

**CITY OF MONTICELLO
PIATT COUNTY, ILLINOIS**

RESOLUTION NO. 2023-10

**A Resolution Regarding Personnel Policies
(Anti-Harassment)**

WHEREAS, the City of Monticello has adopted a Full Time Employee Policy Manual, which is amended from time-to-time to update various employment policies and incorporate provisions required by law; and

WHEREAS, the Mayor and City Council for the City of Monticello desire to approve the Anti-Harassment Policy attached and made part of this Resolution as *Exhibit A*; and

WHEREAS, the Mayor and City Council desire to update the City's Full Time Employee Policy Manual, substantially in the form attached hereto as *Exhibit B*, to include this new policy related to anti-harassment.

BE IT THEREFORE RESOLVED by the City Council of the City of Monticello, Piatt County, Illinois, as follows:

1. The Mayor and City Council of the City of Monticello, Piatt County, Illinois hereby approve and adopt the Anti-Harassment Policy substantially in the form of Exhibit A.

2. The Mayor and City Council hereby approve and adopt the City's Full Time Employee Policy Manual substantially in the form of Exhibit B, including the Anti-Harassment Policy.

5. This Resolution shall be in full force and effect from and after its passage and approval according to law.

Passed by the City Council of the City of Monticello, Piatt County, this 27th day of February, 2023, by the following roll-call vote:

AYES:

NAYS:

ABSENT:

Approved by the City of Monticello this 27th day of February, 2023.

Mayor of the City of Monticello,
Piatt County, Illinois

ATTEST:

Clerk of the City of Monticello,
Piatt County, Illinois

EXHIBIT A
Anti-Harassment Policy

(see attached)

ANTI-HARASSMENT POLICY

The City of Monticello strives to create and maintain a work environment in which people are treated with dignity, decency and respect. The environment of the company should be characterized by mutual trust and the absence of intimidation, oppression and exploitation. The City of Monticello will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy and by education of employees, the City of Monticello will seek to prevent, correct and discipline behavior that violates this policy.

All employees, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension, or termination of employment.

Managers and supervisors who knowingly allow or tolerate discrimination, harassment or retaliation, including the failure to immediately report such misconduct to human resources (HR), are in violation of this policy and subject to discipline.

Prohibited Conduct Under This Policy

The City of Monticello, in compliance with all applicable federal, state and local anti-discrimination and harassment laws and regulations, enforces this policy in accordance with the following definitions and guidelines:

Discrimination

It is a violation of the City of Monticello's policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race (including hairstyle/texture), color, national origin, age, religion, disability status, sex, sexual orientation, gender identity or expression, genetic information or marital status.

Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws, including Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1967 and the Americans with Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

Discrimination in violation of this policy will be subject to disciplinary measures up to and including termination.

Harassment

The City of Monticello prohibits harassment of any kind, including sexual harassment, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate or coerce an employee, co-worker, or any person working for or on behalf of the City of Monticello.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal harassment includes comments that are offensive or unwelcome regarding a person's national origin, race, color, religion, age, sex, sexual orientation, pregnancy, appearance, disability, gender identity or expression, marital status or other protected status, including epithets, slurs and negative stereotyping.
- Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital status or other protected status.

Retaliation

No hardship, loss, benefit or penalty may be imposed on an employee in response to:

- Filing or responding to a bona fide complaint of discrimination or harassment.
- Appearing as a witness in the investigation of a complaint.
- Serving as an investigator of a complaint.

Lodging a bona fide complaint will in no way be used against the employee or have an adverse impact on the individual's employment status. However, filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation.

Any person who is found to have violated this aspect of the policy will be subject to discipline up to and including termination of employment.

Confidentiality

All complaints and investigations are treated confidentially to the extent possible, and information is disclosed strictly on a need-to-know basis. The identity of the complainant is

usually revealed to the parties involved during the investigation, and the HR director will take adequate steps to ensure that the complainant is protected from retaliation during and after the investigation. All information pertaining to a complaint or investigation under this policy will be maintained in secure files within the HR department.

Complaint procedure

The City of Monticello has established the following procedure for lodging a complaint of harassment, discrimination or retaliation. The company will treat all aspects of the procedure confidentially to the extent reasonably possible.

1. Complaints should be submitted as soon as possible after an incident has occurred, preferably in writing. The HR director may assist the complainant in completing a written statement or, in the event an employee refuses to provide information in writing, the HR director will dictate the verbal complaint.
2. Upon receiving a complaint or being advised by a supervisor or manager that violation of this policy may be occurring, the HR director will notify the City Administrator and review the complaint with the company's legal counsel.
3. The HR director will initiate an investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred.
4. If necessary, the complainant and the respondent will be separated during the course of the investigation, either through internal transfer or administrative leave.
5. During the investigation, the HR director, together with legal counsel or other management employees, will interview the complainant, the respondent and any witnesses to determine whether the alleged conduct occurred.
6. Upon conclusion of an investigation, the HR director or other person conducting the investigation will submit a written report of his or her findings to the company. If it is determined that a violation of this policy has occurred, the HR director will recommend appropriate disciplinary action. The appropriate action will depend on the following factors:

- a) the severity, frequency and pervasiveness of the conduct;
- b) prior complaints made by the complainant;
- c) prior complaints made against the respondent; and
- d) the quality of the evidence (e.g., firsthand knowledge, credible corroboration).

If the investigation is inconclusive or if it is determined that there has been no violation of policy but potentially problematic conduct may have occurred, the HR director may recommend appropriate preventive action.

7. The City Administrator will review the investigative report and any statements submitted by the complainant or respondent, discuss results of the investigation with the HR director and other management staff as appropriate, and decide what action, if any, will be taken.

8. Once a final decision is made by the City Administrator, the HR director will meet with the complainant and the respondent separately and notify them of the findings of the investigation. If disciplinary action is to be taken, the respondent will be informed of the nature of the discipline and how it will be executed.

Alternative legal remedies

Nothing in this policy may prevent the complainant or the respondent from pursuing formal legal remedies or resolution through local, state or federal agencies or the courts.

EXHIBIT B

City of Monticello Full Time Employee Policy Manual

(see attached)

CITY OF MONTICELLO

FULL TIME EMPLOYEE
POLICY MANUAL

City of Monticello
February 27, 2023

Full Time Employee Handbook Policy Rules and Regulations

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The City of Monticello
Full Time Employees' Handbook
Policy Rules and Regulations

1.0 Introduction, Definitions and Purpose

1.01 Introduction

This Full Time Employee Handbook is designed to inform full time employees, as defined herein, of, the general rules and policies of the City of Monticello concerning employment with the City. The Handbook is subject to revision and changes by the City from time to time and is not to be considered a contract of employment. It replaces an existing Personnel Policy booklet and becomes effective as of the date shown above. Personnel policies made by the City of Monticello are subject to change from time to time. Generally, changed personnel policies will be made known to employees with supplemental or replacement pages. However, from time-to-time, changes in policy may be made known in other ways, such as announcements, postings or memos.

For brevity, this Handbook uses masculine forms such as “his” or “him. This usage should be understood to include equivalent feminine forms. This policy applies to and includes men and women equally.

1.02 Definitions

This Handbook uses certain terms precisely. Some of those terms are defined below. Other terms are legally defined or are used in accordance with the City’s practices and customs.

“City” means the City of Monticello, Illinois.

“Day” is used for calculating overtime for Full-time Employees and means a continuous twenty-four (24) hour period from midnight to midnight.

“Discrimination” and “Discriminatory” refer to illegal discrimination pursuant to applicable State of Illinois and Federal law. Distinctions made on the basis of other criteria, such as, but not limited to, quality of work performance, suitability, capability, and aptitude are not forms of illegal discrimination.

“Full-time Employees” are those employees employed in positions reasonably anticipated by the City Administrator to require forty (40) hours (or more) per week on an ongoing and continuous basis.

“Full-time” is regular, ongoing and continuous work in a position requiring forty (40) (or more) hours per week. Work in a position that is seasonal, temporary, or interrupted is not “full-time,” even if an employee works in more than one position. This definition has no effect on an employee’s rights to overtime under the Fair Labor Standards Act.

“Handbook” means this booklet, and changes and amendments made from time-to-time by the City.

“Supervisor” means the person holding the position immediately superior to the employee. If the employee has no immediate superior other than the City Administrator, then the City Administrator is the Supervisor.

“Week” is used for calculating overtime for employees and means a seven (7) day continuous period, starting at 12:01 A.M. Saturday, and ending at midnight the following Friday.

1.03 Purpose

This Handbook provides a general explanation of City employment policies, rule and regulations for Full-time Employees. It is not comprehensive and may be supplemented by other policies issued from time to time and provisions of applicable law. This Handbook is designed to assist employees in fulfilling employee duties and responsibilities. Each employee should read and become familiar with these policies, rules and regulations for employees. The rules and regulations regarding employee conduct and behavior apply to all employees. Each full-time employee will be given a copy of this handbook for personal reference. Every employee shall carefully read and become familiar with the provisions of this handbook.

The policies, rules and regulations stated in this handbook are subject to change from time to time by action of the City. The City Administrator is authorized by the City to supplement this handbook with administrative procedures, policies, rules, regulations and determinations, as he determines are in the interest of prudent management.

This handbook contains general descriptions of certain benefits of employment, some of which are mandated by law. This policy is not intended to expand upon or change any benefits or programs required by law; and should any law be changed requiring a modification of employee benefits or programs, then such law shall control over the policy contained in this handbook.

Should any one or more provisions of this Handbook be declared illegal by a court of competent jurisdiction, the same shall be deemed deleted from this Handbook to the extent that it is in violation of law, and the remaining provisions shall remain in full force and effect. **Neither the Handbook, nor changes and amendments (if any) constitute a contract between any employee and the City and shall not be construed as such. All employees employed by the City are considered employees at will.** (See Section 12—Employment at Will)

2.0 Hiring and Employment Practices

2.01 Equal Employment Opportunity

The City is an equal employment opportunity employer. It is the policy of the City to continue its practice of non-discrimination in employment and comply with applicable State and Federal Laws concerning non-discrimination in employment. The City will not discriminate unlawfully against any employee or applicant on the basis of race, ancestry, color, religion, sex, national origin, age, political affiliation, veteran status, marital status, sexual orientation, disability or any other status protected by law. It is the policy of the City that employment opportunities for all applicants, promotion, and advancement for all employees are based on qualifications and suitability for the position in question.

2.02 Job Descriptions

The City Administrator shall maintain a job description for all positions of employment of the City. Whenever a vacancy occurs and/or there is a significant change in the duties and responsibilities of a job, the City Administrator will review the functions, duties, responsibilities and minimum qualifications of the position to ascertain whether the job description is still accurate or in need of modification, or if the job should be eliminated.

2.03 Advertising and Filling Job Vacancies

In the event of an employment vacancy, the City Administrator may advertise the vacancy, and requirements for the position in media the City Administrator feels necessary to attract qualified applicants.

2.04 Application Process

Each applicant must complete, sign and date an application form furnished by the Municipal Office at 210 North Hamilton. Employment applications and other information received by the City during the employment process are an important source of information regarding an employee's skills, abilities, and experience. Any material falsification of such information, including qualification, experience, or other matters regarding employment or personal history may result in discipline of an employee, including discharge. Any falsification of information provided prior to hiring will result in rejection of that employee's application for employment.

2.05 Interviews

Prior to selection of a successful applicant, the City Administrator will consider qualified and suitable applicants, in light of the job description, and the applicant's ability to perform the work. The City Administrator may, in the exercise of discretion, determine not to interview all applicants. The City Administrator may interview the number of candidates he determines appropriate in order to fill the position with an employee who is capable of performing the job well.

2.06 Immigration Reform and Control Act (Form I-9)

The City will not unlawfully discriminate on the basis of citizenship or national origin, consistent with the Federal Immigration Reform and Control Act of 1986. Each new employee must complete an employment eligibility verification (Form I-9) together with documents which verify employment eligibility and identity. The I-9 Form should be completed by an applicant after an offer of employment is made, but before the employee commences work. If a former employee is rehired, the former employee must complete an I-9 Form unless such a form has been completed within the past three (3) years, is still valid and is on file with the City. The Immigration Reform and Control Act explicitly allows employers to prefer U.S. citizens over non-citizens in making employment decisions. It is the policy of the City to hire U.S. citizens when possible.

The City Administrator or designee shall photo-copy identifying documents of the new employee, submitted with the I-9 Form to show compliance with the law, but information

contained on such documents will not be used for any purpose other than to verify the City's compliance with legal requirements. The City shall not engage in any reprisal against an employee regarding the City's compliance with immigration law requirements.

2.07 Pre-employment Physical Examination

After offering employment to a successful applicant, but as a condition to employment, and prior to the first day of work, the City Administrator may require the applicant to be examined by a physician selected by the City, to determine if the employee is capable of performing the requirements of the position. The physician shall be informed of the job description, including any physical and other requirements. The cost of the examination shall be borne by the City.

Upon selection of a successful applicant, the Director of Human Resources will review with the applicant the (1) job description; (2) wage or salary for this position; (3) offer an overview of department personnel policies; and (4) provide the new employee with a personnel packet. The new employee shall acknowledge receipt of such items in writing.

A personnel packet will be given to every new employee. The packet will include:

1. A copy of the Handbook.
2. A copy of the job description for the position.
3. A copy of any Rules and Regulations unique to that position.

The Director of Human Resources shall notify all other applicants in writing that the position has been filled by another applicant, that the City retains applications for employment for thirty (30) days, after which applications are no longer active, and that the application shall not be considered for other employment vacancies after the expiration of the thirty (30) day time period. After thirty (30) days, applications should be filed separately, as "inactive," for archival purposes.

2.08 Training Period, Observation and Evaluation

A six-month training period following an employee's initial employment is an integral part of the selection procedure. During this period, training, observation and evaluation of an employee's work will be used to determine the employee's fitness for the position. During the training period an employee will be formally evaluated, to inform the City and the employee of the quality of his job performance, and the areas in need of improvement. The evaluation will be based on the written job description, work attendance, ability to relate to the public and co-workers, ability to implement management's suggestions or directives, promptness in completing assignments and other areas.

At the end of the training period, the appropriate manager, in conjunction with appropriate supervisory input, will review the employee's progress and make any decisions necessary.

2.09 Residency Requirement

Upon acceptance of a position with the City of Monticello Public Works Department or Administrative Staff, an employee is required to live within a 12-mile radius of the City of

Monticello Municipal Building (210 N. Hamilton, Monticello, Illinois) within six (6) months of the first day of employment, unless other arrangements are negotiated at time of hiring. The residency requires that the employee physically reside within this radius, not to just have a post office box. Requests for extensions of the time restriction should be filed with the City Administrator one (1) month prior to the end of the six (6) month limitation. Requests should include documentation of attempts to seek residency within Monticello. These requests will be dealt with on a case-by-case basis. This provision is also extended to existing City of Monticello employees to allow them to live within a 12-mile radius of the City of Monticello Municipal Building (210 N. Hamilton, Monticello, Illinois). Failure to comply with this requirement may result in termination.

3.0 Hours, Salary and Miscellaneous Matters

3.01 Hours of Work

All full-time public works employees will work a forty (40) hour work week. Days and hours of work are set by the City Administrator and may change from time to time.

3.02 Breaks

Employees who work eight (8) hours per day shall be entitled to two 15-minute breaks during the day, and a lunch break of 30-60 minutes, subject to the scheduling needs of the City. Break and lunch times will be scheduled by the appropriate supervisory staff.

3.03 Overtime

For full-time employees, overtime is paid for work in excess of forty (40) hours in a week. Overtime pay shall be one and one-half times the regular hourly rate. For purposes of the forty (40) hour calculation sick time and personal time are not included as part of the hours worked. Prescheduled vacation and comp time are included as part of the hours worked. Overtime may be regularly required for some positions. Overtime must be scheduled and authorized in advance by the City Administrator. In the absence of the City Administrator, unscheduled overtime may be authorized by the Director of Public Works. No employee may work overtime without specific authorization. A record of regular hours and overtime will be kept in each department.

All work time, including overtime, or time worked during breaks or lunch periods, should be recorded to the nearest quarter hour. The minimum time for call-outs is one (1) hour, and thereafter is recorded to the nearest quarter hour, as is other work. Time not worked should be recorded as "sick time," "vacation time," "personal time," "holiday" or "compensatory time;" no such time should be recorded as time actually worked.

It may be necessary to seek or assign work to suitable employees who have appropriate work skills for overtime work assignments. Some employees desire overtime work, while others prefer no overtime. To the extent consistent with City needs overtime 1) may be assigned to qualified workers consistent with their desires regarding overtime, or 2) may be approximately equalized among qualified workers. Failure to work assigned overtime or working overtime without prior authorization may result in disciplinary action, up to and including possible termination of employment.

For purposes of calculating time, authorized break periods are deemed hours worked. Lunch and other meal times are not work time and are not calculated or compensated for pay of any kind. If an employee is employed in two (2) or more types of work, which results in two (2) or more rates of pay, if the employee agrees in advance in writing, overtime shall be calculated based upon the actual hours worked at each rate(s) in effect for the hours over forty (40). If no such agreement is in effect, overtime calculation shall be based upon the weighted average of the hours worked per week at each differing rate of pay.

If employee compensation is based upon an annual compensation, then the employee's regular rate of pay shall be deemed the annual compensation divided by the number of hours per week the salary is intended to compensate, but not more than forty (40) hours per week.

Overtime pay shall not be paid to exempt employees, who are "executive," "administrative" and "professional" employees, as those terms are defined in the Fair Labor Standards Act.

With the approval of the City Administrator, employees may be authorized to accumulate compensatory time for work in excess of forty (40) hours per week. Compensatory time accrues at the rate of 1.5 hours of compensatory time for each hour of overtime. Currently, compensatory time may accumulate to forty (40) hours of actual compensatory time off, but the City may change this maximum compensatory total hours from time to time.

3.04 Personnel Records

1. Content and Access

Personnel files and other records are maintained by the City for all employees. These records may contain any of the following: a copy of the job description; evaluation reports; letters of reference; the employee's job application; physical examination reports; wage/salary records; written warnings of disciplinary action, if any; IMRF information; sick leave credits and use; vacation credits and use; salary and tax information; medical information; and any other information relevant to qualifications for employment, promotion, transfer, additional compensation, discharge or other disciplinary action, or other administration of the City. No employee shall access the personnel records of another employee unless it is required by that employee's job duties, and the employee has an immediate business need, on behalf of the City, to know the information contained therein. Medical and physical examination reports shall be kept separately, in secure (locked) cabinets, and may be accessed only by direction and approval of the City Administrator.

B. Personnel Records Inspection

Pursuant to the Illinois Personnel Records Review Act, employees may have access to their own personnel files.

3.05 Time Off to Vote

In all elections, polls open at 6:00 a.m. and remain open until 7:00 p.m. The proper functioning of City services on election days is an important service to the voting public. Generally, employees should have sufficient time to vote either before or after their work day.

However, if an employee is unable to vote in an election during non-working hours, the City of Monticello will grant up to two (2) hours of unpaid time for the employee to vote.

Employees who need time off to vote during the work day should notify their Supervisor at least one (1) full working day in advance to allow for appropriate scheduling and the least disruption to the normal work schedule.

3.06 Reduction of Force; Reinstatement

When the number of employees of the City is reduced, positions may be displaced or abolished, in whole or part, the rank of remaining employees may be altered. If positions are eliminated, employees so reduced shall be considered separated from employment with the city. Reduction in rank or removal from service may be temporary or permanent.

3.07 Review of Job Performance

All employees of the City are subject to constant review and shall be given a formal review by appropriate supervisory staff and the City Administrator. Performance will be judged on the basis of criteria which relates specifically to job descriptions and City goals. A written summary of the review will be signed by the employee and his supervisor. This summary will be included in the personnel record of the employee.

4.0 Personal Conduct

4.01 Personal Conduct

Every employee is charged with the responsibility to help keep Monticello a clean and pleasant place to live. Small actions, such as picking up litter on the streets, helps keep the City clean and safe. Other minor behavior, such as using profane language, sloppy appearance, or loafing on the job give the City government and its employees a bad reputation among citizens. All employees should keep in mind that our actions are constantly watched by the taxpayers and visitors. All employees are expected to conduct themselves in a respectable and a proper manner. Improper conduct, such as intentional rudeness, disrespect, or improper behavior is grounds for disciplinary action.

4.02 City Property

1. Proper personal conduct includes proper use and care of City property. Every employee is charged with the responsibility to keep assigned tools, equipment, and vehicles clean and in proper working condition. Negligence in maintenance, or willful misuse or abuse of City property is cause for disciplinary action.

2. No city vehicle will be used for non-city purposes, without prior permission given by the City Administrator, Publics Works Director or Police Chief, to include but not limited to taking vehicles home or on personal errands.

4.03 Safety and Equipment Policy

1. It is the intention of the City of Monticello to develop, implement, and administer an all-encompassing Safety Program. The residents of the City

of Monticello are its most important asset. Therefore, their safety is our greatest responsibility. In all of our assignments, the health and safety of all should be the utmost consideration.

All employees of the City of Monticello are directed to make safety a matter of continuing concern, equal in importance with all other operational considerations. Every employee is charged with the responsibility of supporting and cooperating with the City's Safety Policy. All employees are expected, as a condition of employment, to adopt the concept that the safe way to perform a task is the most efficient and the appropriate way to perform it. Safety adherence and performance will be considered as an important measure of supervisory and employee performance evaluation.

2. It is each employee's responsibility to report to the employee's supervisor any health or safety problem that he observes, or is aware of, in relation to his job, or City property, equipment, and vehicles. It is the supervisor's responsibility to inform the Safety Officer (or in his absence the City Administrator) of these problems. The City Administrator or Safety Officer will direct any action to be taken. It is also each employee's responsibility to report to an employee's supervisor and the Director of Human Resources, any accident or injury occurring on the job within twenty-four (24) hours of the occurrence.

Where appropriate, the carrier for Workmen's Compensation shall also be notified.

3. All City owned equipment, including motor vehicles, shall be maintained so as to comply with generally accepted safety requirements for the protection of employees. The City desires to maintain its equipment in good order. All employees shall use their assigned equipment in a responsible and professional manner which includes but is not limited to the proper use and operation of all equipment in accordance with applicable operating procedures, and the prompt reporting of any observed maintenance problems or needed repairs.
4. Safety equipment shall be used and/or worn when required by an employee's supervisor. Each employee shall comply with the safety equipment requirements of his/her respective supervisor. Failure to so comply will result in employee discipline.
5. All Public Works employees working, observing, or supervising on public streets, alleys, or rights-of-way are required to wear an orange or lime green safety vest. During summer hours, a plain orange or lime green t-shirt can be substituted for the safety vest during daylight hours. Nothing should be worn over the top of the t-shirt or orange or lime green vest. Orange or lime green vests should be worn at all times from dusk to sun-up.
6. All City buildings are to be locked, when not occupied.
7. Employees are not to enter any excavation without proper shoring or protection, as required under law.

4.04 Outside Employment

Employees shall not accept or engage in outside employment which in any way interferes with the employee's work responsibilities, schedule or duties for the City. Performance and evaluation standards will not be modified to accommodate an employee's outside work schedule demands or requests. If any employee's outside work schedule interferes with the quality of an employee's work performance with the City, the employee will be asked to terminate or otherwise modify the outside work requirements. If the employee's performance for the City continues to suffer as a result of outside employment, the employee may be terminated.

4.05 Conflicts of Interest-Improper Influence

Employees should not allow their personal affairs or interests to influence purchasing or other business decisions of the City of Monticello. When an employee is in a position to influence a decision, which would result in personal gain to the employee, a potential for conflict of interest exists. Any employee in this position should promptly disclose to their department heads any potential or actual conflict of interest involving any decision which an employee might make or influence. The City Administrator will take reasonable steps to ensure that an employee who has disclosed a potential conflict of interest is insulated from the decision-making process, unless the matter is of a minor nature unlikely to improperly influence the judgment of any employee. Employees shall not accept any compensation, gift, kick-back, bribe, or other consideration related directly or indirectly to their work or decision-making. Employees shall promptly report to their supervisor any attempt to influence their actions for referral to the City Administrator.

4.06 Discipline

A. Employee Rules of Conduct

Because public employment is a public trust the City desires employees to conduct themselves in a manner that does not bring disrepute to employees, the City or the residents of the City.

It is impossible to delineate every type of misconduct for which discipline may be appropriate. The following list of types of misconduct, however, is to provide an understanding of what is considered unacceptable conduct. These listings are not all inclusive but, rather, are merely examples of the types of misconduct for which employees may be disciplined. Misconduct as outlined herein and any other unacceptable conduct not specifically listed below will result in disciplinary action, including, but not limited to oral reprimand, written reprimand, suspension without pay and dismissal.

1. Employees shall not provide false information regarding:
 - a. qualifications, experience, certifications or ability in employment applications or elsewhere related to employment;
 - b. records of work, time off, or time cards; or,
 - c. other information related to employment or employee.

2. Employees shall call in before their assigned starting time when ill and shall not engage in unauthorized absence. See Section 4.09 and 5.03 herein for further information.
3. Employees shall not make improper use of leave days, such as sick leave or personal leave. See Section 5.02 herein for further information.
4. Each employee shall report to work and be ready to work at the time assigned, and continue assigned duties throughout the work day, except as is permitted for breaks. Employees are not to take extra breaks or breaks in excess of those authorized by this policy, except as is authorized by an employee's supervisor.
5. Employees shall promptly attend to work assigned and complete such work in an expeditious manner.
6. Employees shall maintain accurate reports and records if the position requires it.
7. While at work, employees shall not dress in immodest or provocative attire, or wear buttons, cards, or clothing advocating political activities or other private causes, or wear clothing or accessories which contain alcohol, drug or tobacco advertising or references.
8. Employees shall not engage in unauthorized use of City equipment, including but not limited to, telephone, photocopying or duplicating equipment, computers, including inappropriate use of the Internet, tools, motor vehicles, fuel and the like.
9. No employee may use, take or retain City property for personal use except as permitted by the City Administrator, Public Works Director or Police Chief.
10. Employees shall not have an unauthorized use or possession of keys, including master keys.
11. Employees shall be truthful to all supervisors, City Administrator and the City Council in regard to matters relating to employment or directly related to the employee's work duties.
12. Employees shall not make false claims for insurance or any other benefits.
13. No employee shall misrepresent to any person the extent of his job authority, or purport to act on behalf of the City when not authorized to do so.
14. No employee may smoke or otherwise use tobacco in City owned buildings or equipment, or, when the employee is on non-city property, in

any area or place where smoking or the use of tobacco products is prohibited by the owner.

15. No employee shall work when under the influence of any intoxicating liquor or drug, except medication as prescribed by a physician for that employee. Even in case of a medication prescribed by a physician, no employee shall operate any equipment, machine or vehicle when unable to do so in a safe and alert fashion. Each employee shall notify his immediate supervisor if any medication causes that employee to have diminished alertness, or to substantially alter his ability to perform work.
16. No employee shall conceal or maintain any intoxicating liquor or drug in or on any City property or at any Public Works Department work site. No employee shall consume alcoholic beverages, cannabis, illegal drugs, or legal drugs which impair the employee's ability to perform his/her job duties on any work day at any time between the scheduled beginning and end of his/her work assignment. No employee shall work under the influence of alcohol or drugs, legal or illegal under state law. Any employee whose supervisor has a reasonable suspicion that he/she is under the influence of drugs and/or alcohol may be subjected to drug and/or alcohol testing, as described in section 10.06. If an employee has consumed alcohol, cannabis, or prescription drugs off duty, and is recalled to work unexpectedly, then each such employee shall immediately notify his supervisor when recalled, of the nature and extent of the consumption of these substances.
17. No employee shall possess, while on duty, or while in a city vehicle, a firearm, ammunition, fireworks, or any explosive device or weapon likely or capable of causing harm to persons or property except as follows: a. Authorized law enforcement employees may possess any of the foregoing as required or permitted by law or job duties; b. Employees may pursuant to section 65 (b) of the Illinois Firearm Concealed Carry Act (430 ILCS 66/65 (b)) be permitted to carry a concealed firearm on or about his or her person within his or her vehicle into a city parking area and may store a firearm or ammunition concealed in a case within a locked vehicle or locked container out of plain view within the vehicle in the parking area. An employee may carry a concealed firearm in the immediate area surrounding his or her vehicle within a parking lot area only for the limited purpose of storing or retrieving a firearm within the vehicle's trunk. For purposes of this subsection, "case" includes a glove compartment or console that completely encloses the concealed firearm or ammunition, the trunk of the vehicle, or a firearm carrying box, shipping box, or other container.
18. No employee shall on any work day at any time between the beginning and end of his/her work assignment engage in acts which are dangerous or reckless in regard to the property of the City, other employees, or other persons. This rule shall not be deemed violated by accidental acts which are not intended by the employee; or by work assignments which are

inherently dangerous, but employees shall act with prudence and caution at all times.

19. Each employee shall report all work-related injuries and accidents immediately to his supervisor, and also to the Director of Human Resources.
20. Each employee shall report to the supervisor damaged or broken equipment or other property in his/her assigned area of responsibility.
21. An employee's loss, suspension, revocation, or failure by the employee to retain or qualify for any job-required license, permit, certification, or governmentally granted privilege may result in dismissal. Any employee whose employment position with the City requires a license, permit, certification or privilege must immediately advise his supervisor of the any such loss, suspension, revocation, or failure to retain or qualify.
22. An employee's failure to maintain any driver's or operator's license, permit, or privilege required for the employee's work, or the employee's loss, revocation, or suspension of any such license, permit or privilege may be cause for dismissal. The employee must immediately report any such loss, revocation or suspension to the employee's supervisor.
23. No employee shall fail to promptly deposit, report or account for any funds, receipts, or other money or property of the City or others coming into the employee's hands relating to the employee's work responsibilities.
24. No employee shall disclose the contents of a personnel file or other file relating to the personal information of an employee, to any person except in the exercise of job responsibilities. This does not prohibit compliance with the Freedom of Information Act. Special care must be taken of employee medical records, which are to be kept in secure files, which are only available as allowed by law.
25. No employee shall disclose the contents of any employee file to any person except in the exercise of job responsibilities. Employees should seek clarification of their responsibilities under this rule from the City Administrator. This rule does not prevent access to an employee file by an employee, or his authorized representative. No employee shall disclose any information which the City has received which the City Administrator directs the employee to hold as confidential.
26. Fighting is prohibited, except employees may take reasonable steps to protect themselves from physical violence and may reasonably restrain a person who is engaging in violent acts, in order to protect the employee, another employee, or members of the public, or property.

27. Employees shall not engage while at work or during working hours in behavior which constitutes disrespect for the property or rights of the city or others.
28. Employees shall not use profanity when speaking to each other or members of the public. Employees shall not argue with each other. If clarification of responsibilities is required, the supervisor should be consulted, and will render a decision.
29. Conviction or commission of any felony criminal offense, or any offense involving dishonesty or violence may be cause for dismissal.
30. No employee shall willfully refuse to obey reasonable written or oral instructions of a supervisor.
31. No employee shall willfully refuse to obey the policies, rules and regulations of the City.
32. Employees shall not engage in willful behavior which interrupts the orderly process of City affairs.
33. Employees shall immediately report to their immediate supervisor any conduct by other employees which is dangerous to the health, safety, or welfare of other employees, the City, or the public, including, but not limited to violation of these rules.
34. Employees shall not engage in sexual harassment. See Articles 9 herein.
35. As a matter of City Policy, Employees do not have any expectations of privacy in and about any City owned property, including, but not limited to: Desks, work areas, computers, phones, electronic devices, lockers, parking lots, and any other equipment owned or controlled by the City. The City Administrator, or his designee, may search any property, places or areas or any items located therein.
36. The City Administrator and Director of Public Works may adopt procedures for proper handling of City business or affairs. Employees shall follow these procedures. If an employee is uncertain of the proper procedure, the employee should seek assistance from the appropriate supervisor.
37. The City Administrator has established a line of command for employees to follow with questions or complaints. The line of command is as follows for MPWD employees: #1) Public Works Director, #2) City Administrator, and #3) Mayor. Employees shall follow the grievance and discipline appeal procedures described in this handbook in order to air grievances and dispute discipline. Employees are not to go outside these procedures or skip steps in the process unless authorized by other town policy or law.

38. At times operations may require a different or additional supervisor(s) for specific projects or tasks. The assigned supervisor shall have the same authority as the regular supervisor during the time he is in the responsible position. Employees shall follow the directions of the assigned supervisor(s).
39. These rules may be supplemented from time to time by rules of the office or department where the employee works. The City Administrator may also make additional rules at any time in an emergency, or if, in his opinion, the safety or welfare of the City, employees, or the public require it. If the City Administrator makes such additional rules, he shall inform the City Council.

B. Procedures

Whenever an employee's performance, attitude or conduct falls below a desirable level, or the employee violates rules or procedures, discipline may be imposed.

Oral Warning:

For matters of a less serious nature, the employee may receive an oral warning. The supervisor will make a notation of the verbal warning. These notations are considered a part of the employee's personnel file. Oral warnings are for misconduct of a less serious nature.

If the situation is more serious, the employee may be further disciplined. The following are three types of more formal disciplinary action which may apply, each more severe than the previous: Written Reprimand, Suspension without Pay and Termination of Employment. There is no requirement that one type of discipline precede another. Discipline may be imposed which matches the nature of the misconduct. Some misconduct is so serious that it may result in immediate dismissal.

Written Reprimand:

Written reprimand is used in more serious cases than oral warning. A copy of a written reprimand must be signed by an employee to acknowledge receipt and will be placed in the employee's personnel file.

Suspension:

Suspension may be used if oral warning or written reprimand fails to correct the problem, or if the situation warrants more severe punishment. The City Administrator may suspend the employee without pay for up to forty-five (45) working days. Prior to suspension without pay, the employee will be notified in writing of the nature of the misconduct. Suspension will not be imposed before the employee has an opportunity to meet with the City Administrator to discuss the matter. The employee will be notified of suspension without pay, in writing. Upon suspension, the employee shall promptly deliver to the City Administrator any keys or other

property of the City in his possession, so that the business of the City may continue without interruption or delay. During any period of suspension, any suspended employee will be responsible for the payment of any payroll-deducted obligations which may be affected by such suspension.

Appeal:

The employee may request a review by the Mayor of a decision of the City Administrator to suspend an employee without pay for more than seven (7) working days. The employee's request for review must be in writing, received by the City Administrator within seven (7) calendar days of the City Administrator's decision to suspend the employee for more than seven (7) working days. The Mayor may uphold the City Administrator's suspension without pay decision or impose some other discipline. The employee will receive written notification of the Mayor's decision.

Dismissal:

In serious cases, the City Administrator may tentatively terminate employment by written notice to the employee, describing the misconduct. The City Administrator may suspend the employee with or without pay pending completion of the investigation and written notice. Absent a timely appeal by the employee, a termination decision of the City Administrator is final.

Appeal:

The employee may request a review by the Mayor of a decision of the City Administrator to terminate the employment of the employee. The employee's request for review must be in writing and received by the City Administrator within seven (7) calendar days of the City Administrator's notice of termination to the employee. If the employee makes a timely request for review by the Mayor, termination by the City Administrator will not be final, but the employee will be deemed suspended without pay while the employee's appeal to the Mayor is pending. The Mayor may uphold the City Administrator's termination decision or impose some other discipline. The employee will receive written notification of the Mayor's decision.

Termination of Pay and Benefits:

In case of termination, pay and benefits will cease effective on the date of the notification of termination. The final paycheck for an employee will be issued on the regular pay day following termination. Employer-provided life insurance ceases on the last day of work, and any employer-provided health, vision and dental benefit (including any dependent coverage's) will cease as of midnight on the last day of the month of termination. The City deducts certain amounts by payroll deduction, for insurance premiums due the following month. To the extent deductions have been taken for periods following the termination of employment, the City will refund those sums to the terminated employee within thirty (30) days.

The dismissed employee will be paid for any earned and accrued vacation pay, and holidays which have accrued but not been used prior to the date of termination. The employee has no right to holiday pay for holidays falling after the date of termination. Sick leave and

personal leave are paid leave days available only to employees who are working. No involuntarily terminated employee has right to payment or other compensation for any unused sick or personal leave days.

Under Illinois and Federal Law (and except for termination for “gross misconduct” an employee who is terminated has the right to continuation coverage of certain health insurance benefits the employee participated in prior to termination. A terminated employee (and the employee’s dependents, if any) will receive information in respect to continuation insurance coverage and information concerning conversion rights of life insurance. It is the employee’s and dependents’ responsibility to be aware of and follow time limitations applicable to effectuating continuation coverage.

4.07 Employee Disagreements

Employees are strongly encouraged to use staff meetings, evaluation sessions and other opportunities for open communication to express concerns.

4.08 Formal Grievances

A formal grievance concerning hours, working conditions or job security may be initiated by any employee of the City. Grievances should be limited to allegations of incorrect application or interpretation of City ordinances, resolutions, procedures or policy directly affecting the employee, or laws regarding the employee’s rights.

Disciplinary action, including termination of employment and suspension without pay are dealt with under 4.05, and not this grievance procedure. Oral and written warnings are not subject to the grievance procedure and may not be grieved.

This procedure provides for the resolution of grievances at the level at which they arise. Grievances are taken to the succeeding levels only if the grievance remains unresolved. Employees will not suffer any sanctions after filing a grievance, except for abusing the procedure as described in the final paragraph of this grievance procedure.

Employees are encouraged to resolve problems through informal discussions with the appropriate supervisor. If a particular supervisor does not have the authority to informally resolve the problem, the supervisor should refer the employee to the proper person, including the City Administrator.

If informal discussions do not resolve the issue, the employee may begin the formal grievance process by making a written grievance to the City Administrator within five (5) working days from the date that the employee knew or should have known of the event giving rise to the grievance. The City may decline to process or entertain a grievance not filed by the employee in writing within this five (5) day period. This is to encourage employees to make grievances promptly while employee’s supervisors and others remember relevant facts and circumstances.

The employee must state the written grievance clearly and concisely, and provide all pertinent information, explaining why the employee believes his grievance is merited, including a statement indicating the resolution/redress sought by the employee.

- Step 1:** The City Administrator will discuss the situation with the employee and attempt to resolve the issue.
- Step 2:** If Step 1 does not resolve the issue, the written grievance shall be submitted to the Mayor of the City of Monticello.
- Step 3:** The Mayor will examine and review the grievance, and render such decision as seems appropriate by forwarding such decision, in writing, to all interested parties within ten (10) working days following the date of the review. The decision of the Mayor shall be final, and not subject to review by any tribunal.

This grievance procedure does not abrogate any employee statutory or civil rights. Rather, the procedure provides a mechanism for grievance of employee concerns. By using this procedure, employees do not lose right to legal proceedings or processes. However, using the grievance process may make legal proceedings unnecessary.

No disciplinary action will be taken against an employee due to the filing of a grievance, unless it is determined that the grievance was filed in bad faith or intended to harass or delay the City or its operations, rather than resolve any real issue. Examples of bad faith include repeatedly grieving the same matter, filing grievances merely to waste time or annoy others, or filing grievances which the employee knows are meritless.

4.09 Absence from Work

Prompt and regular attendance at work is essential to the functioning of the City, and each department. Employees must notify their supervisor if they will be late in arriving at work or expect to be absent from work. Calls should be placed to the supervisor, as soon as possible; at or before the scheduled starting time on the day work will be missed. Absence or lateness without notice can result in disciplinary action. Four (4) days of lateness in any thirty (30) day period or one (1) day's absence without notice and reasonable justification will be considered cause for disciplinary action. If an employee is unable to get to work because of extreme weather conditions, the employee is required to notify the supervisor, to make other arrangements, such as alternate transportation. With the approval of the City Administrator, alternate arrangements may include being excused without pay, or use of a vacation day or personal day.

4.10 Employee Time Sheets and Records

It is necessary to provide for the proper and orderly recording of attendance and hours worked for a variety of reasons, including correct payment of employee wages, leave entitlement and use recording, and to maintain adequate records to satisfy the requirements of the Fair Labor Standards Act and the Department of Labor. For these reasons, time records of employees must be fully and timely maintained. Methods of recording these items may change from time to time. Employees must record time worked in order to keep accurate records, and comply with the following procedures:

Supervisors are responsible for seeing that accurate time records are kept in their respective departments. Prior to being turned in to the Payroll Office, the respective supervisor and employee are required to sign the time sheets to confirm their accuracy. f additional

information is required to meet the requirements of law, or to improve City record-keeping, additional forms and/or questionnaires may be sent to each department at appropriate times for the collection of such information.

4.11 Compensation & Pay Period

- A. The City Pay Period is every two (2) weeks. Pay day will be the Wednesday following the end of each pay period. If pay day falls on a holiday, pay day will be the last working day immediately prior to the holiday.
- B. If an employee feels an error has been made in his payroll computation, he should contact his supervisor, or in the case of supervisor or administrative staff, the payroll office, to have the matter resolved. The necessary payroll corrections will be made and appear on the following paycheck. More detailed information can be obtained at the City Office.

4.12 Voluntary Termination

In the case of voluntary termination, two-week notice is preferred. This notice should be submitted to the City Administrator. Full time employees will receive all accrued and unused, compensatory time, vacation days, and in the case of those employed prior to June 30, 2008—an employee's birthday holiday if the same has passed and remains unused at the time of termination. Any unused accumulated personal leave remaining at termination will be forfeited.

1. Full time employees who were full time employees on April 12, 1999, who, as of the last date of service, have worked for the City more than two (2) consecutive years, may accumulate up to 125 unused sick leave days (See Section 5.02). Upon separation of service with two (2) weeks notice in accordance with this Handbook, an employee will be entitled to payment for one-half ($\frac{1}{2}$) of accumulated unused sick days.
2. Employees who became full time between April 12, 1999 and prior to June 30, 2008, will not be eligible for payment for unused sick leave on separation of service or retirement. However, such employees will be entitled to accumulate up to two hundred (200) sick leave days (See Section 5.02).
3. Employees, who become full time employees after June 30, 2008, will not be eligible for payment for unused sick leave on separation of service or retirement. However, such employees will be entitled to accumulate up to one hundred twenty-five (125) sick leave days (See Section 5.02).

Any 4.12a employee may elect, in writing, to be covered under 4.12b instead. The City may provide forms for this purpose.

If the employee fails to give two-week notice the employee loses all rights to payment of unused sick days, no matter what the length of employment.

When an employee voluntarily terminates service, any applicable life insurance coverage ceases on the last day worked, and any applicable health and dental insurance

ceases as of midnight on the last day of the month of termination. See the provisions concerning continuation coverage below.

Deductions from employee pay for certain insurance coverage's are made in advance. If any deductions have been made for the following month's coverage, it will be refunded to the employee within thirty (30) days. The final paycheck for an employee will be issued on the regular payday following the last day worked.

5.0 Leave and Holidays

Leave for vacation purposes, personal business and other leave must be arranged, whenever possible, with due regard for the operating needs of the City, and public safety. No personal holiday or vacation day may be taken by an employee without the advance approval of their supervisor.

5.01 Vacation Leave

Vacation leave is earned by full-time employees who were employed as full-time employees prior to June 30, 2008, as follows:

1. Ten (10) days AFTER one (1) full year of continuous service.
2. Fifteen (15) days AFTER five (5) full years of service.
3. Twenty (20) days AFTER fifteen (15) full years of service.

Vacation leave is earned by full-time employees who were employed as full-time employees after June 30, 2008, as follows:

1. Five (5) days upon successful completion of the six-month training period.
2. Ten (10) days after two (2) full years of continuous service.
3. Fifteen (15) days after five (5) full years of continuous service.
4. Twenty (20) days after fifteen (15) full years of continuous service.

Each Full-time employee is encouraged to take all earned vacation annually. Vacation leave may be taken within the following limitations:

1. Vacation days must be taken not less than in four (4) hour increments. The City may require ten (10) days advance notice. Vacation days to be taken one (1) day at a time must be approved by the supervisor upon ten (10) days advance notice (except the supervisor may waive this requirement in his discretion).
2. No employee may schedule more than two (2) weeks vacation to be used during prime vacation time (any vacation extending into, or from any of the months of June, July and August), until all other employees in that department have had the opportunity to schedule prime vacation time. In the event any prime vacation time remains available after all department employees have had the opportunity to schedule, employees, in order of seniority, may schedule additional prime vacation subject to the approval of the employee's supervisor.
3. If a conflict arises regarding vacation schedules during non-prime vacation periods, the Supervisor should resolve conflicts on the basis of first request for

the day(s).

4. Except for first-year employees, vacation accrues on January 1, annually, and must be used by December 31st of that year. Vacation leave does not accumulate from year to year. No unused vacation time will be reimbursed.
5. After the first year of service all subsequent vacation leave is earned on a calendar year basis, which accrues on January 1 of each year.
6. If an employee is on a leave of absence or lay off status, no vacation time is earned or accrued.

City pay stubs indicate each employee's accumulated compensatory time, sick time, vacation time, etc. as of the date listed on the check stub. It is the responsibility of the individual employee to check vacation accumulation for accuracy, when the check stub is made available. Any claim as to inaccuracy of the information shown should be made by the employee as soon as possible.

The supervisor should keep a chart of scheduled vacations for each department. A copy will be kept at the City Office by the City Administrator. Any changes to this vacation schedule after May 1 must be approved by the Supervisor and promptly submitted to the City Administrator.

When an employee leaves service, or in the event of his death, he or his estate is entitled to full pay of all earned but unused vacation time.

5.02 Sick Leave

Each full-time employee who was a full-time employee as of June 30, 2008 will accumulate twelve (12) days of sick leave every year. Each full-time Public Works employee who becomes a full-time employee after June 30, 2008 will accumulate eight (8) days of sick leave every year. Sick leave is accumulated on January 1st of each year. Sick leave for new employees is prorated based on the number of days left in the year. Sick leave may be taken in increments of one quarter (1/4) hour.

Sick leave may be used when earned. However, employees are encouraged to accumulate leave so that it is available if an extended illness occurs. For employees under 4.12a of this policy, unused sick leave accumulates to a total of one hundred twenty-five (125) days. Employees under 4.12b of this policy may accumulate up to a total of two hundred (200) days. Employees under 4.12c of this policy may accumulate up to a total of one hundred twenty-five (125) days. Sick leave benefits are intended solely to provide income protection in case of injury or illness.

Sick leave is authorized for the following purposes only:

- a. Personal illness (including pregnancy, or the effects of pregnancy and childbirth).
7. Medical or dental appointments.
8. Enforced quarantine.
9. The care of a spouse, son, daughter or parent of the employee, if such spouse, son, daughter or parent is ill. Sick leave in this circumstance is ordinarily restricted to 5 days per calendar month and must be approved by the City Administrator or designee. However, with the prior approval of the City Administrator, this time limit may be extended.
10. For an FMLA eligible occurrence.

If an employee is on lay-off status, sick leave may not be utilized nor are sick leave days accumulated. Sick leave benefits accumulated up to the date of lay-off are retained by the employee and may be utilized if the employee is recalled to work. An employee laid off and recalled after the normal accumulation date (January 1) will have sick leave for that calendar year prorated by the number of days left in the year, in the same manner as applies to a new employee.

In the case of a work-related injury, sick leave may be used for regular work hours up to the third day after the injury. After that any compensation will be covered by Worker's Compensation. See Section 5.04 for further information on Worker's Compensation. Sick leave is not available during periods when an employee receives, or is eligible for, Worker's Compensation. It is the purpose of this policy to prevent the receipt by an employee of both Worker's Compensation benefits and sick leave benefits simultaneously.

After exhaustion of sick leave, Family Medical Leave may be available in some circumstances for an employee to care for a child or family member with a serious medical condition. See Section 5.10 for further information on Family Medical Leave.

5.03 Sick Leave Benefits, Monitoring and Control

Employee absences from work are costly. In addition to the direct costs associated with temporarily replacing an absent employee, the City suffers reductions in efficiency, and services to the public may be disrupted.

The City Administrator shall monitor employee absences by implementation of the following procedures:

1. An Employee shall call his supervisor when ill or injured and unable to work at the beginning of the employee's regular report time. This requirement shall be waived in case of injury or illness so severe the employee is unable to call, but in any case, the employee or a family member shall contact the supervisor as soon as possible, and in no case more than forty-eight (48) hours after the time the employee was to report to work. Failure of the employee to contact the supervisor in a timely fashion may result in discipline.
2. If an employee fails to report to work, the supervisor shall attempt to make contact with the absent employee by telephone during business hours on the first day of the employee's absence. The purpose of this telephone call shall be to determine the reason for the absence and when the employee and/or the employee's doctor(s) expect the employee will be able to return to work. If an employee fails to report to work or contact his supervisor for 3 consecutive days, the employee will be considered to have voluntarily quit his position.
3. When it appears, there may be doubt as to the ability or fitness of an employee to perform job requirements, or if the physical or mental condition of the employee may constitute a danger to others, the City Administrator may require an employee to provide evidence of physical fitness to perform assigned duties, including, for example, freedom from dangerous communicable disease. An employee may be required to present a doctor's statement or similar evidence of illness or fitness to return to work where circumstances appear to warrant the requiring of such evidence, such as suspected abuse of sick leave. The City Administrator may require an examination of an employee by a physician designated by the City to determine the employee's fitness for duty. The City shall bear the cost of such examination.
4. If an employee uses sick leave on three (3) or more consecutive work days, or after any injury or condition reasonably suspected as affecting safety or the employee's ability to work, a medical release will be required before the employee returns to work. The City Administrator may require an examination of an employee by a physician designated by the City to determine the employee's fitness for duty. The City shall bear the cost of such examination.
5. If an employee uses sick leave on three (3) or more consecutive days of work, or requests the use of sick leave to care for an ill family member, then the City Administrator may require an employee to provide evidence regarding the family member's illness in connection with the City Administrator's approval of the sick leave, or when circumstances appear to warrant the requiring of such evidence, such as suspected abuse of sick leave.

6. The City Administrator shall monitor sick leave usage and shall take appropriate disciplinary action in instances of abuse of sick leave. Abuse means use of a sick leave day or days for any reason other than personal illness, or other reason permitted by this policy regarding sick leave.
7. In accordance with the Americans with Disabilities Act, and so as to prevent invasion of privacy, medical information regarding sick leave (and other medical information) shall be kept separate from personnel files in a secure (locked) location, available only to persons with a direct and immediate job-related need to view such information. No person without a direct supervisory role in respect to monitoring employee performance, with an immediate need to know information regarding a specific employee, may examine or have access to employee medical records of fitness. Violation of this policy regarding confidentiality of medical records shall be cause for discipline, including immediate termination.

Unused Sick Leave:

Employees eligible under 4.12a will receive a lump sum payment for unused sick leave, calculated by taking one half ($\frac{1}{2}$) the number of earned unused sick leave days times the employee's current daily wage when the employee leaves prior to IMRF retirement, voluntarily with (2) weeks prior notice.

Upon retirement from the City (the employee is eligible for and receives a retirement annuity under IMRF, or Social Security pension) an employee eligible under 4.12a will receive a lump sum payment of three-quarters ($\frac{3}{4}$) the number of earned unused sick leave days times the employee's current daily wage.

In the event of death of the employee, the estate will receive a lump sum payment calculated in the same manner as a retiring employee.

An employee discharged by the City, or who fails to give two (2) weeks notice will not receive any sick leave bonus payment for accrued, but unused sick leave day.

Employees falling under 4.12b shall have the right to accumulate up to 200 sick leave days. Upon severance from service, or retirement, 4.12b employees will receive no sick leave bonus. Upon retirement 4.12b employees may apply his or her total unused sick leave days toward service credit, in accordance with the rules and regulations of IMRF.

Employees falling under 4.12c shall have the right to accumulate up to 125 sick leave days. Upon severance from service, or retirement, 4.12c employees will receive no sick leave bonus. Upon retirement 4.12c employees may apply his or her total unused sick leave days toward service credit, in accordance with the rules and regulations of IMRF.

5.04 Worker's Compensation

1. Employees of the City of Monticello are covered by the Illinois Workers' Compensation Act. Any employee who is injured or becomes ill at work should promptly report the injury or illness to his Supervisor and the Director of Human Resources and fill out the required illness or

injury report. When appropriate, the City will file a work-related injury report with the workers' compensation insurance carrier.

2. In the event a work-related injury or illness results in the loss of time from work, the employee should obtain a written statement from a physician stating the injury or illness, and the expected return to work date. The insurance carrier will begin compensation payments for loss of salary or wages after the first three days of continued absence; should the employee's incapacitation last beyond two weeks, the carrier will make a retroactive payment for the first three days absence. In the event that lost work time is less than two weeks, available sick leave shall be used to recover lost wages.

3. The amount of compensation is determined by Illinois Law and will generally not be equal to an employee's regular salary.

4. Claims for medical expenses for treatment of work-related injury or illness may be paid by the workers' compensation insurance carrier. The treating doctor or hospital will receive payment directly from the insurance carrier. Length of treatment, illnesses and injuries compensated are defined by Illinois Law. Should the carrier deny the claim for the payment of medical expenses, an employee is and remains responsible for the payment of the medical bill(s).

5. An employee must provide a release from his treating doctor certifying that he is medically able to perform his job without restriction prior to returning to work. The Supervisor shall be responsible for obtaining the medical release and providing it to the Municipal Office to be filed in an employee's personnel record. If an employee is going to be disabled from work for more than 30 days, he should apply to the Municipal office for possible IMRF disability benefits, so as to protect IMRF benefit eligibility.

6. All questions regarding workers' compensation benefits should be addressed to the Municipal Office.

5.05 Unpaid Leave of Absence for Disability, or Other Purposes

An employee may request an unpaid leave for temporary illness or incapacity, or other reasons, such as to care for a family member, for personal business reasons, or to pursue an educational opportunity. The request should be made to the City Administrator in writing and must be made as far in advance of the requested leave as possible. The City Administrator may grant such requests at his discretion.

5.06 Permanent Disability

If an employee is unable to perform job requirements after ninety (90) consecutive days following exhaustion of sick leave, the incapacity shall be considered permanent. Permanent incapacity may be cause for dismissal if the employee is unable to perform essential job requirements even with reasonable accommodation. Alternatively, the employee may request transfer to any vacant position for which the employee is qualified, and for which the employee can perform all essential job requirements. Leaves of absence for permanent disability will not be granted, and employees with permanent disability or incapacity may be discharged.

“Temporary illness” or “temporary incapacity” is defined as any illness or physical condition, mental condition or other state of being which renders the employee with a disability physically or mentally unable to perform essential job requirements, even with reasonable accommodation for a period of ninety (90) days, or less, following exhaustion of sick leave.

Permanent disability is any illness or physical condition, mental condition or other state of being which renders the employee with a disability physically or mentally unable to perform essential job requirements, even with reasonable accommodation, for a period in excess of ninety (90) days following exhaustion of sick leave.

5.07 Personal Leave

Full-Time employees are granted two (2) days per year for personal leave. This leave is only for important personal business which cannot be accomplished without the leave. It is not intended for, and is not a vacation, a holiday, or to be used for recreational purposes. Except in case of severe emergency, use of personal leave must be approved and scheduled in advance, by the Supervisor. Even in case of emergency, the employee must notify the Supervisor at the first possible opportunity. Personal leave accrues on January 1st of each year and does not accumulate from a previous year. In the case of new employees or those recalled following layoff after January 1st, annual personal leave will be prorated based on the number of days remaining in the year. At employee separation, any accumulated and unused personal leave is forfeited. Personal leave can be used in increments of 1/4 hours.

5.08 Bereavement Leave

In the event of a death in the immediate family, an employee may use up to three bereavement days surrounding the date of the funeral, upon the approval of the City Administrator, or his designee, if it is necessary for the employee to participate in funeral, visitation and related business. In the case of employees hired prior to June 30, 2008, the Immediate Family shall be interpreted as parents, stepparents, spouse, brothers, sisters, children, stepchildren, grandparents, grandchildren, parents-in-law, brothers-in-law, sisters-in-law, aunts, uncles, nieces, nephews, and legal guardians. In the case of employees hired after June 30, 2008, the Immediate Family shall be parents, stepparents, spouse, brothers, sisters, children, stepchildren, grandparents, grandchildren, parents-in-law, brothers-in-law, sisters-in-law, and legal guardians. The employee may request additional days, to be taken from accumulated sick leave, or vacation time. The City Administrator may grant additional days at his discretion.

5.09 Holidays

Official City holidays are New Year’s Day, Martin Luther King Day, President’s Day, Good Friday, Memorial Day, Juneteenth, Independence Day, Labor Day, Columbus Day, Veteran’s Day, Thanksgiving Day and the day after Thanksgiving, the day before Christmas, and Christmas Day. Each full-time employee is also eligible to take his birthday as a floating holiday. Full-time employees will receive regular wages as if the day of the holiday had been working hours, when applicable. The City Administrator will approve the schedules of those employees whose jobs necessitate that they work on a holiday. Once approved, those employees will receive time and one-half pay for the time they worked in addition to their holiday pay, except for the employee’s birthday holiday, where applicable. An employee who is required

to work on his birthday may take a different day off, scheduled with the approval of the supervisor.

Generally, when an official holiday falls on a Sunday, employees will have the following Monday off, and when the official holiday falls on a Saturday, employees will have the preceding Friday as the day off. When an official holiday falls on the employee's regular day off (for example, those who work Saturdays usually have Monday off) the employee's schedule will be arranged so that they, too, will have a three-day weekend.

Full-time employees have the option of scheduling the birthday holiday in conjunction with vacation time, instead of taking the actual birthday off. This should be recorded as "birthday" on the individual's time sheet.

5.10 Jury Leave

An employee required to report for jury duty or jury service shall suffer no loss of pay.

5.11 Annual Military Reserve Training or Special Duty

An employee who is a member of any reserve component of the United States Armed Forces or any reserve component of the Illinois State Militia shall be granted leave when ordered for service, including training, as mandated by law.

Employees on leave pursuant to the Illinois Military Leave of Absence Act shall be compensated as provided in the Act.

An employee shall request military leave from the City Administrator, for annual active duty, special training or other active duty, at least one (1) month prior to the first day of the scheduled absence or in case of an emergency call-up, as soon as reasonably possible prior to the beginning of the leave of absence.

Employees who leave city service for active service in the military (whether by draft or voluntary service) may have right to reinstatement, with seniority, as provided by law.

5.12 Family and Medical Leave Policy

A. Employees Eligible for Leave

Family Medical Leave shall be provided in accordance with applicable law. Following is a summary of the law. Employees should contact the Human Resources Director for more detailed information.

All persons who have been employed by the City for at least twelve (12) months and who have worked for the City for at least 1250 hours in the twelve (12) months prior to the commencement of a requested Family Medical Leave are eligible for Leave under this policy.

B. Entitlement to Leave

Subject to the provisions set forth in Paragraph A, an eligible employee shall be entitled to a combined total of up to twelve (12) weeks of unpaid leave each year. For purposes of this Family and Medical Leave policy, a year shall commence January 1 and end the following December 31. Family and Medical Leave shall be for the following reasons:

1. The birth of a son or daughter of the employee and the care of such newborn child;
2. The placement of a son or daughter with the employee for adoption or foster care;
3. The care of a spouse, son, daughter or parent of the employee, if such spouse, son, daughter or parent has a serious health condition; or
4. The serious health condition of the employee which makes the employee unable to perform the functions of the position of such employee.

When a husband and wife are both employed by the City, the aggregate number of workweeks of leave to which both may be entitled is limited to twelve (12) workweeks for leave for the birth of a child or for the placement of a child for adoption or foster care.

The entitlement to leave for the birth or placement of a child shall expire at the end of the twelve (12) month period beginning on the date of such birth or placement.

Employees will also be eligible for Military Family Medical Leave pursuant to applicable federal law. Generally, leave is available as Military Caregiver Leave up to 26 weeks, and Military Exigency Leave up to 12 weeks. Qualified employees under federal law are required to provide the City sufficient information as requested by the City to determine qualifications for leave and the extent of such leave. Failure to provide the necessary information may result in denial of the leave.

4. Family Medical Leave Definitions

“Son or daughter” means a biological, adopted or foster child, a step child, a legal ward or a child of a person standing *in loco parentis* and who is either under age eighteen (18), or eighteen (18) years of age or older but incapable of self-care because of a mental or physical disability.

“Parent” means a biological parent or an individual who stands or stood *in loco parentis* to the employee when the employee was a child. It does not include parents-in-law.

“Serious health condition” shall mean an illness, injury, impairment or physical or mental condition that involves:

1. Any period of incapacity or treatment in connection with or consequent to inpatient care (i.e., an overnight stay) in a hospital, hospice or residential medical care facility;
2. Any period of incapacity requiring absence from work, school or other daily activities, of more than three (3) calendar days, that also involves continuing treatment by a health care provider;
3. Continuing treatment by a health care provider for a chronic or longer-term health condition that is incurable or so serious that, if not treated, will likely result in a period of incapacity of more than three (3) calendar days; or for prenatal care; or
4. Continuing treatment for prenatal care.

Serious health conditions do not include voluntary or cosmetic treatments that are not medically necessary and routine preventative examinations.

“Continuing treatment” means two (2) or more visits to, or ongoing supervision by a health care provider.

“Health care providers” are licensed doctors of medicine or osteopathy, licensed podiatrists, dentists, clinical psychologists, optometrists and chiropractors, licensed nurse practitioners and midwives, and Christian Science practitioners listed by the First Church of Christian Science.

D. Relationship to Paid Leave

Family and medical leave granted pursuant to this policy shall be unpaid, but the City shall continue to make any Employer portion of insurance contribution on behalf of the employee. The total amount of such unpaid leave to which an eligible employee shall be entitled in a twelve (12) month period shall be twelve (12) weeks less the paid leave already provided by the City. Such paid leave shall be substituted for the unpaid leave required by the Act as provided below:

1. Prior to eligibility for unpaid leave for purposes of the birth or placement of a child, the employee may be required to utilize all accumulated paid vacation leave, (if applicable), personal leave and sick leave, subject to the approval of the City Administrator; and
2. Prior to eligibility for unpaid leave for purposes of the serious health condition of the employee or the employee's spouse, son, daughter or parent, the employee may be required to utilize all accumulated paid sick leave, personal leave and vacation leave, subject to the approval of the City Administrator. All time any employee is off work due to a work-related serious health condition and receiving Workers' Compensation benefits shall be deducted from the twelve (12) weeks of annual FMLA leave due in the same manner as paid leave.

The effect of this provision shall be that if an employee uses at least twelve (12) weeks of paid leave in a twelve (12) month period, as provided in Subparagraphs 1 and 2, then the employee shall be entitled to no unpaid leave pursuant to this

policy, although an employee may request an unpaid leave of absence in accordance with Section 5.05 herein.

This policy shall not be interpreted to diminish or decrease the number of accumulated sick leave days or any other paid leave to which an employee is otherwise entitled.

E. Notification by Employee of Necessity for Leave

In any case in which the necessity for leave is foreseeable based upon an expected birth or placement, the employee must provide the City Administrator with at least thirty (30) days of advance written notification of the employee's intention to take leave, the reason for taking such leave, the date the leave is to commence, and, if known, the date the employee expects to return to work. If the date of the birth or placement requires leave to begin in less than thirty (30) days, the employee shall provide such notice as soon as the employee knows of his or her need for the leave.

In any case in which the necessity for leave is foreseeable based on planned medical treatment, the employee:

1. Shall make a reasonable effort to schedule the treatment so as not to unduly disrupt the operations of the City, subject to the approval of the health care provider of the employee or the health care provider of the son, daughter, spouse or parent of the employee, as appropriate; and
2. Shall provide the City with notice of the employee's intention to take leave at least thirty (30) days before the date the leave is to begin except that if the date of the treatment requires leave to begin in less than thirty (30) days, the employee shall provide such notice as soon as the employee knows of his or her need for the treatment.

The City Administrator, may, as an exercise of discretion, waive the notice requirements.

Any request for a leave because of the serious health condition of the employee or the employee's spouse, son, daughter or parent shall be accompanied by a certification signed by the health care provider stating the date on which the serious health condition commenced, the probable duration of the condition; the appropriate medical facts within the knowledge of the health care provider regarding the condition; and either (1) a statement that the employee is unable to perform the functions of the position of the employee or (2) a statement that the employee is needed to care for the son, daughter, spouse or parent, and an estimate of the amount of time that the employee is needed to care for the son, daughter, spouse or parent. Failure to provide the certification may result in denial of the leave request.

The City may require, at its expense, that the employee obtain the opinion of a second health care provider designated by the City concerning any required information certified by the first health care provider. If the second medical

opinion conflicts with the first, the City may, at its expense, obtain a third opinion from a health care provider jointly approved by the City and employee. Such third health care provider's opinion is final and binding.

F. Benefits Protected During Family Medical Leave

During any period of leave granted pursuant to this policy, the City shall maintain coverage under and pay the employer contribution for any group health plan for the duration of such leave at the level and under the same conditions coverage would have been provided to the employee if the employee had remained continuously employed for up to twelve weeks. The employee shall be solely responsible for the cost of any employee share due under such group health plan.

If the employee fails to return from leave after the period of leave to which the employee is entitled has expired for reasons other than the continuation, recurrence or onset of a serious health condition or other circumstances beyond the control of the employee, the City may recover, by whatever means it deems appropriate, the premium the City paid for maintaining coverage for the employee under such group health plan during any period of unpaid leave.

G. Restoration to Position Following Family Medical Leave

If an employee returns within twelve (12) weeks from a leave granted pursuant to this policy, he shall be entitled to reinstatement to the same or an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.

An employee on unpaid leave pursuant to this policy shall accrue no additional seniority during such leave; nor shall such employee earn or accrue any sick leave, vacation leave, or any other paid leave days while on an unpaid leave.

H. Intermittent Leave and Reduced Leave Schedule - Family Medical Leave

Intermittent leave is leave taken in separate blocks of time due to a single illness or injury, rather than for one (1) continuous period of time and may include leave periods from one (1) hour or more to several weeks. It includes leave taken on an occasional basis for medical appointments, or leave taken several days at a time, such as for chemotherapy.

A reduced leave schedule is a leave schedule that reduces an employee's usual number of working hours per workweek or hours per workday. It includes a reduction from an employee's schedule from full-time to part-time.

Employees shall be eligible for intermittent leave and reduced leave schedule subject to the following:

1. Where leave is taken because of a birth or placement of a child for adoption or foster care, employees may take such leave only if the City agrees;

2. Where leave is taken to care for a sick family member or for an employee's own serious health condition, employees may take such leave only when medically necessary;
3. Employees shall comply with the notice procedures set forth in Section 5.13 hereinabove in seeking such leave;
4. If an eligible employee requests intermittent leave or leave on a reduced leave schedule to care for a family member or for the employee's own serious health condition that is foreseeable and based upon planned medical treatment, the City, in its discretion, may require such employee to transfer temporarily to an available alternative position for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurrent periods of leave than does the employee's regular position.

5.13 Duties

Employees are expected to perform all of the duties of a position (except that an employee with a disability is expected to perform all of the essential job requirements, with or without reasonable accommodation). The City does not offer "light duty" to employees.

6.0 Pay and Benefits

6.01 Pay

All salaries and wages are set annually by the City Council. Wage increases take the following forms:

1. Increases that usually take effect at the beginning of each fiscal year.
2. Pay increases in accordance with the completion of 1 and two years of continuous service as outlined in Section 3.4.
3. Increases in conjunction with promotion to a new position, for which a higher wage is paid.
4. Longevity pay as outlined in 6.4 below.

6.02 Processing of Paychecks and Payday

Pay periods are two consecutive weeks, ending every other Friday. Paydays are the Wednesday following the end of the pay period. Each supervisor is responsible to see that time sheets are filled out and signed for all employees (part-time and full-time) within the supervisor's department. These time sheets are due in to Human Resources at 8:00 a.m. on the Monday following the end of each pay period. It is the responsibility of the supervisor to see that time sheets are delivered to Human Resources on time. All paychecks will be processed on Monday following the end of the pay period, except if Monday is a holiday, paychecks will be processed on Tuesday morning. If time sheets for a department have not been turned in to Human Resources by 1 p.m. on Monday, all full-time employees for whom there are no time sheet will be paid at the rate of 40 hours per week for each week of the pay period. If late time sheets, when available, reveal different pay is due, adjustments will be made in the next regular paycheck.

If a scheduled payday falls on a holiday, the actual payday will be the last working day before the holiday.

6.03 Withholdings

a. IMRF

All employees working in position(s) in which the employee is expected to work 1000 or more hours per year are required by law to contribute to the Illinois Municipal Retirement Fund (IMRF). The current employee IMRF contribution rate is 4.5 percent of pay. The City also makes a contribution to IMRF each month for each employee covered by IMRF. The City's rate is determined by IMRF annually.

After one year of continuous service the spouse of an employee is entitled to a death benefit from IMRF, the type and amount of which is determined by IMRF. It is the employee's responsibility to keep IMRF beneficiary information current, and to notify Human Resources of any changes.

After one year of continuous service, an IMRF employee is entitled to disability benefits. The amount and duration of the disability benefit is determined by IMRF.

After eight years of service and at age 55 or greater, an IMRF employee is entitled to retirement benefits. The amount of retirement benefits is determined by IMRF, based on monthly earnings and the employee's length of service.

This is a general explanation of certain IMRF benefits. All IMRF benefits are determined and processed by IMRF, and not the City of Monticello. Detailed information regarding IMRF employee rights and privileges may be obtained from IMRF. In case of conflict between this explanation and IMRF rules, or changes in IMRF benefits, the decision of IMRF controls, and not this handbook.

b. Federal and State Tax - The City is required to withhold federal and state taxes from employee earnings, as determined by current federal and state tax rate charts, and the employee's current W-4. Each employee should review his or her tax withholdings each year in order to have the appropriate tax amount withheld. Employees may modify their W-4s from time to time, and should consider doing so upon marriage or divorce, death of a spouse, birth of children, or when a spouse changes employment status. It is the employee's responsibility (and not the City's) to determine the correct amount of tax.

c. FICA (Social Security) - Social Security taxes are withheld at the established FICA rate. The City is required to contribute an amount equal to the employee's contribution for Social Security benefits.

d. Credit Union and Savings Withholdings - At the request of the employee, the City will make credit union or savings contributions by direct deposit. The City must be provided with the transit routing number of the banking or credit institution, the account number, and the amount to be withheld from the employee's paycheck.

An employee may only change his withholding every quarter, except upon the approval of Human Resources. The original request for payroll deduction and all subsequent changes must be made to Human Resources in writing.

- e. Insurance - The City provides a package of health, dental, vision and life insurance through group insurance plan(s). Benefits and coverage available under these plans change from time to time, depending upon the City's selection of plans, and coverage available under the policies. Each employee should receive a booklet describing the benefits of each insurance plan and updates regarding changes. Any employee who believes he does not have a current booklet should contact Human Resources. It is an employee's responsibility to immediately notify Human Resources of any change in circumstances which would affect an employee's insurance coverage, eligibility or beneficiary status. Human Resources will provide information regarding insurance and coverage as it is supplied by the providers, and telephone numbers of providers, where employees may obtain further information.

Employees may only change health insurance coverage in limited circumstances, such as birth or death of a family member, marriage and divorce. Specific information regarding changes in coverage is available through the Insurance Provider.

The City pays the full premium costs for health, dental, vision and life insurance coverage for the eligible employee only. An employee may select health, dental, life and vision benefits for family members, as described in the plan(s). The city pays 50% of the cost of coverage beyond employee coverage for dental and health. The employee must pay all of the dependent coverage for vision or life insurance. The balance of the insurance cost is paid by the employee through payroll deduction. Deductions are made from the first two paychecks in each month. In two months each year, three paychecks are issued. No insurance deductions are made from the third paycheck.

The current life insurance plan provides a \$20,000 death benefit, and other benefits in case of accidental death or dismemberment. In case of the death of an active employee, the estate receives any applicable sick pay. It is the responsibility of the employee to keep the beneficiary up to date. No one can change this beneficiary after the death of the employee.

Other types of insurance coverage, such as voluntary life insurance, are available to full-time employees, at employee expense. For questions, contact Human Resources.

6.04 Insurance Continuation Benefits

- a. Retirement for full time employees, employed prior to January 1, 2020. If a full-time employee retires from City of Monticello employment with at least 15 years of IMRF qualified service with the City, and such retired employee immediately receives his IMRF pension, then the City will pay on behalf of such retired employee, the full expense of employee-only continued health insurance for the

lesser of the period of 5 years, or until such retired employee reaches the age of Medicare eligibility.

- b. Under the Federal Public Health Service Act and the Illinois Insurance Code, employees and their qualified beneficiaries have the right to continue health insurance benefits in case an employee would otherwise lose coverage due to a "qualifying event." These rights are very similar to COBRA rights in private employment. Examples of qualifying events are: resignation, disability, termination of employment, death of an employee, reduction in an employee's hours (including a leave of absence), dissolution of marriage or legal separation, and a dependent child who becomes ineligible for coverage.

Following a qualifying event an employee or beneficiary has the right to continue coverage at his or her own expense. No part of any premium is paid by the City of Monticello and the City is permitted by law to charge a small administration fee. Each employee should receive a written notice describing their rights to continuation coverage under law. The notice contains important information about the employee's rights and obligations. Disabled IMRF eligible employees may also be eligible to continue coverage for longer periods.

6.05 Longevity and Performance Pay for full-time employees, employed prior to June 30, 2008

After each five years of full-time continuous service, an employee is eligible for a wage increase based upon longevity and performance: a 1.25% increase over base pay, as a reward for continuous service, and a possible 1.25% increase over base pay, based upon satisfactory job performance. Once having been established, these increased rates of pay for longevity and performance remain applicable for the next five years. If an employee is not awarded the performance pay increase after five years of full-time continuous service, each year the employee's performance will be reviewed for a possible 1.25% job performance base pay increase. If an employee is later given a job performance increase, it will remain in effect until the next 5-year review.

The possible pay increase based upon satisfactory job performance is at the discretion of the City Administrator, based upon the employee's evaluations, and any commendations or reprimands occurring between the most recent evaluation, and the five (5) year period prior to the employee's anniversary date. The schedule for longevity pay is:

Years of continuous full time service completed	Longevity (Possible)	Performance pay (Possible)	Total
5	1.25%	1.25%	2.50%
10	2.50%	2.50%	5.00%
15	3.75%	3.75%	7.50%
20	5.00%	5.00%	10.00%

Additional increases in 5-year increments beyond 20 years will be figured as described above, using base salaries for the year the plateau is reached. Longevity pay increases will commence on the first full pay period following the employee's applicable anniversary date.

There is no longevity pay for employees hired after June 30, 2008.

6.06 Training and Education

1. Education to improve job performance and enhance career development is encouraged. Although the City of Monticello's resources are limited, employees may request reimbursement for training and educational expenses, as outlined below. Each case will be reviewed individually by the City Administrator, prior to each course being taken. Courses for which reimbursement may be made shall be limited to those which directly benefit the employee's job performance.
 2. Employees may be required to attend training seminars or other educational experiences outside the scheduled working hours in order to enhance job performance or skills. When such training outside the scheduled working hours of the employee is required by the City of Monticello, tuition, related fees, books and mileage will be paid. Any time spent by an employee attending an educational activity required by the City shall be deemed work time for the purposes of calculating pay and other benefits. Any textbooks or other written materials purchased or reimbursed by the City is the property of the City of Monticello.
- c) Employees may also request permission from the City Administrator to attend courses beneficial to employee development during work hours. If the City Administrator determines that the benefit to be derived by the employee and the City exceeds the detriment to the effective and efficient operation of the City, then the City Administrator may excuse the employee from work to attend the course or allow the employee to "make-up" the lost work time.
- d) Employees may request reimbursement for such education and may also request reimbursement for classes taken outside of the employee's scheduled work hours, prior to the beginning of any such class. In such instances, the City may reimburse an employee for tuition and such textbooks as are required of such course. In order to receive such reimbursement, the Department must have adequate funds and the employee must demonstrate to the City Administrator that acquiring the knowledge, skills or abilities attributed to such proposed course-work would clearly contribute to his professional growth, and the course-work must be passed with a C or above average and all applicable credit and grades must be verified by an official transcript from the institution attended.

6.07 Other Fringe Benefits

All permanent full-time employees receive the following additional benefits:

- a) Allowance for leasing and cleaning of uniforms is provided to all full-time public works' employees, excluding secretarial staff. Payment is made directly to the contracted service. Secretarial Staff and the Police Chief receive a uniform allowance for the purchase of clothing and such allowance will be paid the first pay of the fiscal year, after the annual budget has been approved. Failure to comply with terms of cleaning contracts, e.g. turning in dirty uniforms timely, will result in loss of uniform benefits.

1. Annual pool passes for the employee and family. Children of employees will remain on the parent's family pass until they reach 18 years of age or 22 years of age, if a full-time student.
2. Repair or replacement of eyeglasses damaged or destroyed in the regular course of work. Replacement cost is limited to eyeglasses of similar type and does not include eye examinations. See Human Resources for the required forms.
3. Licensing fees for Operator's Licenses (Water Works and Waste Water Treatment).

7.0 Non-Discrimination/Disabilities Policy

7.01 Persons with Disabilities

The City of Monticello and all of its employees or officials shall comply with all state and federal laws prohibiting discrimination against disabled persons. Neither the City of Monticello nor any of its employees or officials shall discriminate against qualified disabled persons with respect to job application procedures, hiring, advancement or discharge of employees, employee compensation, employee training or with respect to other terms and conditions of employment.

A. Prohibitions

The City of Monticello and all of its employees and officials shall not:

1. Limit, segregate or classify a job applicant or employee in a way that adversely affects the opportunities or status of the person because of the person's disability;
2. Participate in a contractual agreement or any other relationship, that has the effect of discriminating against a disabled person by reason of the person's disability in a manner prohibited by law;
3. Use standards, criteria or methods of administration that have the effect of discrimination on the basis of disability to perpetuate discrimination of others who are subject to common administrative control;
4. Exclude or otherwise deny equal jobs or benefits to a qualified person because of the known disability of a person with whom the qualified person is known to have a relationship or association;
5. Deny an employment opportunity to a job applicant or employee who is disabled but otherwise qualified because of the need to make reasonable accommodation for the person;

6. Fail to make reasonable accommodation to the known physical or mental limitation of an otherwise qualified person with a disability except when such accommodation would result in an undue hardship;
7. Use or administer qualification standards, employment tests or other selection criteria that screen out or tend to screen out a person or class of persons with a disability unless the foregoing are job-related and consistent with business necessity.

B. Disabled Persons Defined

A disabled person is one who has a physical or mental impairment that substantially limits one or more of the person's major life activities, has a record of such impairment, or is regarded as having such impairment, even if the person does not currently have such impairment. A qualified disabled person is one who, with or without reasonable accommodation, can perform the essential functions of the job. A disabled person is not qualified for a job if he poses an actual and direct threat to the health or safety of other persons in the workplace.

C. Reasonable Accommodations

The City of Monticello will make reasonable accommodations for otherwise qualified employees which do not constitute an undue hardship for the City by:

1. Making existing facilities readily accessible and usable;
2. Modifying work schedules, job assignments or re-assigning the disabled employee to a vacant position;
3. Acquiring or modifying materials or equipment;
4. Making other reasonable accommodations.

D. Americans with Disabilities Act Grievance Procedure

The City of Monticello has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the United States Department of Justice regulations implementing Title II of the Americans with Disabilities Act. Title II states, in part, that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefit of, or be subjected to discrimination in programs or activities sponsored by a public entity."

Complaints should be addressed to: Building Inspector, 210 N. Hamilton, Monticello, IL 61856, (217) 762-2583, who has been designated to coordinate ADA compliance efforts.

1. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.

2. A complaint should be filed within thirty (30) days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination which occurred before this grievance procedure was in place will be considered on a case-by-case basis).
3. An investigation, as may be appropriate, shall follow a filing of the complaint. The investigation shall be conducted by the City Administrator or his designee. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
4. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the City Administrator or his designee, and a copy forwarded to the complainant no later than ten (10) days after its filing.
5. The ADA coordinator shall maintain the files and records of the City of Monticello relating to complaints filed.
6. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within thirty (30) days to the City Administrator.
7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.
8. These rules shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards and to assure that the City of Monticello complies with the ADA and implementing regulations.

7.02 Pre-Employment Medical Examinations and Inquiries

The City of Monticello will not make inquiries of a job applicant as to whether the applicant is a person with a disability or as to the nature or severity of the disability. However, this policy is not violated by making uniform inquiry of job applicants as to whether they can perform essential job requirements or requiring applicants to demonstrate ability to perform essential job requirements (including ability to perform with a reasonable accommodation).

8.0 No Solicitations Policy

8.01 General

Each year we receive many requests from organizations and individuals seeking permission to solicit City of Monticello employees for various causes or asking that we carry on

solicitations for them. Many of these requests are made in support of worthwhile endeavors. However, should we permit all such solicitations; it would seriously impair our ability to provide services to the public efficiently. Therefore, we have found it necessary to limit such solicitations and distributions as follows:

8.02 Solicitations by Employees

Solicitations by employees seeking payments, contributions, memberships, signatures, funds, and other similar solicitations or the distribution of non-work-related materials or literature by employees will not be permitted during the working time of any employee involved in the solicitation and/or distribution. Solicitation or distribution by employees on non-working time in a manner that disturbs other employees performing work or is otherwise disruptive of the performance of work will not be permitted. Distribution of non-work-related materials by employees will not be permitted in working areas at any time.

8.03 Solicitation or Distribution by Non-employees

Solicitation or distribution by non-employees will not be permitted (a) during the working time of any employee receiving the solicitation or distribution, or (b) at any time in areas not open to the public or in public areas where such activity is inconsistent with the intended and normal use of the area or (c) in a manner which disturbs employees who are working.

8.04 Posting of Literature

The posting of non-work-related materials or literature on City bulletin boards used for city business is prohibited.

8.05 Work Time Defined

Working time for this purpose does not include break time, lunch periods, or other periods where employees are not required to be performing their job functions. Working time does include the times when employees are required to be engaged in work tasks and covers both the employee who solicits or distributes materials and the employee to whom the solicitation or distribution is directed.

9.0 SEXUAL HARASSMENT POLICY

It is the policy of the City of Monticello that there be no discrimination against any employee or applicant on the basis of sex. The City will not tolerate sexual harassment by any of its employees. Offenders will be disciplined appropriately.

For general policy purposes, sexual harassment may be described as unwelcome sexual advances, requests for sexual favors and other physical and expressive behavior of a sexual nature where:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or

c. Such conduct has the purpose or effect of substantially interfering with an individual's performance or creating an intimidating, hostile or demeaning employment environment.

Any employee who feels he has been sexually harassed or discriminated against should report such incidents to their supervisor without fear of reprisal. All such reports, whether written or oral, will be seriously reviewed. Confidentiality will be maintained to the extent possible.

In determining alleged sexual harassment, the circumstances, the nature of the harassment and the context in which it allegedly occurred will be investigated. The City is responsible for investigation and resolving complaints of sexual harassment involving staff.

Annual Training

It is the policy of the City of Monticello to provide annual sexual harassment prevention training for all employees in accordance with Illinois law. All employees shall annually take the Sexual Harassment Prevention Training course developed by the Illinois Department of Human Rights, or other competent vendor meeting the training requirements as set by law. Evidence of annual completion of the Illinois Department of Human Rights Sexual Harassment Prevention Training course or other approved course meeting the minimum standards of state law, shall be submitted to and maintained by the City Clerk or her or his designee.

Elected Officials

Any allegation of sexual harassment made by an elected official against another elected official may be reported to the Mayor or her or his designee. If the Mayor or her or his designee is the person making the allegation or is the person alleged to have committed the harassment, then the report may be made to any other elected official. The preference is that such complaints be submitted in writing with as much detail as possible regarding the nature of the incident(s) and who is responsible for the alleged harassment, when the incident(s) occurred, where they occurred, whether or not they were witnessed and by whom and whether or not there is any physical evidence (video, audio, text, email, social media etc.) that needs to be identified and preserved. While there is a preference for complete and detailed written complaints, all complaints, including verbal complaints, will be thoroughly investigated. Upon receipt of an allegation of harassment pursuant to this policy, the person to whom the report has been made shall immediately refer the complaint to the City's legal counsel for review. The City's legal counsel shall then appoint a qualified independent attorney or consultant to review and investigate all allegations set forth in the complaint.

10.0 ANTI-HARASSMENT POLICY

The City of Monticello strives to create and maintain a work environment in which people are treated with dignity, decency and respect. The environment of the company should be characterized by mutual trust and the absence of intimidation, oppression and exploitation. The City of Monticello will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy and by education of employees, the City of Monticello will seek to prevent, correct and discipline behavior that violates this policy.

All employees, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this

policy. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension, or termination of employment.

Managers and supervisors who knowingly allow or tolerate discrimination, harassment or retaliation, including the failure to immediately report such misconduct to human resources (HR), are in violation of this policy and subject to discipline.

Prohibited Conduct Under This Policy

The City of Monticello, in compliance with all applicable federal, state and local anti-discrimination and harassment laws and regulations, enforces this policy in accordance with the following definitions and guidelines:

Discrimination

It is a violation of the City of Monticello's policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race (including hairstyle/texture), color, national origin, age, religion, disability status, sex, sexual orientation, gender identity or expression, genetic information or marital status.

Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws, including Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1967 and the Americans with Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

Discrimination in violation of this policy will be subject to disciplinary measures up to and including termination.

Harassment

The City of Monticello prohibits harassment of any kind, including sexual harassment, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate or coerce an employee, co-worker, or any person working for or on behalf of the City of Monticello.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- (1) Verbal harassment includes comments that are offensive or unwelcome regarding a person's national origin, race, color, religion, age, sex, sexual orientation, pregnancy,

appearance, disability, gender identity or expression, marital status or other protected status, including epithets, slurs and negative stereotyping.

- (2) Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital status or other protected status.

Retaliation

No hardship, loss, benefit or penalty may be imposed on an employee in response to:

- a. Filing or responding to a bona fide complaint of discrimination or harassment.
- b. Appearing as a witness in the investigation of a complaint.
- c. Serving as an investigator of a complaint.

Lodging a bona fide complaint will in no way be used against the employee or have an adverse impact on the individual's employment status. However, filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation.

Any person who is found to have violated this aspect of the policy will be subject to discipline up to and including termination of employment.

Confidentiality

All complaints and investigations are treated confidentially to the extent possible, and information is disclosed strictly on a need-to-know basis. The identity of the complainant is usually revealed to the parties involved during the investigation, and the HR director will take adequate steps to ensure that the complainant is protected from retaliation during and after the investigation. All information pertaining to a complaint or investigation under this policy will be maintained in secure files within the HR department.

Complaint procedure

The City of Monticello has established the following procedure for lodging a complaint of harassment, discrimination or retaliation. The company will treat all aspects of the procedure confidentially to the extent reasonably possible.

- C. Complaints should be submitted as soon as possible after an incident has occurred, preferably in writing. The HR director may assist the complainant in completing a

written statement or, in the event an employee refuses to provide information in writing, the HR director will dictate the verbal complaint.

- D. Upon receiving a complaint or being advised by a supervisor or manager that violation of this policy may be occurring, the HR director will notify the City Administrator and review the complaint with the company's legal counsel.
- E. The HR director will initiate an investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred.
- F. If necessary, the complainant and the respondent will be separated during the course of the investigation, either through internal transfer or administrative leave.
- G. During the investigation, the HR director, together with legal counsel or other management employees, will interview the complainant, the respondent and any witnesses to determine whether the alleged conduct occurred.
- H. Upon conclusion of an investigation, the HR director or other person conducting the investigation will submit a written report of his or her findings to the company. If it is determined that a violation of this policy has occurred, the HR director will recommend appropriate disciplinary action. The appropriate action will depend on the following factors:

- a) the severity, frequency and pervasiveness of the conduct;
- b) prior complaints made by the complainant;
- c) prior complaints made against the respondent; and
- d) the quality of the evidence (e.g., firsthand knowledge, credible corroboration).

If the investigation is inconclusive or if it is determined that there has been no violation of policy but potentially problematic conduct may have occurred, the HR director may recommend appropriate preventive action.

- A. The City Administrator will review the investigative report and any statements submitted by the complainant or respondent, discuss results of the investigation with the HR director and other management staff as appropriate, and decide what action, if any, will be taken.
- B. Once a final decision is made by the City Administrator, the HR director will meet with the complainant and the respondent separately and notify them of the findings of the investigation. If disciplinary action is to be taken, the respondent will be informed of the nature of the discipline and how it will be executed.

Alternative legal remedies

Nothing in this policy may prevent the complainant or the respondent from pursuing formal legal remedies or resolution through local, state or federal agencies or the courts.

11.0 Drug and Alcohol-Free Workplace Policy

11.01 Drug and Alcohol-Free Workplace

It is the policy of the City of Monticello that all workplaces shall be free from illegal drugs, cannabis, and alcohol. All employees are prohibited from:

1. The unlawful manufacture, distribution, dispensing, possession, use or being under the influence of a controlled substance while on City premises or while performing work for the City.
- b) The distribution, consumption, possession of or being under the influence of alcohol or cannabis while on City premises or while performing work for the City.
- c) Nothing in this policy allows the City to refuse to hire or to discharge any individual, or otherwise disadvantage any individual, with respect to compensation, terms, conditions or privileges of employment because the individual uses lawful products off the premises of the employer during nonworking and non-call hours, except that employees whose job duties require a Commercial Driver's License and public safety employees are prohibited from off duty as well as on duty use of illegal drugs and cannabis. "Lawful products" means products that are legal under state law. For purposes of this Section, an employee is deemed on-call when the employee is scheduled with at least 24 hours' notice by his or her employer to be on standby or otherwise responsible for performing tasks related to his or her employment either at the employer's premises or other previously designated location by his or her employer or supervisor to perform a work-related task.

11.02 Definitions

For purposes of this policy a controlled substance is a drug, substance, or immediate precursor defined as a controlled substance in the Illinois Controlled Substance Act. For purposes of this policy as applied to employees whose job duties require a Commercial Driver's License, as well as public safety employees, a controlled substance also includes cannabis as defined in the Cannabis Control Act.

11.03 Conditions of Employment

As a condition of employment, each employee shall:

1. notify his supervisor of his conviction of any criminal drug or alcohol statute for a violation occurring on the City premises or while performing work for the City immediately after such a conviction.
2. Not unlawfully manufacture, distribute, dispense, possess, use or be under the influence of a controlled substance while on City premises or while performing work for the City. Employees whose job duties require a Commercial Driver's License and public safety employees shall not manufacture, distribute, dispense, possess, use or be under the influence of cannabis both on and off duty.
3. Not distribute, consume, possess or be under the influence of alcohol while on City premises or while performing work for the City.
4. Notify the supervisor of any legal use of a controlled substance that might affect an employee's ability to do his or her job in a safe manner.

11.04 Awareness

In order to make employees aware of dangers of drug and alcohol abuse, the City shall:

1. Provide each employee with a copy of the Drug and Alcohol Policy;
2. Post notice of the Drug and Alcohol Policy in a place where other information for employees is posted;
3. Make available materials from local, state and national anti-drug and alcohol abuse organizations concerning drug counseling, rehabilitation, and assistance programs.

11.05 Action upon Violation of Policy

An employee who violates the terms of this policy may be subject to disciplinary action, up to and including termination.

The City Administrator shall take disciplinary action with respect to an employee's conviction of a drug offense in the workplace within thirty (30) days after receiving notice of the conviction, or other satisfactory evidence of violation of this policy.

Should the City be a current participant in a federal program in which the City is the prime grantee and a direct receiver of federal funds, the City Administrator shall notify the appropriate federal agency from which the City receives grant monies of the employee's conviction within ten (11) days after receiving notice of the conviction.

The City Administrator may require an employee who violates the terms of this policy to submit to a urine or blood drug/alcohol test and satisfactorily participate in a drug or alcohol abuse assistance or rehabilitation program which has been approved by the City.

11.06 DRUG AND ALCOHOL TESTING

Procedures:

I. DEFINITIONS

For the purpose of this policy, the words and terms defined in this Section shall have the meaning therein given, unless the context otherwise clearly requires.

A "Safety-Sensitive Position" is one in which the duties involve such a great risk of injuries to others that a momentary lapse of attention could cause injury to an individual or damage to City property. A "Safety-Sensitive Position" specifically includes, but is not limited to those which require a Commercial Driver's License and all public safety employees.

II. DRUG & ALCOHOL TESTING

A. Drug Testing.

The City of Monticello tests for alcohol and the following drugs: cannabis, cocaine,

opiates, amphetamines, and phencyclidine. While an employee, other than public safety employees and those whose job requires a Commercial Driver's License, will not be disciplined solely on the basis of testing positive for cannabis, a positive test in conjunction with other observations leading to a reasonable suspicion that an employee is under the influence of cannabis while on duty or on call may subject that employee to discipline for being under the influence of cannabis while on duty or on call. If the City disciplines an employee on the basis of the employee being under the influence or impaired by cannabis, the employee shall have a reasonable opportunity to contest the basis of this determination.

A supervisor will have a reasonable suspicion that an employee is impaired or under the influence of cannabis while on duty if the employee manifests specific, articulable symptoms while working that decrease or lessen the employee's performance of the duties or tasks of the employee's job position, including symptoms of the employee's speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, or negligence or carelessness in operating equipment or machinery; disregard for the safety of the employee or others, or involvement in any accident that results in serious damage to equipment or property; or carelessness that results in any injury to the employee or others.

Testing shall be done based on a hair follicle specimen, breath test, urinalysis or other Substance Abuse and Mental Health Services Administration (SAMHSA) approved testing method. Employees are required to cooperate with any authorized testing and execute any and all releases necessary to provide the City with the results of any test. Failure to cooperate or execute required releases will be grounds for discipline up to and including termination.

The procedures of the physical testing and examination will be those set by the medical clinic or laboratory designated by the City and will be followed by the employee. If the employee tests positive for drugs or alcohol, he shall have the right, at his own expense, to have the sample re-examined, or a split sample from the original examined, by a laboratory or medical clinic of his own choosing. This test must be done within 24 hours after receiving the results of the first test. If the second test is negative, the City may require a third test at its cost, which will be final and binding; otherwise, the second test will be dispositive. Refusal to submit to drug or alcohol testing will be grounds for disciplinary action including termination.

Failure of an employee to provide specimens of sufficient quantity even after a second opportunity following drinking up to 24 oz of water, will cause the employee to be referred for a medical evaluation to develop pertinent information whether the employee's inability to provide a specimen is genuine or constitutes a refusal to test. This medical evaluation shall be sent to the Medical Review Officer (MRO), who will submit a conclusion in writing to the City of Monticello. While this process is being accomplished, the employee shall not be allowed to perform a safety-sensitive function. If non-safety-sensitive functions are unavailable, or if the employee cannot perform such non-safety-sensitive functions, he may use vacation, comp, or personal leave time. If the MRO concludes there is a medically valid reason for the employee's inability to produce a specimen, the employee will be reimbursed for lost pay, if any, for that period of time.

B. Alcohol Testing.

When the City determines alcohol testing is appropriate, two breath tests are required to determine if a person has a prohibited alcohol concentration. A "screen test" shall be conducted first. Any result less than .02 alcohol concentration is considered a "negative test." If the alcohol concentration is .02 or greater, a second or "confirmation test" must be conducted. This test

shall be by an "Evidential Breath Testing" (EBT) device that prints out the results, date, time, a sequential test number, name and serial number of the EBT. The alcohol test must be conducted by a "Breath Alcohol Technician" (BAT) who is trained to operate that EBT and is proficient in all breath alcohol testing procedures.

Any test .02 or greater, but less than .04 shall cause the employee to immediately be placed on administrative leave without pay, subject to further investigation. Employees with a test result of .04 or greater shall be subject to appropriate discipline and/or termination of employment.

Failure of the employee to provide an adequate amount of breath will cause the employee to be immediately referred for a medical evaluation to develop pertinent information concerning whether the employees inability to provide the adequate amount of breath is genuine or constitutes a refusal to test. The physician shall submit a written medical evaluation to the MRO who will submit a conclusion in writing to the City of Monticello. While this process is being accomplished, the employee shall not be allowed to perform a safety-sensitive function, he/she may use vacation, comp or personal leave time. If the MRO concludes there is a medically valid reason for the employee's inability to produce a specimen, the employee will be reimbursed for lost pay, if any, for that period of time.

C. Reasonable Cause Testing.

Any employee who is suspected of drug or alcohol use as a result of reasonable suspicion while on duty may be subjected to a reasonable cause urine drug or breath alcohol test. Refusal to submit to such screening will be considered a positive test. When a supervisor has reasonable suspicion to suspect that an employee is under the influence of alcohol or drugs, that supervisor shall have his suspicion confirmed by a management representative who has received adequate training in determining whether reasonable suspicion exists to require testing. If the suspicions are confirmed, management shall order the employee to submit to drug or alcohol testing. The employee shall submit to the test within one hour after being ordered to do so.

2. Random Testing.

1. All employees holding safety sensitive positions covered by this policy will be included as a part of the City of Monticello group from which the City of Monticello's testing provider will randomly select 50% each year for drug testing and 25% each year for breath alcohol testing. The testing provider shall use a scientifically valid method of random election whenever employees are selected for random testing.
 2. On a monthly basis the testing provider will randomly select a number of employees to be tested that on an annual basis will equal 50% of that total group for random drug testing and 25% for breath alcohol testing. This same process will be repeated each month.
1. Once the testing provider makes the monthly elections, he will forward that list to the City of Monticello. The City of Monticello will be provided a date which the individual must be tested prior to these random election processes. The person to be tested shall not be informed of the need to be tested until just prior to the actual test being performed.

III. TEST RESULTS

A. Drug Test Results

Test results will be reviewed by the City of Monticello's testing provider to determine whether there is any indication of a controlled substance abuse.

1. The test results will be reviewed by the City of Monticello testing providers MRO. If there is any evidence of a positive result, the MRO will give the person tested an opportunity to discuss the results and provide documentation of legally prescribed medication.
2. The MRO will release the results to the City of Monticello which will maintain them in a secure location with controlled access.

B. General

1. The test results from all drug and alcohol tests will become a part of the employee's medical file which shall be in a secured location with controlled access and retained as specified in this policy.
2. The results will not be released to any party without the employee's written consent, except as otherwise required by law.

IV. LAWS & REGULATIONS

- A. The City of Monticello will comply with all federal, state and local laws and regulations concerning prohibition of employee drug and alcohol use.
- B. Recordkeeping: all records will be retained as required by law.
- C. An employee is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of drugs or alcohol, and test results. Access shall not be contingent upon payment for records other than those requested.
- D. Records shall be made available to a subsequent employer upon receipt of a written request from an employee or a release from the employee.
- E. The City of Monticello may disclose information required to be maintained under this policy on an employee, to the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of that employee and arising from the results of an alcohol or controlled substance test required by this policy, or from the City of Monticello's determination that the employee engaged in conduct prohibited by this policy (including, but not limited to workers compensation, unemployment compensation, or other proceedings related to benefits sought by the employee).

V. VIOLATIONS OF THE DRUG & ALCOHOL ABUSE POLICY

A. Disciplinary Action Steps.

Any employee testing positive for illegal drugs, alcohol exceeding .02 blood alcohol concentration, or being impaired while on duty under the influence of legal drugs may be disciplined up to and including termination from employment. In lieu of termination, the City of Monticello may require an employee to undergo a substance abuse evaluation assessment, treatment and/or counseling.

Employees participating in a drug or alcohol treatment program will be allowed to use any paid time off benefits they have accrued; however, any time off necessary to participate in any drug or alcohol treatment program will be either unpaid or paid using the employee's accumulated but unused leave.

1. Return to Duty and Follow-Up Testing.

1. Before an employee returns to duty after violating any of these rules, the employee must have a negative drug and/or alcohol test (below .02), be evaluated by a SAP (Substance Abuse Professional), treated where indicated by the SAP and be subject to follow-up testing. The type of test, alcohol or drug, depends on what the employee initially tested positive for and the recommendation, if any, of the SAP.
2. If the SAP has reason to suspect drug or alcohol involvement on the part of the employee and recommends a drug test, a negative test will also be necessary. The SAP may recommend an alcohol test when the employee was referred because of a positive drug test. A result below .02 will then be required.
3. Any employee returning to work after being referred for evaluation will be subject to unannounced tests (minimum of six (6) within the first twelve (12) months after return). If recommended by the SAP, follow-up testing for alcohol and drugs can be required for up to sixty (60) months (number and frequency to be set by the SAP).
4. When the employee has complied with the recommendations of the SAP, the employee must request the results of the evaluation and notification of release be given in writing to the City of Monticello testing providers MRO.

12.0 WORKPLACE VIOLENCE

The City of Monticello does not tolerate or condone threats or acts of violence. If you receive or hear of an employee engaging in a violent action or making a threat of violence, you are obligated to report such behavior to your supervisor and/or the Human Resources Department. Such violent threats and acts will be grounds for discharge. All reports of such activity will be treated seriously and a failure to report such a threat or activity may also be grounds for discipline up to, and including, discharge.

3. EMPLOYEE AT WILL

Nothing contained in this policy manual or in any other materials or information distributed by the City of Monticello creates a contract of employment between an employee and the City. Employment is on an at-will basis. This means that employees are free to resign their employment at any time, for any reason, and the City retains that same right. No statements to the contrary, written or oral, made either before or during an individual's employment can change this. No individual supervisor, manager or officer can make a contrary agreement.

The policies in this manual are intended for all Full-Time employees of the City, its divisions and subsidiaries. The organization reserves the right to revise, change or terminate policies, benefits or procedures at any time, with or without notice.

a. WHISTLEBLOWER AND ANTI-RETALIATION POLICY

General Policy

It is the policy of the City of Monticello to act in accordance with Section 4.1 of the Public Officer Prohibited Activities Act regarding retaliation against whistleblowers, 50 ILCS 115/4.1.

It is the policy of the City of Monticello to prohibit any official from retaliating against any employee who: (a) reports an improper governmental action, (b) cooperates in the investigation related to a report of an improper governmental action, or (c) testifies in a proceeding or prosecution of an improper governmental action. An improper governmental action is defined as follows.

“Improper governmental action” includes any action by a unit of local government employee, an appointed member of a board, commission, or committee, or an elected official of the unit of local government that is undertaken in violation of federal, State, or unit of local government law or rule; is an abuse of authority; violates the public's trust or expectation of his or her conduct; is of substantial and specific danger to the public's health or safety; or is a gross waste of public funds.

“Improper governmental action” does not include a unit of local government personnel actions, including, but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, reprimands, or violations of collective bargaining agreements, except to the extent the actions amount to retaliation. Retaliation, in this context means retaliatory action that results from an employee's protected activity of reporting improper governmental action, cooperating in the investigation, proceeding or prosecution of a reported improper governmental action.

This Policy contains the written processes and procedures for reporting improper governmental actions, and a copy of this Policy and a copy of 50 ILCS 115/4.1 will be given to every employee upon hiring. Additionally, these same documents will be furnished or made available to all employees on an annual basis.

Procedures for Reporting and Investigating Reports of Improper Governmental Action

12.0 Reporting an “Improper Governmental Action” or Retaliation.

- a. If an employee believes that he/she has witnessed an improper governmental action, as defined in the Policy above, the employee must submit a written report of the improper governmental action to the City Administrator. The City Administrative is designated as the City’s “auditing official” with the duties set forth in this Policy and 50 ILCS 115/4.1.
- b. If an employee believes that he/she has been retaliated against for reporting improper governmental action, or cooperating in the investigation, or procedure involving an improper governmental action, the employee must report such alleged retaliation to the City Administrator within sixty (60) days of the retaliatory action taking place.
- c. The City Administrator may transfer the complaint to another auditing official, including the States Attorney, if he/she determines that it is appropriate.
- d. If the City Administrator is also the subject of the complaint, the Complainant may file the complaint with any States Attorney.

13.0 Investigation of Complaint.

- a. Identity of the Complainant
 - a. The City Administrator will keep the identity of the Complainant confidential to the extent allowed by law.
 - b. The Complainant may waive confidentiality in writing on a form presented to the City Administrator.
- b. The City Administrator shall investigate the complaint promptly and thoroughly and conclude whether or not the evidence gathered through such investigation warrants merit of a finding that either an improper governmental action, or retaliation for filing such a complaint or complying with such investigation occurred or did not occur.
- c. The investigation by the City Administrator may include:
 - a. Interviews of the Complainant and witnesses;
 - b. Interviews of governmental officials who may have knowledge about the complaint or may be the subject of the complaint;
 - c. Inspection of documentation (in written, printed, or electronic format) relevant to

the complaint;

- d. Take any other appropriate measures to ensure that the complaint has been thoroughly investigated; and
- e. Make a determination whether the complaint has merit or whether the complaint does not have merit.

14.0 **Determination and Remedial Action If Necessary.**

- B.** If the City Administrator determines that the complaint has no merit, he/she can dismiss the complaint.
- C.** If the City Administrator determines that the complaint has merit, he/she may take remedial action on behalf of the Complainant, including reinstatement, reimbursement for lost wages or expenses, promotion, or other remedial action that the City Administrator deems appropriate. The City Administrator may also make his/her investigation findings available to the Complainant's attorney if the City Administrator finds that restitution is not sufficient.
- D.** Any person who engages in prohibited retaliation under 50 ILCS 115/4.1 may also be subject to fines, appropriate employment action, civil or criminal prosecution, or any combination of these actions.

15.0 SOCIAL MEDIA AND SOCIAL NETWORKING POLICY

Purpose

This policy governs the use of social media by City employees both at and away from work. In general, the City respects employee use of social media as a medium for self-expression. However, employees should proceed with caution when identifying themselves as a City employee or discussing matters related to the City, including staff or residents, on a social media or social networking website. Although publishing content online may be an employee's personal expression, some members of the public may view that employee as a de facto spokesperson for the City. As a result, such activities at or outside of work may affect employee job performance, the performance of others, staff morale, teamwork, and/or the reputation or business interests of the City.

Definitions

"Supervisors" are the City Administrator or the City officials or employees designated by the City Administrator to enforce the provisions of this Social Media and Social Networking Policy.

"Blogs or Blogging" includes any electronic medium, whether maintained by the employee or by some other person, in which the viewers express their views and opinions.

"Comment" means a response to a municipality posting or social media content or posting submitted by a commenter.

"Commenter" is a City employee or official or a member of the public who submits a comment

for posting in response to the content of a particular City posting or social media content.

“Corporate Authorities” the Mayor and City Council.

“Music and Movie Collaboration Sites” as referred to in this policy shall include websites used to share, download and upload music files, movies, photographs, and other electronic files.

“Social Networking Websites” as referred to in this policy include websites and/or applications that allow users to share information, including but not limited to such websites as Facebook, Twitter, LinkedIn, YouTube, etc.

Employee Usage Policy

D. Employer Monitoring

- a. Employees are cautioned that they should have no expectation of privacy while using the Internet. Employee postings can be reviewed by anyone, including the City. The City reserves the right to monitor comments or discussions about the City, its officers, employees, or agents posted on the Internet by anyone, including employees and non-employees.
- b. The City reserves the right to use content management tools to monitor, review, or block content on social media sites or blogs that violate the City’s social media rules and guidelines.

E. Identification as An Employee of The City

- a. Employees who use or are a member of social networking sites, music and movie collaboration sites, and blogs are hereby on notice, by receipt of this policy, that by identifying themselves on these websites as a City employee, he or she is also to some extent holding himself or herself out as a representative of the City. As such, all employees who list the City as his or her employer on these social networking sites, blogs, or collaboration websites must take responsibility for representing the City in a professional manner. Therefore, the City encourages employees not to list the City as his or her employer.
- b. If an employee does identify himself or herself as an employee of the City, any bloggings or postings that are not done in order to further the business of the City or pursuant to a City marketing plan or strategy pursuant to the instructions of the employee’s supervisor must contain a disclaimer that these postings or blogs are solely the opinion of the individual employee and that these positions or blogs do not reflect the views or philosophy of the City, its officials, employees, or residents.

F. Content of All Postings and Blogs

- a. All employees’ internet postings which identify themselves as City employees must not contain confidential or proprietary content or information regarding their work as a City employee and the employee must clearly state that his or

her views are not representative of those of the City, its elected officials, employees, or agents.

- b. All personal blogs or postings on the blogs of others should have clear disclaimer, such as the following:

*The views expressed by the author
in the blog is the author's alone and do
not represent the views of the City.*

- c. For example, employees writing a blog or posting on a blog should be written in first person and should clearly state that the author is writing of their own volition and not on behalf of the City.
- d. Information published on an employee's blog should comply with the City's confidentiality and disclosure policies. This also applies to comments posted on other blogs, forums, and social networking sites.

G. Responsible and Respectful Postings

- a. Employees are encouraged to be respectful to the City, officers, employees, agents, and citizens in their use of social media.
- b. An employee's online presence may reflect the City and therefore, employees must be aware that his or her actions captured via images, posts, or comments can reflect the image of the City and its other employees. All postings, photos, images or other communications by an employee regarding service to, or employment with the City, which are false or misleading about the City, its officials or employees, may subject the employee to disciplinary action consistent with this policy.
- c. The City seal or other logo, trademarks, or symbols used to identify the City may not be used without written consent from a Supervisor.

H. General Rules with Respect to City Personnel

- a. All information posted on social networking sites and blog postings must not divulge confidential information or the internal operations or procedures of the City.
- b. Employees must not post any confidential or proprietary information regarding his or her job assignments, routes, or other work-related items without the express consent of the Corporate Administrator or a Supervisor.
- c. No confidential, personal, or identifying information, including photos and addresses, shall be posted with regard to any services rendered by the City or licenses or citations issued.
- d. No confidential, personal, or identifying information shall be posted with

regard to any City patron.

- e. City personnel are discouraged from posting any work-related complaints or specific grievances regarding the elected officials, management or supervisory staff of the City, but shall instead utilize the procedure in place such as the complaint procedure or the union grievance procedure.
- f. Personal use of social media in the workplace may be allowed within reasonable time limits so long as it does not adversely impact the employee's job performance.

I. Copyright and Other Legal Issues

Employees must at all times comply with the laws regarding plagiarism or copyright violations, especially when the employee's site represents the employee as a City employee.

J. Reporting Violations

The City requests and strongly urges employees to report any violations or possible or perceived violations to a Supervisor. Violations may include discussions of the City and its officers, employees, or agents, any discussions or postings where the employee has identified himself or herself as a City employee and is engaging in illegal or immoral conduct, any discussion of proprietary information, and any unlawful activity related to blogging or social networking.

K. Disciplinary Action

All employees who violate this policy may be subject to disciplinary action, up to and including termination. The City further reserves the right to take legal action where necessary against employees who engage in prohibited or unlawful conduct. The disciplinary action will be in accordance with the respective union collective bargaining agreements to which the City is a party, if applicable.

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