. Sunday, and ending on the second Saturday at 11:59:59 p.m. City of Geneva employees are paid bi-weekly and payday is on Friday. If a holiday should fall on a payday, employees will be paid on the last business day prior to the holiday (i.e. if the holiday is on Friday, employees will be paid Thursday of that week). Department Heads are responsible for authorizing the recording of time worked by department employees and submitting time sheets to the Human Resources Office on the Monday preceding designated paydays.

Employees who will not be present on the designated payday may, by written request, have their paycheck distributed to another person or mailed to the employees’ residence. Written requests must be co-signed by the employee’s Supervisor and sent to Human Resources at least forty-eight (48) hours prior to the designated payday.

Errors on payroll (i.e. missed hours) will be corrected on the next scheduled pay day. If the error results in the employee receiving less than base pay, such corrections will be made as soon as possible upon request of the employee.

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Direct payroll deposit is available to all City employees. Employees desiring to participate in direct deposit should contact Human Resources for the appropriate forms.

### **SECTION 4.10      PAYROLL DEDUCTIONS**

When employees are hired by the City, they must submit to the City the following information:

1. Social Security number
2. Documentation proving U.S. citizenship or legal alien status
3. Information for pension deduction

Compulsory deductions currently include state and federal withholding, Medicare, Social Security and the Illinois Municipal Retirement Fund (for all employees scheduled to work 1000 hours or more per year, except sworn Police personnel and Firefighters who contribute to their respective pension plans). The City also provides employees the opportunity to participate in several voluntary payroll deduction programs, which may include, but may not be limited to, group health insurance, a flexible spending plan, a deferred compensation plan, supplemental insurance plans, a credit union savings program and others as approved by the City Administrator. Information on these programs may be obtained through the Human Resources Office. All changes in any employee's status or address must be reported to the Human Resources Office.

### **SECTION 4.11      WAGE GARNISHMENT**

If the City receives a wage garnishment notice on any employee, it will be processed for the next pay period in accordance with law. Whenever the City is served with an order to withhold income from an employee, pursuant to any statute, the City may charge the applicable statutory administrative fee (processing fee for wage assignment, child support, withholding order, etc.) from the employee's income. All employees are expected to conduct their personal affairs so that the City will not have to perform as a collection agent.

### **SECTION 4.12      MODIFIED OR LIGHT DUTY**

It is the policy of the City of Geneva to provide suitable modified or light work for City employees who are temporarily unable to return to regular job functions due to injury, as long as meaningful and necessary work is available. This assignment will be consistent with the employee's skill and abilities and any medically necessary work restrictions. Nothing in this policy establishes a right to be placed on modified or light duty, or once placed to continue in such an assignment for any specified length of time. Modified or light duty assignments will not be made permanent.

The Human Resources Office has the responsibility for the coordination and administration of this procedure. All requirements for modified or light duty assignments will be evaluated on a case-by-case basis with consideration given to the skills and abilities of the

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employee, the medical or physical restrictions, and the availability of work. Preference will be given to those employees who are seeking light duty assignment following a work-related injury. Human Resources shall make available to the employee's physician a copy of the employee's job description for the purpose of allowing the physician to determine any work restriction and/or limitations. The physician's statement releasing the employee for light duty shall include a description of the injury/illness, prognosis, work restrictions or limitations, the estimated length of time the employee may require work in a modified or light duty capacity and, if applicable, any follow-up treatment or therapy required.

Consideration for a modified or light duty assignment will be contingent upon the following:

1. The employee presenting a physician's statement that includes a complete description of the physical restrictions or limitations and releasing the employee for modified or light duty.
2. The City's ability to temporarily modify the employee's regular duty requirements to accommodate the restrictions or limitations, the estimated length of time the employee may require work in a modified or light duty capacity, and any follow-up treatment or therapy required.
3. The employee being otherwise qualified, as determined by the Human Resources Office, to perform such work.

The City may require periodic medical updates from the physician regarding the employee's ability to perform the duties of a temporarily modified or light duty assignment or to be released to return to full duty. The City may require an employee to submit to an examination with a physician chosen by the City at the City's expense. The City reserves the right to discontinue a modified or light duty assignment at any time, included but not limited to the following reasons; light duty work no longer being available, operational requirements prohibiting the continuance of modified duty, or the employee's inability to satisfactorily perform the duties of the assignment. Additionally, if at any time it appears that the assignment is interfering with the full recovery of the employee or is a threat to the safety and well-being of the employee, co-workers, or the public, the City shall temporarily discontinue the assignment until an evaluation can be obtained regarding the employee's ability to continue.

The following procedure shall be used when an employee is requesting light duty:

1. The employee must present to his or her Supervisor a written statement from his or her physician. The Supervisor will immediately send the written statement to Human Resources Office. The statement should contain:
  - a. Estimated length of time that the employee is to remain on restricted duty.
  - b. Exact nature of the work that the employee can and cannot perform. This should include any restrictions and/or specific duties and weight limitations, if applicable.

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- c. Date of the next scheduled re-examination to determine any change in the employee's physical status.

The above-mentioned information must be provided in writing after each examination. The physician's office may also fax statements to the Human Resources Office.

2. Human Resources will discuss with the supervisor if the potential exists for a modification to the employee's regular duty assignment to accommodate the restrictions or limitations as stated by the physician. The temporary light duty assignment shall be made in close consultation with the Department Head, Division Manager, or designated Supervisor of the employee's work unit, the employee's physician, and the employee.
3. Should Human Resources, the Supervisor and/or Department Head agree that a modification is not possible within the employee's department, Human Resources will seek the availability of light duty work throughout the City.
4. Having determined either that the employee's regular duty assignment can be reasonably modified to accommodate the restrictions or limitations or that an appropriate light duty assignment is available, the immediate Supervisor will contact the employee and inform them of the work assignment. The Supervisor will also contact the Human Resources Office to advise of the final decision regarding modified or light duty work for the employee in order that personnel records reflect any change in job duties.
5. If, while on light duty assignment, the employee needs to be absent for related medical treatment or doctor's appointment, the employee must bring a written statement from the treating physician/facility. This statement should inform the City if there is any change the employee's condition that would impact the light duty assignment. The statement should be forwarded to the Human Resources Office. The employee may be required to utilize sick leave to attend the appointment.
6. If, at any time during the modified or light duty assignment, the employee receives a full duty medical release from the physician, he or she shall immediately send the written statement to their supervisor and the Human Resources Office so that arrangements can be made for reassignment to regular (full) duty.

Employees who are working outside their normal job classification shall be paid at the rate of pay established by their normal job classification, such pay chargeable to the department in which the employee is normally compensated. Should a modified or light duty assignment not be available to an employee, the employee may utilize accrued leave or excused leave without

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pay and may be subject to the rules of the Family Medical Leave Act. Absences due to an on-the-job injury may be eligible for workers' compensation (See Workers' Compensation Insurance) and may also be subject to the rules of the Family and Medical Leave Act. Nothing in this policy shall be interpreted to require the City to create modified or light duty assignments for an employee. Employees will only be assigned to light duty assignments when the City determines that there is meaningful and necessary work that can accommodate the employee's restrictions.

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### **SECTION 5.1      EMPLOYEE CODE OF ETHICS**

The City of Geneva Employee Code of Ethics was created by a volunteer Employee Ethics Committee. The purpose of the Employee Code of Ethics is to serve as a guide for City employee behavior in a written policy that sets forth standards to make sure all of our transactions and decisions are fair and honest. The City of Geneva believes that public confidence in government is essential. As such, when our Code of Ethics standards are followed, the Code ensures that there is no real or apparent conflict of interest in our responsibilities to serve the public. All City employees are subject to this Code. This does not include elected officials, volunteer members of standing boards, committees or commissions who may have their own Code of Ethics, but does apply to both part and full time City employees. The Employee Ethics Committee serves as an on-going resource for City employees who may request advisory opinions regarding the application of the Employee Code of Ethics on a confidential basis.

City employees agree with and demonstrate the following standards in their service to the community:

#### **Responsibility ~**

- Provide quality service to the public.
- Deliver results that make a positive difference.
- Be accountable for the decisions you make.
- Fulfill commitments to others.
- Give a full day's work for a full day's pay.

#### **Honesty ~**

- Be open and truthful.
- Exercise care to not misrepresent the City.
- Be exemplary in fulfilling the responsibilities entrusted to you.

#### **Respect ~**

- Honor the environment, policies, rules, diversity and citizens.
- Consider all points of view when resolving conflict.
- Treat everyone with courtesy and dignity.

#### **Fairness ~**

- Make decisions that consider all sides of an issue.
- Treat everyone equitably.
- Provide equitable access to the resources of the City.

#### **Integrity ~**

- Exhibit conduct that inspires public confidence.
- Hold as confidential all information accepted in trust.
- Conduct ourselves in a manner that reflects well upon the City.
- Seek no favor or personal gain.
- Be mindful of how your actions may be perceived by others and avoid conflict of interest.

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- Make decisions/take actions in the best interest of the community.

### **Loyalty ~**

- Embrace and support the mission of the City through daily behavior.
- Serve as an ambassador of the City.
- Strive to provide leadership with sufficient information to make informed and ethical decisions.
- Fully support decisions of leadership once made.
- Expose corruption when discovered.

### **SECTION 5.2      STANDARDS OF CONDUCT**

Employees of the City of Geneva are expected to remember that they are its representatives. City of Geneva employees are expected to always conduct themselves in a manner which is a credit to the City. As a public institution, the ultimate employers are the citizens of Geneva.

Therefore, all employees should keep in mind that they are public relations officers of the City and have an important part to play in developing and maintaining good public relations. All residents and co-workers shall be treated with fairness, courtesy, and respect. All employees are expected to maintain high standards of conduct, cooperation, efficiency, pride, productivity, and economy of public funds in their work for the City. Employees are also expected to display a proper regard for the welfare and rights of citizens and other employees.

When employees fail to meet the standards of conduct, they may be dismissed, demoted, suspended, reprimanded, or otherwise disciplined as the circumstances warrant. An employee may be subject to disciplinary action for improper or inappropriate conduct, including, but not limited to, violations of work rules and general rules and regulations, unacceptable behavior, misconduct, poor performance, or unacceptable attendance.

In addition to other guidelines outlined in this Manual, administrative procedures, relevant rules, regulations, general orders, standard operating procedures and directives of the various departments, the City has established certain minimum standards of conduct. Some of the causes for discipline which employees should be familiar with are listed below. Violations of such rules will subject the employee to disciplinary action, ranging from an oral reprimand to immediate termination of employment, as deemed appropriate by the Department Head and the City Administrator. The following illustrations of offenses listed are by way of example and are not intended to be all-inclusive; rather, the illustrations provide a general guide for determining unacceptable behavior. These rules do not limit the right of the City to discipline or terminate an employee for any reason not prohibited by law. The City may revise or change these rules, as it deems necessary without prior notice.

1. Engaging in fighting, horseplay, or reckless conduct on City premises or while on City business.

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2. Physically abusing, intimidating, offending, or coercing through verbal threats any resident, citizen, municipal official, fellow employee, or member of the general public. Using vile, intemperate, offensive, or abusive language, or acting in a disrespectful manner to any resident, citizen, municipal official, fellow employee, or any member of the general public.
3. Falsification or alteration of time sheets, personnel records, employment applications, attendance, or any other municipal records or documents.
4. Providing false information or information the employee should have known to be false, to any City official or representative during an investigation of a City or employment-related incident.
5. Refusing to cooperate with the City during an investigation of a City or employment-related incident.
6. Removing from City premises, being in the unauthorized possession of, or using for personal or any other inappropriate use, any City vehicle, equipment, supplies, tools, materials, or property, or the vehicle, equipment, supplies, tools, or property of a resident, citizen, municipal official, or fellow employee.
7. Destroying, damaging, defacing, abusing, wasting, or misusing City property, equipment, supplies, or materials, or the property, equipment, supplies, or materials of a resident, citizen, municipal official, or fellow employee.
8. Creating or contributing to an unsafe condition on City premises or failing to adhere to safe operating practices including the use of personal protective equipment.
9. Careless or unsafe use of City vehicles and equipment which results in injury to a person or damage to City or private property.
10. Failure to report any injury or accident.
11. Insubordination or refusal of a direct work order or assignment (whether written or oral) or other breach of discipline. Insubordination is defined as failure to obey an order given by a supervisor or a deliberate disregard for a supervisor's direct order.
12. Leaving the assigned place of work during work hours when not authorized to do so.
13. Selling, distributing, using, consuming, being in possession of, or being under the influence of alcohol, unprescribed drugs, illegally prescribed drugs, or illegal drugs while

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on City premises, while conducting City business, while operating City equipment, or while in the performance of any other assigned duties.

14. After an Employee Assistance Program (EAP) referral has been made, selling, distributing, using, consuming, being in possession of, or being under the influence of alcohol, unprescribed drugs, illegally prescribed drugs, or illegal drugs while on City premises, while conducting City business, while operating City equipment, or while in the performance of any other assigned duties, or exhibiting behavior that indicates a problem exists with such drugs or alcohol.
15. Revealing confidential City information without proper authorization.
16. Being absent for three (3) consecutive days without proper notification to the City. Excessive, unreported, or unexcused absences from work, including abuse of sick leave privileges.
17. The City of Geneva prohibits, forbids and does not tolerate weapons on City property, or during any City-related business or activity. Weapons include visible and concealed weapons; including those for which the owner has necessary permits. Weapons may include, but are not limited to, firearms, knives with blades longer than three (3) inches, explosive materials or any other objects that could be used to harass, intimidate or injure another individual, employee, or volunteer. This rule does not apply to sworn police officers carrying weapons pursuant to Police Department policy.
18. Violating the Equal Employment Opportunity, Sexual Harassment, or Americans with Disabilities Act policies.
19. Sleeping, loitering, or wasting time on duty.
20. Engaging in outside employment during duty hours or during sick leave.
21. Engaging in outside employment which creates or can be perceived to create a conflict of interest.
22. Suspension or revocation of the employee's vehicle driver's license when the license is a condition of employment.
23. Any conduct that threatens to breach the duty of care by the City to its residents or to the community.
24. Incompetent, inefficient, negligent, or unsatisfactory performance of assigned work.

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25. Disruptive attitude or abusive language which is detrimental to the service, programs, and operations of the City.
26. Excessive tardiness or early departures from work.
27. Allowing the political affiliation of the employee or of a resident or member of the general public to affect or in any other way influence whether a resident or member of the general public receives City services, or allowing the political affiliation of the employee or of a resident or member of the general public to affect or in any other way influence the type or quality of City services available or provided to a resident or member of the general public.
28. Any act which endangers the safety, health, or well-being of an employee or citizen, or which is of sufficient magnitude that the consequences cause or act to cause disruption of work or discredit the City.
29. Soliciting, collecting, distributing, or selling materials between employees, residents, or the general public during work time on City property. Work time does not include lunch periods or other periods when employees are not expected to be actively working. Limited requests on behalf of other employees (sickness, retirement, resignation, birthday, or other events of personal significance) are allowed.
30. Theft from the City or fellow workers.
31. Violation of any of the provisions of the Employee Code of Ethics as listed in Employee Code of Ethic section of this chapter.
32. Being found guilty of misconduct or impropriety of similar seriousness to those items listed above.

### **SECTION 5.3      MEDIA RELATIONS**

The Communications Coordinator shall be the primary spokesperson for the City on all official actions of the City. If the Communications Coordinator is not readily available, the Mayor, City Administrator or authorized designee shall be the primary spokesperson on all official matters of the City.

All non-public safety media calls should be referred to the Communications Coordinator. In some instances, it will be appropriate for the City Administrator or a specific department head to serve as the point person for a media response, in which case the Communications Coordinator will ensure that the City official is prepared with background information and coached appropriately. However, in order to provide for the practical need for reasonable accessibility to staff and dissemination of information, the City Administrator, Department

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Heads, or their respective designees, may also furnish basic or routine information to the media, consistent with their knowledge of the subject at hand when appropriate. Designated spokespersons in the Police and Fire Department will serve as media contacts regarding public safety matters.

City Officials and employees who have spoken to the media should alert the City Administrator and Communications Coordinator following such contact.

Prudence should be followed in making statements to the media, and respecting protocol within the organization. Any comments on proposed changes to established policy or procedures must be stated as a recommendation. Comments to the media or general public on decisions made by the City Council should be factual in nature when speaking as an employee of the City.

In order to prevent misinformation, or inappropriate information from being distributed to the media, unauthorized employees should not speak for the City regarding City business with members of the media without first receiving permission from the respective Department Head or City Administrator.

All news releases shall be routed through the Communications Coordinator and approved by the City Administrator prior to being released. If a critical incident occurs during off-hours, Department Heads are authorized to disseminate news releases if they are not able to reach the Communications Coordinator or City Administrator within one hour of the attempted contact. All such non-approved disseminated news releases should be copied to the City Administrator and Communications Coordinator as soon thereafter as possible.

### **SECTION 5.4      GIFTS**

All City employees and City Departments are prohibited from accepting gifts, gratuities, or related donations from any person, vendors, businesses, or entities with whom they may come in contact within the course of their official duties that might be reasonably inferred to be for the purpose of influencing the employee in the normal exercise of his or her duties. However, seasonal gifts of nominal value (up to \$25.00) such as calendars or consumable food items for a work group, or a lunch that falls within the range of normal business practice, are not included in this prohibition.

In the event that City employees are offered opportunities or benefits, such as nominal discounts for special events such as grand openings, seasonal celebrations, special promotions, etc., and in accordance with the State of Illinois Gift Ban Act, the City may allow distribution to all City employees if said opportunity or benefit is approved and distributed through the Human Resources Office and if:

1. It is available to the public or an employee class consisting of all employees whether or not restricted on the basis of geographic consideration;
2. Offered to members of a group or an employee class in which membership is unrelated to employment of official position;

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3. Offered to members of an organization such as an employee's association or credit union, in which membership is related to employment or official position and similar opportunities are available to large segments of the public through organizations of similar size;
4. Offered to any group or employee class that is not defined in a manner that specifically discriminates among government employees on the basis of branch of government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;
5. In the form of loans from banks and other financial institutions on terms generally available to the public;
6. Or in the form of reduced membership or other fees for participation in organization activities offered to all government employees by professional organizations if the only restrictions on membership relate to professional qualifications (Source P.A. 90-737, effective 1-1-99).

### **SECTION 5.5      ANTI-HARASSMENT**

The City of Geneva is committed to maintaining a healthy work environment that is free of discrimination. As such, the City has adopted Resolution 94-10, the City's Anti-Harassment Policy, dated July 18, 1994. In keeping with this commitment, the City will not tolerate harassment of City employees by anyone. Accordingly, the City of Geneva will enforce its Anti-Harassment Policy in all aspects of the City's operations in order to create an environment free from discrimination of any kind, including sexual harassment. Procedures for reporting, investigating, and resolving complaints of harassment are included in this policy.

#### **A. Harassment in the Workplace**

Harassment consists of unwelcome conduct, whether verbal, physical, or visual that is based upon a person's protected status, such as sex, race, religious practices, physical or mental disability, citizenship status, national origin, age, color, the use of lawful products off-premises during non-working hours (tobacco, alcohol, non-prescription drugs), active military duty status, or unfavorable discharge from military status. The City will not tolerate harassing conduct that interferes with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment.

No employee shall either explicitly or implicitly ridicule, mock, deride, or belittle any other employee or conduct himself/herself in a manner that has the purpose or effect of interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment. Employees shall not make offensive or derogatory comments based upon sex, race, religious practices, physical or mental disability, citizenship status, national origin, age, color, the use of lawful products off-premises during non-working hours (tobacco, alcohol, non-prescription drugs), active military duty status, or unfavorable discharge from military status, either directly or indirectly, to another employee. Retaliation against an individual for reporting or complaining about acts of harassing conduct is also a form of harassment and therefore prohibited. All such examples of harassment are prohibited forms of discrimination under state and federal employment law and are considered misconduct subject to disciplinary action by the City of Geneva.

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Supervisors shall be responsible for:

1. Monitoring the workplace environment on a daily basis for signs that harassment may be occurring;
2. Advising all employees on the types of behavior prohibited and the City's procedures for reporting and resolving complaints of harassment;
3. Stopping any observed acts which may be considered harassment and taking appropriate steps to intervene, whether or not the involved employees are within their line of Supervision; and
4. Taking immediate action to limit the work contact between employees where there has been a complaint of harassment, pending an investigation.

Employees are responsible for assisting in the prevention of harassment through the following acts:

1. Refraining from participation in, or encouragement of, actions that could be perceived as harassment;
2. Reporting acts of harassment to a Supervisor or Department Head;
3. Encouraging any employees, who confides that they are being harassed to report these acts to a Supervisor or Department Head.

### **B. Sexual Harassment**

It is the policy of the City of Geneva to prohibit harassment of any person by any municipal officer, municipal agent, municipal employee or municipal office on the basis of sex or gender. All municipal officials, municipal agents, municipal employees, and municipal offices are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof.

Under Illinois law, sexual harassment is any "unwelcome or repeated sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on acts of a sexual nature constitutes sexual harassment when (1) submission to the conduct is made, either explicitly or implicitly a term or condition of an individual's employment, (2) submission to, or rejection of, such conduct is used as the basis for employment decisions affecting such individual, or (3) the conduct has the purpose of, or effect of, unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."

Sexual harassment can occur between men and women, or between members of the same sex. This behavior is unacceptable in the workplace, and in other work-related settings such as meetings, hearings, and City-related or sponsored social events.

Sexual harassment affects the victim, other City employees, and officials as well. Each

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incident of harassment contributes to a general atmosphere in which everyone suffers the consequences. Sexually-oriented acts or sex-based conduct has no legitimate business purpose. Where such conduct is engaged in by a Supervisor, someone in a management position, or a City official toward a subordinate, the former will be held to a higher standard of accountability because of the degree of control and influence they have, or are perceived to have, over the employment conditions and benefits of the subordinate.

Prohibited acts of sexual harassment can take a variety of forms ranging from subtle pressure for sexual activity or contact, to physical contact. At times, the offender may be unaware that his or her conduct is offensive or harassing to others. Sexual harassment may include, but is not limited to:

1. Persistent or repeated unwelcome flirting, pressure for dates, sexual comments, explicit sexual propositions;
2. Sexually suggestive jokes, gestures or sounds directed toward another, or sexually oriented or degrading comments about another person;
3. Foul or obscene language;
4. Physical contact such as patting, pinching, or brushing against another person's body;
5. Preferential treatment of an employee, or a promise of preferential treatment to an employee, in exchange for dates or sexual conduct; or the denial, or threat of denial, of employment, benefits, or advancement for refusal to consent to sexual advances;

The open display or distribution of sexually-oriented pictures, posters, calendars, printed jokes, or other material offensive to others;

6. Electronically sending messages with sexual content, including pictures or video;
7. The use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (email, text/picture/video messages, intranet/on-line posting, blogs, instant messages, and social network websites like Facebook and Twitter).
8. Retaliation against an individual for reporting or complaining about sexually harassing conduct.

### **C. Complaint Procedures**

While the City encourages individuals who believe they are being harassed, sexually or otherwise, to firmly and promptly notify the offender that his or her behavior is unwelcome, the City also recognizes that power and status disparities between an alleged harasser and a target may make such a confrontation impossible. In the event that such informal, direct communication between the individuals is either ineffective or impossible, or even when such communication between the individuals has occurred, the following steps should be taken:

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1. The employee shall document all incidents of harassment in order to provide the fullest basis for investigation.
2. Employees who believe that they are being harassed, or have witnessed harassment, shall report the incident(s) to their immediate Supervisor within seven (7) workdays of the incident. However, due to the sensitivity of this type of problem, and because of the emotional toll such misconduct may have on the victim, delayed reporting of complaints will not, in and of itself, preclude the City from taking remedial action. If the employee's immediate Supervisor is the individual accused of harassment, the employee shall report the incident(s) to the Department Head. If the employee's immediate Supervisor is a Department Head, and is the individual accused of harassment, the complaint shall be reported to the City Administrator or Human Resources. If the City Administrator is the individual accused of harassment, the complaint shall be reported to the Mayor.
3. The Supervisor, or party with whom the complaint was filed shall notify Human Resources immediately upon receipt of a complaint.
4. If the Supervisor, or party with whom the complaint was filed, does not reply within seven (7) workdays, or if the employee is dissatisfied with the response of the party receiving the complaint, the employee may initiate the next step in the complaint procedure.
5. The complaint shall be put into writing and shall include a description of the incident(s), the name of the person accused of the harassment, the date(s) on which the incident(s) occurred, and the signature of the employee filing the complaint.
6. The written complaint shall be submitted to the Department Head with a copy to Human Resources. If the Department Head does not respond within seven (7) workdays, the employee may initiate the next step in the complaint procedure.
7. If the Department Head does not reply within seven (7) workdays, or if the employee is dissatisfied with the response of the Department Head, the employee may present the written complaint to the City Administrator or designee with a copy to Human Resources, within seven (7) workdays following the Department Head's response.
8. The City Administrator shall investigate the complaint and respond within seven (7) workdays after receipt of the written complaint.
9. The decision of the City Administrator is final.
10. Incidents involving the City Administrator or elected officials shall be reported directly to, and shall be investigated by the Mayor, or in the event the Mayor is disqualified by a vote of the City Council from acting, the Mayor Pro Tem of the City Council shall conduct the investigation.
11. In addition to the foregoing procedure, employees who believe that they have been the

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subject of sexual harassment, or retaliation for complaining about sexual harassment have a right to file a charge of civil rights violations with the Illinois Department of Human Rights or the United States Equal Employment Opportunity Commission.

Employees may call or write:

James R. Thompson Center  
100 West Randolph Street, 10<sup>th</sup> Floor  
Chicago, Illinois 60601  
312.814.6200  
866.740.3953 (TTY)

United States Equal Employment Opportunity Commission  
500 West Madison Street, Suite 2000  
Chicago, IL 60661  
800.669.4000  
312.869.8001 (TTY)

An IDHR complaint must be filed within 180 days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within 300 days.

An employee experiencing what he/she believes to be harassment, sexual or otherwise must not assume that the employer is aware of the conduct. If there are no witnesses and the victim fails to notify a supervisor or other responsible officer, the municipality will not be presumed to have knowledge of the harassment.

All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the municipality. However, because of the serious implications of sexual harassment charges and the difficulties associated with their investigation and the questions of credibility involved, the claimant's willing cooperation is a vital component of an effective inquiry and an appropriate outcome.

### **D. Consequences of Violation**

The City's policy is to investigate all harassment complaints thoroughly and promptly. Every effort will be made to keep all matters related to the investigation and various reports confidential. In the event of a lawsuit, however, the City advises that those records maintained by the City and any records maintained by the complainant may not be considered privileged from disclosure. The City will maintain written records for two (2) years from the date of the resolution, unless circumstances dictate that the records should be kept for a longer period of time. If an investigation confirms that harassment has occurred, the City will take corrective action, including such discipline, up to and including immediate termination of employment, as is appropriate.

### **E. Consequences for Knowingly Making a False Report**

False accusations regarding harassment can have serious effects on the person or persons accused. A false report is a report of harassment, sexual or otherwise, made by an accuser using

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the harassment report to accomplish some end other than stopping the harassment or retaliating for reporting harassment. A false report is not a report made in good faith which cannot be proven. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be subject to discipline or discharge pursuant to applicable municipal policies, employment agreements, procedures, employee handbooks, or other collective bargaining agreements.

### **SECTION 5.6      ANTI-RETALIATION**

The City of Geneva prohibits and does not tolerate retaliation against any employee because of that employee's participation in protected activities, including but not limited to, good faith reporting of workplace wrongdoing, making a protected claim against the organization, participating in any related investigation or properly using City benefits. Any employee who engages in prohibited retaliation is subject to disciplinary action, up to and including termination. The City recognizes that making false accusations of wrongdoing in bad faith can have serious consequences for those who are wrongly accused. The City prohibits deliberately providing false information during an investigation. Anyone who violates this policy is subject to disciplinary action, up to and including termination.

For purposes of this policy, retaliatory action means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any municipal employee that is taken in retaliation for a municipal employee's involvement in protected activity pursuant to this policy.

No individual making a report will be retaliated against even if a report made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

Pursuant to the Whistleblower Act (740 ILCS 174/15(a)), an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. In addition, an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation (740 ILCS 174/15(b)).

According to the Illinois Human Rights Act (775 ILCS 5-6/101), it is a civil rights violation for a person, or for two or more people to conspire, to retaliate against a person because the person opposed that which he/she reasonably and in good faith believes to be the sexual harassment in employment, because he/she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under the Illinois Human Rights Act.

### **SECTION 5.7      ATTENDANCE**

Excessive absenteeism, tardiness, or early departure may result in disciplinary action, up to and including immediate termination of employment. "Excessive" shall be defined as those absences occurring more than two (2) times per month (i.e., two consecutive days absent from work would be considered as one (1) occurrence). Employees that will be late for, or absent from, work must notify their Supervisor within one (1) hour of their normal start time. Failure to

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give such notice of tardiness or absenteeism shall constitute grounds for disciplinary action. For Police and Fire Department employees, notification to their immediate Supervisor or designee must be two (2) hours prior to his/her normal start time.

During a scheduled workday, absence from the employee's place of work must have prior approval of the Supervisor. Habitual lateness/tardiness shall be a cause for disciplinary action.

Employees who are absent for three (3) or more work days without notifying their Supervisor and securing approval for the absence, will be considered to have abandoned their job and will be terminated automatically. Employees must report an absence from work on the first day of the absence, unless physically impossible, to their Supervisor or Department Head. Failure to report absences is cause for termination.

### **SECTION 5.8      HEALTH AND SAFETY PROGRAM**

The City of Geneva is committed to providing and maintaining a healthy and safe environment for its employees in their work. All employees share an obligation to observe not only City safety rules, but also the standards of the Occupational Safety and Health Act (OSHA) and other related legislated standards. Failure to observe safety standards may result in disciplinary action.

The objectives of the City's employee Health and Safety Program are to prevent injury to employees, prevent damage to City and private property, and prevent lost-time accidents, which reduce employee productivity. The result of these objectives will contribute directly to better employee relations, greater productivity, and improved housekeeping. To accomplish these objectives, the following guidelines and responsibilities have been set forth:

#### **Safety Responsibilities:**

1.     **Assistant City Administrator:** The Assistant City Administrator shall work with the City's insurance representatives to coordinate the City's risk management program.
2.     **Department Heads:** Department Heads are directly responsible for the safe operation of their respective department. Although exposure to safety hazards varies widely among

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the City departments, Department Heads shall make genuine attempts to provide a clean, safe, and healthy work environment for all employees. Other responsibilities include:

- A. Ensure the City’s Health and Safety Program is applied within the department.
  - B. Personally, review all accidents to ensure that accident causes are being investigated and proper corrective action is being taken. This includes the Department Head reviewing and signing all “Supervisor’s Accident Investigation Reports.”
  - C. When new operations, tools, equipment, or materials are introduced within the department, the Department Head shall see that all safety precautions are followed for their safe use.
  - D. Establish and maintain a Department Safety Committee that is responsible for:
    - 1. Monitoring and overseeing the Department’s accident and safety record;
    - 2. Recommending accident and safety-related improvements, training and operational policies and procedures.
  - E. Serve on the Executive Health and Safety Committee.
3. **Supervisors:** Supervisors are responsible for the enforcement of safety policies that apply to their area of operation. In order to ensure the safety of each employee, as well as the effective operation of the department, the Supervisor shall:
- A. Become familiar with their department’s safety responsibilities in regard to those policies.
  - B. Train all employees within their responsibility thoroughly, informing them of the hazards of the job, and the necessary safety precautions that should be taken to minimize and avoid those hazards.
  - C. Promptly investigate and report all accidents, and see that all injuries are treated in a proper manner. Supervisors are responsible for completing the “Supervisors Accident Investigation Report” within twenty-four (24) hours of an employee accident or injury, or by the end of the next business day, and then reviewing the report with their Department Head.
  - D. Supervisors shall make a genuine attempt to ensure that all tools, equipment, and protective devices are properly maintained and properly utilized.

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- E. Provide regular observation and evaluation of working conditions and related procedures, inclusive of conducting safety inspections and surveys of all work areas and operations as necessary to:
  - 1. eliminate unsafe conditions;
  - 2. improve general housekeeping; and
  - 3. encourage safe work practices.
- F. Actively promote activities and initiatives of the Department Safety Committee.
- 4. **City Employees:** All City employees have an individual responsibility for the prevention of accidents, and are required to develop and exercise safe work habits in order to prevent injuries to themselves and their fellow employees. Every employee is responsible for compliance with the safety procedures outlined in this Manual and all other applicable department directives concerning safety. Other employee responsibilities include:
  - A. Report all accidents and injuries immediately to a Supervisor, regardless of severity. If injured, obtain medical treatment.
  - B. Keep work areas clean and orderly at all times, and, if required, wear protective equipment when working.
  - C. Use only the designated equipment for the job and use it properly. Failure to abide by this rule will subject the employee to discipline, up to and including discharge.
  - D. Only operate equipment for which the employee has received proper training.
  - E. Promptly report any unsafe practices or conditions observed to the employee's immediate Supervisor.
  - F. Follow proper instructions and policies when conducting a specific job. If any doubt exists concerning the safety of performing a job, STOP and get proper instructions from the Supervisor before continuing work.
  - G. Cooperate with and take an active part in the activities of the Department Safety Committee.

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### **Executive Health and Safety Committee**

The Executive Health and Safety Committee shall function as an advisory body to develop and implement health and safety-related policies and procedures affecting the administration of the City's loss prevention program. Committee members shall include the City Administrator, the Assistant City Administrator, the Human Resources Manager, and all Department Heads.

The Executive Health and Safety Committee shall meet on an as-needed basis. Functions of the Committee shall include, but not be limited to, the following:

1. Planning and recommending policies and procedures affecting the development and administration of a loss prevention program, inclusive of identifying problems and/or ideas regarding general and specific loss prevention efforts.
2. Review data, records, and reports of safety matters, making recommendations, and/or implementing procedures as necessary to encourage employee participation in providing for a safe and healthy workplace.
3. Review accident pattern and trend data and recommend action for future reduction or prevention.

### **Department Safety Committees**

Department Heads shall be responsible for establishing and maintaining Department Safety Committees within their respective departments. Functions of the Department Safety Committees shall include, but not be limited to, the following:

1. Review any job-related accidents in the department, and present recommendations to the Division/Department Head for corrective action in order to avoid similar occurrences in the future.
2. Make periodic safety inspections of the respective department, checking fire extinguishers, smoke detectors, emergency and exit lighting, and any other safety-related apparatuses.
3. Review and identify unsafe working conditions and practices, and make recommendations for correction of those unsafe conditions or practices.

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### **Safety Education**

Department Heads, or their respective designee(s), shall introduce new employees to their Department's Safety Program during his/her orientation. The new employee shall be responsible for becoming acquainted with the Program, the importance of safety, and will be informed that they are expected to perform their job with safety in mind.

All employees shall receive instruction from their Supervisor in the proper operational procedures of their respective department, in conjunction with safety rules and policies.

Continual Program follow-up shall occur at safety committee meetings, Supervisor-employee daily interaction, attendance at appropriate safety-related programs, and publication of safety literature and statistics. Follow-up shall be utilized to ensure continued interest in safety and safety-related education.

### **Safety Leave**

*See Chapter 6, Absence From Work, Safety Leave*

### **Safety Inspections**

Each department shall conduct periodic safety inspections on its facilities and operations.

### **Employee Injury and Accident Reporting Procedures**

1. Employees must report any accident or injury to their Supervisor immediately. The employee must complete an Employee Accident Report, which must be submitted to a Supervisor for forwarding to the Human Resources Office in order that workers' compensation insurance benefits or reimbursement for medical expenses is not jeopardized. Even if the injury is so slight that no time is lost, a report must be made. Employee's failing to report any accident or injury immediately may be subject to disciplinary action.
2. The injured employee's immediate Supervisor must complete the "Supervisor's Accident Investigation Report" within twenty-four (24) hours of the accident or injury, or by the end of the next business day. The "Supervisor's Accident Investigation Report" should be submitted to the Department Head for review and signature, and forwarded to the Human Resources Office. In addition to establishing the causes of the accidents and recommendations for correcting them, information on the Supervisor's Accident Investigation Report will be used for continuing a positive accident prevention program.
3. Once the Department Head reviews the accident or injury information and signs the Supervisor's Accident Investigation Report, all of the above information should be forwarded to the Human Resources Office.

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### **Workplace Violence Prevention**

The City of Geneva is concerned with, and committed to, employee safety and health. Violence in the workplace is an unacceptable practice. Department Heads and Supervisors will make every effort to prevent violent incidents from occurring by recommending practices and procedures for employees to follow through its Health and Safety Program.

All employees shall adhere to work practices that are designed to make the workplace secure, and to minimize verbal threats or physical actions which create a security hazard for others in the workplace.

Department Heads shall be responsible for the following in their respective departments:

1. The assessment of employee and public vulnerability to workplace violence in City facilities, and recommend preventive action.
2. The audit of violence prevention practices and procedures.
3. Recommendations for the training and education in violence prevention and plans for responding to acts of violence.
4. The review of reports of incidents of violence in the workplace. Committee members shall analyze and review existing records, identifying patterns that may indicate causes and severity of assault incidents, and recommend changes necessary to correct these hazards. These records include OSHA 200 logs, past incident reports, police reports, accident investigations, training records and other related records.
5. Shall also work with Supervisors and Department Safety Committee members to determine the presence of hazards, conditions, operations, and other situations which might place workers at risk of occupational assault incidents.

Training related to workplace violence for all employees, including Department Heads, Division Heads/Leaders, and Supervisors shall be provided through the Human Resources Office. Workplace violence training shall include, but not be limited to a review and definition of workplace violence; an explanation/description of the City's workplace violence practices and procedures; instructions on how to report all incidents, including threats and verbal abuse; methods of recognizing and responding to signs of potential violence and to workplace security hazards (such as unlit parking lots, unknown loiterers, etc.); a review of measures that have been instituted to prevent workplace violence (including use of security equipment and procedures, methods of diffusing hostile or threatening situations, and ways of summoning assistance in emergency or hostage situations); and a description of post-incident procedures (including medical follow-up, the availability of counseling and referral, and proper reporting procedures).

Employees shall report all incidents of workplace violence to their Supervisor, whether or not physical injury has occurred. The City of Geneva will not discriminate against victims of

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workplace violence. All employees, including Supervisors and Department Heads are responsible for using safe work practices, for following all directives, policies and procedures, and for assisting in maintaining a safe and secure work environment. Management is responsible for ensuring that all safety and health policies and procedures involving workplace security are clearly communicated to, and understood by, all employees.

All incidents and threats of workplace violence shall be reported by the Supervisor within twenty-four (24) hours of their occurrence. A “Workplace Violence Incident Report” form shall be completed for all incidents and threats. Each report shall be evaluated by the City Administrator who shall make recommendations on revising practices and/or procedures to prevent similar occurrences.

The City shall maintain an accurate record of all workplace violence incidents in the Human Resources Office. Any on-duty injury that requires more than first-aid, which is a lost-time injury, that requires modified duty, or that causes loss of consciousness will be recorded on the OSHA 200 log, and shall be reported on the City’s standard job injury reporting forms. Doctors’ reports and Supervisors’ reports of each incident shall be kept with workers’ compensation files in the Human Resources Office. Incidents of verbal abuse or aggressive behavior which may be threatening to the employee, but not resulting in injury, shall also be kept on file in the Human Resources Office. The City of Geneva will seek aggressive prosecution of any and all acts of workplace violence which constitute offense(s) of the Criminal Code in the Illinois Compiled Statutes.

### **SECTION 5.9      DRUG AND ALCOHOL USE**

The City of Geneva has a strong commitment to its employees to provide a safe workplace and to establish health care programs that promote high standards of employee health. Consistent with the spirit and intent of this commitment, the City has established this policy regarding drug and alcohol use. The City’s goal is to maintain a work environment that is free from the effects of alcohol and drug use.

City government provides a variety of public services. The employees of the City of Geneva are its most valuable resource, since it is through their work that services are provided. When delivering public services, the health and safety of the public and the health and safety of employees are of paramount importance. Drug and alcohol abuse is a problem of serious concern and one which affects all segments of the community, including the workplace. Such behavior poses risks to members of the public and to City employees. Employees have a right to work in an alcohol and drug-free environment. Members of the public have the right to be free from the harmful effects of alcohol and drug use in the provision of public services. This policy incorporates the 1995 Federal Highway Administration (FHWA) requirements for drug and alcohol testing for Commercial Driver’s License (CDL) holders and Federal Transit Administration (FTA) rules for employees performing safety-sensitive work.

All City employees, except Fire Department and uniformed Police Department employees, who are required to have a current CDL as a condition of employment, are subject to CDL related provisions of this policy. Employees performing safety-sensitive work on transit

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vehicles (such as maintenance mechanics and their Supervisors) are subject to the requirements of the Transit Administration Specific CDL and Transit provisions.

The City is committed to a drug-free workplace, to educating employees regarding the dangers of substance abuse, and to providing support for employees undergoing treatment and rehabilitation for chemical dependency. The City also is committed to the accountability of employees for violations of this policy through appropriate discipline, up to and including termination.

The City provides an Employee Assistance Program (EAP) for employees needing treatment or rehabilitation as well as medical plan coverage for both inpatient and outpatient treatment. Sick leave, vacation, and personal leave time may be used for treatment and rehabilitation purposes.

Employees who think they may have an alcohol or drug usage problem are urged to voluntarily seek confidential assistance from the EAP. This policy prohibits the following:

1. The unauthorized use, possession, manufacture, distribution or sale of an illegal drug, controlled substance, or drug paraphernalia on City property or while on City business, in City supplied vehicles or during working hours.
2. The unauthorized use, possession, manufacture, distribution, or sale of alcohol on City premises or while on City business, in City supplied vehicles, or during working hours.
3. Storing any illegal drug, drug paraphernalia, any controlled substance whose use is unauthorized, or any container of alcohol, in or on City property (including vehicles). Unopened containers of alcohol in a private vehicle parked on City property shall not be a violation of this policy.
4. Reporting to work, or working, while under the influence of illegal drugs or alcohol, whether on City premises, on City business, or in City-supplied vehicles.
5. Failing to notify the employee's Supervisor, before beginning work that the employee is taking medications or drugs, which may interfere with the safe and effective performance of duties.
6. Refusing to immediately submit to an alcohol and/or drug test when requested by a Supervisor, in accordance with this policy.
7. Failing to provide, by the next workday following a request, a valid prescription for any drug or medication identified when the results of a drug test are positive. If the employee is taking prescription drugs, the prescription must be in the employee's name.
8. Refusing to submit to an inspection when there is a reasonable suspicion to believe that an employee's job performance may be impaired by drugs or alcohol. In such

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circumstances, the Supervisor may direct the employee to submit to a drug/alcohol test or search, with or without employee consent, all areas and property in which the City maintains control or joint control with the employee.

9. Failing to adhere to the requirements of any drug or alcohol treatment program in which the employee is enrolled as a condition of continued employment, or pursuant to a written agreement between the City and the employee.
10. Failing to notify the City of any arrest or conviction under any criminal drug or alcohol statute by the next workday following arrest or conviction.

Managers and Supervisors shall be responsible for enforcement of this policy. The City shall provide training to all Supervisors authorized to act under this policy in evaluating and working with issues regarding drug and alcohol use in the workplace.

### **Post-Offer Testing**

All new City employees are required to pass a post-offer drug test prior to hire. The test will be administered after a conditional offer of employment has been made and prior to any tentative start date. In some cases, additional testing for CDL holders may be delayed until they are ready to begin driving a CDL vehicle or performing a safety-sensitive function on the job. A positive test result will exclude an applicant from being hired. All prospective hires, except uniformed Police and Fire personnel, will be tested under the procedures contained in this policy, which are consistent with the procedures for CDL holders. Post-offer protocols for uniformed Police and Fire personnel shall be as determined by the Board of Fire and Police Commission of the City of Geneva.

**Pre-Duty Regarding Alcohol:** Employees are prohibited from consuming alcohol for four (4) hours before going on duty or before operating a commercial motor vehicle. This regulation is in conformance with FHWA rules and applies to all scheduled shifts and callout situations. If employees cannot meet this requirement, it is their responsibility to advise their Supervisor, or person initiating the callout, that they cannot report to work.

### **Reasonable Suspicion**

Reasonable suspicion is a belief based on objective facts sufficient to lead a reasonable person to suspect that an employee has used drugs or alcohol so that the employee's ability to perform the functions of the job safely is reduced. For example, any of the following, alone or in combination, may constitute reasonable suspicion:

1. Slurred speech

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2. Irregular or unusual speech patterns
3. Impaired judgment
4. Alcohol odor on the employee's breath
5. Uncoordinated walking or movement
6. Unusual or irregular behavior such as inattentiveness, listlessness, hyperactivity, hostility or aggressiveness
7. Possession of alcohol or drugs
8. Post-accident and/or post-injury testing may be required of an employee when his/her Supervisor has reasonable cause to suspect that an accident and/or injury may be drug and/or alcohol related.

Any employee who tests positive for drug or alcohol use following an accident or injury may jeopardize workers' compensation benefits.

Employees' Supervisors shall directly observe the employee's behavior and document in writing the facts constituting reasonable suspicion. When circumstances permit, a second person shall also observe the employee to verify that there is a reasonable basis to believe that drug or alcohol use may have occurred. If possible, the Supervisor shall question the employee with regard to the situation. When a determination is made that an employee may have used drugs or alcohol, the employee shall be relieved of duties and placed on paid leave status. The Supervisor shall immediately notify the Department Head, or in their absence, the Department Head's designee. In the event that this person is not available, the Supervisor shall immediately contact the City Administrator for review. Upon review, the Department Head or designee, or in their absence the City Administrator, may authorize the Supervisor to proceed with a drug and/or alcohol test.

### **Drug and Alcohol Testing**

A drug test under this policy is a urinalysis (for drugs) and either saliva devices, breath testing using an evidential breath testing device, or a non-evidential breath testing device approved by the National Highway Traffic Safety Administration (NHTSA) (for alcohol) administered under approved conditions and procedures conducted for the sole purpose of detecting drugs and alcohol. The test will be conducted by a City appointed medical collection facility and paid for by the City. Following authorization for reasonable suspicion or post-accident drug testing, the Supervisor or other authorized person will transport the employee to the designated collection facility. Should drug and/or alcohol testing need to be conducted after regular office hours or on weekends, the City's appointed medical collection facility should be

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contacted and the doctor-on-call will direct the Supervisor to the appropriate location for testing. In the case of an applicant for employment, or follow up testing, the individual shall appear at the designated collection facility at the time instructed.

The room where the sample is obtained must be private and secure. Documentation shall be maintained that the area has been searched and is free of any foreign substance. For all general employees, CDL holders, and individuals tested under the reasonable suspicion standard, the collection shall be performed under standard collection guidelines. Procedural actions shall be taken in all tests to ensure that the sample is from the subject and was actually passed at the time noted on the record.

### Processing Urine Samples

Each step in the collection and processing of the urine specimen shall be documented to establish procedural integrity and the chain of custody. When requested for CDL, testing shall be under Substance Abuse and Mental Health Services Administration (SAMHSA) testing procedures at approved collection facilities. Unless specifically noted as in testing for uniformed police officers and firefighter personnel, all testing will be done using SAMHSA procedures and threshold levels. Uniformed Police and Firefighter post-offer testing will be done in accordance with City of Geneva Board of Fire and Police Commission policies. Confirmation testing will be conducted using Gas Chromatography-Mass Spectrometry. The urine sample shall be retained for twelve (12) months by proper storage method to allow for further testing if necessary. Specimen samples shall be sealed and labeled. Samples shall be stored in a secure and refrigerated atmosphere. A large enough sample shall be taken to allow for a split-specimen analysis. Any sample, which has been adulterated or is shown to be a substance other than urine, shall be reported as such. Any applicant or employee providing false information about a urine, saliva, or breath specimen or who attempts to contaminate such sample shall be subject to termination or removal from consideration for hiring.

### Drugs Tested

The collection facility shall test for the following drugs at levels that meet or exceed the limits hereafter set forth:

Drug Screening Level		Confirmation Level
• Amphetamines	1000 ng/ml	500+ ng/ml
• Cocaine metabolites	300 ng/ml	150+ ng/ml
• Opiates	2000 ng/ml	2000+ ng/ml
• PCP (Phencyclidine)	25 ng/ml	25+ ng/ml
• THC (Marijuana)	50 ng/ml	15+ ng/ml

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### **Alcohol Screening Confirmation Level**

- 0.02 or greater
- SAMHSA specified threshold
- Tested through an evidential Breathalyzer instrument at a level of .02 alcohol/breath concentration or greater, expressed in terms of grams per 210 liters of breath.

### **Results of Drug Testing**

The collection facility shall provide the results of the test in order to determine the presence of the drugs being tested for at or above the confirmation cutoff levels. For City employees who test positive, the results shall be forwarded immediately to the designated Medical Review Officer (MRO) for further review. A copy of all drug-testing results shall be forwarded to the Human Resources Office.

### **Evaluation of Legal Drug Use**

In the case of prescription drug use that may affect an employee's ability to perform the job safely, the City's Medical Review Officer shall require the subject to provide by the next scheduled work day a bona fide verification of a valid current prescription for the drug identified. The applicant shall be dropped from eligibility or the employee will be subject to disciplinary action when (a) verification of a valid prescription is not provided and the employee has not previously notified a Supervisor, (b) the prescription provided is not in the subject's name.

### **Alcohol Level at .02 or Greater**

The City adheres to a "zero-tolerance" alcohol policy relative to employees in the workplace or performing official duties of the City. However, for the purpose of testing, and in accordance with federal standards, the .02 level of alcohol will be used as a measure of analysis. When there is a confirmed presence of alcohol at the .02 level, the employee is deemed to be unable to safely operate a motor vehicle, operate machinery, or perform safety-sensitive work. If these tasks are part of an employee's job (in the opinion of the Supervisor), the employee will be considered unable to work and will be driven home and not allowed to complete the remainder of the work shift. The individual shall be required to take leave without pay. The employee shall not be permitted to take sick leave, vacation, or compensatory time. The employee shall return to work after a period of twenty-four (24) hours or at the beginning of their next workday or shift (whichever period of time is greater) or after another test shows a breath alcohol level of below .02.

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### **Job Applicants**

In the case of job applicants, Human Resources shall notify the applicant of positive drug and/or alcohol results. An opportunity to have the original urine sample retested at the applicant's expense shall be afforded. The applicant must request a retest within seventy-two (72) hours. If there is a confirmed positive test, Human Resources shall notify the Department Head and the applicant shall be removed from eligibility for hire. All post-offer test results shall be forwarded to the City's Human Resources Office to be kept on file for the required amount of time. Human Resources shall notify the respective Department Head of all drug and/or alcohol test results.

### **Employees**

All employment test results shall be forwarded to the City's Human Resources Office to be kept on file for the required amount of time. Human Resources shall notify the respective Department Head of all drug and/or alcohol test results. Employees shall be advised of any positive test results by their Department Head. The employee shall be afforded the opportunity to have the original urine sample retested. Retests must be requested within a period of seventy-two (72) hours after notification to the employee of an initial positive test by the Department Head. A retest shall be conducted by the original collection facility (at the City's expense) unless the employee wishes to pay for a retest at a different (SAMHSA-certified) collection facility. The second test must be conducted under SAMHSA procedures. If the subject declines a retest, or the retest confirms the results of the initial test, Human Resources shall be notified. Human Resources shall notify the Department Head of the results and a determination of appropriate action shall be made by the Department Head, in accordance with disciplinary procedures as outlined in the City's Personnel Policy Manual.

### **Disciplinary Action**

As with any issue of employee misconduct, an appropriate investigation and assessment of circumstances need to be made with guidance from the Human Resources Division and the City's legal counsel. Advice from medical professionals may be sought. A decision to refer the employee for substance abuse evaluation, treatment, and/or discipline may be made depending on the nature and severity of misconduct, the employee's work history, and other pertinent facts and circumstances. In certain situations, follow-up drug testing may be recommended and conducted to ensure that the employee remains drug and alcohol free. All costs associated with follow-up testing will be the responsibility of the employee. A referral for evaluation by a substance abuse professional is mandatory for CDL holders when there is a positive test. Any disciplinary action, which may include dismissal, will be carried out in accordance with City Personnel Policies, Fire and Police Commission Rules, and approved collective bargaining agreements.

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### **Negative Test Results**

Employees who have been tested for drugs and alcohol, where no substance use was found, shall receive notice of such findings from their Department Head after the Department Head has been contacted by the Human Resources Office. A record of any drug and/or alcohol test results shall be placed in a confidential folder in a separate, secured file maintained by Human Resources. In the case of job applicants, (except Police and Fire), the hiring department shall be notified by the Human Resources Office that the applicant is clear for hire.

### **Confidentiality**

Collection facility reports of positive test results shall not appear in an employee's general personnel file. Information of this nature shall be placed in a separate confidential medical folder that shall be maintained by the Human Resources Office. The positive reports or test results shall be disclosed to the Department Head only, who will then notify the employee. Disclosures of positive test results may also occur when:

1. The information is compelled by law or by judicial or administrative process.
2. The information has been placed at issue in a formal dispute between the City and the employee.
3. The information is to be used in administering an employee benefit plan such as for drug or alcohol treatment.
4. The information is needed by medical personnel for the diagnosis or treatment of the patient (employee) who is unable to authorize disclosure.

### **Record Retention Requirements**

The City shall maintain all records related to drug and alcohol testing for each employee in the Human Resources Office. Such records shall be kept apart from the general personnel files in a secure location with controlled access. The following records shall be maintained for a minimum of five (5) years:

1. Records of alcohol test results indicating an alcohol concentration of .02 or greater.
2. Records of verified positive drug test results.
3. Documentation of refusal to take required alcohol and/or drug tests.
4. Evaluations and referrals.

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5. Copy of annual report.

The following records shall be maintained for a minimum of two (2) years:

- Records related to alcohol and drug collection process and training.

The following records shall be maintained for a minimum of one (1) year:

- Records of negative and canceled drug test results and alcohol test results with a concentration of less than .02.

No records containing driver information required by this policy shall be released except as provided as follows:

1. Upon written request of the employee.
2. Upon written authorization of the employee, records will be disclosed to a subsequent employer subject to use as specified by the employee.
3. Upon specific, written authorization by the employee, records will be released to an identified person, for use only as specified by the employee.

Records may be disclosed to a decision-maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee, including, but not limited to a workers' compensation, unemployment compensation or other proceeding relating to a benefit sought by the driver.

### **Drug and Alcohol Testing for Commercial Driver's License (CDL) Holders**

All employees of the City who are required to have a Commercial Driver's License (CDL) as part of their jobs are subject to drug and alcohol testing as required by the U.S. Department of Transportation through the Federal Highway Administration. The following procedures apply to CDL holders:

1. **Post-offer Testing:** All new employees who must have a CDL as a job requirement must pass a post-offer drug test prior to hire. The test will be administered after a conditional offer of employment has been made and prior to any tentative start date or in the Fire Department, before driving a CDL vehicle. This test shall be conducted under the SAMHSA standards and protocols. The test will involve an unobserved urine sample collection for drug testing and an evidential Breathalyzer test administered by a Breath Alcohol Technician (BAT) for alcohol. The procedures and protocols are identical to

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those for all City employees covered above, unless specifically noted. All urine drug testing shall be conducted by a SAMHSA certified collection facility.

2. **Pre-Duty Regarding Alcohol:** Employees are prohibited from consuming alcohol for four (4) hours before going on duty or before operating a commercial motor vehicle. This regulation is in conformance with FHWA rules and applies to all scheduled shifts and callout situations. If an employee cannot meet this requirement, it is his/her responsibility to advise their Supervisor, or person initiating the callout, that they cannot report to work.
3. **Reasonable Suspicion Testing:** The definitions and protocols for reasonable suspicion drug and alcohol testing for CDL holders are the same as noted in “Drug and Alcohol Use”, “Reasonable Suspicion” section of this chapter.
4. **Random Testing:** During the calendar year, fifty percent (50%) of CDL holders shall be tested on a random basis for the presence of drugs and ten percent (10%) shall be tested for the presence of alcohol. Throughout the year, names of CDL holders will be drawn randomly to select individuals for drug and/or alcohol testing. These individuals shall be scheduled for testing and may be screened for drugs and/or alcohol. No advance warning shall be given to employees regarding the date and time of the random test. The urine sample collection shall be the same as noted above in this Policy. Urine sample collections shall be in an unobserved setting with collection and chain of custody protocols required under SAMHSA regulations. Individuals who are scheduled to drive a CDL vehicle or perform a safety-sensitive function (such as a mechanic working on a Police or Fire vehicle, working on brakes, etc.) on the day of the random test shall also take a Breathalyzer test for alcohol. Test results and the handling of any positive tests are the same as noted above for all employees.
5. **Post-Accident Testing:** Any accident involving a CDL vehicle must be reported as soon as possible by the employee to a Supervisor and complete the appropriate paperwork. The Supervisor shall investigate the circumstances of the accident and determine if there is reasonable suspicion to require a drug and alcohol test. Testing is mandated in the following circumstances:
  - A. An accident that has resulted in the loss of human life.
  - B. An accident in which the driver receives a citation and/or there is an injury requiring medical attention away from the scene of the accident.
  - C. An accident in which the driver receives a citation and/or any vehicle in the accident must be towed from the scene.

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- D. An individual in a safety sensitive position, such as a mechanic, is subject to drug and alcohol testing when in the opinion of a Supervisor, employee performance caused or contributed to the accident. For example, a mechanic would be tested when he/she worked on a vehicle's brakes just prior to an accident and a brake problem may have contributed to the accident. A post-accident drug and alcohol test should be completed as soon as possible.
  
- E. Drug testing must occur no later than thirty-two (32) hours after the accident. Alcohol testing must occur no later than eight (8) hours after the accident. If more than two (2) hours elapse before an alcohol test is administered, the City is required to prepare and maintain on file an explanation of why a test was not properly administered for the FHWA. A driver is prohibited from consuming alcohol for eight (8) hours after an accident or until a drug and alcohol test has been taken. A police officer investigating an accident has legal authority under certain circumstances to request a blood sample to be taken for drug and alcohol testing.

Any employee who tests positive for drug or alcohol use following an accident or injury shall be denied workers' compensation benefits.

### **Return to Work**

When an employee has tested positive for drugs or alcohol during a random, reasonable suspicion, post-accident or post-injury test, the City may require the employee to sign a "Treatment and Return to Work Agreement" form as a condition of returning to the workplace. Such an agreement can be a constructive part of the recovery process for employees with addictive conditions. The agreement should provide job related motivation and outline job related responsibilities which in turn connect to treatment and recovery. In such instances, the following specific rules apply:

1. Employees shall be referred to the Employee Assistance Program (EAP) or to other substance abuse counseling as part of their return to work requirements.
2. Employees must comply with recommended rehabilitation and provide verification that they is participating in a treatment program.
3. Employees must have a negative retest before being permitted to return to work.
4. Employees must acknowledge and agree that any breach of the agreement or any standards incorporated in it may result in an immediate termination.
5. Unannounced follow-up tests may be conducted after an employee returns to work.

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6. Testing may be extended for up to sixty (60) months after an employee returns to work.

Treatment and Return to Work Agreements may be obtained from the Human Resources Office.

### **SECTION 5.10      USE OF CITY EQUIPMENT**

City-owned vehicles, equipment, tools, supplies, keys, and other such apparatus are provided by the City to enable employees to perform the duties and tasks required of them in a professional, efficient, and effective manner. Unauthorized and/or private use of City-owned property is prohibited except when such services are available to the general public. Violations of this section may result in disciplinary action, dismissal, legal action, and/or criminal liability. Use of City-owned equipment shall be in conformance with the following standards:

#### **1.      Cellular Telephones**

Cellular telephones may be provided to employees of the City for the purpose of completing their duties in a professional and efficient manner. As such, cellular telephones may be used for official use only and may not be used for personal use. Unauthorized or private use of City-owned cellular telephones is prohibited. Employees are responsible for the care and maintenance of cellular telephones assigned to them. Any damaged, malfunctioning, or lost cellular telephones must be reported to the employee's Supervisor immediately in order that the necessary repairs or replacement may be made in accordance with established administrative procedures. Employees are responsible for damage or loss of City-owned cellular telephones and if found to be negligent, may be required to replace the telephone and/or face disciplinary action.

Employees are also required to comply with state and local regulations relative to the use of cellular telephones while driving a City vehicle. Drivers will not compose, send, or read electronic messages or utilize a cellular telephone without a hands free device or in voice-operated mode while operating a vehicle. Employees should thoroughly familiarize themselves with their communications equipment and are encouraged to utilize available functions designed to simplify use.

#### **2.      Computer Equipment and Telecommunications System**

The City maintains for the benefit of its employees and their authorized agents, an extensive system of computer and telecommunication resources. City employees, officials, their agents, and all other authorized users are expected to use such equipment and resources in an efficient, effective, ethical, and lawful manner for legitimate and authorized City business. Users should not have an expectation of privacy in anything they create, store, send, or receive on the City's computer or telecommunications system.

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The City's computer and telecommunication resources include, but are not limited to, host computers, file servers, application servers, mail servers, fax servers, communications servers, workstations, standalone-computers, laptops, tablets, software, and internal or external computer and communication networks (including Electronic Data Interchange networks, Internet, commercial online services, bulletin board systems, and electronic mail (email) systems) that are accessed directly or indirectly from the City's computer facilities.

The City has the right, but not the duty, to monitor any and all aspects of its computer system, including, but not limited to, monitoring sites visited by users on the Internet, monitoring chat groups and news groups, reviewing material downloaded or uploaded by employees, and reviewing electronic mail sent and received by users. Department Heads shall have the authority to request in writing that the Information Technologies Manager implement such monitoring activity for specific users and/or work stations and to provide related monitoring reports to the requesting Department Head.

The term "user" refers to all employees, officials, independent contractors, and other persons or entities authorized to access or use the City's computer and telecommunications system.

Department Heads shall immediately notify the Human Resources Manager and the respective Information Technologies division staff when an employee, who has had computer access, is leaving employment with the City.

Users are governed by the City of Geneva Computer Usage Policy document. Specific information regarding the general use and procedures for computer and telecommunications resources and services may be found in this document. All users are required to sign an acknowledgement indicating they have read the Computer Usage Policy document and acknowledgment receipt of such document which shall be maintained in their personnel file in the office of Human Resources. The City reserves the right to amend the aforementioned policy and rules from time to time.

### **3.      Credit Cards**

Credit cards may be provided to employees of the City for the purpose of completing their duties in a professional and efficient manner. Use of City-issued credit cards shall be subject to Administrative Policy 2012-03, Credit Card and Charge Account policy terms. As such, credit cards may be used for official use only and may not be used for personal use or for purchasing alcoholic beverages. Unauthorized or private use of City-owned credit cards is prohibited. Corresponding receipts shall be attached to the expense credit card statement before processing. Any lost credit cards must be reported to the employee's Supervisor immediately in order that the necessary replacement may be made

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in accordance with established administrative procedures. Employees are responsible for the use of authorized and assigned City-owned credit cards and if found to be negligent in their use may be required to face disciplinary action. Authorized users are also responsible for destroying expired credit cards appropriately.

### **4.      Keys / Proximity Card**

City employees may use only the keys and/or proximity card which they have been authorized to use. City keys or proximity cards shall not be provided to persons outside the employment of the City without approval from the employee's Supervisor. The loss of keys or proximity cards must be reported to the appropriate Supervisor and IT immediately. Department Heads are responsible for the control and assignment of keys and proximity cards within their respective departments and facilities. Upon termination of employment, City keys and proximity cards are to be returned to Human Resources.

### **5.      Tools and Supplies**

City employees are provided tools and supplies for the purpose of completing their duties in a professional and efficient manner. Such tools and supplies are issued to employees for official use only and may not be used for personal use. Unauthorized or private use of City-owned property is prohibited except when such services are available to the general public. Employees are responsible for the care and conservation of City tools and supplies. Any damaged, malfunctioning, or lost items must be reported to the employee's Supervisor immediately in order that the necessary repairs may be made in accordance with established administrative procedures. Employees are responsible for damage or loss of City property and if found to be negligent, may be required to replace the item and/or face disciplinary action.

### **6.      Uniforms**

Employees are responsible for the uniforms supplied by the City. Uniforms provided for employees shall be worn only during working hours, or for conducting official City business outside working hours. Uniforms may be worn to or from work, unless department rules specify otherwise, but are not to be worn during any personal activity other than defined in this section.

Employees must make every effort to take proper care of the uniforms provided by the City. Damaged and/or lost uniforms must be reported to the employee's immediate Supervisor. If the uniforms are damaged or lost due to the neglect of the employee, it shall be the responsibility of the employee to reimburse the City for the damaged or lost

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uniform(s). Reimbursement by the employee to the City must be made within thirty (30) days of receiving the invoice from the City.

Employees receiving a uniform allowance or reimbursement shall be subject to IRS withholding regulations and rules.

### **7.      Vehicles**

City vehicles may only be used in the conduct of City business. Only permitted City employees, elected, and appointed officials shall be allowed to drive City-owned vehicles, as authorized by the respective Department Head and/or the City Administrator.

Vehicles are not to be taken home by the employee, unless authorized by the employee's Supervisor. City vehicles that are authorized to be taken home must be available for City business at all times. No passengers shall be transported in City vehicles other than those on City business, without the approval of the employee's Supervisor or the City Administrator. Use of City vehicles shall be subject to IRS withholding rules and regulations.

Authorized users are responsible for the care, conservation and correct and safe usage of City vehicles. When using City-owned vehicles, authorized users shall make every effort to obey the laws of the City and the State, and will use every available precaution to safeguard the condition of the vehicle and the public. When not in use, City-owned vehicles and equipment shall be properly locked so as to avoid any theft or destruction. Smoking of all types is prohibited in all City vehicles.

Employees' Supervisors or the City Administrator must be notified immediately of all damaged or lost property. If an authorized user experiences an accident, equipment loss, or damage to the vehicle derived from the negligence of employees, they may face disciplinary action and may be required to replace the damaged items.

Authorized users must possess a valid driver's license of proper classification to operate a City vehicle and must be at least eighteen (18) years of age. In the event an authorized user's driver's license is suspended or revoked, the user must immediately notify the Supervisor or the City Administrator. Failure to do so may be cause for disciplinary action.

In using the City's vehicular equipment, authorized users should keep in mind that they are representatives of the City government and that their conduct, in adhering to the rules or safety and courtesy on the road, is a reflection on the entire organization and its level of law enforcement. It is imperative that authorized users abide by these rules and

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regulations at all times, as well as all state, City and other applicable laws and regulations.

All employees of the City must report to their Supervisor, any moving traffic violations or accidents in which they are involved while on duty, or while using City vehicles. Any fines for violations incurred by the employee or authorized user under these circumstances must be paid for by the employee.

In addition, the employee and Supervisor, or authorized user, are required to submit accident reports on forms designated for this purpose to Human Resources as soon after the accident occurs as possible. Failure to adhere to this policy may be cause for disciplinary action and/or dismissal.

Employees shall get authorization from their supervisor to use their personal vehicle when conducting City business. All City of Geneva employees using a personal vehicle for the purpose of City business are required to have his or her own automobile liability coverage, as well as a current and valid driver's license (appropriate for the class of vehicle being driven on the job). Proof of a valid driver's license and insurance shall be submitted to the employee's immediate Supervisor whenever there is a change and/or renewal to the insurance coverage and/or the driver's license. In addition, employees authorized to use personal vehicles for work purposes shall sign a "Responsibility for Personal Vehicle Insurance" form.

### SECTION 5.11      FORMS OF DISCIPLINE

Discipline refers to any oral and/or written reprimand, suspension without pay, demotion, or dismissal depending upon the seriousness of the situation and the incidence of prior violations.

Violation of City policies and rules may warrant disciplinary action as determined necessary by an employee's Supervisor. Forms of discipline that the City may elect to use include oral reprimands, written reprimands, suspensions, reductions in pay, demotions and/or terminations. The Supervisor, with the approval of the respective Department Head, may deviate from any order of progressive disciplinary actions and any of the following disciplinary action as deemed appropriate under the circumstances, up to and including immediate termination of employment. The City's policy for discipline does not limit or alter the at-will employment relationship between the City and the employee.

Discipline may include the following steps as considered appropriate to the infraction, but not necessarily in the following order:

1. **Oral reprimand:** An oral reprimand consists of a conference between the employee's Supervisor, or other City official issuing the reprimand, and the employee for the purpose of expressing disapproval of misconduct or poor work performance, clarifying applicable rules

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or standards of performance, policies, and procedures, and warning that repetition of the misconduct or failure to improve work performance may result in more severe discipline.

- A. Records of oral reprimands shall be maintained in the employee's personnel file in the Human Resources Office.
  - B. Oral reprimands may be used for minor misconduct or performance problems or for first offenses where the offense is not of a sufficiently serious nature to warrant more severe disciplinary action. Generally, oral reprimands may be given only for the first instance of misconduct (e.g. tardiness, discourtesy).
2. **Written Reprimand:** A written reprimand consists of a conference between the employee's Supervisor or other City official issuing the reprimand and the employee and a letter or notice expressing disapproval of the misconduct or poor work performance, clarifying applicable rules, policies or procedures, and warning that repetition of the misconduct or failure to improve work performance may result in more severe discipline.
- A. The employee will be given an opportunity to review the written disciplinary letter or notice and to respond to it. The employee is required to sign the letter or notice, which means only that the employee has read the notice or letter and understands what it means, not that the employee necessarily agrees with the discipline. An employee's refusal or failure to sign a disciplinary notice will constitute separate grounds for disciplinary action, up to and including immediate termination of employment. An employee will receive a copy of said notice. Copies of written reprimands shall be maintained in the employee's personnel file in the Human Resources Office.
  - B. Written reprimands may be used for repeated misconduct of a minor nature or for more serious misconduct which does not warrant suspension, demotion, or dismissal.
3. **Suspensions:** Suspensions are a temporary removal from employment, accompanied by a concurrent temporary loss of the privileges of employment, including, but not limited to wages or salary. The employee's group health and life insurance coverage will remain in effect during the unpaid suspension. Suspensions may be used to discipline employees for serious misconduct or performance problems or for repeated misconduct or performance problems of a less severe nature.
- A. Suspensions may be imposed for not less than one (1) but not more than five (5) days. Written notice of the suspension shall be placed in the employee's personnel file in the Human Resources Office.

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- B. Suspensions of full-time police officers and firefighters are subject to the rules and regulations of the Board of Fire and Police Commissioners and/or applicable collective bargaining agreement.
  - C. Employees may be suspended without pay by their immediate Supervisor or Department Head. The immediate Supervisor or Department Head shall give written notification (with copy to Human Resources) of the suspension to the employee, specifying the reason, duration, and effective date. This notice may be given to the employee after the fact, as in the case of an immediate suspension by the immediate Supervisor.
  - D. Suspended employees shall not be allowed to use any paid leave including vacation leave, sick leave, personal leave, safety day or compensatory time during suspension.
  - E. In the event any order of suspension is reversed or reduced, the employee shall be paid any lost wages, salary, or benefits and such reversal or reduction shall be documented in the employee's personnel file in the Human Resources Office.
4. **Reduction in Pay:** A reduction in pay is a temporary or permanent reduction in salary or hourly wage. Permanent means that the employee's base compensation is reduced and is not brought up to the previous level at the time of the next performance appraisal. It does not mean that the employee's compensation is frozen permanently.
- A. Reductions in pay may be used to discipline serious misconduct and may be used in addition to other forms of discipline.
  - B. All other conditions of regular ongoing performance appraisal expectations must be met by the employee.
  - C. Reductions in pay must be approved by the City Administrator.
  - D. Written documentation of the reduction in pay shall be placed in the employee's personnel file in the Human Resources Office.
5. **Demotion:** A demotion is the reduction in grade or class of employment or assignment to a position of less responsibility, with a corresponding reduction in wage or salary.
- A. All demotions shall be in writing, and written notice of a demotion shall be placed in the employee's personnel file in the Human Resources Office.
  - B. Demotion may be used to punish serious misconduct and may be used in addition to other forms of discipline, or may be voluntarily requested by the employee (See the Position Classification Plan section of Chapter 3).

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- C. Demotions must be approved by the City Administrator.
6. **Discharge (Termination):** Discharge, or termination of employment, is the permanent removal from employment with the corresponding permanent loss of all privileges of employment with the City.
- A. Discharges must be approved by the City Administrator.
  - B. Discharges of full-time police officers and firefighters are subject to the rules and regulations of the Board of Fire and Police Commissioners.
  - C. An employee may be discharged by the Department Head, with approval of the City Administrator for any reason not prohibited by law, or no reason, with or without notice. Employees may be discharged for any improper or inappropriate conduct including, but not limited to, violation of work rules and general rules and regulations, unacceptable behavior, insubordination, intentional damage to or theft of City property, gross negligence in performing assigned duties, intoxication in the workplace, misconduct, poor performance, or unacceptable attendance, without ever having received an oral reprimand, a written disciplinary notice or letter, a suspension, a reduction in pay, or a demotion.
  - D. Written documentation of the discharge shall be placed in the employee's personnel file in the Human Resources Office.

### Appeals

An employee may appeal any disciplinary action imposed by the Department Head by following the grievance procedure as outlined in, the Grievance Procedure section of Chapter 5.

### SECTION 5.12      GRIEVANCE PROCEDURE

The grievance procedure is open to any full-time or part-time employee who believes that the treatment received on the job is inequitable or unfair, disagrees with the interpretation, application or compliance of the provisions of this Personnel Policy Manual, the issues of pay, promotion, demotion, discipline, job operations, performance review, conduct of fellow workers, or supervision needs to be corrected. All grievances shall be settled only in accordance with the grievance procedures herein set forth. No employee shall be disciplined or discriminated against in any manner because of proper use of the grievance procedure.

A grievance may be filed by following the steps outlined below:

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- Step 1:** All grievances in the first instance shall be submitted within seven (7) working days of the incident in writing to the employee's immediate Supervisor, who shall discuss the matter with the employee in an attempt to arrive at a satisfactory settlement. The Supervisor shall decide the grievance and shall respond thereto in writing within seven (7) working days after the written grievance was submitted, exclusive of Saturdays, Sundays, and holidays. No grievance shall be honored if it is not filed within seven (7) working days of the alleged occurrence. If the Supervisor does not reply within seven (7) working days, or if the employee is dissatisfied with the response of the Supervisor, the next step may be initiated. If the employee's immediate Supervisor is a Department Head, the grievance must be initiated at Step 2.
- Step 2:** The employee shall submit a written grievance to the Department Head. The Department Head shall discuss the grievance with the employee and respond in writing within seven (7) working days after the written grievance was submitted, exclusive of Saturdays, Sundays, and holidays after receipt of the grievance. If the Department Head does not respond within seven (7) working days, it shall be considered a "Grievance Denied". If the Department Head does not respond to the written grievance or the employee is dissatisfied with the Department Head's decision, the employee may initiate Step 3.
- Step 3:** The employee shall submit a written grievance to the City Administrator within seven (7) working days following the Department Head's response in Step 2. The City Administrator shall attempt to adjust the grievance as soon as possible, but shall give a response in writing to the employee within seven (7) working days after receipt of the written grievance. The decision of the City Administrator is final. If a written grievance is appealed to the City Administrator, the City Administrator, regardless of the final decision, shall inform the Mayor and the City Council regarding the circumstances of the matter at the earliest opportunity.

Collective bargaining unit members' grievances shall follow the steps outlined in their current collective bargaining agreement.

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### **SECTION 6.1      DISABILITY LEAVE**

If it is determined that an employee's leave will extend beyond thirty (30) calendar days, employees with one (1) or more years of service credit under the Illinois Municipal Retirement Fund may apply for disability benefits. IMRF disability claims should be submitted to the Human Resources Office. Fire and Police disability claims should be submitted to their respective pension plan administrator.

City of Geneva employees are presently covered by any one of three separate pension and disability plans. The plans are the Illinois Municipal Retirement Fund (IMRF), the Police Pension Fund, and the Fire Pension Fund. General municipal, police and fire personnel are subject to the regulations governing disability benefits in each of their respective plans. Employees who are not participants in the pension plans are not eligible for disability benefits. Specific eligibility requirements for benefits are included in the individual plans.

In the event that an employee becomes eligible for disability benefits provided by any of the above named plans, the employee can decide when the disability coverage should begin. Employees have the option to use all available sick and vacation time before receiving the disability benefit or receive the benefit at the time they become eligible. If the benefit begins prior to utilizing all of the employee's sick leave and vacation leave, accrual of these benefits will cease. Any unused sick and/or vacation leave will remain a credit to the employee and will be administered in accordance with City policy after the disability period is over.

Employees should contact their respective pension plan administrator for additional information.

### **SECTION 6.2      EDUCATIONAL LEAVE**

A leave without pay for educational purposes may be granted at the discretion of the Department Head, with final approval by the City Administrator to eligible employees (full-time employees who have completed one year of service). If, in the opinion of the Department Head and the City Administrator, an educational leave will increase an employee's usefulness to the City, an unpaid educational leave up to one (1) year may be granted. The course of study must be beneficial to the department. Employees interested in requesting an educational leave of absence must submit a written request to their Department Head at least thirty (30) days in advance of the beginning of the requested leave. Failure of an employee to report for duty within three (3) working days of the expiration of the approved educational leave shall result in termination.

Employees on an educational leave of absence without pay will, as of the first day of the leave, cease accruing seniority, vacation leave, and sick leave while on such leave. The time on leave is not creditable toward any privilege of which length of service is a factor. Employees will not be paid for holidays, which fall during the period that they are on approved educational leave.

Employees requesting a leave of absence without pay must be aware that any position may be eliminated or substantially changed; therefore, absolute assurance of reinstatement cannot be given. The City will attempt to place the former employee in a suitable position at the first opportunity.

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The employee's existing medical insurance coverage will continue for any employee on approved educational leave of absence for up to ninety (90) days, as long as the employee's portion of the coverage is received in the City's Human Resources Office no later than the first day of each month during the leave. After ninety (90) days, the employee may continue group health care coverage by paying the group premium rate, and applicable administrative fees, as described in the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). A limited continuation option is available after the ninety (90) day period. Employees should contact the Human Resources Office for further details.

### SECTION 6.3 FAMILY MEDICAL LEAVE

#### Provisions

It is the policy of the City of Geneva to comply with all provisions of the Family and Medical Leave Act (FMLA). The FMLA entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of health insurance coverage under the same terms and conditions as if the employee had not taken leave. Eligible employees are entitled to:

- Twelve (12) workweeks of leave during rolling twelve (12) month period for:
  - The birth of a child and to care for the newborn child within one year of birth;
  - The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
  - To care for the employee's spouse, child, or parent who has a serious health condition;
  - A serious health condition that makes the employee unable to perform the essential functions of his or her job;
  - Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" or
- Twenty-six (26) workweeks of leave during a rolling 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave).

An "Application for Family or Medical Leave" form must be completed by the employee defining the reason for the leave, its duration, and the amount of vacation and sick leave they will use during the leave (if any). The request shall be submitted to the Supervisor, who, after recommending approval or denial, will forward the form to Human Resource Manager for final approval.

The City may require certification, on a periodic basis, of the employee's or family member's continuing serious health condition by the employee's or family member's physician and/or a physician selected by the City.

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In the event that an employee suffers serious illness or injury and becomes eligible for, and receives, disability benefits provided by his/her pension plan prior to utilizing all of his/her sick leave and vacation leave, and such injury or illness is not covered by Worker's Compensation Insurance, City sick leave and vacation benefits will cease. Any unused sick leave and/or vacation leave will remain as a credit to the employee and will be administered in accordance with City policy after the disability period is over.

### Definitions

“Child” means a child under eighteen (18) years of age, or eighteen (18) years of age and older who is incapable of self-care because of a mental or physical disability as determined by the Social Security Act and American with Disabilities Act as Amended (ADAAA) regulations.

“Eligible Employee” means an employee who has worked for the City for at least twelve (12) months and has worked a minimum of 1250 hours during the year preceding the start of the leave. Hours worked are determined by applying the principles of the Fair Labor Standards Act (FLSA). FLSA exempt employees who have worked for the City a minimum of twelve (12) months are presumed to have the minimum service required for eligibility.

“Health Care Provider” means a doctor of medicine or osteopathy, or any other person determined by the Federal Government to be capable of providing health care services including podiatrists, dentists, clinical psychologists, optometrists, chiropractors, nurse practitioners, nurse-midwives authorized to practice by state law, and Christian Science practitioners.

“Incapable of self-care” means that the individual requires active assistance or supervision to provide daily self-care in several of the activities of daily living, such as caring appropriately for one's grooming or hygiene, bathing, dressing, eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones, and the like.

“Medical Necessity” means there must be a medical need for the leave, as distinguished from voluntary treatments or procedures.

“Serious Health Condition” means an illness, injury, impairment or physical or mental condition that involves:

- A. Inpatient care; or
- B. Any period of incapacity requiring absence from work for more than three (3) calendar days, that also involves continuing treatment by (or being under the supervision of) a health care provider; or
- C. Continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition that is incurable or which, if left untreated, would likely result in a period of incapacity of more than three (3) calendar days; or

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D. Any period of incapacity due to pregnancy or for prenatal care.

“Twelve Month Period” means a rolling twelve (12) month period measured backward from the date leave is taken and continuous with each additional leave day taken. Under the “rolling” 12-month period, each time an employee takes FMLA leave the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months. For example: If an employee takes three weeks leave beginning February , three weeks beginning May , three weeks beginning August , and three weeks beginning November , the employee would not be entitled to any additional leave until February the following year.

Family Medical Leave designation is not an option of the employee, the employee’s Supervisor, or the City. The federal government sets out criteria in the Family and Medical Leave Act of 1993, with which the City is required to comply. If any employee’s leave meets the standards set forth in the Act, the City is required to designate the leave as FMLA leave. Human Resources is responsible for making such determination.

Employees on approved FMLA leave are required to use applicable accrued sick leave, vacation leave, or personal leave time prior to leave without pay. Such paid time will run concurrently with the approved unpaid FMLA leave time. After such paid leave time has been exhausted, any remaining FMLA leave time will be unpaid. Employees shall not “accrue” sick leave while on unpaid Family Medical Leave, but will continue to “earn” vacation leave, updated upon their annual service anniversary date, as if they were not away from their job, in accordance with federal regulations.

During an employee’s leave of absence for Family and Medical Leave, the employee’s group health insurance and life insurance plan shall continue under the same conditions, as coverage would have been provided if the employee had continuously been employed during the leave period. Employees’ contributions to premiums continue at the same level as if they were actively employed plus an additional administrative fee may be charged as allowed by law. If there is a change in the employee’s share of premium costs, the employee will be notified of the change and expected to pay the premium they would have paid had they not been on leave. The employee is responsible to submit the employee portion of the insurance premium along with an administration fee, if any, as authorized by the Act, to the Human Resources Office by the first of each month. Employees, who have questions or desire clarification, should contact the Human Resources Office.

### SECTION 6.4 SCHOOL VISITATION RIGHTS ACT

In accordance with 820 ILCS 147, Public Act 87-1240, the School Visitation Rights Act, the City of Geneva will allow eligible employees unpaid leave of up to a total of eight (8) hours during any school year, no more than four (4) hours of which may be taken on any given day, to attend school conferences or classroom activities related to the employee’s child if the conference or classroom activities cannot be scheduled during non-work hours. No unpaid leave in accordance with this Act may be taken unless the employee has exhausted all vacation leave, personal leave, and/or compensatory leave. Sick leave and disability leave may not be applied to school visitation leave as described under this Act. Upon completion of school visitation rights

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by a parent or guardian, a school official shall provide the parent or guardian documentation of the school visitation. The parent or guardian shall submit such verification to the City. Failure of a parent or guardian to submit the verification statement from the school to the City within two (2) working days of the school visitation will subject the employee to the disciplinary procedures as outlined in this Manual for unexcused absences from work.

### **SECTION 6.5 PUBLIC EMPLOYEE DISABILITY ACT (PEDA)**

In accordance with Public Act 5 ILCS 345, Public Employees Disability Act, whenever full-time law enforcement officers or full-time firefighters suffer an injury in the line of duty that causes them to be unable to perform their duties, they shall continue to be paid by the City of Geneva on the same basis as they were paid before the injury. Employees will continue to accrue sick and vacation leave and receive pension credits in the pension fund during the time that the employees are unable to perform their duties due to or as a result of the injury, but not longer than one year in relation to the same injury. During this period of disability the injured person shall not be employed in any other manner, with or without monetary compensation. Any person who is employed in violation of this paragraph forfeits the continuing compensation provided by this Act from the time such employment begins. Any salary compensation due to the injured person from workers' compensation shall revert back to the City of Geneva during the time for which continuing compensation is paid to the employee under this Act.

### **SECTION 6.6 PUBLIC SAFETY EMPLOYEE BENEFITS ACT (PSEBA)**

In accordance with Public Act 820 ILCS 320, Public Safety Employee Benefits Act an employer who employs a full-time law enforcement or full-time firefighter, who suffers a catastrophic injury or is killed in the line of duty shall pay the entire premium of the employer's health insurance plan for the injured employee, the injured employee's spouse, and for each dependent child of the injured employee until the child reaches the age of 25. The term "basic health insurance plan" does not include dental or vision benefits that are not part of the basic group health insurance plan. Any employee receiving this benefit shall be enrolled in the City's lowest cost basic health plan available. Further information on the act can be obtained on the Illinois General Assembly website at [www.ilga.gov](http://www.ilga.gov).

### **SECTION 6.7 VICTIMS' ECONOMIC SECURITY AND SAFETY ACT (VESSA)**

The Victims' Economic Security and Safety Act ("VESSA") provides an employee who is a victim of domestic or sexual violence, or who has a family or household member who is a victim of domestic or sexual violence, with up to twelve (12) weeks of unpaid leave per any twelve month period to address issues arising from domestic or sexual violence.

An employee may take VESSA leave to:

1. Seek medical attention for, or recovery from, physical or psychological injuries caused by domestic violence to the employee or the employees family or household member;
2. Obtain victim services for the employee or employee's family or household member;

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3. Obtain psychological or other counseling for the employee or the employee's family or household member;
4. Participate in safety planning, including temporary or permanent relocation or other actions to increase the safety of the victim from future domestic or sexual violence;
5. Seek legal assistance to ensure the health and safety of the victim, including participating in court proceedings related to the violence.

VESSA leave may be taken intermittently or on a reduced work schedule.

### **Notice and Certification Requirements**

The employee shall provide the City with at least forty-eight (48) hours advance notice of the employee's intention to take leave, except in such cases where it is not practicable to provide such notice. If an unscheduled absence occurs, the City may not take action against the employee if the employee, upon request of the City and within a reasonable period after the absence provides certification.

Employers may require certification that VESSA leave is to be taken for one of the purposes enumerated above and that the employee or employee's family or household member is a victim domestic or sexual violence. An employee may satisfy such a certification requirement by providing a sworn statement of the employee shall provide:

1. Documentation from a victim services organization, attorney, member of the clergy, or medical or other professional from whom the employee or the employee's family or household member has sought assistance;
2. A police or court record; or
3. Other corroborating evidence.

Further information on the Victims' Economic Security and Safety Act can be found at [www.idol.gov](http://www.idol.gov).

### **SECTION 6.8 FUNERAL LEAVE**

All full-time employees are provided with up to three (3) paid business days, as funeral leave to attend the funeral, or handle related matters, caused by the death of a member of his or her immediate family. Such leave time may only be taken within a two (2) week period from the first day of leave taken for such purpose. For the purpose of this section, immediate family is defined as spouse, child, (natural, adopted, foster, or stepchild), sister, brother, parent (including natural, step-mother, step-father, or legal guardian), mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, grandparent, or grandchild. The Department Head must approve all funeral leaves. In extenuating circumstances, for other relatives the Department Head or designee may grant an employee an emergency leave of absence for the day of the funeral without loss of pay with authorization from the City Administrator or designee. Funeral leave benefits for employees covered by an approved collective bargaining agreement shall be as

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set forth in such agreements. Employees are required to submit a “leave request form” along with appropriate documentation to receive payment for funeral leave.

### SECTION 6.9 HOLIDAYS

The following holidays have been officially designated by the City Council as observed holidays. All non-union full-time employees shall observe these days and shall receive regular pay. Employees governed by an approved collective bargaining agreement shall observe those holidays as stated in said agreement.

Official Holidays	Day Observed
New Year’s Day	January 1
Martin Luther King, Jr. Day	Third Monday in January
Presidents’ Day	Same as National Holiday
Spring Holiday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Friday after Thanksgiving
Christmas Eve Day	December 24
Christmas Day	December 25

### Essential Service Employees

Full-time non-exempt unrepresented personnel in the Police Department shall be paid at the following rates:

Major Holidays	Pay if 8 Hours Worked	Pay if Not Worked
New Year’s Day	20 Hours	8 Hours
Memorial Day	20 Hours	8 Hours
Independence Day	20 Hours	8 Hours
Thanksgiving Day	20 Hours	8 Hours
Christmas Eve Day	20 Hours	8 Hours
Christmas Day	20 Hours	8 Hours
Other Holidays	Pay if 8 Hours Worked	Pay if Not Worked
Martin Luther King, Jr. Day	16 Hours	8 Hours
Presidents’ Day	16 Hours	8 Hours
Spring Holiday	16 Hours	8 Hours
Labor Day	16 Hours	8 Hours
Day after Thanksgiving	16 Hours	8 Hours

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### **Part-time Employees**

Non-union, part-time employees who work on a City-recognized holiday (New Year's Day, Presidents' Day, Spring Holiday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Day after Thanksgiving, Christmas Eve Day, and Christmas Day) shall be paid time and one-half (1.5) their regular hourly rate of pay, except that part-time Police Department employees shall be paid at a rate of one and three quarters (1.75) their regular hourly rate of pay for the following six "major holidays": (New Year's Day, Memorial Day, Fourth of July, Thanksgiving, Christmas Eve, and Christmas Day).

### **Weekends**

When a holiday falls on a Saturday, the preceding Friday shall be considered the holiday. When a holiday falls on a Sunday, the following Monday shall be considered the holiday. If a holiday falls on a Saturday or Sunday and the preceding or following day is also considered an official holiday, the designated observed City holiday shall be as determined by the City Administrator. The official schedule of observed holidays for the current fiscal year shall be available from the Human Resources Office.

### **Eligibility**

To be eligible for holiday pay, the employee must work the scheduled day before and after the holiday, with the following exceptions:

- If the day before and/or after is a normal day off from duty.
- If the employee is on an approved vacation leave or on an approved personal day before and/or after the holiday.
- If the employee is absent due to illness on the day before or after a holiday.

### **SECTION 6.10      JURY AND WITNESS DUTY**

Employees required to serve for jury duty, must submit a copy of the summons to their supervisor. Jury duty is generally considered an authorized absence from work and employees will receive their regular base salary while performing these duties. Because employees will continue to be paid by the City, employees will be required to turn over any remuneration received for performing jury duty to the City's Finance Office.

Employees subpoenaed to serve as a witness in a City-related action, must submit a copy of the summons to their supervisor. Such actions are considered an authorized absence from work and employees will receive their regular base salary while performing these duties. Because employees will continue to be paid by the City, employees will be required to turn over any remuneration received for performing such witness duty to the City's Finance Office.

Employees who are called to serve as a witness in a non-City related action may use applicable leave time or leave without pay.

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### **SECTION 6.11      MILITARY DUTY LEAVE**

#### **General Provisions**

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

Employees on approved military leave may use accrued vacation, personal, safety day, or compensatory time during their military leave, but are not required to do so. Employees on approved military leave, to the extent they were eligible prior to the leave, shall continue to earn vacation leave time, sick leave time, and personal leave time (not safety day time), be provided the opportunity to continue in the City's group health and dental plans, continue participation in any applicable pension plan, and shall receive holiday pay and any other benefits as may be entitled by law. If the employee does not choose to continue the City's group health insurance during the leave, the employee shall be permitted immediate reinstatement into the group health plan when the employee returns from military service. Military leave shall be granted without loss of seniority or other previously accrued benefits, and in accordance with the Illinois Public Employee Armed Services Rights Act, the federal Uniformed Services Employment and Re-employment Rights Act, and all other applicable federal and state laws.

Whenever possible, employees must provide advanced notice (preferably written) of their departure for military service to the City of Geneva Human Resources Office. This notice may also be provided by an appropriate officer of the branch of the military in which the employee will be serving. The employee need not give notice, however, if he or she is prevented by military necessity, or if it is otherwise unreasonable or impossible to do so.

#### **Special Military Leave Benefits for Training Obligations**

Employees who are members of the reserves (including the National Guard) shall be granted leave for any period actively spent in military service, including: (1) Basic Training; (2) Special or advanced training, whether or not within the State, and whether or not voluntary; and (3) Annual training. For part-time employees, leave for training shall be treated as set forth in the general provisions section above.

For full-time employees in the reserves, during leaves for training the employee's seniority and other benefits shall continue to accrue. In addition, full-time employees shall receive the following:

1. During leaves for annual training, the employee shall continue to receive his or her regular compensation.

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2. During leaves for basic training or for special or advanced training, if the employee's compensation for military activities is less than his or her compensation as a City employee, he or she shall receive his or her regular City compensation minus the amount of his or her base pay for military activities.

### **Special Benefits for Reservists Called to Active Duty**

Employees in the reserves (including the national guard) who are mobilized to active military duty by presidential order shall receive continuing compensation (minus the amount of the employee's base military pay) for the entire period of active military service; and continuing health insurance and other benefits the employee was receiving or accruing at the time the employee was called to duty.

Such employees, upon being called to active duty, must choose one of the following procedures for payment:

1. The employee may submit and assign military earnings to the City of Geneva. In the case of assignment of military earnings, the Human Resources Office shall return the military earnings to the payroll fund from which the employee's payroll check is drawn. Military earnings must be submitted to the Human Resources Office at least one (1) week preceding each designated payday. If the employee's compensation for military activities is less than the compensation as a City employee, the employee shall receive regular compensation as a City employee, minus the amount of the base pay for military activities. If the military pay exceeds the employee's regular earnings, the City shall return the difference to the employee; or
2. The employee may submit certification of military earnings (from the commanding officer of the department of the military unit) to the City of Geneva. Certification of military earnings must be submitted at least one (1) week prior to the first designated payday, and anytime thereafter that the rate of military pay changes. If the employee's compensation for military activities is less than the compensation as a City employee, the employee shall receive regular compensation as a City employee, minus the amount of the base pay for military activities.

### **Return to Duty**

Employees returning to work following military service shall notify the Human Resources Office of their intent to return. Employees who have been engaged in military duty and wish to return to work must apply for reinstatement for employment with the City within fourteen (14) days following service completion. For commitments beyond one hundred eighty (180) days, the employee has up to ninety (90) days following completion of service. If, due to no fault of the employee, timely reporting back to work would be impossible or unreasonable, the employee must report back to work as soon as possible unless otherwise provided for by law.

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Failure to comply with the above stated time periods for reinstatement may be grounds for the denial of reinstatement and/or discipline, including termination.

Note: Military leave laws are continually changing. To the extent new laws are adopted which provided greater benefits, those laws will be applicable.

### **SECTION 6.12      PERSONAL/ADMINISTRATIVE LEAVES**

A "Request for Personal Leave of Absence" form must be completed by the employee defining the reason for the leave and its duration. This request should be submitted to the employee's immediate Supervisor. After recommending approval or denial, the Supervisor will forward the form to the Department Head who will consult with the Assistant City Administrator/Director of Administrative Services for final approval. An approved request form shall be forwarded to the Human Resources Office for inclusion in the employee's personnel file. Personal leaves of absence may be granted to maintain continuity of service and to protect the employer-employee relationship in instances where unusual circumstances require an employee's absence. Leaves are granted on the assumption that the employee will be available to return to regular employment.

Health care coverage during a leave of absence will continue for up to ninety (90) days. Payment for the employee portion of this coverage shall be received in the Human Resources Office no later than the first of each month during the leave of absence.

After ninety (90) days the employee may continue health care coverage by paying the group premium rate, plus any applicable administrative fees as allowed by law.

Sick leave will not accrue after the authorized leave of absence begins. Employees will not be paid for holidays, which fall during the period they are on leave.

Approved personal leaves are considered unpaid leaves, unless otherwise approved by the City Administrator. Department Heads may put an employee on administrative leave with the approval of the City Administrator. This leave may be paid or unpaid, depending on circumstances, and shall be reported to the Human Resources Office. Failure to return at the end of an approved leave will result in termination.

### **SECTION 6.13      PERSONAL DAYS**

The City provides all non-union full-time employees with three (3) personal days as paid days off for personal business. An employee will be eligible for personal days after the completion of ninety (90) days' employment with the City, and thereafter personal days are earned on the employee's anniversary date.

Whenever possible, the employee should request the personal day time off at least one (1) week in advance through the immediate Supervisor for approval by the Department Head. Personal days may be taken in one (1) hour increments with Supervisor approval.

Unused personal days will not be allowed to be carried over into the next year (based on the employee's anniversary date), without Supervisor and/or Department Head approval in consultation with Human Resources. Personal days may not be compensated for if they are not used as a paid day off from the employee's regular work schedule.

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### **SECTION 6.14      SICK LEAVE**

All non-union full-time employees earn 3.6923 hours of sick leave each pay period (equivalent to eight (8) hours per month), except in the case of unpaid leaves of absence and while on unpaid Family Medical Leave.

Sick leave may be accumulated from year to year, with no maximum number of hours accrued.

Sick leave is considered a privilege and not a right to be used at the employee's discretion for personal business. Sick leave is to be utilized out of necessity for actual sickness, disability, illness, pregnancy-related illness or disability (up to two (2) days for an employee whose spouse has given birth, unless certification from a physician states that additional time is necessary for the care of the employee's spouse), immediate family injury or illness, doctor appointments, or dentist appointments. Whenever possible, medical appointments should be scheduled in a timely manner in order to minimize the employee's absence from work. Sick leave, for periods of less than one (1) workday, may be used in one-half (1/2) hour increments.

For the purpose of this section, immediate family is defined as spouse, child, (natural, adopted, foster, or stepchild), sister, brother, parent (including natural, step-mother, step-father, or legal guardian), mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, grandparent, or grandchild.

When an employee desires to take sick leave, the employee must notify an immediate supervisor or designee within one (1) hour of the employee's normal start time. For the Police and Fire Departments, an employee must notify an immediate supervisor or designee of an absence two (2) hours prior to normal start time. For the Public Works Department, the employee shall personally notify a Supervisor by telephone between 7:00 a.m. and 7:15 a.m. on the morning of the day that the employee will not report for work.

The City reserves the right to have sick leave absences confirmed by a medical doctor or other health practitioner. If the employee is absent from work for more than three (3) consecutive workdays, the employee shall be required to obtain a physician's certification of illness and release to return to work at full duty. For the Police and Tri-Com, this procedure shall be in effect after an employee misses two (2) consecutive shifts due to sickness.

If, upon investigation, any employee is found to have abused the intent of the sick leave benefit, the employee shall be subject to disciplinary action. Excessive absenteeism may result in disciplinary action, up to and including immediate termination of employment. "Excessive" shall be defined as those absences occurring more than two (2) times per month (i.e., two consecutive days absent from work would be considered as one (1) occurrence).

Earned unused sick leave shall not be compensated, other than upon retirement as outlined in this Manual, upon separation of employment with the City.

Sick leave benefits for employees covered by any approved collective bargaining agreement shall be as set forth in such agreements.

### **SECTION 6.15      VACATIONS**

Vacations are granted primarily on the basis that employees should be benefited by periodic intervals of rest and recreation and derive such privileges by exhibited competence and

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service to the municipality. Vacation leave time away from work will be considered as service time earned and will not affect seniority. Holidays observed during a vacation leave period shall not be charged against vacation leave.

Full-time employees are eligible for vacation benefits as shown below. Vacation benefits for employees governed by an approved collective bargaining agreement or any employment agreement for an appointed official shall be as set forth in such agreements.

Vacation allowances shall be earned on the employee's anniversary date and based on completed years of continuous service as follows:

<b>Years of Full-Time Service</b>	<b>Vacation Days (40 Hour Employees)</b>
After 1 year of employment	10 working days
After 2 years of employment	11 working days
After 4 years of employment	12 working days
After 6 years of employment	15 working days
After 10 years of employment	16 working days
After 11 years of employment	17 working days
After 12 years of employment	18 working days
After 13 years of employment	19 working days
After 14 years of employment	20 working days
After 17 years of employment	21 working days
After 20 years of employment	23 working days
After 23 years of employment	24 working days
After 24 years of employment	25 working days
After 25 years of employment	25 working days

Vacation leave earned during the employee's service year shall be taken during the following service year. For example, ten (10) days of vacation time earned in the first year of continuous service shall be taken during the second year of service. Similarly, eleven (11) days of vacation time earned in the second year of service shall be taken the third year of service and so forth. Vacation days shall be scheduled and taken as approved by the Department Head.

Appointed officials may receive service credit toward the vacation schedule as outlined above for up to fifteen years of related managerial experience at the time the individual is first appointed as determined by the Mayor and City Administrator. Paid vacation in the first year of appointment will be limited to no more than two (2) weeks unless the appointee has continuous and immediate prior employment with the City, as approved by the City Administrator.

### **Part-time Employees**

Regularly scheduled part-time employees are eligible for up to one (1) week paid vacation, based on their regularly scheduled hours (i.e. a part-time employee who normally works 25 hours per week would be eligible for 25 hours of paid vacation time) per year based on the following criteria:

## CHAPTER 6 ABSENCE FROM WORK

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- Minimum of one (1) full year of employment service with the City of Geneva
- Work a minimum of 800 hours per fiscal year
- Vacation is earned on the employee's anniversary date
- Employee must take the vacation in the year following the year it was earned as approved by the Department Head
- Unused vacation may not be paid or carried over to the next year, except as approved by the Department Head

Pursuant to meeting the above criteria, Paid-on-call Firefighters shall be paid the equivalent of one week's vacation following the end of the fiscal year, by calculating the average number of hours worked per week during the preceding fiscal year (total number of hours worked during the fiscal year-800/52 weeks). Meter Readers shall be paid the equivalent of one week's vacation following the end of the fiscal year, by calculating the average number of meters read per week during the preceding fiscal year (total number of meters read during the fiscal year/52 weeks).

### **Change From Part-Time Employee to Full-Time Employee**

Employees who have at least two (2) years of part-time service with the City and are reclassified or hired as full-time employees (whether in the same or a different position) shall be allowed to take up to forty (40) hours of vacation leave during their first year as a full-time employee; however the employee will accrue future vacation benefits based upon hire date as full-time employee. Full-time employees who work less than forty (40) hours per week will be allowed to take the equivalent amount of vacation as it relates to their regularly scheduled number of work hours per week (e.g., a thirty (30) hour employee shall be allowed thirty (30) hours of paid vacation time) during the first year of full-time employment if the employee has acquired at least two (2) years of part-time service with the City prior to the full-time status.

### **Scheduling Vacation Time**

Vacation leave may be taken, at a minimum, in one-half (1/2) day increments. Employees must request vacation leave at least one (1) week in advance from his/her Supervisor, which may be waived upon Department Head approval. Vacation leave requests in excess of ten (10) consecutive working days must be arranged at a time that is convenient for both the employee and the City. 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, to approve or disapprove dates of vacation requests.

## CHAPTER 6 ABSENCE FROM WORK

### Unused Vacation Time

On separation of employment in good standing, employees will be paid for any unused earned vacation leave, and accrued vacation leave on a pro-rata basis determined by years of service. Specifically excluded are all introductory employees who terminate, or are terminated, prior to the completion of their introductory period. In the event of any employee's death, compensation for all unused earned vacation time shall be paid to the employee's estate. Unused earned vacation leave may not be carried over to the next year, except as approved by the Department Head in consultation with Human Resources.

Employees are not permitted the choice of working for extra pay instead of taking their vacations.

### Cancellation of Vacation

Employees who wish to cancel a vacation leave that has been pre-approved are required to give a minimum of a one (1) week notice. In emergency situations, employees will be allowed to reschedule or change the type of leave requested as long as it is in compliance with City leave policies and approved by their Supervisor.

### SECTION 6.16 SAFETY LEAVE

The City provides all full-time employees with an opportunity to earn Safety Leave as additional paid time off. For direct line personnel and supervisors of line operations, Safety Leave shall be a full eight (8) hour day off (or as determined by approved collective bargaining agreements). For office and/or administrative personnel and supervisors of office and/or administrative operations, Safety Leave shall be a half-day or four (4) hours off. Safety Leave is earned by serving twelve (12) consecutive months without being involved in an accident. The time period for earning Safety Leave shall be the fiscal year, May 1 to April 30. Safety Leave must be taken in the following fiscal year and be taken in full increments. Unused Safety Leave shall not be allowed to be carried over into the next fiscal year. An employee shall be eligible for paid Safety Leave after one (1) year of service without an accident as defined below. However, for the purposes of newly hired (after one (1) year of service), transferred, and promoted employees, proportionately-earned Safety Leave time may be converted to time off, as follows:

Number of Transitional Months With No Accident/Injury	Equivalent Compensatory Time (Paid Time Off Work)	
	<i>Line Personnel</i>	<i>Office/Administrative Personnel</i>
One (1) Month	One (1) Hour	One-Half (.5) Hour
Two (2) Months	One and One-Half (1.5) Hours	Three Quarters (.75) Hour
Three (3) Months	Two (2) Hours	One (1) Hour
Four (4) Months	Two and One-Half (2.5) Hours	One and One-Half (1.5) Hours

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Five (5) Months	Three and One-Half (3.5) Hours	One and Three Quarters (1.75) Hours
Six (6) Months	Four (4) Hours	Two (2) Hours
Seven (7) Months	Four and One-Half (4.5) Hours	Two and One-Half (2.5) Hours
Eight (8) Months	Five and One-Half (5.5) Hours	Two and Three Quarters (2.75) Hours
Nine (9) Months	Six (6) Hours	Three (3) Hours
Ten (10) Months	Six and One-Half (6.5) Hours	Three and One-Half (3.5) Hours
Eleven (11) Months	Seven and One-Half (7.5) Hours	Three and Three Quarters (3.75) Hours

For the purposes of the Safety Leave provision, an accident shall be defined as:

1. An injury incurred which required professional medical attention and loss of time at work, the latter interpreted as missing any part of the workday following the day the employee's injury occurred or time missed on a subsequent date due to the accident-related injury; or
2. An accident resulting in damage to City-owned or private property or equipment amounting to a value in excess of \$500.00.

Department Safety Committees shall review accidents and make recommendations as to the eligibility for Safety Leave. Injuries and/or accidents as referenced above, and determined by the respective Department Safety Committee, to be the fault of the employee shall disqualify said employee from eligibility to earn Safety Leave. These recommendations are subject to final approval by the Department Head.

### SECTION 6.17 DONATED LEAVE TIME

The City permits employees to donate earned leave directly to other employees experiencing medical emergencies. The "Donated Leave Time Program" enables full-time City employees to voluntarily donate a portion of their earned sick, vacation, or personal leave time to other full-time City employees who have exhausted their own earned leave time (sick leave, compensatory time, personal days, and vacation) and who are suffering from a catastrophic health condition or injury (determined by Human Resources if there is any question) which is expected to require a prolonged absence from work; or in the event of a spouse or child (natural, step, or adopted) suffering a catastrophic illness or injury and certified by a physician.

#### Eligibility

##### Recipient:

An employee shall be eligible to receive donated sick, vacation, or personal leave time from other eligible City employees provided they meet the following criteria and requirements:

1. Employment with the City of at least one (1) year of continuous service.

## CHAPTER 6 ABSENCE FROM WORK

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2. A catastrophic health condition or injury, is a serious health condition that requires extensive medical care or hospitalization. Examples of a catastrophic illness include coma, various cancers, stroke and debilitating heart conditions. A medical condition falls into the category of catastrophic illness if it prevents the individual from working, functioning normally or meeting financial responsibilities and requires absence from work for a prolonged period (at least fifteen (15) workdays).
3. Medical verification from a physician or other licensed health care provider describing the nature, severity, and the anticipated duration of the disability.
4. Exhaustion of all earned leave time including personal days, compensatory time, sick leave, and vacation leave.
5. Authorized receipt of not less than eight (8) hours from one (1) or more qualified leave donors.
6. A maximum of four hundred eighty (480) hours on a non-retroactive basis may be accepted annually.

### **Donor:**

An employee shall be eligible to donate sick, vacation, or personal leave time to other eligible City employees provided they must meet the following criteria and requirements:

1. Employment with the City of at least one (1) year of continuous service.
2. An irrevocable donation of not more than eighty (80) hours, or less than eight (8) hours to any one (1) recipient may be donated within a period of one (1) year, provided that the donor shall retain a remaining balance of not less than eighty (80) sick hours.
3. Donated time must be in increments of eight (8) hours.
4. Certification that no solicitation and/or acceptance of any money, credit, gift, gratuity, object of value or compensation of any kind has been provided, directly or indirectly, to the donor.

### **Procedures**

The Donated Leave Program shall be administered by the Human Resources Office subject to monitoring, audit, and appropriate rules as may be issued by the City Administrator.

Participation in the program is on a strictly voluntary basis limited to a recipient receiving a total of not more than four hundred (480) hours annually, on a non-retroactive basis. Donated

## **CHAPTER 6      ABSENCE FROM WORK**

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leave time is subject to approval by the employees' immediate Supervisor. The receiving employee and employee's Supervisor must sign the "Recipient Certification" form and the donating employee and employee's Supervisor must sign the "Donor Transfer Certification" form, which are available in the Human Resources Office. In the event the employee is unable to complete the "Recipient Certification" form, the employee's designated family may complete the form on behalf of the employee. A Supervisor may also initiate this process on behalf of the employee. Completed "Recipient Certification" and "Donor Transfer Certification" forms shall be forwarded to the Human Resources Office for processing the transfer of leave time and placement in the employees' personnel files.

The donor's sick leave, vacation leave, and/or personal leave amounts shall be reduced by the number of hours which are donated upon approval of the "Donor Transfer Certification" form. Upon approval of the "Recipient Certification" form, the eligible recipient shall be credited with the donated time. The donated leave time will be placed in a leave bank in the recipient's name and deducted each pay period as needed. The recipient may receive sick, vacation, and/or personal leave time from more than one (1) donor to a maximum of four-hundred eighty (480) hours within a period of one (1) year and may not transfer such time received to another employee. The leave recipient shall continue to accrue sick leave and earn vacation leave and personal days while using donated leave time. The recipient will continue to draw down on leave time pursuant to applicable leave policies.

Any unused, donated leave time will not be returned, and will remain in a leave bank for future recipients. Recipients may not collect Temporary Disability Insurance while participating in the Leave Donation Program. Once an employee has exhausted all benefits from the Leave Donation Program, the employee may enroll or re-enroll in the Temporary Disability Insurance Program.

### **SECTION 6.18      WEATHER-RELATED LEAVE**

In instances of severe weather, the City Administrator, in consultation with Department Heads, shall determine if non-emergency services are required. Non-emergency employees who are excused from work due to extreme weather conditions, or are told to start work late or finish work early due to extreme weather conditions, shall be excused and paid for the time not worked. Absent such determination from the City Administrator, an absence from work for non-emergency employees who are unable to travel to their work facility will be excused but unpaid. Non-emergency employees may use vacation, personal days, or compensatory time (if applicable) in such instances. The respective Department Head shall determine weather policies for emergency-related employees in the Fire Department, Police Department, and Public Works Department.

## CHAPTER 7 SEPARATION

### SECTION 7.1 DEFINITIONS

Separation from employment with the City of Geneva may be accomplished by discharge, layoff, resignation, and retirement, as hereinafter defined:

**Discharge:** Involuntary termination initiated by the City. Discharge, or termination of employment, is the permanent removal from employment with the corresponding permanent loss of all privileges of employment with the City.

**Layoff:** Involuntary separation initiated by the City due to the elimination of certain positions or a reduction in payroll because of changing and unforeseen circumstances.

**Resignation:** Voluntary separation initiated by the employee.

**Retirement:** Voluntary separation in accordance with provisions of the Illinois Municipal Retirement Fund (IMRF), Fire Pension Retirement Plan, or Police Pension Retirement Plan.

### SECTION 7.2 DISCHARGE

An employee may be discharged by the Department Head, with approval of the City Administrator for any reason not prohibited by law, or no reason, with or without notice. Employees may be discharged for any improper or inappropriate conduct including, but not limited to, violation of work rules, violation of general rules and regulations, violation of standards of conduct, unacceptable behavior, insubordination, intentional damage to, or theft of, City property, gross negligence in performing assigned duties, intoxication in the workplace, misconduct, poor performance, or unacceptable attendance, without ever having received an oral reprimand, a written disciplinary notice or letter, a suspension, a reduction in pay, or a demotion. The City Administrator must approve a discharge.

Any discharge of full-time police officers and firefighters is subject to the rules and regulations of the Board of Fire and Police Commissioners

Written notice of sixty (60) days is to be provided to appointed officials if the Mayor is not going to recommend the re-appointment of the official to the City Council. Written documentation of the discharge shall be placed in the employee's personnel file in the Human Resources Office.

The discharged employee shall be allowed adequate time by the Supervisor during normal working hours to return any tools, equipment, City identification, supplies, keys, etc., and to settle any other obligations to the City. The employee shall return all tools, equipment, City identification, supplies, Personnel Policy Manual, keys, or other City property to the City on or before the employee's final workday.

Employees of the City who are to be discharged shall be paid for all unused and accrued vacation leave at the time of termination. Unused vacation leave shall be determined as of the employee's last anniversary date that was prior to the date of discharge on a pro-rata basis

## **CHAPTER 7      SEPARATION**

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determined by length of service. Full-time, non-exempt employees shall be paid for any unused compensatory time in accordance with FLSA regulations at the time of termination. Such employees shall not be compensated for any unused personal or sick days.

The discharged employee shall be entitled to an exit interview with Human Resources and may also schedule an exit interview with the City Administrator or designee.

Discharged employees are not eligible for re-hire.

### **SECTION 7.3      LAYOFF**

If the City finds it necessary to release employees from their duties due to a lack of work and/or a reduction in the work force, the affected employees shall be given advance notice of ten (10) working days for non-supervisory personnel and twenty (20) working days for Supervisory personnel. Laid off employees shall retain seniority for a period of one (1) year from the date of layoff.

### **SECTION 7.4      RESIGNATION**

An employee who resigns from the City is expected to provide advance notice of resignation (ten (10) working days for non-supervisory personnel and twenty (20) working days for Supervisory personnel) to the employee's Supervisor. In the case of appointed Department Heads and appointed Supervisors, advance notice of thirty (30) working days shall be made to the Mayor and City Administrator. The employee shall be entitled to compensation for any unused vacation leave. Unused vacation leave shall be determined as of the employee's last anniversary date on a pro-rated basis determined by length of service. Full-time, non-exempt employees shall be paid for any unused compensatory time in accordance with FLSA regulations. The employee shall not be compensated for any unused personal days or unused sick leave.

The resigning employee shall be allowed adequate time by the Supervisor during normal working hours to return any tools, equipment, City identification, supplies, keys, Personnel Policy Manual, etc., and to settle any other obligations to the City. The employee shall return said items to the City on or before the employee's final workday.

The employee's final paycheck (including any unused vacation and applicable compensatory time) shall be issued on the first normal pay date after resignation. The Department Head shall notify Human Resources of the resignation and any remaining hours to be paid to the employee and shall forward the original timecard(s) of the resigning employee to Human Resources for verification and placement in the employee's personnel file.

Employees who resign in good standing may be eligible for re-employment at a future time, provided an opening is available and their qualifications for that position are satisfactory. If re-employed or re-appointed, the employee starts as a new employee insofar as continuous service, accumulated sick leave, and benefits are concerned. If an employee is re-employed at a later time, after 5 years of re-employment, past service credit years may be "bridged" or added to recognize previous and current service years for purposes of vacation leave. For example, if an employee worked for the City for 10 years, resigned in good standing, and at a later time became re-employed by the City for 5 years, they would receive vacation leave for 15 years of service.

## **CHAPTER 7      SEPARATION**

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Employees who leave City employment in good standing and who are re-employed in the same classification may not be reinstated at a salary greater than they would have received had they remained employed with the City of Geneva during that time.

### **SECTION 7.5      RETIREMENT**

In accordance with the Age Discrimination in Employment Act, the City imposes no mandatory retirement age on employees. All full-time and eligible part-time employees are eligible for retirement benefits after reaching the age and length of service requirements specified by the retirement plan in which they are enrolled. Applicants for retirement shall contact the Human Resources Office to complete appropriate retire plan procedures. See Retirement Benefits section of Chapter 8.

### **SECTION 7.6      EXIT INTERVIEW**

The exit interview is intended to allow employees who are leaving the City an opportunity to provide feedback on the strong points, as well as the weak points, of their respective jobs. This feedback will be reviewed and evaluated as it pertains to working conditions, salary scales, and organizational structure. The interviewer shall notify employees who complete the exit interview that the information gathered and discussed, relative to the exit interview, shall not be deemed confidential in order that the affected department staff may review the information and take any necessary corrective measures.

The Department Head shall notify the Human Resources Office of a resigning or terminating employee and forward a copy of the letter of resignation or notice of termination to Human Resources for placement in the employee's personnel file. The Human Resources Office shall contact the resigning/terminated employee to schedule an exit interview appointment. Human Resources shall conduct an exit interview not later than the employee's last working day. The Department Head may also choose to schedule an optional exit interview with the employee. A discharged employee may also choose to schedule an exit interview with the City Administrator. Exit interview forms may be obtained from the Human Resources Office.

### **SECTION 7.7      REFERENCES**

The City shall normally provide limited disclosures regarding former employees' work history, which shall be limited to:

1. The dates of employment
2. Descriptions of the job(s) performed
3. Salary or wage rates

However, if the former employee has signed an "Employment Reference Release Form", additional information may be given. "Employment Reference Release Forms" outline what

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information, relating to the former employee, the City will disclose and to whom it may be disclosed. Release forms may be obtained from the Human Resources Office. Signed “Employment Reference Release Forms” shall be maintained in the employee’s personnel file in the Human Resources Office.

### **SECTION 7.8      UNEMPLOYMENT INSURANCE**

The City will provide for payment of benefits as provided by the Illinois Department of Employment Security Insurance Act to eligible unemployed workers.

## CHAPTER 8      BENEFITS

### SECTION 8.1      DEFERRED COMPENSATION PLAN

The City offers a government approved 457 Deferred Compensation Plan. This is a voluntary program and does not have an employer contribution. This plan allows employees to earn and invest money now, and pay taxes on it later. Employees' contributions are automatically deducted from their paycheck and applied to an account according to the employees' instructions.

### SECTION 8.2      EDUCATIONAL ASSISTANCE

Full-time employees wishing to advance their educational qualifications at college level may be reimbursed the cost of tuition for successful completion of college level courses, which are relative to their work assignments and/or career development. Successful completion of the courses of study shall mean the attainment of a "C" grade (or equivalent) and/or a certification of same.

Before reimbursement may be granted, the employee must obtain written approval from the Department Head. In the case of a Department Head, approval must be obtained from the City Administrator. Requests for reimbursement shall be made no later than two (2) months prior to the beginning of the fiscal year in which the employee wishes to attend the courses. In the event funding is not available in the approved budget or has already been expended for any fiscal year, but all other requirements are met, employees may re-submit their request for reimbursement for the next fiscal year's budget at least two (2) months prior to the beginning of the next fiscal year.

Reimbursement may be made upon submission of written receipts for approved courses, after completion of the course. Such approved courses shall be attended during the employee's time away from work and not during working hours.

If an employee separates from employment with the City within the following stated periods of time from the date of, completion of an approved course, and as set forth below, the employee shall repay the City, upon demand, the sum equivalent to the percentage of reimbursement as follows:

<b>PERIOD</b>	<b>REPAYMENT PERCENTAGE</b>
0 Days - 180 Days	100 %
181 Days - 360 Days	75%
361 Days - 540 Days	50%
541 Days - 720 Days	25%

Courses or programs that may be eligible for reimbursement include classes offered by an accredited college, university, or technical school, courses offered as part of an adult continuing education program, and courses offered by a professional educational or training company or facility, as approved by the Department Head.

## **CHAPTER 8      BENEFITS**

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### **SECTION 8.3      EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The City, through a contracted outside agency, provides the Employee Assistance Program (EAP) for all employees (including part-time) and their immediate family. Employee services available through the EAP include counseling regarding a broad range of issues such as parenting concerns, marital and family stress, emotional stress, personal problems, alcohol and drug abuse, and financial or legal problems. Supervisors may refer employees to the EAP or employees may choose to contact the EAP at any time their services are deemed to be needed. EAP services are provided by the City as a benefit for employees and their immediate family members at no charge. Use of the Employee Assistance Program is confidential.

The EAP is not an avenue of internal reporting. Employees with complaints of workplace wrongdoing including, but not limited to harassment, discrimination, retaliation, internal theft, fraud, substance abuse on the job, violence or threats of violence, workers' compensation fraud, etc., should immediately report such instances to their immediate Supervisor and/or Department Head. Detailed information on the City's Employee Assistance program may be obtained from the Human Resources Office.

### **SECTION 8.4      GROUP INSURANCE**

All regular full-time employees may participate in the comprehensive group health insurance plan provided by the City. Each new employee will receive a complete description of each plan offered by the City in the "New Employee Orientation" packet available through the Human Resources Office. Part-time, temporary and seasonal employees are not eligible for health insurance coverage.

The current health insurance coverage includes medical, hospitalization, dental, and limited vision care. Coverage is available for employees and dependents.

The City may fund the costs for health insurance coverage at different rates from time to time. Employees may contact the Human Resources Office for more information regarding rates.

Since the current plan provides for separate medical and dental premiums, an employee may select different coverage for medical and for dental care. The employee's share of the monthly premium may change from time to time and is determined by actual cost, employee group experience, economic indicators, and other factors.

If medical and dental insurance is desired, new employees must sign up for insurance coverage during the first week of employment. Coverage will begin thirty (30) days after the first day of full-time employment.

If the employee has maintained continuous full-time employment with the City, the employee may continue in the group health and dental insurance plans at retirement. The employee must submit an intent to continue insurance with the City at the same time the employee submits an application for retirement in order to be eligible.

Under the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA), qualified beneficiaries of group health plans who lose coverage as a result of a qualifying event are entitled to elect continuing coverage for a certain period of time.

## **CHAPTER 8      BENEFITS**

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If an employee chooses to continue the group health insurance, the employee will be responsible to pay the full monthly premiums to the City plus any additional administrative processing fee as allowed by law and charged by the City.

The City of Geneva adheres to the Health Insurance Portability & Accountability Act of 1996 (HIPAA) and the Affordable Care Act of 2010 (ACA).

### **SECTION 8.5      LIFE INSURANCE**

The City currently provides all full-time employees with life insurance coverage. This coverage ends when employment with the City ends. Contact the Human Resources Office for specific information regarding life insurance coverage.

### **SECTION 8.6      PENSION**

All full-time employees of the City participate in a pension plan, as required by law. The different pension plans are as follows:

#### **Illinois Municipal Retirement Fund**

All employees, except sworn police officers and firefighters, in a position normally requiring the performance of duty for 1000 hours or more in the twelve (12) months following the employee's date of hire are required to contribute to the Illinois Municipal Retirement Fund (IMRF), a statewide pension fund. Participation costs are collected through payroll deductions. The amount contributed is determined by State statutes. In addition, the City contributes an amount on behalf of each participating employee in accordance with State statutes. Employee contributions are tax deferred.

The IMRF also provides disability and death benefits to its members. Information regarding the IMRF and pension qualification requirements is available from the Human Resources Office.

#### **Police and Fire Pension Funds**

Participation in these pension programs is subject to the rules and regulations of the fund. The City of Geneva Fire and Police Pension Boards manage the funds in accordance with Illinois law.

### **SECTION 8.7      RETIREMENT BENEFITS**

#### **Insurance Benefit**

Employees who have maintained continuous full-time employment with the City may continue participation in the existing group health and dental insurance programs upon simultaneous application for retirement or for permanent disability. If an employee chooses to

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continue the insurance, at the employee's own cost, coverage (designation of single, employee plus one, or family) shall remain as it was during the employment period and additions may not be made after such selection. Changes to the group health or dental plan may occur upon each policy renewal period including, but not limited to co-pays, deductibles, out of pocket expenses, coverage limits, etc.

### Sick Pay Benefit

Sick pay benefits are available upon retirement if an employee has maintained continuous full-time employment with the City and has accumulated sick days.

The City will pay retiring employees for earned sick leave up to a maximum of four hundred eighty (480) hours (sixty (60) earned sick days). Payment for up to four hundred eighty (480) earned sick leave hours will be made in one (1) lump sum payment. The employee's termination date shall be the last day worked. The employee's health and dental insurance shall terminate on the last day of the month of the termination date, at which time the employee may begin paying the full premium(s) if continued coverage is desired.

Additionally, retiring employees hired prior to June 1, 2014 who are members of the Illinois Municipal Retirement Fund (IMRF), may add up to four hundred eighty (480) hours of earned sick leave to their retirement date, in accordance with IMRF regulations. If an employee accumulates an excess of four hundred eighty (480) hours (or sixty (60) days), the employee should consult an IMRF representative or the Human Resources Office for details on how the additional time may be of benefit.

Sworn Police and Firefighters do not have the option to apply accumulated sick leave to their pension plans. However, they may choose to "cash in" up to the equivalent of four hundred eighty (480) hours (or sixty (60) sick leave days) upon retirement, as previously described.

### SECTION 8.8 SECTION 125 FLEXIBLE SPENDING PLAN

The City offers to all full-time employees the benefit of a Section 125 Flexible Spending Plan. Under this program, an employee may contribute money designated for a medical or dependent care account into a tax-deferred savings plan. Medical and dependent care accounts each have a maximum contribution amount per calendar year. Employees interested in additional information or application forms should contact the Human Resources Office.

### SECTION 8.9 SEVERANCE PAY

A severance allowance, less legally required deductions, will be provided for non-re-appointed officials based on length of service as follows:

Service Years	Severance Pay
One (1) to Eight (8)	Three (3) Months
Eight Plus (8+) to Fifteen (15)	Four (4) Months
Fifteen Plus (15+) to Twenty-five (25)	Five (5) Months

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Twenty-five Plus (25+)	Six (6) Months
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Severance pay provisions will not apply to termination for misconduct.

### SECTION 8.10      VEHICLES

The City provides vehicles for employees whose duties may require transportation capabilities outside of regular work hours. Employees who are assigned a City vehicle for transportation to and from work should check with the Human Resources Office or the Internal Revenue Service (IRS) regarding applicable taxes relating to mileage.

### SECTION 8.11      WORKERS' COMPENSATION INSURANCE

The City shall provide workers' compensation benefits in accordance with Illinois Compiled Statutes. The City will pay for all necessary first aid, medical, and surgical services reasonably required to cure or relieve the effect of any accidental injury or disablement suffered by an employee arising out of, or in the course of, employment with the City.

Employees may, at any time, secure their own physician, surgeon, and hospital services for work-related injuries. The City, through its workers' compensation administrator, reserves the right to have another doctor of their choice also examine the employee as deemed necessary.

Employees injured on the job shall receive all benefits as provided in the Illinois Compiled Statutes. If a Police Officer or Firefighter is disabled for a period that is longer than that provided by statute, benefits shall then be coordinated with the City's insurance carrier.

The Illinois Workers' Compensation Commission is responsible for administering the law, providing information, assisting employees and employers, and resolving any disputes regarding employees' entitlement to benefits and the amount of benefits. Medical care, temporary total disability, permanent disability, disfigurement, and death benefits are provided to employees in accordance with the regulations of the Workers' Compensation System in Illinois. Detailed information regarding the rights and obligations of employees under the Illinois Workers' Compensation Act may be obtained from the Human Resources Office or from the Illinois Workers' Compensation Commission.

#### **Employee Accident/Injury Reporting**

An employee who has an accident or is injured on the job is responsible for the following:

1. Report the accident and/or injury to a Supervisor immediately, even if the incident does not warrant medical treatment. This is important because the longer an injury goes untreated, the greater the chance the injury will get worse. Employees may be subject to discipline if injuries are not reported immediately.
2. The Human Resources Office can refer the employee to a local clinic or the employee's doctor of choice.
3. Adhere to any drug or alcohol testing requirements.

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4. Complete an “Employee Accident/Incident Report”, which can be found on the Human Resources Intranet website or in the Human Resources Office.
5. Turn in the completed form to immediate Supervisor within one business day of the accident.
6. Turn in all medical bills and physician’s statements to the Human Resources Office within three business days of receiving them. Instruct physician to send all medical bills directly to the Human Resources Office, not to the employee’s home or Department.

### **Supervisor Accident/Injury Reporting**

1. Fill out the “Supervisor’s Accident/Incident Investigation” form which can be found on the Human Resources Intranet site or in the Human Resources Office.
2. Turn in the completed form, along with the employee’s “Employee Accident/Incident Report” to the Human Resources Office within one business day of the accident so that Form 45:“First Report of Injury” can be sent to the Illinois Workers’ Compensation Commission and the City’s insurance carrier.
3. If the investigation will take longer than one business day, inform the Human Resources Office of the accident/incident and that the reports will be forthcoming.
4. Ensure that the employee complies with this policy. If the employee attempts to give you a physician’s statement or medical bill, do not accept it, but instead send it to the Human Resources Office.
5. Doctor’s reports on the status of the employee’s injury/illness should be sent by the doctor directly to the Human Resources Office; not to individual Department or Supervisor.

### **Human Resources Accident/Injury Reporting**

1. Forward appropriate paper work to the Illinois Workers’ Compensation Commission and the City’s insurance carrier and/or third party administrator.
2. Notify the employee if the injury will be covered under worker’s compensation.
3. Keep the Department Head and Supervisor informed of the employee’s condition on a regular and on-going basis.
4. Work with the employee’s Supervisor to determine if modified duty is available for the employee (see Modified Duty section of Chapter 4).

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### **SECTION 9.1 EMPLOYEE IDENTIFICATION**

City employees shall be furnished photo identification cards which also serve as proximity cards (building security cards). Employees shall be responsible for returning the cards to Human Resources upon separation of employment. All initial costs for identification/proximity cards issued to an employee shall be borne by the City. Identification/proximity cards shall only be used by the employee in the course of conducting official business for the City. The cost of replacing lost identification/proximity cards shall be the responsibility of the employee.

### **SECTION 9.2 PROFESSIONAL MEMBERSHIPS**

It is the policy of the City to encourage qualified employees to become members of professional organizations and associations, which are directly related to the employee's position with the City. The City, subject to approval by the Department Head, will pay annual membership fees as well as the costs associated with attendance at annual conferences and periodic professional development meetings and other such opportunities. These payments will be subject to the amounts approved in the annual budget for this purpose.

### **SECTION 9.3 TRAINING AND CAREER DEVELOPMENT**

The City is committed to providing and supporting employee training and career development and recognizes that attendance at and participation in seminars, conferences, workshops, and conventions is a valuable method for updating job knowledge, skills, and abilities. Requests by employees to attend such training should be submitted through their immediate Supervisor for review and approval. Outside training programs must be approved by the employee's Department Head in advance of the commitment. Reasonable expenses for business meals are a reimbursable item under the Travel and Business Expense section of this chapter, when the purpose of such meal is to facilitate City business. Otherwise, employees are responsible for providing their own meal accommodations. Additionally, when travel to the training is made by automobile, it is suggested that City-owned vehicles be used whenever possible. When a City-owned vehicle is not available, the City will reimburse employees for mileage to and from the training location at the current Internal Revenue Service standard mileage rate. All training-related expenses must be within the limits of the annual budget. Non-exempt employees will be paid for travel time from their City facility to the training location. However, lunch periods of 30 minutes or more will not be paid.

### **SECTION 9.4 TRAVEL AND BUSINESS EXPENSE**

The City will reimburse employee and officer travel, meal, and lodging expenses incurred in connection with pre-approved travel, meal, and lodging expenses incurred on behalf of the City. Employees and officers are expected to exercise the same care in incurring expenses for official business as a prudent person would in spending personal funds.

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All travel for City-related business must be approved in advance by the employee's Department Head, the City Administrator in the case of Department Heads, or by the Mayor in the case of the City Administrator, within the constraints of the annual budget.

### Definitions

"Entertainment" includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless ancillary to the purpose of the program or event.

"Travel" means any expenditure directly incident to official travel by employees and officers of the City involving reimbursement to travelers or direct payment to private agencies providing transportation or related services.

### Authorized Types of Official Business

Travel, meal and lodging expenses will be reimbursed for employees and officers of the City only for purposes of official business conducted on behalf of the City. These include but are not limited to off-site or out-of-town meetings related to official business and pre-approved seminars, conferences and other educational events related to the employee's or officer's official duties. Travel outside the State requires the approval of the City Administrator (Mayor in the case of the City Administrator) prior to such travel. Requests shall be made in writing with approval or disapproval based on necessity. If you are unsure whether an expense is reimbursable, please contact the City Administrator.

### Categories of Expenses

1. **Airfare** – Travelers are expected to obtain the lowest available airfare that reasonably meets business travel needs. Travelers are encouraged to book flights at least 30 days in advance to avoid premium airfare pricing. Only coach or economy tickets will be paid or reimbursed. The traveler will pay for the difference between higher priced tickets and coach or economy tickets with personal funds.
2. **City or Personal Owned Automobile** – When travel is made by automobile, a City-owned vehicle should be used whenever possible. If a City-owned vehicle is available, but not used, mileage reimbursement may be withheld. If a City-owned vehicle is not available, mileage reimbursement will be based on mileage from the work location office to the off-site location of the official business, not from the employee's or officer's residence. When attending a training event or other off-site official business directly from an employee's or officer's residence, no reimbursement will be made if the distance is less than the mileage of a normal commute to the workplace. If the distance is higher than the employee's or officer's normal commute, reimbursement will be paid based on the

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differential of the commute less the mileage of a normal commute to the workplace. An employee or officer will be reimbursed at the prevailing IRS mileage rate. The traveler will only be reimbursed up to the price of a coach airfare ticket if they drive to a location for which airfare would have been less expensive. When travel is made by private automobile, proof of insurance is required.

3. **Automobile Rentals** – Travelers will be reimbursed for the cost of renting an automobile including gasoline expense only as provided in this section. Travelers using rental cars to conduct official business should decline to purchase insurance through the rental agency (covered under City’s policy and/or credit card). Compact or mid– size cars are required for two or fewer employees or officers traveling together and a full– size vehicle may be used for three or more travelers. The traveler must refuel the vehicle before returning it to the rental company.
4. **Public Transportation** – In the case of local training or official business where an employee or officer chooses to use public transportation, reimbursement for use of public transportation is based on mileage from the agency office to the training site (not from the traveler’s residence), regardless of the transportation method chosen. When attending training or business directly from an employee’s or officer’s residence, no reimbursement will be made if the distance is less than the mileage of a normal commute to the workplace. If the distance is higher than the traveler’s normal commute, reimbursement will be paid at the differential of the commute less the mileage of a normal commute to the workplace.
5. **Other Transportation** – The traveler should utilize hotel shuttle service or other shuttle services, if available. If none are offered, the use of the most economic transportation is encouraged.
6. **Hotel/Motel Accommodations** – The traveler will be reimbursed for a standard single-room at locations convenient to the business activity. In the event of a change in plans or a cancellation, the traveler must cancel the hotel/motel reservation so as not to incur cancellation charges. Cancellation charges will not be reimbursed by the City unless approved by a vote of the Corporate Authorities.
7. **Meals** – Meal reimbursement is limited to the current U.S. General Services Administration (GSA) regulations in place at the time the expense is incurred. Prior approval by the City’s Governing Board and submission of receipts are required for per diem allowances. Meals provided by the conference or seminar should be deducted from the per diem allowance. Partial reimbursement may be made for departure and return days based on time. Meals during in-state travel that is not an overnight stay will be reimbursed for actual cost not to exceed the per diem amount.
8. **Vacation in Conjunction with Business Travel** – In cases where vacation time is added to a business trip, any cost variance in airfare, car rental, lodging and/or any other expenses

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must be clearly identified on the Travel, Meal, and Lodging Expense Report Form and paid by traveler.

9. **Accompanied Travel** – When a traveler is accompanied by others not on official business, any lodging, transportation, meals or other expenses above those incurred for the authorized traveler will not be reimbursed by the City.
10. **Parking** – Parking fees at a hotel/motel, conference center, or other site will be reimbursed only with a receipt.
11. **Entertainment Expenses** – No employee or officer of the City shall be reimbursed for any entertainment expense, unless ancillary to the purpose of the program, event or other official business.
12. **Alcoholic Beverages** – No employee or officer of the City shall be reimbursed for any alcoholic beverage purchases.

### Approval of Expenses

1. **Expenses for Members of the Governing Body.** Travel, meal, and lodging expenses incurred by any member of the City's Governing Body must be approved by roll call vote at an open meeting of the Government Body. The maximum allowable reimbursement for travel is \$3,000. The maximum allowable for lodging and meals shall not exceed the standard allowance for the locality, as found on the General Service Administration's website ([www.gsa.gov](http://www.gsa.gov)).
2. **Expenses for Officials or Employees Other than Members of the Governing Body.** Travel, meal, and lodging expenses incurred by any official or employee, who is not a member of the governing Board, in excess of the maximum dollar amount set forth in the above paragraph, must be previously approved in an open meeting by a majority roll-call vote of the City's Governing Body.
3. **Advanced Expenses.** Travel, meal, and lodging expenses advanced as a per diem to any employee or official of the City must be approved by roll call vote at an open meeting of the *City's Governing Body* prior to payment. Documentation of expenses must be provided in accordance with this policy, and any excess from the per diem must be repaid.
4. **Other Expenses.** All other expenses that do not fall within the above guidelines are subject to the approval of the City Administrator.

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### **Documentation of Expenses**

Before an expense for travel, meals, or lodging may be approved under this Policy, the following minimum documentation must first be submitted, in writing, to the City Administrator (or Mayor in the case of the City Administrator) on a Travel, Meal, and Lodging Expense form:

1. an estimate of the cost of travel, meals, or lodging if expenses have not been incurred or a receipt for the travel, meals, or lodging if expenses have already been incurred;
2. the name of the individual who received or is requesting the travel, meal, or lodging expense reimbursement;
3. the job title or office of the individual who received or is requesting the travel, meal, or lodging expense reimbursement; and
4. the date or dates and nature of the official business for which the travel, meal, or lodging expense was or will be expended.

All documents and information submitted in connection with this Policy are public records subject to disclosure under the Freedom of Information Act.

### **Travel, Meal, and Lodging Expense Report Form**

The City adopted on January 17, 2017 its official standardized form for the submission of travel, meal, and lodging expenses the Travel, Meal, and Lodging Expense Report form, Attachment 1 (which is available on the City's intranet site).

## **SECTION 9.5 UNIFORM AND CLOTHING ALLOWANCE**

Uniforms, uniform allowance, or clothing allowance may be furnished to certain City employees. Such uniforms must be kept clean, neat, and in good condition, and must be worn while performing duties for the City. At the time of separation from employment with the City, employees must return uniforms in good condition. A charge will be made for returnable uniforms which are lost, damaged, returned in an unacceptably soiled condition, or otherwise unreturned. Employees who separate from employment with the City within their respective introductory period shall reimburse the City for the actual cost of supplied uniforms and/or the uniform allowance.

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The following uniform/clothing allowances shall apply, unless specified in a collective bargaining agreement), subject to funding in the annual budget:

<b>POSITION</b>	<b>INITIAL ALLOWANCE</b>	<b>ANNUAL ALLOWANCE</b>
Sworn Police Officer	\$1,315	\$525
Non-sworn Police Personnel	\$350	\$300
Community Service Officers	\$680	\$300
Non-sworn Admin Police	\$325	\$325
Full-time Firefighters	Cost of Uniform(s) and Gear	\$525
Tri-Com Personnel	\$325	\$225
Public Works Personnel	\$300	\$300

No advanced payments shall be made for uniforms and/or clothing. Reimbursement shall be made only after authorized purchases are made and receipts are submitted with an expense voucher. Uniform or clothing allowance shall be taxed per IRS regulations.

### SECTION 9.6 WORK ATTIRE

The City of Geneva adheres to a philosophy that its employees are representatives of the organization and, as such, have a responsibility to project a professional appearance in a business setting. Reasonable dress standards and good grooming contribute to the City's image, as well as the morale of the employees, and subsequently to the productivity of the organization. Employees are expected to dress appropriately according to the requirements of their position in order to promote a safe working environment and to project a professional image to the public, as well as fellow workers.

Although traditional business attire is expected during regular business hours, Department Heads may allow department employees to dress casually on a designated day of each workweek (typically Friday, or the last workday of each workweek). Casual clothing deserves the same attention to detail as a traditional business wardrobe. All clothing should be neat and clean, not torn or frayed, and in accordance with individual departmental policies. Casual dress may include attire that is a more relaxed standard such as denim jeans, sport shirts,

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knit shirts with collars, sweat shirts, tennis shoes, longer shorts (sometimes referred to as walking shorts, golf shorts, Bermuda shorts, or Jamaican-style shorts, which are no more than three (3) inches above the knee), and tee-shirts with the City insignia.

While the City provides the opportunity for attire that is more casual on designated days, there may be times when job functions, such as business meetings, dictate wearing business attire on a “Casual Day”. Common sense and good judgment are the keys in the application of casual attire. If an employee has a question regarding the appropriateness of the attire, the employee should check with an immediate Supervisor for guidance.

Supervision and enforcement of these attire guidelines shall be the responsibility of each Supervisor. An employee in violation of this policy may be sent home by an immediate Supervisor and instructed to return in clothing that is more appropriate. Repeated violations may be grounds for disciplinary action including termination. The City of Geneva reserves the right to amend this policy at any time.

### **SECTION 9.7 LITIGATION INVOLVING CITY EMPLOYEES**

Any employee of the City who receives any summons, notice, or complaint alleging any claim or cause of action arising as a result of the performance of official duties as an employee of the City shall immediately notify an immediate supervisor and Department Head and furnish a copy of said summons, notice, or complaint who shall thereafter forward said materials to the Assistant City Administrator/Director of Administrative Services (ACA/DOAS).

The ACA/DOAS shall thereafter forward said summons, notice, or complaint to the City’s insurance carrier. The City’s insurance carrier shall make a determination whether it will undertake the defense of the employee and provide coverage for any damages resulting from the claim or cause of action under the terms of the City’s policy. If the City’s insurance carrier determines that the alleged claim or cause of action does not result in a circumstance included in the City’s coverage, then the ACA/DOAS shall determine (in conjunction with the City Administrator) whether the claim or cause of the action did in fact arise as the result of the legitimate and reasonable performance of official duties. If the determination is affirmative and, with the consent of the employee and City Council, the City of Geneva shall undertake the defense of said claim or cause of action at City expense, and in the further event that a judgment is entered against said employee in the cause of action, the City of Geneva shall indemnify the employee from any portion of the judgment not satisfied by the City’s insurance carrier.