

ORDINANCE 94-59

AN ORDINANCE AMENDING THE PERSONNEL CODE

WHEREAS, the Personnel Code of the Village of Chatham does not prescribe the policy for the accumulation and use of compensatory time; and

WHEREAS, the Personnel Code of the Village of Chatham does not specify the policy for tuition reimbursement upon voluntary termination; and

WHEREAS, the Personnel Code of the Village of Chatham requires all full time employees to maintain a residence within the corporate limits; and

WHEREAS, the Administrative Committee has reviewed the Personnel Code and has determined the long term interest of the Village will best be served by amending the Code.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, SANGAMON COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: The Village of Chatham Personnel Code effective March 1, 1993 is hereby with respect to the following provisions, as set forth more particularly in Exhibit A, which is attached hereto and incorporated by reference, and hereby adopted:

- Article II, Section 2 - Compensation.
Definition correction
- Article IV, Section 1 - Departments and Department Heads.
Changing Administration to Finance and Administration
- Article V, Section 1 - Administrative Office.
Changing hours of operation.
- Article VI, Section 5 - Compensatory Time.

Article VII, Section 8 - Tuition Reimbursement.

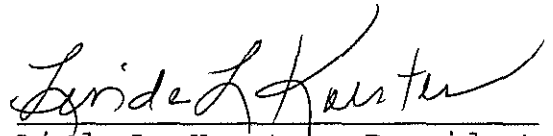
Adding Village reimbursement for
voluntary termination

Article VIII, Section 6 - Residency Requirements.

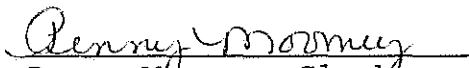
Changing from all full time
employees to only Department Heads

SECTION 2: This Ordinance and the Village of Chatham
Personnel Code attached hereto as Exhibit A are effective upon
their passage and approval, as provided by law. The prior
Personnel Code, which was effective March 1, 1993, is repealed
without prejudice to the vested rights of any employee.

ADOPTED this 27th day September, 1994


Linda L. Koester, President
Village of Chatham

ATTEST:


Penny Moomey, Clerk

AYES: 5

NAYS: 0

ABSENT: 1

PASSED: 9-27-94

APPROVED: 9-27-94

VILLAGE OF CHATHAM PERSONNEL CODE

EFFECTIVE SEPTEMBER 1994

INTRODUCTION

The purpose of this Personnel Code is to establish policies, procedures and plans relating to employees of the Village of Chatham. The Village of Chatham reserves the right in the sole discretion of the Village Board to add, change, or eliminate its policies, procedures or plans, or to make special allowances for situations not specifically addressed in this Code. This Code governs all Village employees, but should not be considered as a contract of employment or a guarantee of employment. This Code does not apply to officers of the Village except where specifically indicated. This code does not apply to the extent it is expressly or, impliedly superseded by a collective bargaining agreement, an employment contract or a statute granting special rights to certain classes of employees.

ARTICLE I

EQUAL OPPORTUNITY

1.01 Statement of Policy

- (a) It is the policy of the Village of Chatham to provide equal opportunity to all employees and applicants for employment in accordance with all applicable laws, directives and regulations of federal, state, and local legislative bodies and administrative agencies.
- (b) The Village of Chatham shall recruit, hire, train and promote persons in all job classifications without regard to race, color, religion, national origin, sex, age, handicap or political affiliation; provided, however, that nothing in this section shall impair the right of the Village to establish bonafide occupational qualifications for any job category.
- (c) The Village of Chatham shall insure that all personnel actions, including compensation, benefits, transfers, terminations, reductions in work force, rehires, education, tuition assistance, and the like, shall be administered without regard to race, color, religion, national origin, sex, age, disability or political affiliation.

ARTICLE II

DEFINITIONS

As used herein, the following terms have the following definitions.

2.01 Board. The President and Board of Trustees of the Village.

2.02 Compensation. All form of valuable consideration,

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including salary wages, benefits, and allowances earned by and paid to any employee by reason of service in a position with the Village.

2.03 Employee. A person other than an officer or an independent contractor who regularly performs remunerative work for the Village.

2.04 Full-Time Employee. An employee who is not a part-time employee or a temporary employee.

2.05 Immediate Family. Includes and is limited to parents, spouses, brothers, sisters, children, grandparents, grandchildren, parents-in-law, brothers-in-law, sisters-in-law, legal guardians, and stepchildren.

2.06 Independent Contractor. A person who performs remunerative work for the Village on a contractual basis. Examples of independent contractors include vendors of goods and services, and engineers, attorneys and consultants for the Village.

2.07 Municipal Code. The Illinois Municipal Code, Illinois Revised Statutes, Chapter 24.

2.08 Officer.

(a) A person designated by the Municipal Code or by ordinance as an officer of the Village, including, but not limited to, the Village President, Village Trustees, the Village Clerk, Village Administrator, members of the Boards and Commissions who take an oath of office (such as the Zoning Board and Plan Commission), and the Chief of Police. "Officer" does not include police officers other than the Chief of Police; they are considered employees.

(b) Although the Chief of Police and Village Administrator are officers of the Village and not employees, both shall be subject to the rules and regulations governing full-time employees and shall have the rights and benefits of a full-time employee as set forth in this Personnel Code, except where a specific exception is made.

2.09 Part-Time Employee. An employee other than a temporary employee who works for the Village or is reasonably expected to work for the Village less than 1664 hours in a calendar year.

2.10 Administrative Committee. The Administrative Committee of the Village Board.

2.11 President. The President of the Village.

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2.12 Administrator. The Village Administrator.

2.13 Probationary Employee. A part-time or full-time employee who has worked for the Village less than 6 continuous calendar months.

2.14 Temporary Employee. An employee who is hired for a period of not more than 6 continuous months, or who is hired only to work during particular seasons of the year (for example, a person hired to work in the Street Department for the summer).

ARTICLE III HIRING AND FIRING AUTHORITY

3.01 Village Administrator, Chief of Police and Police Officers

- (a) The Village Administrator and Chief of Police shall be appointed by the President with the advice and consent of the Board as set forth in provisions relating to appointment of officers in the Municipal Code.
- (b) Firing authority for the Village Administrator and Chief of Police is vested in the President, subject to the Board's right of override in the manner set forth in Municipal Code relating to removal of appointed officers.
- (c) Police officers are hired and fired by the Board of Fire and Police Commissioners as required by statute and ordinances of the Village.

3.02 Other Employees

- (a) All authority for creating positions for employment with the Village of Chatham is vested in the Board. Full-time employees, except the Administrator, the Chief of Police and Police Officers, shall be hired upon motion duly made, seconded and passed by the Board, subject to the President's veto and the Board's right of override as in the case of ordinances as set forth in the Municipal Code. No person shall be hired for a full-time position, and no motion to hire a person for a full-time position shall be made, unless that person has been evaluated by the Administrative Committee and a report, either oral or written, rendered to the Board. Part-Time and temporary positions shall be filled by the Administrator with due diligence.
- (b) Firing authority for full-time employees, except the Administrator, the Chief of Police and Police Officers, is vested in the Board and shall be exercised as set forth in the section of this Personnel Code relating to discipline.
- (c) Firing authority for part-time and temporary employees is vested in the Administrator and shall be exercised as set

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forth in the sections of this Personnel Code relating to discipline.

ARTICLE IV
LINES OF AUTHORITY

4.01 Departments and department heads. Each employee of the Village is assigned to a department(s) with an appointed department head. For purposes of this Personnel Code, the departments of the Village are as follows: Electric, Water & Sewer, Police, Transportation, Zoning and Building, Finance and Administration, Recreation and Human Services. Department heads may, on a temporary basis, lend department employees to other departments.

4.02 Committees of the Board. The various Committees of the Board have no direct involvement with operations of the departments. The committees have oversight jurisdiction and responsibility for establishing department policy and programming.

4.03 Village Administrator. The Village Administrator is the supervisor of all departments and department heads. The Administrator is supervised by no committee of the Village Board, but rather directly by the President. The Administrator reports the activities of all departments to the appropriate committee chairperson as directed.

4.04 Department Heads. The several Department Heads and their functions are as follows:

- (a) Chief of Police. The Chief of Police is the head of the Police Department and is supervised by the Administrator. The Chief of Police reports weekly to the Administrator regarding the activities of the Department.
- (b) Public Works Director. The Public Works Director is the head of the Departments of Recreation, Zoning and Building, Human Services and Cemetery and is supervised by the Administrator. The Public Works Director reports weekly to the Administrator regarding the activities of the Departments.
- (c) Public Works Supervisor. The Public Works Supervisor is the head of the Departments of Water, Sewer and Transportation and is supervised by the Public Works Director. The Public Works Supervisor reports weekly to the Director regarding the activities of the Departments.
- (d) Line Foreman. The Line Foreman is the head of the Electric Department and is supervised by the Public Works Director. The Line Foreman reports weekly to the Director

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regarding the activities of the Department.

- (e) Office Manager. The Office Manager is the head of the Finance and Administration Department and is supervised by the Administrator. The Office Manager reports weekly to the Administrator regarding the activities of the Department.

4.05 Deputy Clerk. The Deputy Clerk reports to the Clerk insofar as the Deputy clerk's clerkship duties are concerned. If the Deputy Clerk is a full-time or part-time employee of the Village, insofar as all of the employee's other duties are concerned, he or she reports to such employee's department head. The Deputy Clerk does not lose his or her status as employee by virtue of appointment to the position of Deputy Clerk.

4.06 Supervisors Other Than Department Heads. For administrative convenience department heads may designate one or more employees to assist them with their supervision of other employees; however, while authority is delegated, responsibility is not. Department heads are always responsible as supervisors for all employees within their departments.

ARTICLE V

ATTENDANCE AND HOURS OF WORK

5.01 Administrative Office. The Village Administrative Office shall be open for business from 7:30 a.m. until 5:00 p.m., Monday through Friday. Employees assigned to the Finance and Administration Department are subject to shift assignment by the department head, with the advice and consent of the Administrator.

5.02 Public Works. The Village Public Works shall be open for business from 7:30 a.m. until 4:30 p.m., Monday through Friday, which shall be the normal work schedule and hours for all employees assigned to Public Works Departments.

5.03 Police Department. The Police department shall be open for business at all times and department employees are subject to shift assignment by the department head. The normal work hours for each shift shall be set by the department head with the advice and consent of the Administrator.

5.04 Basic Work Week. The basic work week is 40 hours, but all employees are expected and required to work overtime as instructed by their department heads.

5.05 Attendance. Reliable attendance of all employees is essential. Continual absences, tardiness and unsatisfactory attendance will be dealt with under provisions of this code

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pertaining to disciplinary actions.

5.06 Breaks. All employees are entitled to a paid 15 minute rest period in each half of their shift to be calculated from the time work is ceased, until the time work is commenced. All employees, except police officers, are entitled to an unpaid one hour lunch period. Police officers are entitled to a paid one-half hour lunch period, during which they are on call and may not leave the village limits. Breaks and lunch periods shall be scheduled by the department head.

ARTICLE VI COMPENSATION AND TIME KEEPING

6.01 New Hires.

- (a) The salary of a newly hired employee shall be established when the employee is hired.
- (b) The salary of a new employee, other than temporary employees, shall be reviewed at the end of that employee's 6 month probationary period, and the Board may in its discretion decide to raise, lower or keep in force the employee's initial salary.

6.02 Annual Salary Review.

- (a) The salaries of all full-time and part-time employees shall be reviewed by the Board annually, in or about March or April of each year. The Board shall annually by appropriate motion, resolution or ordinance, establish salaries for all full-time and part-time employees upon completion of its review.
- (b) The salaries of temporary employees may be reviewed by the Board from time to time.

6.03 Time Records. Employees shall keep accurate time records. Each employee, except employees who are exempt under the Fair Labor Standards Act, shall daily record his or her time worked and absences on timesheet forms approved by the Administrator. Timesheets shall be signed by the employee upon completion of each pay period's entries and reviewed and signed by the Department Head (or in the absence of a department head, by a person designated by the department head). A Department Head's timesheets shall be signed by the Department Head and reviewed and signed by the Administrator. In no event shall any hourly employee be paid for time not recorded on a timesheet and approved by his or her department head or the Administrator. No Department Head or other supervisor shall permit or encourage any employee to work but not record his or her time. Timesheets are important legal documents and are the source documents for the Village payroll system. Their accuracy is an absolute must.

6.04 Overtime. All employees, except employees who are exempt

*all overtime shall be
Scheduled*

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under the Fair Labor Standards Act, are entitled to time and one-half for all hours in excess of 40 hours in a 7 day period. Paid time off shall be credited as 8 hours worked for purposes of this section; any unpaid time off shall not be credited toward the 40 hours. Double time shall be paid on Sundays and all days observed as official Holidays.

6.05 Compensatory Time. All employees are eligible for compensatory time. Employees may accumulate a maximum of 60 hours, and may carry 20 hours to the following calendar year. Employees not exempt under the Fair Labor Standards Act shall be compensated for all hours not eligible to be carried forward. Employees not exempt under the Fair Labor Standards Act may elect compensatory time in lieu of overtime compensation. Employees exempt under the Fair Labor Standards Act shall receive compensation time on a hour for hour basis.

Dept. Head shall be not feel authorized on all cases.

add shall be set & app. by app. dept head / with in adv. with in 2 mths. time & added pay day

6.06 Pay Period. Village employees shall be paid on Fridays of alternating weeks. The pay period for each paycheck covers a two week period ending the Sunday before payday. (In the case of police officers working a Sunday night to Monday morning shift, the pay period shall include the hours worked on the Monday morning).

6.07 Docking of Pay. Employees shall not be compensated for absences other than paid absences as set forth in the sections of this code pertaining to paid vacations and leaves. Except for employees who are exempt employees under the Fair Labor Standards Act, salaries shall be docked for unpaid absences.

ARTICLE VII
BENEFITS

7.01 Vacations. All employees, except temporary status, shall earn paid vacation time. No employee on leave of absence may earn vacation. Vacation time may be taken in increments of not less than 4 hours at a time, at any time after it is earned in accordance with this section.

(a) Rate for Earning Vacation.

(1) From the date of hire until the completion of 5 years continuous service: 80 hours a year per the following schedule -

January - 6	May - 7	September - 7
February - 7	June - 7	October - 6
March - 7	July - 6	November - 7
April - 6	August - 7	December - 7

(2) From the completion of 5 years of continuous service until the completion of 15 years of continuous service: 120 hours a year per the following schedule -

January - 10	May - 10	September - 10
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February - 10	June - 10	October - 10
March - 10	July - 10	November - 10
April - 10	August - 10	December - 10

(3) From the completion of 15 years of continuous service:
160 hours a year per the following schedule -

January - 13	May - 13	September - 14
February - 13	June - 14	October - 13
March - 14	July - 13	November - 13
April - 13	August - 13	December - 14

- (b) Limitations on Vacation Length. No employee may take more than 120 consecutive hours of vacation (exclusive of holidays) without the prior consent of the Administrator.
- (c) Carryover of Vacation Days. Vacation time shall not be carried over for more than 24 months after the end of the calendar year in which it is earned.
- (d) Payment of Vacation Credits Annually. An employee may request pay for vacation accrued and unused once per calendar year. The request shall be submitted in writing to the Administrator and shall be processed on the ensuing pay period.
- (e) Payment of Vacation Credits Upon Termination. An employee whose employment is terminated will receive payment at the then current straight time rate of pay for vacation accrued and unused. If an employee dies, the employee's estate will be entitled to such payment.
- (f) Requests for Vacations. Preference for vacation shall be given those scheduled by February 15. An employee shall request vacation at least one week prior to the vacation requested. Department heads have the discretion and responsibility to grant or deny vacations subject to the needs of the Village.

7.02 Prorated Vacations for Part-Time Employees. A part-time employee is entitled to vacation to the same extent as a full-time employee with equivalent lengths of service. However, a part-time employee will receive vacation on a prorated basis determined by a fraction, the numerator of which shall be the hours of the month actually worked by the employee and the denominator of which shall be the normal working hours per year for a full-time employee divided by 12.

7.03 Unpaid Vacations for Temporary Employees. Temporary employees are entitled to no vacation but may take unpaid vacations in the discretion of their respective department heads.

7.04 Paid Holidays.

- (a) Employees, except temporary employees, are entitled to paid holidays. Payment for part-time employees shall be paid based on the decimal calculated in section 7.02.
- (b) The Village has nine holidays per year. If a holiday falls on a Sunday, the following Monday is observed as a

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holiday. If a holiday falls on a Saturday, the preceding Friday is observed as a holiday. The official holidays of the Village are as follows:

1. New Year's Day
 2. Presidents Day
 3. Memorial Day
 4. Independence Day
 5. Labor Day
 6. Veterans Day
 7. Thanksgiving Day
 8. Christmas Day
 9. Floating Holiday
- (c) The floating holiday may be used at the employees discretion, with the approval of the Department Head. Department Heads have the discretion and responsibility to grant floating holiday approval based on employee fairness and the needs of the Village.

7.05 Sick Leave.

- (a) All employees may take sick leave in accordance with this section, but only full-time and part-time employees are entitled to paid sick leave.
- (b) An eligible employee shall accumulate sick leave at a rate of 6 hours for each months service. The proration calculated for part-time employees in section 7.02 shall apply to sick leave.
- (c) An eligible employee may accumulate sick leave up to a maximum of 960 hours. When the services of an employee are terminated as a result of disciplinary action, no compensation will be paid for accrued sick leave. In all other cases, accrued paid sick leave will be paid at 1/2 of the employee's then current straight time rate of pay.
- (d) A full-time or part-time employee without accumulated paid sick leave who requires additional sick leave will have sick days deducted from vacation time, if the employee has accumulated vacation time, or the time will be docked.
- (e) Temporary employees are entitled to 5 days sick leave per year and may not accumulate sick leave.
- (f) Sick leave shall be taken in minimum increments of one hour and may be used for illness, disability or injury, doctor or dentist appointments, or appointments with other professional medical practitioners. Sick leave may be used for injury or disability of the employee's immediate family.
- (g) An employee taking sick leave shall, unless incapacitated, notify his or her department head by telephone no later than one hour after starting time on the date of the absence, and of each day thereafter of absence. (If a department head is sick, he or she shall notify any other department head). The department head shall notify the

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Village Office of the employee's absence. An employee who does not comply with these rules shall be charged with an unauthorized absence.

- (h) An employee must have a doctor's slip to return to work after three consecutive days of sick leave.

7.06 Personal Days.

- (a) All employees may take personal days in accordance with this section, but only full-time and part-time employees are entitled to paid personal days.
- (b) An eligible employee shall receive 24 personal hours leave on January 1.
- (c) Personal hours may not be accumulated and carried over to the following year nor shall unused personal days be paid on termination.
- (d) Temporary employees are entitled to one unpaid personal day per year.
- (e) Personal hours may be used in 2 hour increments minimum.
- (f) Applications shall be filed with the department head a minimum of twenty-four hours prior to the requested leave, except in emergency. The department head shall allow or deny the request based on department needs.

7.07 Leaves of Absence.

- (a) Medical Leave An employee who has no sick leave entitlement and reasonably anticipates illness, disability or convalescence for more than 10 days shall apply to the Administrator for an unpaid medical leave of absence. Applications shall be filed at least two weeks prior to the requested leave. The employee shall inform the Administrator in writing of the nature of the medical reason and the approximate time needed for leave, and shall accompany the application with a statement from the attending physician. In case of emergency or incapacitation of the employee, the Village Board shall waive these requirements. The Administrator may in his or her sole discretion allow or deny the request for medical leave; no employee is entitled to medical leave.
- (b) Personal Leave. A temporary unpaid personal leave of absence without pay may be granted an employee for up to five days by the Administrator, or in cases greater than five days, by the Board. The employee shall submit the request for personal leave in writing to his or her department head (or if the employee is a department head to the Administrator) at least three days before the beginning of the leave, and, where Board approval is required, at least two weeks before the beginning of the leave. The request shall be in writing, shall state the beginning and ending dates of the leave, and the reason therefore. No employee is entitled to personal leave, and personal leave may be granted or denied in the sole

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- discretion of the Administrator or Board.
- (c) Bereavement Leave. A maximum of 3 days leave may be taken by an employee who has a death in his or her immediate family. Full-time and part-time employees are entitled to paid bereavement leave; temporary employees are entitled to bereavement leave without pay. In addition to the forgoing bereavement leave, the Administrator may grant any employee an unpaid day of leave to participate in the funeral of an aunt, uncle, niece, nephew, cousin, or friend; or the employee may in his or her discretion take a paid vacation day for such purposes if the employee is entitled to a paid vacation day.
- (d) Military Leave. Any employee called to active duty in or drafted in the Armed Services of the United States or ordered to training with the Army, Navy, Air Force, Marine Corps, or Coast Guard Reserves or National Guard, shall be entitled to unpaid leave for the duration of his or her service. Such an employee shall present the Administrator with a copy of his or her orders in advance of taking leave, and shall report back to work for first business day after return from active duty. Military leave shall not be granted to an employee who voluntarily joins the active Armed Services of the United States and is neither called to active duty, drafted, nor called for reserve training.
- (e) Jury Leave. An employee called for jury duty shall be given leave to attend jury duty. The employee upon receiving a summons shall immediately provide a copy to his or her department head, or if the employee is a department head, to the Administrator. An employee taking jury leave has the following options regarding pay:
- (1) The employee may continue to receive pay from the Village and pay over to the Village Treasurer all compensation paid by the court;
 - (2) The employee may take an unpaid leave of absence from the Village and retain all compensation paid by the court; or
 - (3) The employee may take paid vacation days and retain all compensation paid by the court.
- (f) Maternity Leave. A pregnant employee is entitled to an unpaid maternity leave of absence. An employee who becomes pregnant shall notify her department head (or if the employee is a department head, the Administrator) of her condition by the beginning of the fourth month of the pregnancy and submit to her department head a written statement from her personal physician specifying the estimated delivery date and the estimate date that the employee should cease working. From time to time the employee shall provide written statements from her personal physician if the initial estimated dates change. The department head shall forward all such statements to

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the Administrator.

- (1) A maternity leave of absence shall commence when the employee's physician certifies that she is no longer able to perform work safely and efficiently. Maternity leave shall continue until such time as the employee's physician certifies that the employee is able to return to work, but not later than 10 weeks after commencement of maternity leave, or 8 weeks after the birth of the child, whichever is later. An employee on maternity leave is required to contact the Administrator and report her return to work plans within 30 days of the birth of the child.
 - (2) An employee may submit a request for an extended maternity leave in excess of the above time periods to the Administrator at least 30 days prior to the expiration of the leave or of any extension. The Administrator shall forward the request, with recommendations, to the Administrative Committee. The Administrative Committee, in its sole discretion, may approve or disapprove the extension or approve the extension in part.
 - (3) An employee who returns to work at the conclusion of maternity leave shall be restored to her former position or to a comparable position at the same rate of pay unless circumstances have changed or made it impossible or unreasonable to reinstate the employee.
 - (4) A pregnant employee may, consecutively with her unpaid maternity leave, take any accrued paid sick days or her then allowable paid vacation and personal days.
- (g) Leaves Required Under Workers Compensation Laws. An employee suffering from an injury that is job related under the Workers Compensation Laws shall be entitled to leave for such injury strictly and exclusively in accordance with those laws.

7.08 Tuition Reimbursement Program. The Village encourages its employees to further their education and, therefore, will reimburse tuition as set forth in this section.

- (a) Only full-time employees are entitled to participate in the tuition reimbursement program. An employee must make application for reimbursement to the Administrative Committee in time for the Administrative Committee to rule on the application prior to commencement of the course work.
- (b) An employee who takes a course is required to obtain a license or certification required for the employee to perform his or her job responsibilities is entitled to 100% tuition reimbursement upon receiving a passing grade in any such course from a suitable institution.
- (c) An employee electing to take course work not required for but related to the employee's job responsibilities is

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eligible to partial tuition reimbursement according to the grade received by the employee from a suitable institution, as follows:

<u>Course Grade</u>	<u>Percent of Reimbursement</u>
A	100%
B	75%
C	50%
D or F	0%
Pass	100%
Fail	0%

- (d) The Administrative Committee shall in its sole discretion determine whether or not course work meets the criteria of subsections (b) and (c) and whether the institution selected by the employee is suitable. The Administrative Committee shall notify the employee of its findings in writing prior to the employee commencing the course work. Any adverse decision by the Administrative Committee may be appealed by the employee to the Board.
- (e) On completion of an approved course the employee shall submit to the Committee:
 - (1) An official grade notice;
 - (2) A copy of the official fee schedule;
 - (3) A copy of a canceled check or other proof of payment;
 - (4) Prior written authorization from the Administrative Committee.

The Committee shall approve reimbursement of any properly submitted application. Reimbursement is limited to tuition only and does not include other costs such as books, travel, health fees, late fees, application fees, and the like.

As a condition of receiving tuition reimbursement, each applicant shall sign an agreement providing that if the employee voluntarily terminates his or her employ, the employee shall reimburse the Village for educational costs paid within the previous 24 months of the date of departure, and that such sums may be withheld from the employees final paycheck.

7.09 Other Benefits.

- (a) Medical Benefits. The Village provides an eligible employee and his or her dependents with medical insurance as set forth in the governing medical insurance policy at a cost to be determined from time to time by the Board. Employees terminating employment with the Village are entitled to participate in the Village's medical insurance program at their own cost as set forth in the Village's governing medical insurance policy. The Village's medical insurance program is subject to change without notice.
- (b) Retirement Benefits.
 - (1) Retirement benefits for employees, other than police officers and the Chief of Police, are provided by the Illinois Municipal Retirement Fund (IMRF). Employees qualify for participation in the IMRF as set forth in

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the participation rules and regulations; the Village has no control over these rules and regulations and they are subject to change without notice.

- (2) Police officers and the Chief of Police are entitled to benefits under Article 3 of the Illinois Pension Code, exclusively as determined by the Board of Trustees of the Police Pension Fund of the Village.

(c) Clothing Allowance.

- (1) The Chief of Police and full-time employees, other than office employees, are entitled to replacement uniform items purchased by the Village in an amount up to \$350 each year beginning in the January after the eligible employee's first full year of employment.
- (2) For each newly hired eligible employee, the Village shall purchase, from vendors selected by the department head, the uniform items set forth in Appendix A to this Personnel Code. The newly hired employee shall within 10 days of being hired provide at his or her own expense the uniform items set forth in Appendix B to this Personnel Code. Upon termination, an employee may keep items of clothing but is expected to return all other items set forth on Appendix A to the Village.

ARTICLE VIII EMPLOYEE RELATIONS

8.01 Anti-discrimination and Harassment Policy. The Village of Chatham is committed to employment opportunities which are based upon ability and performance demonstrating in a productive climate free from racial, sexual or other discrimination and harassment. Discrimination and harassment based on categories listed in the Village's equal opportunity policy (Article I of this Code) will not be tolerated. An employee who believes he or she has been so discriminated against or harassed shall immediately contact his or her supervisor, the Administrator or a member of the Board. Any employee determined by investigation to have so discriminated against or harassed another employee shall be subject to appropriate disciplinary action.

8.02 Changes in personal status. An employee shall report immediately any change of name, address, telephone number or marital status to his or her supervisor.

8.03 Dress Code. An employee shall wear attire appropriate to his or her job functions. An employee working out of the shop is not expected to be neat and clean at all times because of the demanding nature of the job; however, the employee shall report to work in a clean uniform in good repair. Office personnel shall wear attire appropriate to a business office. If an

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employee is in question as to what is appropriate, he or she may inquire of his or her supervisor. Police officers shall, unless called out on emergency or on special assignment, wear their uniforms at all times while on duty.

8.04 Nepotism. The Village shall not employ a member of the immediate family of a Village employee, trustee or other officer unless specifically approved by the Village Board after full disclosure of the relationship. However, no employee shall be fired solely because an immediate family member becomes an officer of the Village.

8.05 Performance Measurement. In March of each year all full-time and part-time employees shall be evaluated by their immediate supervisors in accordance with Village Board evaluation policies.

8.06 Residency Requirements. All department heads of the Village shall maintain bonafide residences within the corporate limits of the Village. A new department head who is not a resident of the Village shall be given 180 days to relocate inside the Village limits. If the employee requires more time to relocate, he or she shall submit a request for an extension of time in writing to the Administrator stating the reason for requesting an extension. The Administrator may grant or deny the request for extension in his/her discretion. Any employee on call must be capable of responding on site within 20 minutes of the page or call.

8.08 Outside Employment. Since Village service is the primary responsibility of each employee, outside employment is discouraged. However, an employee may accept occasional or part-time jobs if:

- (a) There is no conflict with Village working hours.
- (b) The employee's efficiency is maintained.
- (c) There is no conflict of interest.
- (d) The job is unrelated to law enforcement or security work.

8.09 Physical. Prior to and during employment, any and all employees shall be subject to a physical examination at the request of the Village, with the expense of such examination to be borne by the Village with the doctors to be designated by the Village. If an employee is unable at any given time to qualify physically to carry out his or her designated duties, said employee shall be subject to transfer or dismissal.

ARTICLE IX PROBATIONARY AND TEMPORARY EMPLOYEES

9.01 Probationary Employees. A full-time employee shall be subject to a probationary period of six months. During the

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probationary period, an employee may be terminated by the Village Board without notice or hearing. On or about the end of the fourth month of a new employee's tenure, the new employee's department head shall provide a written review of the probationary employee's job performance to the Administrator. The Administrator shall decide on or before the end of the fifth month of the new employee's tenure whether or not to retain the new employee and shall make recommendations on that subject to the Village Board along with a recommendation regarding any salary adjustment. The Board shall decide whether or not to retain the employee on or before the end of the sixth month of the new employee's tenure.

9.02 Temporary Employees. Temporary employees may be terminated at any time by the Administrator without notice or hearing.

ARTICLE X DISCIPLINARY ACTIONS

10.01 General. Any Village employee may be subject to disciplinary action because of the employee's failure or refusal to perform assigned duties in a manner acceptable to the Administrator.

10.02 Verbal Warning. One method of disciplinary action is a verbal warning by the employee's department head or Administrator. The department head or Administrator shall document such verbal warning as to date, time, place, who is present, the reason for the verbal warning and the substance of the verbal warning. Documentation shall be placed in the employee's personnel file.

10.03 Written Warning. Another method of disciplinary action is a written warning by the department head or Administrator. The written warning shall be filed in the employee's personnel file.

10.04 Suspension Without Pay. Suspension without pay is another method of disciplinary action, to be used only for serious infractions or where the employee has not rectified deficiencies noted in verbal or written warnings. (Neither a verbal warning nor a written warning is a condition precedent for a suspension). Suspensions without pay are limited to 10 working days for any infraction. The authority to suspend is vested in the Administrator and, if the Administrator is not available, in the President.

10.05 Dismissal. Dismissal is another method of disciplinary action for serious offenses or for failure to correct problems or deficiencies which have resulted in written warnings or in suspension. Dismissal shall only be after hearing with the approval of the Board.

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the Village or the Village Board.

10.08 Hearing Rights. Any full or part-time employee not on probation shall have the right to a hearing and appeal of the disciplinary action, as follows:

- (a) Verbal and written warnings may be appealed by presentation of a grievance in writing to the employee's department head (or, in the case of discipline of a department head, to the Administrator) who, if possible, will resolve the grievance. If the aggrieved employee is not satisfied with the disposition of the written or verbal warning, the employee shall submit his case in writing to the Administrative Committee within five working days. The Administrative Committee shall require in writing the action taken and justification therefore against the aggrieved employee. The Administrative Committee may conduct a hearing allowing witnesses for both or either side to testify, or it may call witnesses of its own, before deciding on the issue. The Administrative Committee shall render its decision within 10 days of the receipt of the appeal of the aggrieved employee and will advise the aggrieved employee of its decision in writing; the decision shall be placed in the personnel file if the verbal or written warning is sustained. The verbal or written warning will be removed from the personnel file if the verbal or written warning is overruled.
- (b) In case of suspension, the employee is entitled to a hearing before the Board. The hearing shall be pre-suspension unless in the judgment of the President, circumstances require immediate suspension and a post-suspension hearing. At the hearing, the employee may present witnesses, may be represented by counsel, and may, at the employee's own expense, have a court reporter present. The notice of hearing shall explain these rights and identify any complainants. The President shall preside at any such hearing, and the Village Attorney shall be present to advise the Board. After such hearing, the Board may elect to affirm the suspension without pay, shorten or lengthen the suspension without pay, or if it determines in a post-suspension hearing that the suspension was improper, terminate the suspension and award back pay.
- (c) Any employee faced with discharge is entitled to a statement of reasons for the discharge and a pre-discharge hearing, which shall be held by the Board in the same manner as a suspension hearing and as to which the employee has the same rights as in a suspension hearing. The pre-discharge hearing shall, in the case of an employee suspended without pay pending discharge, be held in conjunction with the post-suspension hearing.

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- (d) The Board shall make its decision in a suspension or pre-discharge hearing by majority vote of those present. The President is entitled to vote at such hearing and shall be counted in determining the majority.
- (e) Discipline of Police Officers other than written and verbal warnings shall be conducted in accordance with statutes and rules governing the Board of Fire and Police Commission and not under paragraphs 10.04 through 10.06 and 10.08 (a) through 10.08 (d).
- (f) Employees covered by collective bargaining agreements may have hearing and grievance rights in conflict with those set forth herein. In event of a conflict the collective bargaining agreement shall control.

ARTICLE XI TERMINATIONS

11.01 Resignations. An employee shall give at least ten working days written notice prior to the effective date of resignation. The resignation shall be filed with the employee's supervisor, who, in turn, will notify the Administrator. The Administrator shall determine the proper termination pay and see to it that any Village property is either returned or charged as a deduction from termination pay.

11.02 Layoffs. When it is necessary in the judgment of the Board to reduce the number of employees on the Village payroll or on the payroll of any department, the Board, or in the case of police officers the Board of Fire and Police Commission, may lay off employees in its sole discretion. Full-time employees shall be laid off in seniority order within department starting with the lowest seniority employees. A laid off employee shall be paid for ten days following the notice of layoff. An employee thus separated is eligible for re-employment and if re-employed shall retain seniority rights as of the date of separation for purposes of this section.

11.03 Return of Village Property. An employee leaving the Village's service, whether through resignation, layoff or dismissal, shall return any property of the Village which the employee has in his or her possession. The property shall be returned to the employee's Supervisor, before the employee receives his or her final check.

ARTICLE XII PERSONNEL FILES

12.01 Contents of Personnel Files. The Administrator shall maintain a personnel file on each employee. The file shall contain the employee's employment application, a copy of every annual review, copies of all letters of commendation or awards

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deemed relevant by the Administrator, copies of verbal and written disciplinary warnings, records pertaining to suspensions and discharge, and any other information deemed relevant by the Administrator.

12.02 Inspection of Personnel Files. The personnel files are confidential and not subject to disclosure to the public without a legitimate subpoena or other judicial order. An employee shall have the right, upon written request and at reasonable times and places, to inspect and copy all or part of his or her personnel file and to request the Administrator to make legitimate additions hereto or deletions therefrom. The personnel files shall be maintained in a secure file cabinet which shall be kept locked when not in use. The Administrative Committee shall have free access to the personnel files and shall allow the President and other trustees to review the files upon request.

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10.06 Demotions. Demotions are, strictly speaking, not a disciplinary action, but the Board may demote any employee whose work in his or her job has not been satisfactory, but who, in the opinion of the Board, can satisfactorily perform less difficult work.

10.07 Disciplinary Rules. The following actions may result in disciplinary action up to and including discharge:

- (a) Conviction of any felony, or of any misdemeanor involving moral turpitude or dishonesty.
- (b) Use of the employee's official position for personal gain.
- (c) Falsification of Village records or timesheets.
- (d) Sexual harassment or discrimination based on race, color, creed, religion, national origin, or handicap.
- (e) Carelessness in handling Village equipment.
- (f) Illegal or abusive use of sick or other leave.
- (g) Use of, or being under the influence of, alcohol or illegal drugs as defined by the Illinois Criminal Code while on the job, or failure to take or pass a urinalysis or other examination as set forth in any Village substance abuse testing program.
- (h) Incompetence in the performance of assigned duties or inattention to duties.
- (i) Insubordination by disobedience to any order or directive, or disrespect toward a department head or officer of the Village.
- (j) Misuse or abuse of Village working time for personal gain or for any reason other than performing the employee's assigned duties.
- (k) Excessive absenteeism or tardiness, including leaving work early and overstaying meal periods.
- (l) Solicitation or acceptance of any gratuity, gift, present, reward or other thing of value in return for the performance of the employee's official duties, or as a condition for not performing those duties.
- (m) Failure to pay promptly any indebtedness owed to the Village, including, but not limited to, taxes and utility bills.
- (n) Habitual discourtesy or disrespect to the public or to fellow employees.
- (o) Theft, destruction, loss or unauthorized use of Village property, equipment and materials, either willfully or through unnecessary carelessness.
- (p) Unauthorized dissemination of information protected from disclosure under the Illinois Freedom of Information Act.
- (q) The loss of a license or the inability to obtain a license to operate the plant, vehicles, or equipment which materially derogates the ability to perform job responsibilities.
- (r) The doing of any other act which brings disrepute upon