

CHAPTER 13

EMPLOYEE PERSONNEL CODE

13-1-1 **PURPOSE.** The purpose of the Employee Code is to implement and maintain a uniform system of employment within all departments of the City and shall hereinafter be referred to as the "Code". The Code is designed to provide employees and management with information pertaining to the employment policies and procedures applicable to all City employees.

All policies and procedures contained in this Code originally shall go into effect **September 1, 1994**, and revisions to the Employee Code will go into effect immediately upon passage by the City Council and approval by the Mayor.

All employees will be required to adhere to the policies and procedures as they are outlined in this Code.

Upon adoption by the City Council, this Code shall be the nonexclusive policy of all departments of the City concerning terms and/or conditions of employment.

In order to implement and carry out the express provisions and the intent of this Code, all Elected Officials/Department Heads may pronounce policies consistent with this Code. A copy of any such policy shall be distributed to the Mayor and the City Council.

Nothing in this Code shall in any way affect the City's and Superintendent's right to develop and disseminate information concerning the operations of any department and employee's job functions, duties and job position description.

13-1-2 **DEFINITIONS.**

(A) **Employer.** The term employer, as used in this Code, means the City of Carlinville.

(B) **Employee.** The term employee, as used in this Code, means a person working as a volunteer or for remuneration for services rendered to the City. For purposes of this Code, an Elected Official is not an employee whose personal rights are affected by the Code.

(C) **Department.** The term department, as used in this Personnel Code, shall mean the governmental unit for whom the employee is directly working for and rendering services.

(D) **Elected Official/Department Head.** The term Elected Official/Department Head, as mentioned in this Code, means the one individual ultimately responsible for all operations of the department. The term Elected Official/Department Head includes City elected public office holders such as Mayor, City Council, and City Clerk. The term Elected Official and/or Department Head applies to individuals who are responsible for the operations of the department and to City elected office holders unless specifically indicated otherwise in this Code. The Elected Official/De-

partment Head may designate a representative as being responsible for carrying out the immediate functions as enumerated in this Code, and that representative, upon designation, shall be considered the Elected Official and/or Department Head.

(E) **Immediate Supervisor.** The term immediate supervisor, as used in this Code, shall mean the individual to whom the employee shall immediately report and be responsible for his work. An immediate supervisor may be the Elected Official/Department Head.

(F) **Immediate Family.** The term "immediate family" includes spouse, child, parent, brother, sister, mother, father, grandparent, grandchild, and mother-in-law or father-in-law.

13-1-3 EQUAL EMPLOYMENT. No person shall be discriminated against in any aspect of employment on the basis of race, color, religion, sex, national origin, age, handicap or disability, ancestry, marital status, political affiliation, or any other prohibited form of discrimination under Federal or State law or government contract or grant regulations.

All employees shall adhere to this nondiscriminatory policy.

Any and all affirmative action plans in effect shall also apply with regard to equal opportunity employment.

Sexual harassment in the workplace is considered by the City to be a form of sex discrimination, and no employee shall engage in any form of sexual harassment in the workplace.

Any employee, person or individual who feels in any way wronged, harassed, interfered with, or discriminated against should feel free to contact the City Council. This City Council will investigate the matter. No employee shall be retaliated against by co-employees or supervisors for making contact with the City Council or otherwise complaining of any form of discrimination.

13-1-4 HIRING POLICY; RESIDENCY.

(A) **Requirements.** Employment is based on each applicant's qualifications as compared with the requirements of the available position. Consideration is given to ability, experience, education, training and character.

No consideration shall be given to the applicant's political party affiliation or support in regard to any decisions on hiring, promotion, transfer, or recall.

- (1) **City Employees.** All City employees, both full-time and part-time, shall reside within five (5) miles of the City limits. **(Ord. No. 1360; 04-07-97)**
- (2) **Part-Time Dispatchers.** Part-time dispatchers working in the Police Department shall not be subject to the residency requirements established herein. **(Ord. No. 1492SA; 01-20-04)**

(B) **Application Forms.** Applications for positions with the department must be filed on forms furnished by the Personnel Department. All successful applicants shall produce an original social security card. The Elected Official/Department Head may require certificates of competency, licenses, medical examinations, post-offer medical examination, drug and alcohol tests, background investigations, references, police checks, motor vehicle reports/driving history, oral interviews, or other evidence of special qualifications. The Elected Official/Department Head may reject applications of persons who are found to lack any of the requirements established for the position. The Mayor with the advice and consent of the City Council shall appoint all employees. In considering applications of various individuals, length of service shall be used as a factor in the selection of applicants, but will not be considered the sole or even the predominant factor. No employee will be hired and placed on the payroll and receive fringe benefits until all employment related forms, including but not limited to the employment application form, are filled out and forwarded to the City.

(C) **Promotions.** Employees are encouraged to apply for job openings in higher classifications and will be considered for promotion for job openings upon written application. All full-time employees may be considered for promotions. Probationary employees may apply, but do not have to be considered, depending upon the discretion of the Elected Official/Department Head.

When an employee is promoted, the employee will be placed on probation. At the end of the probationary period, the employee's performance will be formally evaluated and one of the following actions shall be taken by the City or Department Head based upon employee's performance and conduct:

- (1) The employee may assume the new position having successfully completed the probationary period.
- (2) The probationary period may be extended.
- (3) The employee may be demoted to a position commensurate with the employee's ability if the lower position is available.
- (4) The employee may be terminated due to substandard performance and/or conduct as determined by the Mayor with the advice and consent of the City Council.

(D) **Probationary Period.** A minimum of **twelve (12) months** of employment will be designated as a probationary period for all employees. To assure that new employees are aware of the expectations and functions of their job and to answer any questions the probationary employee may have, a formal evaluation will be made at the end of the probationary period by the employee's supervisor. The probationary period is tolled during periods of approved leave of absences.

The probationary period also applies to employees who are rehired after previously terminating their employment with the City. All employees rehired by the City within **three (3) years** of their termination date may be eligible for benefits they earned during previous employment with the City. Eligibility for benefits lies within the discretion of the Mayor and City Council.

Probationary employees who are dismissed do not have redress through the grievance procedure. In the event that employment is terminated during the probationary period, any accrued benefits, leave time, etc., with the exception of vacation, will be lost.

13-1-5 WAGES AND CLASSIFICATIONS.

(A) **Employment Classifications.** Employees are classified according to the following guidelines:

Salaried Exempt. This classification includes all Elected Officials and Department Heads and supervisory and administrative personnel. Salaried Exempt employees are exempt from overtime. Salaried Exempt employees are paid at a fixed salary rate with the expectation that the work load will dictate the number of hours worked.

Full-Time. Those employees scheduled to work a minimum of **forty (40) hours** per work week on a continuous basis. Full-time employees are eligible for overtime pay and compensatory time.

Part-Time. Those employees scheduled to work less than **forty (40) hours** per work week on a continuous basis. Part-time employees are eligible for overtime pay.

Special Assignment, Professionals. Professionals and those employees hired for a specific project for a limited period and may include those hired to fill in summer vacations, illness and the like. Such employees are hired with the understanding that their employment is to terminate upon completion of the project or at the end of the period. Special Assignment may be either full-time or part-time as determined by the requirements of the job. Professional employees are not entitled to overtime and compensatory time but are entitled to other benefits.

Special Assignment, Nonprofessional. Nonprofessional employees are like the special assignment, professional employees except that nonprofessional are entitled to overtime and compensatory time, but not to benefits.

Volunteers. Those individuals who accept on an unpaid basis various work assignments for any department. These individuals receive no wages nor benefits.

(B) **Paychecks.** Employees shall receive their paycheck on a biweekly basis. Employees shall work at least **two (2) weeks** before being paid, creating a **two (2) week** lag, which will be paid upon termination of employment. The paycheck actually issued will be for the preceding pay period.

(C) **Compensation.** The basic rate of pay shall be set forth in the "Appropriation Ordinance" adopted by the City Council.

(D) **Overtime.** Overtime at **one and one-half (1 1/2) times** the regular rate of pay is available to employees working in excess of a **forty (40) hour** work period.

(E) **Salary Increases.** Employees are eligible for a salary increase after the completion of the probationary period.

13-1-6 HOURS OF WORK.

(A) **Work Week.** Each Elected Official/Department Head will determine the work week for their own department. Each Elected Official/Department Head must allow for continuous operation of the department or office.

No work shall be performed at home, without prior approval of the Elected Official/Department Head.

Prior approval of immediate supervisors is necessary for any employee to work early or stay late to do work related activity.

All City Department personnel are on 24-hour call to report to work. No person employed by the City Street Department shall work for more than **sixteen (16) hours** in a 24-hour period.

(B) **Lunch.** The following shall apply for lunches:

Each Elected Official/Department Head shall establish the lunch schedule for their own department.

Each Elected Official/Department Head shall stagger the hours of the department staff during the lunch period to allow for continuous operation of the department or office.

Travel time to and from any eating place is included in the lunch period. The lunch break cannot be used for compensatory time or as a substitute for tardiness. Lunch periods may not be taken at the end of the day or in conjunction with a rest period unless the employee has obtained written approval from his or her immediate supervisor.

(C) **Time and Attendance.** Each department shall maintain accurate daily attendance records. An employee shall be at their places of work in accordance with the attendance rules. Tardiness or other abuse of regular attendance will not be tolerated. The attendance records will indicate information in order to properly pay employees for actual work performed. An employee shall have the right to review his attendance record on file in the department.

No one will be permitted to sign in or out for another employee.

An employee shall, whenever possible, provide advance notice of absence from work.

When City offices and buildings are open, but inclement weather prevents employees from reaching the buildings, employees may account for such absences by using accrued time, such as vacation and compensatory time earned, or the employee may elect to be docked for time off. Sick leave may not be used to cover absence due to inclement weather.

(D) **Holiday Pay.** All full-time and salaried exempt employees shall have time off with full salary payment on the day designated as a holiday by the City Council.

If a Holiday falls on an employee's regularly scheduled day off, the employee shall be entitled to an additional day off. Employees cannot use sick leave in lieu of scheduled holidays.

All employees covered by this Code, who are required to work on an official Holiday, shall receive a rate of **one and one-half (1 1/2) times** the regular rate of pay for the hours work on such holiday. The Elected Official/Department Head shall approve the use of time with pay.

The term "last schedule work day" means the employee's full day of work.

To be eligible for holiday pay, the employee must work both the day before and the day after the holiday. The exception allows for absences for good cause that are approved by the Elected Official/Department Head. Samples of this exception include the holiday, the Department Head approving for good cause hospitalization the day before or the day after the holiday, and a Department Head approving for good cause an employee calling in sick the day before or the day after a holiday, and placing the call at the last minute. In each of these examples, the Department Head shall exercise judgment as to whether the sickness or hospitalization is for "good cause".

13-1-7 LEAVE. For all types of leaves, the Elected Official/Department Head may require employees to use vacation, sick leave, comp time or any other type of accumulated or accrued benefits before the employee is placed on leave without pay status.

(A) **Holidays and Vacations.** The City Clerk, the Superintendent of Public Works, the Zoning Administrator, all full-time Street Department employees, the City Marshall, the police clerk, all full-time police dispatchers, all full-time Water and Sewer Department employees, and the Assistant City Clerk shall be entitled to the following paid holidays each year: New Year's Day; Memorial Day; Fourth of July; Labor Day; Veteran's Day; Thanksgiving Day; the day after Thanksgiving; Christmas Day; Good Friday; and each such employee shall have a paid holiday on such employee's birthday. **(Ord. No. 1707; 07-15-13)**

All of the foregoing full-time employees shall be entitled to vacation leave with pay as follows: **ten (10) days** after the anniversary date of **one (1) year** of normal, continuous and uninterrupted service to the City by the employee; **fifteen (15) days** after the anniversary date of **ten (10) years** of normal, continuous and uninterrupted service to the City by the employee; and **seventeen (17) days** after the anniversary day of **fifteen (15) years** of normal, continuous and uninterrupted service to the City by the employee, provided that said vacation leave after the **first (1st) year** and after the **tenth (10th) year** of said service by the employee shall be converted to, prorated and kept track of on a fiscal year basis. Vacation leave shall not be cumulative and the City employee shall take earned vacation by the end of each fiscal year, except as is otherwise necessary during the **second (2nd)** and **eleventh (11th) years** of service to convert said vacation leave to a fiscal year basis. The corporate authorities of the City, by motion or resolution, may allow earned vacation time to accumulate when it is in the best interest of the City.

Part-time employees are excluded from the provisions of this subsection. Computation of normal, continuous and uninterrupted service, for purpose of this subsection, shall not include service rendered prior to any severance of employment from this City. Employees as used in this subsection shall include the Superintendent of Public Works and the department supervisors as defined in this Code. **(Ord. No. 1293; 05-16-94)**

(B) **Sick Leave.** The Superintendent of Public Works, the Zoning Administrator, all full-time Street Department employees; the City Marshall, the police clerk, all full-time police dispatchers, all full-time Water and Sewer Department employees, and the Assistant City Clerk shall be allowed **twelve (12) days** of sick leave in each year without any reduction in their respective salaries. After being off of work and taking **three (3)** continuous sick days, the employee shall not be able to return to work without a doctor's excuse. **(Ord. No. 1707; 07-15-13)**

In the event any of the foregoing officers or employees do not use the allotted **twelve (12) days** of sick leave in a particular year, the number of sick days that are not used may be accumulated and used in the following year. However, sick leave of more than **seventy-five (75) days** cannot be accumulated by any one of the foregoing individuals. In any **one (1) year**, if one is able to take more than **twelve (12) days** of sick leave with pay on account of prior years' accumulation of sick leave, and does take more than **twelve (12) days** of sick leave that particular year, in order to be compensated for the sick days that are used above and beyond the allotted **twelve (12) days** of sick leave for **one (1) year**, the said individual must obtain a verification of his sickness and inability to work in writing from a qualified and licensed medical practitioner.

Upon termination of employment of any City employee entitled to sick leave herein, it shall be the said employee's option to be paid for **one-half (1/2)** of his or her accumulated sick leave or to apply all of said accumulated sick leave toward retirement, provided that after **ten (10) years** of uninterrupted service as a City employee, the said employee shall have the option to be paid for all of his or her accumulated sick leave.

For any employee who reaches the sick leave cap of **seventy-five (75) days**, additional sick leave days shall be credited to a catastrophic illness bank. These days may only be used in the event of a catastrophic illness and the depletion of all accumulated sick leave. Upon the termination of employment by any employee, said employee shall not be entitled to be paid for any of his accumulated sick leave in said catastrophic illness bank, nor shall he be entitled to apply any of said sick leave in said catastrophic illness bank toward retirement.

Earned sick leave shall be posted monthly.

Restrictions. Sick leave shall not be used for purposes of an extended vacation, weekend or holiday. Sick leave cannot be used as a substitute for vacation leave. Employees will be granted sick leave only after completing a minimum of **twenty-five (25) work days** of actual employment. Sick leave must be accrued before it may be used. Otherwise, time off shall be charged to the employee's accrued vacation leave time, or at the option of the Elected Official/Department Head, shall be taken as leave without pay. Sick days are accrued during probation. Sick time will be

deducted for no less than **one (1) hour**. No sick leave in excess of **three (3)** consecutive days shall be authorized unless approved by the Elected Official/Department Head.

The Elected Official/Department Head shall establish notification requirements for taking sick leave.

The employee shall state the nature of the illness or injury, location of confinement and the telephone number where the employee can be reached. The employee must also state whether the absence is claimed to be from a previous injury sustained while on duty. Supervisors are to be kept informed daily, whenever possible, of the employee's condition. Upon return to work, employees will inform their supervisor or Elected Official/Department Head as to the cause of illness and indicate whether a continuing impairment might have occurred.

In order to continue active work assignments or to resume work after an illness or injury or disability, employees must provide the department with a written physician's statement releasing employee to assume activities within their position responsibility if:

- (1) Upon returning to work after prolonged illness for **four (4)** consecutive days or more;
- (2) Upon returning to work from an extended leave of absence;
- (3) After the employee has a potentially disabling illness, injury or condition; or
- (4) Upon returning to work after a diagnosed communicable disease.

Illness or Injury at Work. Any employee who is ill or injured on the job shall immediately notify the supervisor who may require the employee to be transported to a hospital for examination by a physician or surgeon.

For employees on an **eight (8) hour** work schedule, if an employee becomes ill while at work after the first **two (2) hours** of work, the employee shall lose **one-half (1/2) day** of accumulated sick time. For employees on a **twelve (12) hour** work schedule, if an employee becomes ill at work after the first **three (3) hours** of work, the employee shall lose **one-half (1/2) day** of accumulated sick time.

Maternity. Pregnancy shall be considered the same as any short-term disability, and request for pregnancy leave shall be made through the disability leave clause. Request for parental leave following child birth shall be made through the **Leave of Absence** clause, **Section 13-1-7(C), Family and Medical Leave Act.**

(C) **Leave of Absence.** No employee on leave of absence may earn vacation, or sick leave, except when the leave was for the purpose of accepting a temporary work assignment in another office.

All types of leave of absence do not earn vacations or sick leave while the employee is on leave of absence.

While the employee is on leave of absence, the length of service still continues to accumulate except for special leave situations under Subsection (C) **Leave of Absence**, (1) Special Leave, and for (7) Family and Medical Leave Act situations. Length of service is specifically prohibited from accumulating on Special Leave cases and on Family and Medical Leave Act situations. The prohibition on length of service accumulation is not contained in any other type of leave of absence situation. Therefore, the Code should be construed to allow accumulation of length of services while on leave of absence other than "special leave" and the "Family and Medical Leave Act".

Employee shall be granted an excused leave of absence for the following:

- (1) **Special Leave.** All full-time and salary exempt employees who have completed **one (1) full year** of continuous service may request a special leave. Special leave will only be granted for personal reasons, and must be approved by employee's Elected Official/Department Head. Special leave shall be granted without pay. The period for special leave shall not exceed **six (6) months**. An extension may be granted up to a maximum of **six (6) months** for a total of **one (1) year**. In order to continue to receive medical and insurance benefits during a special leave, the employee shall contribute both the employee and the employer's share of IMRF and insurance costs. Length of service or benefits shall not accrue or accumulate during a special leave. A person either hired or promoted to fill the position vacated by the person on leave shall be considered in that position temporarily and shall relinquish it upon the employee's return.

If a special leave is approved by the City Council, coverage under Illinois Municipal Retirement Fund may be maintained pursuant to IMRF rules and regulations.

- (2) **Military.** Any full-time, salaried exempt, or part-time employee who is a member of a Reserve component of the Armed Service, the Illinois National Guard, or the Illinois Naval militia, shall be allowed annual leave with pay for **one (1)** full pay period and such additions or extensions thereof without pay as may be necessary for the employees to fulfill the military reserve obligation. Such leaves will be granted without loss of length of service or other accrued benefits.

In case of an emergency call up (or order to state active duty) by the Governor, the leave shall be granted for the duration of said emergency with pay and without loss of length of service or other accrued benefits.

Military earnings during the military reserve obligation or for the emergency call must be submitted and assigned to the City, and the City shall return it to the payroll fund from which the employee's payroll check was drawn. If military pay exceeds the employee's earning for the period, the City Council shall return the difference to the employee.

To be eligible for military reserve leave or emergency call up pay, the employee must provide the City with a certificate from the commanding officer of the employee's unit that the leave taken was for either such purpose. Full-time employees entering into military service as a result of voluntary enlistment, induction into the service by draft, or conscription will be afforded all of the privileges provided by the **Illinois Compiled Statutes, Chapter 330, Section 60/1 et seq.**

- (3) **Jury Duty.** An employee shall be excused from work for days in which the employee serves on Jury Duty. The employee shall receive his regular pay for jury service. The employee must present proof of jury service and the amount of pay received is to be deposited in the City treasury. The employee shall also turn over to the City any expense allowances paid by the court, if the jury duty is located at the County Courthouse. If an employee is given an early release from jury duty, the employee shall then report to his or her regular work assignment.
- (4) **Witness.** An employee shall be excused from work when lawfully subpoenaed to serve as a witness. The employee must present written proof of the summons to testify to qualify for an excused absence. Notice to employee's supervisor should be made in advance of appearing in court. An employee's excused absence from work shall be on an unpaid basis, unless the employee's witness activity is work related and the witness activity is requested by the County. The employee shall turn over to the County any witness fee when the employee's witness activity is work related.

- (5) **City Disability Leave.** To be eligible for City Disability Leave, the employee must submit to the Personnel Department a medical opinion that the employee cannot work in his normal job position, and a medical opinion that the employee may possibly be able to return to work within the next **six (6) months**. Employees are not eligible for disability benefits until they have been employed at least **one (1) year**. Employees may be required to use their accrued sick or vacation time to continue regular wages. Employees must submit a letter requesting disability leave to their immediate supervisor within a reasonable amount of time before disability leave is taken. Upon return to work, employees must submit a release statement from their physician to the Elected Official/Department Head. If the Elected Official/Department Head has reason to believe that the employee is unable to perform the normal duties or the employee is able to perform duties and is still absent, they may seek and rely upon the decision of an impartial physician. The Elected Official/Department Head will select a physician who is not a City employee to act as an impartial physician.
- (6) **Educational Leave.** The Elected Official/Department Head may grant an employee an educational leave of absence for the purpose of engaging in a training course. No educational leave may be granted unless in the judgment of the Elected Official/Department Head the training course would benefit the City by improving the employee's qualifications to perform the duties of the employee's position or by qualifying the employee for advancement in rank or grade to another position in the County service. Employee shall receive his regular pay during an education leave of absence for training courses when so authorized by the Elected Official/Department Head. Employees may request an educational leave without pay to seek further professional training in specialty fields. Such leave may be up to **ten (10) months** in duration and requires the approval of the Elected Official/Department Head. An employee on education leave without pay does not accrue vacation or sick leave credit for the period of leave. When ready to return to work, the employee

will be offered the first available full-time position at the same job level the employee held prior to departing on educational leave without pay.

- (7) **Family and Medical Leave Act.** An employee is eligible for a leave of absence through the Family and Medical Leave Act of 1993. In order to be eligible for leave, an employee must have worked for the employer at least **twelve (12) months** and must have worked at least **one thousand two hundred fifty (1,250) hours** over the previous **twelve (12) months** prior to the leave. Eligible female and male employees are allowed up to **twelve (12) weeks** of leave per **twelve (12) month** period following the birth of a child, the placement of a child for adoption or foster care, or the serious health condition of the employee or an immediate family member (defined for purposes of this Family and Medical Leave Act situation as including the employee's child, spouse or parent). The leave for birth or placement must take place within **twelve (12) months** of the birth or placement of the child. The employee's leave shall be unpaid. The employee may, upon approval of the Elected Official/ Department Head, use accumulated sick leave and/or vacation leave. During the leave, the City shall continue to provide coverage under its group health plan. Following return upon leave, the employee shall be returned to a position with equivalent pay, benefits and other terms and conditions of employment.

In order to utilize leave of absence pursuant to the Family Medical Leave Act, the employee should give **thirty (30) days** notice.

For leave based upon serious health conditions, the employer may require certification from the employee's health care provider for leave. Employer reserves the right to require a second medical opinion at the employee's own expense.

- (8) **Expiration of Leave.** When an employee returns from a leave of **six (6) months** or less, the Elected Official/Department Head shall return the employee to the same or similar position in the same class in which the employee was incumbent prior to commencement of such leave. An employee's same or similar position will not be protected for reductions in force or

where the position has been eliminated. Employees are subject to termination if they are absent from work for more than **six (6) months**. No employee may be absent without permission of the supervisor to which assigned. In the absence of extenuating circumstances, an employee who is absent from work for any reason and fails to notify his or her supervisor within **two (2) working days** will be considered to have resigned.

No employee on leave of absence may earn vacation, or sick leave, except when the leave was for the purpose of accepting a temporary working assignment in another office.

13-1-8 OTHER BENEFITS.

(A) **Illinois Municipal Retirement Fund.** The City will participate in contributions for all eligible employees to the Illinois Municipal Retirement Fund. The City shall follow all guidelines of IMRF in order to protect the benefits of the employees.

(B) **Insurance.** Insurance will be provided on the following basis:

(1) **Life, Medical and Dental Care Insurance.** All full-time employees are covered by a medical and dental plan funded by the City.

All salaried full-time employees are covered by life insurance and accidental death and dismemberment policy. A manual is provided to employees at the time of hiring which further explains the policy. The manual is obtained from the City Clerk's Office.

The City Clerk's Office must be notified of a divorce or legal separation of the covered employee, and further must be notified when a child is no longer eligible as a covered dependent of the employee.

(2) **Legal Defense and Liability Insurance.** In any claim or action instituted against an employee, or former employee, where such claim or action arises out of any act or omission, made in good faith, occurring within the scope of employment of the employee, or former employee, the City shall, upon written request of the employee or former employee, appear and defend the employee or former employee, against any such claim or action, including the process of appeal. The City Attorney shall appear for and defend the employee. This Section excludes disciplinary proceedings or criminal proceedings.

- (3) **Other Types of Insurance.** All classifications of employees will be covered by the provisions of Social Security legislation, and salary deductions will be made in accordance with the law.

Employees are covered by the Workers' Compensation Act, **Illinois Compiled Statutes, Chapter 820, Section 305/1 et seq.** Any work-related injury must be reported to the Elected Official/Department Head.

All employees are covered by unemployment insurance. All costs shall be paid by the City of Carlinville.

(C) **Training.** For meetings and seminars, employees may be granted leave with pay to attend meetings, seminars and conventions of professional and technical organizations, when such attendance would benefit the employee's ability to perform the job, and is approved in advance by the Elected Official/Department Head.

For any training programs conducted after regular working hours, such training shall be voluntary unless arrangements for such training includes the granting of overtime.

All employees shall be reimbursed for mileage expenses incurred while attending assigned schools outside of Macoupin County, Illinois. Upon receipt of a notice to attend the training school, the employee will request the use of a departmental vehicle to transport those attending to and from school. If a departmental vehicle is not available, reimbursement shall be made for the employee's use of their personal vehicle. When **two (2)** or more persons attend the same school at the same time the Elected Official/Department Head may require that only **one (1) person** will be eligible to receive reimbursement for travel. The rate of reimbursement shall be established by the City Council.

(D) **Death Benefits.** Each employee shall fill out a designation of beneficiary form. Upon the death of an employee, the designated beneficiary shall be entitled to receive from the appropriation for personal services theretofore available for payment of the employee's compensation, such sums for any accrued vacation period to which the employee was entitled to at the time of death. Such payment shall be computed by multiplying the employee's daily rate of pay by the number of days of accrued vacation at the time of death.

Upon the death of an employee, the estate shall receive any unpaid compensation, accrued overtime, or other benefits the employee would have been allowed had the employee survived.

Family members of deceased employees should contact the City Clerk's Office for explanation of any further benefits the family members or the estate of the deceased employee may be entitled to.

(E) **Travel.** Staff vehicles are to be used only for activities directly related to the conduct of business. Under no circumstances are the vehicles to be used for personal activities. Reimbursement is provided for the use of employee's private vehicles for official business at the rate designated by the State of Illinois for actual mileage traveled. Private vehicles will only be used when Department vehicles are not available and prior approval is given by the Elected Official/Department Head. Use of staff vehicles are restricted to employees who have a valid drivers' license with current liability insurance. Employees are not permitted to use Department vehicles without the knowledge of their supervisor or Elected Official/Department Head. All employees using staff or private vehicles must record mileage on the expense log along with the destination and purpose of the trip. The log is to be returned with the vehicle's keys. Expense claims for private vehicle usage will be honored only if the listed trip is initialed by the immediate supervisor. Any malfunctions or damages must be reported to the immediate supervisor. Travel in any vehicle will always be by the most direct route unless otherwise approved by the immediate supervisor or Elected Official/Department Head.

If the most economical means of travel available is by some type of transportation other than an automobile, the mode selected must be approved by the employee's supervisor and Elected Official/Department Head before departure. Travel by either airplane or train will be by coach class.

(F) **Reimbursement of Other Expenses.** An employee shall be allowed reimbursement for the actual cost of meals in accordance with these rules but not to exceed the rates indicated in the reimbursement schedule. It is not necessary for the traveler to submit receipts when receiving per diem. It is necessary to submit receipts when receiving reimbursement for individual meals.

For breakfast, an employee only will receive reimbursement if the employee is on travel status and leaves headquarters or residence at or before **7:00 A.M.**

For lunch, travel within **fifty (50) miles** of the City of Carlinville is not reimbursed.

For dinner, an employee must be on travel status and arrive back at the headquarters or residence at or after **8:00 P.M.** For employees commencing travel after the close of business but before **6:00 P.M.,** reimbursement for dinner is allowed.

Advance per diem checks must be requested a minimum of **three (3) days** in advance. A per diem allowance is available only when overnight lodging is obtained or when the travel assignment is **eighteen (18) hours** or more. A per diem allowance provided in the reimbursement schedule represents the maximum daily amount allowable and is given in lieu of a meal allowance. Receipts must be submitted to support allowances other than meals when on per diem.

Reimbursement Schedule.

Automobile Mileage - State of Illinois rate (Proof of automobile liability insurance is required to obtain automobile mileage reimbursement)

Per diem allowance/IRS per diem rate for various cities, as published in the GSA Publication (with receipts, per them allowance is \$40.00).

Breakfast	-	20% of IRS published rate
Lunch	-	30% of IRS published rate
Dinner	-	50% of IRS published rate

If a conference fee includes a meal, the per diem allowance shall be reduced by the amount of the particular meal included in the reimbursement schedule.

In order to be reimbursed for business expenses, the employee must submit an expense log. This log must be signed by the employee submitting the expense claim and approved by the appropriate supervisor and division manager. An expense log should be submitted to the accounts payable clerk and will be paid on the appropriate disbursement date. Liabile expenses include but are not limited to meals, conference fees, hotel and motel accommodations, taxi fares, parking and toll fees. Personal expenses, such as personal phone calls, in-room movies and bars, or other entertainment will not be reimbursed. Receipts must accompany travel requests for reimbursement.

Non-reimbursable expenses include, but are not limited to, alcoholic beverages, personal entertainment, valet service, magazines and newspapers.

Gratuities shall be reimbursed to a maximum of **fifteen percent (15%)** except for those departments, programs, or projects which are prohibited by Federal or State rules or regulations from making reimbursements for gratuities.

Employees traveling overnight shall be reimbursed for one phone call to their home phone number with a **Five Dollar (\$5.00)** limit for the call. When a delay occurs in traveling, then the employee shall be reimbursed for **one (1)** additional phone call to their home phone with a **Five Dollar (\$5.00)** limit for reimbursement.

13-1-9 REGULATIONS AND RESTRICTIONS.

(A) **Accidents/Injuries.** Anytime an employee is involved in an automobile accident with a City automobile or in a personal automobile while on City business, the employee shall notify his or her Elected Official/Department Head immediately with all pertinent information including whether personal injury is involved and whether any traffic citations were issued. All Elected Officials/Department Heads shall within **twenty-four (24) hours** notify the City Attorney's Office if any traffic citations were issued to a City employee and shall provide the City Attorney with a copy of the citations. An employee is obligated to cooperate with the City and any of the City's legal representatives regarding the accident and any citations that may have been issued.

(B) **Appearance.** Neatness and good taste in dress, as well as care toward personal hygiene, are expected of all employees. For safety and hygienic purposes, employees may be required to comply with any appropriate dress code that is set forth by the Elected Official/Department Head during the performance of their duties.

Employees may be requested to change inappropriate dress, and work lost while doing so will not be compensated by the department. Employees may be evaluated on their dress and appearance. The Elected Official/Department Head is the only individual of each department who may make exceptions to the dress code.

(C) **Use of Department Property.** All department property and equipment entrusted to any employee will be used in accordance with the property's prescribed function. All damage through recklessness, gross negligence, intentional act, deliberate misuse, or theft shall be replaced and paid for by the employee committing the violation. Such replacement of property by the employee shall not be considered the exclusive remedy against the employee, and the employee may still be subject to discipline. All department property, personal lockers, and personal offices are subject to search and seizure. All department property shall be inspected by the employee's immediate supervisor prior to issuance of the property.

No department property shall be used for private or unauthorized purposes. All employees are required to return all department property or equipment in their possession upon separation, promotion, and/or transfer.

(D) **Telephone Usage.** Good telephone habits are an indication that the department is interested in serving the public. At all times, answer promptly and courteously. Identify yourself by name and section, be friendly and helpful. Write time and date of any message from the caller, transfer calls tactfully, give accurate information, do not keep the caller waiting and hang up carefully.

Employees must keep incoming and outgoing personal calls to a minimum.

(E) **Correspondence and Communications.** No employee shall use their official position, engage in official transactions or business to harass any individual or to secure a benefit for himself or other individuals. Courtesy should be given in all communications and correspondence, and all employees should refrain from unnecessarily criticizing any individuals or agencies concerning official transactions or business.

(F) **Smoking.** Smoking by City employees will only be allowed in designated areas, including smokeless tobacco.

(G) **Photo I.D.'s.** The City Council may issue a photo I.D. card for employees.

All employees who are issued a shield badge and/or photo I.D. are required to be in possession of the badge and/or photo I.D. on and off duty. Employees will not use their shield or identifica-

tion card for personal business or personal gain. If a shield or identification card is lost or stolen, it must be reported in writing to the director without delay.

(H) **Speech and Dissemination of Information.** Employees are encouraged to appear before civic organizations, fraternal organizations or any other group in an official capacity. Employees must notify the Elected Official/Department Head prior to accepting such speaking engagements.

Employees are cautioned against making statements or giving impressions regarding official agency policy or position without prior expressed authority being granted. Normally, the Elected Official/Department Head has the sole right to adopt and interpret the policies of the organization. If in doubt, it is always preferable to consult the Elected Official/Department Head before making any statements that might possibly be misinterpreted or misconstrued by the general public or press.

The Elected Official/Department Head will make all news releases concerning the department.

The City shall comply with the Illinois Freedom of Information Act, and employees are allowed to disseminate information pursuant to the Act. However, employees are not allowed to disclose any information that is exempted by Illinois Freedom of Information Act or prevented from disclosure by any other state statutes.

(I) **Relations with Creditors.** The City will charge employees any authorized costs when making wage deduction pursuant to court order or State or Federal statutes.

(J) **Possession of Fire Arms.** Unless authorized by the Chief of Police, and unless authorized by the appropriate Elected Official/Department Head, no employee of any department has legal authority to carry weapons while in the performance of their official duties.

(K) **Ethics.** Employees will not recommend or promote the sale of any specific brand name product or equipment.

Many employees in the course of their work have access to medical information about patients, clients, employees, or other individuals. This may be medical, legal or job related information. Such information is not to be repeated or discussed outside the department or with other personnel unless such information is a necessary part of the employee's assigned duty.

Employee's shall inform the Elected Official/Department Head of any possible conflict of interest situations they may have.

Employees are prohibited from accepting gifts, gratuities, or any item of value for work performed on behalf of the department.

(L) **Other Employment.** Employees are prohibited from having conflicting employment while having a full-time position. An employee may not be paid by another employer for the same **forty (40) hour** period employee is being paid by the department. If a full-time employee performs outside services or employment, such services or employment must be reported to the Elected Official/Department Head for prior approval, and advance notification must be given by the employee to the Personnel Department.

Fees earned by an employee for serving as an instructor for a class during other than normal working hours which is not sponsored by the department in another community agency, will be dealt with as follows:

- (1) No overtime will be earned and the fee retained, or;
- (2) Overtime will be earned and the fee surrendered to the City Clerk and recorded as miscellaneous income.

Employees who are injured while engaging in other employment must notify the Elected Official/Department Head and the City Clerk.

(M) **Physical Examinations.** Each applicant for employment may be required to successfully complete a post-offer physical examination by a doctor of the employer's choice, including a drug screen upon the request of the City. At any time, employees may be required to submit to a physical examination. As a condition of their employment, the employees of the department must authorize the release of medical testing information including drug screens to the City for departmental use only.

Each employee authorized to carry and use a gun while at work for the City, and all employees engaging in heavy manual labor as their principal form of job activity for the City shall be required to submit to an annual physical exam and/or drug screens by a doctor of the employer's choice.

Drug screens can be conducted on a random basis for any security personnel employed by the City, except those under police personnel contract, for any employee authorized to carry and use a gun while performing work related activities for the City and for any employee that is required to hold other than a Class A driver's license for work related purposes. For all other employees, drug screens shall be conducted upon probable cause.

The term "drug screens", as used throughout and disclose to the Elected Official/Department Head, any drug or alcohol problem that the employee may currently have.

(N) **Reimbursement of Cost of Training.** If an employee leaves the department's employment before the completion of **three (3) years** from the initial date of employment, that employee will be liable for all costs incurred in the employee's selection, background investigation, equipment issue and training, prorated over a **three (3) year** period. Incurred training costs will be deducted from any remaining paychecks.

(O) **Prescription Drug Use.** Any employee who is taking prescription or over-the-counter drugs or medication which may impact on abilities to perform work shall report the use of the drugs or medications to the immediate supervisor, along with the name and address of any medical doctors prescribing the medication.

(P) **Drug Free Workplace.** All employees, as a condition of employment, will comply with the City's Drug Free Workplace Policy, attached to this Code as Appendix "A".

13-1-10 RIGHTS OF EMPLOYEES.

(A) **Personnel File.** Employees are allowed to look at their own personnel files during normal business hours. Persons wishing to view their own file shall file a written request with the Elected Official/Department Head or designated representative. A copy of said request shall be placed in the employee's personnel file. Nothing should be placed in an employee's personnel file nor shall anything be removed from the file without the consent of the Elected Official/Department Head. Records of prior grievances and discipline action shall be maintained in the employee's personnel file. The final decision to remove items lies within the discretion of the Elected Official/Department Head.

(B) **References.** Employees or former employees have the right to obtain references or recommendations. Such references shall provide the applicable date of hire and the last date employed, and a general description of the applicable job duties. Additional comments concerning the employee or former employee's job performance dependabilities lies within the sound discretion of the Elected Official/Department Head.

(C) **Safety.** The Elected Official/Department Head shall implement any safety procedures adopted by the City, and employees shall comply with any of the safety procedures.

All department employees are directed to report any hazardous conditions to their supervisor immediately.

Due to the open-office design of many department buildings, it is impossible to provide security for personal belongings left unattended. Staff members are advised to keep their wallets, purses, etc. in their possession at all times. The department cannot be responsible for losses due to theft.

(D) **Alcohol and Drug Problems.** The demands of the modern world are being felt by everyone. Our daily lives are more complicated and more hectic than ever before. The majority of families have two breadwinners. Children often have jobs of their own. In addition, everyone is involved in outside activities of all types. The Modern world can be a two-edged sword: rewarding and enriching on one side and extremely sharp and stressful on the other.

Unfortunately, occasionally the stress of our world sometimes leads to abuse of alcohol and/or drugs. The City wants to assure its employees that, if there comes a time when you are experiencing or worried about an alcohol and/or drug problem, every reasonable effort will be made to help you while working for a permanent solution to the problem.

13-1-11 RIGHTS OF EMPLOYER. The employee recognizes that the City possesses the exclusive right to operate and direct the employees of the City in all aspects, including, but not limited to, all rights and authority granted by law.

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The employee further recognizes that this Code is not a binding contract between the City and the employee. Nothing contained in this Code shall be construed as creating an employment agreement between the City and its employees from time to time.

The City has the right to unilaterally create new employment policies and regulations not mentioned in this Code, and to change provisions of this Code without prior notice, approval or consent of the employees of the City.

The employer has the ultimate responsibility for proper management including but not limited to responsibilities and the right for the following:

(A) To maintain executive management and administrative control of the department and its property, facilities and staff.

(B) To hire all employees and to determine their qualifications and the conditions for their continued employment or their dismissal or demotion.

(C) To direct, supervise, promote, suspend, discipline, terminate, assign and schedule employees.

(D) To relieve employees from duties because of a lack of work or funds, or under conditions where continued work would be inefficient or nonproductive or under conditions as may be deemed necessary or advisable by the department.

(E) To determine services to be rendered, operations to be performed, utilization of technology and budgetary matters.

(F) To determine the methods, processes, means, job classifications and personnel by which the operations of the department are to be conducted.

It is recognized that the employer normally exercises most of the powers, rights, authorities, duties and responsibilities through and with the cooperation of the administrative staff.

13-1-12 **LENGTH OF SERVICE.** Length of service is defined as the length of continuous service of an employee since the employee's last date of hire with the City within the employee's department. In the event an employee is transferred from or to another department of the City, the employee's total continuous employment with the City will be used as the basis for vacation and sick leave only.

An employee's continuous service record shall be broken by voluntary resignation or discharge. If such continuous service is broken due to curtailment of operation, said employee shall be considered on layoff.

13-1-13 **EXEMPTIONS.** All employees that are governed by a collective bargaining agreement between the employer and a union are exempt from this Code.

All employees covered through Carlinville's Police Union are exempt from this Code as to hiring, promotion, discipline, or dismissal, but are otherwise covered by this Code.

13-1-14 DISCIPLINE. The formal disciplinary process is a five step procedure, but dismissal may occur at any step in the process. Elected Officials/Department Heads may use the Discipline Form attached as Appendix "C" for documentation purposes.

Under normal circumstances, these steps would be as follows:

(A) **Verbal Reprimand.** A verbal reprimand informs an employee of unsatisfactory conduct, attitude or performance, and acknowledges that continued such actions will result in more severe disciplinary actions. The reprimand should be done in private, and should be documented with the date and nature of the problem and placed in the employee's personnel file.

(B) **Written Reprimand.** A written reprimand informs an employee of unsatisfactory conduct, attitude or performance. Written reprimand is more severe than a verbal reprimand, but serves the same purpose to acknowledge further unsatisfactory conduct, attitude, or performance will result in more severe disciplinary action. A copy of the written reprimand will be sent to the employee, the Elected Official/Department Head and employee's personnel file.

(C) **Probation.** Employee may be placed on probation by the Elected Official/Department Head if the employee's performance is substandard and/or the employee's conduct and behavior are inappropriate and not condoned by management. Employee may be placed on probation not to exceed **six (6) months**. At the end of **three (3) months**, an informal evaluation of the employee's performance will be conducted. At the end of the probationary period, the employee's performance will be formally evaluated. Evaluations will determine if the employee should be retained. If the employee violates the conditions of the probation, the employee may be subject to termination. Removal from probationary status is based upon satisfactory completion of the probationary period, recommendation from the employee's immediate supervisor, and approval of the Elected Official/Department Head.

(D) **Suspension.** Suspension of an employee would be at the discretion of the Elected Official/Department Head. The suspension will result in a loss of salary for the period of the suspension. Upon return to work the suspended employee will be placed on probationary status for a period not to exceed **six (6) months**. If the employee violates the conditions of the probation, the employee may be subject to termination. Removal from probationary status is based upon satisfactory completion of a probationary period, a recommendation from the employee's immediate supervisor, and the approval of an Elected Official/Department Head. The period of suspension may be up to but not exceeding **thirty (30) days** off without pay in one calendar year. The suspension may include demotion, and is within the discretion of the Elected Official/Department Head.

(E) **Dismissal.** Dismissal should be used as a disciplinary action of last resort at the discretion of the Elected Official/Department Head. All employees are subject to discharge by the Elected Official/Department Head during any of the disciplinary steps.

(F) **Code of Conduct.** Disciplinary action may be brought against an employee for the following, including but not limited to:

- (1) Violating any provisions of this Personnel Code.
- (2) Knowingly falsifying a report.
- (3) Being insubordinate to or showing disrespect towards superiors.
- (4) Neglecting to perform the job or performing the job inefficiently.
- (5) Engaging in any conduct unbecoming of a City employee or that discredits the City.
- (6) Leaving the assigned job without permission.
- (7) Absence from work without leave or permission.
- (8) Willfully destroying or damaging any property of the City.
- (9) Taking or giving bribes.
- (10) Being under the influence of intoxicating beverages while at work.
- (11) Using, manufacturing, distributing, dispensing, or possessing any statutorily defined illegal drugs, narcotics, or controlled substances, or failing to report to the employee's Elected Official/Department Head any arrest or conviction for using, manufacturing, distributing, dispensing, or possessing any statutorily defined illegal drugs, narcotics, or controlled substance.
- (12) Failure of any employee to notify their Elected Official/Department Head within **five (5) days** after an arrest or conviction of a violation of any local, state, or federal criminal drug statute.
- (13) Using a City vehicle without the knowledge of the immediate supervisor.
- (14) Improperly operating a City vehicle or permitting an unauthorized person to operate a City vehicle.
- (15) Excessive unexcused absence from work or tardiness.
- (16) Possession of explosives, firearms or other dangerous weapons on City premises, unless otherwise permitted.
- (17) Use of overtime for other than work purposes.
- (18) Failure to follow any safety rules, regulations, or manuals.
- (19) Gambling during working hours around City premises.
- (20) Sleeping on the job.
- (21) Being discourteous to the public.

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- (22) Engaging in or instigating or causing an interruption or impeding work.
- (23) Substantial misrepresentation of facts and obtaining employment with the City.
- (24) The use or consumption of City property for personal or private purposes, or the use of City employees during working hours for such purposes.
- (25) Disorderly conduct during working time or on City premises, including fighting, interfering with work of another, or threatening or abusing any person by word or act.
- (26) Unauthorized use of City property such as City owned vehicles, equipment and materials.
- (27) Abuse of sick leave by misrepresentation of the leave request.
- (28) Violation of a written order of an Elected Official/Department Head.
- (29) Failure to pay legitimate debts, thus exposing the City to harassment by creditors.
- (30) Using profanity on the job.
- (31) Releasing confidential information.
- (32) Using or attempting to use an official position to secure special privileges, exemptions, or personal gain except as may be otherwise provided by law.
- (33) Engaging in disreputable acts and not conducting themselves with "good moral character".
- (34) Abuse of telephone usage.
- (35) Theft of any City or employee property.
- (36) Discriminating against any person, individual, entity, co-employee, on the basis of race, color, religion, sex, national origin, age, handicap or disability, ancestry, marital status, sex harassment or any other prohibited form of discrimination under federal or state law or government contract or grantee regulations.

(G) **Political Activities.** No form of discipline can occur because of any employee's political activity or political beliefs. This prohibition on discipline does not apply to individuals in policy making or confidential positions or where an overriding interest or vital importance exists which requires that an employee's political beliefs and activities conform to those of the City's Elected Official/Department Head.

The City also recognizes that false accusations can have serious affects on innocent men and women. We trust that all employees will continue to act in a responsible and professional manner to establish a pleasant working environment free of discrimination.

13-1-15 GRIEVANCE PROCEDURE. The purpose of a grievance procedure is to establish and maintain harmonious and cooperative working relationships between the City and its employees, to assure equitable treatment of employees, and to provide expeditious means of resolving employee dissatisfaction over circumstances or conditions of employment.

Strict adherence to the grievance procedures and time limits is mandatory, except that the time limits may be extended for good cause.

A grievance is defined as a dispute, disagreement, complaint, or any matter concerning any terms or conditions of employment, or concerning the application of any departmental policy, or concerning any employee relationship, or work related issue.

As used in this Section, the term days shall mean working days of the employee filing the grievance.

At any step, if a written response is not provided to the grieving employee within the **ten (10) day** time frame, the grievance will be considered denied at that step, and the employee may proceed to the next step.

If any Department Head is disciplined and/or discharged by the Mayor with the advice and consent of the City Council, the discipline and/or discharge shall constitute the final resolution of the matter and there shall be no access in this instance to the various steps of the grievance procedure. The failure of a reappointment of the Department Head by the Mayor shall not be interpreted to constitute discipline and/or discharge of an ongoing employment relationship with the City.

Steps:

(1) A grieving employee shall within **five (5) days** after he learns of the circumstances or conditions which prompted the grievance, submit the grievance to the employee's immediate supervisor, in writing, informing such immediate supervisor of the grievance and the particulars concerning the same. The immediate supervisor shall provide a written response to the grieving employee within **ten (10) days** after receiving the grievance.

(2) If the grievance is not resolved to the employee's satisfaction, the employee may submit the grievance to the Mayor by summarizing the grievance in writing. The grievance must be submitted to the Mayor within **five (5) days** of the decision of the immediate supervisor.

For all other employees, the grievance shall be before the Mayor.

13-1-16 LAYOFFS. In the event it becomes necessary to layoff employees for any reason, employees will be laid off based on the following criteria: Employee's knowledge, skills, and abilities in relation to positions available, lack of work, lack of funds, the employee's length of service, the employee's work record including commendations as well as disciplinary action, the employee's attitude and relations with other employee's as well as other agencies and change in duties of the department. The employee shall receive **two (2) weeks** notice.

13-1-17 RESIGNATION. Sick leave, vacation, and retirement fund benefits cease at midnight on the date of termination. Life and health insurance will cease at the end of the month of the termination. Employees may elect to continue participation in the plan on a self pay basis as provided by federal statutes. The employee will be paid for each day of accrued and unused vacation time. Monies accumulated in the employee's retirement account may be refundable, according to IMRF Rules. Forms required to request this refund are available from the City Clerk's office.

APPENDIX A

CARLINVILLE DRUG FREE WORKPLACE POLICY

PHILOSOPHY

Drug abuse affects all aspects of our lives - it threatens the workplace as well as the home, the school, and the community. The City must take a firm stance against illicit drug use. The use of drugs, which term for the purposes of this policy shall include alcohol in the workplace, is unacceptable since it can adversely affect health, safety, and productivity, as well as public confidence and trust. When drug use and/or involvement interferes with an employee's efficient and safe performance of work responsibilities and/or reduces the employee's dependability and accountability, it creates a problem for the whole organization.

Drug abuse inflicts notable human expense. Personal tragedies, feelings of anxiety and depression, and diminishing coping skills are reflected on an individual level. Dysfunctional and strained relationships mark the heavy burden felt by the families of the drug and alcohol abuser.

The cost of drug abuse, both on a personal and organizational level, is unacceptable. The rising incidence in substance abuse makes it imperative that the City combat this issue by implementing a zero tolerance policy of drug use in the workplace.

DRUG FREE WORKPLACE STATEMENT

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, including cannabis, is prohibited in the workplace. Controlled substance means a controlled substance as defined in the Illinois Controlled Substances Act or cannabis as defined in the Cannabis Control Act. Disciplinary action, up to and including dismissal can be taken against employees for drug violations.

All employees will, as a condition of employment:

1. Agree not to manufacture, distribute, dispense, or possess controlled substances or alcohol in the workplace.
2. Notify their respective Elected Official/Department Head of any arrest or conviction of any local, state or federal criminal drug statute no later than **twenty-four (24) hours** after such arrest or conviction.
3. Abide by the conditions set forth in this statement.

VIOLATIONS

1. Employees are subject to discipline, including discharge for violation of the above policy.
2. Require the satisfactory participation and completion of a State licensed drug rehabilitation program, as sanctioned by the employer.
3. The City shall notify the appropriate State Agency from which grant funds were received of the employee's conviction within **ten (10) days** after receiving notice from an employee of any criminal drug statute conviction for a violation in the workplace.

EMPLOYEE ASSISTANCE

A referral network to assist those who may be experiencing problems with drugs and/or alcohol has been established for all City employees.

ADDITIONAL PROVISIONS

There is no requirement by the employer to keep an employee on active employment status who is receiving rehabilitative treatment if it is determined that the employee's current use of drugs prevents the individual from performing work related duties or whose continuance on active status could constitute a threat to the property and/or safety of others. The employee shall pay for all costs of rehabilitation. The employee may use accumulated paid leave, or take unpaid leave pending treatment, at the discretion of the employer, and so long as the employee advised the Elected Official/Department Head of use or abuse of drugs prior to occurrence of reasonable suspicion.

APPENDIX B

**EMPLOYEE NOTIFICATION OF PERSONNEL CODE
AND DRUG FREE WORKPLACE POLICY AND DISCLAIMER OF EMPLOYMENT**

The Employee Code of the City is not intended to create any employment relationship with any employees that is contractual in nature. All employees are employed at the will of the City, and employees can be terminated at will. All employment policies of the City are subject to change without notice and/or approval of any employee. Any and all discipline and/or discharge procedures contained in this Code are illustrative in nature, and only provide examples of the manner in which employees may be disciplined or terminated. Any and all such procedures are not meant to be the sole or exclusive way in which discipline or discharge could occur.

By signing this disclaimer, the employee understands that the employment relationship between the employee and the City is NOT contractual in nature; that employment can be terminated at the will of the City, that all employment policies are subject to change without notice and/or approval of the employee; and that any and all discipline and/or discharge procedures contained in the Code are merely illustrative in nature, and are not meant to be the sole or exclusive manner in which discipline and/or discharge could occur.

I have been given a copy of the City's Employee Code, originally adopted _____, 1994.

I understand that contained within the Employee Code is the Carlinville Drug Free Workplace Policy. I have read and understood the Drug Free Workplace Policy, and agree to abide by its terms and conditions.

Name _____

Date _____

This form is to be retained by the City Clerk.

APPENDIX C

EMPLOYEE CODE: DISCIPLINE FORM

Date _____

Employee Name _____

Employee's Job Position _____

City Department _____

Department Head _____

Type of Discipline (check one):

- _____ Verbal Reprimand
- _____ Written Reprimand
- _____ Probation
- _____ Suspension
- _____ Dismissal

State the Section of the Employee Code violated:

Section _____, Subsection _____, Page Number _____

State any Code of Conduct violation, listing the Code of Conduct

Subparagraph Number _____

State the facts which support the violation _____

DATE _____

Elected Official/Department Head

DATE _____

(Signature of Employee)