

VILLAGE OF WESTCHESTER



PERSONNEL POLICY MANUAL

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VILLAGE OF WESTCHESTER Personnel Policy Manual

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Disclaimer

Please Read Carefully

This Personnel Policy Manual ("Manual") contains only general information and guidelines. It is not intended to be comprehensive, all-inclusive, or to address all of the possible applications of, or exceptions to, the general policies and procedures described. Rather, this Manual has been prepared for you as a general reference guide.

This Manual supersedes all previously issued manuals. Your decision to continue employment with the Village of Westchester after this revision and any future revision to this Manual shall be deemed to constitute your agreement with all such revisions. **The Village of Westchester reserves the right to unilaterally revise, supplement or discontinue any of the policies, guidelines or benefits described in this Manual with or without notice.** The Village of Westchester will inform employees of any changes as they occur.

Nothing contained in the Personnel Policy Manual or any written or oral statement contradicting, modifying, interpreting, explaining or clarifying any provision of this Manual is intended to create nor shall it create an employment contract, either express or implied, to remain in the Village's employ. This Manual does not guarantee any fixed terms and conditions of your employment. Your employment is not for any specific time and may be terminated at will, with or without cause and without prior notice by the Village of Westchester, or you may resign for any reason at any time.

Employees are expected to review this Manual and become familiar with its contents.

For those employees covered by a labor contract between the Village of Westchester and a labor union, the terms of the labor contract are intended to control where a direct conflict exists.

If any policy or procedure or part thereof contained in this Manual is determined invalid in a court of law, or by another appropriate judicial body or agency, such determination will not affect the validity of the remaining policies and procedures or parts thereof.



ARTICLE 1: PURPOSE AND RESPONSIBILITY

1-1 About this Personnel Policy Manual

This Personnel Policy Manual ("Manual") is prepared for the employees of the Village of Westchester (the "Village") to communicate many of the Village's policies, rules and regulations in place as of the time this revised version of the Manual was issued. The personnel policies and procedures set forth in this manual will serve as guidelines for actions concerning various personnel administration activities. In addition to this Manual, the Village and certain Departments also maintain separate general administrative directives and procedures that may apply to these issues in appropriate situations.

Our goal is to provide this Manual for employees as a resource to answer many of the questions that employees may have about your employment with the Village. Of course, no document can address every issue that impacts your employment and therefore employees are urged to seek clarification from a representative from the Human Resources Office or your Department Head when an employee has any questions about the contents of this Manual.

In the construction of this Personnel Policy Manual, the following conventions will be observed and applied, except when the context clearly indicates otherwise.

- Words used in the present tense shall include the future; words used in the singular number shall include the plural number; and the plural, the singular.
- The words "he", "she", "his", "her", and "him", shall connote both masculine and feminine genders.

Please understand that the Village's personnel policies and employment practices are subject to periodic review and revision from time to time due to changes of the law and for other business reasons. Therefore, the Village reserves the right to modify, amend or withdraw any policy, procedure and/or benefit that is referenced in this Manual at any time at its own discretion. Be assured that we will attempt to provide the affected employees with prompt notice when the change occurs, although this may not always be practical depending on the facts involved. **It is important that every employee understands and recognizes that there is nothing in this Manual that creates a promise or contract for any condition or length of employment.** No representative of the Village other than the Village Manager (or designee as authorized by the Village Board) has the authority to make any binding representations to the contrary—whether oral or written.

1-2 External Agreements and Laws - Application of Personnel Policy Manual

In the event of a conflict between the terms of this Manual and an express provision set forth in an applicable collective bargaining agreement for covered employees (referred to in this Manual as a "CBA"), the terms of the CBA shall govern in all cases.



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Some employees may have a written employment agreement with the Village; in the event of a conflict between an express provision of those written agreement(s) and this Manual, the employment agreement shall take precedence. No employment agreement (verbal or written) is binding on the Village unless entered into by an authorized representative and signed by the Village Manager (or designee as authorized by the Village Board).

The Personnel Policy Manual shall not preclude the establishment of written departmental work rules setting forth policies and procedures for an individual department work force. In the event of a conflict, the Personnel Policy Manual shall govern.

1-3 Management Rights

Except as specifically limited by the express written provisions of this manual or as may be otherwise limited by law, the Village retains all traditional rights to manage and direct the affairs of the Village in all of its various aspects and to manage and direct its employees, including, but not limited to, the following:

- to plan, direct, control and determine the budget and all the operations, services and missions of the Village
- to supervise and direct the working forces
- to establish the qualifications for employment and to employ employees both internally and externally to other Village related assignments or functions
- to maintain capable and efficient employees
- to establish specialty positions and select personnel to fill them
- to establish work and productivity standards and from time to time change those standards
- to establish work schedules and assign overtime, to contract out for goods and services, to determine the methods, means, organization and number of personnel by which such operations and services shall be made or purchased
- to layoff employees whenever in the opinion of the Village Manager such action is necessary, or expand the workforce
- to make, alter and enforce reasonable rules, regulations, orders, policies, and procedures
- to evaluate employees, to require reasonable physical and mental fitness standards of employees, to establish performance standards for employees
- to discipline, suspend, demote, and discharge employees in accordance with applicable law



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- to change or eliminate existing methods, equipment or facilities or introduce new ones; to determine training needs and assign employees to training
- to determine work hours (shift hours)
- to determine internal investigation procedures
- to take any and all actions as may be necessary to carry out the mission of the Village in the event of civil emergency, riots, civil disorders, tornado conditions, floods, etc., as may be declared by the Village President, Village Manager or their authorized designees
- to generally carry out the mission of the Village.

1-4 Code of Ethics

All Village employees shall assume the obligation to maintain the highest standards of professionalism as public sector employees. As a condition of employment, each Village employee agrees to:

- Effectively administer and implement the policies established by the Village President and Board of Trustees, or their representative, and enforce laws and Village ordinances.
- Maintain the highest level of honesty and integrity in all dealings with the public, other governmental agencies, outside parties, and other employees.
- Other than compensation and benefits as provided by ordinance, no employee of the Village government shall gain personal advantage, either monetarily or otherwise for work as a Village employee.
- Employees shall not grant special consideration, treatment, or advantage to any person or business entity, and shall not receive anything in return through their work for the Village of Westchester, which is beyond the availability of every other citizen. Special consideration that would create an atmosphere or perception of impropriety or favoritism shall not be granted or received.
- Employees shall not accept gifts from residents, contractors, or other individuals with whom the Village does business, except as provided in Section 6.8 of the Personnel Policy Manual. Any employee having any knowledge about another employee's possible violation of this code of ethics, the established code of ordinances for the Village of Westchester, local, state, or federal law, or this Personnel Policy Manual, shall bring it to the attention of their Department Head or the Village Manager immediately.
- In accordance with Section 2.16.120 of the Westchester Municipal Code, except for purposes of inquiry, the elected officials of the Village shall deal with the administrative service only through the Village Manager; and such officials shall not give orders to any subordinates of the Village Manager, either publicly or privately.



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1-5 Distribution of This Personnel Policy Manual

A copy of this Personnel Policy Manual will be distributed to all employees of the Village. Each employee receiving a new or updated manual will be required to sign and date a statement acknowledging receipt of a copy of the manual. Distribution and dissemination of these policies and procedures will be a responsibility of management. New employees will receive a physical copy of the Personnel Policy Manual during their employee orientation or within their first week of employment with the Village.



ARTICLE 2: GENERAL EMPLOYMENT PRACTICES

2-1 Administration of Personnel and Employment Categories

The Village Manager shall be responsible for the recruitment, selection, promotion, and appointment of Village employees, except those sworn positions governed by the Board of Fire and Police Commissioners.

The Village classifies positions into five primary categories: (1) Full-time, (2) Part-time, (3) Seasonal or Temporary, (4) Supervisory, and (5) Management. Although there may be additional categories of employees created based on the business needs or activities of a particular Department (when approved by the Village Manager or designee), the following are the distinctions among these categories:

- **Full-time:** Employees who are regularly scheduled to work a minimum of 37.5 hours per work week. Full-time employees who have successfully completed their Probationary Period are eligible to receive the paid time off benefits as summarized in this Manual subject to any remaining terms and conditions of the applicable benefit plan documents.
- **Part-time:** Employees who are regularly scheduled to work less than 37.5 hours per work week. Part-time employees are eligible for deductions for the Illinois Municipal Retirement Fund (IMRF) after working 1,000 hours with the Village, and are eligible for health, dental, and vision benefits after working more than 1,560 hours annually.
- **Seasonal or Temporary:** Employees who are not regularly scheduled a particular number of hours per week or number of weeks per year. These employees also may be hired for a specific period of time or for the duration of a specific project or group of assignments of limited duration. As a general rule, seasonal and temporary employees are not expected or permitted to work in excess of 1,000 hours per year. The only exception is with prior written approval of the Village Manager (or designee with approval of the Village Board). Seasonal and temporary employees are generally not eligible to participate in the Village's benefit programs and they will not earn or accrue paid time off privileges, except as required by law.
- **Supervisory:** Employees who have general oversight or leadership responsibilities of other Village employees. These specifically include the Water Superintendent, Street Superintendent, Public Works Superintendent, Police Sergeant, Fire Lieutenant.
- **Management:** Employees who have significant or total oversight of a Village Department. Management employees would include the Community Development Director, Director of Finance, Director of Public Works, Chief of Police, Deputy Chief of Police, Fire Chief, Fire Captain, Assistant Village Manager, and Village Manager.



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2-2 Employment Eligibility and Recruitment

The Village of Westchester shall endeavor to recruit and hire only those applicants who meet the high ethical, moral, and professional standards set forth by this Village. It is the policy of the Village of Westchester to afford all persons fair and equal employment practices. The Village of Westchester will strive to hire only the most qualified persons to fill vacant positions. Efforts to recruit qualified applicants will be guided by the staffing needs of the Village and applicable opportunity considerations utilizing Equal Employment Opportunity (EEO) guidelines.

The Village of Westchester will maintain an on-going recruitment effort in order to recruit qualified applicants for vacancies, both actual and projected. The Village's recruitment efforts will strive to reach a targeted, as well as a vast and diverse pool of qualified candidates. All elements of the selection process will be administered, scored, evaluated, and interpreted in a uniform manner specific to the job classification.

Job announcements will include at a minimum:

- A description of the duties and responsibilities.
- A listing of the requisite skills, education, and physical requirements.
- A statement that the Village of Westchester is an equal opportunity employer.

Job announcements will be advertised through various forms of media to include print, electronic or other media forms. The type and extent of the media advertisement will be recommended by the Human Resources Department and approved by the Village Manager or their designee. Final decisions on media advertisement will be made by the Village Manager or their designee.

The following hiring procedure shall assure the hiring of qualified personnel. This procedure shall include, but not be limited to, the following steps:

- Applications: All candidates for employment must complete the standard form and furnish complete information relative to residence, training, experience, references, and other pertinent information, as required, or submit a detailed resume as appropriate. The application shall be the initial test of applicant qualifications and may serve as sufficient basis for rejection.
- Evaluation: All applications will be evaluated to determine completeness and accuracy. The Village Manager or designee may reject any application that is incomplete, inaccurate, or falsely misrepresents the qualifications of the applicant.
- Testing: Applicants determined to be initially acceptable for further consideration may be scheduled for appropriate testing. (Applicants may be required to take a psychological exam to qualify for Village employment.)
- Interviews: Applicants satisfactorily completing the testing procedure will be interviewed by the Department Head or designee. The purpose of the interview is to review the



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general qualifications of the job candidate in person to determine the fitness of the applicant to perform the needed work in the classification. Emphasis at this step of the selection procedure is placed on personal qualities such as disposition, attitude, oral communication skills, and other pertinent characteristics and skills not revealed or evidenced in preceding steps.

- Physical Standards: Applicants for employment may be given a physical test to determine that the applicant can perform the specific essential functions of the job. Satisfactory completion of such test shall be a condition of employment. Post-offer pre-employment drug testing may also be required as a condition of employment, after a conditional offer has been made to the employee.
- Verification of Employment Information: The Village will conduct a thorough investigation of the information supplied on a job candidate's application at the time of initial employment. This will include background and reference checks.
- Employment: Prior to appointment, the Village Manager may initiate a review to determine final approval for hiring. The Village Manager must approve all appointments.

The Village Manager may waive any of the above hiring procedures, except the completion of the Application form and/or resume submittal, which are not applicable to a specific job classification.

Except as required by Federal or State statutes, United States citizenship is not a prerequisite for employment. In addition, residency is not a requirement for employment, however employees are encouraged to live within the Village.

2-3 Nepotism and Conflicting Relationships at Work

To help ensure that all employees have a comfortable working environment and to foster positive morale among all employees at every level, it is important to avoid situations that can create actual, potential or even perceived favoritism, discrimination and/or conflicts of interests between or among employees of the Village. These issues are addressed on a case-by-case basis to ensure compliance with obligations under the Illinois Human Rights Act, the Illinois Public Labor Relations Act and all other applicable State and federal laws. The provisions in this Policy will be applied in a gender-neutral way and without regard to the marital status or sexual preference of the individuals involved.

Qualifications and standards for employment (or promotion) are based on knowledge and ability, training, and experience in relation to the actual job requirements needed for satisfactory performance of job duties. Standards of employment (and promotion) will be updated from time to time to assure the selection of the most qualified candidates to perform the work in an effort to constantly improve the professionalism and effectiveness of Village services. Specific job requirements appear in individual position descriptions prepared for and maintained by the Village Manager. Adherence to the normal selection procedures will assure the hiring of the



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most qualified applicants to fill the available openings. Appointments shall be made on an impartial basis without regard to favoritism, political, or personal influence within the Village.

The Village does not maintain any strict prohibition against family members or relatives working in the Village if the relationship does not interfere with the ability to meet the needs of the public or the remaining provisions of this Policy. However, the Village will not consider or accept applications for employment (or transfers between positions) where the employment of an employee's relative or family member would or could reasonably be expected to result in a situation to create a potential or actual conflict of interest or actual or perceived favoritism. As used in this Policy, the phrase "Relative and family member" shall include spouses, parents, children, siblings, in-laws, grandparents, grandchildren, aunts, uncles, cousins, step-relatives, or any individual with whom an employee has a close personal relationship, such as a domestic partner, cohabitant, or significant other. These issues are addressed on a case-by-case basis. It is the policy of the Village that a relative or family member will not be hired or transferred to the same department, as well as a relative or family member shall not be placed in supervisory/subordinate relationships.

These same parameters apply to any relationship between co-workers when any "personal relationship" is involved. The phrase "personal relationship" includes marriage, cohabitation, dating, or any other intimate or romantic relationship beyond mere friendship.

Limited exceptions to this Policy may be approved by the Village Manager. No retaliation will be taken or tolerated against any employee who reports a possible violation of this Policy or concern about the nature of a personal relationship involving Village employees.

2-4 New Employee Orientation and First Year Employees

It is important for employees to understand the benefits and conditions of employment from the very outset of employment. A New Employee Orientation session will be coordinated by the Human Resources staff, typically within the first two weeks of employment. Staff from Human Resources and other departments will perform the presentation of this orientation. New Employee Orientation is intended to give an overview of municipal government, specific information about major departments and review village policies and programs. During orientation, employees will be given enrollment information for the village's benefit plans that are to be completed at that time.

Except as provided otherwise in an applicable collective bargaining agreement or employment agreement, upon hiring, or upon promotion or transfer to a new position, during the first 12 months in such new position, an employee shall be on probationary status, and shall be required to be evaluated after six (6) months and after one year. The immediate supervisor will be required to observe and evaluate the skill, ability, knowledge, attitude, work habits and any other pertinent characteristics of the employee.



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If an employee fails to perform the duties of the position in a satisfactory manner during such probationary period, the employee may be subject to an extended probationary period or may be terminated. If the employee had been promoted or transferred, the individual may be reassigned to the former classification, if available. When this provision conflicts with State statutes, the statutes shall govern.

Probationary Employees shall have no right to implement the grievance procedures recited in Section 8-4 and 8-5.

2-5 Performance Appraisals

Performance appraisals are the formal record of the determinations on which many decisions are made about an employee's eligibility for continued employment and possible advancement and/or pay adjustments when appropriate. Evaluations are normally conducted on an annual basis or more frequently when deemed appropriate by management.

A positive performance appraisal does not require an increase in pay. These appraisals are also used to recognize good performance unrelated to pay considerations. For example, the appraisal process may be used to document poor performance or to identify areas that need improvement as a part of the system of correcting such problems. Employees and Department Heads (or designees) are also encouraged to use the performance appraisal process as an opportunity to discuss job-related considerations with an employee such as: employee development and training needs; a record of past performance; and an opportunity to objectively discuss, with the supervisor, expectations, personal performance and methods of improvement. Of course, employees should solicit informal feedback and guidance from their supervisors and/or Department Heads throughout their employment and they need not wait for a formal or annual appraisal to do so.

2-6 Personnel Records

All Village employee personnel records are maintained in the Village Manager's office. The Village Manager will create and maintain the procedures by which personnel records will be kept and viewed, subject to the Personnel Record Review Act (820 ILCS 40/0.01 et seq.).

It is important that all employees notify a representative from the Human Resources Office of any changes in their personal or contact information for insurance and other business information. Employees must report any changes to the following information within three business days of a change in any of the following information:

- Primary telephone number (including cellular number);
- Name or marital status (this is important for insurance coverage purposes and will be maintained in a confidential manner upon written request of the employee);
- Number of eligible dependents (for insurance purposes);
- W-4 deductions;



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- Any change of your visa or immigration status (if it affects your eligibility for employment in the United States);
- Address of primary residence;
- Change in Driver's License status;
- Person(s) to contact in case of emergency; and,
- Other personal information that the Village needs to know to contact an employee or properly

2-7 Professional Appearance at Work

Employees are expected to be well groomed and dressed in a manner that is suitable to their responsibilities and position. An employee's appearance must be business-like and reflect good taste. When uniforms are furnished or required, they must be kept clean and neat, and must be worn while performing the duties for the Village. When safety equipment is issued to employees, it is mandatory that it be worn when performing tasks for which such equipment is provided. In some instances, when an employee separates from the Village, their uniforms or equipment may need to be turned in to their Immediate Supervisor.

Unless otherwise provided in a collective bargaining agreement, employees are eligible to order workplace appropriate Village branded clothing items from the Village's chosen vendor. Interested employees can review available clothing items and place an order with the Finance Department, following department head approval. The Village will be responsible for purchasing these items and reserves the right to set a dollar limit on how much an employee can request in a fiscal year. Funds appropriated for clothing purchases are subject to Village Board approval during the annual budget process. If an employee leaves the Village's employ, they are required to turn in all Village branded clothing items in their possession to their department head before their final day of employment.

2-8 Right to Discoveries

The Village does not exist in isolation from other communities and jurisdictions and their laws. Under some circumstances, as a result of investigations, subpoenas or lawsuits, the Village may be required by law to provide electronic or other records or other information related to those records or relating to use of information resources.

All discoveries, inventions, improvements, formulas, ideas, devices, writings, or other intellectual property shall be the sole and exclusive property of the Village of Westchester. This shall be without further compensation, unless provided otherwise by law when the invention relates to the business of the Village, or to the Village's actual or demonstrably anticipated research or development, or the invention results from any work performed by the employee for the Village solely or jointly with others.



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Municipal records, including those in electronic form, are generally considered by the courts as Public Records, and are thus subject to legal discovery and public view. Users should have no expectation of privacy as concerns Village information systems, including electronic files, e-mail and voicemail. As Public Records, a user's electronic files, e-mails, and voicemails may be subject to legal retention requirements. Users should acquaint themselves with the requirements for the class of documents that they may encounter.

2-9 Notification of Injury or Death of an Employee

The purpose of this section is to outline a procedure for notification of family in the event of injury or death of an employee. Because of extenuating circumstances surrounding an event of this type, this policy shall be considered a guideline for personnel to follow in order to complete this task. Procedures for sworn police and fire personnel may change as directed by Department rules and regulations. When notification cannot be made by the involved employee himself, notification shall be made by the Department Head, Village Manager, or designee.

Types of Notification

- Minor injury or Accident: In the event of minor injury or accident, the employee may make notification.
- Critical injury or Death: When the event or injury is critical in nature, notification shall be made in person by a Village representative, whenever possible. The Department Head or designee shall be sent to meet with the family member or significant other.

Each employee shall be required to notify the Village of any changes regarding family contacts or significant others when they occur.

2-10 Promotions

Sworn personnel shall be subject to the promotion procedures established by the Westchester Board of Fire and Police Commissioners.

Consideration for promotion shall be based upon prior job performance, personal qualifications, educational or technical training, and potential of future development. Employees seeking promotional opportunities shall indicate their desires through the standard employment application procedures.

Employees promoted to a position of higher classification shall be required to meet performance expectations through the Village's annual performance evaluation process. If the employee fails to successfully meet these performance evaluation requirements in a satisfactory manner, and the employee's previous position is available, the Village has the option, among other things, to return the employee to his/her former classification and salary.

An employee who receives a promotion shall be placed at either the entry step of the new pay range, or at a step which is not less than five (5) percent higher than the previous pay step or five (5) percent higher than the highest paid subordinate, whichever is highest.



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2-11 Appointment to "Acting" Status

In the event that a prolonged vacancy occurs in a supervisory or administrative position, an existing employee may be appointed to assume the duties of the vacant position in an "acting" capacity. Such appointment shall be made by the Village Manager and shall be considered a temporary appointment.

If the individual assigned to "acting" status is anticipated to perform the duties of a higher pay range for more than 30 days, the "acting" employee shall receive a pay adjustment of not less than five (5) percent above their existing rate of pay. Upon the return of the regular occupant of the position, the "acting" employee shall return to the position and pay rate held prior to the temporary appointment. Under no circumstances shall an employee remain in an "acting" capacity for longer than one (1) year.

2-12 Demotions

If a non-sworn employee is demoted to another position with a lower pay range, the Village shall have the right to reduce the employee's pay range in accordance with the pay plan of the Village.

2-13 Reductions in Personnel

If it is necessary to reduce the work force of the Village due to insufficient funds, or a lack of available work, consolidation or re-organization of functions, curtailment of work or elimination of an employment position the Village may lay off employees. The Village, in its discretion, shall determine when and whether layoffs are necessary.

2-14 Recall from Layoff

Employees subject to layoff shall be eligible for recall. Whenever the Village fills a vacancy in a full-time position of employment it shall prior to offering the position to any other person, offer the position to the person of highest continuous service in the class and qualified to perform the duties assigned to that classification with the Village who at that time is on layoff status.

Persons who have been on layoff status for more than one year at the time the vacancy is filled are not entitled to this recall. If no such person entitled to the vacancy accepts the offer, the Village may proceed to fill the vacancy.

An employee subjected to layoff, may be reinstated to their former position or a position having similar job content for a period up to one year following the date of layoff provided the employee is still qualified to perform the duties assigned to that classification. To be eligible for reinstatement, an employee subject to layoff must continue to provide the Village with a current address and telephone number and if contacted, indicate a desire to be reinstated. An employee who has been recalled to work shall be required to accept such reemployment by advising the Village in writing within seven (7) days and by reporting to duty no later than fourteen (14) days after such notification of recall has been issued to the employee. Employees who fail to respond or report to work after a recall notice has been issued shall forfeit any additional recall rights.



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An employee reinstated to employment within one year after leaving the Village service may have the time away from Village service counted as leave without pay. Reinstatement is contingent upon a position being available and requires the approval of both the Department Head and Village Manager.

Employees subject to a layoff shall be given a written notice. Whenever practical, this notice shall be given at least five working days prior to the effective date and shall include any other information deemed necessary by the Department Head and Village Manager.

This section does not create, and shall not be construed as creating, any contract or offer to contract with the Village. No property or tenure rights in employment shall be created, or deemed to be created, by this Section. All provisions of this section are subject to change, at the sole discretion of the Village, at any time, with or without notice. No policy, benefit or procedure set forth in this section implies or may be construed to imply that it or any portion thereof is an employment contract.



ARTICLE 3: EMPLOYMENT POLICIES

3-1 Equal Employment Opportunity Policy

Equal Employment Opportunity has always been, and will continue to be, a fundamental philosophy and guiding value of the Village. Pursuant to this "EEO Policy", the Village takes appropriate steps to ensure that all employment decisions are based upon legitimate business factors and without regard to an individual's actual or perceived "Legally Protected Category(ies)". As used in this Manual, the phrase "Legally Protected Category(ies)" means: race; color; religion; sex (including pregnancy, childbirth and related medication conditions); gender; gender identity and gender expression; age (over 40); national origin; citizenship status; ancestry; marital status; military and veteran status; mental or physical disability; sexual orientation; genetic information; unfavorable discharge from military service or military status; civil union partnership; order of protection status, lack of permanent mailing address or any other protected characteristic as established by state or federal law or an applicable Ordinance.

This EEO Policy extends to all of the Village's personnel policies, procedures and decisions related to hiring, promotions, transfers, layoffs, rates of pay, discipline, discharge and other terms and conditions of employment. All of those personnel decisions are made and administered without regard to an individual's actual or perceived Legally Protected Categories (as defined earlier). The Village is also committed to providing reasonable accommodations when necessary for all employees and applicants who are disabled (including medical conditions related to pregnancy or childbirth) provided the individual is otherwise qualified to perform the essential functions of the job. (See the Village's Reasonable Accommodations Policies summarized below in Section 3-15 of this Manual)

If an employee is aware of any violation of this EEO Policy or if an employee feels they have been the victim of a Policy violation, that employee is encouraged to alert their immediate supervisor, Department Head and/or a representative from the Human Resources Office of the relevant information without delay. All complaints will be promptly investigated and remedied. Any individual who violates this Policy is subject to disciplinary action that may include termination of the offenders involved. Be assured that no retaliation will be taken or tolerated against any person who reports a possible violation of our EEO Policy and/or those who participate as a witness in any investigation.

3-2 Policy Against Harassment

The Village is also committed to taking appropriate steps to help ensure that all employees have a comfortable and productive working environment that is free of unlawful harassment. For purposes of this Policy, the "working environment" includes not only the place that employees perform their duties and responsibilities in the office, but also places outside the office where an employee is performing their work activities for the Village. Therefore, the Village expects that all relationships among persons in the workplace will be business-like and free of bias, prejudice and harassment.



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It is the responsibility of each and every employee, intern, officer, elected official, appointed official, agent, volunteer, and vendor of the Village, , to refrain from sexual and other forms of unlawful harassment. The Village will not tolerate sexual or any other type of harassment of or by employees, interns, and/or elected officials. Actions, words, jokes, or comments that are offensive or unwelcome (regardless of intent) will not be tolerated.

Any employee who is aware of a possible violation of this Policy against harassment and those who feel that they have been the victim of alleged harassment must report the matter to management pursuant to the complaint procedures set forth below in Section 3-7 of this Manual. Be assured that no retaliation will be taken or tolerated against any employee who utilizes these complaint procedures or participates as a witness in a complaint investigation.

3-3 Sexual Harassment Deserves Particular Attention

It is unlawful and a violation of Village Policy to harass a person because of that person's sex/gender, gender identity or sexual orientation. The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991. All persons have a right to work in an environment free from sexual harassment and this right extends to every employee at every level of our organization as well as non-employee contractors and others who perform services for the Village.

Sexual harassment is unacceptable misconduct which affects individuals of all genders and sexual orientation. It is a policy of the Village to prohibit harassment of any person by any Village official, agent, Village employee or agency of the Village on the basis of sex or gender. All Village officials, agents, employees and agencies are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof.

3-4 Definition of Sexual Harassment

"Sexual harassment" in violation of this Policy may occur whenever there are unwelcome sexual advances, requests for sexual favors or any other verbal, physical or visual conduct of a sexual nature when any of the following occur:

- Submission to the conduct is made either implicitly or explicitly a condition of the individual's employment.
- Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual.
- The harassment has the purpose or effect of interfering with the individual's work performance or creating an environment that is intimidating, hostile, or offensive to the individual.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender or sex. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendos; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering; catcalls or touching; insulting or



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obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail); and other physical, verbal or visual conduct of a sexual nature.

3-5 Other Forms of Prohibited Harassment

The Village also strictly prohibits harassment on the basis of any other legally protected characteristic. Under this policy, harassment is unwelcome verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of an individual's actual or perceived race (including but not limited to traits associated with race, such as hair texture and protective hairstyles such as braids, locks, and twists), color, religion, gender (including gender expression), sex/gender, gender identity, sexual orientation, civil union partnership, age, national origin, citizenship status, work authorization status (i.e., the status of being a person born outside the U.S., who is not a U.S. citizen but is authorized by the federal government to work in the United States), ancestry, marital status, veteran status, genetic information, unfavorable discharge from military service or military status, disability, association with a person with a disability, order of protection status, pregnancy, childbirth or a medical condition related to childbirth or pregnancy, or any other characteristic protected by law, or that of an individual's relatives, friends or associates, and results in any of the following:

- Has the purpose or effect of creating an intimidating, hostile or offensive work environment.
- Has the purpose or effect of unreasonably interfering with an individual's work performance.
- Otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through email, text or other communications).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, professional conferences, business meetings, business-related social events, and any other location where the Village has assigned the individual to perform their job duties.

IMPORTANT: Any employee/intern engaging in practices or conduct constituting sexual harassment, discrimination, harassment, or retaliation of any kind will be subject to disciplinary action, up to and including dismissal from employment (or possible ending of the contractual/business relationship for non-employees). The Village will take appropriate remedial action against any other individual (e.g., board members, independent contractors, patrons, vendors, etc.) engaging in practices or conduct constituting sexual harassment, discrimination, harassment, or retaliation.



3-6 Retaliation Is Strictly Prohibited

The Village prohibits retaliation against any individual, because the individual reports discrimination, harassment, or retaliation; participates in an investigation of such reports; and/or files a charge of discrimination, harassment, or retaliation. Retaliation against an individual for reporting harassment, discrimination, or retaliation; participating in an investigation of a claim of harassment, discrimination, or retaliation; or for filing a charge of discrimination, harassment or retaliation is a serious violation of this Policy and, like harassment or discrimination itself, will be subject to disciplinary action, up to and including dismissal and/or other remedial action as warranted by the circumstances involved.

In addition to the Village's prohibition on retaliation, various state and federal laws prohibit retaliation for reports of discrimination, harassment, or retaliation. For instance, protections against retaliation exist under the Illinois Human Rights Act and, depending on the circumstances, protections against retaliation may exist under the Illinois Whistleblower Act and/or the State Officials and Employee Ethics Act.

3-7 Complaint Reporting Procedure

The Village strongly urges the reporting of all incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. This Policy applies to all full-time, part-time, temporary, and seasonal employees as well as other non-employees who perform services for the Village including contractors and interns. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment, discrimination, or retaliation. While the Village has not established a fixed deadline for reporting possible policy violations, it strongly urges the prompt reporting of complaints or concerns, so the Village can take prompt remedial action if warranted.

The availability of this complaint reporting procedure does not preclude individuals who believe they are being subjected to harassing, discriminatory or retaliatory conduct from promptly advising the offender that the offender's behavior is unwelcome and requesting it be discontinued. However, nothing in this Policy will require individuals who believe they are being subjected to harassing, discriminatory or retaliatory behavior to inform the offender if they are not comfortable doing so.

If an employee witnesses or experiences harassment, discrimination or retaliation of any kind involving another person, the employee should deal with the incident(s) as directly and firmly as possible by clearly communicating their position to their Department Head, a representative from the Human Resources Office, and/or the Assistant Village Manager. The employee should also document or record each incident (what was said or done, by whom, the date, time and place, and any witnesses to the incident) when practical. Written records such as letters, notes, memos, texts, social media postings, tweets, emails and telephone messages can strengthen documentation. Any employee, even when the discrimination, harassment or retaliation is not directed at them, can and should make a complaint without fear of retaliation for doing so. The following is the procedure for addressing these issues:



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- Direct Communication with Offender: If there is harassing, discriminatory or retaliatory behavior in the workplace, and if the employee feels comfortable doing so, they should directly and clearly express the objection to the offending person(s) regardless of whether the behavior is directed at the employee witnessing the behavior. If the employee is the harassed individual, and if the employee feels comfortable doing so, they should also clearly state the conduct is unwelcome and the offending behavior must stop. However, an employee is not required to confront the person directly who is the source of the report, question, or complaint before notifying any of those individuals listed below. The initial message may be oral or written, but documentation of the notice should be made. If subsequent messages are needed, they should be put in writing.
- Report to Supervisory and Administrative Personnel: At the same time direct communication is undertaken, or in the event the employee witnessing or experiencing the behavior feels threatened or intimidated by the offending person, the employee should promptly report the offending behavior to their immediate supervisor or Department Head. If the employee feels uncomfortable doing so, or if the immediate supervisor and/or Department Head is the source of the problem, condones the problem or ignores the problem, please report the conduct directly to a representative of the Human Resources Office. If the Assistant Village Manager or Village Manager is the source of the problem or concern, or if they condone the problem or ignore the problem, the individual should immediately report the incident or incidents in writing directly to the Village President or outside counsel to the Village.
- Report to the Assistant Village Manager: An individual may also report incidents of harassment, discrimination, or retaliation directly to the Assistant Village Manager for handling. The Assistant Village Manager may designate an outside investigator to investigate complaints where deemed appropriate based on the circumstances involved.
- Complaint Against an Elected Official: If someone makes a complaint about alleged discrimination, harassment, or retaliation by an elected official of the Village, they should report it to the Assistant Village Manager and Village Manager, who will normally refer the matter to outside counsel or an independent investigator to review the facts and evidence involved. Business decisions about how to remedy the outcome of a complaint investigation will be made by appropriate individuals with a need to have access to the information involved. These issues are addressed on a case-by-case basis with consideration of all of the facts and circumstances revealed during the investigation.

When someone reports an allegation of discrimination, harassment or retaliation, the Village will conduct an investigation within a prompt period of time and take appropriate remedial action when the investigation determines the allegation is a substantiated violation of policy. At no time will personnel involved in the alleged discrimination, harassment or retaliation conduct the investigation.



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Nothing in this policy precludes a report of discrimination, harassment, or retaliation to the Illinois Department of Human Rights (IDHR), which is the state agency responsible for enforcing the Illinois Human Rights Act, as described in the Conclusion section below. The IDHR maintains a hotline for confidential reports of sexual harassment at 877.236.7703.

3-8 Harassment Allegations Against Nonemployees/Third Parties

If an employee makes a complaint alleging harassment, discrimination or retaliation against an agent, vendor, supplier, contractor, volunteer, or person using Village programs or facilities, the Assistant Village Manager (or designee) will promptly investigate the incident(s) and determine the appropriate remedial action, if any. The Village will take reasonable efforts to protect the reporting/impacted employee(s) from further contact with such persons when warranted or will take other reasonable steps to remediate the situation, including (but not limited to) evaluating interim steps warranted while the Village investigates the allegations.

IMPORTANT: Individuals who have experienced conduct they believe is contrary to this policy have an obligation to take advantage of the complaint reporting procedure. However, they are encouraged to do so in order for the Village to promptly investigate and remedy the situation when appropriate.

3-9 Responsibility of Supervisors and Witnesses

Any supervisory or managerial employee who becomes aware of any possible sexual or other harassment, discrimination and/or retaliation of or by any individual should immediately advise the Assistant Village Manager, and the Assistant Village Manager (or designee) will investigate the conduct promptly and take prompt remedial action, if the investigation substantiates the allegations. In the event the allegations implicate the Assistant Village Manager or Village Manager, the supervisory or managerial employee who becomes aware of any possible sexual or other harassment, discrimination and/or retaliation of or by any individual should immediately advise the Village President, and the Village's outside counsel (or designated investigator) will investigate the conduct promptly and take prompt remedial action, if the investigation substantiates the allegations.

The Village encourages all individuals to report incidents of harassment, discrimination, and retaliation regardless of who the offender may be or whether the reporting employee is the intended victim.

3-10 The Investigation

The Village will investigate any reported allegations of harassment, discrimination, or retaliation promptly. The Village will make appropriate reasonable efforts to conduct an investigation in a responsible and confidential manner. However, it is impossible to guarantee absolute confidentiality, as the Village must be able to investigate fully and take prompt remedial action when necessary. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other knowledge relevant to the allegations. The Village reserves the right and hereby provides notice that it may use third parties to investigate claims of harassment, discrimination, or



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retaliation. Employees must cooperate in any investigation of workplace wrongdoing or risk disciplinary action, up to and including dismissal from employment.

3-11 Responsive Action

After investigation, the Village will determine whether the investigation substantiates a complaint of harassment, discrimination, or retaliation after reviewing the facts and circumstances of each situation. The Village will deal with misconduct constituting a violation of this policy (such as engaging in harassment, discrimination, or retaliation) appropriately. Appropriate remedial action for a substantiated complaint may include, by way of example only: training, referral to counseling and/or disciplinary action (such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay or dismissal from employment), as the Village believes appropriate under the circumstances.

3-12 False and Frivolous Complaints

Given the possibility of serious consequences for an individual accused of sexual or other harassment, discrimination or retaliation, the Village considers complaints made in bad faith or otherwise false and frivolous charges severe misconduct and may result in disciplinary action, up to and including dismissal. A complaint allegation that is unfounded or cannot be proven will not alone be viewed as evidence of bad faith.

In addition, any person who intentionally makes a false report alleging a violation of any provision of the State Officials and Employees Ethics Act to an ethics commission, an inspector general, the State Police, a State's Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor. An ethics commission may levy an administrative fine of up to \$5,000 against any person who intentionally makes a false, frivolous or bad faith allegation.

3-13 Policy Against Harassment Conclusion

In summary, employees have a right to: be free from unlawful discrimination, harassment, or retaliation in the workplace (see this policy and the Village's EEO Policy); file a charge of discrimination, harassment or retaliation (see this policy); and obtain reasonable accommodations, such as those based on pregnancy, childbirth or medical conditions related to pregnancy or childbirth (see the Village's ADA Policy and Pregnancy Discrimination Policy).

While the Village hopes to be able to resolve any complaints of discrimination, harassment, or retaliation within the Village, it acknowledges each employee's right to contact the IDHR at the James R. Thompson Center, 100 West Randolph Street, Suite 10-100, Chicago, Illinois, 60601, about filing a formal complaint. The IDHR also has a reporting hotline that includes a method for the intake of anonymous phone calls regarding allegations of sexual harassment: 877.236.7703. If the IDHR determines there is sufficient evidence of harassment to proceed further, it will file a complaint with the Illinois Human Rights Commission (IHRC), located at the same address on the fifth floor. If the IDHR does not complete its investigation within 365 days, an employee may file a complaint directly with the IHRC between the 365th and the 395th day.



3-14 Diversity, Equity and Inclusion Commitment

The Village believes in treating all employees and others who perform services for the Village (and/or who use the Village resources) with respect and dignity. We recognize that our employees bring their own unique abilities/experiences to their work. We value such diversity at all levels of our organization. Our goal is to create and foster an environment in which all individuals realize their maximum potential and realize the value their differences bring to the Village.

The Village's commitment to diversity encompasses similarities and differences in ethnicity, gender, language, age, sexual orientation, religions, socio-economic status, physical and mental ability, experience, and education and all other Legally Protected Categories too. We believe that the wide variety of perspectives that results from such diversity promotes innovation and business success, and our goal is to provide an inclusive working environment that encourages these values. By valuing differences, we demonstrate our commitment to treating everyone with fairness and respect and to providing a positive working environment of learning, innovation, flexibility, opportunity and growth. Our goal will always be to make diversity, equity and inclusion integral parts of the Village's business operations.

3-15 Reasonable Accommodations for Individuals

Title 1 of the Americans with Disabilities Act (ADA) covers the employment relationship and prohibits discrimination in job application procedures, hiring practices, advancement, discharge, compensation, training, and all other terms and conditions of employment against any applicant or employee with an actual or perceived mental or physical disability.

Consistent with these philosophies, the Village is committed to abiding by the ADA's requirements to provide reasonable accommodations to qualified individuals who are disabled in order to assist them in the performance of their essential job functions. Requests for reasonable accommodations are addressed on a case-by-case basis.

Any employees who have a medical need for a reasonable accommodation to perform the essential job functions of their position should notify their Department Head or the Human Resources Office. After receipt of an accommodation request, the Department Head or representative from the Human Resources Office normally will schedule a meeting with the employee involved to discuss the requested accommodation(s) and the manner in which the accommodation(s) may assist the employee in the performance of their essential job functions. Employees are urged to actively participate in this interactive discussion to attempt to identify the available options that do not pose an undue hardship to the Village's business operations.



ARTICLE 4: HOURS OF WORK AND TIME RECORDS

4-1 Fair Labor Standards Act (FLSA) Overtime Status

Employees are designated by the Village as either “exempt” or “non-exempt” for purposes of the applicable State and Federal wage and hour laws. Employees will be notified of their FLSA status at the time of hire or promotion. Any employee who has a question about their status is encouraged to seek clarification from a representative from the Human Resources Office.

4-2 Standard Work Schedule

Unless provided otherwise in an applicable collective bargaining agreement or in the Personnel Policy Manual, the regular workday for non-exempt Village employees is generally comprised of an eight and one-half hour scheduled shift, which includes a 30-minute unpaid lunch period during each shift.

Village Fire Captains follow a different standard work schedule (24-hour shifts); and subsequently have different benefit provisions, which are further defined in Appendix A.

All non-exempt Village employees may be asked to work additional hours beyond the regular workday on occasion to meet the needs of our residents.

Due to the wide variety of services provided by the Village, hours per week between departments and employees also vary. The hours worked for full-time employees who are not covered by union contracts, which generally include all Administrative and clerical personnel within all departments, are normally assigned to work between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday. Certain full-time clerical employees may be assigned to work other hours as determined by a particular department, and it is at the department head’s discretion to adjust employee schedules as needed to meet the needs of the department and the Village. Part-time employee hours are established on a case-by-case basis based upon the needs of individual Departments.

Employees in the Public Works, Fire, and Police Departments covered by a collective bargaining agreement shall be assigned to work shifts as determined by their Department Heads, in accordance with the terms of the collective bargaining agreement. Department Heads are responsible for recording the time for all employees within their department. The employee and the supervisor must account for any hours not worked by the employee and shall designate from which approved leave the hours will be deducted.

Employee work schedules are not intended to, nor shall they have the effect of, guaranteeing a minimum or maximum number of hours of work. The Village may adjust staff working hours to best meet the service demands of the community. Management and professional personnel may be required to attend Village Board, Committee of the Whole, and other meetings and functions held during evenings and weekends.



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4-3 Lunch Breaks/Other Breaks

Unless otherwise specified in a collective bargaining agreement, lunch breaks are either one half hour, or one hour in length, depending upon the department, and begin at 11:00 a.m. and end by 2:00 p.m. Employees may be allowed to, on occasion, skip a lunch hour to shorten the workday upon the approval of the Department Head, once he or she has ensured that the office is sufficiently covered. Most departments do not have established formal break periods. Smoking breaks will be established by the Department Head and/or the supervisor.

4-4 Overtime/Compensatory Work

Unless provided otherwise in an applicable collective bargaining agreement or defined elsewhere in this Personnel Policy Manual, the Village will compensate non-exempt employees who are required to work in excess of 40 hours at the rate of one and one-half (1 ½) times their regular rate of pay for each hour of authorized overtime worked. Time that is "paid" but not worked (such as paid leave, paid sick days, paid holidays, personal days, and paid vacation time off) is considered time "worked" in determining if an employee actually worked beyond 40 hours in a workweek.

Overtime may only be worked by a non-exempt employee with the prior approval of an employee's Department Head. For safety and security reasons, employees who work overtime without prior approval of the Department Head (even if well intentioned) may be subject to disciplinary action when deemed appropriate. Employees are expected to work overtime hours if required by Departmental needs; the Village will attempt to provide advance notice when overtime is necessary when practical to do so.

With the Department Head's prior written approval, employees may accrue compensatory time off in lieu of overtime pay computed at the rate of one and one-half hours for each hour of authorized overtime work actually performed by the eligible employees. Employee requests for using compensatory time shall follow Department procedures and shall not be unreasonably denied.

In the case of executive, administrative and professional personnel, classified as exempt, as defined by the Fair Labor Standards Act, it is implicit in the nature of their position that time beyond the normal work schedule may often necessarily be spent on the job. While some recognition of these additional hours may be made from time to time, this would be at the discretion of the Department Head and/or the Village Manager. If granted, exempt employees will accumulate compensatory time at the rate of 1 hour for each regular hour of actual work. Exempt employees will be paid out for any unused compensatory time upon employment termination, and unless otherwise established at the discretion of the Village Manager, exempt employees shall not accrue and carry more than a maximum of 240 hours of compensatory time (with the annual approval of the Village Manager over 100 hours).

4-5 Light Duty

If an employee is injured during the course of duty and is unable to perform the required duties of the position, but can perform work of a less strenuous nature, upon recommendation of the



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Village's workers' compensation insurance carrier/adjuster, the individual may be considered for a light duty assignment.

Light duty will be assigned only if available and if any injured employee is determined to be physically able to perform the required light duty job tasks. Such a light duty assignment shall be requested by the Department Head, approved by the attending physician, and authorized by the Village Manager or designee.

When the employee's department cannot find suitable work, light duty assignments may be made in another Village department or other suitable public purposes. It is not the object of the Village to "make work" for employees. Light duty assignments will be made only for work that is important to the mission of a department or the Village. Employees shall serve in light duty assignments only as long as they can perform valuable, productive departmental work.

Employees may be removed from limited duty assignments if appropriate work is not available, or if the employee cannot satisfactorily perform the work assigned. Notwithstanding the above, the employee may be required to attend training sessions, staff meetings, seminars, or continuing education programs as deemed necessary by the Department Head and the Village Manager as part of a light duty assignment.

Light duty assignments shall be made only if it is in the best interest of the Village. The Village shall require a medical exam when the physical abilities of any injured employee are in question. The Village's designated medical facility shall be the primary source of medical information upon which decisions are based on when evaluating an individual's capability to return to work with physical restrictions or limitations. Injured employees have the legal right to obtain medical treatment from whomever they choose. However, no employee shall be granted compensation for lost work time or approval for return to work until they submit to an examination/evaluation by the Village's designated medical facility.

The Village may also arrange for a physician's evaluation of an employee at any time during a light duty assignment. The Village may at any time, based upon its physician's recommendation, modify the employee's light duty assignment or remove the employee from light duty. The decision of the Village Manager shall be final with respect to the determination of whether a light duty assignment is available within the limits of any physician's restrictions.

Permanent light duty assignments are not available. The light duty assignment may not exceed ninety (90) calendar days. Extensions of light duty assignments may be granted if, in the determination of the Village Manager, such an extension would be in the best interest of both the employee and the Village.

4-6 Time Reports

With the exception of those employees ineligible for overtime pay, individual time sheets must be signed by all employees, reviewed by the immediate supervisor, and approved by the Department Head. All vacation, sick and other leave must be recorded for all employees on the semi-monthly hours and attendance report submitted to the Finance Department for payroll.



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The time sheets are official documentation of hours actually worked. If time is taken off during the workweek, the employee must record on the time sheet how time-off will be compensated (vacation, sick leave, comp time, medical leave, or holiday, etc.). If time is not recorded on the time sheet, it will not be regarded as worked or entitled to pay.



ARTICLE 5: EMPLOYEE COMPENSATION & PROVIDED BENEFITS

5-1 Position Classification and Compensation Plans

The administration of salary shall comply with all applicable provisions of the Federal Fair Labor Standards Act.

Any questions or concerns related to employee pay and payroll deductions should be reported to the Human Resources office, who will promptly investigate the issue.

The Village Manager is responsible for administering the Position Classification and Benefit and Compensation Plans for employees not covered by a collective bargaining agreement. The Village Manager or designee prepares and maintains these Plans to achieve consistent and competitive salary practices to the extent possible. These Plans will be reviewed regularly as part of the Village's annual budgeting process and approved along with the Annual Budget adopted by the Village Board.

5-2 Payroll Period

The Village maintains a payroll period with paychecks distributed on the 15th and the last business day of each respective month. When a holiday occurs on a designated payday, checks will normally be distributed on the prior business day. The payroll will be distributed on the regular workday immediately preceding the holiday.

5-3 Payroll Deductions

Several mandatory and voluntary deductions are made each pay period. Mandatory deductions include State and Federal Income Taxes, Social Security, and retirement system contributions (Illinois Municipal Retirement Fund, Police Pension or Fire Pension, as appropriate).

Voluntary deductions include, but are not limited to, health insurance, dental insurance, vision insurance, deferred compensation, and life insurance.

All questions regarding deductions should be directed to the Human Resources office. It is the employee's responsibility to maintain current payroll deduction information with the Human Resources office. Employees wishing to add or change payroll deductions should contact the Human Resources office at least two weeks prior to the requested change date.

5-4 Payroll Errors

Adjustments to pay may be made to correct computational errors at any time. Employees will be notified of the error and the date of the correction as soon as practical after the matter is discovered and remedied. It is the employee's responsibility to inform the designated staff in the Finance Department if an error occurs in their paycheck for any reason. Please be assured that



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no retaliation will be taken or tolerated against any employee who reports an error in payroll records or an improper deduction. Any overpayment or underpayment must be reported pursuant to this Policy.

5-5 Direct Deposit of Pay Checks

Village employees may elect to participate in the Payroll Direct Deposit Program, but they are not required to do so. To participate in this Program, employees will need to designate their full net paycheck for direct deposit. The direct deposit may be made into any savings or checking account at financial institutions that are members of the ACH system. The Village has no liability in this transaction other than the transmittal of the net amount of the paycheck to the designated financial institution. Employees should consult their financial institution regarding participating in the ACH system and their rules for direct deposit. Forms for participation in the Village's Payroll Direct Deposit Program are available from the Finance Department.

5-6 Health, Dental, and Vision Insurance

The Village provides a group health, dental, and vision insurance program for employees and dependents subject to the terms and conditions of the policy in effect. Insurance is provided to eligible employees from the initial date of employment. Employee contributions for employee insurance is required, as determined by the Village or by collective bargaining agreement. Dependent coverage is available subject to an employee contribution for premiums, as determined from time to time by the Village.

Upon termination, the provision of paid health and dental insurance shall cease except as may be provided by the Plan document and State or Federal law. At that time information will be provided to the former employee for obtaining individual insurance coverage.

In 1986, Congress passed the Consolidated Omnibus Budget Reconciliation Act (COBRA) health benefit provision to make available the option to continue group health coverage that otherwise might be separated. COBRA contains provisions giving certain qualified beneficiaries the right to temporary continuation of health coverage at group rates for certain qualifying events that result in a loss of health coverage. It is the employee's responsibility to contact the Village Manager's office if he/she experiences a change in family status that triggers a qualifying event: for a spouse or dependent covered under the group insurance plan to receive COBRA enrollment information. Employees with specific questions regarding this Act should contact the Human resources office for assistance.

Per the Illinois Municipal Insurance Continuation Act (215 ILCS 5/); Sec. 367, eligible retirees who elected Village insurance immediately prior to retirement are eligible to continue insurance coverages for themselves and their dependents. Retirees wishing to continue coverage will be responsible for 100% of their elected coverage(s) insurance premiums. Per current insurance plan rules, once a retiree begins retirement coverage, new dependents are not allowed to be added to the plan once retirement begins. In addition, if a retiree waives coverage after retirement, they cannot rejoin the plan at a later date.



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Alternate Insurance Incentive Program: In lieu of enrolling in the Village of Westchester's health/dental/vision insurance plan, all full-time employees over the age of 26 may participate in the Village's optional insurance incentive program. Full-time employees who provide proof of alternate insurance during open enrollment or when first hired are eligible to receive an annual monetary incentive based on their plan eligibility, paid in equal installments over each payroll, in lieu of participating in the Village's insurance plans. This program is detailed in **Appendix B**.

5-7 Life and Disability Insurance

Life and Accidental Death Insurance is provided to full time employees in an amount of \$50,000, unless otherwise provided for by contract or employment agreement. Employees may, at their sole cost, acquire additional Life and Accidental Death Insurance through the Village of Westchester's provider(s). After the employee or eligible retiree turns 65 years old, the benefits provided for under the Village of Westchester's Life and Disability Insurance reduces by thirty five (35%) percent of the full value of the policy.

5-8 Section 125 Flexible Spending Accounts

All full-time employees are eligible to participate in a program in which pre-tax dollars (through payroll withholdings) are utilized to pay for employee out-of-pocket eligible health care and dependent care expenses incurred during the year. These withholdings are exempt from Federal, State and Social Security taxes, thereby reducing the employee's taxable income. This benefit is established and governed by provisions under Section 125 (also known as a flexible spending account) of the tax code.

5-9 Health Insurance Portability and Accountability Act

The purpose of developing and implementing a HIPAA Privacy Policy is to ensure compliance with federal law and regulations that provide for secure and confidential handling of Protected Health Information (PHI) as defined by federal law. The Village of Westchester may not use or disclose Protected Health Information (PHI) to its employee workforce or outside vendors (Business Associates), except as allowed by the HIPAA Privacy Rules (the primary reasons being treatment, payment, or healthcare operations or a specific authorization from the individual who is the subject of the PHI).

Even where permitted, only the minimum necessary amount of PHI necessary to accomplish the intended purpose must be provided. For the purposes of insurance renewals, measures must be utilized to reduce and/or eliminate PHI to accomplish the desired outcome.

Following are the privacy practices regarding HIPAA for the Village of Westchester, which outline your employee rights under privacy rules. Employees of the Village of Westchester may contact the Privacy Officer listed below with questions regarding this Policy.

Privacy Officer: Assistant Village Manager - Village of Westchester
 10300 Roosevelt Road
 Westchester, Illinois 60154
 (708) 345-0020



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The HIPAA PRIVACY RULES are intended to inform you employees of the privacy practices followed by the Village of Westchester Group Benefit Plan. It also explains the federal privacy rights afforded to you employees and the members of you're the employee's family as plan participants covered under a group health plan.

As a plan sponsor, the Village of Westchester often needs access to health information in order to perform plan administrator functions. We want to assure the plan participants covered under our group health plan that we comply with federal privacy laws and respect your right to privacy. We require all members of our workforce and third parties that are provided access to health information to comply with the privacy practices outlined below.

USE AND DISCLOSURE OF INFORMATION

1. Health Care Operations. We use and disclose health information about you in order to perform plan administration functions such as quality assurance activities, resolution of internal grievances, and evaluating plan performance. For example, we review claims experience in order to understand participant utilization and to make plan design changes that are intended to control health care costs.
2. Payment. We may also use or disclose identifiable health information about you without your written authorization in order to determine eligibility for benefits, seek reimbursement from a third party, or coordinate benefits with another health plan under which you are covered. For example, a health care provider that provided treatment to you will provide us with your health information. We use that information in order to determine whether those services are eligible for payment under our group health plan.
3. Treatment. Although the law allows use and disclosure of your health information for purposes of treatment, as a plan sponsor, we generally do not need to disclose your information for treatment purposes. Your physician or health care provider is required to provide you with an explanation of how they use and share your health information for purposes of treatment, payment, and health care operations.
4. As permitted or required by law. We may also use or disclose your health information without your written authorization for other reasons as permitted by law. We are permitted by law to share information, subject to certain requirements, in order to communicate information on health-related benefits or services that may be of interest to you, respond to a court order, or provide information to further public health activities (e.g. preventing the spread of disease) without your written authorization. We are also permitted to share health information during a corporate restructuring such as a merger, sale, or acquisition. We will also disclose health information about you when required by law, for example, in order to prevent serious harm to you or others.
5. Pursuant to your Authorization. When required by law, we will ask for your written authorization before using or disclosing your identifiable health information. If you



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choose to sign an authorization to disclose information, you can later revoke that authorization to cease any future uses or disclosures.

6. Right to Inspect and Copy. In most cases, you have a right to inspect and copy the health information we maintain about you. Your request to inspect or review your health information must be submitted in writing in accordance with Village of Westchester policies and procedures.
7. Right to an Accounting of Disclosures. You have a right to receive a list of Instances where we have disclosed health information about you for reasons other than treatment, payment, or related administrative purposes, except for information disclosed in conjunction with an investigation for law enforcement purposes.
8. Right to Amend. If you believe that information within your records is incorrect or if important information is missing, you have a right to request that we correct the existing information or add the missing information.
9. Right to Request Restrictions. You may request in writing that we not use or disclose information for treatment, payment, or other administrative purposes except when specifically authorized by you, when required by law, or in emergency circumstances. We will consider your request but are not legally obligated to agree to those restrictions.
10. Right to Request Confidential Communications. You have a right to receive confidential communications containing your health information. We are required to accommodate reasonable requests. For example, you may ask that we contact you at your place of employment or send communications regarding treatment' to an alternate address.

THE VILLAGE OF WESTCHESTER'S LEGAL DUTIES

The Village of Westchester is required by law to protect the privacy of your information, provide this notice about information practices, and follow the information practices that are described in this notice.

The Village may change our policies at any time. You can also request a copy of our notice at any time. For more information about our privacy practices, contact the person listed below. If you have any questions or complaints, please contact:

Privacy Officer: Assistant to the Village Manager
Village of Westchester 10300 Roosevelt Road
Westchester, Illinois 60154
(708) 345-0020

COMPLAINTS

If you are concerned that we have violated your privacy rights, or you disagree with a decision we made about access to your records, you may contact the person listed above. You may also send a written complaint to the U.S. Department of Health and Human Services - Office of Civil



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Rights. The person listed above can provide you with the appropriate address upon request or you may visit www.hhs.gov/ocr for further information.

5-10 Retirement Programs

The Village offers the following retirement programs to eligible employees:

- Illinois Municipal Retirement Fund (IMRF): IMRF is a State retirement and disability program for public employees. All non-sworn employees working 1,000 or more hours annually must participate per state law. Both the Village and employee contribute a percentage of earnings to this program. All employee earnings contributed are tax deferred in accordance with applicable state and federal regulations. Employees covered under IMRF are also entitled to a death benefit up to one year's gross salary plus employee contributions. This benefit is subject to the successful completion of one (1) year of credited service. (40 ILCS 5/7-101 et al)
- Police or Fire Pension Fund: The Westchester Police and Fire Pension Funds are retirement and disability programs for all eligible sworn full-time police and fire personnel. Both the Village and employee contribute to these programs. All employee earnings contributed are tax deferred in accordance with applicable State and Federal regulations.
- Social Security: Social Security is a federally mandated retirement and disability program. All non-sworn personnel, regardless of employment status, are required to participate. Both the Village and the employee contribute a percentage of earnings to this program
- Voluntary Deferred Compensation (457b): All employees are eligible to participate in a voluntary deferred compensation program. It is important to note that if elected, contributions will only be comprised of employee contributions. Unless otherwise provided by contract, the Village does not make contributions to employee deferred compensation plans. All contributions are tax deferred in accordance with applicable State and Federal regulations.

5-11 Employee Assistance Program

The Village makes available an Employee Assistance Program (EAP) through the Intergovernmental Personnel Benefit Cooperative (IPBC) insurance pool, free to eligible employees and members of their households. The Employee Assistance Program (EAP) is a third-party resource and referral program designed to assist employees who are experiencing personal problems in areas including, but not limited to marital and family problems, alcohol and chemical dependencies, financial, legal, stress, depression, and emotional or psychological difficulties.

The Village's primary objective in offering and implementing an EAP is to provide employees with a confidential, convenient opportunity to resolve personal problems independently and at an early stage, before they lead to more serious difficulties. EAP maintains a confidential relationship with the employee and/or family members and their counselors.



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Eligible full-time and part-time, year-round employees and their immediate family members are eligible to seek assistance through the Village's EAP.

Self-Referral: Requesting and accepting assistance from the EAP is voluntary and confidential. Neither the employee's supervisor nor anyone else at the Village will be informed that the employee (or his/her immediate family member) has voluntarily contacted (self-referred) the EAP, unless the employee chooses to tell. Exceptions may occur only with the written permission of the employee.

Supervisory Referral: Should the work performance of an employee deteriorate and should non-work-related problems appear to be contributing to noted deficiencies, the EAP can serve as a resource that managers and supervisors may recommend to employees to assist them in restoring performance to satisfactory level. When there is reason to believe that an employee's work-related difficulties are due to personal problems, the supervisor may recommend that the employee seek assistance through the EAP. The supervisor's role is not to diagnose, label or solve an employee's personal problems, but rather, to make the employee aware of the EAP and motivate him/her to utilize the service.

Mandatory Participation: Mandatory participation in the EAP may be required as a condition of ongoing employment for employees who have violated the Village's drug and alcohol-free workplace and testing policies.

Services Provided/Costs: Qualified EAP counselors are available online and by telephone 24 hours per day, seven days a week. Contact information can be obtained from the current EAP provider flyer or by contacting the Human Resources office. Problem assessment and short-term counseling (if appropriate) will be provided to each employee (or family member) at no cost. Should longer-term treatment be required, the employee will be responsible for any additional costs incurred. Depending upon the nature and diagnosis of an employee's problem, the Village's group health insurance plans may provide for some coverage. Any employee utilizing the EAP will be provided the same benefits coverage available under the existing plans as employees who do not participate in the program. Any costs incurred that exceed limitations of the benefit plans are the responsibility of the employee.

Utilization Process:

- Upon calling the EAP for assistance, depending upon the outcome of the telephone conversation, an EAP Intake Specialist will generally schedule an appointment at a mutually convenient time and office location. In the event of a crisis, these issues are dealt with on an immediate basis.
- Following the assessment session(s), the problem will either be resolved, the counselor will recommend further treatment by an outside therapist, or suggest another course of action. In referring an employee to an external source, whether it is a counselor or rehabilitation center, the EAP counselor will consider the nature and



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severity of the problem, the desired geographic area for treatment, the employee's benefit coverage, and his/her ability to pay.

- An EAP Client Relations Specialist will follow up to ensure that the employee is satisfied with the treatment received and, if not, provide a more appropriate referral.

Job Performance and Retention: An employee who seeks assistance through the EAP will not be terminated or be denied any job opportunity due solely to his/her participation in the program. Should an employee refuse a recommendation to seek treatment through the program, he/she will be handled according to the disciplinary procedures.

Similarly, participation in the program does not relieve an employee of the responsibility to perform his/her job duties at an acceptable level.

5-12 Training Programs

The Village of Westchester recognizes it has a responsibility to the community to maintain a capable, responsive, and professional work force. Career development planning is a way to train and educate an employee to perform in the capacity where the employee desires to serve at a level that meets the needs of the department and the community. In order to achieve this result, the department training program is designed to provide the opportunity for members to pursue a variety of career development options.

The Village of Westchester training program includes topics such as: harassment, ethical conduct, diversity, supervision, team building, communications, and other topics. Employees are required to take selected mandatory classes and elective classes during a designated time frame. It is the responsibility of the employee and the department director to ensure training requirements are met. This training program was implemented to improve services to residents, achieve departmental objectives and provide the opportunity for employees to improve skills and enhance their professional development.

When employees voluntarily attend meetings, lectures, college courses or other training sessions conducted by independent schools, colleges, associates, or entities, their attendance may or may not be paid depending on the circumstance, even if the Village pays the tuition for such courses under an educational assistance program or policy.

5-13 Tuition Reimbursement

The Village of Westchester encourages its employees to continue their education and, therefore offers tuition reimbursement to full-time employees. Employees who enroll in a course at an accredited university, college, or community college, and receive a minimum grade of "C" (or its numerical equivalent) for undergraduate level courses or a minimum grade of "B" (or its numerical equivalent) for graduate level courses shall be eligible for tuition reimbursement.

Tuition reimbursements are granted on a first come, first served basis and dependent on the availability of funds as determined by the Village Board during the budget review process.



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Undergraduate Level Course Guidelines:

- Courses of direct benefit to the Village shall be reimbursed at 100%
- Courses of no benefit to the Village shall not be reimbursed
- Reimbursement for undergraduate courses shall not exceed \$2,000 per employee per budget fiscal year

Graduate Level Course Guidelines

- Courses of direct benefit to the Village shall be reimbursed at 100% up to \$2,000 and at 50% beyond \$2,000
- Courses of indirect benefit or no benefit to the Village shall not be reimbursed
- Reimbursement for graduate courses shall not exceed \$4,000 per employee per budget fiscal year the Village of Westchester budget fiscal year begins on May 1 and ends on April 30.

If tuition is paid in part or fully by any other agency or organization, the percentage of Village reimbursement will be modified in direct proportion to such payment.

In order to receive reimbursement, a completed "Tuition Reimbursement Application" must be submitted to the Department Head. Approval must be obtained from both the Department Head and Village Manager prior to the start of the course.

All Village tuition reimbursement applications and records are maintained in the Village Manager's office.

For each \$2,000 reimbursement, participating employees are required to remain employed by the Village for a period of six (6) months. The calculation of time owed to the Village shall begin from the date the course was completed. The calculations of time owed to the Village for subsequent courses shall be made from the expiration date of the previous time obligation, or the completion date of the most recent course, whichever is later. Failure of the employee to remain employed by the Village for the requisite time period shall require the employee to refund such tuition reimbursement to the Village.



ARTICLE 6: PAID TIME OFF AND EMPLOYEE LEAVE

6-1 Eligibility for Benefits

Unless otherwise indicated below or addressed in a collective bargaining agreement, the benefits described in the Personnel Policy Manual are solely provided to those individuals with full-time employment status. Employee benefits are established and from time to time amended by the Village Board, upon recommendation of the Village Manager. Employees with questions regarding benefits should contact the Human Resources office.

6-2 Holidays

Subject to the provisions of any otherwise applicable collective bargaining agreements or this Personnel Policy Manual, the Village designates certain days as holidays with pay for full-time employees. Part-time employees hired prior to January 1, 2025 are eligible to receive holiday pay proportionate to the number of weekly hours scheduled for their position. Part-time employees hired after January 1, 2025 are not entitled to holiday pay. The holidays are listed as follows:

New Year's Eve	New Year's Day
Martin Luther King Jr. Day	Presidents' Day
Memorial Day	Juneteenth
Independence Day	Labor Day
Thanksgiving Day	Friday after Thanksgiving
Christmas Eve	Christmas Day

All paid holidays shall be on the basis of the employee's regular rate of pay for the employee's regular work schedule. When an authorized holiday falls on a Saturday, the preceding Friday will be observed as the paid holiday. When an authorized holiday falls on a Sunday, the following Monday will be observed as the paid holiday.

Shift employees, both sworn and non-sworn, will be required to work holidays in accordance with their regular work schedule. When a holiday falls within an employee's vacation period, the employee shall be paid for the holiday and that day shall not be charged against the employee's vacation balance. If applicable per union contract, shift employees will receive holiday pay in a lump sum payment December 1st. If a shift employee leaves employment with the Village of Westchester in good standing prior to December 1st, the employee shall receive Holiday Pay for all holidays between January 1st and the last day of employment.

6-3 Personal Days

Unless otherwise provided by contract, all full-time, regular employees of the Village will receive three (3) additional personal days in a calendar year, accrued on a per-payroll basis. Personal days can be carried over and will be included in the paid time off accrual cap of five (5) weeks. Personal days may be used for any purpose. New employees hired from January 1 to April 30th may schedule the full allotment of personal days; those hired from May 1st to August 31st may schedule no more than two-thirds of personal days; and those hired September 1st to



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December 31st may schedule no more than one third of personal days. Personal time shall be taken at the discretion of the employee, provided that the scheduled date is approved by the Department Head.

6-4 Vacation Days

All full-time, regular employees of the Village are eligible to earn vacation leave accrued on a per payroll basis. Paid vacations are provided to employees in accordance with the length of continuous service. Vacation time is earned according to the following accrual schedule unless otherwise provided by contract or negotiated during the employment offer:

<u>Length of Service</u>	<u>Vacation</u>
1 year but less than 5 years	10 days per year
5 years but less than 12 years	15 days per year
12 years but less than 20 years	20 days per year
20 years or more	1 day per year of employment up to a maximum of 25 days

Employees promoted from a permanent part-time position shall receive regular full time service credit in proportion to their part-time service. No benefit time will be retroactively applied to the employee's benefit time bank.

Employee vacation requests are subject to the approval of the Department Head. Department Head vacation requests are subject to the approval of the Village Manager. Requests for vacation time of five (5) or more consecutive days shall be made no later than fourteen (14) days in advance.

Unless otherwise provided by contract or negotiated during the employment offer, no employee shall be eligible to receive a paid vacation until completion of six (6) months of continuous service unless explicitly authorized by the Village Manager. Under normal circumstances, an employee is expected to take an annual vacation, with employees encouraged to take at least five (5) vacation days consecutively each calendar year after one full year of service.

The Village of Westchester provides leave benefits to full-time employees that far exceed the hour requirements for leave under the Paid Leave for All Workers Act (PLAWA). As such, the Village enacted an ordinance exempting full-time employees from the PLAWA on December 19, 2023. However, part-time employees employed by the Village of Westchester are eligible to receive leave benefits under the PLAWA, following the benefit hour calculation provided by the Act based on the estimated number of hours worked for those employees calculated at the start of the calendar year.

6-5 Use of Personal and Vacation Days - Paid Time Off

Use of Personal or Vacation paid time off may be used for authorized purposes. The employee's Department Head shall approve or disapprove of all time off requests. Paid time off may be requested on a first come, first served basis. Except in those cases where paid time off is used



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for illness, injury, or a stated emergency, an employee shall schedule the use of time at least 2 days in advance. Village employees taking Paid Time Off in excess of 4 hours will require a Benefits Request Sheet to be attached to their timesheet.

An employee will be permitted to carry unused vacation and personal days up to a maximum of five (5) weeks. Part-time employees receiving leave under the PLAWA will be paid out any accumulated leave held at the end of each applicable calendar year. The Department Head or their designee may refuse to approve a paid time off request if they find the time period requested to be inappropriate. An employee who resigns, with or without notice, or is terminated for any reason, will receive all earned, but unpaid time off.

6-6 Long-Term Sick Leave

Except as expressly provided herein, only employees on full employment status are eligible for sick leave. Sick leave is a privilege, not a right, extended to full employment status employees. Sick leave may not be used to obtain additional vacation time.

Paid sick leave may be used for illness, injury, disability, or medical appointments that cannot be scheduled during off-duty hours. Paid sick leave may also be used to care for a child, spouse, or parent who has a serious health condition that requires the employee to remain at home or to escort such person to a medical appointment. Such use of paid sick leave for the care of a child, spouse, or parent shall be only on an emergency or temporary basis. Paid Sick Leave will run concurrently with Family and Medical Leave Act (FMLA) leave, and any additional use of FMLA leave shall be governed by the FMLA, provided pursuant to Section 6-7 hereinafter, shall be on an unpaid basis. For family illness or injury, employees are to provide for other care as soon as practical. New employees shall not be eligible to use paid sick leave until thirty (30) days after the date of hire. Paid sick leave must be used in increments of one-half (1/2) hour.

An employee unable to report to work shall contact his/her immediate supervisor at the earliest opportunity via phone call or other previously established preferred method of communication identified by their department head. If the absence is longer than one (1) day, the employee shall keep the supervisor informed of the condition and anticipated return to work date. Under normal circumstances and at the discretion of the Department Head, employees absent for more than three (3) consecutive days, has repeated illnesses of shorter periods; is absent due to illness or injury on the day of, before, or after a holiday; or in other circumstances as deemed appropriate by the Director or Manager, the Village will consider the occurrence(s) as a possible FMLA case, and require the employee and their treating physician to complete the appropriate FMLA paperwork verifying the need to use sick leave and fitness to return to duty. If the physical ability of an employee to perform the essential functions of a job is in question, the Village Manager may require a physical exam at the expense of the Village.

The use of paid sick leave is intended only for legitimate reasons as outlined in this section. Any abuse of the sick leave policy shall result in non-payment of sick leave benefits and shall be grounds for disciplinary action. Abuse of sick leave shall include but is not limited to the following: failure to notify supervisor of absence; failure to provide documentation for absence



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as required; continued pattern of absences prior to or following regularly scheduled off-days, holidays, or vacations. Paid sick leave cannot be utilized for any illness or injury resulting from outside employment. In addition, paid sick leave will not be granted to any employee during the last two (2) weeks of employment unless verification is received from a physician that the employee was physically unable to work.

An employee with more than one (1) year of service may be advanced paid sick leave if all paid time off options have been exhausted. Eligibility for such an advance shall be determined and approved by the Village Manager, at his/her sole discretion.

Sick Leave Accrual

Unless otherwise stated in a collective bargaining agreement or elsewhere within this Personnel Policy Manual, employees hired prior to January 1, 2006, shall be eligible to receive the benefits provided for by the employee disability policy. The policy provides the following benefits:

<u>Completed Years of Service</u>	<u>Maximum Number of Weeks at Full Pay</u>	<u>Maximum Number of Weeks at Half Pay</u> (After Full Pay is Exhausted)
Less than 1 year	1	0
1 year but under 2	2	2
2 years but under 3	3	3
3 years but under 4	4	4
4 years but under 5	5	5
5 years but under 6	6	6
6 years but under 7	7	7
7 years but under 8	8	8
8 years but under 9	9	9
9 years but under 10	10	10
10 years and over	12 plus one week for each year over 10, up to 20 weeks	12 plus one week for each year over 10, up to 20 weeks

Unless otherwise stated in a collective bargaining agreement or elsewhere within this Personnel Policy Manual, employees that use no sick leave in a calendar year shall receive three days' pay. Employees that take sick leave shall be eligible for an incentive equal to half of the remaining sick days in any given year.



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Employees hired after January 1, 2006, shall be eligible to receive the benefits provided for under the sick leave accrual policy. The policy provides the following benefits:

- Each employee will be entitled to a maximum of ninety-six (96) hours of sick leave per calendar year.
- Employees shall accumulate paid sick leave at the rate of eight (8) hours for each month of service.
- Paid sick days may be accumulated from year to year with a maximum accrual of two hundred forty (240) days.
- Employees who leave employment with the Village of Westchester shall be entitled to receive payment for 50% of all unused accrued paid sick days at the employee's regular rate of pay, not to exceed one hundred twenty (120) accrued paid sick days. The maximum payout shall be for sixty (60) days of unused accrued paid sick time.

Employees that use no sick leave in a calendar year with a full year's allotment shall receive three days' pay. An employee who uses less than four sick days in a calendar year shall receive two days of pay. This will be proportionally adjusted for newly hired employees in their first year of employment. All payments shall be made the subsequent January.

6-7 Family Medical Leave of Absence (FMLA) Policy

If an employee has been employed by the Village for at least 12 months and that employee has worked at least 1,250 hours during the 12-month period preceding the start of the leave (which includes all periods of absence from work due to or necessitated by USERRA-covered service), that employee is eligible for up to a total of 12 workweeks of unpaid leave during any rolling 12 month period for one or more of the following reasons:

- Because of the birth of your child and in order to care for such child (within 12 months after the birth of the child);
- Because of the placement of a child with you for adoption or foster care (within 12 months of the placement of the child);
- In order to care for your spouse, child, or parents if they have a "serious health condition" as defined under the FMLA;
- Because of a "serious health condition" as defined under the FMLA that makes you unable to perform the functions of your job; or
- Because of any "qualifying exigency" (as defined by the Secretary of Labor) arising out of the fact that your spouse, child, or parent is deployed on covered active duty in a foreign country (or has been notified of an impending call or order to covered active duty in a foreign country) in the Armed Forces, including the National Guard and Reserves.



Qualifying Exigency Leave

If you are an FMLA eligible employee (as defined above), you are entitled to take up to 12 weeks of unpaid FMLA leave for any qualifying exigency arising out of the fact that a military member is on covered active duty or called to covered active-duty status in a foreign country. The leave described in this paragraph is available during a 12-month rolling period and may be taken on an intermittent or reduced leave schedule basis. You will be required to provide a copy of the military member's active-duty orders or other documentation issued by the military that indicates that the military member is on covered active duty or is called to covered active-duty status in a foreign country and the dates of the military member's covered active-duty service. Eligible employees may take all 12 weeks of their FMLA leave entitlement as qualifying exigency leave or the employee may take a combination of 12 weeks of leave for both qualifying exigency leave or any other qualifying reason listed above.

With respect to a Qualifying Exigency Leave:

- a) A "military member" means your spouse, son, daughter, or parent who is on covered active duty or called to covered active-duty status in any foreign country in any of the Armed Forces, including a member of the National Guard or Reserves.
- b) A "qualifying exigency" includes the following broad categories: (a) short notice deployment; (b) military events and related activities; (c) childcare and school activities; (d) parental care; (e) financial and legal arrangements; (f) counseling; (g) rest and recuperation; (h) post deployment activities, including reintegration activities, for a period of 90 days following the termination of active duty status; and, (i) additional categories that are agreed to by the employer and employee within this portion of the Policy.
- c) The phrase "son or daughter" is defined as your biological, adopted, or foster child, stepchild, legal ward, or child for whom you stood in loco parentis, of any age for qualifying exigency leave, who is on active duty or called to active-duty status who is of any age. (Note: This definition is different from other sections of this FMLA policy). If the exigency leave is to arrange for childcare or school activities of a military member's child, the military member must be the spouse, son, daughter or parent of the employee requesting the leave.
- d) A "parent" means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to you when you were a son or daughter, but it does not include "parents in law."
- e) Parental care – eligible employees may take leave to care for a military member's parent who is incapable of self-care when the care is necessitated by the military member's covered active duty. Such care may include arranging for alternative care, providing care



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on an immediate need basis, admitting, or transferring the parent to a care facility, or attending meetings with staff at a care facility.

- f) Rest and Recuperation – eligible employees may take up to fifteen days to spend time with a military member on Rest and Recuperation leave, limited to the actual leave time granted to the military member and supported by the Rest and Recuperation leave orders or other appropriate documentation issued by the military setting forth the dates of the leave.

Military Caregiver Leave

If you have been employed by the Village for at least 12 months and have worked at least 1,250 hours during the 12-month period preceding the start of the leave and you are a spouse, child (of any age for military caregiver leave), parent or next of kin of a Covered Servicemember, as defined below, you are entitled to a total of 26 workweeks of unpaid leave during a single 12-month period to care for the Covered Servicemember (including 12 workweeks for any other FMLA qualifying reason). The leave described in this paragraph shall only be available during a single 12-month period beginning as of the date the leave commences and ending 12 months after that date (and any unused amounts are forfeited).

Military Caregiver Leave may be permitted more than once if necessary to care for a different Covered Servicemember (or the same Servicemember with multiple or subsequent injuries or illnesses) up to a combined total of 26 workweeks in a 12-month period. However, your total available leave time in any single 12-month period generally may not exceed a combined total of 26 workweeks (including FMLA time off taken for any other reason); except as provided under the FMLA regulations. You will be required to timely submit a medical certification available from our Human Resources Office or an invitational travel order or authorization from the Department of Defense as a condition of receiving approved Military Caregiver Leave. NOTE: the 12-month computation period for this type of leave differs from the other types of FMLA leave.

With respect to Military Caregiver FMLA Leave:

- a) A "Covered Servicemember" means (1) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or (2) a covered veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, National Guard or Reserves at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy, and who was discharged or released under conditions other than dishonorable.
- b) "Outpatient status" means the status of a Covered Service Member assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of



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providing command and control of members of the Armed Forces receiving medical care as outpatients.

- c) "Next of kin" means the nearest blood relative of that individual (regardless of age) other than an employee's spouse, son or daughter. You are required to provide confirmation of the relationship upon request. The Servicemember may designate the blood relative who is considered their next of kin; otherwise, the following order generally will apply: blood relatives granted custody by law, brother/sister, grandparents, aunts/uncles, and then first cousins.
- d) "Serious injury or illness" for a Current Servicemember means an injury or illness incurred by the Servicemember in the line of duty on active duty in the Armed Forces (or existed before the beginning of the Servicemember's active duty and was aggravated by service in the line of duty) that (i) may render the Servicemember medically unfit to perform the duties of the member's office, grade, rank or rating, or (ii) in the case of a veteran Servicemember, that manifests itself before or after the member became a veteran.
- e) "Serious injury or illness" for a Covered Veteran means an injury or illness that was incurred or aggravated by the member in the line of duty on active duty in the Armed Forces and manifested itself before or after the member became a veteran, and is: (1) A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or (2) A physical or mental condition for which the covered veteran has received a VA Service Related Disability Rating (VASRD) of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for caregiver leave; or (3) A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment; or (4) An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

Spouses Employed by the Village

If your spouse also works for the Village and you both become eligible for a leave under paragraphs 1a. or 1b. above, or for the care of a sick parent under paragraph 1c. above, the two of you together will be limited to a combined total of 12 workweeks of leave in any rolling 12-month period. In addition, if you and your spouse both become eligible for a leave under the Military Caregiver Family Leave provision above or under a combination of the Military Caregiver Family Leave provision, paragraphs 1a. and 1b. above, or to care for your parent with a serious health condition under paragraph 1c above, the two of you together generally will be limited to a combined total of 26 workweeks of leave in any single 12-month period.



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Medical Certification

Any request for a leave under paragraphs 1c., 1d. or under the Servicemember Family Leave provision above must be supported by certification issued by the applicable health care provider or the Department of Defense. Employees are required to submit this information on the forms provided, available from a representative from the Human Resources Office or on the Invitational Travel Orders or Authorizations provided to employees by the Department of Defense.

Employees will be required to submit a new medical certification form for each leave year for a medical condition(s) that last longer than one year. Additionally, employees are required to submit a recertification of an ongoing condition every six (6) months in connection with an absence where the duration of the condition is described as "lifetime" or "unknown".

At its discretion, the Village may require a second medical opinion and periodic recertification to support the continuation of a leave or under paragraphs 1.c. and 1.d. (except as otherwise provided by the Department of Labor). If the 1st and 2nd opinions differ, a 3rd opinion can be obtained from a health care provider jointly approved by both the employee and the Village (unless the employee accepts the second opinion as determinative). A second medical opinion generally will not be requested for Military Caregiver Leave but may be requested if the Certification is completed by a health care provider who is not affiliated with the DOD, VA or TRICARE.

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, the Village asks that employees not provide any genetic information when responding to a request for medical certification regarding their own serious health conditions under this FMLA Policy. "Genetic information" as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

There is an exemption to GINA's limitation on the disclosure of family medical history when an employee requests a leave of absence under the FMLA due to a family member's serious health condition. In such situations, all information necessary to make the medical certification form complete and sufficient under the FMLA should be provided.

Intermittent Leave

If certified as medically necessary for the serious health condition of either an employee or their spouse, child or parent (Paragraphs 1.c. and 1.d., above), or to care for a Covered Servicemember if employee is a spouse, child, parent or next of kin to the Covered Servicemember (Paragraph 3, above), leave may be taken on an intermittent or reduced leave schedule. Intermittent leave also may be taken if employee qualifies for leave because of a



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qualifying exigency as described in Paragraph 1e, above, subject to the submission of a certification prescribed by the Secretary of Labor. If leave is requested on an intermittent basis, however, the Village may require that employee transfers temporarily to an alternative position which better accommodates recurring periods of absence or to a part-time schedule, provided that the position offers equivalent pay and benefits.

Light Duty Work Assignments

The time that employees are actually performing work in a light duty capacity does not count against their 12-week FMLA allotment. In effect, your right to restoration is held in abeyance during the period of time that employee is performing work but in a light duty capacity (or until the end of the applicable 12-month FMLA leave year if longer). If an employee is not working their full scheduled hours (due to an intermittent FMLA taken on a reduced schedule), the time away from work will count toward the annual 12-week allotment of FMLA time). Please reference the Section 4-5 for more specifics regarding the Village's Light Duty Policy.

FMLA Notification and Reporting Requirements

All requests for FMLA leaves of absence must be submitted to your Immediate Supervisor or a representative from the Human Resources Office at least 30 days in advance of the start of the leave, except when the leave is due to an emergency or is otherwise not foreseeable. If the leave is not foreseeable, employee must provide notice as soon as "practicable," which generally means either the same day or the next business day that employee learns of the need for leave, in the absence of any unusual circumstances. A delay in submitting an FMLA leave request may result in a loss of FMLA protections and/or a delay of the start of your leave. Your Immediate Supervisor will forward the request to a representative from the Human Resources Office for approval.

An employee must respond to questions relative to your leave request so that we can determine if the leave qualifies for FMLA protection; failure to do so may result in loss or delay of FMLA protections. If an employee is seeking leave due to an FMLA-qualifying reason for which the Village has previously granted employee FMLA-protected leave, you must specifically reference the qualifying reason or need for FMLA leave at the time of your request to be away from work. It is not sufficient to simply "call in sick" without providing additional information which would provide the Village with reasonable cause to believe your absence/time away from work may qualify as an FMLA qualifying event. In all cases in which you are seeking leave under this Policy, employee shall provide such notice to the Village consistent with the Village's established call-in procedures so long as no unusual circumstances prevent employee from doing so. Failure to comply with the call-in procedures may result in a delay or denial of FMLA protected leave.

An employee must make an effort to schedule a leave so as not to disrupt business operations. During the leave, an employee may be required to report periodically on your status and your intention to return to work. Any extension of time for your leave of absence must be requested in writing prior to your scheduled date of return to work, together with written documentation to support the extension. Your failure to either return to work on the scheduled date of return or to apply in writing for an extension prior to that date will be considered to be a resignation of



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employment effective as of the last date of the approved leave. Employees on leaves for their own serious health condition must provide fitness-for-duty releases from their health care provider before they will be permitted to return to work. Your maximum time on a leave of absence, all types combined, and including all extensions, cannot exceed a total of 12 weeks in a rolling 12-month period, unless employee is a spouse, child, parent, or next of kin on leave to care for a Covered Servicemember, in which case your leave can last for up to 26 workweeks in a single 12-month period (unless legally required otherwise).

An Employee shall not be granted a leave of absence for the purpose of seeking or taking secondary employment elsewhere or operating a private business. Unauthorized secondary employment while on a leave of absence will result in disciplinary action, up to and including discharge.

A leave of absence will not affect the continuity of your employment. Your original date of employment remains the same for seniority purposes. However, an employee will not accrue any new paid time off benefits during the period employee is on an unpaid leave.

Employee Benefits During FMLA Leaves

Employees will be permitted to maintain health, dental, and vision insurance coverage for the duration of the approved FMLA leave under the same conditions coverage would have been provided if the employee had remained actively at work. However, the employee must make arrangements for the continuation of and payment of insurance premiums before the employee goes on leave status. If the employee does not return to work after the leave, or if the employee fails to pay their portion of the premiums, the employee will be required, under certain circumstances, to reimburse the Village for the costs and the expenses associated with insuring the employee (or eligible dependents) during the FMLA leave.

Return From a Family and Medical Leave

If the employee returns from leave on or before being absent for 12 workweeks in a rolling 12-month period or 26 workweeks during a single 12-month period if the employee took a leave under the Servicemember Family Leave provision, the employee will be restored to the same or to an equivalent position to the one the employee held when the leave started. An employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period. In determining whether a position is "equivalent" we would look at whether the position had substantially similar terms and conditions of employment and whether the position entails similar duties, skills, efforts, responsibilities, authority, privileges and status.

If the leave was due to the employee's own serious health condition, the employee will be required to submit a fitness-for-duty certification from their health care provider in accordance with the Village's normal policies and practices applicable to other leaves of absence, certifying that the employee is able to resume work and perform the essential functions of the job (either with or without a reasonable accommodation). A list of the essential job functions will be made available to the employee for compliance with this requirement prior to the Village designating



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your leave as FMLA leave. If a reasonable job safety concern exists, the employee also may be required to provide a fitness for duty certification up to once every 30 days before returning from an intermittent or reduced schedule FMLA leave related to your own serious health condition. Generally, a returning the employee will be permitted to return to work by providing the fitness for duty certification from the health care provider to a representative in the Human Resources Office, at least two days in advance of a proposed return to work date.

If the employee fails to return to work at the expiration of your approved Family and Medical Leave, it will be considered to be a resignation of your employment with us. Likewise, an employee on FMLA leave who provides notice of their intent not to return to work upon expiration of a leave will lose their entitlement to FMLA leave and related benefits.

Coordination with Other Policies

An Employee is required to use any accrued paid vacation days, personal time, and sick days (if employee otherwise qualify) for unpaid leave under this Policy, and any such paid time off must be taken concurrently with your Family and Medical Leave. If the employee otherwise qualifies for disability pay, the employee will collect it in accordance with the provisions provided in that policy.

Further, if the employee otherwise qualifies for any other type of leave of absence, the employee must take that leave at the same time as taking your Family and Medical Leave. All time missed from work that qualifies for both Family and Medical Leave, and for workers' compensation (or any other type of lawfully allowed leave), will be counted toward your Family and Medical Leave. To receive any type of paid time off benefit while on FMLA leave, the employee is required to meet the Village's conditions for taking the paid leave (although the Village may in its discretion waive any procedural requirement for the paid leave in appropriate circumstances).

Anti-Retaliation Provisions

Be assured that no retaliation will be taken or tolerated against any employee who exercises their rights under our FMLA policy. If the employee feels that they have been the victim of any discrimination or retaliation under this Policy, the employee is encouraged to contact a representative from the Human Resources Office so that the matter can be promptly investigated and remedied as appropriate.

Compliance With Other Laws

In administering this FMLA Policy, the Village complies with the Americans with Disabilities Act and its amendments ("ADA"), the Illinois Human Rights Act ("IDHR") and all other relevant State and Federal laws and Local Ordinances. The Village may approve a reasonable request for an extension of a leave of absence beyond the amount of leave provided by the FMLA, approve a leave of absence for an employee who does not qualify for FMLA leave, or otherwise modify this Policy, as a reasonable accommodation for a disability under the ADA or IDHR.



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6-8 Leave of Absence

Subject to the provisions of any otherwise applicable collective bargaining agreement, an unpaid leave of absence of up to six (6) months may be requested by employees with more than one (1) year of continuous service. Requests for leave must be made in writing to the Department Head along with an explanation of the reason for the request. Unpaid leave may be granted only with the approval of the Village Manager. Employees may be required to exhaust all paid leaves prior to being granted an unpaid leave of absence, at the discretion of the Village Manager. Employees are required to return all Village equipment before a leave of absence becomes effective.

Sick leave, vacation, holiday benefits, and seniority will not accrue during the unpaid leave of absence, and the employee's anniversary date shall be adjusted according to the length of absence. Health and life insurance benefits will be maintained during the unpaid leave of absence, according to the provisions of the policy in effect and provided that the employee pays the full premium amount. Upon return to duty, employees will receive credit for all unused sick or vacation leave earned prior to the unpaid leave of absence.

If an unpaid leave of absence is granted for a period of one (1) calendar month or less, the employee's position will remain vacant until expiration of the leave. Reinstatement shall only occur if the position has not been eliminated due to reorganization or budgetary constraints. Unpaid leave in excess of one (1) month provide no guarantee of reinstatement to the former position, unless approved by the Village Manager.

Upon expiration of an unpaid leave of absence, the Village Manager shall attempt to reinstate the employee to his or her former position, or one that is similar, depending upon qualifications. If no position is available upon expiration of the unpaid leave of absence, the employee may be considered for future openings, depending upon qualifications.

The Village will provide written notice of termination to an employee who has not returned to work within five (5) days after the unpaid leave of absence has ended. At that time the Village will remove the individual from the payroll and terminate any group health and life insurance privileges.

6-9 Military Leave

Generally, Village employees who are members of the uniformed services shall be subject to the Uniformed Services Employment and Reemployment Rights Act (USERRA) (38 U.S.C. §§ 4301-4333), the Public Employee Armed Services Rights Act (5 ILCS 330/1 et seq.), the Local Government Employees Benefits Continuation Act (50 ILCS 140/1 et seq.), Repealed by P.A. 100-1101 Service Member Employment and Reemployment Rights Act (330 ILCS 61/1-1) and Sections 10-2.1-23 and 10-2.1-24 of the Illinois Municipal Code (65 ILCS 5.10-2.1-23 and 10-2.1-24), if applicable.

- Rights and Benefits in General: Any Village employee who is a member of the Illinois National Guard or any branch of the Armed Reserve who is placed on active-duty



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status shall have his rights and benefits protected and preserved during the duration of the emergency that led to his being called to active duty status until his return to public employment as though he was a public employee during the entire period. Such rights and benefits shall include insurance coverage, promotional, employment, contractual or salary benefits, or pension rights or benefits. (5 ILCS 330/4 and 5)

- Mobilization to Active Duty: Any Village employee who is a member of any reserve component of the U.S. Armed Services, including the Illinois National Guard, and who is mobilized to active military duty as a result of an order of the President of the United States, shall continue to receive the same regular compensation that he receives or was receiving as an employee of the Village, minus the amount of his base pay for-military service. In addition, the employee shall also continue to receive any health insurance and other benefits he was receiving or accruing at the time of mobilization, for the duration of his active military service. In the event that 20 percent or more of the Village's employees are mobilized to active military duty as a result of an order of the President of the United States, the provisions of this Section shall not apply to individuals employed by the Village. (50 ILCS 140/2)
- Notice Requirements for Reemployment:
 - The employee shall give the Village advance written or oral notice of the service unless advance notification is precluded by military necessity or is otherwise impossible or unreasonable.
 - in order to be eligible for reemployment, the cumulative absences from employment for military service shall not exceed (5) years, or as otherwise provided by law.
 - The employee must seek reemployment in a timely manner as required by USERRA. The requirements are as follows:
 - If service was for more than 180 days, the employee must apply for reemployment no later than 90 days after completing service.
 - If service was for less than 181 days, but more than 30 days, the employee must apply for reemployment within 14 days after completing service.
 - If service was for less than 31 days, the employee must actually report back to work on the first workday after completing service, allowing for an eight-hour rest period following safe transportation to the employee's residence, unless that is impossible or unreasonable.

There are exceptions for these reporting requirements if an employee is hospitalized or recovering from a service-related illness or injury. Furthermore, if the Village requests documentation to verify the actual length of service and



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character of service, the employee must provide such documentation. (38 U.S.C. §4312)

- Reemployment Requirements: The employee who is returning from active duty shall be reemployed in the position he would have held "but for" the military service. This requirement includes all aspects of the employment relationship, including seniority, status, rate of pay and sick leave, subject to the following exceptions:
 - If the employee is determined not to be qualified for the position he would have held "but for" military service, after reasonable efforts by the Village to qualify the person, the employee is entitled to reemployment only in the position actually held immediately before the start of service.
 - If the Village's circumstances have so changed as to make reemployment impossible or unreasonable, the Village is not required to reemploy the eligible former employee. This would include a dramatic reduction in the workforce, or abolition of the employee's previous position.
 - If the employee held a temporary or seasonal position with no expectation that the job would continue indefinitely or for a significant period, the Village is not required to reemploy the eligible former employee. (38 U.S.C. §4313)
- Discharge: An employee who has been reemployed after active duty may not be discharged, except for cause, within one year after the date of reemployment if service was more than 180 days, or within 180 days after reemployment if the period of service was more than 30 days but less than 181 days. (38 U.S.C. §4316)
- Training Exercises: An employee who is required to participate in military training exercises that are not part of a mobilization to active duty pursuant to an order by the President of the United States may take a leave of absence in accordance with the Village's policies on paid and unpaid leaves with continuation of accruable benefits and health insurance, if applicable.

6-10 Jury Duty/Subpoenas for Non-Employment Activities

If called to serve on a jury, the employee must notify his / her Department Head immediately so that time off can be scheduled. The Village will pay the employee's regular pay during time served in the jury process. The employee will remit the jury pay to the Village of Westchester. Jury duty does not constitute a break in employment, and therefore, benefits accrue as usual. The Village is under no obligation to pay employees if they are subpoenaed for non-employment related activities. However, employees may use their accrued paid leave options such as personal days, vacation, or comp time if they have been subpoenaed for a non-employment related issue.



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6-11 Bereavement Leave

Bereavement leave shall be granted in the event of a death of a member of a full- time employee's immediate family. The immediate family shall include: spouse, children (including step), mother, father (including step), brother, sister, current mother-in-law, current father-in-law, current daughter-in-law, current son-in-law, grandparents, grandchildren, and guardians. An employee shall be granted no more than three (3) business days off with pay for the purpose of making funeral arrangements and for use on the day(s) of visitation and the day of the funeral.

When special circumstances warrant, an employee may request up to two (2) additional workdays of accrued leave, other than sick leave, subject to the approval of the Village Manager. The employee must notify the Department Head before the time of his / her absence to be eligible for funeral leave. The Village Manager may, at his or her discretion, require evidence to substantiate the eligibility for paid funeral leave.

6-12 Victim's Economic Security And Safety Act (VESSA)

Pursuant to the Victim's Economic Security and Safety Act (VESSA) (820 ILCS 180/20), an employee who is a victim of domestic or sexual violence or has a family or household member who is a victim of domestic or sexual violence whose interests are not adverse to the employee as it relates to the domestic or sexual violence may take unpaid leave from work to address domestic or sexual violence by:

- seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member;
- obtaining victim services from a victim services organization for the employee or the employee's family or household member;
- obtaining psychological or other counseling for the employee or the employee's family or household member;
- participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic or sexual violence or ensure economic security; or
- seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.

An employee who is a victim of domestic violence, sexual violence, gender violence, or any other crime of violence or an employee who has a family or household member who is a victim of domestic violence, sexual violence, gender violence, or any other crime of violence



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whose interests are not adverse to the employee as it relates to the domestic violence, sexual violence, gender violence, or any other crime of violence may take unpaid leave from work if the employee or employee's family or household member is experiencing an incident of domestic violence, sexual violence, gender violence, or any other crime of violence or to address domestic violence, sexual violence, gender violence, or any other crime of violence by:

- seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic violence, sexual violence, gender violence, or any other crime of violence to the employee or the employee's family or household member;
- obtaining services from a victim services organization for the employee or the employee's family or household member;
- obtaining psychological or other counseling for the employee or the employee's family or household member;
- participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic violence, sexual violence, gender violence, or any other crime of violence or ensure economic security; or
- seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil, criminal, or military legal proceeding related to or derived from domestic violence, sexual violence, gender violence, or any other crime of violence.

Period of Leave

Subject to certification, an employee shall be entitled to a total of 12 workweeks of leave during any 12-month period (a "rolling" 12-month period measured backward from the date an employee uses any VESSA leave). VESSA does not create a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under or is in addition to the unpaid leave permitted by the Federal Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

Type of Leave

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

Notice Requirements

The employee shall provide the Village with at least 48 hours' advance notice of the employee's intention to take the leave, unless providing such notice is not practicable. When an unscheduled absence occurs, the Village will not take any action against the employee if the employee, within a reasonable period after the absence, provides certification.



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Certification

The employee shall provide such certification to the employer within a reasonable period after the employer requests certification. The employee shall provide certification that:

- the employee or the employee's family or household member is a victim of domestic violence, sexual violence, gender violence, or any other crime of violence; and
- the leave is for one of the purposes enumerated in the VESSA law.

An employee may satisfy the certification requirement by providing to the employer a sworn statement of the employee, and if the employee has possession of such document, the employee shall provide one of the following documents:

- documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee or the employee's family or household member has sought assistance in addressing domestic violence, sexual violence, gender violence, or any other crime of violence and the effects of the violence;
- a police, court, or military record; or
- other corroborating evidence.

The employee shall choose which document to submit, and the employer shall not request or require more than one document to be submitted during the same 12-month period leave is requested or taken if the reason for leave is related to the same incident or incidents of violence or the same perpetrator or perpetrators of the violence.

Confidentiality

All information provided to the employer pursuant to subsection (b) or (c), including a statement of the employee or any other documentation, record, or corroborating evidence, and the fact that the employee has requested or obtained leave, shall be retained in the strictest confidence by the employer, except to the extent that disclosure is:

- requested or consented to in writing by the employee; or
- otherwise required by applicable federal or State law.

Employment and Benefits

Any employee who takes leave under this Section for the intended purpose of the leave shall be entitled, on return from such leave:

- to be restored by the employer to the position of employment held by the employee when the leave commenced; or



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- to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

The taking of leave under this Section shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

Limitations

Nothing shall be construed to entitle any restored employee to:

- the accrual of any seniority or employment benefits during any period of leave; or
- any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

The Village may require an employee on leave to report periodically on the status and intention of the employee to return to work.

During any period that an employee takes leave under this Section, the Village shall maintain coverage for the employee and any family or household member under any group health plan for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave. The Village may recover the premium that the employer paid for maintaining coverage for the employee and the employee's family or household member under such group health plan during any period of leave under this Section if:

- the employee fails to return from leave under this Section after the period of leave to which the employee is entitled has expired; and
- the employee fails to return to work for a reason other than:
 - the continuation, recurrence, or onset of domestic violence, sexual violence, gender violence, or any other crime of violence that entitles the employee to leave pursuant to this Section; or
 - other circumstances beyond the control of the employee.
- The Village may require an employee who claims that the employee is unable to return to work within a reasonable period after making the claim, certification to the Village that the employee is unable to return to work because of that reason. An employee may satisfy the certification requirement of clause (i) by providing to the employer:
 - a sworn statement of the employee;



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- documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee has sought assistance in addressing domestic violence, sexual violence, gender violence, or any other crime of violence and the effects of that violence;
- a police, court, or military record; or
- other corroborating evidence.

The employee shall choose which document to submit, and the employer shall not request or require more than one document to be submitted. All information provided to the Village shall be retained in the strictest confidence by the Village, except to the extent that disclosure is:

- requested or consented to in writing by the employee; or
- otherwise required by applicable federal or State law.

6-13 Illinois School Visitation Rights Act

Employees scheduled to work full-time or part-time 20 hours per week or more are eligible to request school visitation leave after they have at least six consecutive months of service with the Village. Up to a total of eight (8) hours per year, but no more than four (4) hours on any given day, may be granted for school conference and activity leave if these activities cannot be scheduled during non-working hours. The employee must have exhausted all accrued vacation, holiday or any other leave except sick leave or disability leave, before requesting school visitation rights leave. (820 ILCS 147/)

- The employee must provide written notice to the Village at least seven days in advance of the leave. In an emergency situation, no more than twenty-four (24) hours' notice will be required.
- Upon completion of the school visitation rights leave, the school administrator must provide the parent/guardian documentation of the school visitation/activity. The employee must submit this verification to the Village within two (2) days.

An employee who utilizes or seeks to utilize the rights afforded by the School Visitation Rights Act may choose the opportunity to make up the time so taken as guaranteed by this Act on a different day or shift as directed by the Village. Make up time for this purpose cannot be chargeable as overtime, and will only be considered a schedule modification. An employee who exercises his/her rights under the Act will not be required to make up the time taken, but if such employee does not make up the time taken, he/she will not be compensated for the time taken. Time made up will be paid at the same rate as paid for normal working time. If no reasonable opportunity exists for the employee to make up the time taken, the employee will not be paid for the time. A reasonable opportunity to make up the time taken does not include the scheduling of make-up time in a manner that would require the payment of overtime.



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Limits on Leave

No employer is required to grant school visitation leave to an employee if granting the leave would result in more than 5% of the employer's work force or 5% of an employer's work force shift taking school conference or activity leave at the same time.

6-14 Employee Blood Donation Leave Act

Full time employees who donate blood may request one (1) hour of paid time to donate blood, if sufficient time off is not available to the employee during which to make the donation. Leave requests may be made every 56 days or in accordance with appropriate and accepted medical standards. (820 ILCS 149/)



ARTICLE 7: WORKPLACE RULES AND CONDUCT

7-1 Work Habits, Attendance, Punctuality, & Dependability Policy

Employees are required to maintain the highest standards of conduct, efficiency, and cooperation in the performance of their duties. Employees shall be punctual in reporting to work and shall be dressed in a manner appropriate to their job responsibilities. Employees shall report to work in proper physical condition and shall not possess, consume, or be under the influence of any alcoholic beverage or illegal drug. The Village may prepare, issue, and enforce work rules which are deemed to be necessary for the safe, orderly, and efficient operation of the organization.

The ability to report to work when scheduled is an essential function of every position within the Village. Unless an employee has been excused from work due to an approved leave of absence (FMLA, ADA, etc.) or if the employee is taking excused paid time off work pursuant to the Village's policies, it is imperative that the employee reports to work regularly and promptly. Any employee who has unexcused excessive or chronic absenteeism and/or tardiness will be subject to progressive discipline up to and including dismissal when deemed appropriate in the discretion of management. An employee who has excessive or chronic unexcused time away from work also will be viewed as a less desirable candidate when applying for promotions or transfers within the Village.

If an employee is going to be late or absent for any reason, that the employee or someone else must call, email, or text the Immediate Supervisor to notify them of the absence prior to the employee's scheduled starting time. If the employee's Immediate Supervisor is not available, the supervisor at the succeeding level of authority in the Department should be called. If are unable to contact either supervisor directly, the employee may leave a voice mail. In all cases, an employee who is unable to report to work as scheduled must present the reason for the time away and the anticipated day and time when the employee is expected to return to work.

If the employee must leave work early because of an illness or personal emergency, the employee is required to provide their Immediate Supervisor as much prior notice before leaving work as practical. In no event will the employee be allowed to leave work without notifying some member of management in their Department that the employee has left work for the day.

The notice requirements set forth in this Policy apply on each day of an employee's absence or tardiness, including without limitation consecutive days. Failure to satisfy these requirements may result in loss of pay for the time in question and/or subject the employee to disciplinary action, up to and including dismissal. The only exception is when an employee is approved for FMLA or other leaves of absence where they are expressly informed that daily notice is not required. An employee returning from a leave of absence that lasts three or more consecutive days will be required to provide a return-to-work release from a health care provider to verify that the employee can safely return to work to perform their essential job functions (either with or without a reasonable accommodation if disabled and/or if the employee has a medical condition related to pregnancy or childbirth).



Any employee who is absent from work on three consecutive working days without notifying their Supervisor or Department Head, will be considered to have abandoned their employment and this will be viewed as a voluntary resignation.

7-2 Policy Against Violence in the Workplace

The Village is committed to the safety and security of its employees and the public by maintaining a workplace that is as free as possible from forms of harassing and threatening behaviors including violence. The intent of this policy is to establish a Zero Tolerance Standard with respect to acts of intimidation, threats of violence or act of violence relating to the workplace. Threats, threatening behavior or acts of violence against employees, visitors, guests or other individuals by anyone on Village property will not be tolerated. Every employee is obligated to avoid behavior that may provoke violence. Employees are expected to report threats or situations of violence to their Immediate Supervisor, Department Head, the Village Manager or designee or to a representative from the Human Resources Office. This Policy is intended as a guide for employees, supervisors and managers and has been prepared to aid in the recognition and response to employee workplace violence. A safe and secure workplace is essential to carry out the mission of the Village of Westchester and its employees are committed to working together to create and maintain a workplace that is free of workplace violence.

Workplace violence includes, but is not limited to:

- Name-Calling/Stalking/Harassment/Intimidation
- Physically intimidating others including such acts as obscene gestures, shouting and fist shaking. Intimidation through direct, veiled verbal threats, or non-verbal actions.
- Throwing objects in the workplace (regardless of the size or type of object being thrown and/or who the intended target was).
- Physically touching another person in an intimidating malicious or harassing manner, including such acts as hitting, slapping, poking, kicking, pinching, grabbing and pushing.
- Fighting /Beating
- Shooting/Stabbing/Hostage Taking
- Property Damage/Other Physical Attacks/Other Violent Acts

Employees may voluntarily seek assistance or be referred to the Village's EAP to deal with situations that could possibly develop into violence. Employees who are aware of any Policy violations or who have been the victim of violence in the workplace are encouraged to report the matter to management pursuant to our internal complaint procedure that appears in Section 3-7 of this Handbook.



7-3 Employee Safety Policy

To establish and maintain a safe and injury-free work environment, employees are required to adhere to established safety rules and procedures, including, but not limited to, those found in the Employee Safety Manual (attached as Appendix B). Safety is the shared responsibility of employees at every level of the organization. Each and every employee shall be aware of the risks associated with his/her job and strive to minimize the potential for work-related safety hazards. The safety record of all employees shall be a major consideration in performance evaluations.

It shall be the individual responsibility of all employees to report any unsafe practice, policy, procedure, condition, or equipment immediately to their supervisor or Department Head. Employees are also strongly encouraged to make recommendations and suggestions for alleviating unsafe conditions and improving safety in the workplace.

7-4 Reporting of Accidents and Injuries

All accidents involving Village employees or Village property are to be reported to the direct supervisor or Department Head immediately subsequent to occurrence. If any accident or damage involves private property, the Police Department should also be notified immediately. Any employee involved in an accident with a Village vehicle is subject to an immediate drug and alcohol screening.

Supervisor or Department Head personnel shall inform the Village Manager or designee of all accidents or injuries no later than the end of the supervisor's or Department Head's work shift after the occurrence of said accident or injury. In addition, the supervisor or Department Head must complete and submit all applicable reports to the Village Manager or designee within twenty-four (24) hours of any accident or injury. If an injury occurs to a Village employee, the supervisor or Department Head shall be responsible for the completion and submission of a Form 45 no later than the end of the supervisor's or Department Head's work shift after the occurrence of the injury.

7-5 Light Duty Policy

If an employee is injured during the course of duty and is unable to perform the required duties of the position, but can perform work of a less strenuous nature, upon recommendation of the Village's workers' compensation insurance carrier/adjuster, the individual may be considered for a light duty assignment.

Light duty will be assigned only if light duty tasks are available and any injured employee is determined to be physically able to perform the required light duty job tasks. Such a light duty assignment shall be requested by the Department Head, approved by the attending physician, and authorized by the Village Manager.

When the employee's department cannot find suitable work, light duty assignments may be made in another Village department or other suitable public purposes. It is not the object of the Village to "make work" for employees. Light duty assignments will be made only for work that is



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important to the mission of a department or the Village. Employees shall serve in light duty assignments only as long as they can perform valuable, productive departmental work. Employees may be removed from limited duty assignments if appropriate work is not available, or if the employee cannot satisfactorily perform the work assigned. Notwithstanding the above, the employee may be required to attend training sessions, staff meetings, seminars, or continuing education programs as deemed necessary by the Department Head and the Village Manager as part of a light duty assignment.

Light duty assignments shall be made only if it is in the best interest of the Village. The Village shall require a medical exam when the physical abilities of any injured employee are in question. The Village's designated medical facility shall be the primary source of medical information upon which decisions are based on when evaluating an individual's capability to return to work with physical restrictions or limitations. Injured employees have the legal right to obtain medical treatment from whomever they choose. However, no employee shall be granted compensation for lost work time or approval for return to work until he submits to an examination/evaluation by the Village's designated medical facility.

The Village may also arrange for a physician's evaluation of an employee at any time during a light duty assignment. The Village may at any time, based upon its physician's recommendation, modify the employee's light duty assignment or remove the employee from light duty. The decision of the Village Manager shall be final with respect to the determination of whether a light duty assignment is available within the limits of any physician's restrictions.

Permanent light duty assignments are not available. The light duty assignment may not exceed ninety (90) calendar days. Extensions of light duty assignments may be granted if, in the determination of the Village Manager, such an extension would be in the best interest of both the employee and the Village.

7-6 Acceptance of Gifts Policy

The Village of Westchester does not permit employees to receive gifts from people with whom the Village does business, including contractors, vendors, business contacts, and members of the general public, except as provided below. All gifts that do not qualify should be politely refused or returned.

- Employees may accept token items of nominal value, such as pens, calendars, key chains and the like, provided such gifts are not received on a regular and continuous basis and are intended as an advertisement of a vendor's product or service, however, any item or items from any such source during any calendar year shall not have a cumulative total value of \$100.00 or more.
- Departments may accept small gifts of food products, such as candy, cookies, or fruit baskets, provided they are made available to the department as a whole and can generally be consumed in one day, however, any item or items from any such source during any calendar year shall not have a cumulative total value of \$100.00 or more.



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- Employees may not accept gifts of money, gift certificates, alcohol or tobacco products.
- Management employees who receive invitations for dinner, golf outings, sporting events, and similar occasions are expected to offer to pay their own way. Employees will be reimbursed provided participation is beneficial to the interests of the Village. When it is not practical or possible for an employee to pay his own way, acceptance of such an invitation shall be reported to the Village Manager. Food or refreshments provided by such sources shall not exceed \$75.00 per person on any single calendar day. Any other item or items from any one such source during any calendar year shall not have a cumulative total value of \$100.00 or more.

Gratuities are a gift of money, over and above payment due for service. Employees shall not solicit or accept gratuities, or compensation other than that paid by the Village, for services performed in service to the Village. No employee shall use his or her badge, uniform, identification card, or official position to solicit special privileges for him or herself or others. Violations of this provision are subject to severe corrective action and may be grounds for violation of the Gift Ban Act under state statute. (5 ILCS 430/10-10)

7-7 Outside Employment Policy

Unless otherwise addressed in a Collective Bargaining Agreement, Employees may engage in outside employment with the approval of their Department Head and the Village Manager. For all full-time employees of the Village, their jobs with the Village shall be their primary employment. No employee of the Village shall work at another position outside of their Village employment which reflects unfavorably on the Village; use their position with the Village to gain such additional employment; nor in any way permit such additional employment to interfere with or influence their obligations and duties to the Village. When working with any other public or private organization, no employee shall wear a uniform or clothing of any kind purchased by the Village or identified with Village employment.

All full-time employees seeking to hold outside employment shall be required to submit a written request to their respective Department Head to obtain approval by the Village Manager prior to accepting such position. This written request shall include the name of the company or public agency by whom the individual will be employed; a brief description of the job and duties to be performed; plus all pertinent information regarding insurance, pension plans, other fringe benefits, hours worked per day, and other work scheduling information. Employees may have opportunities for "occasional" employment such as speaking engagements, teaching, or consulting. The provisions of this policy shall not apply to "occasional" employment opportunities.

Sick leave cannot be utilized when the employee is eligible for worker's compensation benefits for illness or injury resulting from outside or secondary employment. Should the employee's eligibility for worker's compensation benefits be disputed by the secondary employer and the employee receives sick leave or other leave benefits, the employee will reimburse the Village for the paid leave taken upon receiving worker's compensation benefits.



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Unless specifically authorized by the Village Manager, an employee who is absent from Village employment due to illness or injury is strictly prohibited from engaging in any outside employment activity during the time the employee is absent and receiving compensation (including workers' compensation) for Village employment.

7-8 Alcohol & Substance Abuse Policy

Please see **Appendix C** for the Village's Policy Against Drug and Alcohol Use or Abuse.

7-9 Smoke Free Workplace Policy

The Village has determined that smoking in municipal facilities will only be allowed in areas designated as a smoking area.

All Village of Westchester buildings and vehicles are designated as non-smoking pursuant to the Smoke Free Illinois Act (410 ILCS 82). Employees are prohibited from smoking within 15 feet of all entrances as defined in the Smoke Free Illinois Act, and all Village vehicles. The Village has adopted a no-smoking policy pursuant to the Illinois Clean Indoor Air Act (410 ILCS 85/1 et seq.) which provides that no person shall smoke in a public place except that portion of a public place which has been established as a smoking area by those parties that have control over the property.

This policy prohibits smoking in all Village-owned and maintained buildings and premises. This applies to all persons, including, but not limited to employees, officials, visitors, and members of the general public.

Smoking in offices and common areas will not be permitted. Any individual that violates this policy shall be subject to disciplinary action up to and including termination.

7-10 Political Activities and Affiliations Policy

No Village employee may use their official position of employment to coerce, encourage, engage, or inhibit others in the free exercise of their political rights or engage in political activities while at work or on duty. Political activities shall include petitioning, making public speeches, campaigning for or against political candidates, speaking out on questions of public policy, distributing political literature, making campaign contributions or seeking office.

No Village employee may be appointed, promoted, dismissed, or retained on the basis of his political activities or views. No employee shall be pressured or coerced to participate in political campaigns, solicit votes or contribute funds for any political office.

Any Village employee who wishes to run for an elective municipal office of the Village of Westchester shall first take an unpaid leave of absence from employment with the Village. This leave is to commence with the first formal activities of the employee to obtain nomination or election to the office and will end upon the completion of all activities connected with the office. No employee is permitted to keep his position with the Village if elected to municipal office where a legal conflict of interest is created with the employee's position with the Village.



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7-11 Information Systems Policies and Guidelines

The purpose of this policy is to ensure the responsible and acceptable standards for the use of the Village's electronic information systems, both internal and external, and to establish acceptable policies and procedures for the safety and security of electronic information systems and its users.

These information systems are defined as any and all electronic system technologies that process and/or store data, electronic messages, voice messages, and other such media. These systems include, but are not limited to, the Village's computer network and its components, notebook computers, workstations, PC's, the e-mail system, Internet provider service, and the telephone and voice mail systems.

Village employees are required to abide by all provisions contained in the policy entitled, "Information Systems Policies and Guidelines" (Appendix D) at the end of this Personnel Policy Manual. All employees are required to read and sign off that they understand the provisions of this policy and that the Village's Information Systems are the exclusive property of the Village of Westchester and that any information or data generated or stored by the use of the Information Systems is the property of the Village of Westchester, even when created through the use of a personal password.

7-12 Social Media Policy

In general, the Village respects the right of employees to use social media, personal websites and blogs as a medium of self-expression. Keeping this in mind, if an employee chooses to identify themselves as a Village employee and discuss matters related to the Village, staff or patrons on their website, blog, or other online social network (i.e., Facebook, LinkedIn, YouTube, Instagram), please proceed with caution and discretion. Additional details regarding the Village's Social Media Policy can be found in **Appendix E** Social Media Policy at the end of this Personnel Policy Manual.

7-13 Weapons/Concealed Carry Policy

Except for explicitly outlined permission for applicable law enforcement personnel, the Village strictly prohibits and does not tolerate weapons at any Village facility, on any Village property, or at any Village-sponsored event. Weapons include visible and concealed weapons, including those for which the owner has necessary permits. Weapons can include firearms, knives with a blade longer than three inches, explosive materials or any other objects that could be used to harass, intimidate, or injure another individual, the employee, manager, or supervisor. Any employee who violates this Policy may be subject to disciplinary action, up to and including termination of employment.

If an employee knows or has reason to believe that any employee, resident or visitor on Village property or in Village working areas is in possession of a weapon that is or may be prohibited by this Policy, the employee is encouraged to discuss their questions, problems, complaints, or reports with their Immediate Supervisor. If an employee feels uncomfortable doing so, or if their supervisor is the source of the problem or condones the problem, an employee should notify a



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representative from the Human Resources Office or Village Manager or designee of the matter and without fear of retaliation.

7-14 Use of Village Vehicles and Equipment Policy

All Village-owned equipment, vehicles, tools, materials and supplies are the property of the Village of Westchester. All vehicles, equipment, supplies, tools, uniforms, and property owned by the Village are to be utilized for Village business only. Use of Village facilities and equipment by employees for their own benefit is strictly prohibited. No employee shall modify or alter any Village property unless approved by the Department Head and authorized by the Village Manager.

When using vehicles, employees must keep in mind that they are representatives of the Village and that their conduct in adhering to the rules of the road and courtesy on the road is a reflection on the Village. Employees using Village vehicles or their own vehicle during the course of Village business shall operate the vehicle in a safe, courteous and lawful manner. Employees are required to wear seat belts during the operation of any vehicle, either as an operator or passenger. This policy also applies when an employee is using his or her own personal vehicle for Village business. Employees failing to comply with this safety policy will receive disciplinary action. Employees involved in an accident while on Village business while not wearing a seatbelt will be suspended without pay for one week.

Employees shall report promptly accidents, breakdowns or malfunctioning of any unit in order that necessary repairs may be made.

All Village of Westchester buildings and vehicles are designated as non-smoking pursuant to the Smoke Free Illinois Act. Employees are prohibited from smoking within 15 feet of all entrances as defined in the Smoke Free Illinois Act, and all Village vehicles.

Employees shall insure that unattended vehicles are locked and secured.

Any employee operating a Village vehicle who receives a ticket or citation related to operation of the vehicle must report the incident to the Department Head within 48 hours of the offense. Any parking fines or traffic violations incurred while operating a Village vehicle shall be the sole responsibility of the driver and all fines or monies shall be paid by the employee. Any court proceedings related to the ticket or citation must be attended utilizing paid time off if the court date/time is scheduled during the employee's regular work schedule.

Driving Record reviews for current employees include annual review, for cause review, periodic review and when an employee applies for or seeks promotion to a position that requires driving a vehicle.

Employees are required to report any medical condition which would inhibit their ability to properly operate a motor vehicle safely. The employee shall report any such medical conditions to their immediate supervisor.



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For employees who are required to operate a Village or their own personal vehicle for their job position, the employees are required to maintain a current, valid driver's license and when necessary, a valid CDL license.

- Employees must inform their immediate supervisor or Department Head if their license has expired or is otherwise invalid, which will prevent them from being able to drive Village owned equipment or their own personal vehicle for Village business.
- If any employee required to operate a vehicle as part of his job duties is found to have a suspended or revoked license, that employee may be subject to termination.
- Failure to inform an immediate supervisor or Department Head of a suspended or revoked license may result in disciplinary action, up to and including discharge.

Village-owned vehicles shall be used for Village business only. Village vehicles may not be taken home overnight unless authorized by the Department Head and/or Village Manager. Due to the 24/7 on-call nature of the position, and expected expedited response time, The Village Manager, Chief of Police, Deputy Chief of Police, and/or Fire Chief may be assigned a Village vehicle for work purposes and personal use.

The Department Head or his designee shall report all vehicle accidents to the Village Manager or their designee. The review of all vehicle accidents shall be an assigned responsibility of the Employee Review Committee, with the exception of vehicle accidents involving sworn fire and police officers. The Police Chief and Fire Chief will be responsible for any disciplinary measures taken against any sworn public safety employee involved in an accident.

7-15 Losses Involving Personal Property Policy

The Village is not responsible for losses or damages involving personal property, unless subject to prior written agreement.

7-16 Professional Organizations and Memberships Policy

The Village encourages employees to join and participate in professional organizations. As budget funding allows, the Village may approve and pay for the membership fees in such organizations for its employees provided the following:

- The nature of the organization, its purpose, intent and scope of activities is congruent with the nature of the work performed by employees in Village service
- The organization provides improvement and upgrade of job-related skills and abilities as a direct result of participation by the employee, resulting in benefits to the Village service.
- A request is made in writing with a copy of the invoice or membership fees and dues payable.
- The request is approved by the Department Head and sufficient funds are available.



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7-17 Building Closure Due to Weather Conditions Policy

Village employees have a responsibility to the public who rely on them for services. However, the Village wants employees to be safe and to use their best judgment regarding travel to and from work during severe weather conditions. If conditions are such that an employee does not feel safe coming to work, the employee is responsible for contacting his/her Department Head to let him/her know if the employee will be late or will not be coming to work.

It is the Village of Westchester's policy to be open on business days during normal business hours. Therefore, when it snows or during other weather incidents, the Village will be open. It is the exception not to open, or to close before the end of the business day. In the event that the administrative offices are closed, employees will be notified. If an employee is unsure, they should contact the Department Head or supervisor.

If the employee takes time off as a result of a snowstorm when the administrative offices are open, the time will be taken as vacation, unless approval for remote work has been given. If the Village Administrative Offices are closed for all or a portion of the day, employees will be paid as regular hours worked.

7-18 Employee Identification Policy

All employees shall be issued picture identification cards by the Village as part of the new employee onboarding process. Said cards are to be used with the public to identify the holder of the card as a Village employee. All cards are the property of the Village and shall, therefore, be returned to the Village upon termination of employment. If an employee's identification card is lost or damaged, the employee should contact the Human Resources Office to obtain a new one. Employees are encouraged to wear their identification card while visiting other departments and employees are required to have their identification card with them while conducting Village duties in public.

7-19 Confidentiality Policy

Confidentiality is extremely important to maintain the public and community's trust. The Village works diligently to maintain confidentiality at the highest level. All current and former employees have a responsibility not to share confidential Village information.

Employees are not permitted to remove or make copies of any confidential Village records, reports, or documents without prior approval from the Village Manager. This is in accordance with the Village's Identity Protection Policy (Appendix F) as well as any Federal and State laws; including the Health Insurance Portability and Accounting Act (HIPAA) requirements.



ARTICLE 8: EMPLOYEE DISCIPLINARY, GRIEVANCE, AND SEPARATION PROCEDURES

8-1 Discipline

The continued employment of each Village employee shall be contingent upon adherence to acceptable norms of conduct, satisfactory job performance, and compliance with the rules and regulations of the Personnel Policy Manual or any other organizational rules and regulations.

The steps listed below will guide disciplinary actions in most cases. They are progressive in nature, applying an increasingly severe penalty each time the employee is disciplined. This procedure does not preclude the Village from bypassing steps when disciplining an employee. The nature, extent and seriousness of the offense will determine the appropriate disciplinary action. Discipline will be imposed on a "case-by-case basis." Nevertheless, all employees remain at-will employees. Management retains the sole discretion to determine appropriate discipline, up to and including termination, at all times.

Whenever a disciplinary action is to be taken against an employee, the employee shall be advised by the Supervisor or Department Head of the violations and the discipline that will be administered. An opportunity will be granted for the employee to discuss the discipline and respond to the circumstances. In the case of a suspension, demotion, or dismissal, the employee shall be advised in writing.

Disciplinary Steps/Types of Disciplinary Action

Unless otherwise provided by a collective bargaining or other employment agreement, the following are the types of disciplinary activities, including termination, which are available to the Management of the Village. Discipline shall be determined on a case-by-case basis, and shall involve one or more of the following, in the discretion of the management of the Village:

- **Counseling**
Counseling may be utilized as the first course of discipline or may be imposed in addition to another form of discipline, depending upon the circumstances of each case. Violations of this manual, other Village and departmental rules and regulations, and directives of supervisory employees, shall be brought to the attention of an employee, indicating the corrective steps to be taken to prevent recurring violations. When appropriate, remedial training recommendations will be made based on those areas identified.
- **Oral Reprimand**
Unless the severity of the action requires a stronger or more direct response, the second course of disciplinary action is an oral reprimand given by the supervisor. A note of such reprimand may be made and placed in the employee's personnel file. If no further action is taken on this matter which resulted in an oral reprimand, all written records of such reprimand may be removed and destroyed after twelve (12) months have elapsed.



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- Written Letter of Warning

Unless the severity of the action requires a stronger or more direct response, the third step in the disciplinary procedure is a written letter of warning issued to the employee by the supervisor. This letter will include a description of the incident for which the warning is issued, an outline of the circumstances surrounding the incident and a statement regarding the resolution of the incident and may be placed in the employee's personnel file. This written letter of warning shall remain a part of the employee's personnel file.

- Suspension or Demotion

Unless the severity of the action requires a stronger or more direct response, a suspension, or temporary separation from the Village without pay, is the fourth course of disciplinary action. An employee may be suspended by the Village when the offense or infraction is not serious enough to merit dismissal. When a suspension is enacted, the Village Manager will provide a letter of documentation, and a copy of this letter will be placed in the employee's file. Suspension may include loss of accrued benefits. An employee who is arrested and charged with a criminal offense may be suspended, with or without pay, and/or separated as determined by the Village Manager as the case may be, pending final disposition of the case. (See Section 8-2)

- Demotion

Demotions occur when an employee's position is changed from one classification in one pay grade to a classification in another pay grade having a lower maximum salary rate. At the discretion of the Village Manager, an employee who is demoted to a lower pay grade may continue to receive the salary they received immediately prior to their demotion. However, employees may occasionally be assigned to perform duties normally associated with a lower classification in order to meet work requirements of the Village. (See Section 8-2)

- Dismissal

Dismissal is the final course of disciplinary action. The Village Manager may dismiss an employee whenever such action is deemed appropriate. Dismissal may be made for serious violations of Village policy and rules and regulations, work performance, inefficiency, insubordination, misconduct, or other causes (See Section 8-2).

Other disciplinary action may be taken as deemed appropriate. The Village reserves the right to by-pass any of the steps set forth in the disciplinary process, depending upon the severity of the employee's misconduct.

State statutes and the rules and regulations of the Board of Fire and Police Commissioners shall govern suspension, demotion, or termination of sworn personnel.

8-2 Suspension, Demotion, or Dismissal

Disciplinary measures shall be applied in cases involving unacceptable job performance or misconduct. The following list provides examples of conduct that will result in suspension,



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demotion, or dismissal. The following list is not all inclusive, but contains examples of conduct that will result in suspension, demotion, or dismissal:

- Violation of any provision of the Personnel Policy Manual or any other organizational rules and regulations.
- Intentional refusal or failure to perform any request, instruction or order of a supervisor.
- Failure to treat residents or any other member of the public in a friendly, courteous and responsive manner.
- Exhibiting abusive attitude, language, conduct, and/or insubordination to fellow employees, supervisors, or any member of the public.
- Use, possession, or distribution of alcohol and/or controlled substances while on duty or in the workplace or reporting under the influence of alcohol and/or a controlled substance.
- Falsification of any documentation, report, or statement.
- Willful abuse, neglect or carelessness resulting in damage to public or private property or equipment.
- Unsafe, illegal, or hazardous operation of equipment or vehicles.
- Refusal to submit to a medical exam if requested by the Village Manager.
- Absence without authorization, or habitual absenteeism or tardiness.
- Failure to properly report any accident or personal injury.
- Conviction of a felony or other crime.
- Acting carelessly, negligently, or dishonestly with the monies or other property of the Village, or taking or using, without authorization, any property of the Village for personal use or for sale or as a gift to others.
- Failure or inability to adequately meet the minimum work requirements as listed in the employee job description and as established by the Department Head.
- Any other act, or failure to act, which may disrupt Village operations, endanger the health, safety, and welfare of the public or another employee, or bring discredit to the Village of Westchester.
- Uses, threatens to use, or attempts to use personal or political influence in securing promotion, leave of absence, transfer, change of pay rate, or other conditions related to work.



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- Accepting for personal use from any person any fee, gift, or other valuable thing in the course of his work or in connection with it, when such gift or other valuable thing is given in the hope or expectation of receiving a favor or better treatment than that accorded other persons; accepts any bribe, gift, token, monies, or other things of value intended as an inducement to perform or refrain from performing any official act; or engages in any action of extortion, or other means of obtaining money or other things of value through the position in the service of the Village.
- Discloses through conversations, interviews, or public speeches, confidential information or records not previously released to any person, unless directed to do so by the Village Manager or designee. Discloses confidential information or provides prior warning to a person or corporate entity, which is in any way intended to warn or provide prior notice to that individual or entity, regarding an investigation either pending or in progress by any department of the Village or by any other government agency. This paragraph shall not be interpreted as infringing upon First Amendment rights to freely express opinion, or comment on policy, or other community issues.
- Falsely claiming injury or improperly reporting injury or falsely claiming or using fraudulent means to utilize any of the fringe benefits and leaves provided for in Article 5 of this manual or relevant collective bargaining agreements, including the use of documents (including medical statements) that were obtained through fraudulent or deceitful means in order to support a false claim for benefits.
- Excessive and/or unauthorized absences and failure to notify the appropriate supervisor of absences as required by Department rules and regulations.

Except as provided herein, a Department Head or the Village Manager as the case may be, may suspend an employee for a maximum of three days without pay, unless otherwise dictated by a CBA. Such order of suspension shall be in writing with a copy to the employee, and Human Resources, no later than three business days before commencement of the suspension. For suspension periods longer than three (3) days, approval of the Village Manager must be obtained prior to commencement of the suspension. In order to formally suspend an employee without pay or to discharge him or her, the following procedures apply:

- STEP 1: Any immediate supervisor or the Village Manager may propose suspending or discharging an employee under his/her supervision by completing procedures through the chain of command to the supervisor's Department Head.
- STEP 2: If the Department Head decides to act upon the suspension or discharge proposal, the Department Head will submit the matter to the Human Resource department for review and comment. The Human Resource manager or designee functioning in an advisory capacity to the Department Head will assist the Department Head in preparing for a Pre-Discipline Meeting.



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- STEP 3: Pre-Discipline Notice will be provided to the employee outlining the alleged employee misconduct or performance problems and identify the Village rules and regulations that have been violated. Except where necessary (see Section 8-3), all proposed suspension or discharges must be processed through a Pre-Discipline Meeting.
- STEP 4: A Pre-Discipline Meeting will be held at a time, date and location stipulated in the notice. The Department Head or his/her designee and the relevant supervisor, the employee, and the Human Resources manager will attend. The purpose of the Pre-Discipline Meeting is to give the employee an informal opportunity to respond to the charges before any decision to impose disciplinary action is made.
- STEP 5: After evaluating the information obtained in the Pre-Discipline Meeting, the Department Head in consultation with the Human Resource manager will decide what disciplinary action, if any, will be imposed.
- STEP 6: The Human Resource manager will approve and execute the decision of the Department Head.
- STEP 7: If the employee is being suspended or discharged, he or she will be notified of the suspension or discharge and his/her appeal rights pursuant to Section 7-5 of this Manual. The employee will be suspended without pay or terminated pending that appeal. If the employee is being suspended, he or she will be notified of the period of suspension as determined by the Department Head.

8-3 Emergency Disciplinary Situations

In emergency situations requiring the immediate removal of an employee from the job site, the designated supervisor of the Village operation, with the approval of the Department Head or Village Manager, or his or her designee, may summarily place an employee on Paid Administrative Leave prior to holding a Pre-Discipline Meeting. This authority will be used only in responding to those emergency situations where it is deemed to be in the best interest of the employee and the organization in the sole discretion of the Village Manager. The supervisor will document the immediate suspension and will instruct the employee to report to the appropriate Department Head the next working day or such other date and time as deemed appropriate. After meeting with the employee, the Department Head may:

- order that the employee remain on Administrative Leave or be suspended without pay pending further disciplinary action (i.e. formal suspension or termination)
- order the employee to return to the job site and face further disciplinary action (i.e. suspension or termination) through the established channels. The Department Head should then decide on suspension or discharge and follow the appropriate procedure.
- order the employee return to the job site and face no further disciplinary action.



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- place the employee on Administrative Leave for further duration to be determined.

The disciplinary procedures outlined herein are guidelines and may be modified at the sole discretion of the Manager when it is to be in the best interest and benefit of the Village.

8-4 Employee Grievances

It is anticipated that most employee concerns can be resolved through informal discussions with the supervisor. Employees are encouraged to promptly discuss any work-related problems with their supervisor. However, in those cases where a resolution cannot be attained through such efforts, formal written procedures have been established to resolve them.

A grievance shall refer to any complaint by an employee that there has been a violation, misapplication, or misinterpretation of any of the specific provisions of this Personnel Policy Manual or any written departmental rules and regulations, including disciplinary or dismissal action. An employee shall be allowed reasonable time (if required during the work shift), with pay, for the grievance procedure as outlined in this section.

8-5 Grievance Procedure

Unless otherwise provided in a separate employment agreement the grievance procedure as established in this manual is applicable only to employees not covered by a grievance procedure set forth in a collective bargaining agreement.

Step 1

- The employee shall submit the grievance in writing to the immediate supervisor. The grievance shall contain a statement of facts and circumstances, the provision(s) of the Personnel Policy Manual alleged to have been violated and the relief sought.
- All grievances shall be filed within ten (10) business days from the date of the occurrence of the event giving rise to the grievance or ten (10) business days from the date which the grievant could reasonably have been aware of circumstances which gave rise to the grievance.
- The immediate supervisor will review the grievance and provide a recommendation in writing to the Department Head.
- The Department Head shall investigate the grievance and offer to discuss the matter with the employee.
- Thereafter, the Department Head shall render a written response within five (5) business days after meeting with the employee to discuss the grievance.
- If the grievance is not timely filed, it shall be deemed waived.
- In the event that the employee's immediate supervisor is the Village Manager, the grieving employee shall submit the grievance in writing to the Village President.



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Step 2

- If the grievance is not settled at Step 1 and the employee wishes to appeal the decision at Step 2, the grievance shall be submitted in writing to the Village Manager within five (5) business days after receipt of the response at Step 1.
- The Village Manager shall investigate the grievance and will hold a meeting with the parties involved.
- The Village Manager shall respond to the grievance in writing within ten (10) business days after the meeting with the parties involved. The decision of the Village Manager shall be final.
- Step 2 does not apply in circumstances wherein the grievance relates to the Village Manager and the Village President has already addressed the same.

Nothing in this policy shall prohibit the Village Manager from meeting with an employee and the Department Head in an effort to informally resolve an issue(s).

The timeline stated in this section may be extended if mutually agreed upon by both parties. For the purpose of this section, business day shall not include a holiday as designated by the Village herein.

No employee shall be disciplined or discriminated against in any way because of their proper use of the grievance procedure.

Employees are allowed reasonable time during working hours for presenting their grievances, and no deductions shall be made from the pay of a grieving employee for time spent in this way as long as it does not disrupt normal business. Employees may call on fellow workers who have knowledge of and were directly involved in the incident being grieved.

8-6 Types of Separation

There are several different ways an employee can be separated from Village service. The different types of separation include: but not limited to, are as follows:

- Dismissal
An involuntary separation from employment for disciplinary reasons.
- Resignation
A voluntary separation from employment.
- Layoff
Involuntary separation from employment in good standing through no fault of the employee, necessitated by lack of work, lack of funds, changes in organization, completion of temporary or restricted employment, or similar circumstances, and



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without adverse effect on the employee's eligibility for further employment. (See Section 2-14)

- Retirement:
Voluntary separation by an employee who has qualified under the terms and conditions of the respective pension program and who will be immediately receiving retirement benefits.
- Death
- Separation of First Year Probationary Employee
If the employee fails to perform the duties of the position they were hired for in a satisfactory manner, the employee may be subject to termination.
- Separation for Medical Reasons
An employee shall be ruled to be incapable of further employment with the Village after an examination by an independent practicing physician selected by the Village Manager has determined that the employee is no longer capable of performing the essential functions assigned to employees in that classification. The Village Manager may request additional information from the employee and/or Department Head as may be required to render a decision. Employees will not be permitted to remain on the Village payroll to use accrued time in lieu of a reimbursement on their final paycheck.

8-7 Resignation in Good Standing

To resign in good standing, a non-managerial employee must submit a written statement to the Department Head at least fourteen (14) calendar days prior to leaving Village employment. To resign in good standing, managerial personnel shall be required to provide a minimum of twenty-one (21) calendar days prior to leaving Village employment. This notice period may be shortened by the Department Head at his/her discretion. The Village reserves the right to waive the notice period in respect to sensitive positions or positions of high confidentiality.

The written statement shall be forwarded to the Village Manager and made part of the employee's permanent personnel file.

An employee who fails to provide a proper notice of resignation will generally not be considered for any future positions with the Village.

The Village recognizes the right of employees to terminate their employment with the Village at any time and the Village retains that same right.

8-8 Retirement

Any employee seeking to retire shall be subject to the same resignation procedures as outlined in Section 8-7 (Resignation).



8-9 Exit Interview

It is important to the Village to understand your opinion of the many aspects to your employment experience at the Village in general, as well as your department and division. Exit interviews may be requested by the employee, Department Head, or Village Manager upon notice of a pending resignation. Exit interviews are not mandatory on the part of the employee and shall not affect any compensation or benefits due to an employee.

The primary purpose of the exit interview is to provide feedback to Village management on employment matters including working conditions, compensation, job satisfaction, quality of supervision and training, and suggestions for improvement.

The interviews will be conducted in confidence. Any information you provide will be used in combination with information from other terminating employees over a period of time and used to make improvements in a constructive way, while at the same time protect individual confidentiality.

8-10 Return of Village Property

Prior to leaving the employment of the Village, all employees are required to return any Village-owned property to their immediate supervisor. Such property shall include the employment identification card, keys to Village facilities or vehicles, tools, office supplies or any other property.

Failure to return all Village property will disqualify the employee from any future employment with the Village.



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EMPLOYEE ACKNOWLEDGEMENT FORM

By signing below, I acknowledge that I have received a copy of the Village of Westchester Personnel Manual ("Manual") and understand that it is my responsibility to read and become familiar with its contents. I further understand that it is my responsibility to ask questions of my immediate supervisor and/or another appropriate member of management if I do not understand any of the information contained in the Manual. I also understand that in general I am required to abide by and observe all of the information and rules, policies, and procedures explained therein.

I acknowledge that nothing in the Manual constitutes a contract or promise of employment and that unless otherwise provided in a collective bargaining agreement or individual employment contract, my employment is "at-will," which means that the employment relationship may be terminated at any time for any lawful reason with or without cause or notice.

Finally, I understand that the Village of Westchester's rules, policies, and procedures may be changed from time to time, with or without notice, and that this Manual supersedes and replaces any and all prior manuals or policies.

Print Name

Signature

Date Signed



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APPENDIX A

SUMMARY OF FIRE CAPTAIN BENEFITS

Purpose

Following the approval of significant changes in employee benefits for Firefighter/Paramedic and Lieutenant/Paramedic pursuant to a collective bargaining agreement which took effect May 1, 2024, the Village of Westchester wishes to clarify and document the benefits provided to Fire Captains in the Westchester Fire Department, who are supervisory personnel within the department that are not members of a Union; therefore, not subject to a collective bargaining agreement. This appendix outlines the terms and conditions regarding the compensation, benefits, and working conditions for the Fire Captains of the Village of Westchester beginning on January 1, 2025.

1. Shift Schedule and Hours of Work

Fire Captains will continue to maintain the existing 24-hour shift schedule, generally defined as 24-hours on-duty, followed by 48-hours off duty, with the day beginning at 8:00 am on their scheduled duty day.

The most senior Captain will have first selection regarding shift rotation, voluntary overtime, and benefit day selection, with subsequent Captains choosing based on seniority. Furthermore, Captains working a twenty-four (24) hour shift are entitled to be scheduled off without loss of pay for thirteen (13) twenty-four (24) hour shifts each year (also known as Additional Days Off "ADOs or Kelly Days) on which they would have otherwise been scheduled to work. These scheduled twenty-four (24) hour shifts off shall be assigned by the Fire Chief.

2. Captain Pay and Classification

Fire Captain pay will continue to follow the established pay ranges and pay policies as approved by the Village Board. Captains regular hourly rate shall be calculated based on 2,608 annual paid hours for employees assigned to twenty-four (24) hour shifts. If a Captain is assigned to an eight (8) hour shift for a 40-hour work week, the hourly rate of pay shall be calculated based on 2,080 annual paid hours.

Fire Captains shall be placed on twenty-seven (27) day work periods for FLSA overtime purposes. Captains shall be paid overtime, calculated at one and one-half (1.5) times their regular straight time hourly pay rate for all work beyond their normally scheduled shifts and for any hours worked in excess of the FLSA maximum of 204 hours in a twenty-seven (27) day work period. If a Captain is scheduled to work a forty (40) hour week rather than the generally assigned twenty-four (24) hour shift schedule, their overtime pay shall be calculated at one and one-half (1.5) times their regular straight time hourly pay rate for all time worked beyond 40 hours in that work week.

In instances where a Captain is serving as the Acting Fire Chief for the Village in the Fire Chief's absence, as designated by the Fire Chief or the Village Manager, the Captain shall be



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compensated an additional 5% above their current hourly rate to serve in the Acting Fire Chief capacity.

The pay scales set forth in this study will be applicable to all Fire Captains effective January 1, 2025, and will be adjusted by the Village Board as necessary.

3. Parity with the Union

The Fire Captains will maintain parity with the IAFF bargaining unit employees in the following areas:

- Compensatory Time,
- Uniform allowance,
- Vacation accrual schedule,
- 7(g) compensation (overtime pay in accordance with the Fair Labor Standards Act),
- Specialty teams and assignment bonuses, with the exception that the bonuses for Captains will be paid by January 31st in the subsequent year.

These benefits will remain consistent with the union agreement and will be provided under the same terms and conditions as applied to union members, unless amended by the Village Board.

4. Incidental/Personal Leave and Long-Term Sick Leave Policy

Incidental/Personal Leave

The Village will provide 24-hour Fire Department Captains seven (7) 24-hour days of Incidental/Personal Leave on an annual basis. The first full allotment of 7 days will be provided January 1, 2025.

In exchange for this annual leave, Fire Department Captains voluntarily and knowingly waive their rights to leave provided under 820 ILCS 192, commonly known as the Paid Leave for All Workers Act. Fire Department Captains understand that they will not be entitled to any paid leave benefits mandated by the Paid Leave for All Workers Act for the duration of their employment with the Village of Westchester pursuant to this Employee Personal Manual.

The seven (7) incidental/personal leave days can only be utilized in the following manner:

1. Incidental/personal leave cannot be used by more than one Captain per shift, provided on a first-come, first-served basis.
2. Incidental/Personal Leave for illness, disability or medical appointments that cannot be scheduled during off-duty hours require supporting documentation from the employee's provider. Failure to provide such documentation for medical appointments will result in a denial of incidental/personal leave for this purpose.
3. Three (3) duty days per calendar year must be prescheduled. These prescheduled duty days can be taken as deemed necessary by the Captain for any reason; but the Captain must submit such a request in writing no more than sixty (60) days in advance and at least seven (7) days prior to the date requested.



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4. The remainder of incidental/personal leave, used by a Captain in non-illness situations, is subject to the same rules as compensatory time.
5. Once a Captain begins their working shift, they are not able to request the use of incidental/personal time to complete the remainder of their shift, except in cases of a medical necessity for themselves or qualified dependent(s) as defined under the Family Medical Leave Act, or with approval of the Fire Chief or the Village Manager in the Chief's absence, at their sole discretion, for extenuating circumstances/non-medical related emergencies.

Permission to use Incidental/Personal time shall not be unreasonably denied if operational needs will not be adversely affected or become unduly burdensome to the operation of the Department, or create a situation that results in the need for the department to incur overtime coverage for two or more shift vacancies.

If an illness or medically related absence is longer than one (1) day, but no more than two (2) days, the employee shall keep the Fire Chief informed of the condition and anticipated return to work date. Employees absent for three (3) or more consecutive days for illness or medically related absence will trigger the Long-Term Sick Leave provision. In this instance, the first two (2) days of leave due to illness or other medical reasons will still be charged as Incidental/Personal Leave time used. If Incidental/Personal Leave is exhausted, the first two (2) days of leave can be used from the Long-Term Sick Leave bank, as long as the documentation provisions provided in the Long-Term Sick Leave Policy are followed.

If a Captain does not utilize all of the Incidental/Personal days in a calendar year, up to five (5) days can be added to the Long-Term Sick Leave Bank or paid out at the current regular hourly rate directly into a previously established the Village of Westchester's 457 retirement account or paid out at the current regular hourly rate, similar to a compensatory time payout, at the end of the calendar. Captains must submit a request in writing to the Fire Chief or their designee no later than December 1st, to be processed on the last payroll of the calendar year. Incidental/Personal time that has been earned and unused for the year will be paid out at the current regular hourly rate upon employment separation if the Captain does not elect it to be rolled into the Long-Term Sick Leave bank.

Long-Term Sick Leave

Effective January 1, 2025, Fire Captains will be transitioned to a Long-Term Sick Leave plan, replacing the Disability Policy previously established on January 1, 1979. This Long-Term Sick Leave will be paid at the Captain's current 24-hour hourly rate.

To establish the Long-Term Sick Leave bank, effective January 1, 2025, Fire Captains will be provided an equivalent of seven (7) 24-hour days per year of service, based on their date of hire, rounded up to the next full year of service (IE 11.5 years of service would constitute twelve (12) years of service) for this sole purpose.



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After establishment, employees will accrue seven (7) 24-hour days of Long-Term Sick Leave each subsequent January 1st. The maximum amount of Long-Term Sick Leave that can be accrued by an employee covered by this agreement is one hundred fifteen (115) 24-hour days.

Under the Long-Term Sick Leave plan benefit time provided can only be earned via annual accrual or conversion of Incidental/Personal time stated above.

Long-Term Sick Leave shall be utilized for FMLA qualified events, starting on the third day of concurrent absence. Upon becoming aware of any qualifying FMLA event, the employer will automatically initiate the process for Long-Term Sick Leave. Long-Term Sick Leave usage requires completion of the appropriate FMLA paperwork and will not be applied until the FMLA request is approved. If there is a delay in FMLA paperwork completion, Long-Term Sick Leave can be applied retroactively, and other paid leave used to cover the delay will be credited back to the employee. This leave will run concurrently with FMLA leave and can be utilized with regular and intermittent FMLA approved leave.

At 20 years or more of service with the Westchester Fire Department, a maximum of forty (40) 24-hour days can be cashed out upon retirement, paid directly into one or more previously established retirement accounts (IE 457, Roth, Retirement Health Savings account, etc.) with the Village of Westchester, or into any other qualified plan for the benefit of the member. In following IRS rules, changes cannot occur more than once in a given calendar year. Members must submit a retirement letter by February 1st prior to the fiscal year in which the retirement is effective for budgetary purposes. The retirement date must be effective within the following fiscal year.

Effective January 1, 2025, a Fire Captain may be eligible to receive donations of paid leave to be included in the employee's long-term sick leave balance if they or their qualified dependents, as defined by the Family Medical Leave Act (FMLA), suffered an illness or injury qualifying under the FMLA which prevents the employee from being able to work.

Eligibility:

- A. The tenured recipient employee, recipient employee's family, or other person designated in writing by the recipient employee must submit a request to the Administration Department.
- B. The recipient employee is not eligible so long as s/he has paid leave available, however, the request may be initiated prior to the anticipated date leave balances will be exhausted.
- C. The appropriate FMLA medical verification documentation for the employee or qualified dependent must be already provided and on file with the Village.



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- D. A recipient employee is eligible to receive one hundred fifteen (115) 24-hour working days of donated time throughout their entire employment, unless additional time is allowed in extreme circumstances at the Village Manager's discretion. Donations shall be made in 24-hour full-day increments of time according to their current shift hours and are irrevocable. Employees may donate unlimited amounts of time, as frequently as the employee wishes to donate.
- E. The donor employee may donate incidental/personal time, vacation time, compensatory time, or long-term sick leave, which shall be converted only to recipient employee's long-term sick leave balance and all long-term sick leave provisions will apply. Time donated in any pay period may be used in the following pay periods. No retroactive donations will be permitted.
- F. The donor's hourly value will be converted to the recipient's current hourly value and then added to the recipient's sick leave balance on a dollar-for-dollar basis.
- G. Donated time must be used by the recipient employee within twenty-four (24) calendar months. Donated time cannot be paid out if or when employment ends.
- H. The determination of the employee's eligibility for Long Term Sick Leave donation shall be based on the eligibility for protected leave under the FMLA.

The form to donate time, if requested, will be provided by Human Resources.

5. Holiday Pay

Fire Captains will continue to receive a separate check for Holiday Pay, which shall be calculated as 96 hours of pay at the "8-hour rate", to be paid no later than December 1st of each year. Additionally, Fire Captains will forgo the extra benefit day for time off provided to union members.

6. Insurance Split

Fire Captains will transition to the non-collectively bargained employee insurance premium split, which is currently shared 90% Village/10% Employee, for Health and Dental insurance coverages, deviating away from the union's insurance split of 85% Village/15% Employee.



APPENDIX B

VILLAGE INSURANCE OPT-OUT PROGRAM

Purpose

The Village of Westchester, as with many employers, must deal with the continuing increase in the cost of health, dental, and vision insurance. The Village is aware that some employees may not need these insurance benefits received through the Village because alternative coverage is available under a spouse's insurance plan. A Village insurance Opt-out Program is being offered to employees who have alternative coverage. Current employees who for the plan year discontinue participation in an existing Village insurance plans or reduce coverage from a family plan to a single plan or employee + dependent plan will receive a payment each payroll in recognition of the Village insurance cost savings. Newly hired employees are also eligible for the Program.

Program Eligibility

A new or existing full-time employee over the age of 26 who has an alternative source of health insurance coverage and wants to either discontinue or reduce the current level of coverage under Village insurance plans may do so during the open enrollment period for a following plan year (July 1 – June 30). In return, the employee is eligible for a per payroll monetary waiver payment. The amounts of the waiver payments shall be set by the Village Manager or designee, and may vary from the amounts listed in this Appendix. Because having health insurance is vitally important, no employee will be allowed to waive/reduce existing coverage unless they can offer proof of coverage under an alternative health insurance plan.

Employees desiring to participate in the Opt-out Program must complete a waiver form (copy attached) and submit it to a representative from the Human Resources Office at any time. Following the submission of the waiver application and verification of alternative insurance coverage, current Village insurance coverages, if provided, will be waived effective the first day of the subsequent month. An employee may qualify as a participant in the Opt-out Program during a plan year if within 30 days of a qualifying life-changing event (i.e., marriage, divorce) that provides them with alternative coverage they apply for the program.

Participants in the Program will in addition to the waiver payment no longer have a per payroll deduction of the employee premium co-payments. The waiver payment is made over equal payments each pay period during the plan year. All payments are considered income and are subject to normal withholdings. Offering this Program does not obligate the Village to continue the Program from year-to-year if it is not economically feasible or if in conflict with Federal or State law.

Unless otherwise provided by a collective bargaining agreement or within this Personnel Manual, the Village insurance opt-out payments can be received for four changes in insurance coverage. These options, along with annualized opt out payments for each tier effective January 1, 2025, are provided below:



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1. Reduce Village Family Plan coverages to Village Employee + Child(ren) coverages - \$3,000 per year (*paid in equal payroll installments*)
2. Reduce Village Employee + Spouse coverages to Village Employee only coverages - \$3,000 per year (*paid in equal payroll installments*)
3. Reduce Village Employee over age 26 to no Village coverages - \$3,000 per year (*paid in equal payroll installments*)
4. Reduce Village Family Plan coverages to Village Employee only coverages - \$5,800 per year (*paid in equal payroll installments*)
5. Reduce Village Employee + Spouse coverages to no Village coverages - \$5,800 per year (*paid in equal payroll installments*)
6. Reduce Village Family Plan coverages to no Village coverages - \$8,200 per year (*paid in equal payroll installments*). This option is NOT available to employees who naturally or under plan terms lose family status (e.g., divorce, death, age of dependent child, etc.).

An employee whose spouse is also a Village employee, and both individuals have insurance, will be eligible to participate in the Program.

Duration

A waiver of insurance is in effect for only one plan year (July 1 – June 30). If economically viable and not in conflict with Federal or State law, the Village may authorize the Program for the next plan year. Employee's desiring to continue in the Opt-out Program for the next plan year must complete a new waiver form (with proof of alternative insurance coverage) during the open enrollment period for that plan year. Employees desiring not to continue in the Opt-out Program MUST complete all required forms for Village insurance coverage during the open enrollment period. Coverage is effective July 1 of the next plan year.

Separation

If an employee participating in the Opt-out Program separates employment with the Village during a plan year, waiver payments will only continue through the last payroll period employed. An employee participating in the program who retires during the plan year does NOT have insurance rights to participate in Village insurance plans after retirement.

Re-Enrollment

Re-enrollment to a Village plan can only occur during the annual open enrollment period or within 30 days of a life-changing event (e.g., marriage, spouse losing insurance coverage, etc). Under a qualifying re-enrollment during the plan year, the waiver payment will cease in the payroll period that Village insurance coverage becomes effective.



**VILLAGE OF WESTCHESTER
INSURANCE OPT-OUT PROGRAM ENROLLMENT FORM**

Employee Name: _____

I wish to waive my Village provided insurance coverages for the current plan year. In exchange for waiving these benefits, I accept the per payroll insurance waiver payment based on my and my dependent(s) eligibility for Village coverages.

I recognize that a waiver of insurance is in effect for only one plan year (July 1 – June 30), and I may re-enroll in Village provided coverage during the annual open enrollment period, or within 30 days of a life-changing, qualified event that creates a special enrollment period.

I agree to provide the Village of Westchester proof of coverage elsewhere for my eligible dependents and myself, and if I do not provide this proof of coverage, I will not receive the insurance opt-out payments. I also agree if the Village continues this program into subsequent insurance plan years, I will be required to resubmit for the insurance opt-out program at that time.

Employee Signature: _____ Date: _____

Received by Human Resources on: _____ for insurance year ending on June 30, 20_____
(Date)

Human Resources Signature: _____ Date: _____

Effective Payroll Date for Opt-out payment to begin: _____



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APPENDIX C

EMPLOYEE SAFETY MANUAL

Policy Statement

The health and safety of all employees is of utmost importance and concern to the Village of Westchester. The objectives of the Village of Westchester Employee Safety Program include: the prevention of injury to employees, the prevention of damage to property, and the prevention of lost time accidents. Adherence to this program by all Village employees will result in improved employee morale, increased productivity and safeguarding Village assets.

This Program establishes guidelines and sets forth responsibilities intended to increase the safety of Village employees in the workplace.

Village and Employee Responsibilities

Department Heads

Department Heads are responsible for the safe operation of their respective departments. Although personnel exposure to safety hazards varies widely among departments, the Directors work with their supervisors and to provide a clean, safe and healthy work environment for all employees. Other responsibilities include:

- Know and understand the Village's Safety policies, and coordinate efforts with their supervisors to ensure effective application within the Department.
- Review all serious accidents and suggest corrective action, when necessary.
- When new operations, tools, equipment, or materials are introduced into the Department, the Director will inform employees of all appropriate safety precautions and clearly identify the same.
- Cooperate with the Village's Safety Committee on all programs sponsored or facilitated by this committee.
- Work with the Village's Assistant Village Manager to identify loss trends and determine ways to reduce the causes of loss.

Supervisors/Managers

- Know and understand the Village's Safety Program and responsibilities related to its application within their department.
- Advise all employees under their control of the hazards of the jobs they will be performing, and the necessary safety precautions that should be taken to minimize or eliminate those hazards.



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- See that injured employees receive proper medical care. For minor injuries transport the employee to the Village's occupational health care provider or in case of a serious injury call 911 for emergency medical care. Promptly investigate and report all accidents and injuries.
- Ensure that tools and equipment are appropriately maintained and that protective devices are utilized in accordance with industry standards, if applicable
- Conduct safety inspections of work areas and operations in accordance with industry standards and advise and implement ways to improve housekeeping, deter unsafe conditions, and encourage safe work practices.

Employee Responsibilities

Each employee has individual responsibility for the prevention of accidents and is required to develop and exercise safe work habits during the day to prevent any injuries. Each employee is responsible for compliance with the safety procedures outlined in this program and all other applicable Department directives concerning safety. Additional responsibilities include but are not limited to:

- Reporting all accidents and injuries immediately, or as soon as practicable, to your supervisor, regardless of severity. If injured, get medical treatment.
- Keeping work areas clean and orderly at all times.
- Wearing required personal protective equipment as provided by the Village.
- Operating only the equipment that you have been trained and authorized to operate.
- Promptly reporting any unsafe practice or condition observed to your supervisor.
- Following instructions and all safety policies. If any doubt exists concerning your ability to safely perform a job, STOP and get proper instructions from your supervisor before continuing work.
- Cooperating with and taking an active part in the safety activities of the Village
- Properly operating, caring for and conserving Village vehicles, furnishings, systems, equipment, tools, and supplies in accordance with industry standards, if applicable.

Crash Reporting - Vehicular

An employee involved in any type of vehicular crash while on duty, or when operating a Village vehicle off-duty, must report the crash immediately to the Police Department of the municipality where the crash occurred. Additionally, the employee's Immediate Supervisor and the Human Resources Office must be advised of the crash as soon as practicable.



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Any employee involved in a vehicular accident shall submit to alcohol or drug testing when the employee has been involved in a vehicular accident, or collision, while on duty, resulting in personal injury or any property damage.

The Immediate supervisor of the employee involved in a vehicular crash is responsible for completing the Supervisor's Accident Investigation Report. The employee will be required to complete an Employer's First Report of Injury or Illness – Form 45. Copies of the completed reports are to be retained by Human Resources. The original reports are to be forwarded to the Assistant Village Manager within forty-eight (48) hours of receiving notice of the crash.



APPENDIX D

POLICY AGAINST DRUG AND ALCOHOL USE OR ABUSE

Policy Statement

The Village of Westchester, in compliance with its obligations under the Federal Drug Free Workplace Act and the Illinois Drug Free Workplace Act, has a policy of maintaining a drug and alcohol-free workplace. The unlawful manufacture, dispensing, possession, use, or distribution of illicit drugs or alcohol is prohibited on Village premises as part of any Village activities. Therefore, any location at which Village business is conducted is hereby declared to be a drug and alcohol-free workplace.

Any employee who pleads guilty, or is found guilty after trial, of violating a criminal drug statute or ordinance, and/or is found guilty of driving under the influence of alcohol or drugs, shall inform his Department Head or Village Manager within twenty-four (24) hours of its occurrence.

For purposes of this policy, a controlled substance is one which is:

- Not legally obtainable;
- Being used in a manner different than prescribed;
- Legally obtainable but has not been legally obtained.

As a condition of employment or of any written contract, each employee shall:

- Agree to abide by the terms of the policy respecting a drug and alcohol-free workplace
- Agree to notify their supervisor of any conviction of any criminal drug statute for a violation occurring on Village premises or while performing work for the Village no later than five (5) days after such a conviction.

Use of prescription drugs, which do not prevent employees from performing their duties in a safe and efficient manner, shall not be prohibited by this policy.

Medical Cannabis Restrictions

- Passage of the Illinois Compassionate Use of Medical Cannabis Pilot Program Act (PA098-0122) has not altered Village policy with regard to use or possession of cannabis by employees. Cannabis remains an illegal controlled substance under the Federal Controlled Substances Act (21 USC 812(b)(1)) thereby prohibiting employees from using, possession, or selling cannabis (except when acting in their official capacity as a law enforcement officer) or engaging in any other conduct that would violate State or Federal laws.
- Due to the conflict of interests inherently presented with public service, employees, volunteers, and interns are prohibited from having any ownership interest in, personal involvement, or association with a medical cannabis dispensing organization or cultivation center, whether as a consumer, owner, agent, cultivator, consultant, or in any other manner except as may be necessary when acting as a law enforcement officer.



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- Any employee who has any person living within their residence or in any property they own, manage or are under the control of that is considered under the Illinois Compassionate Use of Medical Cannabis Pilot Program Act to be a “qualifying patient” or “caregiver” shall immediately notify their Department Head in writing indicating the person’s name, the location in question, and what relationship the department member has with the person(s) and/or location.
- The possession of cannabis, even as a result of a “caregiver” status, is subject to the provisions of this policy. An employee must notify their Department Head if the employee is a “caregiver” as defined by the Illinois Compassionate Use of Medical Cannabis Pilot Program Act. The Village may take any actions necessary to minimize or respond to any conflict of interests arising in the performance of duties.

Drug and Alcohol Testing

- Pre-employment
After a conditional offer of employment for applicable positions in the Village's employment selection procedure, individuals will be required to take a physical examination which will include a drug and alcohol screening test.
- Reasonable Suspicion
In the event that there exists reasonable suspicion that an employee is under the influence of alcohol or illegal drugs, the employee will be required to submit to an alcohol and/or drug test. The Village shall provide written notice to the employee setting forth the facts and inferences upon which the Village based its conclusion of reasonable suspicion. Such notice shall be provided within a reasonable time frame after completion of the drug and/or alcohol test. Refusal to comply with the order to test may subject the employee to discipline, but the taking of the test shall not operate to waive any objections or rights the employee may have. Any reassignment or relief from duty shall be discontinued immediately in the event of negative test results. When testing is ordered, the employee will be removed from duty and placed on leave with pay pending results of the tests.

Post-Accident

Employees shall submit to alcohol or drug testing as set forth in this Appendix when the employee has been involved in a vehicular accident, or collision, while on duty resulting in personal injury or any property damage.

- Laboratory Testing
The Village shall use only a laboratory meeting all National Institute on Drug Abuse (NIDA) standards. A chain of custody procedure will be followed. All initial positive urine drug screens will be confirmed through GC/MS (gas chromatography, mass spectroscopy), or an equivalent scientifically accurate test. A sufficient sample shall be collected to allow for initial screening; a confirmatory test; and finally, a sufficient amount to be set aside reserved for later testing if requested by the employee. Testing must include tamper proof



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containers and must observe proper chain of custody procedures. The employee shall receive a copy of positive test results.

- Other Testing Procedures

Upon approval of the Village Manager, the Village may use other drug and alcohol testing procedures that become available or new technology as it develops.

- Discipline

An employee who violates this policy will be subject to disciplinary action up to and including termination. In the first instance an employee tests positive on an alcohol or drug test, disciplinary action less than termination may include mandatory referral to a substance abuse treatment program. Referral to a treatment program shall include the following conditions: 1) an appropriate treatment program must be determined by a physician designated by the Village; 2) the employee agrees to discontinue use of illegal drugs, or the abuse of alcohol or prescription drugs; 3) the employee agrees to submit to random testing for a period of one year. Employees who do not comply with the aforementioned conditions, or who test positive for drugs or alcohol a second time, shall be subject to termination.

Employees who are unfit to perform reasonable duties to which they may be assigned during the period of their treatment and after-care shall be permitted to take accumulated time off. Employees may then request an unpaid leave of absence for the period of counseling and after-care, subject to the approval of the Village Manager.

- Voluntary Requests for Assistance

Employees who feel they may have a substance abuse problem are urged to contact their Department Head or the Village Manager for a referral. Employees may also contact the Village's Employee Assistance Program (see Section 5-11) directly. The Village shall take no adverse employment action based upon an employee merely seeking voluntary treatment, counseling or other support for an alcohol or drug-related problem; However if the employee's request follows the questioning or misconduct of an employee, or if the employee is found impaired on the job, the employee's voluntarily seeking treatment, counseling or other support for such problems shall not be a defense to disciplinary action being imposed upon such employee.

- Availability of Treatment

All of the Village's health insurance plans provide inpatient and outpatient coverage for substance abuse treatment. The Village's Employee Assistance Program (see Section 5-11) is also available.

- CDL Random Drug and Alcohol Testing Policy

In accordance with the Omnibus Transportation Employee Testing Act of 1991, the Department of Transportation issued rules requiring municipal employers to establish programs designed to help prevent accidents and injuries resulting from the misuse of



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alcohol or the use of controlled substances by drivers of commercial vehicles. Only those employees that are required to obtain a commercial driver's license (CDL) for the performance of their job duties shall be subject to this policy. (The Village Manager shall develop administrative regulations to implement this policy (49 CFR Part 40, December 19, 2000) and "Technical Amendments" thereto (49 CFR Part 40, August 9, 2001). These regulations shall be maintained in the Village Manager's office.) It shall be understood that the drug and alcohol policy for employees who are required to obtain a CDL has distinct attributes that differ from any other provision in this section for other Village employees. For those employees covered by the requirements of the federally mandated CDL testing program, conflicting regulations shall supersede any other Village policy regulating drug and alcohol use. However, non-conflicting sections in the general Village drug and alcohol use policy shall apply to all employees, including those employees covered under the federally mandated CDL program. Testing shall also be performed in accordance with the U.S. Department of Transportation's regulations, "Procedures for Transportation Workplace Drug and Alcohol Testing Programs," (49 CFR Part 40, December 19, 2000) and "Technical Amendments" thereto (49 CFR Part 40, August 9, 2001).

- Records

The Village will maintain medical records relating to alcohol or drug abuse, diagnosis and treatment, confidential and in a medical file separate from the regular personnel file. Access will be limited to those who need to know. The Village will not disclose these records to persons outside the Village without the employee's consent unless disclosure of the records is necessary for legal or insurance purposes.



APPENDIX E

INFORMATION SYSTEMS POLICIES AND GUIDELINES

Policy Statement

The Village of Westchester is committed to responsible and acceptable use of its information technology resources. The following policies ensure the proper use and safeguarding of these resources. Questions about these policies can be directed to the Information Technology Coordinator.

Use of Village-Owned Computer Equipment/Software

All Village-owned computer equipment and software are to be used solely for official Village business. Employees acknowledge monitoring of data, documents, and electronic mail by the employer. Monitoring may occur at any time with or without notice. Unauthorized use of equipment or software may result in disciplinary action, up to discharge.

Installation of Software on Village-Owned Equipment

Only authorized personnel may install software after virus scanning.

Electronic Mail (E-Mail) Policy

The E-mail system is the property of the Village. It has been provided by the Village for use in conducting Village business. All communications and information transmitted by, received from, or stored in this system are Village records and property of the Village. An employee has no right of personal privacy in any matter stored in, created, received, or sent over the Village E-mail system. Therefore, please understand that these communications may be periodically reviewed and monitored to ensure compliance with our policies and the applicable laws.

Even if employees use a password to access the E-mail system, the confidentiality of any message stored in, created, received, or sent from the Village from the Village E-mail system still cannot be assured. Use of passwords or other security measures does not in any way diminish the Village's rights to access materials on its system or create any privacy rights of the employees in the messages and files on the system. Any password used by employees must be revealed to the Village as E-mail files may need to be accessed by the Village in an employee's absence.

Employees should be aware that deletion of any E-mail messages or files will not truly eliminate the messages from the system. All E-mail messages are stored on a central back-up system in the normal course of data management. Even though the Village has the right to retrieve and read any E-mail messages, those messages should still be treated as confidential by other employees and accessed only by the intended recipient. An employee is not authorized to retrieve or read any E-mail messages that are not sent to them. Any exception to this Policy must receive the prior approval of the Village Manager or designee.



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The Village's policies against sexual and/or other harassment apply fully to the E-mail system and other Department communications systems (and devices), and any violation of those policies is grounds for discipline up to and including discharge. Therefore, no E-mail messages should be created, sent, or received if they contain intimidating, hostile, or offensive material concerning race, color, religion, sex, age, national origin, citizenship status, ancestry, marital status, civil union partnership, veteran status, disability, sexual orientation, gender, gender identity or expression, genetic information, unfavorable discharge from military service or military status, pregnancy, childbirth or a related medical condition related to childbirth or pregnancy or any other protected characteristic as established by law. The E-mail system may not be used to solicit for religious or political causes, commercial enterprises, outside organizations, or other non-job-related solicitations.

The E-mail system will not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization from Village management. An employee, if uncertain about whether certain information is copyrighted, proprietary, or otherwise inappropriate for transfer, should resolve all doubts in favor of not transferring the information and consult the employee's Department Head or Village Manager or designee.

Any employee who discovers misuse of the E-mail system should immediately contact their Department Head and the Village Manager or designee. Violations of the Village's E-mail Policy will result in disciplinary action, up to and including discharge.

Internet Use Policy

The Internet is for municipal business-related research and communication. Users must avoid downloading viruses, accessing objectionable material, and non-work-related browsing. Internet usage must comply with laws, Village policies, and ethical standards. Internet access for personal use is prohibited.

Approval from the Village Manager or designee is required before anyone can post any information on commercial on-line systems or the Internet on behalf of the Village. Any approved material that is posted should obtain all proper copyright and trademark notices. An employee's use of the Internet is governed by this Policy, the E-mail Policy, and all applicable laws and ordinances.

The computers and computer accounts given to the employees are to assist them in performance of their jobs. All employees should not have an expectation of privacy in anything they create, store, send, or receive on the computer system. The computer system belongs to the Village and may only be used for business purposes. The Village has the right, but not the duty, to monitor any and all of the aspects of its computer system, including, but not limited to, monitoring sites visited by the employees on the Internet, monitoring chat groups and news groups, reviewing material downloaded or uploaded by users to the Internet, and reviewing e-mail sent and received by users.



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The Village uses software to attempt to identify and block inappropriate or sexually explicit Internet sites. Such sites may be blocked from access by Village networks. In the event an employee nonetheless encounters inappropriate or sexually explicit material while browsing on the Internet, immediately navigate away from the site, regardless of whether the site was subject to Village blocking software. Out of caution, the employee also is encouraged to notify the Human Resources Office if they inadvertently accessed a site in violation of this Policy.



APPENDIX F

VILLAGE OF WESTCHESTER SOCIAL MEDIA POLICY

Last updated: July 25, 2023

A. Purpose

In general, the Village respects the right of employees to use social media, personal websites and blogs as a medium of self-expression. Unless otherwise allowed by law, employees, elected officials and appointed representatives of the Village should not discuss matters not already available or publicly known to individuals outside of the organization. Keeping this in mind, if an employee, elected official or appointed representative chooses to identify themselves as a Village employee, elected official or appointed representative of the Village and discuss matters related to the Village, Staff, or patrons on their website, blog, or other online social network (i.e., Facebook, LinkedIn, YouTube, Instagram), please proceed with caution and discretion. Although posts may be a personal project conveying an individual's expression, some people may nonetheless view the employee, elected official or appointed representative as a de facto spokesperson for the Village. This is why Village computers and other electronic devices should not be used for social media communications unless this is a specified job function of the employee.

B. For Employees

For employees, such activities at or outside of work also may affect their job performance, the performance of others, staff morale, teamwork, and/or the reputation or business interests of our Village. Consider these possibilities, employees must observe the following guidelines:

- a. Since the postings are in a public space, be respectful to the Village, our employees, our patrons, our partners and affiliates, and others. For example, refrain from posting personal insults or obscenity, or engaging in any conduct that would not be acceptable in the workplace. Show proper consideration for others' privacy and for topics that may be considered objectionable, inflammatory, or counterproductive to morale or teamwork.
- b. An employee may provide a link from their site to the Village website. However, the employee will require permission to use the Village logo or reproduce any Village material on their site.
- c. When using Village computers, social media sites and other websites such as Slack, Facebook Messenger, Snapchat GChat, WhatsApp, or other tools hosted outside of the Village's protected intranet environment should not be used for internal communications among fellow employees.
- d. Recognize that both during working hours and non-working hours, the employees are an ambassador of the Village. Employees are expected to conduct themselves at all times in the best interest of the Village. Further, all employees are expected to promote teamwork and inspire trust and confidence. For example, if their views negatively impact



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the reputation and integrity of the Village, hurt staff morale, and/or create friction among staff, the employees may be disciplined, up to and including termination of employment.

- e. Lastly, use good judgment. Your actions both in and outside the workplace reflect on your judgement, decision-making, professionalism, maturity, and commitment to the Village. If you are about to publish something that makes you even the slightest bit uncomfortable, review the guidelines above and consider the potential consequences of your actions. Ultimately, you have sole responsibility for what you post to your blog or publish in any form of online social media.

If any employees have questions about these guidelines or any matter related to their site that these guidelines do not address, please direct them to the Assistant Village Manager or Village Manager or his/her designee.

There is nothing in the policy that is intended to limit or restrict the rights of any employee engaged in speech or communications that are concerted or protected under the law.

C. For Elected Officials and Appointed Representatives

For elected officials and appointed representatives, such activities at or outside of the Village also may affect the performance of others, staff morale, teamwork, and/or the reputation or business interests of our Village. Consider these possibilities:

- a. Since the postings are in a public space, be respectful to the Village, employees, businesses, patrons, our partners and affiliates, and others. For example, refrain from posting personal insults or obscenity, or engaging in any conduct that would not be acceptable in the workplace. Show proper consideration for others' privacy and for topics that may be considered objectionable, inflammatory, or counterproductive to morale or teamwork.
- b. An elected official or appointed representative may provide a link from their site to the Village website. However, the individual will require permission to use the Village logo or reproduce any Village material on their site.
- c. When using Village computers, social media sites and other websites such as Slack, Facebook Messenger, Snapchat GChat, WhatsApp, or other tools hosted outside of the Village's protected intranet environment should not be used for internal communications among fellow employees.
- d. Recognize that you are an ambassador of the Village. You are expected to conduct yourself at all times in the best interest of the Village. Further, all elected officials and appointed representatives are expected to promote teamwork and inspire trust and confidence. For example, if their views negatively impact the reputation and integrity of the Village, hurt staff morale, and/or create friction among staff, the elected official or appointed official may be disciplined by the Village President and Village Board.



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- e. Lastly, use good judgment. Your actions both in and outside the Village reflect on your judgement, decision-making, professionalism, maturity, and commitment to the Village. If you are about to publish something that makes you even the slightest bit uncomfortable, review the guidelines above and consider the potential consequences of your actions. Ultimately, you have sole responsibility for what you post to your blog or publish in any form of online social media.

If any elected official or appointed representative have questions about these guidelines or any matter related to their site that these guidelines do not address, please direct them to the Village President or Assistant Village Manager or Village Manager or his/her designee.

There is nothing in the policy that is intended to limit or restrict the rights of any employee engaged in speech or communications that are concerted or protected under the law.



APPENDIX G

VILLAGE OF WESTCHESTER IDENTITY PROTECTION POLICY

(Last Updated August 13, 2024)

Introduction

The Village of Westchester (the "Village") establishes the Personal Identity Information Protection Policy (the "PIIPA Policy") under the Identity Protection Act (5 ILCS 179) and the Personal Information Protection Act (815 ILCS 530) (Collectively, the "Statutes") (See Exhibits B and C, respectively).

Purpose

The PIIPA Policy ensures that the Village maintains the security, confidentiality, and integrity of the information it acquires from its, employees, contractors, vendors, residents and customers. Pursuant to the Statutes, the Village establishes guidelines and procedures to address the protection, collection, and utilization of Personal Identity Information ("PII"). (See Exhibit A)

Scope

The PIIPA Policy applies to all Village employees, vendors and contractors that have been granted access to resources containing Personal Identity Information. The terms of the PIIPA Policy intend to encompass the requirements of the Statutes. To the extent that the PIIPA Policy conflicts with any Illinois or federal law, such law shall supersede the language of the PIIPA Policy.

Definitions

"Breach" means an unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of personal information maintained by the Village.

"Disclosure" means permitting access to, revealing, releasing, transferring, disseminating, or otherwise communicating all or any part of any individual record orally, in writing, or by electronic or any other means to any person or entity except the party identified as the party that provided or created the record.

"Identity Protection Act" pursuant to 5 ILCS 179/1 seeks to protect the identity of individuals by defining permissible and prohibited practices in the collection, use, and handling of social security numbers by the agencies of the State.

"Personal Identity Information, PII or PU" means an individual's first name or first initial and last name in combination with any one or more of the following data elements, when either the name or the data elements are not encrypted or redacted: (a) Social Security number; (b) Driver's license number or State identification card number; (c) Account number or credit or debit card number, or an account number or credit card number in combination with



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any required security code, access code, or password that would permit access to an individual's financial account; (d) medical information (e) health insurance information, (f) unique biometric data generated from measurements or technical analysis of human body characteristics used by the owner or licensee to authenticate an individual, such as a fingerprint, retina or iris image, or other unique physical representation or digital representation of biometric data, and (g) user name or email address, in combination with password or security question and answer that would permit access to an online account. PII does not include publicly available information that is lawfully made available to the public from federal, state, or local government records.

"Publicly post" or "publicly display" means to intentionally communicate or otherwise intentionally make available to the public.

Responsibilities

1. Village employees, vendors and contractors are responsible for understanding and
2. enforcing this policy.
3. Village employees, vendors and contractors are responsible for ensuring that all
4. Personal Identity Information shall be used only for the purpose of conducting
5. official state business.
6. Village management is responsible ensuring all Village employees, vendors and
7. contractors who are granted access to PII in the course of performing their duties
8. are properly trained regarding proper identification and protection of personal
9. identity information, from time of collection through proper destruction.

Policy

1. **Data Collection.** Collection, use, or disclosure of PII from an individual on behalf of the Village is not allowed unless:
 - a. required under State or Federal law, rules, or regulations, or the collection, use, or disclosure of the social security number is necessary for the performance of the employee, vendor or contractor's duties and responsibilities;
 - b. the need and purpose for the PII is documented and communicated before collection of the PII;
 - c. the PII collected is relevant to the documented need and purpose.
2. **Training.** All Village employees, vendors and contractors who have access to PII in the course of performing their duties must be trained to protect the confidentiality of PII. Training should include instructions on proper handling of information that contains PII from the time frame of collection through the destruction of the information.
3. **Redaction.** PII requested from an individual must be placed in a manner that makes the PII easily redacted if required to be released as part of a public records request. Public inspection and copying of documents containing social security numbers must be done in accordance with the Identity Protection Act.



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4. **Disposal of Data.** Collected PII, electronic data or written material, that is no longer needed or required to be stored must be disposed of in such a manner as to ensure the security and confidentiality of the material and in accordance with the State Records Act (5 ILCS 160) and Personal Information Protection Act (815 ILCS 530/30 and 40).
5. **Restricted Access.** Only employees or contractors who are required to use or handle information or documents that contain PII shall have access to it. All PU obtained must be secured and stored in a manner that prevents and discourages public release. Controls shall be maintained to restrict network access to the electronic PII stored there. Physical PII must be secured (i.e. in a locked cabinet, file or office).
6. **Breach.** If PII has been disclosed via a Breach without being redacted, encrypted, or otherwise protected before exposure, the individuals shall be notified in accordance with the Personal Information Protection Act (815 ILCS 530/12 and 25). Breach does not include good faith acquisition of PII by an employee or agent of the Village for a legitimate purpose of the Village, provided that the personal information is not used for a purpose unrelated to the Village's business or subject to further unauthorized disclosure.
7. **Statement of Purpose.** When collecting a social security number or upon request by the individual, a statement of purpose or purposes for which the Village is collecting and using the social security number must be provided or posted where the individual can see and read the statement of purpose.
8. **Prohibited Activities.** Pursuant to the Identity Protection Act (5 ILCS 179/10 and 5 ILCS 179/30, respectively) the following activities are prohibited by the Village unless 4 circumstances exist as outlined in (5 ILCS 179/10 (c):
 - a. Publicly post or publicly display in any manner a person's social security or other PII.
 - b. Print a person's social security number or other PII on any card required for the person to access products or services provided by the Village.
 - c. Require a person to transmit his or her social security number or other PII over the Internet, unless the connection is secure or the PII data is encrypted.
 - d. Print a person's social security number or other PII on any materials that are mailed to the person, through the U.S. Postal Service, any private mail service, electronic mail, or any similar method of delivery, unless State or federal law requires the PII to be on the document to be mailed. However, PII may be included in applications and forms sent by mail, including, but not limited to, any material mailed in connection with the administration of the Unemployment Insurance Act, any material mailed in connection with any tax administered by the Illinois Village of Revenue, and documents sent as part of an application or enrollment process or to establish, amend, or terminate an account, contract, or



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policy or to confirm the accuracy of the PII. A PII that is permissibly mailed will not be printed, in whole or in part, on a postcard or other mailer that does not require an envelope or be visible on an envelope without the envelope having been opened.

- e. As of December 31, 2009, no person or State or local government agency may encode or embed a social security number in or on a card or document, including, but not limited to, using a bar code, chip, magnetic strip, RFID technology, or other technology, in place of removing the social security number as required by this Act. (5 ILCS 179/30)

9. Protecting PIIPA. The following are ways of Protecting PII information:

- a. Use secure methodologies, such as encryption to electronically transmit sensitive PII information.
- b. Encrypt sensitive PII on mobile, computers, media and other devices.
- c. Lock or logoff unattended computer systems.
- d. Destroy sensitive paper PII by shredding or using bum bags.
- e. Delete sensitive PII by emptying electronic "recycle bin".
- f. Store sensitive PII on Government systems, only.
- g. Secure PII data properly while away from your desk or at the end of the day.

10. Reporting PII Incidents. What to do in case of a PII breach incident: a. Upon discovery/detection, immediately report a suspected or confirmed PII breach incident to your supervisor, DoIT, or Chief Privacy Officer (CPO). 5 b. Provide details of the PII breach incident. c. Maintain or document information and/or actions relevant to the PII breach incident. d. Complete corrective or remedial actions, if appropriate.

11. Coordination of PII. Coordinating PII with the Freedom of Information Act (FOIA) and other laws (5 ILCS 140/1 et.seq.)

The Village shall comply with the provisions of FOIA and any other state laws with respect to allowing the public inspection and copying of information or documents containing all or any portion of an individual's SSN or other PU information. Nevertheless, The Village shall redact SSN's and other PII information or documents before allowing the public inspection or copying of the information or documents. When collecting SSN's or other PII information, the Village shall request each SSN or other PU information in the manner that makes SSN and PII easy to redact if required to be released as part of a public records request.



Exhibit A
Statement of Purpose for Collection of Certain Information

The Identity Protection Act. 5 ILCS 179/1 et seq., requires each local and State government agency to draft, approve, and implement an Identity Protection Policy that includes a statement of the purposes or purposes for which the agency is collecting, maintaining, and using a person's Social Security number (SSN). The Village also collects Personal Identity Information and therefore includes their collection, maintenance, and use within this statement of purpose.

The Village requires SSN or other Personal Identity Information to be provided for one or more of the following reasons:

- Vendor/Contractor background checks in executing contracts
- Licensing
- Internal verification
- Administration services including payroll processing and hiring
- Compliance with Federal and State tax law and regulations
- Complaints, hearings or investigations
- Vendor services

The Village will only use your SSN or other Personal Identity Information in accordance with the Village's Identity Protection Policy.



Exhibit B
Identity Protection

Act (5 ILCS 179/1)

Sec 1. Short title. This Act may be cited as the Identity Protection Act.
(Source: P.A. 96 874. Eff. 6-1-10.)

(5 ILCS 179/5)

Sec. 5. Definitions. In this Act:

- **"Identity protection policy"** means any policy created to protect social security numbers from unauthorized disclosure.
- **"Local government agency"** means that term as it is defined in Section 1-8 of the Illinois State Auditing Act.
- **"Person"** means any individual in the employ of a State agency or local government agency.
- **"Publicly post"** or **"publicly display"** means to intentionally communicate or otherwise intentionally make available to the general public.
- **"State agency"** means that term as it is defined in Section 1 -7 of the Illinois State Auditing Act.

(Source: P.A. 96 874, eff. 6-1-10.)

(5 ILCS 179/10)

Sec. 10. Prohibited Activities

- (a) Beginning July 1, 2010, no person or State or local government agency may do any of the following:
- (1) Publicly post or publicly display in any manner an individual's social security number.
 - (2) Print an individual's social security number on any card required for the individual to access products or services provided by the person or entity.
 - (3) Require an individual to transmit his or her social security number over the Internet, unless the connection is secure, or the social security number is encrypted.
 - (4) Print an individual's social security number on any materials that are mailed to the individual, through the U.S. Postal Service, any private mail service, electronic mail, or any similar method of delivery, unless State or federal law requires the social security number to be on the document to be mailed* Notwithstanding any provision in this Section to the contrary, social security numbers may be included in applications and forms sent by mail, including, but not limited to, any material



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mailed in connection with the administration of the Unemployment Insurance Act, any material mailed in connection with any tax administered by the Village of Revenue, and documents sent as part of an application or enrollment process or to establish, amend, or terminate an account, contract, or policy or to confirm the accuracy of the social security number. A social security number that may permissibly be mailed under this Section may not be printed, in whole or in part, on a postcard or other mailer that does not require an envelope or be visible on an envelope without the envelope having been opened.

- (b) Except as otherwise provided in this Act, beginning July 1, 2010, no person or State or local government agency may do any of the following:
 - (1) Collect, use, or disclose a social security number from an individual unless (i) required to do so under State or federal law, rule, or regulations, or the collection, use, or disclosure of the social security number is otherwise necessary for the performance of that agency's duties and responsibilities; (ii) the need and purpose the social security number is documented before the collection of the social security number; and (iii) the social security number collected is relevant to the documented need and purpose.
 - (2) Require an individual to use his or her social security number to access an Internet website.
 - (3) Use the social security number for any purpose other than the purpose for which it was collected.
- (c) The prohibitions in subsection (b) do not apply in the following circumstances:
 - (1) The disclosure of social security numbers to agents, employees, contractors, or subcontractors of a governmental entity or disclosure by a governmental entity to another governmental entity or its agents, employees, contractors, or subcontractors if disclosure is necessary in order for the entity to perform its duties and responsibilities; and, if disclosing to a contractor or subcontractor, prior to such disclosure, the governmental entity must first receive from the contractor or subcontractor a copy of the contractor¹s or subcontractor's policy that sets forth how the requirements imposed under this Act on a governmental entity to protect an individual's social security number will be achieved.
 - (2) The disclosure of social security numbers pursuant to a court order, warrant, or



subpoena.

- (3) The collection, use, or disclosure of social security numbers in order to ensure the safety of: State and local government employees; persons committed to correctional facilities, local jails, and other law-enforcement facilities or retention centers; wards of the State; and all persons working in or visiting a State or local government agency facility.
 - (4) The collection, use, or disclosure of social security numbers for internal verification or administrative purposes.
 - (5) The disclosure of social security numbers by a State agency to any entity for the collection of delinquent child support or of any State debt or to a governmental agency to assist with an investigation or the prevention of fraud.
 - (6) The collection or use of social security numbers to investigate or prevent fraud, to conduct background checks, to collect a debt, to obtain a credit report from a consumer reporting agency under the federal Fair Credit Reporting Act, to undertake any permissible purpose that is enumerated under the federal Gramm Leach Bliley Act, or to locate a missing person, a lost relative, or a person who is due a benefit, such as a pension benefit or an unclaimed property benefit.
- (d) If any State or local government agency has adopted standards for the collection, use, or disclosure of social security numbers that are stricter than the standards under this Act with respect to the protection of those social security numbers, then, in the event of any conflict with the provisions of this Act, the stricter standards adopted by the State or local government agency shall control.

(Source: P.A. 100-159, eff. 8-18-17.)

(S ILCS 179/15)

Sec. 15. Public inspection and copying of documents.

Notwithstanding any other provision of this Act to the contrary, a person or State or local government agency must comply with the provisions of any other State law with respect to allowing the public inspection and copying of information or documents containing all or any portion of an individual's social security number. A person or State or local government agency must redact social security numbers the information or documents before allowing the public inspection or copying of the information or documents.

(Source: P.A. 96 874, eff. 6-1-10.)



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(5 ILCS 179/20)

Sec. 20. Applicability.

- (a) This Act does not apply to the collection, use or disclosure of a social security number as required by State or federal law, rule, or regulation.
- (b) This Act does not apply to documents that are recorded with a county recorder or required to be open to the public under any State or Federal law, rule, or regulation, applicable caselaw. Supreme Court Rule or the Constitution of the State of Illinois. Notwithstanding this Section, county recorders must comply with Section 35 of this Act.

(Source: P.A. 96 874, eff. 6-1-10.)

(5 ILCS 179/25)

Sec. 25. Compliance with federal law.

If a federal law takes effect requiring any federal agency to establish a national unique patient health identifier program, any State or local government agency that complies with the federal law shall be deemed to be in compliance with this Act. (Source: P.A. 96 874, eff. 6-1 -10.)

(5 ILCS 179/30)

Sec. 30. Embedded social security numbers.

Beginning December 31, 2009, no person or State or local government agency may encode or embed a social security number in or on a card or document, including, but not limited to, using a bar code, chip, magnetic strip, RFID technology, or other technology, in place of removing the social security number as required by this Act.

(Source: P.A. 96874, eff. 6-1-10.)

(5 ILCS 179/35)

Sec. 35. Identity-protection policy; local government.

- (a) Each local government agency must draft and approve an identity-protection policy within 12 months after the effective date of this Act. The policy must do all of the following:

- (1) Identity this Act.



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- (2) Require all employees of the local government agency identified as having access to social numbers in the course of performing their duties to be trained to protect the confidentiality of social security numbers. Training should include instructions on the proper handling of information that contains social security numbers from the time of collection through the destruction of the information.
- (3) Direct that only employees who are required to use or handle information or documents that contain social security numbers have access to such information or documents.
- (4) Require that social security numbers requested from an individual be provided in a manner that makes the social security number easily redacted if required to be released as part of a public records request.
- (5) Require that, when collecting a social security number or upon request by the individual, a statement of the purpose or purpose for which the agency is collecting and using the social security number be provided.

(b) Each State agency must provide a copy of its identity protection policy to the Social Security Number Protection Task Force within days after the approval of the policy.

(c) Each State agency must implement the components of its identity - protection policy that are necessary to meet the requirements of this Act within 12 months after the date the identity protection policy is approved. This subsection (c) shall not affect the requirements of Section 10 of this Act.

(Source: P.A. 96 874, eff 6-1-10.)

(5 ILCS 179/40)

Sec. 40. Judicial branch and clerks of courts. The judicial branch and clerks of the circuit court are not subject to the provisions of this Act, except that the Supreme Court shall, under its rulemaking authority or by administrative order, adopt requirements applicable to the judicial branch, including clerks of the circuit court, regulating the disclosure of social security numbers consistent with the intent of this Act and the unique circumstances relevant in the judicial process. (Source: P.A. 96-874, eff. 6-1-10.)

(5 ILCS 179/45)

Sec. 45. Violation. Any person who intentionally violates the prohibitions in Section 10 of this Act is guilty of a Class B misdemeanor.

(Source: P.A. 96 874, eff. 6-1-10.)

(5 (LCS 179/50)

Sec. 50. Home rule. A home rule unit of local government, any non-home rule municipality,



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or any non-home rule county may regulate the use of social security numbers, but that regulation must be no less restrictive than this Act. This Act is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(Source: P.A. 96-874, eff. 6-1-10.)

(5 ILCS 179/55)

Sec. 55. This Act does not supersede any more restrictive law, rule, or regulation regarding the collection, use, or disclosure of social security numbers.

(Source: P.A. 96 874, eff. 6-1-10.)

(5 ILCS 179/90)

Sec. 90 (Amendatory provisions; text omitted).

(Source: P.A. 96 874, eff. 6-1-10; text omitted.)



Exhibit C

Personal Information Protection Act

(815 ILCS 530/1)

Sec. 1. Short title. This Act may be cited as the Personal Information Protection Act.

(Source: P.A. 94-36. eff. 1-1 -06.)

(815 ILCS 530/5)

Sec. 5. Definitions. In this Act:

"Data collector" may include, but is not limited to, government agencies, public and private universities, privately and publicly held corporations, financial institutions, retail operators, and any other entity that, for any purpose, handles, collects, disseminates, or otherwise deals with nonpublic personal information.

"Breach of the security of the system data" or **"breach"** means unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of personal information maintained by the data collector. "Breach of the security of the system data" does not include good faith acquisition of personal information by an employee or agent of the data collector for a legitimate purpose of the data collector, provided that the personal information is not used for a purpose unrelated to the data collector's business or subject to further unauthorized disclosure.

"Health insurance information" means an individual's health insurance policy number or subscriber identification number, any unique identifier used by a health insurer to identify the individual, or any medical information in an individual's health insurance application and claims history, including any appeals records.

"Medical information" means any information regarding an individual's medical history, mental or physical condition, or medical treatment or diagnosis by a healthcare professional, including such information provided to a website or mobile application.

"Personal information" means either of the following:

- (1) An individual's first name or first initial and last name in combination with any one or more of the following data elements, when either the name or the data elements are not encrypted or redacted or are encrypted or redacted but the keys to unencrypt or underact or otherwise read the name or data elements have been acquired without authorization through the breach of security:



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- (A) Social Security number.
 - (B) Driver's license number or State
 - (C) Account number or credit or debit card number, or an account number or credit card number in combination with any required security code, access code, or password that would permit access to an individual's financial account.
 - (D) Medical information
 - (E) Health insurance information
 - (F) Unique biometric data generated from measurements or technical analysis of human body characteristics used by the owner or licensee to authenticate an individual, such as a fingerprint, retina or iris image, or other unique physical representation or digital representation of biometric data.
- (2) Username or email address, in combination with a password or security question and answer that would permit access to an online account, when either the user name or email address or password or security question and answer are not encrypted or redacted or are encrypted or redacted but the keys to unencrypt or unredact or otherwise read the data elements have been obtained through the breach of security.

"Personal information" does not include publicly available information that is lawfully made available to the general public from federal, State, or local government records. (Source: P.A. 99-503, eff. 1-1-17.)

(815 ILCS 530/10)

Sec. I. Notice of breach.

- (a) Any data collector that owns or licenses personal information concerning an Illinois resident shall notify the resident at no charge that there has been a breach of the security of the system data following discovery or notification of the breach. The disclosure notification shall be made in the most expedient time possible and without unreasonable delay, consistent with any measures necessary to determine the scope of the breach and restore the reasonable integrity, security, and confidentiality of the data system. The disclosure notification to an Illinois resident shall include, but need not be limited to, information as follows:

- (l) With respect to personal information as defined in Section 5 in paragraph (1) of the definition of "personal information":

- (A) the toll-free numbers and addresses for consumer reporting agencies;



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- (B) the toll-free number, address, and website address for the Federal Trade Commission; and
- (C) a statement that the individual can obtain information from these sources about fraud alerts and security freezes.

(2) With respect to personal information defined in Section 5 in paragraph (2) of the definition of "personal information", notice may be provided in electronic or other form directing the Illinois resident whose personal information has been breached to promptly change his or her user name or password and security question or answer, as applicable, or to take other steps appropriate to protect all online accounts for which the resident uses the same user name or email address and password or security question and answer.

The notification shall not, however, include information concerning the number of Illinois residents affected by the breach.

- (b) Any data collector that maintains or stores, but does not own or license, computerized data that includes personal information that the data collector does not own or license shall notify the owner or licensee of the information of any breach of the security of the data immediately following discovery, if the personal information was, or is reasonably believed to have been, acquired by an unauthorized person. In addition to providing such notification to the owner or licensee, the data collector shall cooperate with the owner or licensee in matters relating to the breach. That cooperation shall include, but need not be limited to, (i) informing the owner or licensee of the breach, including giving notice of the date or approximate date of the breach and the nature of the breach, and (ii) informing the owner or licensee of any steps the data collector has taken or plans to take relating to the breach. The data collector's cooperation shall not, however, be deemed to require either the disclosure of confidential business information or trade secrets or the notification of an Illinois resident who may have been affected by the breach.

(b-5) The notification to an Illinois resident required by subsection (a) of this Section may be delayed if an appropriate law enforcement agency determines that notification will interfere with a criminal investigation and provides the data collector with a written request for the delay. However, the data collector must notify the Illinois resident as soon as notification will no longer interfere with the investigation.

- (c) For purposes of this Section, notice to consumers may be provided by one of the following methods:

- (l) written notice;



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- (2) Electronic notice, if the notice provided is consistent with the provisions regarding electronic records and signatures for notices legally required to be in writing as set forth in Section 7001 of Title 15 of the United States Code; or
- (3) Substitute notice, if the data collector demonstrates that the cost of providing notice would exceed \$250,000 or that the affected class of subject persons to be notified exceeds 500,000, or the data collector does not have sufficient contact information. Substitute notice shall consist of all of the following: (i) email notice if the data collector has an email address for the subject persons; (ii) conspicuous posting of the notice on the data collector's web site page if the data collector maintains one; and (iii) notification to major statewide media or, if the breach impacts residents in one geographic area, to prominent local media in areas where affected individuals are likely to reside if such notice is reasonably calculated to give actual notice to persons whom notice is required.

- (d) Notwithstanding any other subsection in this Section, a data collector that maintains its own notification procedures as part of an information security policy for the treatment of personal information and is otherwise consistent with the timing requirements of this Act, shall be deemed in compliance with the notification requirements of this Section if the data collector notifies subject persons in accordance with its policies in the event of a breach of the security of the system data.

(e)(1) This subsection does not apply to data collectors that are covered entities or business associates and are in compliance with Section 50.

(2) Any data collector required to issue notice pursuant to this Section to more than 500 Illinois residents as a result of a single breach of the security system shall provide notice to the Attorney General of the breach, including:

- (A) A description of the nature of the breach of security or unauthorized acquisition or use.
- (B) The number of Illinois residents affected by such incident at the time of notification.
- (C) Any steps the data collector has taken or plans to take relating to the incident.

Such notification must be made in the most expedient time possible and without unreasonable delay but in no event later than when the data collector provides notice to consumers pursuant to this Section. If the date of the breach is unknown at the time the notice is sent to the Attorney General, the data collector shall send the Attorney General the date of the breach as soon as possible.

Upon receiving notification from a data collector of a breach of personal information, the Attorney General may publish the name of the data collector that suffered the breach, the types of personal information compromised in the breach, and the date range of the breach.

(Source: P.A. 100-201, eff. 8-18-17; 101-343, eff. 1-1-20.)

(815 ILCS 530/40)

Sec. 40. Disposal of materials containing personal information; Attorney General



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- a) In this Section, "person" means: a natural person; a corporation, partnership, association, or other legal entity; a unit of local government or any agency, Village, division, bureau, board, commission, or committee thereof; or the State of Illinois or any constitutional officer, agency, Village, division, bureau, board, commission, or committee thereof.
- b) A person must dispose of the materials containing personal information in a manner that renders the personal information unreadable, unusable, and undecipherable. Proper disposal methods include, but are not limited to, the following:
 - i) Paper documents containing personal information may be either redacted, burned, pulverized, or shredded so that personal information cannot practicably be read or reconstructed.
 - ii) Electronic media and other non-paper media containing personal information may be destroyed or erased so that personal information cannot practicably be read or reconstructed.
- c) Any person disposing of materials containing personal information may contract with a third party to dispose of such materials in accordance with this Section. Any third-party that contracts with a person to dispose of materials containing personal information must implement and monitor compliance with policies and procedures that prohibit authorized access to or acquisition of or use of personal information during the collection, transportation, and disposal of materials containing personal information.
- d) Any person, including but not limited to a third party referenced in subsection (c), who violates this Section is subject to a civil penalty of not more than \$100 for each individual with respect to whom personal information is disposed of in violation of this Section. A civil penalty may not, however, exceed \$50,000 for each instance of improper disposal of materials containing personal information. The Attorney General may impose a civil penalty after notice to the person accused of violating this Section and an opportunity for that person to be heard in the matter. The Attorney General may file a civil action in the circuit court to recover any penalty imposed under this Section.
- e) In addition to the authority to impose a civil penalty under subsection (d), the Attorney General may bring an action in the circuit court to remedy a violation of this Section, seeking any appropriate relief.



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- f) A financial institution under 15 U.S.C. 6801 et. seq. or any person subject to 15 U.S.C. 6801 is exempt from this Section.

(Source: **P.A.** 97-483. Eff. 1-1-12.)

(815 ILCS 530/45)

Sec. 45. Data security.

- (a) A data collector that owns, or licenses, or maintains, or stores but does not own or license, records that contain personal information concerning an Illinois resident shall implement and maintain reasonable security measures to protect those records from unauthorized access, acquisition, destruction, use, modification, or disclosure.
- (b) A contract for the disclosure of personal information concerning an Illinois resident that is maintained by a data collector must include a provision requiring the person to whom the information is disclosed to implement and maintain reasonable security measures to protect those records from unauthorized access, acquisition, destruction, use, modification, or disclosure.
- (c) If a state or federal law requires a data collector to provide greater protection to records that contain personal information concerning an Illinois resident that are maintained by the data collector and the data collector is in compliance with the provisions of that state or federal law, the data collector shall be deemed to be in compliance with the provisions of this Section.
- (d) A data collector that is subject to and in compliance with the standards established pursuant to Section 501(b) of the Gramm-Leach-Bliley Act of 1999, 15 U.S.C. Section 6801, shall be deemed to be in compliance with the provisions of this Section. (Source: P.A. 99-503, eff. 1-1-17.)

(815 ILCS 530/50)

Sec. 50. Entities subject to the federal Health Insurance Portability and Accountability Act of 1996.

Any covered entity or business associate that is subject to and in compliance with the privacy and security standards for the protection of electronic health information established pursuant to the federal Health Insurance Portability and Accountability Act of 1996 and the Health Information Technology for Economic and Clinical Health Act shall be deemed to be in compliance with the provisions of this Act, provided that any covered entity or business associate required to provide notification of a breach to the Secretary



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of Health and Human Services pursuant to the Health Information Technology for Economic and Clinical Health Act also provides such notification to the Attorney General within 5 business days of notifying the Secretary. (Source: P.A. 99-503, eff. 1-1-17.)



APPENDIX H

WHISTLEBLOWER PROTECTION POLICY & PROCEDURES

Purpose

Pursuant to § 4.1 of the Public Officer Activities Act, 50 ILCS 105/4.1 (the “Act” as used in this Policy only), the Village protects the confidentiality of and prohibits retaliation against any full-time, part-time, or temporary employee or contractor who reports improper governmental action under the Act and this Policy. The Village’s Auditing Official will manage and investigate complaints filed under the Act and this Policy in accordance with the following processes and procedures.

Improper Governmental Action

For purposes of this Policy, “improper governmental action” means any action by an employee of the Village, an appointed or elected member of the Village Board, or an elected official of the Village that:

- is undertaken in violation of a federal or state law or local ordinance;
- is an abuse of authority;
- violates the public's trust or expectation of their conduct;
- is of substantial and specific danger to the public's health or safety; or,
- is a gross waste of public funds.

The action need not be within the scope of the official duties of the employee, elected official, appointed official, member or other agent of the Village to be subject to a claim of improper governmental action.

Improper governmental action in violation of this Policy does not include the Village’s personnel actions, including but not limited to: (1) employee grievances or complaints; (2) appointments, promotions, transfers, reassignments, or reinstatements; (3) restorations or reemployment; (4) performance evaluations; (5) reductions in compensation; (6) dismissals, suspensions, demotions, reprimands, or violations of collective bargaining agreements, except to the extent that the action amounts to retaliation.

Confidentiality

The identity of an employee will be kept confidential to the extent allowable by law unless waived in writing by the employee. The Auditing Officials may take reasonable measures to protect employees who reasonably believe they may be subject to bodily harm for reporting improper government action.



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No Retaliation

The Village will not retaliate against or tolerate retaliation against an employee or contractor or other person who performs services for the Village who:

- reports an improper governmental action under this Policy or the Act;
- cooperates with an investigation by the Auditing Official related to a report of improper governmental action; or
- testifies in a proceeding or prosecution arising out of an improper governmental action.

Prohibited retaliation means any adverse change in an employee's employment status or terms and conditions of employment. Retaliatory action includes, but is not limited to: (1) denial of adequate staff to perform duties; (2) frequent staff changes; (3) frequent and undesirable office changes; (4) refusal to assign meaningful work; (5) unsubstantiated letters of reprimand or unsatisfactory performance evaluations; (6) demotion; (7) reduction in pay; (8) denial of promotion; (9) transfer or reassignment; (10) suspension or dismissal; or (11) other disciplinary action made because of an employee's protected activity under the Act.

Reporting Procedures

Any employee who is aware of an improper governmental action (as defined above) is required to make a written report to the Village Manager who serves as our designated Auditing Official.

Any employee who believes that they are being retaliated against, in violation of the Act and this Policy, may submit a written report to the Village's Auditing Official, within 60 days of learning of the retaliatory conduct. If the Auditing Official is the individual involved in the alleged improper governmental action, then a report may be submitted to any State's Attorney.

Investigation Procedures

Upon receiving a report of alleged improper governmental action, the Auditing Official shall conduct a confidential investigation of report.

The Auditing Official will also notify the employee and all witnesses of the Village's policy against retaliation for reporting alleged improper government action or participating in a related investigation or proceeding.

The Auditing Official shall notify the Village's corporate counsel of the report and seek legal advice regarding the report, investigation, and potential findings and remedies.

The Auditing Official may transfer a report of improper governmental action to another auditing official for investigation if the Auditing Official deems it appropriate, including, but not limited to, the appropriate State's Attorney.

If the Auditing Official concludes that an improper governmental action has taken place or concludes that the any person has hindered the investigation, the Auditing Official shall notify in



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writing any individual or entity the Auditing Official deems necessary in the circumstances, including, for example, the Mayor.

If the Auditing Official determines that an employee has been subjected to retaliation in violation of the Act or this Policy, the Auditing Official may also reinstate, reimburse for lost wages or expenses incurred, promote, or provide some other form of restitution. In instances where the Auditing Official determines that restitution will not suffice, the Auditing Official may make their investigation findings available for the purposes of aiding in that employee's or the employee's attorney's effort to make the employee whole.

The Auditing Official shall maintain records relating to the report, investigation, and findings confidential to the extent allowed by law and shall consult with the Village's corporate counsel before disclosing such records to any third parties.

Reporting Improper Governmental Activity, Protection from Retaliation

This Policy is intended to comply with Section 4.1 of the Public Officer Prohibited Activities Act. The definitions of terms included in this Policy are provided for ease of reference. To the extent (the "Act" as used in this Policy only) that this information differs from the requirements of the law, or any subsequent amendments, the definitions in the law (as amended from time to time) will control.

Retaliation Is Prohibited

The Village strictly prohibits retaliation against any employee or contractor who:

- a. Reports an improper governmental action;
- b. Cooperates with an investigation by an auditing official related to a report of improper governmental action;
- c. Testifies in a proceeding or prosecution arising out of an improper governmental action.

This prohibition applies to retaliation by the Village or any employee, agent, or representative of the Village.

The Act defines "improper governmental action" as:

"[A]ny action by a unit of local government employee, an appointed member of a Village Council, commission, or committee, or an elected official of the unit of local government that is undertaken in violation of a federal, State, or unit of local government law or rule; is an abuse of authority; violates the public's trust or expectation of their conduct; is of substantial and specific danger to the public's health or safety; or is a gross waste of public funds. The action need not be within the scope of the employee's, elected official's, Village Board, commission member's, or committee member's official duties to be subject to a claim of "improper governmental action". "Improper governmental action" does not include a unit of local government personnel actions, including, but not



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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 that the action amounts to retaliation."

Under the Act, "retaliate," "retaliation," or "retaliatory action" mean:

"[A]ny adverse change in an employee's employment status or the terms and conditions of employment that results from an employee's protected activity under this Section. "Retaliatory action" includes, but is not limited to, denial of adequate staff to perform duties; frequent staff changes; frequent and undesirable office changes; refusal to assign meaningful work; unsubstantiated letters of reprimand or unsatisfactory performance evaluations; demotion; reduction in pay; denial of promotion; transfer or reassignment; suspension or dismissal; or other disciplinary action made because of an employee's protected activity under this Section."

Under the Act and this policy, "Employee" includes anyone employed by the Village, whether in a permanent or temporary position, including full-time, part-time, and intermittent workers. "Employee" for purposes of the Act and this policy also includes members of appointed Village Councils and commissions, paid or unpaid. "Employee" also includes persons terminated because of any report or complaint submitted under the Act or this policy.

Reporting Improper Governmental Activity or Retaliation

To invoke the protections of the Act and this policy, an employee shall make a written report of improper governmental action to the Village's Auditing Official. An employee who believes that they have been retaliated against in violation of this policy or the Act must submit a written report to the Auditing Official within 60 days of gaining knowledge of the retaliatory action. If the Auditing Official is the individual who engaged in the improper governmental action, then a report under this provision may be submitted to any State's Attorney.

The Auditing Official designated to receive reports under this policy shall be the Village Administrator or designee.

Processes and Procedures for Investigation

The following processes and procedures will apply to investigation of any written report submitted under this policy:

Upon receipt of a written report under this Policy, the Auditing Official will review the report and determine whether it raises an issue of an alleged improper governmental action or retaliation covered by this policy, assuming all factual assertions in the complaint to be true. If the report does not raise matters covered by this Policy, the Auditing Official will close the investigation and will notify the complainant in writing of this determination.



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If the Auditing Official determines that the report raises an allegation of improper governmental action or retaliation as defined in the Act and this Policy, the Auditing Official will promptly investigate the allegations to determine whether an improper governmental action or retaliation occurred.

The Auditing Official may designate others to assist with or provide advice with respect to the conduct of the investigation, as the Auditing Official deems appropriate.

The Auditing Official (or designee) will determine what steps are necessary to properly investigate the allegations included in the written report. Depending upon the circumstances, these may include, but are not limited to:

- Interviewing the reporting party.
- Interviewing any individuals who allegedly engaged in retaliation or improper governmental activity.
- Interviewing other witnesses.
- Obtaining and reviewing documents and electronically stored information relevant to the matters alleged in the report.
- At the conclusion of the investigation, the Auditing Official (or designee) will prepare a written investigation report, which will include, at a minimum:
 - A summary of the evidence obtained through the investigation.
 - Findings as to any facts the Auditing Official determines are relevant to the investigation.
 - A determination as to whether there is sufficient evidence to conclude that an improper governmental action or retaliation, as defined in this policy, occurred.

Transfer to Another Auditing Official

The Auditing Official may transfer a report of improper governmental action to another Auditing Official for investigation if the Auditing Official deems it appropriate, including, but not limited to, the appropriate State's Attorney. In that event, the matter will be investigated according to the processes and procedures established by the Auditing Official to whom the matter is transferred.

Confidentiality

To the extent allowed by law, the identity of an employee reporting information about an improper governmental action shall be kept confidential unless the employee waives confidentiality in writing. Auditing Officials may take reasonable measures to protect employees who reasonably believe they may be subject to bodily harm for reporting improper government action.



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Reporting Results of the Investigation

If the Auditing Official concludes that an improper governmental action has taken place or concludes that the relevant unit of local government, department, agency, or supervisory officials have hindered the Auditing Official's investigation into the report, the Auditing Official shall notify in writing the Mayor and any other individual or entity the auditing official deems necessary in the circumstances.

Additionally, if the Auditing Official concludes that an employee was subjected to adverse actions for reporting improper government action:

- a. The Auditing Official may reinstate, reimburse for lost wages or expenses incurred, promote, or provide some other form of restitution;
- b. In instances where an Auditing Official determines that restitution will not suffice, the auditing official may make their investigation findings available for the purposes of aiding in that employee's or the employee's attorney's effort to make the employee whole.

Consequences for Violation of the Act and This Policy

Under the Act, a person perpetrating retaliatory action may be subject to a fine of no less than \$500 and no more than \$5,000, suspension without pay, demotion, discharge, civil or criminal prosecution or any combination of these penalties, as appropriate.

Providing false or misleading information in connection with an investigation under this policy may result in disciplinary action up to and including termination of employment.

Determinations regarding discipline or other employment consequences for violations of this policy or the Act will be made in accordance with the Village's established disciplinary policies and procedures.