



AGENDA

Rules Committee

Monday, April 4, 2022

Lorraine H. Morton Civic Center, James C. Lytle City Council Chambers, Room 2800
5:00 PM

Those wishing to make public comments can sign up by completing the City Clerk's Office's online form at www.cityofevanston.org/government/city-clerk/public-comment-sign-up or by calling/texting 847-448-4311. Community members may watch the City Council meeting online at www.cityofevanston.org/channel16 or on Cable Channel 16.

Join Zoom Meeting

<https://us06web.zoom.us/j/85916009568?pwd=M0V2ZEIJRWE2cHpGS3INMFFISUV1Zz09>

Meeting ID: 859 1600 9568

Passcode: 047633

Page

(I) CALL TO ORDER - COUNCILMEMBER BRAITHWAITE

(II) PUBLIC COMMENT

Those wishing to make public comments at the Rules Committee meetings may submit written comments in advance or sign up to provide public comment by phone or video during the meeting by completing the City Clerk's Office's online form at <https://www.cityofevanston.org/government/city-clerk/public-comment-sign-up> or by calling/texting 847-448-4311.

Community members may watch the Rules meeting online at www.cityofevanston.org/channel16 or on Cable Channel 16.

(III) RULES COMMITTEE MEETING MINUTES

(R1.) Approval of the Rules Committee Meeting Minutes of December 6, 2021 and January 19, 2022

3 - 9

Staff recommends approval of the minutes for the Rules Committee meeting of December 6, 2021 and January 19, 2022.

For Action

[Rules Committee - December 06 2021 - Minutes - Attachment - Pdf](#)

[Rules Committee - January 19 2022 - Minutes - Attachment - Pdf](#)

(IV) ITEMS FOR CONSIDERATION

- (R2.) **Approval of Proposed Committee Assignments and Chair Schedule** 10 - 11

For Action

[Proposed Committee Assignments and Chair Schedule - Attachment - Pdf](#)

- (R3.) **Resolution 26-R-22, Updating the Lighthouse Landing Committee** 12 - 14

Councilmember Revelle recommends adoption of Resolution 26-R-22, Updating the Lighthouse Landing Committee

For Action

[Resolution 26-R-22, Updating the Lighthouse Landing Committee - Attachment - Pdf](#)

(V) ITEMS FOR DISCUSSION

- (R4.) **Discussion of Amendments to the Evanston Code of Ethics to Include Adoption of the City's Healthy Workplace / Anti-Harassment Policies for all Covered Persons.** 15 - 103

Councilmember Braithwaite recommends that the City Council Rules Committee discuss potential amendments to the Code of Ethics to include adoption of the City's Healthy Workplace and Anti-Harassment Policies for all covered individuals.

For Discussion

[Discussion of Amendments to the Evanston Code of Ethics to Include Adoption of the City's Healthy Workplace / Anti-Harassment Policies for all Covered Persons - Attachment - Pdf](#)

(VI) ITEMS FOR COMMUNICATION

(VII) ADJOURNMENT



City of
Evanston™
MINUTES

Rules Committee

Monday, December 6, 2021 @ 5:00 PM

Lorraine H. Morton Civic Center, James C. Lytle City Council Chambers, Room 2800

COMMITTEE MEMBER PRESENT: Councilmembers Bobby Burns, Peter Braithwaite, Jonathan Nieuwsma, Devon Reid, Eleanor Revelle, Melissa Wynne, and Mayor Daniel Biss

COMMITTEE MEMBER ABSENT: Councilmembers Cicely Fleming and Thomas Suffredin

STAFF PRESENT: Kelley Gandurski, Interim City Manager and Alexandra Ruggie, Assistant City Attorney

(I) CALL TO ORDER - COUNCILMEMBER REID

Chair Reid declared a quorum and called the meeting to order at 5:05 pm.

(II) PUBLIC COMMENT

Ray Friedman says the City needs an ordinance that requires public participation with discussion.

Mike Vasilko agrees with R6. He supports suspending the City Manager search and strongly agrees with R8 and with R10.

Doreen Price is in support with other speakers.

(III) RULES COMMITTEE MEETING MINUTES

R1. **Approval of the Rules Committee Meeting Minutes**

Staff recommends approval of the minutes for the Rules Committee meeting of September 7, 2021, October 4, 2021, and October 18, 2021.

Councilmember Revelle moved to amend minutes on September 7: page 6, last paragraph under R5 - Councilmember Reid to serve a four-month term, not six (October through January).

Moved by Councilmember Nieuwsma

Seconded by Councilmember Wynne

Ayes: Councilmembers Braithwaite, Wynne, Nieuwsma, Burns, Revelle, Reid, and Mayor Daniel Biss

Approved 7-0 on a recorded vote

(IV) ITEMS FOR CONSIDERATION

R2. **Ordinance 110-O-21, Amending Title 2 of City Code and Codifying the Finance and Budget Committee**

Staff recommends City Council adoption of Ordinance 110-O-21, Amending Title 2 of the City Code and Codifying the Finance and Budget Committee.

Councilmember Kelly removed this item from consent to ask if the Finance and Budget Committee will be serving as liaison to the pension boards (both fire and police).

Councilmember Wynne does not support putting another layer between the fire and police pension boards and the standing committee of the Council.

Councilmember Nieuwsma moves to amend 2-19-3 to make term limits explicit and consistent with the other ordinances.

Councilmember Revelle seconds the motion.

Ayes: Councilmembers Braithwaite, Wynne, Nieuwsma, Burns, Revelle, Reid, and Mayor Daniel Biss

Approved 7-0

Councilmember Reid pointed out the inconsistency of choosing a chair for the committee
Mayor Biss moves to strike 2-17-5 from the Ordinance.

Councilmember Wynne seconds the motion.

Ayes: Councilmembers Braithwaite, Wynne, Nieuwsma, Burns, Revelle, Reid, and Mayor Daniel Biss

Approved 7-0

R3. **Adoption of Ordinance 117-O-21 "Amending Title 2, Chapter 12 of the Evanston City Code "Equity and Empowerment Commission"**

The Equity and Empowerment Commission recommends the adoption of ordinance 117-O-21 "Amending Title 2, Chapter 12, "Equity and Empowerment Commission".

This committee can have up to nine members total, up to two of whom can include Councilmembers.

Moved by Councilmember Nieuwsma

Seconded by Councilmember Wynne

Ayes: Councilmembers Braithwaite, Wynne, Nieuwsma, Burns, Revelle, Reid, and Mayor Daniel Biss

Approved 7-0

R4. **Ordinance 112-O-21, Amending Section 1-7-2 of the City Code, "General Duties of the Clerk" to add Processing of Temporary Disability Vehicle Placards and Vital Records**

Staff recommends adoption of Ordinance 112-O-21, Amending Section 1-7-2 of the City Code, "General Duties of the City Clerk" to add Processing of Temporary Disability Vehicle Placards and Vital Records

This referral by Mayor Biss will be aligning the Evanston City Clerk's code with the practices of the City Clerk's office. Councilmember Reid requested that the Law Department review 1-7-2.

Moved by Councilmember Wynne
Seconded by Councilmember Nieuwsma

Ayes: Councilmembers Braithwaite, Wynne, Nieuwsma, Burns, Reville, Reid, and Mayor Daniel Biss

Approved 7-0

(V) **ITEMS FOR DISCUSSION**

R5. **Discussion Regarding Amending City Code 1-6-4 to Require the Mayor to Announce Mayoral Veto at the City Council Meeting Immediately Following the Veto**

Discussion regarding amending City Code 1-6-4 to require the Mayor to announce Mayoral veto at the next regular City Council meeting following said veto.

Mayor Biss is in support of clarifying. Councilmember Burns supports the amendment to ensure that the public and community are clearly made aware. Staff will come back to next meeting with language on this city code.

Moved by Councilmember Burns
Seconded by Mayor Biss

R6. **Discussion Regarding Elected Officials Compensation**

Councilmember Reid recommends discussion regarding elected officials compensation.

Councilmember Reid recommends discussion regarding elected officials compensation. Removed from the agenda by Councilmember Reid in the interest of time.

Moved by Councilmember Burns
Seconded by Mayor Biss

R7. **Discussion Regarding the Appointment of Corporation Counsel by the City Council**

Councilmember Reid Recommends the Rules Committee Discuss a Resolution for a Referendum to Allow for the City's Corporation Counsel to be Selected by the City Council.

Removed from consent by Councilmember Reid. Councilmember Kelly would like the chair to consider moving this to next meeting considering it is a lengthy topic.

R8. **Discussion Regarding the Creation of a Ward Redistricting Committee**

Councilmember Wynne would like to see a committee be formed of councilmembers first, then opened up to other members.

Councilmember Reid requests the Rules Committee discuss the creation of a Ward Redistricting Committee which should in part be citizen participation.

Councilmembers Burns, Wynne, Reid and Nieuwsma volunteered to be on a Rules sub-committee.

Mayor Biss urged that we be willing to look at a broad variety of options, number of wards, size of Council, multi-member wards. Carefully redrawing ward maps based on census data.

R9. **Discussion Regarding Creating a Committee to Monitor FOIA/OMA Compliance**

Councilmember Reid recommends the Rules Committee create a committee to oversee the City's compliance with the Freedom of Information Act and the Open Meetings Act.

Councilmembers Wynne, Reville, and Fleming do not support a committee since the City Council already has this responsibility. Mayor Biss says the City already has a process for this and that we should not create another internal group to police ourselves.

Councilmember Reid asked that staff produce a FOIA report to help aid in the discussion at the next meeting.

R10. **Discussion Regarding the Realignment of Boards, Committees and Commissions**

Councilmember Burns recommends the Rules Committee to discuss the realignment of boards, committees and commissions.

Councilmember Nieuwsma asked if we should align our BCCs with the work of the Council and doesn't need to align with strategic plan. We could have an annual work plan.

Councilmember Reville does not want to add more layers to the committee process.

Councilmember Burns said that since we rely heavily on committees to align with Council goals.

Moved by Councilmember Burns
Seconded by Councilmember Kelly

(VI) **ADJOURNMENT**

Councilmember Reid called meeting to adjourn at 6:20 pm.



City of
Evanston™
MINUTES

Rules Committee

Wednesday, January 19, 2022 @ 6:00 PM

Virtual

**COMMITTEE MEMBER
PRESENT:**

Councilmembers Bobby Burns, Peter Braithwaite, Melissa Wynne, Cicely Fleming (until 7:15pm), Clare Kelly, Jonathan Nieuwsma, Devon Reid, Eleanor Revelle, Thomas Suffredin (until 7:15pm), and Mayor Daniel Biss

GUESTS:

Stephanie Mendoza, City Clerk

STAFF PRESENT:

Kelley Gandurski, Interim City Manager, Alexandra Ruggie, Assistant City Attorney, and Nicholas Cummings, City Attorney

(I) CALL TO ORDER - COUNCILMEMBER REID

Chair Reid declared a quorum and called the meeting to order at 5:05 pm.

(II) PUBLIC COMMENT

Mike Vasilko does not agree with R1.

Mary Rosinsky said the City should be more discreet about sharing names and needs more transparency in regards to PAC and FOIA.

Ray Friedman would like to finish the TIF hearing and would like more time to contribute.

(III) ITEMS FOR CONSIDERATION

R1. Adoption of Ordinance 9-O-22, Amending Title 2, Chapter 17 of the Evanston City Code to Allow for Members of the Reparations Committee to Receive Benefits from the Reparations Fund

Staff Recommends Adoption of Ordinance 9-O-22 Amending Title 2, Chapter 17 of the Evanston City Code to Allow for Members of the Reparations Committee to Receive Benefits from the Reparations Fund.

Moved by Councilmember Burns

Seconded by Councilmember Nieuwsma

Ayes: Councilmembers Kelly, Braithwaite, Nieuwsma, Burns, Revelle, Reid, and Mayor Biss

Approved Roll Call Vote 7-0

R2. **Adoption of Resolution 7-R-22 Amending City Council Rule 14.3 to Require the Mayor to Announce Mayoral Veto at the City Council Meeting Immediately Following the Veto**

Councilmember Reid recommends the Rules Committee consider amending City Council Rule 14.3 to require the Mayor to announce Mayoral veto at the next regular City Council meeting following said veto

Counsel Cummings: This only amends City Council Rules, it does not address the City code with respect to mayoral veto. Reid would like to update the City code at a later time.

Moved by Councilmember Burns
Seconded by Councilmember Nieuwsma

Ayes: Councilmembers Kelly, Braithwaite, Nieuwsma, Burns, Revelle, Reid, and Mayor Biss

Approved Roll Call Vote 7-0

R3. **Discussion Regarding Elected Officials Compensation**

Councilmember Reid recommends discussion regarding elected officials compensation or in the alternative, provision of an additional stipend.

Councilmember Burns makes a motion to move to the next Rules Committee.
Councilmember Kelly seconds.

Ayes: Councilmembers Kelly, Burns and Reid
Nays: Councilmembers Braithwaite, Nieuwsma, and Revelle, and Mayor Biss

DEFEATED Roll Call Vote 2-4

(IV) **EXECUTIVE SESSION**

Councilmember Nieuwsma moved to recess into Executive Session pursuant to 5ILCS120-2C1 to cover the topic of personnel.

Seconded by Councilmember Revelle

Ayes: Councilmembers Kelly, Braithwaite, Wynne, Nieuwsma, Burns, Suffredin, Revelle, Reid, Fleming, and Mayor Biss

Approved Roll Call Vote 10-0

(V) **ITEMS FOR DISCUSSION**

R4. **Update from the City Clerk Regarding Open Public Access Counselor (PAC) Matters**

The City Clerk will provide an update to members of the Rules Committee regarding open PAC matters for the City of Evanston.

Moved by Councilmember Nieuwsma
Seconded by Councilmember Revelle

The City Clerk provided an annual update and answers to questions about PAC determinations. See attached memo which shows an increase in FOIA requests and how the City lowered our response time. Alex Ruggie gave a summary of FOIA lawsuits.

R5. **Update on any new changes to the Illinois Open Meetings Act or Illinois case law regarding the Open Meetings Act.**

At the request of the Chair, guest speakers from Elrod Friedman will present for discussion any relevant updates or changes to the Illinois Open Meetings Act and / or Illinois case law pertaining to the Open Meetings Act.

Moved by Councilmember Nieuwsma
Seconded by Councilmember Revelle

We all operated under an exception to the open meetings act. In June, 2020, The Illinois State Legislature amended OMA to allow for remote meetings, such as the one happening tonight. The future laws oppose more permanent remote OMA.

R6. **Discussion Regarding Filling Vacancies of Elected Office**

Councilmember Reid requests discussion on filling vacancies on City Council following the resignation of Councilmember Fleming.

Moved by Mayor Biss
Seconded by Councilmember Nieuwsma

Councilmember Braithwaite is in support of the informal ward meeting. There will be an election regardless in 2023, serving until 2025, filling in the last two years of the vacancy. The councilmember who is appointed would be up for reelection along with other councilmembers in 2025.

Mayor Biss warned about what we institutionalize because expectations evolve. Councilmember Reid reiterated that we want transparency and consistency for the next time.

(VI) ADJOURNMENT

Chair Reid called the meeting to close at 7:56 pm.

Rotation Schedule of Chairmanships - Standing Committees (2021-2025)
PROPOSED SCHEDULE FOR APRIL 4TH, 2022 RULES COMMITTEE

ADMINISTRATION & PUBLIC WORKS: 5 Councilmember

June 2021- September 2021	Braithwaite
October 2021- January 2022	Burns
February 2022 – May 2022	Reid
June 2022 – September 2022	Nieuwsma
October 2022 – January 2023	Kelly
February 2023 – May 2023	Braithwaite
June 2023 – September 2023	Reid
October 2023- January 2024	Burns
February 2024 – May 2024	Nieuwsma
June 2024 – September 2024	Kelly
October 2024 – February 2025	Braithwaite
March 2025 – May 2025	Nieuwsma

PLANNING & DEVELOPMENT: 7 Councilmembers

June 2021- September 2021	Wynne
October 2021- January 2022	Revelle
February 2022 – May 2022 – (remove after May 2022)	Suffredin
June 2022 – September 2022	Burns
October 2022 – January 2023	Reid
February 2023 – May 2023	Kelly
June 2023 – September 2023	Nieuwsma
October 2023- January 2024	Wynne
February 2024 – May 2024	Revelle
June 2024 – September 2024	Suffredin 9 th Ward
October 2024 – February 2025	Burns
March 2025 – May 2025	Reid

HUMAN SERVICES: 5 Councilmembers

June 2021- September 2021	Fleming
October 2021- January 2022	Braithwaite
February 2022 – May 2022	Revelle
June 2022 – September 2022	Reid
October 2022 – January 2023	Burns
February 2023 – May 2023	Fleming
June 2023 – September 2023	Braithwaite
October 2023- January 2024	Revelle
February 2024 – May 2024	Reid
June 2024 – September 2024	Burns
October 2024 – February 2025	Revelle
March 2025 – May 2025	Fleming

RULES COMMITTEE: 10 members (9 Councilmembers, 1 Mayor)

June 2021- September 2021	Wynne
October 2021 – January 2022	Reid
February 2022 – May 2022	Braithwaite
June 2022 – September 2022	Revelle
October 2022 – January 2023	Fleming
February 2023 – May 2023	Suffredin
June 2023 – September 2023	Burns
October 2023- January 2024	Nieuwsma
February 2024 – May 2024	Kelly
June 2024 – September 2024	Wynne
October 2024 – February 2025	Reid
March 2025 – May 2025	Braithwaite

REFERRALS COMMITTEE: 3 members (Mayor, 2 Councilmembers)

2021-2025	Biss, Chair
N/A	Fleming-Suffredin
N/A	Revelle

Other Committee:

ECONOMIC DEVELOPMENT COMMITTEE: 6 Councilmembers w/rotating chairs

June 2021 – September 2021	Wynne
October 2021 – January 2022	Braithwaite
February – May 2022	Reid
June 2022 - September 2022	Kelly
October 2022 – January 2023	Nieuwsma
February – May 2023	Burns
June 2023 – August 2023	Wynne
September 2023 – December 2023	Braithwaite
January 2024 – April 2024	Reid
May 2024 – August 2024	Kelly
September 2024 – December 2024	Nieuwsma
January 2025 – May 2025	Burns



Memorandum

To: Members of the Rules Committee
From: Eleanor Revelle, Councilmember
Subject: Resolution 26-R-22, Updating the Lighthouse Landing Committee
Date: April 4, 2022

Recommended Action:

Councilmember Revelle recommends adoption of Resolution 26-R-22, Updating the Lighthouse Landing Committee

Council Action:

For Action

Summary:

Resolution 26-R-22 seeks to formally update the Lighthouse Landing Complex Committee to reflect changes over the years that have been implemented.

In 1988, the Evanston City Council passed Resolution 26-R-88, formally establishing the Lighthouse Area Committee. Since 1988, the title of this Committee has changed to be known as the Lighthouse Landing Complex Committee. Resolution 26-R-22 seeks to update the title change of the Committee and the recommended membership.

Resolution 26-R-22 directs the chair to invite participation in the Committee to representatives of the Lighthouse Park District, Garden Club of Evanston, Artists Book House, Jens Jensen Gardens in Evanston, Evanston Ecology Center, City of Evanston Public Works Agency, and nearby neighbors and/or other groups as appropriate or necessary.

Attachments:

[26-R-22 Updating the Lighthouse Landing Complex Committee](#)

3/25/2022
3/29/2022

26-R-22

A RESOLUTION

Updating the Lighthouse Landing Complex Committee

WHEREAS, in 1988, the City Council established the Lighthouse Area Committee through Resolution 26-R-88; and

WHEREAS, the title of the Committee and membership has changed since the passage of Resolution 26-R-88 and the City Council seeks to memorialize these changes with the passage of this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1. That the foregoing recitals are hereby found as fact and incorporated herein by reference.

SECTION 2. That the Lighthouse Area Committee shall be named the Lighthouse Landing Complex Committee and that the Mayor shall appoint one Councilmember (preferably from the Seventh Ward) to serve as chair.

SECTION 3. The chair shall convene the Lighthouse Area Committee (“Committee”) meetings periodically and as needed and shall invite participation by representatives of the Lighthouse Park District, Garden Club of Evanston, Artists Book House, Jens Jensen Gardens in Evanston, Evanston Ecology Center, City of Evanston Public Works Agency, nearby neighbors and/or other groups as appropriate or necessary.

SECTION 4. That this Resolution 26-R-22 shall be in full force and effect from and after its passage and approval in the manner provided by law.

Daniel Biss, Mayor

Attest:

Approved as to form:

Stephanie Mendoza, City Clerk

Nicholas E. Cummings, Corporation
Counsel

Adopted: _____, 2022



Memorandum

To: Members of the Rules Committee
From: Kelley Gandurski, Interim City Manger
Subject: Discussion of Amendments to the Evanston Code of Ethics to Include Adoption of the City's Healthy Workplace / Anti-Harassment Policies for all Covered Persons.
Date: April 4, 2022

Recommended Action:

Councilmember Braithwaite recommends that the City Council Rules Committee discuss potential amendments to the Code of Ethics to include adoption of the City's Healthy Workplace and Anti-Harassment Policies for all covered individuals.

Funding Source:

N/A

Committee Action:

For Discussion

Summary:

Councilmember Braithwaite made a referral to the Referrals Committee on March 24, 2022 and proposes amendments to Sections of the Ethics Code (1-10-4, 1-10-5) to include adoption of the City's Healthy Workplace / Anti-Harassment Policies for all covered persons. The referral is scheduled to be heard by the Referrals Committee on April 7, 2022).

Covered persons under the Code of Ethics is defined as "... every elected official, appointed official or employee of the City." (1-10-2, Definitions).

(Section 1-10-4:
https://library.municode.com/il/evanston/codes/code_of_ordinances?nodeld=TIT1GEAD_CH_10COETBOET_1-10-4RERECOINSTCO Section 1-10-5:
https://library.municode.com/il/evanston/codes/code_of_ordinances?nodeld=TIT1GEAD_CH_10COETBOET_1-10-5OFMI)

Currently, the Code of Ethics does not expressly require covered persons, including elected officials, to abide by the City's Healthy Workplace / Anti-Harassment Policies (the City's Healthy Workplace Strategy and Personnel Manual are attached hereto. The City's Personnel Manual

is currently under review and being revised by outside counsel, and is subject to change). Amending the Code of Ethics to require covered persons to abide by these policies would provide for specific consequences under the Code for those found to have violated these policies. Employees may be disciplined under the City Manager's Office, but currently, there is no mechanism to enforce the City's policies for elected officials. If the City Council were to adopt amendments to include that all covered persons abide by said policies, any violation found would follow the same procedure for any other current violation of the ethics code.

Penalties for violation of the ethics code are outlined under 1-10-17. https://library.municode.com/il/evanston/codes/code_of_ordinances?nodetd=TIT1GEAD_CH10COETBOET_1-10-17PE

Legislative History:

The last amendment to the Code of Ethics was adopted on September 27, 2021.

Attachments:

[Personnel-Manual-eff-1-1-16](#)

[Healthy-Workplace-Strategy](#)

CITY OF EVANSTON PERSONNEL MANUAL

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DISCLAIMER

- a. This current Personnel Manual (the "Manual") containing the City of Evanston (the "City") personnel rules replaces and supersedes any previous policies, procedures, documents, or manuals in place and issued by the City. Where a collective bargaining agreement exists relative to certain employees covered by such agreement, the provisions in such agreement control in the event that such terms conflict with the contents of this manual.
- b. This Manual creates no rights, contractual or otherwise, between the City, any prospective or current employee, or any other person. It is not a legal document.
- c. The Manual summarizes current policy and shall not be considered or interpreted as terms of an implied contract or an express contract between the City and an employee.
- d. This Manual is a general statement of employee benefits and other applicable policies.
- e. Statements of policy contained in this Manual are not made for the purpose of inducing any person to become or remain an employee of the City, and shall not be considered "promises" or granting "property" rights to employment for a fixed, indefinite, or continuing term.
- f. Nothing in this Manual impairs the right of the City or the employee to terminate the employment relationship at will, subject to any applicable provisions of certain Collective Bargaining Agreements between a bargaining unit and the City.
- g. The City reserves the right to amend, modify, and/or revoke any policies, practices, procedures and standards summarized in this Manual. When this occurs, proper notice will be given to affected parties with an opportunity to meet and confer.

CITY OF EVANSTON PERSONNEL MANUAL

INTRODUCTION

It is the purpose of this Manual to set forth the personnel rules and policies of the City of Evanston. The responsibility of development, maintenance and management of the personnel rules is assigned to the Human Resources Division.

Employees shall familiarize themselves with this manual, shall execute an acknowledgement that they read and reviewed this manual, and shall at all times comply with these guidelines and policies. This Manual is available on the City's Intranet for easy access.

It is the goal of the City to recruit, retain and develop the most qualified individuals within a diverse organization for all City departments. This Manual provides the framework within which to achieve these goals.

The use of the masculine pronoun in this document is for convenience and ease of use only; the masculine pronoun includes the feminine pronoun as well.

The terms "City Manager" and "Department Director" should be read as to include a designee in the management structure of the entity, e.g., City Manager designees include Assistant City Manager; Department Director designees include Assistant Director or Division Manager, as applicable.

CHAPTER I: EMPLOYMENT

Section 1. Filling Vacancies

The City's goal is to recruit and hire the most qualified individuals for all City departments. To reach this goal, position vacancies are publicized to a wide audience of potential applicants. Current City employees are encouraged to prepare for, and apply for, any position vacancy. Although the City retains the right to hire or promote the most qualified individuals to vacant positions, it is the City's desire to fill vacant positions with existing City employees who clearly demonstrate they are the most qualified for the positions they seek to fill.

Whenever a vacancy is to be filled, the Department Director shall complete and submit to Human Resources a requisition form to fill the vacancy. The requisition shall include all necessary information regarding the position to be filled including, but not limited to, job title, updated job description, hours of work, recruitment sources specific to the position, equal employment opportunity goals, and reason for vacancy. Human Resources will then initiate a recruitment process once it has received approval from the City Manager to fill the vacancy.

Position vacancies are posted for a minimum of ten calendar days; the specific posting period is shown on each Job Opportunity posting.

In certain instances, position vacancies will be posted as internal only via the City's Intranet. Internal vacancies will also be posted for a minimum of ten calendar days.

Section 1.1. Recruitment

It is the policy and practice of the City to recruit employees based on ability, knowledge and skills, and to create and maintain a diverse employee population consistent with the City's Equal Employment Opportunity policies and goals.

Section 1.2. Application Process

Interested individuals are encouraged to check the City's website (www.cityofevanston.org) for vacancies.

All candidates for employment with the City shall submit a formal online application with the Human Resources Division pursuant to the guidelines established for submitting such applications. Applications should not be submitted to the hiring department. Resumes and/or applications received by the hiring department must be forwarded to HR immediately upon receipt. Candidates must comply with the requirements for application submission as indicated on the Job Opportunity for the position in question. Applications are only accepted through the City's online application system. Applications submitted after the closing date indicated on the Job Opportunity will not be considered.

Applicants must ensure that their mailing address, phone number and email address are accurate at all times during the selection process. Failure of an applicant to notify the Human Resources Division of a change in contact information may result in the disqualification of an applicant based on the inability to contact the applicant.

Section 1.3. Minimum Requirements and General Qualifications

Applications will be reviewed by the Human Resources Division and the hiring department to determine if the minimum requirements have been met by the applicant.

Applicants for positions in the City must meet minimum requirements established by the hiring department and the Human Resources Division as may be appropriate for the proper and competent performance of the duties and responsibilities involved. General qualifications may include, but are not limited to, education, work experience, physical ability to perform the position, character, and legal authorization to be employed in the United States. Applicants who do not meet the minimum requirements specified in the Job Opportunity will not be considered.

Specifications as to age or education may be identified as requirements provided they are a bona fide occupational requirement.

Citizenship may be required for certain positions where it is deemed to be a valid prerequisite or otherwise required by law.

Section 1.4. Rejection of Applications

The Human Resources Division may reject an application for employment for the following reasons including, but not limited to:

1. The applicant falsified or failed to complete the application, or otherwise made a false statement of a material fact, or practiced fraud, or attempted deception in the application, in the test, or in attempting to secure appointment.
2. The applicant, at the time of application or appointment, tests positive as a result of the mandatory pre-employment drug and alcohol screening.
3. The applicant has been convicted of a misdemeanor or felony related to the employment sought. Persons who have engaged in any act or conduct prohibited by State or Federal statutes or municipal ordinance will be subject to review of such record by the Human Resources Division Manager or designee and may be subject to disqualification. In making such review, extenuating circumstances shall be taken into consideration including, but not limited to, the person's record since the incident, the nature of the conduct, and the length of time since the incident.
4. The applicant was previously employed by the City and was dismissed for cause, or resigned not in good standing, and is not currently eligible for re-employment by the City, or the applicant was dismissed for relevant cause by another employer.

Section 2. Probation

Applicable probationary periods are specified in employees' respective collective bargaining agreements. Successful completion of an employee's probationary period does not grant the employee property rights for continued or guaranteed employment.

CHAPTER II: POSITION CHANGES - EMPLOYEES

Employees of the City are encouraged to pursue careers within the City. In accordance with the City's goal to hire and retain the most highly qualified employees, current employees who apply for a new position must compete with applicants who are not City employees, unless the position is posted as internal only. Through the competitive process, employees have the opportunity to demonstrate their skills, knowledge and abilities, building on their experience with the City. Although the City retains the right to hire or promote the most qualified individuals to vacant positions, it is the City's desire to fill vacant positions with existing City employees who clearly demonstrate they are the most qualified for the positions they seek to fill.

Section 1. Promotion

A promotion shall mean advancement in job classification and pay grade. Promotions are made through a competitive process or with the approval of the City Manager. Such processes will give appropriate consideration to the applicant's qualifications, record of performance and ability.

An employee who is promoted must assume the new position within two weeks of the offer and acceptance of the position. No Department Director may delay a promotional move beyond the two weeks unless there is written documentation and approval by the City Manager of the need for such delay.

For promotion to the rank of Police Sergeant, only City of Evanston Police Officers are eligible for the examination.

For promotion to the rank of Fire Captain, only City of Evanston Firefighters are eligible for the examination. For promotion to the rank of Fire Shift Chief, only City of Evanston Fire Captains are eligible for the examination.

Section 2. Reclassification

A reclassification shall mean a change from one job position or title to another that typically results in a change in pay. Reclassification usually occurs when a department wants to change the position to better meet the needs of the department or when the position's duties or responsibilities have changed.

Departments wishing to reclassify a position must submit a reclassification request and an updated job description to the Human Resources Division before a reclassification will be approved. Reclassifications requests must be submitted to the Human Resources Division Manager and approved by the City Manager.

Section 3. Transfer

A transfer is the movement of an employee to a vacant position in the same classification as currently held by the employee. This may either be to a different division or different department.

An employee who is transferred must assume the new position within two weeks of the offer and acceptance of the position. No Department Director may delay a transfer move beyond the two weeks unless there is written documentation and approval by the Human Resources Division of the need for such delay.

An employee may be transferred to a vacant position in the same classification as currently held by the employee without going through a competitive process in certain circumstances such as position

elimination, staff reorganizations or similar events which are deemed to be in the best interests of the City. Such transfer situations must be documented and approved by the Human Resources Division Manager.

Section 4. Voluntary Reduction

An employee may apply for a position having a lower classification and pay grade.

Employees may apply for a position representing a voluntary reduction and must successfully complete the competitive process.

An employee who assumes a position as a result of a voluntary reduction must assume the new position within two weeks of the offer and acceptance of the position. No Department Director may delay such move beyond the two weeks unless there is written documentation and approval by the Human Resources Division of the need for such delay.

An employee may be placed in a vacant position with a lower classification and pay grade without going through a competitive process in certain circumstances such as position elimination, staff reorganizations or similar events which are deemed to be in the best interests of the City. Such situations must be documented and approved by the Human Resources Division Manager.

Temporary or emergency employees shall be not granted a request for a voluntary reduction.

In the event of a pending layoff, employees may be given preference according to seniority in job classification, location and merit.

Section 5. Temporary Transfer

A temporary transfer is an assignment of an employee from one position to another for the purpose of covering a vacant position or similar events. This provision is not intended to be used in situations involving vacations, short term illness or injury, but for situations including:

- A vacancy of longer-than-normal duration, i.e., where a change is being proposed in the position, a reorganization involving the position is being studied, or similar cases.
- Long term illness or disability of an employee.

Temporary transfers will not be used for a period of time of two weeks or less. They may not be used for adding duties during a normal vacancy process.

Departments wishing to institute a temporary transfer must make the recommendation in writing, with justification, to the Human Resources Division in advance of taking such action. Temporary transfers must be approved by the Human Resources Division Manager.

For approved temporary transfers, where the position is classified in a higher pay grade than the employee's current pay grade, the employee's title shall be "Acting" in the new capacity, and shall be paid at the rate equivalent to three steps above the current salary, but in no case above the maximum for the position to which the employee is temporarily transferred.

For employees assuming "Acting" status in a management position (as listed in the exempt pay plan), the temporary pay will be assigned based on the employee's current salary and the position being temporarily transferred to, and the extent to which the "Acting" employee is expected to execute the duties and responsibilities of the new position.

Section 6. Temporary Duty Assignment

Upon recommendation of a Department Head and approval by the Human Resources Division Manager, a Department Head or the City Manager may assign an employee, on a temporary basis, to perform an assignment, project or special task. Such assignments are temporary in nature, not to exceed one year. A Temporary Duty Assignment (TDA) may be renewed for a second year, based on the nature of the project and the employee's performance in that assignment. Renewals must be requested by the Department Director with the justification in advance of completion of the initial year.

Additional compensation may be granted for such TDA. As the TDA is a special project not regularly assigned to a position, the compensation will be determined based on the specific project to be performed. Additional discretionary compensation may be given in a flat dollar amount for a task or project to be completed or a percentage increase to assume some duties of another position on a temporary basis. When the assigned duties results in the assumption of another position completely, then a Temporary Transfer as outlined above shall be applicable to the circumstances rather than a TDA.

Upon completion of the TDA, the employee will return to his regular position, and any additional compensation will cease.

CHAPTER III: DISCIPLINE

Section 1. Policy

For the sake of completeness and clarity, the disclaimer on page 5 is set forth in its entirety as follows:

- a. This current Personnel Manual containing the City's personnel rules replaces and supersedes any previous policies, procedures, documents, or manuals in place and issued by the City. Where a collective bargaining agreement exists relative to certain employees covered by such agreement, the provisions in such agreement control in the event that such terms conflict with the contents of this Manual.
- b. This Manual creates no rights, contractual or otherwise, between the City, any prospective or current employee, or any other person. It is not a legal document.
- c. The Manual summarizes current policy and shall not be considered or interpreted as terms of an implied contract or an express contract between the City and an employee.
- d. This Manual is a general statement of employee benefits and other applicable policies.
- e. Statements of policy contained in this Manual are not made for the purpose of inducing any person to become or remain an employee of the City, and shall not be considered "promises" or granting "property" rights to employment for a fixed, indefinite, or continuing term.
- f. Nothing in this Manual impairs the right of the City or the employee to terminate the employment relationship at will, subject to any applicable provisions of certain Collective Bargaining Agreements between a bargaining unit and the City.
- g. The City reserves the right to amend, modify, and/or revoke any policies, practices, procedures and standards summarized in this Manual. When this occurs, proper notice will be given to affected parties with an opportunity to meet and confer.

Employees are expected to perform the duties and responsibilities of their positions in a competent, courteous, and professional manner. When employees fail to do so, their behavior and performance are detrimental and disruptive to the effective operation of their department and the City. In such circumstances, corrective action will be taken, which may include, depending on the specific circumstances, counseling, training, and/or disciplinary action. Discipline is intended to correct unacceptable employee actions, including poor performance, to improve behavior that is detrimental and/or disruptive, and to create a consistent, positive working environment for all employees.

Depending upon the level of the infraction, discipline may begin at the level of a verbal or written reprimand. Certain disciplinary steps may be omitted, depending upon the seriousness of the offense. Each time the same or similar infraction occurs, more stringent disciplinary action takes place. It is not necessary that the employee violate the same rule or have the same incident occur to draw upon previous corrective disciplinary actions. The employee's general behavior pattern will be used in determining the next level of discipline. If past behavior relates to the present problem, past action will be taken into consideration.

- a. For AFSCME employees, the City's disciplinary process follows procedures set forth in the collective bargaining agreement, as well as certain rules in this Manual.
- b. For Police Department employees, the City's disciplinary process follows procedures set forth in the collective bargaining agreement, as well as certain rules in this Manual, Department General Orders, and the Uniform Peace Officers' Disciplinary Act.

- c. For Fire Department employees, the City's disciplinary process follows procedures set forth in the collective bargaining agreement, as well as certain rules in this Manual, Department General Orders, and the Firemen's Disciplinary Act.
- d. All employees in non-union positions are at-will employees and serve the City at the pleasure of the City Manager. All employees in non-union positions can be disciplined or terminated by the City Manager. The discipline policy and the disciplinary action levels set forth below do not limit the grounds for suspension or termination.

Section 2. Disciplinary Action Levels

In accordance with the discipline policy, the following disciplinary action levels are available to the Department Director. Nothing in the discipline policy limits the Department Director from utilizing, or the City Manager from approving, disciplinary action which varies from the sequence of disciplinary action levels set forth below.

Examples of offenses that may warrant any of the below levels of discipline include, but are not limited to:

- Misuse of confidential or proprietary information, including customer or personnel records, reports or tests, or any department files, documents, or data;
- Failure to follow instructions or failure to work in accordance with City policies, procedures, or practices;
- Repeated or excessive tardiness or absence from work, without justification or proper notification;
- Leaving assigned place or area of work during working hours without permission of the supervisor;
- Smoking in prohibited areas;
- Insubordination and/or violation of any City policies;
- Negligence in the performance of duties;
- Intimidating or coercing other employees through physical or verbal threats;
- Sleeping or inattention to duty during working hours; or
- Performance at a less than satisfactory level in any job classification.

Section 2.1. Verbal Reprimand

Defines an inappropriate action or omission which includes a warning that the incident is not to be repeated. A verbal reprimand is generally given by the employee's immediate supervisor in a private meeting. Verbal reprimands will be documented in writing and placed in the employee's personnel file to substantiate the start of corrective discipline. All necessary documentation should be recorded on the disciplinary action form. The employee must be told clearly what the infraction is, how to correct the problem and what further disciplinary action may result for failure to comply with the recommended corrective action and/or future instances of the same type of incident. Verbal reprimands must be approved by the Human Resources Division Manager or designee before being issued to the employee. All verbal reprimands, after issuance, must be submitted to the Human Resources Division for placement in the employee's official personnel file. Copies will be given to the employee, sent to the employee's union, if applicable, and retained in the employee's personnel file for future reference. Verbal reprimands are valid for a period of (6) six months following the date of issuance.

Section 2.2. Written Reprimand

May follow one or more verbal reprimands issued to an employee for repeated offenses or for infractions of a more serious nature. The written reprimand is generally given by the employee's immediate supervisor in a private meeting. Written reprimands must be placed in the employee's personnel file. All necessary documentation should be recorded on the disciplinary action form. The employee must be told clearly what the infraction is, how to correct the problem and what further disciplinary action may result for failure to comply with the recommended corrective action and/or future instances of the same type of incident. Written reprimands must be approved by the Human Resources Division Manager or designee before being issued to the employee. All written reprimands, after issuance, must be submitted to the Human Resources Division for placement in the employee's official personnel file. A copy must be given to the employee, sent to the employee's union, if applicable, and retained in the employee's personnel file for future reference. Written reprimands are valid for a period of (12) twelve months following the date of issuance.

Section 2.3. Suspension

The temporary removal of the employee from the payroll.¹ A suspension may be initiated when lesser forms of disciplinary action have not corrected the employee's behavior or for first offenses of a more serious nature. Examples of offenses of a serious nature which may warrant a suspension for a first offense include, but are not limited to:

- Deviation from the work rules, safety rules, department or City policy;
- Consumption or use during working hours of any amount of alcohol or illegal drugs;
- Falsification or misuse of time sheets or records through misstatement or omission;
- Fighting or assaulting an employee or citizen;
- Theft or unauthorized possession of City property or funds;
- Insubordination;
- Abuse of sick leave;
- Failing to disclose any information requested or providing a false or misleading answer to any question in any application, questionnaire, information form, or other document provided by the City;
- Making false, willfully inaccurate or deliberately incomplete statements in an official inquiry, investigation or other official proceeding;
- Engaging in any act or conduct prohibited by state or federal statutes or local ordinance that is related to the employee's position and/or impacts on the employee's ability to perform in his position;
- Negligence in the performance of duties;
- Conduct unbecoming a City employee; or
- Gross Incompetence. For the purpose of the discipline policy, gross incompetence is defined as the acts or omissions of an employee related to the employee's job duties which prejudice official City business and/or fail to conform to reasonable standards of job performance. It is not necessary to find a continuing series of acts or omissions to substantiate a finding of gross incompetence. Such a finding may be substantiated by one act or omission of a serious nature which demonstrates the employee's inability to properly fulfill and meet job related duties and/or which is so serious as to pose a clear and present danger to the municipal corporation or members of the public.

¹ Administrative leave is not equivalent to a suspension. Administrative leave is paid leave which does not result in the temporary removal from the payroll, whereas a suspension is unpaid leave.

The number of days of suspension will depend on the severity of the act. Admission of the above listed offenses may also result in termination. Periods of suspensions are a permanent part of the employee's personnel file.

Department Directors may issue suspensions of up to five days to non-sworn non-union employees, documented on the disciplinary action form, with the prior approval of the Human Resources Division Manager or designee without a pre-disciplinary meeting. Suspensions for union employees must be consistent with the City's collective bargaining agreements. Police and Fire Chiefs may issue up to 24 hours of suspension to sworn employees, documented on the disciplinary action form, with the prior approval of the Human Resources Division Manager or designee.

Section 2.4. Demotion

The assignment of an employee to a vacant position at a lower pay range, based on the employee's failure to conform to reasonable standards of job performance or other inappropriate behavior related to the specific position.

Section 2.5. Termination

The complete severance of the employer-employee relationship. This may be implemented when other disciplinary steps failed to correct improper action by an employee or for first offenses of a serious nature. Examples of offenses of a serious nature which may warrant a termination for a first offense include, but are not limited to:

- Deviation from the work rules, safety rules, department or City policy;
- Consumption or use during working hours of any amount of alcohol or illegal drugs;
- Possession of an unauthorized weapon at the workplace;
- Willful destruction of City property;
- Insubordination;
- Fighting or assaulting an employee or citizen;
- Falsification or misuse of time sheets or records through misstatement or omission;
- Theft or unauthorized possession of City property or funds;
- Failing to disclose any information requested or providing a false or misleading answer to any question in any application, questionnaire, information form, or other document provided by the City;
- Making false, willfully inaccurate or deliberately incomplete statements in an official inquiry, investigation or other official proceeding;
- Abandonment of position;
- Engaging in any act or conduct prohibited by state or federal statutes or local ordinance that is related to the employee's position and/or impacts on the employee's ability to perform his job; or
- Gross Incompetence. For the purpose of the discipline policy, gross incompetence is defined as the acts or omissions of an employee related to the employee's job duties which prejudice official City business and/or fail to conform to reasonable standards of job performance. It is not necessary to find a continuing series of acts or omissions to substantiate a finding of gross incompetence. Such a finding may be substantiated by one act or omission of a serious nature which demonstrates the employee's inability to properly fulfill and meet job related duties and/or which is so serious as to pose a clear and present danger to the municipal corporation or members of the public.

Section 3. Disciplinary Process

The following processes will be utilized in determining whether disciplinary action is warranted, and if so, the appropriate level of discipline. Unless required by Section 3.1(a) below, a failure to follow any element of the process will not affect the City's ability to seek appropriate discipline.

- Supervisor/manager conducts a necessary investigation to determine the factual basis of an incident, including an assessment of the level of disciplinary action necessary to correct the behavior. The severity of the infraction and previous disciplinary actions are part of the assessment.
- Verbal reprimands and written reprimands are issued in writing by the Department Director with the prior approval of the Human Resources Division Manager or designee and submitted to the Human Resources Division to be placed in the employee's personnel file. Employees receiving a verbal or written reprimand are not entitled to a pre-disciplinary meeting. Verbal and written reprimands should include an account of the employee's statement of events.
- Department Directors may issue suspensions of up to five days to non-sworn non-union employees, documented on the disciplinary action form, with the prior approval of the Human Resources Division Manager. Non-sworn non-union employees receiving a suspension of up to five days are not entitled to a pre-disciplinary meeting. Suspensions for union employees must be issued consistently with the City's collective bargaining agreement obligations.
- Police and Fire Chiefs may issue up to a 24 hour suspension to sworn employees without a pre-disciplinary meeting, documented on the disciplinary action form, with the prior approval of the Human Resources Division Manager. Any disciplinary action above a 24 hour suspension will be subject to a pre-disciplinary meeting as outlined in this Section and any other respective collective bargaining agreements.

Section 3.1. Pre-Disciplinary Meeting

(a) Union Employees

For union employees who are entitled to a pre-disciplinary meeting pursuant to this Manual and respective collective bargaining agreements, the Department presents written notice of the charges being brought, rights of representation for union members, and notice of meeting. Such notice should be issued consistent with the City's collective bargaining agreement obligations and will be given to the affected employee and union representatives.

(b) Non-Union Employees

The Department presents written notice to the employee of the charges being brought and notice of meeting. Pre-disciplinary meetings may take place for suspensions exceeding five days or termination. In cases of gross incompetence and/or clear and present danger, a pre-disciplinary meeting may only be convened in the sole discretion of the City. Nothing in this Section 3.1 shall be construed as creating an express or implied contractual right to continued employment or a pre-disciplinary meeting.

(c) Process

The purpose of the pre-disciplinary meeting is the employee's chance to explain, defend, and/or rebut the charges prior to discipline being issued. It is not an evidentiary hearing. The Human Resources Division will conduct the meeting with involvement from the employee and the Department Director or Division Head. The pre-disciplinary meeting should include a statement from the respective manager recounting the rationale for the proposed discipline.

After consideration of the discussion, facts and information presented at the meeting, the Human Resources Division will make a recommendation to:

- Maintain the original level of disciplinary action;

- Reduce the level of disciplinary action; or
- Take no disciplinary action.

The Human Resources Division promptly issues to the employee the written decision and the disciplinary action being taken (except for termination of non-union employees) and will provide a copy of the disciplinary record to the Law Department.

Section 3.2. Appeal Rights of Employees

Employees covered by a collective bargaining agreement shall utilize the applicable contract for appeals of disciplinary actions, up to and including termination.

Non-union employees (except for Department Directors, employees of the City Manager's Office or employees of the Law Department) who have been suspended for ten or more working days, suspended for a second time within six months, demoted, or terminated may appeal these actions to the City Manager or designee. Such written appeal must be filed with the Human Resources Division Manager within ten (10) calendar days of notice of such disciplinary action. The filing of an appeal does not create an express or implied contractual right to have the appeal heard, employment reinstated, or the discipline modified.

Section 4. Abandonment of Position

Any employee who absents himself from duty for a period of three (3) consecutive working or duty days without permission of, or contact with, his supervisor or Department Director shall be considered as having abandoned his employment and as having separated himself from the service of the City.

Department Directors must notify the Human Resources Division Manager immediately of such situations, who will review the information and determine whether or not termination will be approved. If termination is approved by the City Manager, the employee will be notified in writing.

CHAPTER IV: EMPLOYMENT CONDITIONS

Section 1. Hours of Work

Full-time employees are normally scheduled to work either 7.5 hours/day - 37.5 hours/week, or 8 hours/day - 40 hours/week, based on job classification and department. Employees are informed of their normal work schedule at time of hire.

Regular part-time employees are scheduled to work based on the needs for the position. Scheduling information is posted on the Job Opportunity and employees are informed of their working schedule at time of hire.

Civic Center hours of operation are generally 8:30 a.m. to 5 p.m., Monday through Friday. Other City facilities (Police Station, Fire Stations, Recreation Centers, Service Center, Water Plant, Library, etc.) operate on a schedule as determined by the services delivered and needs of the Department.

Employees are entitled to a 15 minute break for each 4 hours of work time. Full-time employees are therefore entitled to one break in the first half of the work day, and one in the second half of the work day. Employees may not combine their breaks for the day into one break period without specific approval of their supervisor. Employees may not schedule such breaks to start the work day later than normally scheduled, or end the work day earlier than normally scheduled. Department Directors will determine lunch periods, which are unpaid. All employees who work 7 hours or more must take a lunch break of at least 20 minutes. Employees cannot skip a lunch break.

Section 1.1. Changes in Work Schedules

Changes to normal work hours may be made on a temporary or permanent basis, by the Department Director, based on operational needs. Such changes will be communicated to the employees at least 48 hours in advance for temporary work hour changes, and at least two weeks in advance for permanent changes. For employees covered by a collective bargaining agreement, notice requirements to the Union, and the time frame in which those changes must be transmitted to the Union, must be followed. Changes to normal work hours may be made without advance notice in cases of emergencies.

Employees may request a temporary or permanent change in their assigned work schedule based on personal needs such as child care scheduling. Those requests will be considered by the Supervisor/Department Director on a case by case basis; such consideration will include the nature of the request and duration, the impact on the operation and service delivery, the applicable Union contract, the Fair Labor Standards Act, and related laws and guidelines. Requests may be denied based on operational impact. The Department Director should consult with Human Resources when considering such requests. If approved, both the employee and the Department Director will sign a memorandum indicating the details of the changes in working hours, the duration of such changes, and similar details; a copy of the memo must be sent to Human Resources for placement in the employee's personnel file.

Section 1.2. Tardiness

If an employee has to, for any reason, arrive at work after the normal starting time, he must inform his supervisor as soon as possible, but no later than 15 minutes before normal starting time. (Union employees must follow the rules for their bargaining unit.) Calling in does not excuse the tardiness.

Department Directors may make rules specific to that department regarding the reporting of late arrivals. Those rules must be distributed to all affected employees in the Department.

Tardiness and/or failure to notify the supervisor within prescribed time limits will result in disciplinary action. Excessive tardiness and/or failure to report will result in disciplinary action up to and including termination. The City reserves the right to investigate the circumstances relative to any employee tardiness.

Section 1.3. Flexible Working Schedules (Flextime) and Telecommuting

Flexible working schedules and telecommuting may be permissible in certain circumstances. Generally, any proposed working schedule must:

- Be consistent with the Fair Labor Standards Act;
- Be consistent with any applicable Union contract;
- Provide appropriate levels of staffing throughout the regular work day/week; and
- Be consistent with providing excellent customer service, both externally and internally.

Departments and work sites may consider instituting flexible working schedules and/or telecommuting. Human Resources must be consulted early in the process of considering any alternative working schedule and must approve the final design and implementation of such a schedule. Written documentation of each employee's schedule, payroll and paid leave issues, duration and all related issues must be provided, and copies placed in the affected employees' personnel files.

Section 1.4. Time Clocks/Time Keeping

Written documentation is required by Federal Law of actual hours worked by employees covered by the Fair Labor Standards Act and any other employee granted eligibility by the City for overtime compensation. (For further information, see Section below regarding compliance with the Fair Labor Standards Act.)

Department managers and supervisors are responsible for approving reports of time worked in order to provide accurate compensation for employees. Departments may choose, based on the best interests of the department, to use either hard copy sign-in sheets, or to use automated time clocks. Non-exempt employees eligible for overtime compensation must comply with the time keeping method chosen by the department management.

Each department/division may issue specific rules and procedures regarding time keeping. Employees must do the following:

- Employees must sign in/clock in at the beginning of their scheduled starting time every work day.
- Employees must sign out/clock out at the beginning of their lunch hour, and sign in/clock in upon return from lunch.
- Employees must sign out/clock out at the end of their scheduled work day.
- Employees must record their own time; no employee may record hours worked for another employee under any circumstance. Employees who sign/clock in or out for another employee will be subject to disciplinary action. Employees witnessing or having knowledge of inappropriate handling or use of an employee's time sheet/card must report same to the supervisor.
- Employees must accurately report hours worked. Employees may not sign in/clock in more than 7 minutes prior to their scheduled starting time, or sign out/clock out more

than 7 minutes after their scheduled ending time, unless otherwise approved, in order to avoid unauthorized overtime compensation.

- Work performed outside of the regular schedule must be authorized in advance by a supervisor or other designated manager. Overtime reported for compensation (either pay or compensatory time) must be approved in writing by a supervisor or other designated manager on time sheets submitted each pay period.
- Employees who are tardy must sign in/punch in at the time they arrive at work and actually begin work.
- Unauthorized overtime work must be compensated, but the employee involved may be subject to disciplinary action.
- An employee who is unable, due to work assignment, to sign/clock in or out of work must have their time sheet/time card completed by the supervisor and signed by that supervisor.
- Employees may not voluntarily give up their lunch period and waive overtime pay. Employees cannot give up or shorten their lunch period to arrive at work later or leave work earlier. Schedule changes to an employee's workday must be approved in writing by the supervisor.
- Employees and department managers must be able to provide documentation of overtime worked, including proper authorization and recording, to the City Manager's Office, Finance and/or Human Resources Division. Such records must be kept by the department for at least three years.
- Employees who find the time clock inoperable must report it immediately to a supervisor or manager, and paper sign-in/sign-out sheets will be used until the time clock is fixed.

Employees are expected to be ready to work at their assigned time and place, and to work their scheduled hours. Questions regarding time keeping requirements should be directed to the Human Resources Division.

Section 1.5. Weather Events and Emergency Notification

All employees are expected to report to work as scheduled regardless of the weather on a particular day. If an employee is unable to get to the assigned workplace as a result of the weather event, accrued vacation or floating holiday leave or accrued compensatory time may be used with the approval of the designated supervisor.

The protocol to notify employees for any reason as a result of a weather event will be determined by the Department Director after consultation with the City Manager.

Section 1.6. Natural or Manmade Crisis Events

A crisis may take a variety of forms within the City. It is the responsibility of the City government to continue to operate and provide necessary services to its citizens at all times. Whatever the situation, City employees must report to work as directed by their Department Directors or the City Manager. If the situation warrants, employees and their families may receive the appropriate medication as dictated by the event.

Section 2. Pay Periods and Pay Checks

Employees are paid every two weeks. Pay periods are a two-week period, beginning at 12:01 a.m. on alternate Mondays.

Paychecks will be distributed to the employee only and not to any other person unless directed, in writing, by the employee.

Employees are responsible for reviewing their paychecks each payroll. If there is a question or discrepancy, the employee should bring it to the attention of their department payroll processor and/or their supervisor as soon as possible or before the end of the next pay period. Employees shall be deemed to be aware of all information contained in their paycheck. In the unlikely event of an overpayment, employees shall report same to the payroll processor. Failure to report an overpayment can result in disciplinary action.

Employees are not to cash paychecks on City time.

All employees are encouraged to have their paycheck deposited directly into their bank account. Employees with direct deposit will receive a written statement reflecting the deposit made on pay days. Automatic payroll deductions will be made for federal and state taxes, social security, Medicare and pension fund contributions. Court-ordered wage deductions will be taken, in accordance with the City's legal obligations. Optional deductions include medical insurance, dental insurance, life insurance, Employee Giving Campaign contributions, credit union, union membership dues, deferred compensation, retirement health savings plans, and others. Employees will be informed of the availability of certain benefits when starting employment. New benefits available via payroll deduction will be communicated to all employees when activated. The City reserves the right to deduct from wages any City debt owed by the employee and the value of City property not returned by the employee upon separation from employment.

Section 3. Overtime/Fair Labor Standards Act

The City is subject to the provisions of the Fair Labor Standards Act (FLSA). Provisions of a collective bargaining agreement will supersede this policy in cases of conflict.

Section 3.1. FLSA Status

FLSA status may be:

- Non-exempt (subject to overtime requirements for pay)
- Exempt (not subject to overtime requirements for pay)

The Human Resources Division will make the final determination regarding FLSA status and communicate any changes to the affected department.

Questions regarding FLSA status should be directed to the Human Resources Division.

Section 3.2. Joint City Employment

Employees may not work more than one job within the City, even part-time, unless otherwise determined by the Human Resources Division, and approved by the City Manager.

Supervisors and managers are prohibited from employing City staff, outside of their normal work, to perform personal tasks or projects. Employees caught violating this section can be subject to disciplinary action.

FLSA does allow limited exception to the Joint Employment rule, where the "second" job is performed on an "occasional or sporadic" basis, which is "in a different capacity from which the employee is regularly employed," and which is performed solely at the employee's option.

If a Department Director believes he has a situation which fits under the limited exception, he should bring it to the attention of the Human Resources Division for review and subsequent approval by the City Manager before hiring any employee in a secondary capacity.

Section 3.3. FLSA Non-Exempt Employees Overtime

Every effort should be made by supervisors and Department Directors to keep overtime to a minimum. It is the Department Director's responsibility to take all necessary steps to monitor actual working hours of non-exempt staff. Caution should be exercised so unauthorized overtime does not occur.

(a) Advance Approval

All overtime must be approved in advance by the supervisor or Department Director. Employees are not authorized to work overtime of their own volition. Voluntary, unpaid overtime in the performance of normal work duties is not allowable under the FLSA. Authorizations for overtime must be in writing, contain the number of hours of overtime to be worked, the reason, and the departmental approval. After the overtime has been worked, the document should show the actual number of hours worked for the stated purpose, and method of overtime payment (see below). Departments must keep such documents for a minimum of three years.

(b) Definition of Hours Worked

FLSA defines overtime as "hours worked" over 40 hours in a 7-day work week. Averaging hours over a two-week or longer period is not permitted (except for Police and Fire work periods, in accordance with the specific FLSA provisions).

For purposes of computing overtime for non-union full-time employees, the City has defined "hours worked" as hours actually worked, paid City holidays, and paid leave. However, overtime should not be authorized to make up work missed due to City holidays or paid leave. Authorized overtime in a work week where paid leave occurs should be limited.

Departments are encouraged to change an employee's regular work schedule to accommodate overtime needs. For example, an employee is required to attend an evening meeting, one evening a month. The Department Director may change the employee's schedule for that one week a month so that the employee comes to work at 1 p.m. rather than 8:30 a.m., and works through the meeting which typically ends at 8:30 p.m. In this example, no overtime is earned. (Department Directors must give appropriate notice to the employee, and to the union as applicable.)

Attendance at workshops, seminars, conferences, etc. should be scheduled within regular working hours. Required attendance at such a function that results in working in excess of the employee's normal work week will result in overtime pay. Travel time, lunch, breaks, etc. are not counted as "hours worked" in these cases.

Voluntary attendance at training outside of the scope of an employee's current position but which is requested in order to enhance the ability to be promoted or prepare for a promotion is not subject to FLSA requirements.

(c) Overtime Compensation – Pay or Compensatory Time

Compensation for overtime may be made either by pay at time and one-half, or through compensatory time at time and one-half. The employee may indicate a preference for type of

compensation, but the final determination will be made by the Department Director after considering the ability to grant compensatory time off within 30 days and/or the status of that Department's expenditures.

Compensatory time earned should be used within 30 calendar days of the event giving rise to the overtime. In no event shall an employee accrue more than 80 hours of compensatory time. If an employee has 80 hours of compensatory time, all further overtime compensation will be as pay, not additional compensatory time. Union employees should refer to their contract for terms of use and accrual.

Any compensatory time accrued but unused as of November 30th of any year will be paid out at the rate earned to the employee prior to the conclusion of the fiscal year on December 31st. Any compensatory time accrued but unused as of the date of termination of employment must be paid out to the employee as part of terminating pay.

Any compensatory time accrued must be used before vacation leave can be granted.

Any compensatory time accrued while working in an hourly position will be paid out should the employee be promoted to an FLSA exempt position. Employees may elect to have this payout (at the rate earned prior to promotion) spread over multiple years, to a maximum of 3 years.

The overtime wage rate is not in all cases 1.5 times the base hourly rate. Included in the base hourly rate must be longevity, TDA pay or temporary transfer pay, if applicable. Overtime wage rates are calculated by the payroll system, are designed to automatically include applicable additional pay, and shall be used by all departments.

Section 3.5. FLSA Exempt Employees Overtime

The City has determined that overtime compensation for certain FLSA exempt employees under certain circumstances is appropriate. These positions include first line supervisors and middle management. Employees in Senior Management status are not eligible for any overtime compensation for additional hours worked, except as directed and approved by the City Manager or designee.

Below are general operational guidelines to determine if overtime is compensable or not:

- Attendance at meetings which are required as part of the employee's position is not compensable.
- Attendance at meetings on a voluntary basis is not compensable.
- On call or standby status which seriously restricts the employee's use of off-duty time may be compensable. Departments should consider the use of temporary duty assignments or temporary transfer policy provisions to cover ongoing situations of this nature. (e.g., snow command).
- Excessive amounts of overtime due to vacancies, unplanned for projects or priorities may be compensable. "Excessive" means more than 15 hours of additional work during one week, or a series of weeks with more than 10 hours of additional work. The occasional weekend day, or several hours during the week is not considered "excessive." Only the hours of overtime which exceed the "excessive" additional work is compensable (amount over the 15 hours of additional work).

When such overtime is deemed compensable, it should be compensated via compensatory time at time and one half; such compensatory time should be approved for usage within 30

days of the event. Compensatory time should be used within 30 calendar days following the event. No FLSA exempt employee may accrue more than 40 hours of compensatory time. Any compensatory time accrued as of November 30th of any year will be paid out before the end of the fiscal year. Any compensatory time accrued but unused as of the date of termination of employment must be paid out at the rate earned to the employee as part of terminating pay.

Records of time worked must be kept in order to substantiate any overtime for which there is compensation.

(b) Supervisor Overtime

Positions in this category include, but are not limited to, Automotive Shop Supervisor, Facilities Supervisor, Parking Enforcement Supervisor, Public Works Supervisor, Water Maintenance Supervisor, Water Distribution Supervisor, Sewer Supervisor and City Engineers.

These positions are exempt from the FLSA; overtime compensation as described below has been approved by the City Manager, and any changes to this policy must be approved by the City Manager.

The City expects that employees in these supervisory positions, by virtue of their duties and responsibilities, routinely may work in excess of the base work week of 37.5 or 40 hours/week. This additional time spent is directly related to the need to plan, coordinate and manage the work of their subordinates.

The City also recognizes that there are other situations requiring work time in addition to the base work which may arise from emergency situations, need to respond to requests for service or information, or are otherwise somewhat unusual. These situations may interfere significantly with the employees' non-work schedules and needs, and therefore some compensation may be appropriate.

Holidays: If required to work on a City-recognized holiday, the employee will be paid for hours worked at the rate of time-and-one-half. There will be no equivalent time off.

Planned Overtime: For overtime that is planned and approved in advance, the employee will be paid for hours worked at the rate of time-and-one-half.

Emergency Overtime: For emergency call-outs, storm damage/repair, and other similar situations as pre-determined by the Department/Division Head, the employee will be paid for hours worked at the rate of time-and-one-half.

Twelve hour shifts: When employees are subject to twelve hour shifts, such as snow command and similar long-term emergency responses, the employee will be paid for the first 8 hours at straight time, and at the time-and-one-half rate for consecutive hours beyond 8. No employee may work more than 80 hours in a seven calendar day period, as a safety issue.

Regular Overtime: Additional time spent beyond the base work week directly related to the need to plan, coordinate and manage the work of their subordinates is not compensable in any fashion. This includes evening and other off-duty hours spent attending required meetings of the City, including City Council or Committee meetings, and neighborhood or similar meetings.

Calls: Telephone calls, pages and similar contacts which can be handled without going to a job site or office during non-working hours are not compensable in any fashion.

Section 4. Job Performance Evaluations

Job Performance Evaluations are the City's formal method of reviewing an employee's performance, to define goals and objectives for the future, specify performance deficiencies, and to plan training and career development for the employee.

The Human Resources Division Manager, in cooperation with Department Directors, administers the system of rating employee performance. The standards of performance will relate to the quality and quantity of work being done, the manner in which the work is done, conduct of employees, customer service, attendance, and to the specifics of the Classification Standard for the position the employee holds.

Employees will be formally evaluated at the end of their probationary period, if applicable, and on an annual basis. All new employees must be evaluated after six (6) months of employment. Employees hired/promoted at or above the middle of their assigned pay-range are not eligible for a merit increase until completion of at least one full year of service.

Each employee will meet with the supervisor and/or Manager responsible for completing the evaluation to discuss their performance. Following the discussion, the employee will have the opportunity to make comments on the form (or attach to the form), and be required to sign and acknowledge receipt of the form. The Supervisor and Department Director will also sign the form. The completed official form, including any comments made by the employee as a result of the evaluation and/or discussion, must be submitted to the Human Resources Division for inclusion in the employee's official personnel file.

Section 5. Merit/Performance Based Increase

Job Performance Evaluations will also be used to substantiate recommendations for granting, withholding and restoring merit performance salary increases. All merit increases must be accompanied by a Job Performance Evaluation for the time period involved. By their very nature, no employee has an implied or explicit contractual right to a merit increase.

The Human Resources Division shall review all Job Performance Evaluations submitted in conjunction with a recommendation for a merit increase. If the Human Resources Division disagrees with a merit increase recommendation based on the Job Performance Evaluation, a discussion will be held with the employee's Department Director to further review the Job Performance Evaluation submitted and the reasons for the disagreement.

Merit increases are earned based on performance; they are not automatic and may be based on limits set by the City Manager. The following standards should be applied:

- A performance rating of "Achieves Expectations" or better is required on at least 80% of the performance expectations designated for the position for an employee to advance to the maximum salary for the position.
- Exempt employees who receive a rating of "Achieves Expectations" on at least 80% of the performance expectations may receive an increase in salary as determined by the City Manager.

If an employee's performance is not sufficient for the Department Director to recommend a merit increase, the steps necessary for the employee to take to improve performance to the level necessary for a merit increase will be clearly detailed in the Job Performance Evaluation, and in the discussion with the employee. The merit increase will then be withheld. The Job Performance Evaluation, indicating the withheld merit and the basis for such withholding, must be submitted to Human Resources.

The employee's performance will be formally evaluated within six months of the withholding of the merit increase. If performance has improved sufficiently to recommend a merit increase, the employee's next merit review date will move to one year following the receipt of the merit. If performance has not improved, the formal Job Performance Evaluation recommending continued withholding of the merit increase must be discussed with the employee and submitted to Human Resources. Formal evaluation of the employee's performance must be completed within the next six month period. Continued performance deficiencies may be grounds for disciplinary action, up to and including termination.

Section 6. Longevity

Non-union/non-exempt employees are eligible to receive an additional 2% of base salary when they complete eight (8) years of service, and a total of 3% of base salary when they complete fifteen (15) years of service.

To be eligible, an employee must have served the minimum number of years in a full-time or permanent part-time position and the length of service shall have been continuous without interruption. Service with the City as a temporary or seasonal employee will not count towards eligibility for longevity pay.

Employees covered by a collective bargaining agreement are eligible for longevity pay in accordance with the appropriate union contract.

Section 7. Reporting Obligations

Employees are required to report conditions which will affect their job responsibilities. Situations which must be reported to the Human Resources Division or supervisor include, but are not limited to:

- Suspension or revocation of driver's license if valid driver's license is required for the position;
- Criminal arrests or convictions;
- Suspension or loss of professional license if the license is required for the position; or
- Restraining orders or orders of protection sought by the employee entered by a court of law.

Failure to report such incidences within 5 business days will result in disciplinary action, up to and including termination. Human Resources will maintain confidentiality of the information disclosed.

CHAPTER V: BENEFITS

The City Manager is authorized to implement alternative benefit arrangements for non-union employees at his discretion.

Section 1. Medical Insurance

Full-time employees are eligible to participate in the City's group medical insurance program. The details of the medical insurance program are presented to new employees at time of hire, and are available in the Human Resources Division, and on the City's intranet.

Insurance coverage becomes effective on the first day of the month following the date of hire. After original enrollment opportunity, employees may change plans or enroll only during annual open enrollment periods, absent a qualifying event.

New dependents may be added to coverage within 30 days of the qualifying event (birth, adoption, marriage, domestic/civil union partner, etc.). Employees must provide proof of the life changing event within 30 days of the event, or wait until the next open enrollment period.

Terminating insurance coverage or dropping dependent coverage may be done at any time with appropriate documentation, as allowed by the benefit provider.

At all times, the plan summary for any given benefit plan controls and should be consulted by an employee for a full summary of available benefits. To the extent a plan summary conflicts with this manual, the plan summary controls.

Section 1.1. Employee Contributions

Employees contribute to the cost of medical insurance through payroll deductions. Deductions are taken from the first and second paycheck of the month. Employees covered by a collective bargaining agreement should consult it for contribution amounts. Non-union and Senior Management staff contributions are determined and communicated to employees at least annually and are subject to approval by the City Manager. Employee contribution amounts are available in the Human Resources Division and on the City's Intranet.

Employee contributions toward the premium costs are separate and apart from any co-payments required at the point of service by the insurance provider (including, but not limited to, office visits, prescriptions, emergency room visits, deductibles, out of network costs, etc.)

Section 1.2. Health Insurance Opt-Out

Employees who choose not to participate in the City's medical insurance program are eligible for a monthly payment as determined by the City Manager (included on the 2nd paycheck of the month), upon proof of coverage elsewhere. Employees may enroll in the incentive at any time.

The incentive applies to only one member of each family employed by the City of Evanston at any given time. To remain in the program, employees must provide proof of coverage elsewhere each year during open enrollment, to the Human Resources Division.

An employee who re-enrolls in the City's insurance, due to a qualifying event, will be cancelled from the incentive the same day as the insurance effective date. An employee's effective date in the incentive is the day the completed waiver form (with a copy of the employee's

insurance card) is received by Human Resources. Enrollments and payments are not back-dated.

Section 1.3. Open Enrollment

At least annually, the City holds an open enrollment period, during which employees may enroll, add dependents, or change coverage. Any changes requested during the annual open enrollment period are subject to the administrative rules which may be revised from time to time.

Details of the open enrollment period are communicated to employees via City e-mail.

Section 1.4. Medical Insurance – Retirees

Full-time employees who retire and qualify for an immediate or deferred pension through the Illinois Municipal Retirement Fund, or the Police or Fire Pension Funds, may continue receiving group health insurance coverage in effect at the time of retirement. The retiree is responsible for paying the full cost of the coverage, which may change annually at time of renewal of the City's contract with the insurance provider(s). Payment is to be made to the City via deduction from the employee's pension check. Deferred pensioners must pay for coverage directly; payments are due by the 1st of each month. Failure to pay premiums on a timely basis will result in the termination of medical insurance coverage. The City does not provide monthly billing invoices to retirees. Specific details of retiree medical insurance coverage will be provided to the employee prior to retirement by the Human Resources Division.

Retirees who do not elect to continue with the City's group insurance program, or who drop coverage while retired, are not eligible to return to the City's group unless otherwise provided by state or federal law.

Retirees who become eligible for Medicare coverage may be eligible for a reduced premium, upon written notification to the Human Resources Division and verification of Medicare coverage. Such notice must be given at least thirty (30) calendar days prior to the effective date of a reduction in premium, to allow for administrative processing by the City and the insurance provider. Premium reductions due to Medicare eligibility will not be back-dated.

By resolution of the City Council, elected officials who leave the City Council may continue their group medical insurance coverage under the same terms and conditions as a retiree, except that the requirement for eligibility for an immediate or deferred pension does not apply.

Section 1.5. Continuation of Medical Insurance Coverage – Non-Retirees (COBRA)

The City provides continuation coverage (COBRA) for all employees covered by one of the City's group medical or dental insurance plans, as required by federal law. Employees have a right to choose this continuation coverage if insurance coverage is terminated due to a reduction in hours of employment below full-time, or the termination of employment (for reasons other than gross misconduct).

Spouses of employees covered by the City's group medical or dental plans have the right to choose continuation coverage under the City's group plans for any of the following qualifying events:

- Death of the spouse;

- Termination of spouse's employment (for reasons other than gross misconduct), or reduction in spouse's hours of employment below full-time;
- Divorce or legal separation; or
- Spouse becomes entitled to Medicare benefits.

Dependent children covered by the City's group medical or dental plans have the right to continuation coverage if the child's group coverage is lost for any of the following qualifying events:

- Death of the parent employee;
- Termination of parent's employment (for reasons other than gross misconduct), or reduction in parent's hours of employment below full-time;
- Parents' divorce or legal separation;
- Parent employee becomes entitled to Medicare benefits; or
- Child ceases to be a "dependent" child under the City's group medical or dental plans.

The employee or family member has the responsibility to inform the Human Resources Division in writing of a divorce, legal separation, or a child losing dependent status under the City's plans within sixty (60) days of the qualifying event. An employee who fails to comply with this requirement shall be subject to discipline.

Upon official notification that a qualifying event has occurred, the Human Resources Division will notify the affected party of the right to choose continuation coverage. Affected individuals have sixty (60) days from the date coverage would have been lost (due to one of the events described above) or from the date notice is given by the Human Resources Division, to inform the Human Resources Division whether or not continuation coverage is elected.

An affected individual who chooses continuation coverage will receive coverage identical to that provided under the plan to similarly situated employees or family members. Continuation coverage under the law is only available for medical, dental, vision and prescription drug coverage under the City's group medical or dental plans.

In cases of reduced hours (which would make an employee no longer eligible for health insurance) or termination of employment for any reason, continuation coverage is provided for 18 months. In cases where dependents lose coverage due to divorce, legal separation, death of a covered employee, or loss of dependent status due to age, the continuation coverage period is 36 months. If, during that 18-month period, another event takes place that also entitles the individual to coverage, coverage may be extended. Certain disabled qualified individuals may have continuation coverage for up to 29 months. In no case may the total amount of continued coverage be more than 36 months from the date of the first qualifying event.

Continuation coverage may be terminated prior to the expiration of benefits for any of the following reasons:

- The City discontinues providing group medical, vision or dental coverage to any employee;
- The premium for continuation coverage is not paid in a timely fashion;
- The affected individual becomes covered under another group medical or dental plan; or
- The affected individual becomes eligible for Medicare.

There is no Evidence of Insurability required to establish continuation coverage. The City, in accordance with federal law, charges 102% of the full cost of the plan.

Questions about COBRA continuation coverage should be addressed to the Human Resources Division. Employee or family member notification of change in marital status or address changes should be directed to the Human Resources Division.

Section 1.6. Flexible Benefit Plan

The City administers an IRS Section 125 Flexible Benefit Plan. The rules governing the Plan are contained in the Plan Document. Employees may elect to make contributions, through payroll deductions, to medical expense or dependent care reimbursement accounts.

Per federal law and applicable plan documents, changes in the allocation may only be made during the open enrollment period prior to the beginning of the plan year, unless the employee experiences a qualifying event under federal law, which may include marriage, legal separation, divorce, death of a spouse or child, pregnancy, birth or adoption of a child, a change in employment status for the employee's spouse, or the termination of insurance coverage provided by a spouse's own employer.

Employees who have qualifying expenses should contact the plan administrator for procedures and documentation needed for reimbursement of qualifying expenses.

Section 2. Dental Insurance

Full-time employees may enroll in the City's voluntary group dental insurance program, for either in-network or out-of-network coverage, or single or family coverage. Details on the specific benefits are available in the Human Resources Division. New employees may enroll in dental insurance at time of hire. Coverage becomes effective on the first of the month following date of hire.

Employees choosing dental insurance pay the full cost of such insurance. Dental insurance may only be cancelled at open enrollment except for a qualifying event. Dependents may be added within 30 days of a qualifying event with necessary documentation.

Section 3. Term Life Insurance

The City's term life insurance coverage pays a benefit of one times an employee's base annual salary with the City providing \$5,000 of the benefit free of charge. Group term life insurance, in the amount of the employee's annual salary (rounded to the next highest \$500), is available to all full-time City employees at time of hire and becomes effective the first of the month following date of hire. Supplemental coverage is available in varying amounts. Contact Human Resources for details. Employees who do not enroll in supplemental life insurance coverage at time of hire may enroll during the annual open enrollment period, but may be subject to medical clearance by the life insurance provider.

Exempt employees receive 100% City-paid life insurance equal to their annual salary. Employees covered by union contracts should check the appropriate contract for specifics applicable to their position.

Employees needing additional information, or needing to change beneficiaries should contact the Human Resources Division. Employees should review their beneficiary information, especially at times of life changes, to ensure current information is on file. Term life insurance coverage through the City ends the 1st of the month following the employee's termination of employment. Conversion plans may be available through the insurance provider.

Section 4. Vision Insurance

Full-time employees may enroll in the City's group vision insurance program. Details on the specific benefits are available in the Human Resources Division.

Employees choosing vision insurance pay the full cost of such insurance. Vision insurance may only be cancelled at open enrollment except for a qualifying event. Dependents may be added within 30 days of a qualifying event with necessary documentation.

Section 5. Pension

All City employees (other than sworn Police and Fire employees) whose position is budgeted at half-time or greater (1,000 hours or more per year, 600 hours or more if hired before January 1982) are required by state law to participate in the Illinois Municipal Retirement Fund (IMRF) and Social Security (FICA).

All employees, including sworn Police and Fire employees hired after April 1, 1986, are required to contribute to Medicare.

Employee contributions to IMRF are 4.5% of pre-tax salary. City contributions are set by IMRF and change annually. Employee contributions to the Police and Fire pension funds are set by state statute applicable to those funds, with Police contributions set at 9.91% and Fire contributions set at 9.46%.

Employees with questions about IMRF should contact the Human Resources Division or IMRF directly by telephone at 1-800-ASK-IMRF, or via their website at www.imrf.org.

Section 6. Travel and Training Policy

The City, in order to advance the training and skills of its staff, authorizes enrollment in certain schools, conferences and seminars. The costs of such training and skill improvement are paid by the City.

The purpose of this policy is to set forth the policies and guidelines concerning training expenditures, and associated costs, so that training is provided in a consistent and equitable manner to all employees, at a reasonable cost, and that allows the employee to carry out the mission of the City in a dignified manner and which reflects credit on the City.

The City's objectives are to provide the opportunity for appropriate training, skill enhancement and professional development to employees in order that they may perform their duties and responsibilities with an appropriate base of knowledge and skill.

Where applicable, travel for City business that is not training related will be paid for and/or reimbursed using these guidelines.

Section 6.1. Requests for Training Expenditures

Requests for training costs should be requested as far in advance as practicable; requests for approval with less than 5 working days' notice may either be denied, or may require the employee to advance the costs of such training and receive reimbursement after the fact.

Requests must include the nature of the training, the purpose of the employee attending the training, the benefit to the City, the duration of the training, enrollment/registration fees and other required costs. The employee's department/division head must approve the training prior to attendance. Approved training costs will not include reimbursement for meals provided

as part of the training (e.g., continental breakfast, lunches or dinners), optional social events such as golf outings, sightseeing tours and spousal events.

Approved training will include professional development, specific skill training and/or enhancement, updates on technological, legal, and professional developments in the field, management skills, supervisory skills, communications skills, and other similar training programs. Programs aimed at career changes and training not directly related to the employee's position should be applied for via the City's tuition reimbursement program (if available), not the City's training program.

Employees are strongly encouraged to use the City's purchasing card when making arrangements for a training program, rather than using a personal credit card and seeking reimbursement. Employees should review the City's purchasing card policy prior to use.

Section 6.2. Approval of Training Requests

Approval for training that fits within the guidelines described above may be granted by the Department Director. However, factors such as the amount of training given in any one fiscal year, repeat training, number of conferences attended, performance needs and mandatory training will be given consideration and may affect approval. All out of state training must be approved by the City Manager. Departments should evaluate the need and effectiveness of training before approving such training for employees.

Section 6.3. Expenses

Expenses, outside of registration or enrollment costs, associated with the training program are covered under the following conditions and criteria:

A. Transportation

1. Air fare: If the conference or program is outside of the Chicago metropolitan area and/or more than a 4 hour drive, the employee may use air transportation to the training site.

Employees are expected to utilize resources available to minimize the cost of airfare. Except in cases of emergency, advance purchase of airline tickets is required in order to maximize resources. Employees are allowed to utilize the internet during working hours to access airfares for business travel purposes.

Travel agent fees will be paid by the City only if the travel agent is located in Evanston. If the employee chooses to use a travel agent outside of the City, that fee will not be paid by the City or reimbursed to the employee.

If the employee can secure an airfare that is significantly lower by staying at the training site an extra day (i.e., Saturday night), that additional time may be reimbursable only if the savings in the airfare exceeds the cost of the additional night at the hotel and additional per diem costs. Written documentation showing the differential in airfare must be submitted as part of the expense report.

Should a re-booking fee be necessary once travel arrangements are made, the City will only pay the re-booking fee if the need to change travel arrangements is based on City needs, emergencies or other reasons not caused by the employee's personal choices.

Employees may not purchase airfares for other than economy, coach level flights. Any employee wishing to book business or first class will pay the difference between the lower cost and the upgraded cost.

Additional reimbursable costs associated with airfare will include cab fare to and from the Chicago airport, and to and from the destination airport. Reasonable tips will also be reimbursed. Parking at the airport may only be reimbursable if the trip is less than five business days. Receipts must be included in the expense report; there will be no reimbursement for such travel costs without receipts.

2. Car travel: Employees attending programs within the Chicago metropolitan area or within a 4 hour drive of Evanston shall use their personal vehicles for such travel. Under certain circumstances, a City pool car may be available to employees for such purposes.

Employees driving to training must keep track of mileage and report such on the expense report. Employees will be reimbursed the per mile cost as approved annually by the Internal Revenue Service. The Human Resources Division will update the mileage reimbursement annually via the expense report on the City's internal website. It is the employee's responsibility to check the approved mileage reimbursement rate prior to submitting the expense report. Mileage will be paid from the place of employment to the place of the program attended. Employees receiving an auto allowance will not be reimbursed for travel to local events within the Chicago metropolitan area.

Additional reimbursable costs include parking at the training site.

Employees using privately owned vehicles for transportation to and from a training site must have insurance coverage in an amount not less than that required by Section 10-101(b) of the Illinois Vehicle Code (625 ILCS 5/10-101(b)). The Finance Division will issue copies of the current insurance coverage requirements via the City's internal website and other forms of communication. It is the employee's responsibility to ensure that adequate insurance coverage is maintained. Should the employee not have the appropriate insurance coverage, the employee will be responsible for all costs of repairing and maintaining the private vehicle, and there will be no City payment for such incidents. Additionally, the employee is responsible for any motor vehicle violations and citations.

When more than one City employee travels in a vehicle to a training program, only the owner/driver of the vehicle will be reimbursed travel costs.

3. Use of City vehicle: Use of a City vehicle, when approved and available, is an acceptable method of transportation. Costs for gas, emergency repairs and necessary maintenance will be reimbursed; detailed receipts must be submitted as part of the expense report. No mileage reimbursement will be made for use of a City vehicle. Employees using City vehicles for transportation to and from training programs are expected to use appropriate judgment and follow the guidelines of the Fleet Services Division regarding emergency situations, repairs and/or maintenance while out of the City. Employees should consult with the Fleet Services Division when checking the City

car out for out-of-area travel to ensure a safety check has been completed, and the procedures to use in case of emergency.

4. Other forms of transportation: Should the employee be able to use, or choose to use, other forms of transportation, such as public or other private transportation, the costs will be reimbursable as long as the cost does not exceed either the lowest airfare available or the mileage reimbursement for the trip. If the employee chooses to use more expensive transportation (e.g., taxi or limousine), he/she will be responsible for the difference in cost. Employees may be required to submit additional documentation and/or verification for unusual forms of transportation.
 5. For transportation while at the training program, costs for transportation to and from the training program will only be reimbursed if there is not a designated conference hotel, or shuttle busses available. Other incidental transportation for meals, sightseeing, shopping, etc. will not be reimbursed.
 6. Rental car costs will be eligible for reimbursement if such is necessary for the purpose of the training program, and/or is less expensive than transportation to and from the airport, the hotel and the training site. Requests for payment for rental cars should be made in advance when seeking approval of the entire program cost.
- B. Lodging - The costs of lodging associated with the training shall be paid by the City under the following conditions:
- There will be no reimbursement or costs paid for lodging for attendance at one-day training programs within the Chicago metropolitan area.
 - For out-of-town travel, the employee must stay at the conference-designated hotel if there is a discount rate for conference attendance. If the employee chooses to stay in a different hotel with a higher room rate, the employee will be responsible for the difference. If the employee chooses to stay in a different hotel with a lower room rate, the employee will not be reimbursed for any difference in cost.
 - For training programs without a designated hotel or lodging arrangement, the employee shall use a mid-range hotel (Holiday Inn, Ramada, Sheraton) and shall secure the average room rate. If the employee chooses to upgrade to a suite or a room with additional amenities, the employee will be responsible for the difference in cost. Employees are not required to spend a great deal of time researching costs of hotels, nor are they required to stay in the least expensive hotel or motel available, especially if that would require additional costs to participate in the training program by adding transportation costs to the training site. Employees may access hotel information via the Internet during working hours to research lodging options.
 - If the employee chooses to stay with a relative or friend in a private residence, there will be no reimbursement for any associated costs. However, there may be reimbursement available for transportation to and from the training site, depending on the circumstances.
 - The City will pay for lodging for the duration of the conference. (If the conference starts on Monday morning, the City will pay for the hotel room for Sunday night; if the conference ends on Thursday, the City will pay for the hotel room through Wednesday night.) If there is an extra night involved due to airfare savings, this must be indicated on the expense report with the supporting documentation. If

the employee chooses to stay additional nights, there will be no City reimbursement for those hotel costs.

- The City will pay the cost of the room, taxes and other required costs such as local tax or use fees. Telephone calls using a credit card or phone card will be reimbursed for calls to the office for business purposes, and reasonable phone calls home if the trip is longer than one day. The City will not pay for in-room movies, health club charges, mini-bar charges, room service, laundry, etc. unless there is a specific need or emergency which must be explained with the expense report.
- If the employee is accompanied on the trip by a family member or friend, this is permissible as long as it does not interfere with the employee's ability to perform the function of the training program. Any additional costs incurred for the additional person, including room costs, will be the responsibility of the employee. This includes additional conference registration and/or event costs.

C. Food - The City will reimburse employees for the cost of meals on the following basis:

- A per diem of \$50, with no receipts being required. If necessary to use a partial per diem (see below), the rates to be utilized will be \$10 for breakfast, \$15 for lunch and \$25 for dinner.
- There will be no reimbursement for meals that are provided as part of the conference registration. However, if there are meals that are part of the conference or training program for which there are additional costs, those may be reimbursable (for example, a speaker at a luncheon where the event is an integral part of the training program).
- For one-day programs in the Chicago metropolitan area, lunch reimbursement not to exceed \$15 will be paid by the City. Receipts must be submitted.
- There is no reimbursement of any sort for liquor purchased in conjunction with a meal, separately, or in a liquor store.
- Where meal costs may exceed the per diem breakdown, the City will only reimburse up to the maximum allotted for each meal.
- There will be no reimbursement for incidentals such as newspapers, shoeshine, laundry, etc.

Section 6.4. Expense Advances

An expense advance may be secured by the employee prior to the training program. The advance may cover expected transportation costs, per diems and similar costs that may not be paid in advance by the City. Such requests must be made more than five working days prior to the employee's departure for the training program. Requests received with less notice may not be honored. Employees are responsible for securing any expense advance, and for securing receipts and evidence of the expenditure.

Any funds advanced that are not used must be returned to the Finance Division within two working days of the employee's return to work from the training program.

Section 6.5. Expense Reports

Expense reports, on the form maintained by the Department of Administrative Services, must be completed and submitted to the relevant Department within 10 business days of the employee's return to work from the training program.

Detailed receipts are necessary, exclusive of costs otherwise attributable the City per diem. Credit card bills simply showing an amount paid are not sufficient; detailed hotel bills,

transportation charges and the like are required. Receipts for cabs, meals, etc. must be submitted, unless a per diem was used for meals.

Mileage reports may simply show the number of miles driven to and from the training program. These reports will be audited for reasonableness.

Reasonable tips for service, including meals, cabs, hotel service and the like are reimbursable, and should be included on the expense report with detailed notation such as \$5 hotel bellhop; a lump sum of tips given during the course of a training program is not sufficient documentation.

Costs paid by use of the City's purchasing card will need to be documented by receipts just as any other expenditure.

The City will provide a check, reimbursing the employee for any non-City paid covered expenses, after receiving and auditing the expense report. If the employee owes the City funds, it is expected that the funds will be submitted with the expense report, preferably by check. If the employee does not return City funds due within 10 working days, the amount will automatically be deducted from the employee's paycheck without specific notice.

Section 6.6. Miscellaneous

Employees shall exercise good judgment and proper regard for City funds in incurring travel expenses.

When an employee is an officer or official in a professional organization, and thereby incurs additional responsibilities and costs while attending a training program or conference, these additional costs may be reimbursable. Examples of such are lodging costs for conferences in the Chicago metropolitan area, additional lodging costs due to pre-conference or post-conference responsibilities.

There is no reimbursement for expenses of a personal nature and/or incurred at the employee's choice and for their convenience, including travel by indirect routes, stopovers, meals with friends or family, etc.

Questions regarding this policy should be directed to the Human Resources Division.

Section 7. Paid Leave

Section 7.1. Holidays

The City recognizes the following holidays:

- New Year's Day
- Dr. Martin Luther King Jr.'s Birthday
- Memorial Day
- July 4th
- Labor Day
- Thanksgiving Day
- Friday after Thanksgiving
- Christmas Eve (see Section 7.1(a))
- Christmas Day

Employees covered by a collective bargaining agreement should consult the current applicable union contract for details on holidays and holiday pay.

Temporary and seasonal employees do not receive pay for holidays.

When a holiday falls on a Saturday, the City will observe the holiday on the preceding Friday. When a holiday falls on a Sunday, the City will observe the holiday on the following Monday.

(a) Christmas Eve

When Christmas Day falls on Saturday, Sunday or Monday, Christmas Eve is not observed as a holiday, and employees are given an additional floating holiday for that year. When Christmas Day falls on Saturday, the preceding Friday (December 24) is the City-observed Christmas holiday. When Christmas Day falls on Sunday, the following Monday (December 26) is the City-observed Christmas holiday. When Christmas Day falls on Monday, (December 25) the City-observed Christmas holiday is observed on that day. When Christmas Eve and Christmas Day are observed as holidays during the normal work week, no additional floating holiday is given.

(b) Pay for Holidays

In order to receive pay for City-observed paid holidays, an employee must:

- Work on the last scheduled day prior to the day the holiday is observed, unless the employee's absence is a verified excused absence with pay; AND
- Report to work on the first scheduled work day after the holiday observance unless the employee's absence is a verified excused absence with pay.

Employees not in paid status on the day before AND the day after the observed holiday (e.g., leave of absence without pay, suspension, etc.) will not receive pay for the holiday.

(c) Regular Part-Time Employees Holidays

Regular part-time employees are eligible for holiday pay on the following basis:

- Must work in a position budgeted at 10 hours/week or more.
- If normally scheduled to work on a designated holiday, part-time employees will receive straight time holiday pay for the hours they are normally scheduled to work.
- If a designated holiday falls on a day when the employee is not normally scheduled to work, there is no pay for that holiday.
- Employees regularly scheduled to work on a holiday falling on a Saturday will receive holiday pay for Saturday hours (the actual holiday) rather than hours worked on Friday (the observed holiday); those scheduled to work on a Sunday holiday will receive holiday pay for Sunday hours (the actual holiday) rather than hours worked on Monday (the observed holiday).

Section 7.2. Floating Holidays

Full-time and regular part-time employees are granted four (4) additional days off with pay per calendar year as Floating Holidays. See Section 7.1(a), Christmas Eve, for years in which an additional floating holiday is granted in lieu of Christmas Eve.

Employees covered by a collective bargaining agreement should consult the current applicable union contract or work rules for specific details regarding floating holidays.

Temporary, seasonal and Crossing Guard employees do not earn floating holidays.

All calendar year floating holidays are placed in the employee's floating holiday accrual after the first paycheck of the year is issued.

(a) First Year of Employment Eligibility for Floating Holidays

In the employee's first year of employment, floating holidays are earned on a pro-rata basis based on date of hire, as follows:

- Date of hire January 1-March 31: 4 floating holidays
- Date of hire April 1-June 30: 3 floating holidays
- Date of hire July 1-September 30: 2 floating holidays
- Date of hire October 1-December 31: 1 floating holiday

In years when the additional floating holiday is granted in lieu of Christmas Eve, the number of floating holidays in the chart above will be increased by one (i.e., date of hire January 1-March 31 = 5 floating holidays).

Floating holidays do not roll over from year to year. Any unused floating holidays at the end of a calendar year will be removed from an employee's accrual. Employees will not receive payment for any floating holidays upon termination of employment with the City of Evanston.

(b) Regular Part-Time Employees Floating Holidays

Regular part-time employees will receive pro-rata floating holidays as follows:

- Employees regularly scheduled to work 28 hours/week or more earn floating holidays at 75% of the rate earned by full-time employees.
- Employees regularly scheduled to work 18.75 hours/week or more but less than 28 hours/week earn floating holidays at 50% of the rate earned by full-time employees.
- Employees regularly scheduled to work 10 hours/week or more but less than 18.75 hours/week earn floating holidays at 25% of the rate earned by full-time employees.
- Employees regularly scheduled to work less than 10 hours/week earn no floating holidays.
- The accrual and use of floating holidays will be consistent with the procedure outlined for permanent full-time employees as indicated in Section 7.2 (a).

Section 7.3. Sick Leave

The City grants paid sick leave to full-time and regular part-time employees as follows:

- Employees will earn sick leave at the rate of one-half day per calendar month for the first six months of employment, and one day per calendar month thereafter. Sick leave is placed in the employee's sick leave accrual on a pay period basis; for specific details, see the leave accrual charts available on the City's Intranet.
- Employees may accrue up to 275 days of sick leave.
- Sick leave may not be anticipated. No employee may take unearned sick leave, nor may a Department Director authorize any advance of sick leave.
- Sick leave may be used by an employee during his initial entry probationary period at the discretion of, and with the approval of, the Department Director.
- An employee who moves from one position to another in the City where the service is continuous or where the employee is transferred, promoted or demoted, will be credited in the new position with the unused sick leave accrued in the prior position, except for transfers to or from the ranks of uniformed positions in the Police or Fire Department. Such employees will terminate their employment with the specific department, receive sick leave payout if eligible, and begin a new accrual from the date of hire in the new department.

- Sick leave continues to accrue during time lost from work as a result of an on-the-job injury or as required by applicable laws.
- Sick leave will not be earned by an employee who is not in paid status for an entire pay period.

(a) Use of Sick Leave

Sick leave may be used by an employee in the following circumstances:

- Absence due to illness or non-work-related injury.
- In the event of illness of an employee's immediate family member, as defined by the Family Medical Leave Act (FMLA), which is serious enough to warrant the presence of the employee, sick leave may be used.
- Absences for routinely scheduled dental, optical or medical appointments for the employee or the employee's immediate family as defined by the Family Medical Leave Act. Such requests for sick leave usage must be made at least 48 hours in advance of the appointment (except for emergencies), and must be approved by the Department Director in advance. Such requests for sick time usage may be denied due to operational needs of specific departments and work locations, and if the absence interferes with City operations. The Department may require verification of the emergency and the employee's relationship to the sick or injured party.
- Certain instances of on-the-job injuries where the employee is unable to work due to the on-the-job injury for a period of 14 consecutive calendar days or less. The employee may use up to three days of sick leave to cover the first three days of such an instance where no pay is granted. The employee must be unable to perform regular duties due to said injury, as certified by a City-designated physician. The employee must have at least twelve (12) days of sick leave accumulated at the time that the on-the-job injury occurs. If medically permissible, the employee may be assigned light duty at the option of the City in lieu of permitting the employee to use sick leave.
- For periods of Family Medical Leave, as defined in Section 7.8 Family and Medical Leave.
- If an employee is unable to come to work due to illness, he must notify his supervisor or Department Director, in accordance with departmental work rules, by the time designated by those departmental work rules. Failure to notify each day of absence, or at agreed-upon intervals in the case of extended illness, may result in loss of pay and/or disciplinary action.

An employee who uses more than three (3) consecutive days of sick leave must submit, upon reporting for work the first day of return, a statement from a treating physician attesting to the employee's inability to work during the period claimed as sick leave and the employee's ability to return to work in full duty capacity or in a light-duty capacity. The employee may not return to work without such statement; failure to do so may result in loss of pay and/or disciplinary action. The Department must consult with Human Resources regarding situations where the employee's return to work has restrictions that would require light duty, which is limited to two weeks. The Department may consider a light duty assignment in excess of two weeks to satisfy operational needs, after first consulting with Human Resources. Light duty assignments in excess of two weeks are generally not permitted and will only be allowed in the event the Department can show the benefits of allowing for such an arrangement to the satisfaction of Human Resources, such as overtime savings or completion of special work assignments. Light duty assignments shall be reviewed periodically by the department and Human Resources to determine if the continuation of such an arrangement is beneficial to the parties. The Department must consult with Human Resources in cases of extended and/or serious illness so that both the employee and the department can be informed of the

obligations and benefits available to the employee and the department during extended absences.

Departments may establish departmental work rules and/or administrative controls to prevent the abuse of sick leave. The United States Equal Employment Opportunity Commission held that an employer's inquiry regarding an employee's general well-being and verifying the particulars of sick leave use is a legitimate business necessity. Receipt by the City of a doctor's note and other purported documentation from an employee shall not be construed as the City's automatic agreement as to the contents, notes, or documentation. The City reserves all rights to investigate or further verify the substance and assertions contained in any note or documentation before approving sick leave.

Abuse of sick leave based on false claims of illness or injury, or falsification of proof to justify such sick leave will be cause for loss of pay and disciplinary action up to and including termination. Abuse of sick leave impairs the City's operational efficiency, may result in increased budgetary costs to pay for overtime or shift coverage, and frustrates the City's obligations to provide services to City residents.

Grounds for suspecting abuse of sick leave include, but are not limited to:

- Information that the employee is, or was, during any day for which sick leave is claimed, engaged in other employment or engaged in activity or being present in a place inconsistent with a claim of illness or injury;
- Excessive use of sick leave;
- Repeated instances of inadequate notice requesting the use of sick leave;
- Requests for or use of sick leave under suspicious circumstances (i.e., a request immediately following the employee's assignment to a particular job or task, or repeated absences immediately preceding or following weekends, holidays or vacation);
- Unjustified or unsubstantiated use of sick leave;
- Employee statement fails to specify the nature of the illness or document the employee's care given to an employee's family member;
- Unjustified failure to give adequate notice regarding the use of sick leave; or
- Falsification of an employee's written statement or medical certification.

Sick leave abuse includes, but is not limited to, unjustified or unsubstantiated use of sick leave, lack of or inadequate doctor certification when required, false claims of illness or injury, falsification of proof by employer or doctor, and "excessive" unscheduled or short notice of use.

Excessive sick time usage is defined as more than 5 occurrences within any 12 month period, which are unscheduled and are not supported by a corresponding dated doctor's co-pay or original and dated doctor's note, and will be subject to discipline based on the following schedule:

- 6 occurrences – verbal reprimand
- 7 occurrences – written reprimand
- 8 occurrences – 1 day suspension
- 9 occurrences – 5 day suspension
- 10 occurrences – 10 day suspension
- 11 occurrences – termination

An occurrence is defined as a single day of unscheduled absence or consecutive unscheduled days due to the same reason, e.g., three consecutive days absent due to illness constitutes one occurrence.

(b) Sick Leave Accrual Incentive

Paid sick leave should be viewed by employees as an insurance policy against the time when an illness or injury prevents working at full capacity, especially an extended illness or injury. It is in the employee's and the City's best interests for employees to only use sick leave when necessary, to avoid periods of unpaid leaves of absence.

Therefore, the City provides annual and terminating incentives to employees to use their sick leave wisely. Employees covered by collective bargaining agreements should consult the current applicable contract for these provisions.

- Annual: Full-time employees with 45 days or more of sick leave accrued as of January 1 of each calendar year shall be eligible to receive on or about January 31 (of the following year) payment for all sick leave days accrued during the year, but not used, in excess of 7 days, for a maximum of 5 days. For example, if an employee uses no days of sick leave during the calendar year, he would be eligible to receive payment for 5 days; if 1 day is used, eligibility is 4 days; if 2 days are used, eligibility is for 3 days; if 3 days used, eligibility is for 2 days; if 4 days used, eligibility is for one day; if 5 days used, the employee is not eligible for any payout. **On or about January 31, 2017, an employee shall be eligible to receive payment for all sick leave days accrued, but not used, during 2016 for a maximum of 2.5 days. Effective 2017, this program will sunset.**
- Terminating: When a non-union employee with five or more years of service retires or resigns, the employee shall be paid 75% of all accumulated sick days over 20, for a maximum of 40 days of pay. For example, an employee with 50 days of sick leave accrued at time of termination would be entitled to 22.5 days of terminating sick leave pay ($50 - 20 = 30$; $30 \times 75\% = 22.5$).
- Employees who are terminated for performance issues shall not receive a terminating payout.
- Sick payout requests will only be considered after applicable annual wage adjustments, and when combined with other applicable increases not to exceed 6 percent of the previous 12 months' earnings. Such requests will be in accordance with current rules, regulations, and state laws governing the Illinois Municipal Retirement Fund.

To receive a terminating sick leave payout, an employee must give three weeks' notice of intent to resign or retire. Failure to do so will render the employee ineligible for terminating sick leave payout. The Human Resources Division Manager may waive this provision in special circumstances. This terminating payout will be issued on the next payroll at least 31 days after the final paycheck.

Section 7.4. Vacation

(a) Accrual and Usage

Full-time and permanent part-time employees earn and use vacation leave with pay under the following conditions (employees covered by collective bargaining agreements should consult the current applicable contract for specific details regarding vacation leave):

- Vacation leave is earned on a pay period basis. The minimum vacation accrual is two weeks; the maximum is five weeks. Union employees should refer to their contract for accrual rates. Non-union accruals are as follows:

<u>Classification</u>	<u>Months</u>	<u>Accrual Rate</u>
Director	0-47	4 weeks
Director	48+	5 weeks
Exempt	0-107	3 weeks
Exempt	108-227	4 weeks
Exempt	228+	5 weeks
Non-Exempt	0-59	2 weeks
Non-Exempt	60-155	3 weeks
Non-Exempt	156-239	4 weeks
Non-Exempt	240-251	21 days
Non-Exempt	252-263	22 days
Non-Exempt	264-275	23 days
Non-Exempt	276-287	24 days
Non-Exempt	288+	5 weeks

- Employees must use at least 50 percent of the vacation time accrued each year, or will be subject to discipline.
- Requests for vacation leave must be submitted to the supervisor or Department Director no less than 48 hours in advance. Requests for vacation leave may be denied for operational reasons. Prior to a vacation request being approved, no employee has a vested or contractual right to the specific vacation date(s) that is selected and requested.
- Vacation leave is not earned if the employee is not in paid status for an entire pay period.
- Employees have a maximum vacation accrual of two years' earned vacation. It is the employee's responsibility to monitor vacation leave to make sure the maximum accrual is not exceeded.
- Accruals over the two year limit will be removed from an employee's accrual bank during periodic audits including, but not limited to, end of the calendar year, when leaving the organization, and/or when requesting a payout.
- An employee may not take vacation not yet earned.
- Vacation leave will continue to accrue during time lost from work as a result of an on-the-job illness or injury.
- An employee who moves from one position to another in the City, other than uniformed positions in the Police or Fire Department, and whose service is continuous and who is transferred, promoted or demoted, will be credited in his new position with unused vacation leave.
- Employees moving to or from the sworn ranks of the Police or Fire Department will terminate their employment with the current department, receive a payout of accrued vacation time, and begin a new accrual in the new position as a new employee.
- Vacation time may not be used to lengthen employment or months of service. An employee's last day of work is the date of termination.
- Employees moving between full-time and regular part-time status will earn vacation based on total years of continuous service with the City.
- A holiday which falls within an employee's vacation period will not be considered as part of the vacation.
- Sickness which occurs during an employee's scheduled vacation leave will be considered "vacation," not "sick leave."

- Departments will determine and schedule vacations for departmental employees over as wide a period as possible to avoid the necessity of extra help or overtime. Scheduling will be done in such a manner as to protect the effective operation of the department.
- Temporary, seasonal, Crossing Guard employees, and other employees working less than 10 hours a week do not earn paid vacation.
- Any compensatory time accrued must be exhausted before vacation leave will be granted.

(b) Regular Part-Time Employees Vacation

Regular part-time employees who are regularly scheduled to work 28 hours/week or more earn vacation at 75% of the rate earned by full-time employees; part-time employees who are regularly scheduled to work 18.75 hours/week or more but less than 28 hours/week earn vacation at 50% of the rate earned by full-time employees; regular part-time employees who are regularly scheduled to work 10 hours/week or more but less than 18.75 hours/week earn vacation at 25% of the rate earned by full-time employees. Regular part-time employees working less than 10 hours/week do not earn vacation.

(c) Vacation Payouts

An employee may request a payout of accrued but unused vacation time by making such request in writing to the Department Director and provided there are at least three (3) days left in the employee's vacation accrual. Vacation payout requests will only be considered after applicable annual wage adjustments, and when combined with other applicable increases not to exceed 6 percent of the previous 12 months' earnings. Such requests will be in accordance with current rules, regulations, and state laws governing the Illinois Municipal Retirement Fund.

A vacation payout request will be based on the current accrual level which will not exceed the maximum allowed accrual. This provision may be used only one time in a rolling three year period, and will be approved based on department finance and the City Manager's approval. The three year period will be calculated commencing from the last vacation payout request.

Terminating employees will receive a payout of accrued but unused vacation time (up to the maximum allowed accrual) on the next regularly scheduled pay period following termination, so long as they have completed 30 days or more of continuous service and their bank is not larger than 2 years' worth of accruals.

Section 7.5. Bereavement Leave

A leave of absence with pay which is not to exceed three working days will be granted to permanent employees for a death in the immediate family. If the funeral is to take place over 500 miles (one way) from Evanston, the employee shall be entitled to use up to five days of bereavement leave.

Immediate family for purposes of Bereavement Leave is defined as:

- Employee's
 - Spouse or Domestic/Civil Union Partner
 - Parent/Step-Parent
 - Grandparent
 - Sibling or Sibling-in-law
 - Child and Spouse
 - Stepchild and Spouse
 - Grandchild and Spouse

- Employee's Spouse's or Domestic/Civil Union Partner's
 - Parent
 - Grandparent
 - Sibling
 - Child
 - Stepchild
 - Grandchild

"Parent" shall include persons other than the employee's actual parent if said person or persons raised the employee during a substantial period of childhood. A Department Director may require verification of the funeral and the employee's relationship to the deceased.

Employees covered by a collective bargaining agreement should consult the current applicable contract for specific details.

Section 7.6. Jury Duty and Subpoena Notice

When a permanent employee is called for service as a juror or subpoenaed to testify in a trial on a regularly-scheduled work day, he will receive regular pay for such days, as long as proof of jury duty service, or subpoena notice, is provided to the supervisor or Department Director. The employee shall provide verification received from the Court system for participation as a juror to the City upon return to work or as soon as it is received from the Court system.

Employees notified for jury duty or subpoenaed to testify shall notify their supervisor or Department Director via an RTO with as much in advance as possible. Employees whose jury duty or subpoena commitment exceeds one day must advise the supervisor or Department Director regularly as to the expected duration of the jury duty or time required to satisfy a subpoena notice.

Section 7.7. Military Reserve Training

Employees will be allowed the necessary time off with pay if they are removed from work at the request of the Armed Services. This applies to weekends and weekdays. Any employee who is a member of a reserve force of the Armed Forces of the United States, or State of Illinois, and who is ordered by the appropriate authorities to attend training programs or perform assigned duties shall be granted a leave of absence for the period of such activity and shall suffer no loss of seniority rights. During leaves for annual training, the employee shall continue to receive his regular compensation. During leaves for reserve/guard basic training and up to 60 days of special or advanced training, if the employee's compensation for military activities is less than his compensation as an employee, he shall receive his regular compensation as a City employee minus the amount of base pay for military activities provided the employee provides proof of what he was paid during his reserve/guard training.

Section 7.8. Family and Medical Leave

An employee who has been with the City at least one year and works at least 1250 hours per year may request leave under the Family and Medical Leave Act as follows (the sections of this policy pertaining to the "Family Responsibility Leave" are only applicable to employees NOT covered by a Collective Bargaining Agreement):

(a) General Conditions

1. A leave year for purposes of FMLA shall be any 12 consecutive months.

2. All employees who meet the applicable hours of work requirement during the preceding twelve (12) month period of employment shall be granted up to a total of 12 weeks of family and/or medical leave per 12 month period for the following reasons:
 - The birth of an employee's child and in order to care for the child;
 - The placement of a child with an employee for adoption or foster care;
 - To care for an immediate family member who has a serious health condition;
 - A serious health condition that renders the employee incapable of performing the functions of his job;
 - Military Active Duty Leave; or
 - Military Caregiver Leave
3. The 12 week limit referred to in this Section shall be either consecutive or intermittent as permitted by FMLA regulations.
4. The employee will be required to provide advance leave notice and medical certification. The taking of FMLA leave may be denied if requirements are not met. The employee ordinarily must provide 30 days advance notice when the leave is "foreseeable."
5. The employee must provide medical certification to support the request for leave because of a serious health condition, a fitness for duty report to return to work, and may be required to provide a second or third opinion at the City's expense.
6. While on FMLA leave, the employee's group health insurance coverage will be maintained, with the employee paying the regular employee contribution.
7. During FMLA leave, seniority shall continue to accrue regardless of whether the employee is in paid status or not. Paid leave benefits do not accrue during periods of unpaid FMLA leave.
8. The employee must specify with Human Resources, in advance, the amount of sick leave, vacation, floating holiday time or compensatory time to be used.
9. Employees on FMLA leave must notify Human Resources in writing at least ten (10) working days prior to when they wish to return to work, so that arrangements for a fitness for duty examination, if required, may be made efficiently.
10. When an employee is approved to return to work following FMLA leave, he shall return to the position (classification and department) held immediately prior to the taking of the leave.
11. If an employee is not able to return to work following the conclusion of the FMLA leave, his employment will be terminated, except as specified in the following types of leaves below.
12. If the employee fails to return to work at the conclusion of FMLA leave, the employee shall repay to the City the premiums paid on the employee's behalf to maintain insurance coverage while on FMLA leave unless the reason the employee does not return to work is because of a) retirement under IMRF; b) recurrence or onset of a serious health condition that would otherwise entitle the employee to leave under FMLA; or c) circumstances beyond the employee's control.
13. Definition of terms will be those as stated in the Family and Medical Leave Act.
14. Compensatory time must be exhausted before vacation time may be used for any reason related to FMLA leave.

(b) FMLA Leave for Employee's Own Serious Health Condition

An employee who has a serious health condition may request FMLA leave, which will not exceed sixty (60) working days within a 12 month period. FMLA and sick time must be used concurrently. The first five (5) days of FMLA leave for an employee's own serious health condition will be taken as sick time. If the leave is longer than five days, the employee may draw up to three weeks (15 days) from a "Family Responsibility Leave" bank. If the leave is

longer than four weeks (20 days), the employee will continue to use sick time until it is depleted. If sick leave is depleted during the FMLA leave, the employee may choose to use accrued vacation, floating holiday and/or compensatory time during the remainder of the sixty (60) working days of FMLA leave. If the employee does not have sufficient accrued sick, compensatory time, vacation, and/or floating holiday time for the remainder of the sixty (60) working days, the balance will be on an unpaid basis. If an employee continues to have the same serious medical condition after exhausting his sixty (60) working days of FMLA, he will be placed on a permanent leave of absence for nine calendar months. The employee's position will not be held open for his return, unless other arrangements can be made that do not adversely affect City operations or result in significant additional expenses for the City to absorb as a result of the absence. During the permanent leave of absence, the employee may continue to use any accrued sick, vacation, floating holiday and/or compensatory time until it is exhausted, but in no case shall an employee remain in paid status beyond the end of the permanent leave of absence. Any accrued time remaining will be paid out to the employee at the completion of the permanent leave of absence, pursuant to other personnel guidelines. If an employee becomes able to return to work during the permanent leave of absence, he may apply for re-employment and if qualified, placed on a re-employment list for the position held immediately prior to the taking of the leave. If the employee is not able to return to work by the conclusion of the permanent leave of absence, employment will be terminated.

(c) FMLA Leave for an Immediate Family Member with a Serious Health Condition

An employee, whose immediate family member (as defined herein and by FMLA) has a serious health condition, may request FMLA leave, which will not exceed sixty (60) working days within a 12 month period. FMLA and sick time must be used concurrently. The first five (5) days of FMLA leave to care for an immediate family member will be taken as sick time. If the leave is longer than five days, the employee may draw up to three weeks (15 days) from a "Family Responsibility Leave" bank. If the leave is longer than four weeks (20 days), the employee will continue to use sick time until it is depleted. If sick leave is depleted during the FMLA leave, the employee may choose to use accrued vacation, floating holiday and/or compensatory time during the remainder of the sixty (60) working days of FMLA leave. If the employee does not have sufficient accrued sick, compensatory time, vacation, and/or floating holiday time for the remainder of the sixty (60) working days, the balance will be on an unpaid basis. The employee must return to work at the completion of the FMLA leave, or his employment will be terminated.

(d) FMLA Leave Due to the Birth of a Child, Placement of a Child for Adoption or Foster Care

An employee may request FMLA leave for the birth of a child or placement of a child for adoption or foster care, which will not exceed sixty (60) working days in a 12 month period. FMLA and sick time must be used concurrently. The first five (5) days of FMLA leave for the birth of a child, or placement of a child for adoption or foster care will be taken as sick time. If the leave is longer than five days, the employee may draw up to three weeks (15 days) from a "Family Responsibility Leave" bank. If the leave is longer than four weeks (20 days), the employee will continue to use sick time until it is depleted. If sick leave is depleted during the FMLA leave, the employee may choose to use accrued vacation, floating holiday and/or compensatory time during the remainder of the sixty (60) working days of FMLA leave. If the employee does not have sufficient accrued sick, compensatory time, vacation and/or floating holiday time for the remainder of the sixty (60) working days, the balance will be on an unpaid basis.

For an employee who gives birth, the employee must return to work at the conclusion of the FMLA leave, unless she is medically unable to return to work. In such cases, the conditions specified in Section 7.8(b) above shall apply. For an employee who does not give birth, the employee must return to work at the conclusion of the FMLA leave, or his employment will be terminated.

(e) FMLA Leave Due to Military Active Duty

Eligible employees are entitled to up to twelve (12) weeks of leave because of "any qualifying exigency" arising out of the fact that the immediate family member (as defined by FMLA) is on active duty, or has been notified of impending call to active duty status, in support of a contingency operation. Accumulated leave, other than sick leave, may be used for this purpose. FMLA leave due to military active duty will run concurrently with the employee's other forms of FMLA leave.

(f) FMLA Leave Due to Care for an Injured Service Member

An employee who is the immediate family member (as defined by FMLA) or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to twenty-six (26) weeks of leave in a single 12-month period to care for a service member. The military caregiver leave is available during "a single 12-month period" during which an eligible employee is entitled to a combined total of twenty-six (26) weeks of all types of FMLA leave. All accumulated leave banks may be used for this purpose. FMLA leave due to care for an injured service member will run concurrently with the employee's other forms of FMLA leave.

(g) Disability Benefits

An IMRF employee who is on FMLA leave due to his own serious medical condition may be eligible for IMRF disability benefits. Employees should consult with the Human Resources Division regarding IMRF disability benefits, eligibility and application procedures.

IMRF disability benefits, if granted by IMRF, begin on the 31st calendar day after the employee stops working due to illness or injury. Employees cannot be paid by the City while receiving IMRF disability benefits.

Section 8. Unpaid Leave

Section 8.1. General Conditions

1. Leaves of absence for non-medical reasons, or for employees who are not eligible for FMLA, may be requested by an employee. (Leaves of absence for medical reasons are granted under the Family and Medical Leave Act section above.) Such requests must be in writing, submitted to the Department Director, and contain the reason for the leave, the expected duration and related information. The Department Director will consider the request and may recommend approval of such leave to the Human Resources Division Manager.

The Human Resources Division Manager will review the request and recommendation, and approve or disapprove of the leave request. Such decisions will consider all relevant information, and shall be made in the best interests of the City.

Except for military leave, leaves of absence for non-medical reasons, as identified above, will only be granted in extraordinary circumstances.

2. Leaves of absence may be granted for up to twelve (12) months.

3. No employee who has not completed at least one year of service shall be granted a leave of absence.
4. Informal leaves of absence without pay, not exceeding 5 working days in any 30-day period, may be granted with the approval of the Department Director.
5. Seniority will not continue to be earned while the employee is on unpaid leave.
6. Failure on the part of an employee to report within 3 days following the expiration of a leave of absence, except for valid reasons submitted in advance, will be considered abandonment of job.
7. An employee who is granted a temporary leave of absence (90 calendar days or less) has rights to reinstatement in the classification and department held at the time the leave began. An employee who is granted a permanent leave of absence (91 calendar days to one year) who wishes to return to work will be placed on a City-wide re-employment list for the first available position, depending on the qualifications for return to work, and given consideration for rehire over a period of one year. The employee must request re-employment in writing at least 30 days in advance of when he wishes to return to work.
8. The employee may retain membership in the City's plans for health insurance, dental, vision and life insurance for up to three months of an approved temporary leave of absence without pay, with the approval of the Human Resources Division Manager. The employee is responsible for paying the full cost of these benefits, including the portion normally paid for by the City. It is the employee's responsibility to arrange with the Human Resources Division to pay for any benefits which the employee wishes to continue while on leave of absence.
9. Vacation, sick leave and floating holidays will not be accrued during unpaid leaves of absence. Seniority calculations will not include any unpaid leaves of absence. Calculations for purposes of merit increase consideration shall not include periods of unpaid leaves of absence.

Section 8.2. Active Military Service

An employee who enters into the active service of the Armed Forces of the United States while in the service of the City shall be granted a leave of absence for the period of such service.

For employees who are members of the reserves or National Guard who are mobilized to active military duty as a result of an order of the President of the United States, the City will provide compensation during such leave equivalent to the difference between the employee's regular pay and the total compensation received for the period of service, less any allowance for travel, lodging or food. The City agrees to maintain the medical insurance and coverage (single or family) in which the employee is enrolled when called to active duty.

Employees ordered to active duty will present their orders to their supervisor as soon as possible, but not later than within three (3) working days of receipt of such orders, and shall place their request for Active Military Service leave in writing. To the best of the ability of the employee and the City, the terms and conditions of such Active Military Service will be placed in writing prior to the employee leaving for active duty; if not possible, the information will be mailed to the employee's designated agent (spouse or other individual) and that person will be authorized by the employee to act on his behalf on those matters while the employee is on active duty. Employees discharged from the Armed Forces must report ready for assignment within ninety (90) days following said discharge. The City shall have up to fourteen (14) days from the date of application to place such returning serviceman. The City retains the right to

assess the employee's fitness for duty status prior to placement on the job. Employees shall be credited with the seniority which would have accumulated during time spent in the Armed Forces. The City will continue to act in accordance with any federal or state-enacted legislation which will supersede this section.

Section 8.3. Unexcused Absences

Any unexcused absence from duty will be grounds for disciplinary action and may result in discharge. An absence for three (3) consecutive working days without notice to the supervisor by the employee or without permission will be considered a voluntary resignation or an abandonment of position.

Section 8.4. School Conference and Activity Leave

An employee is entitled to leave up to a total of eight (8) hours during any school year, and no more than 4 hours of which may be taken on any given day, to attend school conferences or classroom activities related to the employee's child if the conference or classroom activities cannot be scheduled during non-work hours; however, no leave may be taken unless the employee has exhausted all accrued vacation, compensatory, and/or floating holiday time. Before arranging attendance at the conference or activity, the employee shall provide a request for time off at least seven (7) days in advance, unless in the case of an emergency. Requests may be denied to avoid undue disruption of daily operations.

Section 9. Resignation

An employee who voluntarily leaves City employment shall, except in emergency situations, give advance notice of not less than two calendar weeks for an hourly employee and three calendar weeks for a salaried employee. Employees giving less than three weeks' notice will not be entitled to any terminating sick leave pay, if applicable.

Resignation in good standing shall mean that the employee gave the required notice, or that circumstances justified failure to give such notice, and that conduct and work performance were satisfactory.

An employee's termination date is the last day actually worked. Any accrued vacation or sick leave (subject to the provisions described in the sections on those benefits; including holiday and compensatory time for some Public Safety representatives; also subject to the provisions described in the sections on those benefits in collective bargaining agreements) will be paid out on the employee's termination payout paycheck which will be issued at least 31 days after the last regular paycheck. No employee may extend his termination date by using accrued leave time.

Employees must turn in all City property, tools, and equipment including, but not limited to, keys, cell phones, pagers, gas cards, purchasing cards, other electronic equipment, ID cards, etc. by the last day of employment. Except for keys, the materials must be turned in to the Department Director or supervisor, who will acknowledge receipt of the material by signing the separation checklist. Keys must be returned to the Facilities Management Division unless otherwise indicated by the Department Director; a receipt for returned keys will be issued to the employee. The separation checklist must be submitted to Human Resources before the final paycheck is issued. Any equipment not returned will be charged to the employee.

Resigning employees should consult with the Human Resources Division prior to terminating in order to receive information regarding pension, insurance and similar administrative matters.

Final paychecks may be adjusted accordingly if any outstanding City equipment or materials are not returned.

Section 10. Retirement

Employees are included in one of three separate pension funds: Police Pension Fund for sworn police personnel; Firemen’s Pension Fund for uniformed fire personnel; or the Illinois Municipal Retirement Fund for all other employees meeting the statutory requirements. Detailed information regarding IMRF can be obtained from the Human Resources Division or by going to www.IMRF.org. For inquiries regarding the Police or Fire Pension, contact the respective Fund representatives at the respective department.

Retirement is defined as terminating employment with eligibility for an immediate pension; participants in the IMRF, Police and Fire Pension Funds may terminate employment as a deferred retirement, meaning the employee does not meet the age requirements for an immediate pension but is eligible for retirement based on service requirements.

There is no mandatory retirement age for City employees. The mandatory retirement age for sworn members of the Police and Fire Departments, currently set at age 65, is governed by the Illinois Municipal Code, 65 ILCS 5/10-2.1-17, and applicable sections of their respective collective bargaining agreements. Any subsequent amendments to state law which modify the mandatory retirement age will be imposed on members hired after the effective date of the amendments. Nevertheless, age is a bona fide occupational qualification reasonably necessary to the normal operation of the Police and Fire Departments, and upon good cause shown, a fitness for duty examination may be requested of any sworn member who is over the age of 60.

Employees retiring should contact the Human Resources Division at least 30 days in advance of anticipated retirement date in order to receive critical information on retirement, including medical, dental and life insurance coverage and termination, IMRF retirement procedures, applicable payouts and the like.

Employees retiring must comply with all the requirements shown above under the section “Resignation.”

Section 11. Reinstatement

An employee may request reinstatement, in writing, within 30 days of his resignation. The request should be made to the Department Director, who will review the request and make a recommendation to the Human Resources Division Manager. The Human Resources Division Manager will review the request and the Department’s recommendation and either request approval from the City Manager or deny the request.

The process will also be followed in cases where an employee has submitted a notice of resignation, but not yet terminated, and wishes to rescind his notice of resignation.

Section 12. Re-Employment

Employees who have been laid off, or are on a permanent leave of absence, may be placed on a re-employment list for a period of one year for the first available position vacancy in the department and job title previously held. Eligibility for re-employment may also be subject to employees covered by an applicable collective bargaining agreement.

Previous City employees who wish to return to City employment must reapply for positions in the same manner as any applicant. The previous employee's record of performance while in the City's service will be taken into consideration, as applicable, during the selection process for the position.

Section 13. Reference Checks/Employment Verification

No department or employee, except the Human Resources Division, shall release any information regarding a previous employee regardless of the circumstances under which that employee left employment with the City.

All requests, written or verbal, for references or employment verification are to be directed to the Human Resources Division for response. No information beyond verification of date of hire, reason for leaving, title, and salary will be released by the Human Resources Division without a signed release from the former employee.

Section 14. Personnel Files

The Human Resources Division is the repository of the official personnel file of City employees. Departments are required to submit official documents regarding an employee (personnel change forms, disciplinary action forms, commendation forms, memoranda regarding terms and conditions of employment, performance evaluations, etc.) for filing in the official City personnel file of the employee.

Employees may review the contents of their official personnel file by submitting a written request to the Human Resources Division at least one working day in advance. Files will be reviewed within the confines of the Human Resources Division office.

Department Directors may review the official personnel files of any employee in their department and may review the official personnel file of any employee/applicant for a position within their department. The files may not be removed from the Human Resources Division.

Section 15. Time Off for Voting

The City encourages employees to exercise their right to vote. It is the intention of this provision, in accordance with state law, to make allowances so that work-related issues do not prevent an individual from exercising his right to vote. Employees and supervisors should take this intention into consideration when requesting or considering a request for time off to vote.

An employee may request in advance time off, on an RTO form, in order to vote in general, municipal or special elections. This request must be made at least one working day in advance; the maximum allowable time off is 2 hours, which is unpaid. Employees may request that accrued vacation leave, floating holiday leave or compensatory time be applied to the unpaid time off. Accrued compensatory time must be applied before any other leave may be used pursuant to this section. The Department Director may specify the hours during which the employee will be absent, in order to disrupt the work program as little as possible.

This provision, which is in accordance with state law, is directed at those employees who live outside of the Evanston area and would therefore have difficulty reaching their polling place. Employees are encouraged to utilize early voting opportunities in the communities where they reside.

Section 16. Address and Phone Number

All employees are responsible for ensuring that a current residential address and phone number (landline or cell phone) are on file with Human Resources. Employees must promptly report changes

of address or phone numbers to their department and to Human Resources. Official communications including tax reporting are mailed to the last known address on file for the employee. An employee's failure to maintain a current address may result in delay of the receipt of important information. The City is not responsible for such delays due to an employee's failure to report a current address.

In times of emergencies, it may be necessary to contact employees or family members at home or via cell phone to inform them of situations which require their presence, or other important information. All employees should promptly provide Human Resources with emergency contact information and changes in this information.

CHAPTER VI: CITY POLICIES

Section 1. Equal Employment Opportunity Policy

It is important to reaffirm the City commitment to principles of Equal Employment Opportunity (EEO) and to work in an environment free of discrimination, harassment, and retaliation. The City does not tolerate harassment, discrimination or retaliation in any form. Federal and State laws make it unlawful to discriminate on the basis of any protected class or category, such as: race, color, creed, national origin or ancestry, age, sex, marital status, gender identity or expression, sexual orientation, religion, veteran status, familial status or physical/mental disabilities.

It is the continuing policy and practice of the City to assure that no person will be discriminated against or be denied the benefit of any activity, program or employment in whole or part, in the areas of recruitment, advertising, hiring, promotion, transfer, demotion, lay off, termination, rehiring, employment, rates of pay and/or other compensation. It is our expectation that every person subject to this Policy statement supports the principles of EEO as stated herein.

The City shall use this Equal Employment Opportunity Policy statement to ensure continual efforts at full recruitment, the continued training of staff in EEO, and continued use of meaningful personnel practices that apply equally to all segments of our society. This good faith effort will seek to ensure that the City's workforce fairly represents the race/ethnic and gender makeup of persons in the relevant labor market who possess requisite job skills.

Any employee or applicant who feels adversely affected by actions prohibited by this policy should discuss the matter with the Human Resources Division Manager, and may file a formal complaint within forty-five (45) days of the alleged violation with the Human Resources Division Manager. The complaint will be promptly investigated. Appropriate corrective action will be taken in those cases found to be in violation of this policy.

Section 2. Code of Ethics – Rules for City Employees

All employees shall observe all rules and standards in the City's Code of Ethics. Employees who are found in violation of the Code of Ethics, Section 1-10 et seq. of the City Code of Evanston, as amended, may be disciplined in accordance with the existing procedures in union contracts and/or the Personnel Rules as applicable. All employees shall comply with these rules, and are responsible for reading the City's Code of Ethics, and staying informed and current with any revisions or amendments to the Code which may be approved by the City Council. Questions should be directed to the Law Department. Ignorance of the City's Code of Ethics will not be a defense to discipline imposed for a violation of the Code.

It is the policy of the City that in all cases employees perform their duties for the benefit of the citizens of the City. They shall conduct their duties and themselves with integrity and impartiality, without allowing prejudice, favoritism or the opportunity for personal gain to influence their decisions or actions or to interfere with serving the public interest. Continuing observance of this policy is essential to maintaining the public trust necessary for good government.

Nothing herein shall preclude a department head from issuing departmental-specific rules, as long as they are not less stringent than the Code of Ethics. Any such departmental rules shall be explained and distributed to each employee.

Section 2.1. Standards of Conduct

Each employee of the City shall be subject to and follow the following standards of conduct:

1. Impartiality: Each employee shall perform his duties with impartiality and without prejudice or bias for the benefit of all citizens of the City. No employee shall grant or make available to any citizen any consideration, treatment, advantage or favor beyond that which is available to every other citizen.
2. Use of Public Property: No employee shall use, permit or request the unauthorized use of City-owned vehicles, equipment, materials or property for personal convenience or profit, or for the personal convenience of others.
3. Conflict of Interest: No employee shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public interest or which may tend to impair his independence of judgment or action in the performance of his official duties. Personal interest includes an interest arising from blood or marriage relationships or close business or other association.

Examples of prohibited conflict of interest include, but are not limited to:

- a. Disclosure of Confidential Information: No employee shall, without proper legal authorization, disclose confidential information concerning people requesting or receiving services, employees, applicants or clients, property, government of affairs of the City. No employee shall use such information to advance the financial or other private interests of himself or others.
- b. Abuse of Power of Office: No employee shall use the prestige or power of his office or employment for his private gain or for the private gain of another.
- c. Representing Private Interest Before City Bodies or Courts: No employee shall appear on behalf of private interests before any body of the City in a manner calculated to leave the impression that he is speaking for the City, or acting on behalf of the City when not authorized to do so. Any person so appearing shall indicate affirmatively that he is speaking in an individual capacity or as a representative of an organization or group other than the City. No employee shall represent private interests in any action or proceeding against the interests of the City in any litigation, administrative proceeding, or other type of adjudicative proceeding to which the City is a party.

An employee may appear on behalf of himself, spouse or minor children before any City body. An employee may also represent other employees in personnel matters as provided in collective bargaining agreements, and the personnel rules.

- d. Acquisition of Interest: No employee shall acquire an interest in or be affected by any contract or transaction at a time when the employee believes or has reason to believe that the contract or transaction will directly or indirectly be affected by an official act or action of the City.
- e. Incompatible Employment: No employee shall engage in or accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his official duties.

Section 2.2. Prohibited Political Activity

No employee may engage in political activity during working hours, while on City premises, attending any City-connected function or use their official City office or title while engaging in political activities after working hours.

“Political Activity” is defined as: any activity in support of or in connection with any campaign for elective office or any political organization. Examples of prohibited political activity include, but are not limited to, preparing for, organizing or participating in political meetings, or rallies; soliciting contributions for political events; soliciting votes on behalf of a candidate for elective office, referendum questions or efforts to get voters to the polls; involvement in petitions on behalf of a candidate for elective office or referendum; distributing campaign literature, signs or other material.

Employees are specifically prohibited from wearing political buttons, t-shirts, hats or similar clothing items during working hours, on City premises, attending any City-connected function or while using their official City office or title.

Employees are specifically prohibited from having car top signs or any political sign larger than a normal bumper sticker on personal vehicles parked in City employee parking lots.

City bulletin boards, including those provided by the City for union business as specified in union contracts, shall not contain any political statements regarding candidates for elected public office at the federal, state or local level.

These rules do not prohibit an employee’s right to hold membership in and support a political party, to vote as he chooses, to express an opinion on political subjects and candidates, to maintain neutrality, and to attend political meetings, as long as such activities do not conflict with the above prohibitions.

Section 2.3. Prohibited Solicitation and Acceptance of Gifts

Employees are prohibited from soliciting or receiving any gift, gratuity, discount, entertainment, hospitality, loan, forbearance or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to City employment or the official position of an employee, except as provided below.

The prohibition, as required by State statute, extends not only to all City employees, but their spouse and/or immediate family living with the employee.

The City has determined that the following are exceptions to the prohibitions:

1. Opportunities, benefits and services available on the same conditions as for the general public.
2. Anything for which the employee or his spouse or immediate family member living with the employee promptly pays the market value or makes a prompt donation in the equivalent amount to a tax-exempt charity.
3. Small items such as candy, flowers and similar items that can be shared by City workers while at work; calendars, pens and the like with a value of less than \$5 may be kept, on the premise that such tokens are sent to all customers.

4. Food or refreshments not exceeding \$75 per person in value on a single calendar day provided that the food or refreshments are consumed on the premises from which they were purchased, prepared, or catered.
5. Other exceptions as provided for in Section 1-10-4(C)5 of the City Code, as amended.

Section 2.4. Disclosure of Financial Interest

No employee shall have any financial interest in any business or transaction with any board, commission, committee or public body of the City unless the employee discloses the nature and extent of such interest and refrains from participating in any decision regarding the business of transaction.

Senior management staff employees shall submit annually the signed and notarized financial disclosure and affiliation statement required by the City Code.

Section 2.5. Administration of Ethics Code for City Employees

If an employee of the City wishes to have advice on the applicability of any provision of the Ethics Code to a particular situation, or an interpretation of terms used in the code, he/she should consult with the Law Department. The question and answer should be in writing.

A charge of violating the Ethics Code will be investigated and dealt with as any other rule violation by an employee, and existing disciplinary procedures followed.

An employee wishing to file a complaint of ethical misconduct against an employee may make such complaint to the Law Department in writing. The Law Department will investigate such complaints in accordance with existing procedures for notice to the affected employee, and other related or required investigatory notices. Results of such investigation will be submitted within 30 days to the City Manager; if there is a finding of misconduct, the affected employee's supervisor will proceed with the normal disciplinary processes.

Section 2.6. Consequences of Violations

Employees who are found to have violated the Code of Ethics will be disciplined in accordance with existing and applicable disciplinary rules and procedures in effect at the time of violation. Infractions of the Code may result in discipline up to and including discharge.

Section 2.7. Health Department - Addendum

In addition to all of the rules of the City's Code of Ethics, employees of the Health Department shall be subject to the following additional standards of conduct:

1. All employees, interns, and volunteers of the Department shall protect the confidentiality of all persons receiving services from the Department, and shall comply with all applicable federal and state statutes regarding confidentiality. Upon beginning employment, all new employees, interns, or volunteers shall sign a statement attesting to their understanding and compliance with the confidentiality policy.
2. No Department employee who has a direct role in the regulatory function of the Department may accept any gift or food as defined in the Code of Ethics and the City ordinance in excess of \$10 from any entity which receives a license or permit from the Department of Health and Human Services. "Direct role" shall include, but not be limited to, application processing, premise inspection, complaint investigation, or license granting.

Section 2.8. Community Development Department - Addendum

In addition to all of the rules of the City's Code of Ethics, employees of the Community Development Department shall be subject to the following additional standards of conduct:

No Department employee who has a direct role in the regulatory function of the Department may accept any gift or food as defined in the Code of Ethics and the City ordinance in excess of \$10 from any entity which receives a permit or license or permit from the Community Development Department. "Direct role" shall include, but not be limited to, permit application or license processing, permit application process decision making or license application decision making, worksite or premise inspection, complaint investigation, or permit and license granting.

Section 3. Workplace Harassment Policy

Section 3.1. Purpose

The City believes in respecting the dignity of every employee and expects every employee to show respect for all of our colleagues, residents and vendors. Respectful, professional conduct furthers the City's mission, promotes productivity, minimizes disputes, and enhances our reputation. Accordingly, this policy forbids any unwelcome conduct that is based on an individual's race, color, religion, gender, national origin, age, disability, ancestry, medical condition, marital status, veteran status, citizenship status, sexual orientation, or any other protected status of an individual or that individual's associates or relatives. The City is thus committed to providing a work environment that is free of unlawful discrimination, including harassment that is based on any legally protected status. The City will not tolerate any form of harassment that violates this policy.

Section 3.2. Coverage

This policy forbids any employee, agent, representative, or elected official of the City to harass any City employee or applicant. This policy also applies to the dealings of any employee or agent with non-employees such as vendors or members of the public.

Section 3.3. Prohibited Conduct

The conduct prohibited by this policy, whether verbal, physical, or visual, includes any discriminatory employment action and any unwelcome conduct that affects someone because of that individual's protected status. Among the types of unwelcome conduct prohibited by this policy are epithets, slurs, negative stereotyping, intimidating acts and the circulation or posting of written or graphic materials that show hostility toward individuals because of their protected status. Even where the conduct is not sufficiently severe or pervasive to constitute actionable legal harassment, the City prohibits all such conduct which could lend itself to an allegation of harassment.

Section 3.4. Sexual Harassment

This policy forbids all gender based harassment. Any unwelcome conduct based on gender is also forbidden by this policy regardless of whether the individual engaged in harassment and the individual being harassed are of the same or are of different genders.

According to the U.S. Equal Employment Opportunity Commission (EEOC), unwelcome sexual advances, requests for sexual favors, and other verbal, physical or visual conduct based on sex constitute unlawful sexual harassment when (1) submission to such conduct becomes an implicit or explicit term or condition of employment, (2) submission to or rejection of the conduct is used as the basis for any employment decision, or (3) the conduct has the purpose

or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Examples of gender-based harassment forbidden by this policy include, but are not limited to: (1) offensive sex-oriented verbal kidding, teasing or jokes; (2) repeated unwanted sexual flirtations, advances or propositions; (3) continued or repeated verbal abuse of a sexual nature; (4) graphic or degrading comments about an individual's appearance or sexual activity; (5) offensive visual conduct, including leering, making sexual gestures, the display of offensive sexually suggestive objects or pictures, cartoons or posters; (6) unwelcome pressure for sexual activity; (7) offensively suggestive or obscene letters, notes or invitations; or (8) offensive physical contact such as patting, grabbing, pinching, or brushing against another's body.

Section 3.5. Employee Responsibility

Employees who believe they have been subjected or exposed to discrimination or harassment prohibited by this policy have the right to have any such activity terminated immediately. Every employee has a role in preventing discrimination and harassment. Every employee must avoid any conduct that reasonably could be interpreted as discrimination or harassment under this policy, and every employee should indicate when another person's conduct in the workplace is unwelcome. Employees are expected and encouraged to inform others in the workplace whenever their conduct is unwelcome, offensive, inappropriate, or in poor taste. Therefore, employees are required to come forward promptly and report any problems pursuant to this policy before the alleged offending behavior becomes severe or pervasive. In addition, employees should come forward with complaints about alleged problems or violations of the City's policy at any time. Complaints need not be limited to someone who was the target of the alleged offending conduct. Anyone who has experienced or observed an alleged violation of the policy is encouraged to report it to Human Resources, a Department Director or Supervisor.

Any manager or supervisor who is aware of conduct inconsistent with this policy or who receives a report of conduct inconsistent with this policy is to report immediately to Human Resources, a Department Director or supervisor. If possible, every employee who reports harassment under this policy should make every effort to make that report directly to Human Resources.

Section 3.6. Reporting Procedures

If you feel you have experienced or witnessed any conduct that is inconsistent with this policy, you are to immediately notify Human Resources, a Department Director or supervisor. These are the individuals who are authorized by this policy to receive and notify Human Resources concerning complaints of harassment or discrimination on behalf of the City. Complaints may be made orally or in writing. All complaints shall be treated in a confidential manner to the extent possible taking into consideration the requirements of the investigation. Human Resources will conduct a prompt, impartial investigation of any complaints of harassment. This policy does not require reporting harassment or discrimination to any individual who is creating the harassment or discrimination.

Section 3.7. City's Response

All reports describing conduct that is inconsistent with this policy will be investigated promptly pursuant to the City's complaint process. The City may put reasonable interim measures in place, such as a leave of absence or a transfer, while the investigation proceeds. The City will take further appropriate action once the report has been thoroughly investigated. That action

may be a conclusion that a violation occurred, as explained immediately below. The City might also conclude, depending on the circumstances, either that no violation of policy occurred or that City cannot conclude whether or not a violation occurred.

If an investigation reveals that a violation of this policy or other inappropriate conduct has occurred, then the City will take corrective action, including discipline up to and including termination, as is appropriate under the circumstances, regardless of the job positions of the parties involved. The City may discipline an employee for any inappropriate conduct discovered in investigating reports made under this policy, regardless of whether the conduct amounts to a violation of law or even a violation of this policy. If the person who engaged in harassment is not employed by the City, then the City will take whatever corrective action is reasonable and appropriate under the circumstances.

Section 3.8. Procedures

You may also contact the following state agencies regarding a harassment complaint within 180 days of the date the alleged harassment took place:

Illinois Department of Human Rights
100 W. Randolph Street, Suite 10-100
Chicago, IL 60601
(312) 814-6200

Illinois Human Rights Commission
100 W. Randolph Street, Suite 5-100
Chicago, IL 60601
(312) 814-6269

The Department of Human Rights investigates complaints of harassment and determines whether there is substantial evidence to support a charge of discrimination. The Illinois Human Rights Commission adjudicates complaints of harassment to determine whether a violation of the Illinois Human Rights Act has occurred.

Using the City's complaint process does not prevent an employee from filing a claim with a state governmental agency or with a federal agency such as the EEOC.

Section 3.9. Policy Against Retaliation

The City will not tolerate adverse treatment of any employee because he reports harassment or discrimination, for assisting another employee in reporting a complaint, or cooperates in a harassment investigation or for filing an administrative claim with the EEOC or a state governmental agency. As this policy strictly prohibits retaliation of any form against anyone who complains of alleged violations of this policy, the prohibition against retaliation also applies to any employee involved in or cooperating with any investigation of alleged offending conduct under this policy. Thus, a supervisor is prohibited from making any personnel decisions or taking any other adverse action against any employee because the employee complained or cooperated in good faith with an investigation of alleged conduct prohibited by this policy. Any acts of retaliation will be considered a violation of this policy, and corrective action will be taken immediately, including the possible termination of any individual who engages in retaliation of any form.

All employees who experience or witness any conduct they believe to be retaliatory should immediately follow the reporting procedures stated above.

Section 4. Drug and Alcohol Policy

Section 4.1. General Policy Regarding Drugs and Alcohol

(a) Policy Statement

Drug and alcohol use and abuse by City employees present unacceptable risks to the safety and well-being of other employees and the public, invite accidents and injuries, and reduce productivity. In addition, such use and abuse violate the reasonable expectations of the public that the City employees who serve and protect them obey the law and be fit and free from the adverse effects of drug and alcohol use.

In the interests of employing persons who are fully fit and capable of performing their jobs, and for the safety and well-being of employees and residents, the City hereby establishes a screening program implementing the City's stated policy regarding drug and alcohol use by employees and potential employees of the City. Where individual departments or entities issued specific directives or general orders regarding drug and alcohol screening, those directives/general orders will be in accordance with this general policy. In the event a collective bargaining agreement recites a drug and alcohol screening policy applicable to employees covered by such agreement, that agreement's policy will take precedence over the general rules set forth herein.

(b) Definitions

The following terms as used in this Policy shall have the following meanings:

1. "Drugs" shall mean any controlled substance listed in the Controlled Substances Act, 720 ILCS 570/ et seq., for which the person tested does not submit a valid pre-dated prescription. Thus, the term "drugs" includes both abused prescription medications and illegal drugs of abuse. In addition, it includes "designer drugs" which may not be listed in the Controlled Substances Act but which have adverse effects on perception, judgment, memory or coordination. A listing of drugs covered by this policy includes, but is not limited to:

Opium	Methaqualone	Psilocybin-Psyilocyn
Morphine	Tranquilizers	MDA
Codeine	Other Depressants	PCP
Heroin	Cocaine	Chloral Hydrate
Meperidine	Amphetamines	Methylphenidate
Other Narcotics	Phenmetrazine	Hash
Marijuana	Other Stimulants	Hash Oil
Barbiturates	LSD	Other Hallucinogens
Gluthethimide	Mescaline	

2. "Impairment" due to alcohol shall mean a blood alcohol content of .02 or more; or conduct evidencing apparent impairment as described below; or conduct involving alcohol adversely affecting the employee's work performance, the safety of the employee, fellow workers or the public, or the City's reputation.

"Impairment" due to drugs shall mean the presence in the system of any drugs, or their metabolites; or conduct evidencing apparent impairment as described below; or conduct involving drugs adversely affecting the employee's work performance, the safety of the employee, fellow workers or the public, or the City's reputation.

Where impairment exists or is presumed, incapacity for duty shall be presumed.

3. "Policy" shall mean the General Policy as well as specific directives applicable to specific departments and/or employee groups on drug and alcohol screening and all rules and regulations contained herein, as well as any standards or guidelines issued by the Human Resources Division for the enforcement of the Policy.
4. "Positive Test Results" shall mean a positive result on both a confirming test and an initial screening test. If the initial test is positive, but the confirming test is negative, the test results will be deemed negative and no action will be taken. A positive confirming test result is one where the specimen tested contained alcohol, drug or drug metabolite concentrations at or above the concentration specified below.
5. "Sensitive positions" are defined as those positions involving functions, duties and responsibilities which have a direct and substantial effect on public health or safety or on the health of or safety of co-workers.

Sensitive positions include, but are not limited to:

- Senior Management positions
- All sworn positions in the Police and Fire Departments
- Telecommunicator
- Service Desk Officers
- Water Plant Operator
- Water Chemist
- Lifeguard
- Positions providing direct health services to the public
- Positions providing direct services to children
- Positions required to drive, maintain or repair heavy equipment
- Positions required to use, maintain or repair dangerous tools and equipment, including high level of electrical voltage

(c) Prohibitions

All City employees are prohibited from:

1. Consumption, possession, or sale of alcohol or drugs during the employee's working hours, including breaks.
2. Consumption, possession, sale, or storage of alcohol or drugs on City property, in City facilities, or in City vehicles.
3. Being under the influence or impairment of alcohol or drugs while working, thereby adversely impacting work performance, negatively affecting public perception of the City, and risking the safety of self and others.
4. Consuming alcohol or using drugs in public, outside of work hours, while in City uniform.
5. Consumption or possession of medical cannabis products, as defined by 410 ILCS 130, during the employee's working hours, including breaks.

(d) General Consequences of Policy Violations

Failure to comply with the rules contained in this Policy may subject an employee to disciplinary action up to, and including, termination and may result in mandatory referral to a treatment program, where appropriate. The City will provide, through outside providers including the employee's medical insurance coverage, diagnostic, referral and related services for employees with alcohol and drug related problems where it deems them appropriate. Participation in a treatment program does not affect an employee's obligation to comply with

this Policy nor limit the City's right to discipline an employee who has violated this Policy or other City rules or regulations. In certain circumstances specified below, the City may seek the employee's termination with no referral to a treatment program. In certain routine instances, or where reasonable suspicion of prohibited drug and/or alcohol use exists, an employee or an applicant for employment may be ordered to submit to drug/alcohol testing. Seasonal employees will be terminated immediately upon violation of this policy.

(e) Discipline

Discipline under this Policy shall conform to applicable Personnel Rules, relevant collective bargaining agreement provisions, and other established procedures pertaining to discipline.

(f) Referral and Treatment

The City encourages employees to resolve their drug and alcohol problems. Employees may utilize their health insurance coverage or other resources in order to resolve their drug and/or alcohol problems and be able to perform their jobs fully. The Human Resources Division can assist in locating treatment providers. Such contact is held confidential, and information is only shared on a strict need-to-know basis such as where the safety of the employee, co-workers or the public is endangered.

Where the sale and/or possession of drugs in violation of this Policy is involved, an order for a drug/alcohol screening may not be given; employees who violate the prohibitions against sale and/or possession of drugs may be disciplined, up to and including, termination, regardless of treatment program.

The City's interest in assisting employees, however, must be balanced against its duty to promote and protect the public health, safety and welfare and to operate an efficient service delivery system. In certain cases specified in this Policy, employees who test positive may be discharged, and not referred to a treatment program.

Section 4.2. Circumstances Requiring Drug and Alcohol Screening

1. Job Applicants: Applicants for all City positions shall be tested for evidence of drug and alcohol use as part of a pre-employment physical exam prior to starting work. Refusal to submit to, or a failure to pass, such drug and alcohol tests at the time specified will result in the City's withdrawal of any conditional offer of employment.
2. Employees Applying for Promotion, Transfer, and Voluntary Reduction: Employees seeking to move to another position within the City via promotion, transfer or voluntary reduction will be tested for evidence of drug and/or alcohol use if in a sensitive position, a position which requires a CDL, or a position which requires physical labor.

When such testing is required, it will be noted on the Job Opportunity announcement of the position. Such drug/alcohol testing will be a qualifying event, and any job offer will be conditional pending results of the employee's drug/alcohol test. Applicants for promotion, transfer or voluntary reduction will not be required to take a drug/alcohol test until a conditional offer of the position is made.

Refusal to submit to the required drug and alcohol test at the time specified will be considered as a voluntary withdrawal of the applicant from the examination process. Failure to pass the required drug and alcohol screen will result in a mandatory referral

to a treatment program, and the conditional offer of the new position will be withdrawn.

3. **Current Employees:** An employee may be required to undergo a drug and alcohol screening. Such circumstances include, but are not limited to: physical examinations of employees being re-employed, returning from a leave of absence of 90 days or more, and fitness for duty; when required by Federal, State of Illinois, and/or local laws, rules, regulations, and/or policies.
4. **Suspicion of Impaired Performance:** "Impaired performance" is defined as being or appearing to be in an impaired physical or mental state due to drugs or alcohol while on duty. Illustrative examples of behavior which may be considered a manifestation of prohibited drug or alcohol use are set forth below.

Where observations of impaired performance create a reasonable suspicion of drug and/or alcohol use, the following actions will be taken:

- a. **Accidents or Injuries:** When a City employee is involved in an on-the-job accident or injury, a supervisor shall conduct a preliminary investigation promptly and, as part of the investigation, shall evaluate the employee's appearance and behavior. Drug and alcohol testing may be required where there is reasonable suspicion that an error or mistake due to drug or alcohol use by the City employee caused the accident or injury, or where there is reasonable suspicion that employee alcohol or drug use may have contributed to the incident. Human Resources will schedule an immediate appointment for this testing. If after hours, the employee should go to the ER for testing.

Supervisors shall document their reasons for recommending such drug and alcohol tests. When reasonably practical, the supervisor's observations should be corroborated by another supervisor. Supervisors shall present their recommendation for such testing to the Department Director or designee for approval to order drug and alcohol tests. If the Department Director is not available, supervisors should check promptly with the Human Resources Division, when reasonably practical. In extraordinary situations when such consultations are not reasonably practical, the supervisor shall have the authority to order an employee to submit to such testing. An employee's refusal to comply with an order for drug and alcohol testing will be considered cause for discipline, up to and including termination.

- b. **Performance:** When an employee's behavior and/or performance is unusual or inappropriate, usually over a period of time, drug and alcohol testing may be required. Examples of such behaviors include, but are not limited to: lower productivity, peculiar accidents, overreaction to criticism, sudden or marked mood swings or behavior changes, mistakes due to apparent poor judgment or coordination, absences from work stations, improbable excuses for poor work patterns, forgetfulness, absenteeism, difficulty concentrating, confusion, or inability to get along with others. Other signs of impairment may be reflected in the employee's bodily odors, appearance or demeanor such as slurred speech, unsteady gait, dilated pupils or unsure movements.

In certain circumstances, one incident of impaired performance or behavior may result in an order for drug and alcohol testing. In such situations, the supervisor shall document the facts that lead him to suspect drug or alcohol use. When reasonably practical, the supervisor's observations should be corroborated by another supervisor.

Other situations involving impaired performance or behavior are those developed over a period of time and result in a pattern of impaired performance or behavior which are detrimental to the operation of the department. In documenting the employee's performance and behavior, and in investigating such incidents, the supervisor will ensure that the employee is talked to and the situation(s) discussed, and that the employee has had the opportunity to correct this pattern of unacceptable performance and behavior, and/or to seek assistance in dealing with the cause of such problem performance or behavior. When such a pattern exists and the supervisor suspects that alcohol or drug use is a cause of such pattern, a drug and alcohol test may be required.

Supervisors shall discuss their investigation, observations and documentation that lead to a suspicion of drug or alcohol use with the Department Director or designee, who must approve the order for a drug and alcohol test to be scheduled by the Human Resources Division. If the Department Director is not available, the supervisor should check promptly with the Human Resources Division for approval, when reasonably practical. Refusal of the employee to comply with an order for drug and alcohol testing will be treated as a positive result and considered cause for discipline, up to and including termination.

- c. Third Party Reports: When a report of drug or alcohol use by an employee is received, the employee's supervisor or Department Director shall conduct an appropriate inquiry or investigation to determine the reliability of the source and to determine the validity of the information or the lack thereof. Based on that investigation, drug and alcohol testing may be required. An employee's refusal to comply with an order for drug and alcohol testing will be considered as a refusal of a direct order and will be cause for discipline, up to and including termination.
- d. Status of Employee Following Order for Testing: When testing is ordered, the employee will be removed from duty and placed on leave with pay pending the receipt of results.

Section 4.3. Consequences of Policy Violations and Positive Test Results

1. Consequences of Policy Violations Not Involving Drug/Alcohol Testing: The City may seek the termination of any employee:
 - a. Possessing illegal drugs or selling illegal or prescription drugs on or off duty.
 - b. Using illegal drugs or consuming alcohol while on duty.
2. Consequences of Confirmed Positive Drug/Alcohol Tests: The City may seek the termination of employees for a first confirmed positive test result as follows:
 - Employees in sensitive positions when the test reveals illegal drug use.
 - Employees in sensitive positions when the health or safety of the public or fellow employees is endangered.

- Employees in any position where the protection of the public or co-workers requires the removal of the particular employee from City employment.

The City may seek the termination of any employee with a second confirmed positive drug/alcohol screen arising from a second separate incident or from violation of the employee's treatment conditions, or after completion of the treatment program. This action will be taken whether or not the employee has been or is currently in treatment.

The City may require employees with a confirmed positive test result to submit to random drug/alcohol screening as determined by the City.

3. **Ineligibility of Applicants and Employees Applying for Transfers and Promotions:** New applicants who test positive for alcohol or drugs will not be hired. Employee applicants for City positions shall be ineligible for the position for which they are applying and shall be referred to a treatment program. Employee may be disciplined or terminated if currently working in a sensitive position.
4. **Independent Testing:** When an employee has been tested pursuant to the rules established herein and there are confirmed positive results, the employee may request that a portion of the original specimen be submitted for an independent test. The employee shall be notified of his right to do so and must request and complete the independent test within ten (10) calendar days of notice. The independent test shall be at the employee's expense, shall use equivalent or same testing and chain of custody process used by the City and shall be performed at a testing site/laboratory that is acceptable to the City. If such independent test yields a negative test result, the City will run a third test at the City lab; two consistent results will determine how the City proceeds.
5. **Confidentiality of Test Results:** The results of drug and alcohol tests will be disclosed only to the person tested, his Department Director, the Human Resources Division Manager, and such other officials as may be designated by the City Manager. Such designations will be made on a need-to-know basis. If the employee is represented by a union and consents in writing, test results will be disclosed to the employee's union. Test results will not be disclosed externally except where the person tested consents or disclosure is permitted/required by law.

Section 4.4. Referral and Treatment; Cost of Treatment

Employees may be encouraged to seek a diagnosis and treatment program on the first incident of a positive drug or alcohol screening, except under the following conditions:

- Where drug or alcohol related misconduct, public safety considerations or other similar factors such as the nature of the employee's position require the employee's termination from City employment for the protection of co-workers or the public;
- Where the violation involves the sale or possession of drugs and where the City seeks to terminate the employee;
- Where the employee is found using drugs or consuming alcohol while on duty; or
- Where the employee is in a sensitive position.

(a) Treatment

Employees in a treatment program, as a condition of continued employment, will be required to grant permission to the Human Resources Division to discuss all aspects of the treatment

program and progress with the treatment provider, to cooperate in the treatment program, undergo announced periodic drug and/or alcohol screening at the direction of the Human Resources Division, successfully complete the treatment program, remain free of drug and alcohol use, and sign a Last Chance Agreement consenting to such conditions. Failure to comply with these conditions of continued employment shall be deemed a breach of the conditions and will be cause for termination.

Following the successful completion of the treatment program, as certified by the treatment provider, employees will be subject to unannounced drug and alcohol testing for a period of one year. Confirmed positive results will be cause for termination.

When an employee has successfully completed the prescribed treatment program, and is later involved in a second separate incident which results in a confirmed positive result, such circumstances will be grounds for termination.

The cost of treatment is the responsibility of the employee. Treatment may be covered in part by the employee's medical insurance coverage; to the extent treatment is not a covered benefit, the employee is responsible for the costs.

(b) Reassignment

Employees participating in a substance abuse treatment program may be reassigned to a different position, use accrued leave time or be required to take FMLA for such reasonable period of time as determined necessary by the treatment provider in consultation with the employee's Department Director and the Human Resources Division. The decision as to a transfer, paid or unpaid leave will be based on the specific position held by the employee, departmental operational needs, and the best interests of the City. Any temporary reassignment may result in lower pay, depending on the position transferred to.

Section 4.5. Test Site

(a) General Procedures

1. Collection Site: Collection services will be provided at a site designated by the City. For services needed other than testing site office hours, collection services will be provided at the Evanston Hospital Emergency Room.
2. Chain of Custody: In all cases, strict chain of custody procedures will be followed.

(b) Scheduling

1. "For Cause/Fitness for Duty" and other non-routine testing will not require an appointment, but the individual must be accompanied by a supervisor. The testing site should be notified by Human Resources of a testing request "on the way."
2. Routine testing will be done by appointment at least 24 hours in advance.
3. When testing is done at the emergency room, the City will notify the testing provider as soon as possible.

(c) Results

Results will be released to the Human Resources Division Manager or designee by phone. Written results will be forwarded by mail or fax. Written results are the property of the City and will not be released by the testing site to an employee/applicant without proper authorization from the City.

(d) Collection Procedure

The employee/applicant will be required to provide photo ID to the testing site personnel. The employee/applicant will be required to complete a drug history/drug disclosure form, which will be reviewed by the medical professional. A consent form will be signed by the employee/applicant and witnessed.

(e) Laboratory Process

The testing site will utilize federally-approved laboratories for processing drug tests, and the federally-approved levels. Positive test results will be confirmed by federally approved confirmatory testing, using federally approved cutoff levels.

Section 5. Employee Complaint Process

Any employee of the City who believes that an action of another employee, agent of the City or vendor for the City violates any City policy, may file a formal complaint with Human Resources. Such complaint will be received and investigated as follows:

1. The employee should contact Human Resources to discuss the incident(s) leading to the complaint. The employee may choose to file a formal complaint, which shall contain the following:
 - A clear statement (written or verbal) describing the incident(s) including dates, times and witnesses (if any) to the incident(s), and the identity of the person allegedly violating the policy in question. Any written documentation in the employee's possession relating to the incident(s) should be provided to Human Resources.
 - All discussions will be kept confidential to the greatest extent possible, and the information communicated only to other persons on a "need to know" basis, in order to further the investigation.
2. Human Resources will inform the City Manager or designee of the filing of the complaint, and the plan for investigating such complaint, as needed. Investigations of complaints will begin promptly.
3. Human Resources will investigate the complaint, including, but not limited, to the following:
 - Personal interviews of the respondent, any witnesses to the incident(s), and any other individuals deemed relevant to the investigation;
 - Review of documents (correspondence, emails, reports, memos, etc.) that are relevant to the investigation.
4. Human Resources will submit to the City Manager a report on the investigation, including findings of fact and conclusions drawn as appropriate. The finding will include a statement as to whether or not the complaint has merit or no merit.
5. For complaints made against other City employees, the City Manager will discuss the report with the alleged perpetrator's Department Director; if the complaint is determined to have merit, the Department Director will take appropriate remedial action. If disciplinary action is warranted, the Department Director will follow the regular disciplinary procedure. Remedial action may include training, counseling and/or other activities designed to assist the perpetrator to understand the policy violated, and to change behavior to comply with the policy.
6. Human Resources will inform the complainant of the finding of merit, and that appropriate action is being taken to remedy the violation. The specifics of the action being taken will remain confidential.
7. If the complaint is determined to have no merit, Human Resources will inform the complainant of such determination.

8. For employees covered by collective bargaining agreements, this process does not take the place of the grievance/arbitration process in those contracts to the extent the alleged violation may be the subject of a contractual grievance.

Section 6. Smoke Free Workplace

The City's Indoor Clean Air Act is found at Section 8-18 et seq. of the City Code. Smoking is prohibited in all enclosed public places within the City, and within 25 feet of any area where smoking is prohibited.

Smoking, including use of electronic cigarettes, is prohibited within any City facility by employees or by the general public, within 25 feet of any City facility, in any City vehicle, or while using or operating any City equipment. The smoking prohibition is intended to protect employees from the effects of second-hand smoke and related health concerns. Smoking on outdoor worksites is also discouraged to reduce the amount of exposure to second-hand smoke that other employees may experience.

Violations of this policy will be subject to disciplinary action in accordance with established procedures.

Section 7. Employee Identification Cards

Section 7.1. Purpose

In order to deliver high quality customer service, and provide an additional safety measure for employees, it is the City's policy that all City employees possess and display an official identification card which includes a photograph of the employee.

Section 7.2. Policy

All full-time, permanent part-time, temporary, seasonal, volunteer and contractual employees will be issued a photo identification card within two weeks of beginning employment.

Employees must display the photo ID while on City property, while in the field on City business and when on duty. Employees subject to emergency call-outs during non-normal business hours should keep their ID card with them and be prepared to display it during such emergencies.

Department Directors are responsible for issuing and retrieving photo ID cards from their employees, and for ensuring appropriate adherence to the policy.

Violation of this policy will result in disciplinary action, up to and including termination, for repeated occurrences.

Section 7.3. Procedures

Employees of the Police and Fire Departments will have their ID card issued by their Department. All other City employees, unless other arrangements have been made through Human Resources, will have their ID cards issued by the Human Resources Division as follows:

Full-time and permanent part-time employees: As part of the initial benefit enrollment and orientation, new full-time and permanent part-time employees will have their pictures taken and ID cards produced by Human Resources.

Seasonal employees: The supervisor/Department Director will be responsible for setting up an appointment within the first two working days for the employee to get their ID card. Seasonal employees' ID cards will show the expiration date of their employment.

Temporary employees: The supervisor/Department Director will be responsible for setting up an appointment within the first two working days for the employee to get their ID card.

Contractual employees: Individuals working via contractual arrangements for the City who are not on the City payroll, but who are in City buildings, etc., must wear appropriate photo ID cards. Individuals on long-term contracts will have photo ID cards.

Terminating employees: Terminating employees must turn in their photo ID card, along with keys, computer passwords, etc., before the final paycheck is issued. ID cards will be returned to Human Resources prior to a final paycheck being issued. It is the responsibility of the Department Director to ensure that terminating employees follow this procedure. Volunteers will return their ID to their immediate supervisor.

Employees on leaves of absence: Employees on approved temporary or permanent leaves of absence will turn in their photo ID cards, along with keys, and other City equipment when going on an approved leave of absence. The equipment and material should be turned in to the Department Director and held for the employee's return. Department Directors must make arrangements with those employees who are on medical leaves or otherwise unable to come to the office to retrieve these articles.

Department Directors are responsible for updating photo ID cards for their employees as appropriate, but shall check yearly to make sure the information is still correct and applicable. When a Department Director determines that a new photo ID card is necessary, he shall make arrangements for the employee to get the new card issued.

Replacement cards will only be issued when necessary (e.g., broken, name change). Pictures will be taken of employees so as to be recognizable to the public, and hats, sunglasses, headbands and other distractions will be not permitted. Misuse of photo ID cards will result in disciplinary action, up to and including termination. Employees may not use their ID cards for any type of personal business or activity.

Section 7.4. ID Cards

Permanent full-time employees will have their ID card on a blue background.

Part-time employees will have their ID card on a green background.

Seasonal employees will have their ID card on a yellow background.

Volunteers, temporary, and contractual employees will have their ID card on a red background.

Each ID card will contain the following information:

Employee's full name

Job title and department

Employee photo

Date issued and date of expiration (for seasonals, temporaries, contractual, etc.)

Employee signature, if possible
City logo and the address and phone number to call for verification, complaints, etc.

Each card will be equipped with a clip to put on the employee's clothing; when in the field, the card will be affixed to the outer garment so as to be visible to the general public. Employees may affix the ID card to a chain around the neck if they so choose, but the ID card must be easily visible to the oncoming public.

Section 8. Employment of Relatives

A City employee shall not be assigned to a position where that employee would directly supervise, approve discipline for such employee, or be in the chain of command over/under his or her relative. It is the employee's responsibility to notify his supervisor if this situation could potentially arise as a result of an assignment or reassignment in a current or new position.

For purposes of this section, "Relative" is defined as an employee's spouse, domestic/civil union partner, parent, sibling, child, grandparent, grandchild, niece, nephew, cousin, sister-in-law or brother-in-law, mother-in-law or father-in-law, or daughter-in-law or son-in-law.

Section 9. Personal Appearance

All City employees, whether full-time, part-time, seasonal, temporary, contractual or on a work-study program, are expected to be well-groomed and dressed in a manner which is appropriate for their responsibilities and employment in a public agency. Employees shall look professional and clean and shall dress for work, not play. Whether or not an employee has a direct interaction with another person – be it a citizen, fellow employee or board member/elected official – the choice of clothing has an immediate impression on others.

Employees who are required to wear uniforms will be subject to a separate policy governing uniform requirements. Safety is also an important consideration. Clothing, shoes, hairstyle, jewelry, or other accessories that impair an employee's ability to safely perform required work are prohibited. Clothing with the City's logo or identification can be worn only when the employee is acting in an official capacity or in transit between home and work. Professional and supervisory staff is expected to dress in a businesslike fashion.

To present the best possible image for the City, the following attire choices are considered inappropriate for those employees who work in an office setting:

- Blue jeans (except for Fridays), casual shorts, jogging or sweat suits;
- Sweat shirts, t-shirts, tank tops or oversized "big" shirts;
- Trendy wear including exceptionally short dresses or skirts or cropped or off-the-shoulder tops;
- Clothing that does not cover the mid-riff or belly or undergarments;
- Clothing items displaying an offensive comment or graphic illustration; logo clothing including sport teams, cartoon characters, etc.;
- Jewelry that represents an unprofessional image;
- Dirty, ragged, ungroomed or sexually provocative, revealing or see through clothing or appearance;
- Any other attire or appearance deemed as inappropriate by the City.

Employees who have questions about “appropriate” dress should consult their supervisors. The Department Director has the responsibility for seeing that employees are dressed appropriately and may make exceptions or additions to this policy where the need is warranted, such as for field or seasonal employees.

Section 10. Workplace Violence

It is the objective of the City to ensure the safety and well-being of its workforce and the persons with whom the City does business. Therefore, the City has established a zero tolerance policy for any violent acts or threats directed by or towards any City employee. The City complies with the Firearm Concealed Carry Act, 430 ILCS 66/ et seq., as amended.

Violence in the workplace includes, but is not limited to:

- a. Any physical behavior that involves aggressive physical contact with any other person, including pushing, hitting, fighting, throwing objects or otherwise intentionally injuring another person or attempting to injure another person;
- b. Any physical behavior that would place a reasonable person in fear of imminent physical injury or other aggressive physical contact of the sort described above;
- c. Verbal behavior which involves threatening physical harm, either directly or implicitly, against any person;
- d. Any act of vandalism or other intentional damage or destruction of City or private property;
- e. Instances where such acts or threats are made against an employee by a non-employee.

Workplace violence does not include activities covered by Police Department regulations concerning the use of force by members in the performance of law enforcement duties, which are treated separately under that Department’s policies and procedures.

Employees who become aware of any threat or act of workplace violence, whether by an employee or non-employee, must immediately report such threat or action to the employee’s supervisor, Department Director or Human Resources. Employees should not confront the person against whom their complaint is lodged.

- a. If the supervisor or Department Director receives a complaint, it shall be his responsibility to notify the Human Resources Division as soon as is reasonably possible.
- b. All complaints will be given a high priority. The Human Resources Division may conduct an investigation of the incident at which time the Law Department and City Manager’s Office will be informed.

Violations of this policy may result in discipline, up to and including termination. Employees should also understand that such behavior may be criminal and could result in criminal prosecution.

It is the City’s policy that an employee who reasonably and in good faith reports any workplace violence, or testifies, assists, or participates in an investigation of or hearing concerning allegations of threats of violence shall be free from retaliation by any person or group of persons. Retaliation includes any act of harassment, verbal abuse, verbal threat, or any other or additional act of workplace violence. Retaliation

will also be considered a violation of this policy. Complaints of retaliation will be investigated, and if it is determined that retaliation occurred, the actions may result in discipline, up to and including termination. Employees are encouraged to report complaints of retaliation to the supervisor, Department Director or Human Resources.

Section 11. Weapons-Free Workplace

In order to promote the objectives of its Workplace Violence Policy, and to protect its employees' and residents' safety and welfare, the City prohibits the possession of firearms and dangerous weapons at anytime and anywhere on City property, or any time or anywhere while performing City work.

For purposes of this policy:

"Firearm" means any handgun, rifle, shotgun, taser, or any other type of "firearm."

"Dangerous weapon" means any type of dangerous knife (such as switchblade or ballistic knives), bludgeon or other weapon whose possession is a criminal offense under the State of Illinois Criminal Code.

It is the policy of the City that all firearms or dangerous weapons of any type, concealed or unconcealed, are prohibited anywhere and at any time on the City's property, including parking areas, regardless of whether the person is licensed to possess or carry the weapon or not.

All City employees, except as exempted below, including contract and temporary employees, are prohibited from possessing any firearm or dangerous weapon at anytime and anywhere on City property, including parking areas. Possession includes, but is not limited to, keeping or possessing a firearm or dangerous weapon in a private motor vehicle parked on City property; in one's purse, briefcase or other possessions; in lockers or desks; or any other place whatsoever on City property, regardless of whether the person is licensed to possess or carry the weapon or not.

City employees, except as exempted below, including contract and temporary employees, are prohibited from possessing or carrying firearms or dangerous weapons outside of City property while acting within the course of their employment, regardless of whether the person is licensed to possess or carry the weapon. Possession includes, but is not limited to, keeping or possessing a firearm or dangerous weapon in a City vehicle or a private motor vehicle while used within the course of employment, or kept in one's purse, briefcase or other possessions while acting within the course of employment.

Exempt employees – The following employees are exempt from the prohibition on possession of firearms or dangerous weapons on City property or while on City business: (a) Sworn police officers authorized by the Police Department to possess firearms or dangerous weapons; (b) Animal control officers acting in the course of their employment and using firearms or dangerous weapons authorized by the Police Department for animal control purposes. Additionally, members of the Fire Department or other City employees who, in an emergency situation, take possession of a third-party's firearm or dangerous weapon for the purpose of protecting themselves and others and in order to secure it for the Police until they arrive, do not violate this policy.

Violation of this policy may result in discipline, up to and including termination. Further, carrying a firearm or dangerous weapon onto City property, including parking areas, in violation of this policy will be considered an act of criminal trespass, will be grounds for immediate removal from the premises, and may result in criminal prosecution.

Employees who have a question about this policy, or become aware of anyone acting in violation of this policy, are required to notify a supervisor or the Police Department immediately.

Section 12. Vehicle Use Policy

This policy establishes procedures regarding the use of City vehicles and reimbursements to employees for the use of their private vehicles for City business. This applies to all City employees unless otherwise noted within the policy.

Section 12.1. Definitions

Assigned Vehicle - A City-owned vehicle designated for the use of an individual employee (or division) in the normal performance of his duties but not authorized for take-home use. An employee operating such vehicle will be personally responsible for traffic violation tickets received while in operation of an assigned vehicle, and may be disciplined for such violation.

Auto Expense Allowance - Monthly compensation made to an employee for the availability and use of a privately-owned vehicle for official purposes.

Mileage Reimbursement - A per mile rate to compensate employees for incidental, non-routine, or extraordinary use of a privately-owned vehicle on official business, based on actual logged miles.

Take-Home Vehicle - A City-owned vehicle designated for the use of an individual employee in the normal performance of his duties including the commute from home to work. An employee operating such vehicle will be personally responsible for traffic violation tickets received while in operation of an assigned vehicle, and may be disciplined for such violation.

Section 12.2. Procedure

1. Take-Home Vehicles - An employee authorized for take-home use of a City vehicle must meet one of the following tests:

Test 1: The employee is:

- a. subject to frequent after-hours emergency callback or other unscheduled work, and
- b. such unscheduled work involves the first response to a real or present threat to life or property requiring an immediate response, and
- c. a specialized vehicle, tools, or equipment are required for the performance of emergency duties.

Test 2: The employee is:

- a. subject to frequent after-hours callback, and
- b. such callback arrangements are to locations other than the employee's normal duty station, and
- c. a special vehicle, tools or equipment are required to perform after-hours assignments, and
- d. an unacceptable delay in the response would result from the employee's return to the normal duty station to retrieve the needed equipment.

In the case of formal on-call duties shared by a group of employees on a rotational basis, the use of a take-home vehicle is for the period of on-call assignment only.

Department Directors shall determine reasonable schedules and vehicle assignments for rotational, on-call coverage. For other purposes, the City Manager's Office, at the written request of the Department Director, will authorize full-time take-home vehicles based on the criteria described above.

Unless authorized by the City Manager, no personal use of take-home vehicles is permitted, beyond the daily commute to and from the employee's duty station. Normal meal periods within duty hours are considered official use.

No passengers may be transported in take-home vehicles except as required for official duties or as approved by the City Manager or Department Director.

2. Take-home vehicles may not be used for commuting travel outside of Cook, DuPage, Kane, Lake, McHenry, and Will Counties in Illinois without special authorization.
3. Tickets received for parking, toll, and/or moving violations shall be the responsibility of the employee.
4. Employees authorized for use of a take-home vehicle must comply with all other driver's license and insurance requirements of the City.

Note: The Internal Revenue Service (IRS) has determined that personal use of employer-owned vehicles is non-cash earnings subject to taxation. IRS regulations include the commute between the employee's residence and work site in the definition of personal use.

Section 12.3. Mileage Reimbursement

Mileage reimbursement may be authorized by the Department Director for an employee who must utilize his personal vehicle to conduct City business and who receives no other form of allowance.

1. Commuting mileage to respond to an after-hours callback or a required and unscheduled return to work is considered official City business.
2. Claims for mileage reimbursement shall be made in accordance with current Travel Expense Reimbursement procedures.
3. The standard rate of mileage reimbursement shall be set annually based upon the Internal Revenue Service mileage reimbursement rate.
4. The Department Director may request authorization from the City Manager for an employee to receive the regular Automobile Expense Allowance if it appears that Mileage Reimbursement will exceed the annual Automobile Expense Allowance.
5. Tickets received for parking, toll, and/or moving violations while on City business shall be the responsibility of the employee.

Section 12.4. Automobile Expense Allowance

An employee receiving an Automobile Expense Allowance must meet one of the following tests:

- Test 1:** The employee:
- a. is on 24-hour call, and

- b. is frequently required to work outside of normal business hours or respond to after-hours emergencies, and
- c. does not require a specialized vehicle, tools or equipment, and
- d. is not authorized a take-home vehicle.

Test 2: The employee:

- a. requires regular, frequent and extensive vehicle usage to perform duties during normal business hours, and
 - b. is not regularly assigned use of a City vehicle, and
 - c. serves in the capacity of Department Director.
1. The dollar amount of Automobile Expense Allowances is to be determined based on the nature and extent of vehicle utilization required for official business.
 2. The City Manager's Office, upon written request from the Department Director, shall review and approve these allowances. Department Directors are responsible for acting upon any change in duty assignment that would alter an employee's eligibility to receive or to discontinue receiving an Automobile Expense Allowance.
 3. All costs of personal vehicle ownership, operation and maintenance will be the responsibility of the employee.
 4. Tickets received for parking, toll, and/or moving violations while on City business shall be the responsibility of the employee.
 5. Employees receiving an Automobile Expense Allowance must comply with all other driver's license and insurance requirements of the City.
 6. The vehicle shall be appropriate for City business, consistent with the duties and responsibilities of the employee.
 7. Except for infrequent incidences necessitated by personal vehicle maintenance, employees receiving an Automobile Expense Allowance shall not be permitted use of vehicles from the City fleet for business travel within Cook, DuPage, Kane, Lake, McHenry, and Will Counties.

Note: Any employee who is required to drive as part of his position must furnish a copy of his driver's license to the City when requested or at least annually as required by the designated City Department for this purpose.

Section 13. Computer Use Policy

The City provides technological solutions to facilitate City operations. Use of City owned IT solutions (i.e., computers, printers, mobile-devices, network and internet connections, data, and applications) requires that users abide by the acceptable use policy. Additionally, all data created, entered, received, stored or transmitted by email, voicemail, network use, is also covered by this policy.

This policy applies to all City employees, interns, volunteers, and all other users who become authorized to use City technology resources. There is no reasonable expectation of privacy in City-provided technological solutions. Failure to comply with appropriate use outlined within the policy is subject to employee discipline, including disciplinary proceedings, suspension of system privileges, termination of employment, and/or legal action as may be appropriate.

Section 13.1. Privacy

All data created, entered, received, gathered or transmitted through City technology resources becomes property of the City, and is subject to all FOIA requests. Employees should not expect any privacy in data created, transmitted, stored, or viewed utilizing City Information

Technology resources, including personally owned devices utilizing City managed networking resources. The City reserves the right to access and monitor any data that resides on resources managed by the Information Technology Division. The use of encryption, the labeling of an email or document as private, the deletion of data, or any other such process shall not diminish the City's rights in any manner.

Section 13.2. User Responsibility

Users will ensure that all technology assets assigned to them by the City, permanently or temporarily, are utilized and maintained in a manner consistent with their intended work function. Additionally, no City-owned technology devices will be brought offsite without prior authorization by the employee's Department Director and notice to the IT Division.

Irresponsible internet browsing can lead to a loss of network data via virus and malware infections. You are responsible for the overall health of your issued IT hardware. Malicious action against any City technology resource is subject to discipline, up to and including termination.

Users are not authorized to modify City technology equipment in any manner. Installation or removal of any physical or application components on City-issued devices is prohibited. This section does not apply to IT personnel performing maintenance consistent with their assigned tasks.

Users may encounter situations where they must create a third-party account for vendors to access online technology resources. All third-party accounts must be registered with a City email address and reported to the IT Division for documentation. Access to these accounts must be transferred to the City upon an employee's termination of employment.

Section 13.3. Cellular Phones and Technology Devices

Personally Owned: Employees are expected to exercise discretion in the use of personal cellular phones and technological devices when working. Excessive personal use of technology can interfere with employee productivity and be distracting to others. Personal devices may be provided access to the City's network, but use of these devices must be regulated to business matters. The City will not be liable for the loss or damage to personal technology equipment brought into the workplace, regardless of its intended use.

City Owned: Due to job or business demands, the City may issue hardware to increase mobile productivity, such as a cell phone or tablet device. Employees in the possession of mobile equipment are expected to protect the items from loss of data, damage, or theft. In cases of loss, damage, or theft, the employee may be liable for the replacement or repair cost to the equipment. Such liability will be discussed with, and determined by, the employee's Department Director. Employees shall produce evidence or other circumstantial proof regarding cases of loss, damage, or theft of equipment. Upon resignation of employment, or at any time upon request, the employee may be asked to produce the issued hardware for return or inspection.

Section 13.4. Email and Internet Usage

The City's email and internet access shall only be used for legitimate business purposes of the City and that does not violate any City policies. All email and internet traffic is logged and becomes City property. The City reserves the right to monitor and/or review, at any time and for any reason within its sole discretion, any email created, sent, or received via the City's

computers, networks, and/or email systems. The City further reserves the right to reveal the contents of such email and internet traffic to any party that it deems appropriate.

Each user is responsible for ensuring that their use of the City's email and internet traffic is consistent with this policy, any other applicable City policy, and appropriate business practices. Emails and internet traffic shall not contain pornography, sexist remarks, racist remarks, defamatory remarks, obscene remarks, negative or hostile remarks relative to cultures or which promote or denigrate religious beliefs, anything of a commercial nature not pertaining to the City's business, hacking or any other inappropriate topics. Technology resources shall not be used for any purpose in violation of law or regulation.

Section 14. Secondary Employment

The City does not prohibit its employees from holding part-time jobs, operating private businesses, or otherwise being gainfully employed during off-duty hours, provided that:

1. The demands of that secondary employment do not interfere with the efficient, effective, professional performance of the employee's duties.
2. The secondary employment does not give rise to a conflict of interest.
3. The secondary employment does not cause the employee to violate any written rules or regulations of their Department, any City Ordinance, or any state or federal laws.

The following conditions apply for secondary employment:

- The employee must notify his department head in writing of any secondary employment.
- No City equipment, vehicles, supplies, uniforms will be used by the employee in connection with any secondary employment.
- Employees will not allow a normal work day and secondary employment to overlap.
- Secondary employment necessitating interruption of the employee's regular duty will not be authorized.
- Secondary employment is not permitted when the status of the employee is anything other than full-duty, e.g., injury on duty, or light-duty status. Employees are not permitted to engage in any type of secondary employment while receiving any type of disability compensation as a result of their City employment.
- An employee who is injured or who has become ill as a result of their secondary employment is to promptly submit a detailed written report of the injury or illness to the Department Head.
- Supervisors may not hire employees to perform personal work for them outside of regularly scheduled work hours.

Section 15. City of Evanston Anti-Idling Policy

No driver of a municipal vehicle shall cause or allow the vehicle to idle for a period of more than 15 minutes in a 60-minute period.

The policy shall not apply to:

- Emergency service vehicles, such as fire apparatus, police vehicles, or ambulances;
- Vehicles standing in traffic;
- Vehicles being serviced or repaired;
- Vehicles running when necessary to operate auxiliary equipment that is required to accomplish the intended use of the vehicle;
- Idling to provide heat within the cab of the vehicle if the outside temperature is less than 40° F and there is no accessible temperature-controlled area within a reasonable distance; or

- Idling to provide cooling within the cab of the vehicle if the outside temperature is more than 80° F, there is no accessible temperature-controlled area within a reasonable distance, and the vehicle is equipped with air conditioning.

Section 16. Cell Phone Policy

The City recognizes the need of a practical and economical cell phone program and policy that establishes procedures for their authorization, deployment, and use to contain costs, to ensure departmental accountability, personal responsibility, and prevent improper use. This policy deals with the usage of City-owned cell phones or eligibility for cell phone stipends.

Section 16.1. Eligibility

Department Directors, subject to City Manager approval, will determine if certain City employees are required to be accessible at all times due to the nature of their position, job function or duties. To facilitate this accessibility Department Directors have the option to determine the issuance to an employee a City-owned cell phone or provide the employee with a nominal monthly stipend to assist in off-setting the cost of using their cell phones to conduct City business activities.

A City-owned cell phone or monthly stipend may be authorized if an employee meets at least one of the following criteria:

1. The job function of the employee (during normal working hours) requires considerable time outside of the assigned office or work area and it is important that the employee is accessible during this time;
2. The job function of the employee requires them to be accessible outside of scheduled or normal working hours; or
3. The job function of the employee requires data and internet access wirelessly and/or outside normal working hours.

Section 16.2. Cell Phone Stipend Program

The City may pay a monthly cellular phone stipend amount based on the usage level of reimbursement appropriate to the individual’s job responsibilities. By receiving the stipend, employees agree to commit themselves to receive and make calls and/or access the internet for City-related business on their personal device.

Employees must obtain authorization from the Department Director and complete the *Cell Phone Stipend Program Request Form*. The cell phone equipment is to be owned and maintained by the employee. Employees are responsible for ensuring that their device will meet the needs of their job requirements (i.e., email synchronization). Devices with data capabilities must include including a scheme or password to lock the device to prevent tampering. Access to Exchange should not be configured without a PIN or password set-up on cell phone.

Department Directors are responsible to determine when employees are required to be accessible by cell phone. Stipends will be paid through the payroll cycle on the 2nd pay period of each month, subject to applicable taxes, per City Manager policy.

The stipend schedule may be adjusted periodically to attempt general conformity to commercially available cell phone usage plans. Employees are allowed unrestricted business and brief personal use (during business hours) of his cell phone.

Each employee who receives a cell phone stipend is responsible for obtaining their own usage plan, phone, device, and other equipment. It is the responsibility of the employee to maintain their cell phone account. Cell phone bills should be directed to employee for payment, and employees should not include the City as co-owner or co-lessee. Employees are not required to provide a record of their monthly bills listing the business use of the device. However, in the event of an official investigation, a Freedom of Information Act (FOIA) request, or a subpoena, employees may be required to provide bills/call records for City-related calls or activities in accordance with Federal and/or State laws.

By receiving the stipend, employees agree to the following:

1. All cell phone stipend requests must be submitted in writing to their Department Director with written approval from the Assistant City Manager.
2. Employees must maintain cell phone service in order to remain eligible for the monthly allowance provided by the City. Documentation will be provided to the Department Director, as requested to verify continued ownership and business use of a cellular phone in order to maintain their monthly allowance.
3. Employees are expected to be available by cell phone during business hours, as workload requires, while on-call duty, in emergency situations or as agreed upon with supervisor.
4. Employees receiving the stipend shall provide their cell phone number and any subsequent changes to the number to their Department.
5. Each cell phone user will be held accountable for his own actions, which affect such resources.
6. Payment of any cell phone use in excess of the City-paid monthly allowance authorized shall be the personal responsibility of the user.
7. Employees may upgrade the plan equipment and/or change wireless service at their own cost.
8. Any non-approved additional services, i.e., cameras, networking/internet capabilities, shared plans are the financial responsibility of the employee.
9. The employee will be responsible for purchase, replacement, and/or repair of their cellular phone and equipment.
10. Department Directors retain the right to decide whether an employee should receive a City-issued cellular phone, a stipend, or neither.

Section 16.3. City-Owned Cell Phone Issuance

In certain circumstances it may be necessary for City employees to be issued a City-owned cell phone. These circumstances may be due to an anticipated high volume of business related calls, due to the transient nature of some functions, or for safety reasons. Eligible employees may include police officers, department directors, division managers, or other employees who may need to respond in emergency situations or who may justifiably use the cell phone on a constant basis during the course of a workday and/or during off duty hours as determined by their Department Director, subject to Assistant City Manager approval.

Department Directors will determine which of their employees should be issued a City-owned cell phone and other accessories based on the amount of expected usage or due to other job related accessories and subject to departmental budget constraints. Department Directors

recommendations and justifications should be submitted by a memo or email to the Assistant City Manager for review and approval.

Employees who are issued a City-owned cell phone or device are required to acknowledge and abide by the City's policy regarding the "Use of City Equipment for Personal Use." Employees are to reimburse the City for any personal calls made using a City-owned cell phone, if abuse of the cell phone usage is determined. Employees with City-owned cell phones shall receive a copy of the cell phone bill, shall review the bill on a yearly basis for any personal calls that were made and remit payment, via check made payable to the "City of Evanston," to their supervisor, who will forward the payment to the City Collector's Office for processing. Employees are to use City phones for businesses related matters.

Employees are responsible to report any damaged or misplaced cell equipment to their supervisor by e-mail, within one business day of the damage or loss. A replacement phone will be issued. Employees may be responsible to pay for the replacement of damaged or lost equipment if it is determined that the loss or damage was avoidable. Normal wear and tear is expected and will not be considered negligent use.

Section 16.4. Accountability and Losing Program Eligibility

Annually, at the beginning of the budget process, the Administrative Services Director will provide Directors with a list of their employees who have either been issued a City-owned cell phone or who are receiving a cell phone stipend. Directors will review these lists to determine if their employees should continue to be issued a City-owned cell phone or should continue to maintain their stipend program eligibility. If it is determined that an employee is no longer required to carry a City-owned cell phone, the employee will be notified by their supervisor of the change and the employee will be required to turn in the City-owned cell phone to their supervisor within (3) three business days after notification. Returned cell phones will be returned to the Administrative Services Department within 24 hours. If a Department Director makes a determination that an employee is no longer eligible to receive a cell phone stipend, the department will notify the Administrative Services Department within 24 hours to cancel the stipend. The stipend cancellation will take effect for the next pay period.

Employees who are issued a City-owned phone or stipend are required to acknowledge and abide by Section 10-3-12 of the City Code and laws regarding the use of cell phone mobile devices while operating a motor vehicle.

The City recognizes and respects users' rights to freedom of speech; however, such rights are not absolute. Employees are not required by management to keep a record of their business use of the device. However, in the event of an official investigation, a Freedom of Information Act (FOIA) request or subpoena, employees may be required to provide bills/call records for City-related calls or activities in accordance with Federal and/or State laws. Personal information may be redacted.

Speech or text messaging that is fraudulent, libelous, obscene, harassing, or threatening is not permitted under Federal and State law, and is in direct violation of City policies and this Manual. While conducting City business, users are expressly prohibited from using their cell phones to engage in such conduct. Users violating this section will be subject to disciplinary action, up to and including termination, and in appropriate circumstances, a referral for prosecution for the violation of criminal laws.

All employees using City-owned cell phones or devices expressly recognize that they have no reasonable expectation of privacy in any electronic communications using said phone/device and that the City has the right to perform a reasonable search of the employee's electronic communications on said phone/device. Lastly, all employees expressly agree that the use of the City-owned cell phone/device for City business outside normal business hours does not entitle them to claim overtime for said work.

Section 17. Identity Protection Policy

Program administration is an important part of the Identity Theft Prevention Program. This section details the training requirements, annual program review, approval and adoption process and annual reporting requirements that are associated with the Program.

1. Staff Training

Any employee with the ability to open a new account, or access/manage/close an existing account will receive training on identifying and detecting Red Flags. They will also be trained in the appropriate response actions in the event that an instance of identity theft is suspected. Key management and customer service personnel in appropriate departments will also receive training on the contents of this Program. As necessary, employees will be re-trained annually if the Program is updated to include new methods of identifying and detecting Red Flags, or if new response actions are implemented. Each employee must sign the City's designated form after Red Flag training has been received.

2. Program Review and Update

The City will review and update the Program annually to reflect changes in risks to customers from identity theft based on factors such as:

- Experiences of the City with identity theft.
- Changes in methods of identity theft.
- Changes in methods to detect, prevent, and mitigate identity theft.
- Changes in the types of accounts that the City offers or maintains.
- Changes in the business arrangements of the City, including alliances, joint ventures, and service provider arrangements.

3. Program Approval and Adoption

This Program was approved by the Evanston City Council on April 14, 2009. The City Manager's Office will be responsible for the oversight, development, implementation and administration of the Program. An annual report as described in Section D below that will address compliance of the City of Evanston with this Program will be submitted to the City Council for review and approval of any changes recommended by Staff.

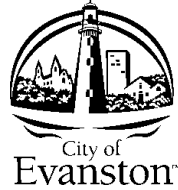
4. Annual Reporting

City of Evanston staff will provide an annual report to the Evanston City Council that details compliance with the Federal Trade Commission's Red Flags Rule. The report will address matters related to the Program and address several topic areas including:

- Effectiveness of the policies and procedures in addressing the risk of identity theft in connection with the opening of new accounts and with respect to the management of existing accounts;
- Service provider arrangements;
- Significant incidents involving identity theft and management's response; and,
- Recommendations for material changes to the Program.

5. Service Provider Oversight

Currently, the City of Evanston engages several service providers to perform activities in connection with one or more customer accounts. Staff will verify that the activity of the service provider is conducted in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft. To accomplish this, staff will require the service provider by contract to have policies and procedures to detect relevant Red Flags that may arise in the performance of the service provider's activities, and either report the Red Flags to the City, or to take appropriate steps to prevent or mitigate identity theft.



**CITY OF EVANSTON
HEALTHY WORKPLACE STRATEGY**

Mission

In accordance with its philosophy of caring for the individual, and as part of its responsibility to the community in which it resides, the City of Evanston strives to enhance employee physical and psychological health, safety and the quality of their lives. The City strives to achieve its goal of being the “most livable City” and creating a healthy and sustainable workplace for its employees.

The City also believes that healthy employees help to create a healthy organization. Greater health, safety and wellness lead to improved satisfaction and morale, which contribute to a more effective organization. The City feels it is important to attract and hold on to the best people by offering a healthy, safe and supportive work environment. Creating a healthy, safe and supportive work environment requires a comprehensive effort that includes the following key elements of a healthy workplace:

(1) Physical Environment

Physical environment refers to health and safety factors of a workplace, such as toxic substances, infection control practices, OSHA compliance, equipment, tools and resources, and design of work. This element influences fatalities and workplace injuries and needs constant attention as organizations introduce new technologies, make production changes, increase productivity, and try to contain costs.

(2) Healthy Lifestyle

Healthy lifestyle refers to the personal resources and lifestyle practices that affect health such as physical activity, eating habits, sleeping habits, smoking, alcohol, drug, and substance use. It also includes the means by which individuals cope with stress, the sense of control they have over their work and health, and the perception that there is support in times of distress or unhappiness. This element includes how well an organization helps employees to develop and maintain healthy lifestyle practices, drop unhealthy and risky habits, and make optimal use of the resources and benefits available to them.

(3) Workplace Culture

A supportive workplace culture is the bedrock of a healthy workplace. It supports and enables the other elements. Culture is created, reinforced, and sustained by ongoing patterns of relationships and communications that are known to have an important influence on psychological and physical health and safety. You will find an organization’s values reflected in its culture – such values as trust, fairness, respect, diversity, and teamwork. This element refers

to psychosocial factors of a workplace that affect employee psychological health and safety such as relationships with supervisors and co-workers, quality of communications, adequacy of training and development, and the interplay of home and work responsibilities.

(4) Social Responsibility

All workplaces exist in a community and the interrelationship between the community, the workplace, and the employee influences employee health and well-being as well as organizational health and performance. Social responsibility speaks to ways organizations can be involved in the community and how this can improve the health and well-being of employees, their families, and other members of the community. Social responsibility activities are often seen as voluntary and going above and beyond what is required, which results in buy-in from the employees and a connection with the community which the organization serves.

Vision

The City of Evanston strives to develop and sustain a workplace where employees feel physically and psychologically healthy and safe and are guided by the following principles:

- ❖ Involvement. Senior management will show leadership by being involved and committed to reinforce and allow changes necessary for improvement while engaging managers at all levels in reinforcing a healthy workplace.
- ❖ Employee engagement. Employees' needs should be addressed to consider and accommodate different preferences and attitudes to increase engagement.
- ❖ Education and awareness. Employees' lifestyles consist of an interdependent set of health habits, and comprehensive workplace health promotion includes improvements in the physical and occupational health and safety environment, the workplace culture and supportive environment, and personal health and lifestyle practices. These areas interact synergistically to meet employee needs thus influencing their health and well-being.

Purpose

The purpose of this Healthy Workplace Strategy is to coordinate and integrate efforts to enhance employee health, safety and well-being, taking into consideration all of the key elements of a healthy workplace noted above, so as to ensure that they are consistent, that they are complementary, that they follow the principles listed above, and that there are no gaps.

The following describes how the City shares with employees the responsibility to promote the Healthy Workplace Strategy and drive the healthy workplace initiative:

Senior management will:

- ❖ Support practices and policies that are sustainable and support employee and workplace health and safety.
- ❖ Visibly encourage participation, by communicating their support of all programs to employees, and by taking part in the activity when possible.
- ❖ Provide adequate resources to continuously improve and sustain a healthy workplace environment.
- ❖ Take into consideration work-life balance and staff competency of employees when distributing workload.

Managers will:

- ❖ Receive relevant training and development.
- ❖ Promote and practice the participative approach and consideration of the health impact of decisions as much as possible in day to day business and operations.
- ❖ Respond to the specific health and safety requirements for their staff.
- ❖ Feel invited to contribute their ideas, opinions, and expertise in all aspects of the work at the City.

Employees will be:

- ❖ Encouraged to participate and contribute their ideas, opinions, and skills to their work and the City.
- ❖ Encouraged to take advantage of health programs, activities, and resources.

POSITIVE COMMUNICATIONS

include, but are not limited to,

- Treating everyone with respect and courtesy, without contempt
- Actively listening, no interrupting
- Being open to compromise or coming to a middle ground
- Criticizing privately in a constructive and respectful manner
- Saying “please” and “thank you” and politely acknowledging coworkers and the public (good morning, etc.)
- Asking for clarification, seeking to understand
- Recognizing employees’ efforts and hard work
- Clearly communicating expectations
- Professional and timely communications (out of office, unreasonable response time, etc.)
- Giving and accepting professional feedback
- Feeling empowered to speak up
- Remaining calm and focused, maintaining self-control
- Maintaining positive attitude
- Smiling, laughing, enjoying the workplace

NEGATIVE COMMUNICATIONS

include, but are not limited to,

- Talking over others or interrupting others
- Putting down ideas with loaded language “that was a stupid idea”
- Publically criticizing or admonishing
- Yelling , screaming, arguing
- Bullying
- Spreading gossip or rumors in the workplace
- Speaking in a condescending or inappropriately sarcastic manner
- Using racial, gender, or other stereotypical epithets
- Making fun of or ridiculing co-workers or the public, even behind their backs
- Disrespectful gestures or intimidating behavior directed toward a person (finger pointing, dismissing with a hand wave, pounding on desks, etc.)
- Breaking confidentiality
- Being closed minded/not open to other possibilities
- Manipulating, being dishonest, lying
- Making or using inappropriate jokes, comments, or language
- Belittling, dismissing, or insulting employees and/or their ideas
- Making disparaging remarks about employees, the public, or the City
- Harassment, retaliation