

**VILLAGE OF
KIRKLAND**

**PERSONNEL POLICY
AND
PROCEDURES MANUAL
DECEMBER, 2018**

TABLE OF CONTENTS

- 1. SCOPE AND PURPOSE..... 5**
- 2. AT WILL EMPLOYMENT 5**
- 3. EMPLOYMENT TERMS AND CONDITIONS 6**
 - A. Employment Definitions 6**
 - B. Hiring And Termination of Employees..... 6**
 - C. Medical Examinations 6**
 - D. Hours Of Work 6**
 - E. Pay Periods 7**
 - F. Wage Notifications 7**
 - G. Severance 7**
 - H. Method of Payment..... 7**
 - I. Recordkeeping..... 7**
 - J. Notice of Rate of Pay and Changes in Pay..... 8**
 - K. Personnel Files..... 8**
- 4. OVERTIME COMPENSATION/COMPENSATORY TIME..... 9**
 - A. Overtime 9**
 - B. Compensatory Time..... 10**
- 5. BENEFITS..... 10**
 - A. Holidays 10**
 - B. Personal Days 12**
 - C. Vacation Benefits 12**
 - D. Sick Leave Benefits 12**
 - E. Funeral Leave..... 13**
 - F. Jury/Witness Duty 13**
 - G. Extended Leave..... 14**
 - H. Professional Conference, Meeting Attendance and Training 17**
 - I. Illinois Municipal Retirement Fund..... 17**
 - J. Health Insurance..... 17**
 - K. Workers' Compensation..... 18**
- 6. TRAVEL EXPENSES 19**
- 7. UNIFORM ALLOWANCE & CDL REQUIREMENT..... 20**
- 8. EQUAL EMPLOYMENT OPPORTUNITY 20**
- 9. ILLINOIS PREGNANCY ACCOMMODATION AND NURSING MOTHERS POLICY 22**
 - A. Requesting a Reasonable Accommodation..... 22**
 - B. Reporting of the Incident 23**
 - C. Investigation of the Complaint 23**
 - D. Keeping of Records and the Confidentiality of Such Records..... 23**

E. Time Frame for Reporting Complaints	24
10. ANTI-HARASSMENT POLICY	24
A. Introduction.....	24
B. Sexual Harassment.....	24
C. Other Forms of Harassment	25
D. Coverage of the Policy	25
E. Reporting and Investigating Alleged Harassment.....	26
F. Time Frame for Reporting Harassment	27
G. No Retaliation.....	27
H. Disciplinary Action	28
I. Consequences for Knowingly Making a False Report of Sexual Harassment Pursuant to 5 ILCS 430/70-5.....	29
J. External Procedures	29
11. VICTIMS’ ECONOMIC SECURITY AND SAFETY ACT	30
A. Statement of Policy	30
B. VESSA Leave	30
C. Maintenance of Benefits	31
D. Other Leave	31
E. Employment Sustainability	32
12. AMERICANS WITH DISABILITIES ACT	32
13. FAMILY MILITARY LEAVE.....	33
14. DRUG FREE WORKPLACE ACT	33
A. Statement of Policy	33
B. Drug Free Awareness Program	33
C. Employees to Whom This Policy Applies	34
D. Penalties for Violation of This Policy	34
E. What the Employee is Required To Do.....	34
F. Penalties for Conviction of Criminal Drug Statute	34
G. Employee Assistance Program.....	35
H. Acceptance of This Policy.....	36
15. DRUG AND ALCOHOL TESTING POLICY AND PROCEDURES.....	36
A. Statement of Policy	36
B. Prohibitions.....	37
C. CDL Employees and all other employees who operate and/or drive a vehicle or mechanical equipment	37
D. Testing Procedures/Drugs	39
E. Testing.....	39
F. Medical Review Officer	40
G. Confidentiality of Drug and Alcohol Test Results	40
H. Consequences of a Positive Drug or Alcohol Test Result.....	40
I. Effect of a Refusal to Submit to Drug or Alcohol Testing	41
J. Voluntary Requests for Assistance.....	41

16. GENERAL RULES	41
A. Change of Name, Address, Marital or Family Status.....	41
B. Employee Identification.....	41
D. Village Vehicles, Equipment, Supplies and Tools	42
E. Village Telephone.....	42
F. Gifts and Gratuities	43
G. Political Activities.....	43
H. Confidential Information	44
I. Media Relations.....	44
J. Outside Employment and Training.....	45
K. No Solicitation/No Distribution	45
L. No Smoking Policy	45
M. Employee Safety	45
N. Communication Policy.....	46
17. DISCIPLINE	48
A. Disciplinary Actions.....	48
B. Work Rules	49
18. SEPARATION FROM EMPLOYMENT	50
A. Resignation	50
B. Discharge	51
C. Continuation Coverage Rights Under Cobra.....	51

1. SCOPE AND PURPOSE

The Personnel Policy and Procedures of the Village of Kirkland apply to all employees of the Village. The Personnel Policy and Procedures supersede all other personnel rules, regulations, policies, and procedures (either written or oral). Provided, however, where any subject matter of these policies and procedures is covered by an operative collective bargaining agreement, the comparable policy or procedure herein shall not apply or control and the specific provision of the collective bargaining agreement shall control exclusively for all bargaining unit employees. The purpose of the policy and procedures is to outline the major employment practices of the Village of Kirkland including but not limited to hiring, compensation, benefits, discipline and termination. The Village, at its sole discretion, reserves the right to improve or change, from time to time and without notice, any terms or provisions of the policy and procedures.

Police officers are also covered by any and all additional policies and procedures adopted by the police department, including, but not limited to, specific rules and regulations regarding hiring, discipline, and termination. While this policy applies to all sworn police officers, it is also recognized that these sworn officers are also under the jurisdiction of the police commission. Therefore, where any provision herein conflicts with the police commission rules and regulations, the police commission rules and regulations shall control to the extent of that specific conflict only.

2. AT WILL EMPLOYMENT

THE VILLAGE OF KIRKLAND PERSONNEL POLICY AND PROCEDURES ARE NOT INTENDED TO AND DO NOT CREATE A CONTRACT OF EMPLOYMENT (EXPRESSED OR IMPLIED) BETWEEN ANY EMPLOYEE AND THE VILLAGE. THESE POLICIES AND PROCEDURES ARE INTENDED ONLY TO DESCRIBE THE POLICIES AND PROCEDURES OF THE VILLAGE. NO CONTRACT OF EMPLOYMENT EXISTS BETWEEN THE VILLAGE AND ANY EMPLOYEE UNLESS THERE IS A SEPARATE WRITTEN AGREEMENT SIGNED BY BOTH THE EMPLOYEE AND THE VILLAGE.

BY LAW, AN EMPLOYEE MAY TERMINATE HIS OR HER EMPLOYMENT AT ANY TIME, WITH OR WITHOUT CAUSE, AND WITH OR WITHOUT NOTICE. THE VILLAGE MAY ALSO TERMINATE THE EMPLOYMENT OF ANY EMPLOYEE AT ANY TIME, WITH OR WITHOUT CAUSE, AND WITH OR WITHOUT NOTICE. NO SECTION OF THESE POLICIES AND PROCEDURES SHALL BE INTERPRETED AS GIVING UP THIS RIGHT BY ANY EMPLOYEE OR THE VILLAGE.

THESE PERSONNEL POLICIES AND PROCEDURES SUPERCEDE ALL OTHER PERSONNEL RULES, REGULATIONS, POLICIES AND PROCEDURES, WRITTEN OR ORAL

THE VILLAGE, AT ITS SOLE DISCRETION, RESERVES THE RIGHT TO CHANGE, FROM TIME TO TIME AND WITHOUT NOTICE, ANY TERMS OR PROVISIONS OF THESE POLICIES AND PROCEDURES.

3. EMPLOYMENT TERMS AND CONDITIONS

A. Employment Definitions:

EXEMPT EMPLOYEE: An employee who is generally paid a set rate for the pay period and who is not entitled to overtime compensation for hours worked in excess of forty (40) hours in any given workweek. As outlined in the Illinois Compiled Statutes, bona fide executive, administrative, and professional employees are exempt from overtime requirements if they meet the criteria for any category.

FULL TIME EMPLOYEE: One who is hired for an unspecified period of time and has completed an applicable introductory period. A full time employee shall work a minimum of forty (40) hours per week on a regular and continuing basis. Employee benefits, as outlined in these policies and procedures, are available to full time employees.

NONEXEMPT EMPLOYEE: An employee whose position does not meet the exemption tests under the in Illinois Compiled Statutes and who is generally, although not necessarily, paid by the hour and who is entitled to compensation at the rate of one and one-half (1 1/2) times his/her hourly pay for all hours worked in excess of forty (40) hours in a given workweek (except as provided otherwise in this chapter).

PART TIME EMPLOYEE: One who is hired for an unspecified period of time and has completed an applicable introductory period. A part time employee is one who works less than the minimum hours required for full time status.

B. Hiring and Termination of Employees:

Applications for employment will be received only at the Village Hall. All applications must be on an application form approved by the Village.

C. Medical Examinations:

All applicants who are offered full time employment with the Village may be required to successfully complete a physical examination by a physician approved by the Village, which will include a drug test, as a condition of employment. The costs of such testing will be borne by the Village. In addition, regular part time employees, may be required to undergo such medical examination and/or drug testing prior to the commencement of work.

D. Hours of Work:

The Village of Kirkland's regular office hours are Monday through Friday, _____ A.M. to _____ P.M. Regular full time employees are expected to work eight (8) hours per day, forty (40) hours per week. Sworn police officers may work, depending on their assignments, other than an eight (8) hour shift. From time to time it may be appropriate to vary work hours for certain personnel (such as public works employees) with the approval and consent of the

Village President, provided that the full time standard of forty (40) hours per week is maintained.

The standard workweek as well as lunch/meal hours of individual employees may vary as a result of the operational demands of each department (provided that the total regular hours in the workweek for full time employees will be 40 hours). Two fifteen (15) minute break periods shall be allowed each 8-hour working day. Break periods must be scheduled so as not to interrupt the work operation and as approved by the department head. In addition, a minimum thirty (30) minute lunch period without pay shall be allowed for all non-sworn employees. Neither 15 minute break periods shall be taken in conjunction with an employee's lunch period. If an employee does not elect to take a scheduled lunch or break period, the time is forfeited.

The standard work week is from 12:01 a.m. Sunday to midnight the following Saturday.

All employees shall report promptly to their designated place of work at the designated starting time and shall devote their entire efforts during working hours to their assigned duties.

E. Pay Periods

Employees shall be paid biweekly, receiving their compensation on Friday for the prior period's work. If this day falls on a holiday, checks may be distributed on the preceding workday.

F. Wage Notifications

Each pay period, employees will receive written notification of their hours worked, rate of pay, overtime pay and overtime hours, gross wages, an itemization of all deductions, wages and deductions year to date.

G. Severance

The Village will not grant severance except through a written agreement signed by the employee and by the Village Board.

H. Method of Payment

Employees will not be paid in cash. Employees will be paid by check unless they elect to be paid by direct deposit.

I. Recordkeeping

Regardless of an employee's status as either an exempt employee executive, the Village shall make and maintain, for a period of not less than three years, the following true and accurate records for each employee: the name and address, the hours worked each day in each work

week, the rate of pay, copies of all notices provided to the employee under this policy, the amount paid each pay period, all deductions made from wages or final compensation, and the number of vacation days earned for each year and the dates on which vacation days were taken and paid.

J. Notice of Rate of Pay and Changes in Pay

The Village will notify an employee in writing, at the time of hiring, of the rate of pay. An employee commencing work shall reflect mutual assent to the rate of pay, i.e., a description of all wages and compensation of any kind.

The Village shall not change an agreement regarding the payment of wages and compensation without first notifying the employee prior to the effective date of the change. The Village shall place the arrangement in writing at the time of the change and present the change to the employee unless impossible to do so, but in any event such written notice shall be provided as soon as practicable.

K. Personnel Files:

A personnel history file shall be maintained for all full time and regular part time employees of the Village. Such files shall be kept in accordance with the policies established by the state's statutory provisions pertaining to the keeping and maintaining of Village records. Once this period is no longer in effect, all such records may be destroyed. The following are examples of items which may be kept in an employee's personnel file:

- Commendation forms and letters.
- Disciplinary notices.
- Employment application/resume.
- Incident reports.
- Orientation materials.
- Overtime records.
- Performance appraisals.
- Registrations/certificates/degrees.
- Sick time records.
- Tax forms.
- Time sheets.
- Vacation requests.

Medical data, physical examination records, and workers' compensation claims shall be maintained separately from the personnel file. Physical examination records, test results, and performance evaluation forms shall be accessible only to the Village President and his/her designee, the department head and his/her designee, and the employee involved. This accessibility will be for official purposes only.

Employees hired after November 6, 1986, are subject to employment verification using the U.S. immigration and naturalization service I-9 form. All I-9 forms and copies of supporting documentation are to be maintained in a separate file.

In addition to the personnel file maintained by the Village, sworn police officers will have a personnel file that will be maintained by the police commission which will contain the documents regarding hiring, promotion, discipline, and termination decisions regarding the sworn police officer.

An employee has the right to periodically inspect his/her personnel file. In order to do so, the following steps are to be followed:

1. A written request from the employee to inspect the file is to be made to the _____.
2. Every employee will normally be allowed to inspect the file within seven (7) days from the date of the written request. If the Village cannot reasonably meet this seven (7) day time period, it is allowed to provide an extension for an additional seven (7) day period.
3. Employees will be allowed to inspect the personnel file during normal working hours, unless other arrangements are agreed upon. No employee can remove his/her file from the Village's premises, but the employee may request that the Village mail a copy of the personnel file if the employee is reasonably unable to inspect the file on Village premises. If this is done, the Village reserves the right to assess a reasonable fee for copying/mailing requested documents.
4. By law, some items may be kept in an employee's personnel file which the employee has no legal right to inspect. Such items may include letters of reference, testing documents, materials relating to the Village's staff planning, information about other people if allowing inspection of those documents would invade the privacy of the people referred to, records involving the employee that are relevant to the judicial proceeding between the Village and the employee, and records alleging criminal activity.

If an employee disagrees with any information contained in his/her personnel file, the information may be removed or corrected by mutual agreement of the _____ and the employee. If such agreement cannot be reached, the employee may submit a written statement of his/her position, which will be attached to the disputed document.

4. OVERTIME COMPENSATION/COMPENSATORY TIME

A. Overtime:

All nonexempt employees are eligible for overtime compensation. Those executive, administrative, and professional employees, as identified by the Village using the guidelines established by the Illinois Compiled Statutes, are not eligible to receive overtime compensation.

All nonexempt employees eligible for overtime compensation will be paid for time worked in excess of forty (40) hours in a workweek at one and one-half (1 1/2) times their regular or base rate of pay. Sworn police department employees will be paid overtime compensation pursuant to section 553.230 of title 29 of the code of federal regulations utilizing a ____-day cycle [**choose any time period from 7-28 days in length**] with overtime being paid for any time worked over ____ hours. Hours in the same work week for which an employee has been excused for vacation, sick leave, holidays, jury duty, or other similar paid or unpaid benefit time shall not be counted as hours worked for purposes of calculating overtime.

B. Compensatory Time:

Nonexempt employees may elect compensatory time in lieu of overtime compensation. This election of compensatory time off in lieu of overtime compensation must be agreed to between the employee and the department head prior to the work being performed, otherwise, overtime compensation shall be paid.

Compensatory time off, if elected and approved by the employee's department head, will be granted at a rate of one and one-half (1 1/2) hours of compensatory time off for every hour of overtime worked. Compensatory time must be approved at least 24 hours prior to it being taken. Employees may accumulate up to a maximum of eighty (80) hours of compensatory time. Any overtime exceeding eighty (80) hours of compensatory time off will be paid as overtime compensation.

All compensatory time off accumulated but not used prior to May 1 of each year exceeding ____ (____) hours will be paid off as overtime compensation and will be paid at the regular rate earned by the employee at the time the employee receives such payment. The remaining compensatory time earned (not to exceed 40 hours) shall remain and may be utilized as described above. Upon termination, an employee shall be paid for unused compensatory time off at a rate of compensation not less than:

1. The average regular rate received by such employee during the last three (3) years of employment; or
2. The final regular rate received by such employee, whichever is greater.

5. BENEFITS

Employee benefits are part of the Village's overall compensation plan. Major benefits and service programs include vacations, insurance coverage, retirement programs, and training. Part-time non-sworn employees are not entitled to holiday pay.

A. Holidays:

The following days are designated as holidays for all full time employees:

1. New Year's Day

2. Martin Luther King Jr. Day
3. President's Day
4. Memorial Day
5. Independence Day
6. Labor Day
7. Veterans' Day
8. Thanksgiving Day
9. Friday after Thanksgiving
10. Christmas Eve
11. Christmas Day
12. One (1) Floating Holiday

All holidays falling on Sunday will be celebrated on Monday. All holidays falling on Saturday will be celebrated on Friday. A recognized holiday will not be charged to vacation time.

Full-time non-sworn, hourly employees shall be paid one & half (1½) times his/her regular rate of pay for all hours worked on a holiday. For purposes of determining holiday pay for full-time, non-sworn employees, holiday pay is paid on the designated day the Village Hall is closed and not the actual holiday (i.e., if Christmas falls on a Saturday, the Village Hall will be closed on Friday and any overtime pay would be paid for work performed on that Friday and not the Saturday that Christmas falls on). **OVERTIME WORKED ON HOLIDAYS MUST APPROVED BY THE DEPARTMENT HEAD AND/OR HIS DESIGNEE IN ADVANCE.**

Sworn hourly employees shall be paid one & half (1½) times his/her regular hourly rate of pay for all hours worked on a holiday. In addition, part-time sworn hourly employees shall be paid one & half (1½) times his/her regular hourly rate of pay for all hours worked on a holiday.

For purposes of determining holiday pay for sworn employees, holiday pay is paid on the actual holiday (i.e., if Christmas falls on a Saturday, the Village hall will be closed on Friday and any overtime pay would be paid for work performed on that Saturday that Christmas falls on and not the Friday that the Village Hall is closed on).

A full time employee in order to be eligible for holiday pay, must work the full day before and after the scheduled holiday. If a vacation day is taken before or after the scheduled holiday then the employee must work the full day before and after.

Any employee who wishes to take a day off conforming to their religious/personal beliefs in addition to the holidays listed above) may, with proper notification to their department head, take the day off as a floating holiday, vacation day, personal day or without pay.

B. Personal Days:

Three (3) personal days per fiscal year with pay will be awarded to full-time employees on the first day of the fiscal year immediately following the employee's start/anniversary date. Full-time employees with at least six (6) months of continuous service shall be allowed one (1) personal day in the first year of employment. These days must be used within the fiscal year or will be lost. A personal day shall be taken in increments of not less than four (4) hours and must be approved in advance by the department head. Personal days may not be used immediately before or after a scheduled vacation or holiday. Personal days cannot be converted to pay upon resignation or termination.

C. Vacation Benefits:

All full-time employees of the Village are eligible for paid vacation based upon their anniversary date of hire according to the following schedule:

<u>At the completion of</u>	<u>Vacation Leave</u>
Less than 1 year	0 days
At 1 years, but less than 5 years	10 days (eligible to take one full week of the two at the end of six (6) months service)
At 5 years, but less than 10 years	15 days
At 10 years, but less than 20 years	20 days
At 20 years, and beyond	25 days

Employees shall provide the department head with a request for vacation time at least seven (7) days prior to the requested vacation leave.

All department heads shall notify the Village President of vacation schedules, including those of the department head. Vacation time off shall be scheduled so that it does not interfere with the efficient running of the Village.

Earned vacation time not used by the end of the year in which it is earned shall not carry over into the following year.

Vacation days must be used in at least one day increments.

Vacation allowances are exclusive of Saturdays, Sundays, and Holidays. If a holiday falls the day immediately before, after, or during a scheduled vacation period, the holiday is not counted as a vacation day and the employee shall be allowed holiday pay for the holiday. This paragraph does not apply to the Police Department.

D. Sick Leave Benefits:

Full time employees with at least one year of service shall earn six (6) paid sick days per year, or ½ day for each full month of service.

Any full time employee who is sick or injured and cannot report for work will, after three consecutive days, or where the employee is suspected of abusing the sick leave policy, furnish the supervisor with a doctor's statement upon returning to work. Abuses of sick leave benefits may result in disciplinary action up to and including termination of employment.

Illness or injury requiring absence from work must be reported to the employee's supervisor before the assigned starting time or as soon as possible before the start of the employee's shift. The employee is responsible for making a daily report thereafter for the duration of the illness or injury. An employee whose job requires a substitute for a particular shift must give notice at least half (1/2) hour in advance of his or her assigned starting time. Three (3) consecutive days' absence without notice will be considered voluntary termination of employment by the employee.

Employees may use paid sick leave benefits for absences due to an illness, injury, or medical appointment of the employee's child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent, for reasonable periods of time as the employee's attendance may be necessary, on the same terms upon which the employee is able to use sick leave benefits for the employee's own illness or injury.

The use of paid sick leave benefits for absences due to an illness, injury, or medical appointment of the employee's child, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent is limited to the personal sick leave that would be accrued during six (6) months at the employee's then current rate of entitlement. In other words, only half of an employee's accrued sick days are available to use to take care of relatives.

The term "paid sick leave benefits" means time accrued and available to an employee to be used as a result of absence from work due to personal illness, injury, or medical appointment, but does not include other absences from work for which compensation is provided by the Village.

E. Funeral Leave:

Regular full time employees may be given up to three (3) days with pay upon the death of a member of his/her immediate family. "Immediate family" is defined as the employee's spouse, parent, child, step-child, grandchild, brother, sister, father-in-law, mother-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, step sister, step brother or grandparent.

F. Jury/Witness Duty:

An employee shall be given time off without loss of pay or accumulated benefits when asked to serve on a jury or when subpoenaed to appear before a court, public body, or commission with or arising from Village business. Any compensation received as a result of serving on jury duty shall be signed over to the Village of Kirkland.

No employee will receive pay for time not worked while acting as a witness in any manner not related to the Village or the employee's employment with the Village. No employee will receive pay for time not worked while participating in an action filed by the employee against the Village.

Employees summoned to jury duty or subpoenaed to testify in court or other proceedings must immediately notify their department supervisor so that proper arrangements for the employee's absence may be made. Failure to timely notify their department supervisor may result in the employee not being compensated for such civil duty.

G. Other Leaves:

1. **Extended Illness or Injury:** An employee who has completed a minimum of one year of service with the Village may be eligible for a leave of absence resulting from an extended illness or injury. Such a leave will be granted when the employee's physician states that the employee is, and/or will become, temporarily disabled and unable to work for a specific period of time.

A leave for an extended illness or injury shall not be granted until all accrued sick leave has been exhausted or thirty (30) continuous calendar days have elapsed. During a leave for extended injury or illness, the employee shall be required to submit monthly medical progress reports to the Village. The employee, upon his/her return from medical leave of absence, shall provide a medical certification confirming the employee's ability to perform the duties assigned to his/her position.

2. **Return from Leave:** Employees considering a leave of absence (other than military leave) must be aware that the Village will not hold their jobs open for them during the period of leave. There is no assurance of reinstatement in any capacity at the conclusion of the leave. If there is an open position for which the employee is qualified at the conclusion of his or her, the employee, along with all other qualified candidates, will be considered for the position.
3. **Employee Voting Leave:** Under the Illinois Employee Voting Leave Act, 10 ILCS 5/17-15, eligible employees may receive up to two (2) hours of paid time off for the purpose of voting on election day after obtaining approval from their department head prior to the day of the election.

To be eligible for this benefit, the employee must be entitled to vote and unable to cast their vote between the time of opening and closing the polls.

4. **Employee Blood Donation Leave:** Under the Illinois Employee Blood Donation Leave Act, 820 ILCS 149/1, eligible employees may receive up to one (1) hour of paid time off every 56 days for the purpose of donating blood after obtaining approval from their department head.

To be eligible for this benefit, the employee must be a regular full-time employee who has been employed for a period of six (6) months or more.

5. Employee School Visitation Leave: Under the Illinois the School Visitation Rights Act, 820 ILCS 147/1, eligible employees may receive up to eight (8) hours of unpaid time off during the school year to attend necessary educational or behavioral conferences at the school their children attend after obtaining approval from their department head.

To be eligible for this benefit, the employee must be a regular employee who has been employed for a period of six (6) months or more and has exhausted all accrued paid off-time and holiday time. The employee must also present the Village with a verification statement from the school within two (2) working days of the unpaid leave to be eligible for the benefit protections afforded under the Act.

6. Military: Employees will be granted unpaid military leave as required by State and Federal law.

In accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA), and the Illinois Service Member Employment and Reemployment Rights Act (ISERRA), reemployment rights generally extend to persons who have been absent from a position of employment because of service in the uniformed services. Service in the uniformed services means the performance of duty on a voluntary or involuntary basis in a uniformed service, including, but not limited to:

1. Active Duty and Active Service (See 330 ILCS 61/1-10)
2. Active Duty Training
3. Inactive Duty Training
4. Funeral Honors Duty (See 10 U.S.C. 12503: 32 U.S.C. 115)
5. Reserve Component Active Service (See 330 ILCS 61/1-10).

In general, to be eligible for reemployment:

1. The Village must have advance notice of the employee's service;
2. The employee must timely return to work or apply for reemployment; and
3. The employee must not be separated from service with a disqualifying discharge or under other than honorable conditions.

Procedures:

1. As soon as an employee is aware that he or she will be absent because of service in the uniformed services, the employee must notify his or her supervisor. Notification in writing is preferred, but verbal notification is acceptable. This is only for purposes of notice, and not to seek permission. No permission is required to take military leave, but advance notice is required to secure the employee's rights under this policy and the related laws.

2. Under Illinois law, an employee who will be absent because of service in the uniformed services may, in some circumstances, be eligible to receive “differential pay,” i.e., his or her regular compensation minus his or her base pay for military services. Illinois law controls in the event of any conflict between it and this policy. Employees may also be entitled to concurrent compensation under ISERRA. Differential pay and concurrent pay will be provided according to ISERRA and any implementing regulations.

During leaves for annual training, where applicable under Illinois law, an employee can continue to receive his or her regular compensation. Further, during leaves for basic training, active service or inactive duty as defined in ISERRA, and for any other training or duty required by the United States Armed Forces, if the employee’s compensation for military activities is less than his or her compensation as an employee, he or she can be eligible under Illinois law to receive his or her regular compensation as an employee minus the amount of his or her base pay for military activities. Illinois law controls in the event of any conflict between it and this policy.

An employee who is a member of any reserve component of the United States Armed Services, including the Illinois National Guard, who is mobilized to active military duty as a result of an order of the President of the United States, can be eligible under Illinois law to continue to receive the same regular compensation that he or she receives as an employee at the time he or she is mobilized to active military duty, plus any health insurance and other benefits he or she is receiving or accruing at that time, minus the amount of his or her base pay for military service, for the duration of his or her active military service. Illinois law controls in the event of any conflict between it and this policy.

3. Except as otherwise provided by law, health care coverage for employees on military leave will continue for thirty-one (31) days as long as employees pay their normal premium co-payments of the cost of benefits. For military leave lasting longer than 31 days, employees will be eligible to continue health benefits under USERRA and will be required to pay 102% of the total cost of their health benefits if they wish to continue benefits. However, employees on military leave for active service shall not have to pay any portion of their health premiums. The employee may opt to discontinue participation in the group health insurance program but is entitled to re-enroll upon the return to active employment. Please contact Human Resources for further information. Illinois law controls in the event of any conflict between it and this policy.
4. For the time spent on military leave, the employee’s performance evaluation or rating shall be no less than the average rating or evaluation over the three years immediately preceding the military leave.

Return to Work:

1. Generally, employees returning from military leave service are eligible to be reemployed in the job that they would have attained had they not been absent for

military service, with the same seniority status and pay, as well as other rights and benefits determined by seniority.

2. The period an employee has to make application for reemployment or report back to work after military service is based on time spent on military duty. For service of less than 31 days, the service member must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an eight-hour rest period. For service of more than 30 days but less than 181 days, the service member must submit an application for reemployment within 14 days of release from service. For service of more than 180 days, an application for reemployment must be submitted within 90 days of release from service.

IMRF/SLEP Continuation

Participation in IMRF/SLEP will continue with the IMRF/SLEP employee contribution being deducted from the Village issued compensation. The employee will be responsible for paying the required contribution on the difference (applicable military pay) between the Village issued compensation and their normal Village compensation.

H. Professional Conference, Meeting Attendance and Training:

Personnel may be authorized to attend professional conferences and meetings on work related topics. Employees shall submit requests for conference or meeting attendance to the department head at least two weeks in advance. Department heads shall submit such requests to the Village Board for approval. Approval for conferences is subject to budgetary constraints.

Advance payment for conference or meeting cost shall require the Village Board's approval at least two (2) weeks in advance. The Village may cover travel expenses in accordance with Section 6 of this manual.

I. Illinois Municipal Retirement Fund:

Participation in the Illinois Municipal Retirement Fund (IMRF) is mandatory for all regular employees who are scheduled to work 1,000 or more hours per year. The IMRF contributions will be deducted from the employees' paycheck.

J. Health Insurance:

The benefits outline in this section is brief summaries only and are not meant to be all-inclusive. For detailed information about these benefits, employees are to contact his/her department heads or the plan administrator. Except where prohibited by law, the Village reserves the right, in its sole discretion, to amend, modify, or terminate, in whole or in part, any or all of the provisions of the benefit plans described in this section. In the event of a

conflict between the statements made in this section and the provisions of a plan document, the plan document shall prevail.

Only full-time employees are eligible to participate in the Village Group Health Program. The program may include basic health, major medical and surgical plans, prescription card benefit, dental coverage, life insurance, and disability benefits as approved annually by Village Board.

Personnel who are eligible for the Village Group Health Program will be covered on the first (1st) day of the following month after beginning full time employment. The total cost of the insurance for the full-time employee will be paid by the Village. The Village reserves the right to institute cost containment measures relative to the insurance coverage at any time, including payment of premiums by employees, or amendments to the coverage or plan documents.

K. Workers' Compensation:

Workers' compensation is compensation for a disability or death which is the result of an injury or illness suffered in the course of employment. The cost of this coverage is borne by the Village.

If an employee is injured on the job, no matter how minor or insignificant the injury may seem, the employee must:

1. Make a full written report on his or her condition and the circumstances surrounding the injury, including all witnesses, immediately (or as soon as practically possible) after the injury or illness. The Village will provide the required reporting forms and are available from his/her department head as well as the Village President.
2. The written report shall be submitted to the employee's department head as soon as possible after the injury or illness but, in no event later than three (3) days after the injury or illness. The department head will immediately forward a copy of the report to the Village President.
3. Failure of the employee to report the injury or illness, or to report for any physical examination as required or scheduled by the Village or its workers' compensation carrier, may result in disciplinary action, up to and including immediate termination of employment.

If an employee is injured on the job, the employee is eligible to receive compensation pursuant to the state regulations regarding workers' compensation. The Village's health insurance program does not cover workers' compensation claims and therefore, such bills shall not be filed under that policy. For the first thirty (30) working days following the date of the work related injury or disability, the Village will pay the difference between the compensation received from any source and the employee's regular base pay for that period.

Those employees covered under other state statutes (such as sworn police personnel) will receive workers' compensation benefits in accordance with these statutes.

6. TRAVEL EXPENSES:

- A. Interpretation: This section shall be interpreted to be consistent with the Local Government Travel Expense Control Act, 50 ILCS 150.
- B. Definitions: As used in this section:
1. "Entertainment" includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless ancillary to the purpose of the program or event.
 2. "Travel" means any expenditure directly incident to official travel by employees and officers of the Village or direct payment to private agencies providing transportation or related services.
- C. Official Business Requiring Expenses: Travel, meal, and lodging expenses will only be allowed for official business of the Village which is necessary to the functioning or improvement of the Village. If the business can be done remotely, no expenses will be allowed. All effort shall be taken to avoid expenses. This includes scheduling meetings within the Village as opposed to offsite.
- D. Entertainment Expenses: No entertainment expenses may be reimbursed.
- E. Maximum Reimbursement: The maximum reimbursements allowed for expenses shall be:
1. Mileage: The current rate for mileage set by the Internal Revenue Service.
 2. Meals (Breakfast, Lunch, Dinner): \$ _____/day.
 3. Lodging: \$ _____/night or government rate, whichever is less.
- F. Emergencies: In emergencies, amounts in excess of the above maximum limits may be permitted by the corporate authorities.
- G. Expense Form: All anticipated and incurred expenses shall only be approved if submitted in the proper manner, including the information listed below.
- H. Approval by the President: The Village President is responsible for approving expenses incurred by employees and officers which are under the amounts in subsection (e).
- I. Approval by Corporate Authorities: Any expenses incurred or to be incurred over the maximum levels in subsection (e), and any expenses incurred or to be incurred by members of the corporate authorities, may only be approved if the following information is provided by the employee or Board Member in writing, signed and dated and approved by the President and Board of Trustees by a roll-call vote at an open meeting:
1. Name and Position (employee, trustee, etc.);
 2. Date(s) for which reimbursement is requested;
 3. Nature of the official business requiring this expense;

4. Detailed estimate of anticipated expenses OR explanation of expenses incurred; and
 5. Any receipts for expenses already incurred must be attached to the submission; if a longer explanation is required, please provide additional information.
- J. Public records: This policy and all forms submitted relative to this policy are public records.
- K. No Right to Reimbursement: Nothing in this policy shall be construed as a right for any employee or officer to be reimbursed for expenses. No reimbursement may be given without approval by the Village President or the corporate authorities. Employees and officers should, to the extent possible, obtain prior approval of their anticipated expenses before incurring any expenses.

7. UNIFORM ALLOWANCE & CDL REQUIREMENT

The Village shall provide annually a uniform stipend for full-time public works employees, to be used solely for the purpose of work related clothing. All Village required personal protective equipment will be provided at no extra charge to the employee.

Each full time police officer shall receive an equal uniform allowance per fiscal year. The Village shall make the yearly uniform allowance available in the beginning of the fiscal year upon approval of the Chief and the supporting receipt(s) showing proof of purchase or proof of maintenance of uniforms for the fiscal year, until such time as the limit is reached. Part-time police officers shall receive 50% of the allowance granted full-time employees.

Whenever the Village reimburses an officer for the purchase of uniforms and/or acceptable equipment and the officer's employment is terminated, either voluntarily or involuntarily, then the officer is responsible for returning any and all uniforms and/or equipment.

Public works employees required to maintain a CDL license may request reimbursement for the balance of the fee minus the actual costs of a regular Class B license (i.e., a CDL license is currently \$60.00, a Class B is \$10.00; the Village will then reimburse the employee \$50.00 to renew his CDL license).

8. EQUAL EMPLOYMENT OPPORTUNITY

The Village assures equal employment opportunity in all of its employment practices, including those pertaining to:

- Compensation
- Demotions
- Hiring
- Layoff and recall
- Other benefits
- Placement
- Practices
- Promotions

Recruitment
Terminations
Training
Transfers

These will be administered without regard to race, color, creed, religion, ancestry, national origin, age, mental or physical disability, sex, marital status, veteran status, sexual orientation including gender-related identity, whether or not traditionally associated with the person's designated sex at birth, or any other basis prohibited by applicable federal, state, or local fair employment laws or regulations.

It is the responsibility of every Village official and employee to give this policy full support by leadership and personal example. In addition, it is the duty of every Village official and employee to create a job environment which is conducive to this policy.

Overall responsibility for the direction and enforcement of this equal employment opportunity policy has been assigned to the Village President.

Any employee who believes that he or she has been treated unfairly because of his or her race, color, creed, religion, ancestry, national origin, age, mental or physical disability, sex, marital status, veteran status, sexual orientation including gender-related identity, whether or not traditionally associated with the person's designated sex at birth, or any other basis prohibited by applicable federal, state, or local fair employment laws or regulations, should immediately submit a written report of the incident to the Village President. If an employee believes that he or she has been treated unfairly in any of these areas by the Village President, the employee should submit a written report to the immediate attention to a member of the Village Board of Trustees.

All written complaints of discrimination or unfair treatment based on race, color, creed, religion, ancestry, national origin, age, mental or physical disability, sex, marital status, veteran status, sexual orientation including gender-related identity, whether or not traditionally associated with the person's designated sex at birth, or any other basis prohibited by applicable federal, state, or local fair employment laws or regulations, will be promptly investigated and the appropriate corrective action taken. After investigation, any department supervisor or other employee found to have violated the Village's policy will be subject to appropriate disciplinary action, up to and including termination of employment.

The Village will not in any way retaliate against an individual who makes a report of discrimination or unfair treatment based on race, color, creed, religion, ancestry, national origin, age, mental or physical disability, sex, marital status, veteran status, sexual orientation including gender-related identity, whether or not traditionally associated with the person's designated sex at birth, or any other basis prohibited by applicable federal, state, or local fair employment laws or regulations, nor will the Village permit any other Village official or employee to do so. Retaliation is a serious violation of this policy and should be reported immediately. Any person found to have retaliated against another individual for reporting discrimination or unfair treatment will be subject to appropriate disciplinary action, up to and including termination of employment.

9. ILLINOIS PREGNANCY ACCOMMODATION AND NURSING MOTHERS POLICY

The Village supports employees who are pregnant, have recently given birth, or who have a medical or common condition related to their pregnancy or childbirth. The Village will not discriminate against any qualified employee or job applicant with respect to any term or condition of employment based on their pregnancy or medical condition related to pregnancy or childbirth. If an individual is qualified to perform all of the essential and fundamental functions associated with a job, the Village will make reasonable accommodations as necessary for employees or applicants, provided that such accommodations do not pose a threat to safety or cause an undue hardship to the Village. In addition, the Village will not force pregnant employees to accept unrequested accommodations; will not force a pregnant employee to take leave if reasonable accommodations can be provided for; and will reinstate the employee to an original or equivalent position, pay, seniority, and benefits upon her return from work.

A. Requesting a Reasonable Accommodation

Employees may request reasonable accommodations when she knows that there is a work place barrier that may prevent her, due to pregnancy or a medical condition related to pregnancy or childbirth, from effectively competing for a position, performing a job, or gaining equal access to a benefit of employment. A request for reasonable accommodation is the first step in an informal, interactive process between the employee and the Village. All requests for a reasonable accommodation shall be made to the Village President. If the employee wishes to discuss the accommodation with a female supervisor, she can also contact a member of the Village Board of Trustees. In some instances, before addressing the merits of the accommodation request, the Village will need to determine if the individual's medical condition meets the definition of disability under the Illinois Pregnancy Accommodation Act.

If it is determined that a disability does not exist, the Village President will so notify the complaining party in writing as soon as practical after their meeting. If it is determined that a disability does exist, the Village President will determine whether a reasonable accommodation can be made and, if so, what that reasonable accommodation is. A reasonable accommodation is a reasonable modification or adjustment to the job application process or work environment or job functions that enable an applicant or employee to be considered for the position or to perform the essential functions of the job. Some examples include:

- (1) More frequent or longer bathroom breaks;
- (2) Breaks for increased water intake;
- (3) Breaks for periodic rests;
- (4) Private non-bathroom space for expressing breast milk and breast feeding;
- (5) Seating;
- (6) Assistance with manual labor;
- (7) Light duty;
- (8) Temporary transfer to a less strenuous or hazardous position;
- (9) The provision of an accessible worksite;
- (10) Acquisition or modification of equipment;

- (11) Job restructuring;
- (12) A part-time or modified work schedule;
- (13) Appropriate adjustment or modifications of examination, training materials, or policies;
- (14) Reassignment to a vacant position;
- (15) Time off to recover from pregnancy; and
- (16) Leave necessitated by pregnancy.

The Village is not required to create a position specifically for the pregnant employee that the Village would not otherwise have created. The Village is also not required to bump another employee from their position to accommodate the pregnant employee nor is the Village required to promote any employee who is not qualified to perform the job.

B. Reporting of the Incident

Any applicant or employee who believes that he or she has been discriminated against based on the condition of pregnancy or medical condition related to pregnancy or childbirth or as a nursing mother, should take the following steps:

Make a report of any suspected violation of this policy to the Village President. The report may be made initially either orally or in writing, but reports made orally must be reduced to writing before an investigation can be initiated and a resolution achieved. If the employee believes the Village President is the individual accused of the discrimination, or if the employee wishes to discuss the complaint with a female supervisor, the employee can make their report either to a member of the Village Board of Trustees.

C. Investigation of the Complaint

When a complaint has been reduced to writing, the Village President, or the person receiving the complaint, as the case may be, will, as soon as practical, meet with the complaining party to determine the nature of the complaint.

If it is determined that an incident of discrimination did occur, the Village President, or the person receiving the complaint, will so notify the complaining party in writing as soon as practical after their meeting of how the situation will be rectified.

D. Keeping of Records and the Confidentiality of Such Records

Applicants or employees who submit a written complaint of a violation of the Act are encouraged to keep written notes in order to accurately record the chain of events. Every effort shall be made to keep all matters related to the investigation and various reports confidential. In the event of a lawsuit, however, the Village advises that those records maintained by the Village and any records maintained by the complainant may not be considered privileged from disclosure. The Village will maintain written records for two years after the date of the resolution, unless new circumstances dictate that the records should be kept for a longer period of time.

E. Time Frame for Reporting Complaints

The Village encourages prompt reporting of complaints so that rapid response and appropriate action may be taken, therefore employees should make a report of a violation within six months from the time of the incident. However, delayed reporting of complaints will not, in and of itself, preclude the Village from taking remedial action.

10. ANTI-HARASSMENT POLICY

A. Introduction

The Village desires to have a professional working environment for its employees so that they may carry out their duties in productive and positive surroundings. Although conduct may not rise to the level of unlawful harassment from a legal perspective, the Village wants to protect its employees from abuse and to prevent conduct from becoming so severe or pervasive as to alter the conditions of an employee's employment, create an abusive, intimidating or hostile working environment, or result in a tangible employment action. Accordingly, the Village has adopted a "zero tolerance" policy against harassment. Harassment is unwarranted and unwanted verbal or nonverbal conduct that threatens, intimidates, annoys or insults another person where such conduct has the purpose or effect of creating an offensive, intimidating, degrading and/or hostile working environment and/or interferes with and/or adversely affects a person's performance.

The Village prohibits any form of unlawful harassment against its employees and applicants for employment based on factors such as sex (including sexual harassment, gender harassment, and harassment based on pregnancy, childbirth, or related medical conditions), race, color, creed, religion, ancestry, national origin, age, mental or physical disability, marital status, veteran status, sexual orientation including gender-related identity, whether or not traditionally associated with the person's designated sex at birth, or any other basis prohibited by applicable federal, state, or local fair employment laws or regulations.

B. Sexual Harassment

With respect to sexual harassment, the Village prohibits any unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. such conduct may have the purpose or effect of unreasonably interfering with an individual's work performance; or
4. such conduct may create an intimidating, hostile, or offensive working environment.

Examples of the types of conduct that would violate the Village's policy including the following:

- **Verbal:** sexual innuendos, suggestive comments, insults, humor, and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside of their presence, of a sexual nature.
- **Non-verbal:** suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, “catcalls”, “smacking” or “kissing” noises.
- **Visual:** posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.
- **Physical:** touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.
- **Textual/Electronic:** “sexting” (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).

The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends, to some extent, on individual perception and interpretation. The courts will assess sexual harassment by a standard of what would offend a “reasonable person.”

Both opposite sex and same sex harassment are prohibited under this policy.

C. Other Forms of Harassment

With respect to other forms of harassment, the Village prohibits slurs or other verbal or physical conduct relating to matters such as race, color, creed, religion, ancestry, national origin, age, mental or physical disability, marital status, veteran status, sexual orientation including gender-related identity, whether or not traditionally associated with the person’s designated sex at birth, or any other basis prohibited by applicable federal, state, or local fair employment laws or regulations:

1. may have the purpose or effect of creating an intimidating, hostile, or offensive working environment; or
2. may have the purpose or effect of unreasonably interfering with an individual’s work performance; or
3. otherwise may adversely affect an individual’s employment opportunities.

D. Coverage of the Policy

1. The Village’s “zero-tolerance” policy with respect to harassment applies to conduct in or connected to the workplace, whether it is physical or verbal, and whether it is committed by Village officials, department heads, fellow employees or non-employees (such as customers, vendors, suppliers, or business invitees). The conduct prohibited by this policy is not only unacceptable in the workplace itself but also at any other work-related setting such as holiday parties, gatherings or other work-related social events, on business

trips, and at conferences, seminars, educational gatherings, and other meetings. Each Village official and department head is responsible for creating an atmosphere free of harassment, whether it is sexual or another form of harassment. In addition, all employees are responsible for respecting the rights of their fellow employees and for cooperating in any investigation of alleged harassment.

2. Responsibilities:

Each employee is responsible for assisting in prevention of harassment through the following acts:

- Refraining from participation in, or encouragement of, actions that could be perceived as harassment;
- Reporting acts of harassment; and
- Encouraging any employee, who confides that he/she is being harassed, to report these acts of harassment.

Each supervisor shall be responsible for preventing acts of harassment. These responsibilities include:

- Monitoring the workplace environment on a daily basis for signs that harassment may be occurring.
- Counseling all employees on the types of behavior prohibited and the Village's procedures for reporting and resolving complaints of harassment.
- Stopping any observed acts that may be considered harassment and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision.
- Taking immediate action to limit the work contact between employees where there has been a complaint of harassment, pending investigation.

Each supervisor has the responsibility to assist any employee, who comes to that individual with a complaint of harassment, in documenting and filing a complaint in accordance with this policy.

Failure to take action to stop known harassment will result in disciplinary action up to and including termination of employment.

E. Reporting and Investigating Alleged Harassment

While the Village encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his or her behavior is unwelcome, the Village also recognizes that power and status disparities between an alleged harasser and a target may make such a confrontation impossible. In the event that such informal, direct communication between individuals is either ineffective or impossible, or even when such communication between the individuals has occurred, the following steps should be taken to report a harassment complaint:

1. Reporting of the Incident: All Village employees and officials are urged to report any suspected harassment by another employee or official to the Village President except

where the Village President is the individual accused of harassment. In that case, the complaint should be reported to a member of the Village Board of Trustees. If the victim prefers to report the suspected harassment to someone of the opposite sex from that of the Village President, the complaint can be reported to a member of the Village Board of Trustees. The report may be made initially either orally or in writing, but reports made orally must be reduced to writing before an investigation can be initiated and a resolution achieved.

2. Investigation of the Complaint: When a complaint has been reduced to writing, the Village President will initiate an investigation of the suspected harassment. The investigation will include an interview with the individual(s) who made the initial report, the person(s) toward whom the suspected harassment was directed, and the individual(s) accused of the harassment. Any other person who may have information regarding the alleged harassment may also be interviewed.
3. Preparation of a Written Report: The person responsible for investigating the complaint shall prepare a written report. The report shall include a finding that harassment occurred, harassment did not occur, or there is inconclusive evidence as to whether harassment occurred. A copy of the report will be given to the individual(s) who made the initial report, the person(s) to whom the suspected harassment was directed, and the individual(s) accused of the harassment.

Where a hostile work environment has been found to exist, the Village will take all reasonable steps to eliminate the conduct creating such an environment.

4. Keeping of Records and the Confidentiality of Such Records: Employees or other persons who report incidents of harassment are encouraged to keep written notes in order to accurately record the offensive conduct. Every effort shall be made to keep all matters related to the investigation and various reports confidential. In the event of a lawsuit, however, the Village advises that those records maintained by the Village and any records maintained by the complainant may not be considered privileged from disclosure.

F. Time Frame for Reporting Harassment

The Village encourages prompt reporting of complaints so that rapid response and appropriate action may be taken. Thus, all complaints should be reported within six months of the alleged harassment.

G. No Retaliation

No Village official or employee shall take any retaliatory action against any Village employee due to a Village employee's:

1. Disclosure or threatened disclosure of any violation of this policy,
2. The provision of information related to or testimony before any public body conducting an investigation, hearing or inquiry into any violation of this policy, or
3. Assistance or participation in a proceeding to enforce the provisions of this policy.

For the purposes of this policy, retaliatory action means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any Village employee that is taken in retaliation for a Village employee's involvement in protected activity pursuant to this policy.

No individual making a report will be retaliated against even if a report made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

Similar to the prohibition against retaliation contained herein, the State Officials and Employees Ethics Act (5 ILCS 430/15-10) provides whistleblower protection from retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for an employee who does any of the following:

1. Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any Village officer or employee that the Village employee reasonably believes is in violation of a law, rule, or regulation,
2. Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any Village officer or employee, or
3. Assists or participates in a proceeding to enforce the provisions of the State Officials and Employees Ethics Act.

Pursuant to the Whistleblower Act (740 ILCS 174/15(a)), an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. In addition, an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. (740 ILCS 174/15(b)).

According to the Illinois Human Rights Act (775 ILCS 5/6-101), it is a civil rights violation for a person, or for two or more people to conspire, to retaliate against a person because he/she has opposed that which he/she reasonably and in good faith believes to be sexual harassment in employment, because he/she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under the Illinois Human Rights Act.

An employee who is suddenly transferred to a lower paying job or passed over for a promotion after filing a complaint with IDHR or EEOC, may file a retaliation charge – due within 180 days (IDHR) or 300 days (EEOC) of the alleged retaliation.

H. Disciplinary Action

If any Village employee engages in conduct that violates this policy, or other conduct that the Village believes is unprofessional, that employee will be subject to discipline up to and including termination of employment. In addition to any and all other discipline that may be applicable

pursuant to municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreement, any person who violates the Prohibition on Sexual Harassment contained in 5 ILCS 430/5-65, may be subject to a fine of up to \$5,000 per offense.

I. Consequences for Knowingly Making a False Report of Sexual Harassment Pursuant to 5 ILCS 430/70-5

A false report is a report of sexual harassment made by an accuser using the sexual harassment report to accomplish some end other than stopping sexual harassment or retaliation for reporting sexual harassment. **A false report of sexual harassment is not defined as a report made in good faith but which cannot be proven.** Rather, a false complaint of sexual harassment is defined as an intentionally made false or frivolous report or bad faith allegation. Given the seriousness of the consequences for the accused, any person who intentionally makes a false report alleging sexual harassment shall be subject to discipline up to and including termination of employment.

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

J. External Procedures

The Village hopes that any incident of harassment can be resolved through the internal procedures outlined above. Employees of the Village, however, have the right to file formal harassment charges including charges of retaliation with the Illinois Department of Human Rights (the “IDHR”) and/or with the Equal Employment Opportunity Commission (the “EEOC”). A charge with the IDHR must be filed within 300 days of the harassing incident. A charge with the EEOC must be filed within 300 days of the incident. It is unlawful for an employer to retaliate against an employee for filing a charge of harassment with the IDHR or the EEOC.

The IDHR may be conducted as follows:

Chicago: (312) 814-6200
Springfield: (217) 785-5100

Chicago TDD: (312) 263-1579
Springfield TDD: (217) 785-5125

The EEOC may be conducted as follows:

Chicago: (312) 353-2713
F: Chicago: (800) 669-4000

Chicago TDD: (312) 353-2421
Chicago TDD: (800) 669-6820

11. VICTIMS' ECONOMIC SECURITY AND SAFETY ACT

A. Statement of Policy:

In accordance with the Victims' Economic Security and Safety Act (VESSA) and subject to the conditions stated below, the Village will grant eligible employees reasonable accommodation, including job-protected leave during which health insurance will be maintained as if the employee were working full-time and after which the employee will be reinstated to the same or equivalent position.

B. VESSA Leave:

If an employee, or a household or family member of the employee, is a victim of domestic or sexual violence as defined by VESSA, the employee may take leave in accordance with VESSA for the purposes below.

1. Permissible purposes for leave:
 - (i) seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member;
 - (ii) obtaining services from a victim services organization for the employee or the employee's family or household member;
 - (iii) obtaining psychological or other counseling for the employee or the employee's family or household member;
 - (iv) participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic or sexual violence or ensure economic security; or
 - (v) seeking legal assistance or remedies to ensure the victim's health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.
2. Period and Schedule. An employee shall be entitled to a total of 8 weeks of unpaid leave during any 12-month period. The leave may be taken all at once, intermittently, or on a reduced work schedule.
3. Notice. The employee must give at least 48 hours advance notice of his or her intention to take VESSA leave unless such notice is not practical. If the employee takes an

unscheduled absence, the Village will require certification pursuant to the following section.

4. Certification. The Village may, in its sole discretion, require the employee seeking VESSA leave to provide certification that the employee or family or household member is a victim of domestic or sexual violence as defined by VESSA, and that the leave sought is for one of the permitted purposes. The employee must provide certification as soon as practicable after the Village requests certification. To the extent permitted by law, any certification provided to the Village will be confidential. Examples of valid certification are:
 - (i) documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee or the employee's family or household member has sought assistance in addressing domestic or sexual violence and the effects of the violence;
 - (ii) a police or court record; or
 - (iii) other corroborating evidence.

C. Maintenance of Benefits:

1. Returning to work. An employee returning to work after taking VESSA leave shall be entitled to his or her current position or an equivalent position, with no loss of benefits accrued prior to the date of leave. However, employees are not entitled to accrue seniority, benefits, rights, or positions for the period of leave, even if such leave is intermittent or on a reduced work schedule. Further, the Village shall be entitled to require the employee to report periodically on the employee's status and intention to return to regular employment.
2. Health benefits. Health insurance for the employee and any family or household members will be maintained in full during any VESSA leave. The Village may recover premiums paid during leave if the employee fails to return to work after the allotted leave expires in certain circumstances.

D. Other Leave:

This policy does not create a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under, or is in addition to the unpaid leave time permitted by the Family and Medical Leave Act. Employees may substitute paid benefit time off for the unpaid leave allowed under VESSA.

E. Employment Sustainability:

The Village will not discharge, retaliate or discriminate against an employee based on the employee's having been a victim of domestic or sexual abuse, the employee's request for or taking of VESSA leave, or the employee's request for a reasonable job-related accommodation based on actual or threatened domestic or sexual violence. The Village will endeavor to provide qualified employees subject to VESSA a reasonable accommodation so as to allow employee to continue working for the Village so long as it does not pose an undue hardship for the Village.

12. AMERICANS WITH DISABILITIES ACT

It is the policy of the Village to comply with all provisions of the Americans with Disabilities Act ("ADA") and the Illinois Human Rights Act. The Village will not discriminate against any qualified employee or job applicant with respect to any term or condition of employment based on a physical or mental disability or the perception of a physical or mental disability. If an individual is qualified to perform the essential and fundamental functions associated with a job, the Village will make reasonable accommodations as necessary for applicants and employees with disabilities, provided that such accommodations do not pose a threat to safety or cause an undue hardship to the Village.

Any applicant or employee who believes that he or she has been discriminated against based on a physical or mental disability, or based on a perception that they suffer from a physical or mental disability, should take the following steps:

1. Reporting of the Incident: Make a report of any suspected violation of this policy to the Village President. The report may be made initially either orally or in writing, but reports made orally must be reduced to writing before an investigation can be initiated and a resolution achieved. If the complaint involves the Village President, then the report of any suspected violation of the ADA should be made to a member of the Village Board of Trustees.
2. Investigation of the Complaint: When a complaint has been reduced to writing, the Village President or the person receiving the complaint (the "Investigator"), as the case may be, will meet with the complaining party to determine the nature of the complaint. If it is determined that a disability does not exist, the Investigator will so notify the complaining party. If it is determined that a disability does exist, the Investigator will determine whether a reasonable accommodation can be made and, if so, what that reasonable accommodation is.
3. Keeping of Records and the Confidentiality of Such Records: Applicants or employees who submit a written complaint of a violation of this policy are encouraged to keep written notes in order to accurately record the chain of events. Every effort shall be made to keep all matters related to the investigation and various reports confidential. In the event of a lawsuit, however, the Village advises that those records maintained by the Village and any records maintained by the complainant may not be considered privileged from disclosure. Written records will be maintained by the Village for two (2) years from the date of the resolution, unless new circumstances dictate that the records should be kept for a longer period of time.

4. Time Frame for Reporting Complaints: The Village encourages prompt reporting of complaints so that rapid response and appropriate action may be taken. Thus, all complaints of disability discrimination should be made within six (6) months from the date of the alleged discrimination.

13. FAMILY MILITARY LEAVE

Employees who have been employed with the Village for at least 12 months and for at least 1,250 hours of service during the previous 12-month period may be eligible for Family Military Leave. Family Military Leave is leave requested by an employee who is the spouse, parent, child or grandparent of a person called to military service lasting longer than 30 days with the State of Illinois or the United States pursuant to the orders of the Governor or the President of the United States.

Eligible employees will be granted up to 15 days of unpaid family military leave during the time federal or State of Illinois deployment orders are in effect subject to the conditions of this Section.

Employees wishing to take said leave shall give at least 14 days' notice if the leave will be 5 consecutive work days or longer. The employee shall consult with the Village to schedule the leave so as to not unduly disrupt the operations of the Village. Employees taking less than 5 days leave should give advanced notice where practicable. The Village may require certification from the proper military authority to verify that the employee is eligible for said leave.

Employees shall not take Family Military Leave until they have first exhausted all accrued vacation, personal and all other paid benefit time except for sick or disability leave.

Job Protection: Employees taking said leave will be restored to their position or to a position with equivalent seniority status, employee benefits, pay and other terms and conditions of employment and shall retain all employee benefits accrued before the date on which the leave commenced. Employees should arrange for the payment of their health insurance benefits during their leave.

14. DRUG FREE WORKPLACE ACT

A. Statement of Policy:

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, including cannabis (i.e., marijuana, hashish), is prohibited in the Village's workplace or at any work site where Village work is performed.

B. Drug Free Awareness Program:

To assist employees in complying with the Village's policies and procedures that have been adopted to comply with the drug free workplace act, the Village has established a drug free awareness program to inform employees about:

1. The dangers of drug abuse in the workplace.

2. The Village's policy of maintaining a drug free workplace.
3. Any available drug counseling, rehabilitation, and employee assistance programs.
4. The penalties that may be imposed upon an employee for violations of the Village's policies and procedures that have been adopted to comply with the drug free workplace act.

C. Employees to Whom This Policy Applies:

This policy applies to every Village employee engaged in the performance of work related to any grant received by the Village.

A copy of this policy will be given to every such employee and posted in the Village Hall.

D. Penalties for Violation of This Policy:

Any employee who violates this prohibition may be subject to disciplinary action as set forth in the Discipline section this policy or as provided by state statute, whichever is applicable, up to and including immediate termination of employment or may be referred for counseling or rehabilitation and satisfactory treatment.

E. What the Employee is Required to Do:

Every employee who is convicted of a violation of a criminal drug statute as the result of conduct occurring in the workplace or at a Village work site must notify the Village no later than five (5) days after the conviction. Failure to so notify the Village may result in disciplinary action, up to and including immediate termination of employment.

Within ten (10) days of receiving notice of a conviction of an employee, the Village will notify the granting agency of the conviction.

F. Penalties for Conviction of Criminal Drug Statute:

Within thirty (30) days of receiving notice that an employee has been convicted of a violation of a criminal drug statute, the Village will:

1. Take appropriate disciplinary action as set forth in this policy or as provided by state statute, whichever is applicable, up to and including immediate termination of employment; or
2. Require the employee, at the employee's expense, to satisfactorily participate in a drug abuse assistance or rehabilitation program which has been approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

The Village has the sole right to determine the course of action to be taken.

G. Employee Assistance Program:

In the event drug counseling, treatment, and rehabilitation is required, the Village has established an employee assistance program to assist employees in selecting a course of action and to refer employees to qualified treatment facilities or agencies. The following is the Village's policy for the employee assistance program:

EMPLOYEE ASSISTANCE PROGRAM:

To comply with the Drug Free Workplace Act, the Village has established an Employee Assistance Program (EAP) to help employees who are affected by a drug abuse problem. Through our EAP, the Village hopes to identify drug abuse problems early and will provide confidential referral for treatment.

1. The Village recognizes that drug abuse is an illness. This illness may affect an employee's job performance, health, or personal relationships. Fortunately, this is an illness which can be successfully treated.
2. To assist employees in seeking treatment for drug abuse problems, the Village has created the position of Program Administrator of the Drug Free Workplace Act. The Program Administrator is the Village President.
3. Employees who believe they have a drug-abuse problem are encouraged to voluntarily seek confidential assistance by contacting the Program Administrator. The Program Administrator will place the employee in contact with the Village's EAP.
4. Through the EAP, the employee will be provided a referral coordinator. The referral coordinator is part of a trained referral team who can refer the employee to a specific professional counselor or treatment program who can help the employee deal with his or her drug-abuse problem.
5. An employee who voluntarily seeks assistance under the Village's EAP may not be subject to discipline because of his or her drug-abuse problem if, in the opinion of the Program Administrator, 1) the employee can satisfactorily continue to perform his or her job duties, 2) the employee is not a danger to himself or herself or to others, and 3) the integrity of the Village of Kirkland is not adversely affected.
6. If an employee violates the Drug Free Workplace Act, the Village may require the employee to satisfactorily participate in an approved drug abuse assistance or treatment program, at the employee's expense. If the employee refuses to participate in such a program, the employee may be subject to disciplinary action as set forth in the Village Personnel Policy and Procedures Manual or as provided by state statute, whichever is applicable.
7. The decision to contact the EAP and to request diagnosis or to undertake treatment is the sole responsibility of the employee. The employee may also seek help directly from any

approved individual or agency. All treatment expenses are the sole responsibility of the employee.

8. The relationship among the employee, the Program Administrator, and the EAP referral coordinator is confidential. When an employee voluntarily contacts the EAP through the Program Administrator, only the Program Administrator will be aware of the contact. When an employee is required to contact the EAP or to participate in a drug abuse assistance or rehabilitation program as the result of a violation of the Drug Free Workplace Act, only the Program Administrator and those Village officials responsible for determining compliance with the Drug Free Workplace Act will be aware of the contact. No one in the Village will be aware of any treatment recommendations unless the employee specifically authorizes disclosure to a specific person. When an employee is required to contact the EAP or to participate in a drug abuse assistance or rehabilitation program as the result of a violation of the Drug Free Workplace Act, however, the employee will be required to provide the Village with proof of satisfactory participation in and completion of the program.

H. Acceptance of This Policy:

The Village requires that all employees acknowledge that they:

1. Have received the Village's policy statement of compliance with the drug free workplace act.
2. Will abide by the terms of this policy statement.
3. Will notify the Village of any criminal drug statute conviction for a violation occurring in the workplace or at a Village work site no later than five (5) days after the conviction.
4. Will, if convicted of a criminal drug statute violation as the result of conduct occurring in the workplace or at a Village work site and given the opportunity to do so, satisfactorily participate in a drug abuse assistance or rehabilitation program and provide the Village with proof of satisfactory participation and completion of such a program.

15. DRUG AND ALCOHOL TESTING POLICY AND PROCEDURES

A. Statement of Policy:

In order to provide a drug-free, healthful, and safe secure work environment, the Village will regulate the use of drugs and alcohol in the workplace. In addition, the purpose of this policy is to perform the necessary drug and alcohol testing pursuant to the federally mandated requirements of the Omnibus Transportation Employee Testing Act of 1991 as delineated under U.S. Department of Transportation Drug and Alcohol Testing Regulations 49 CFR Part 40 and 382. The drug-related and alcohol-related requirements of this law became effective January 1, 1996. The Village may therefore require 1) any employee holding a Commercial Driver's License (CDL), and 2) all other employees who operate and/or drive a vehicle or mechanical equipment or other safety-sensitive function to submit to random drug and alcohol tests to

determine the presence of alcohol or marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP) in the system. This screening will be conducted while the employee is on Village-paid time at Village expense and will be mandatory. All test results will remain confidential.

The procedures described below that implement this policy are general in nature, and do not necessarily describe every action that may be taken or every document that may be used, generated, or executed, whether by the Village, its insurance carriers, any testing facility, or other entity responsible for or authorized to effectuate any aspect of this policy.

B. Prohibitions:

The following prohibited acts shall result in discipline, up to and including discharge:

1. Possessing, manufacturing, distributing, dispensing, consuming, selling, purchasing, or being under the influence of alcohol (which shall be defined for testing purposes as an alcohol concentration of .02 or more) at any time during the course of the work day or in any Village-owned vehicles;
2. Possessing, manufacturing, distributing, dispensing, using, selling, or purchasing any illegal drug at any time and at any place. "Illegal drug" shall be defined as cannabis and controlled substances under state and federal law which are not being used under the supervision of a licensed health care profession, or otherwise in accordance with law;
3. Ingestion or unauthorized possession of a prescription drug which has not been prescribed to the employee;
4. Failing to:
 - (i) consult with a physician about a prescribed medications effect on the employee's ability to perform his or her job safely, or
 - (ii) immediately disclose to his or her supervisor any medication-related work; or
 - (iii) disclose to his or her supervisor when taking medication whose container contains warnings that the medication may affect an employee's ability to safely perform his or her job (such as to drive or operate machinery); or
5. Testing positive for illegal drugs or for being under the influence of alcohol; or
6. Failing to comply with this policy or the Village's Drug Free Workplace Policy.

C. CDL Employees and all other employees who operate and/or drive a vehicle or mechanical equipment:

Pursuant to the U.S. and Illinois Department of Transportation Regulations requiring drug and alcohol testing on all employees holding a commercial driver's license (CDL), all CDL

employees and all other employees who operate and/or drive a vehicle or mechanical equipment will be tested in the following situations:

1. Pre-employment testing. All applicants for employment in positions covered under the U.S. and Illinois Department of Transportation Regulations and all other employees who operate and/or drive a vehicle or mechanical equipment must successfully complete a drug and alcohol test before performing any safety-sensitive function.
2. Random testing. All CDL employees and all other employees who operate and/or drive a vehicle or mechanical equipment or perform any other safety-sensitive function, will be subject to random drug and alcohol testing throughout the year. These employees will have no advance warnings of the random tests.
3. Post-accident/incident testing. This testing applies to CDL employees, all other employees who perform safety-sensitive functions, or other employees where there is a reasonable suspicion of drug or alcohol use. Drug testing will be required within 8 hours after serious accidents or rule violations, but should be done on the same day. No employee may consume alcohol for 8 hours following the accident or until they undergo a post-accident alcohol test, whichever occurs first.
 - (i) This municipality will require post-accident urine drug and breath alcohol testing of all employees covered by this policy.
 - (ii) Post-accident urine drug and breath alcohol testing will be required of each surviving driver:
 - a. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
 - b. Who receives a citation under state or local law for a moving traffic violation arising from the accident, if the accident involved:
 - I. Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - II. One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
 - (iii) For purposes of this section, disabling damage means damage, which precludes departure of a motor vehicle from the scene of the accident in its usual manner after simple repairs.
 - a. Inclusions. Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.

b. Exclusions.

- I. Damage, which can be remedied temporarily at the scene of the accident without special tools or parts.
 - II. Tire disablement without other damage even if no spare tire is available.
 - III. Headlight or taillight damage.
 - IV. Damage to turn signals, horn, or windshield wipers, which make them inoperative.
4. Reasonable Suspicion. If the Village has reasonable suspicion to believe that an employee is under the influence of drugs or alcohol, the Village may require the employee to submit to a drug or alcohol test. "Reasonable suspicion" shall be based on documented observations by a trained supervisor who should be able to articulate and substantiate specific behavioral performance, or contemporaneous physical indicators of probable drug use and/or alcohol misuse.
 5. Employees required to hold CDL licenses shall be subject to the Illinois Municipal League Risk Management Agency policy and program for drug and alcohol testing in compliance with Federal regulations as may be adopted from time to time. Such policy and program is published under separate cover and may contain regulations and standards not listed herein.

D. Testing Procedures/Drugs:

All testing for drugs will be done only by federally certified laboratories. Testing for the presence of drugs will be done with two urine samples provided by the employee. The urine sample that is submitted will be tested for marijuana, cocaine, opiates, amphetamines and PCP. The collection of the urine specimen, submission of the urine specimen to the drug testing facility, and testing of the urine specimen will be conducted in accordance with the U.S. or Illinois Department of Transportation regulations. There will be two urine samples gathered so that the second urine specimen can be used by the employee and/or applicant for testing by another federally certified laboratory of the employee's choice and at the employee's expense.

All urine samples, which are identified as positive on the initial test, will be tested again using Chromatography/Mass Spectrometry. All urine samples, which test negative on either the initial or the second test, will be reported as negative.

E. Testing:

Testing for the presence of alcohol will be a breath test performed by a trained technician using evidential breath testing devices. The Federal Department of Transportation regulations have adopted the cutoffs of .02 for temporary removal from performing safety sensitive functions, and

.04 for long-term removal, pending a return to duty test, completion of an assessment for chemical dependency, and certification by a substance abuse professional that the employee is successfully following a prescribed treatment.

F. Medical Review Officer:

If a drug test has been confirmed to be positive, the results of the test shall be reviewed by a Medical Review Officer (MRO). The MRO is a licensed physician with knowledge of substance abuse disorders. The MRO will review and interpret confirmed positive test results obtained through the testing program. For all confirmed positive results, the MRO shall examine possible alternate medical explanations for the positive test result. This action may include conducting a medical interview and review of the employee's medical history, or review of any other relevant biomedical factors. The MRO shall review all medical records made available by the tested employee when a confirmed positive test could have results from legally prescribed medication.

The MRO will discuss all positive results with the tested driver pursuant to U.S. or Illinois Department of Transportation Regulations. The MRO will then report the test results to the Village.

The MRO shall not disclose to any third party any medical information provided by the employee to the MRO that is part of the testing verification process except as required by U.S. or Illinois Department of Transportation regulations or as authorized in writing by the tested employee. The MRO may not release individual drug test results of any employee to anyone other than the Village, except as required by U.S. or Illinois Department of Transportation Regulations, without first obtaining written authorization from the tested employee.

G. Confidentiality of Drug and Alcohol Test Results:

When an employee submits to a drug or alcohol test at the request of the Village, the medical facility may not release the individual medical, drug or alcohol test results of that employee to anyone other than the Village without first obtaining written authorization from the tested employee unless required to do so by the U.S. and/or Illinois Department of Transportation Regulations or by court order.

When an employee submits to a drug or alcohol test at the request of the Village, the Village will not release the individual medical, drug or alcohol test results of that employee without first obtaining written authorization from the tested employee unless required to do so by the U.S. and/or Illinois Department of Transportation Regulations or by court order.

H. Consequences of a Positive Drug or Alcohol Test Result:

An employee who tests positive for drugs as reported to the Village by the MRO will be immediately removed from a safety-sensitive function and may be subject to disciplinary action up to and including immediate termination of employment. A CDL driver whose blood alcohol concentration is .04 or more will be immediately removed from a safety sensitive function and may be subject to disciplinary action up to and including immediate termination of employment.

I. Effect of a Refusal to Submit to Drug or Alcohol Testing:

Prior to testing, the employee must sign a written consent to the testing. Failure to sign the consent may result in disciplinary action up to and including immediate termination of employment.

An employee who refuses or fails to be tested under the Village's Drug or Alcohol Testing Policy shall be treated as if he/she has received a positive drug test finding or a blood alcohol concentration of .04 or more. Upon refusal or failure to submit to the testing procedure, the employee's employment shall be immediately terminated. The employee's refusal shall be documented in writing.

J. Voluntary Requests for Assistance:

The Village strongly encourages employees with drug or alcohol problems to seek professional help. The Village will not discriminate or retaliate against an employee who "voluntarily" comes forward to request assistance. Seeking assistance, however, does not insulate an employee from discipline for violations of the Village rules, failures to fulfill obligations under an employee assistance program, or for future violations of Village rules. Employees seeking assistance may also be subject to random testing during and for the next five (5) years following successful completion of an employee assistance program.

An employee will be allowed to use all accrued sick leave, vacation and personal time off while attending a treatment program, and will be granted family medical leave (to the extent applicable) or an unpaid leave of absence to complete such program after alcohol/substance abuse shall be limited to services provided by the Village's medical insurance plan in which the employee is enrolled.

16. GENERAL RULES

All employees are subject to the general rules of the Village. Employees under the jurisdiction of the police committee are also subject to the committee's rules and regulations.

A. Change of Name, Address, Marital or Family Status:

Employees should immediately report to the Village Clerk any changes in their address, telephone, emergency telephone, marital status, and dependents so the information can be entered into personnel records.

B. Employee Identification:

When necessary, Village employees will be issued proper identification to assist them in gaining necessary access while on routine or emergency Village business.

D. Village Vehicles, Equipment, Supplies and Tools:

Employees operating Village vehicles are required to have a valid, appropriately classified driver's license. Employees are responsible for the proper operation, care and conservation of Village vehicles and equipment. Negligent operation of Village property will be grounds for disciplinary action, up to and including termination.

Village vehicles, equipment, supplies, and tools are provided for Village employees in order to properly perform their assigned job responsibilities. Operation and use of Village vehicles, equipment, supplies, and tools must be related to specific Village service programs and departmental operating policies and procedures. Failure to operate Village equipment in accordance with this policy will result in disciplinary action, up to and including termination.

Breakdown or malfunction of any Village vehicle, equipment, supply, or tool shall be promptly reported by the employee to the employee's immediate supervisor or department head. Failure to do so may result in disciplinary action, up to and including termination of employment.

Village employees shall not permit unauthorized personnel to enter Village vehicles or equipment and shall not permit unauthorized to use Village vehicles, equipment, supplies, or tools.

All Village owned property, including lockers used by employees, may be subject to examination and inspection at any time by an employee's immediate supervisor, department head, or designee. Office supplies and stationery may be used only for Village business. Misused of official Village letterhead is a serious offense which may result in disciplinary action, up to and including immediate termination of employment.

When safety equipment is issued to employees, it is mandatory that it be worn or used in an appropriate manner when performing tasks for which such equipment is provided. Failure to wear or operate safety equipment may result in disciplinary action, including termination. Except in situations specifically authorized by the employee's supervisor, employees may not take Village equipment or supplies home. Supervisors with the prior written approval of the Mayor may utilize Village vehicles for personal use to ensure a quick response to Village related issues.

Personal equipment, tools, or supplies may not be brought to the Village and used for Village purposes without prior authorized by the employee's immediate supervisor.

E. Village Telephone:

While the telephone system is intended to be used for business purposes, the Village recognizes that some personal calls are necessary. Employees are permitted to make and receive personal calls that are urgent, extremely difficult, or impractical to schedule outside of work hours. Such calls should be infrequent and as brief as possible. Employees should make their personal calls during meal or break periods. The Village should not bear any expense for personal long distance calls.

Employees shall refrain from using 411 or other telephone services that incur additional charges unless this option is the only reasonably available one for obtaining necessary information.

Cellular Phone Use: Employees are expected to refrain from using their personal cellular phones for personal use at work. The employee must keep the cellular phone on silent or vibrate so it will not disturb fellow employees or disrupt the work flow of the office. Employees are permitted to make and receive personal calls that are urgent, extremely difficult, or impractical to schedule outside of work hours. Such calls should be infrequent and as brief as possible. Employees should make their personal calls during meal or break periods.

The use of the camera option of a cellular phone is not permitted by any employee on Village property during work time. "Work time" means the time during which the employee should be working. "Work time" does not include lunch periods, break periods, or other periods when employees are not expected to be actively working. Photos of residents are not permitted without appropriate releases.

The Village is not liable for the loss or damage of personal cellular phones brought into the workplace.

F. Gifts and Gratuities:

All employees shall comply with the Ethics section under Chapter 34, Village Policies, of the Kirkland Municipal Code, which pertains to the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 et seq. In addition, the acceptance of gifts or gratuities for providing municipal services is strictly prohibited. If gifts of food or candy of nominal value are offered during holiday seasons, they may be accepted but shall be made available to all employees to consume. Adherence to the gift ban act is strictly enforced. Any questions should be directed to the Village President.

G. Political Activities:

Employees of the Village serve all Village residents equally and have certain responsibilities to residents. A Village employee also has rights as a citizen and is allowed to participate in political activities.

The political opinions or affiliations of any resident shall in no way affect the amount or quality of services received from or provided by the Village.

An individual's political affiliation, preference, or opinion will not, in any way, influence the hiring or any other term or condition of employment of a Village employee.

The following guidelines will be used in defining political activity within the community:

1. No employee who is a candidate for an elective office of the Village of Kirkland shall engage in any campaign activities while at work or while performing work related duties, or in any other way coerce or influence, or attempt to coerce or influence, others to

endorse his or her campaign, to vote for him or her, or to engage in any other political activities on his or her behalf while the employee is at work or performing work related duties.

2. No employee shall use his or her name as a Village employee as an endorsement for a candidate for local political office.
3. No Village employee shall, during working hours or while on duty, take any active part in a political campaign. Political activities are not prohibited, but must be confined to nonworking hours.
4. Employees of the Village shall not, during working hours or while on duty, directly or indirectly, demand, solicit, collect, or receive any assessment, subscription, or contribution, whether voluntary or involuntary, intended for any political purpose whatsoever from fellow employees or from the general public.
5. No employee of the Village shall use his or her position as a Village employee to attempt to solicit votes for any candidate for local office or to lend credence to any such solicitation for any candidate for local office.
6. No employee shall use Village facilities, including the telephone, copy machines, or any other Village equipment or supplies for the purpose of preparing or promoting any local political campaign.
7. No Village employee shall contribute money to any local candidate or political party except on a purely voluntary basis.
8. The Village President and department supervisors are also subject to the Village's code of ethics contained in the Village of Kirkland Municipal Code.

The guidelines set forth govern local elections only and are not intended to include elections of county, state, or federal governments.

H. Confidential Information:

Information about the plans or business affairs of the Village, or the personal or business affairs of other employees or Village officials, is confidential unless otherwise subject to the Freedom of Information Act. Inquiries from any source about such information should be referred to the Village Clerk, who will determine the identity of the person requesting the information and the validity of the request.

I. Media Relations:

The Village President and members of the Board of Trustees shall be the primary spokespersons of the Village on all official actions of the Village.

Village department supervisors may confer with the media and provide information only on those matters affecting their departments. Any information disbursed is done with the understanding it is in relation to a matter directly related to the operation of their department. Any comments on proposed changes to established policy or procedures must be stated as a recommendation.

J. Outside Employment and Training:

All regular full time employees who desire to engage in outside employment with an employer other than the Village of Kirkland must obtain the prior written consent of their department head. Department heads shall request permission to engage in outside employment from the Village President. Full time employees must also notify their department head of enrollment in any formal training programs not provided or required by the Village. Department heads shall notify the Village President if they are enrolled in formal training programs not provided or required by the Village.

K. No Solicitation/No Distribution:

Solicitation of Village employees and residents or members of the general public who are on Village property, or the distribution of literature, pamphlets, or other materials by individuals not employed by the Village, is prohibited on all Village property.

Soliciting, collecting, or selling, for any purpose, between employees of the Village during the work time of the soliciting employee or during the work time of the employee being solicited, is prohibited. "Work time" means the time during which either the soliciting employee or the employee being solicited should be working. "Work time" does not include lunch periods, break periods, or other periods when employees are not expected to be actively working.

L. No Smoking Policy:

Pursuant to the Smoke Free Illinois Act, 410 ILCS 82/1 et seq., smoking by employees is prohibited in all Village facilities and vehicles.

M. Employee Safety:

The Village firmly believes that all accidents are preventable. The Village will make every effort to provide a safe and healthy working environment, including using approved working equipment and proper protective equipment and providing its employees with sufficient training and instruction.

To help ensure the safety of all Village employees, all employees are expected to abide by basic safety rules, including, but not limited to:

1. Obeying all safety rules and using all safety and protective equipment provided to you.
2. Following all safety instructions when using Village equipment or machinery.

3. Reporting any injury, no matter how minor or insignificant, immediately to your supervisor and following the steps in subsection L of the Benefits Section, “Workers’ Compensation”, of this policy.

Failure to abide by these rules, or to follow basic safety procedures, may result in disciplinary action, up to and including immediate termination of employment.

N. Communication Policy:

Village employees shall adhere to the following procedures regarding the use of the Village’s phone, computer and electronic communications systems. These systems include, but are not limited to, telephone, cellular telephones, e-mail, voice mail, FAX communications, computers and the Internet. These systems are to be used in a generally accepted, appropriate, professional, business-like manner.

1. Ownership & Privacy: The Village’s communications systems and all information stored on them are the Village’s property. All information and messages that are created, sent, received, accessed or stored through these systems constitute Village records. These records, including e-mail and voice mail, while they may be considered private and confidential, may in fact be subject to disclosure pursuant to the Freedom of Information Act and may also be subpoenaed the same as paper records. There should be no expectation of privacy regarding any electronic communication created on the Village’s systems. Employees should not construe the use of passwords as creating an expectation of privacy. The Village reserves the right to monitor its communications systems and all information stored on them at any time, with or without notice and to the extent permitted by applicable state and federal law, to ensure that such systems are being used in a manner consistent with the Village’s business interests.

In particular, highly confidential or sensitive information should not be sent through e-mail. The Village reserves the right to keep an employee’s e-mail address and associated messages active for a reasonable period of time following an employee’s departure from the Village to ensure that important business communications reach the Village.

2. Prohibited Activities:

- (i) The Village prohibits the use of its electronic communications systems to communicate defamatory, offensive, harassing, disruptive or derogatory material or comments.
- (ii) Employees may not access the operating system or program files of any Village owned computer terminal or network without authorization by the Network Administrator.
- (iii) Employees may not upload, download, copy, receive or otherwise transmit any illegal information or materials.

- (iv) Employees shall not provide access or use of the Village's electronic communication systems to any unauthorized party.
 - (v) Unless specifically authorized, no phones, computers, monitors, printers or accessories will be removed from any Village facility.
 - (vi) No non-Village media (diskettes, tapes, CD's etc.) will be introduced to the network or to a personal computer without prior testing and approval by the Network Administrator and department head.
 - (vii) No software will be installed on any computer without first obtaining the proper licenses and authorization of the Network Administrator and department head. The department must maintain documentation for all software licenses.
3. E-Mail and Internet Use: The Village provides e-mail and Internet access to its employees to assist and facilitate business communication and to improve customer service. When an employee is using e-mail or conducting business on the Internet, the employee is representing the Village. Because of the ability of an Internet site to gather information about its contacts and because of the potential for viruses to spread throughout the network, it is imperative that all actions and communications be conducted in a safe, courteous and ethical manner.
- (i) With respect to e-mail and Internet confidentiality, the Village reserves the right to monitor all messages and sites visited, with or without notice to employees. The use of a system log-on or password should not convey an expectation of privacy.
 - (ii) Official records communicated via e-mail must be retained as long as needed for ongoing operations, audit, legal proceedings, research, or other known purpose. Generally records transmitted through e-mail systems will have the same retention period as those in other formats as required by applicable law. Transitory message and reference copies not requiring long-term retention must be deleted in a timely manner.
 - (iii) Reading, altering, or deleting another person's e-mail or computer files without specific authorization of the department head is prohibited.
 - (iv) The use of e-mail or the Internet for any illegal or unethical activities or for any activity that could adversely affect the Village or its employees is prohibited. With regard to viruses, it is strongly suggested that an employee not open any attachments to any e-mail, unless he is sure he knows the sender. Caution should also be taken in downloading files from Internet sites. The Village has taken precautions to alleviate the threat of viruses; the server and each PC have anti-virus software. The software is periodically updated. Under no circumstances is this software to be disconnected.

If a virus from any source is detected, notify the Network Administrator immediately.

- (v) Employees transmitting obscene or harassing messages or using derogatory language in an e-mail message will be subject to the same disciplinary measures as if the remarks were made in any other manner. Further, the Internet shall not be used for any illegal, improper, unprofessional or illicit purpose, e.g. intentionally accessing sites that deal with pornographic or offensive material, gambling, etc. Intentional misuse may subject the user to disciplinary action. (Police criminal investigations that require access to special Internet services are exempt from this section.)
- (vi) The Internet is a valuable resource. Employees are encouraged to use the Internet in the performance of their duties. However, users should not access the Internet for personal reasons during regular business hours. Employees may access the Internet for personal development and research outside of their normal work hours in accordance with departmental policies and procedures.
- (vii) Resources of any kind for which there is a fee must not be accessed or downloaded without prior approval of a supervisor.

17. DISCIPLINE

A. Disciplinary Actions:

Violations of work rules, unacceptable behavior, misconduct, or poor performance may subject an employee to any of the following disciplinary actions:

1. Verbal Warning: A verbal warning may be given for minor infractions or offenses. Generally, verbal warnings will be given only for the first instance of misconduct. Notice of a verbal warning will be placed in the employee's personnel file.
2. Written Warning: A written warning may be given for moderately serious problems or the recurrence of minor problems. The employee will be given an opportunity to review the disciplinary notice and to respond to it. The employee will also be asked to sign the disciplinary notice, which means only that the employee has read the notice and understands what it means, not that the employee necessarily agrees with the discipline. An employee's refusal or failure to sign a disciplinary notice will constitute a separate violation which may result in disciplinary action, up to and including immediate termination of employment. A copy of the disciplinary notice will be placed in the employee's personnel file.
3. Suspension: Disciplinary suspensions may be with or without pay. (Exempt employees may only be suspended with pay.) Written notice of the suspension will be placed in the employee's personnel file.
4. Termination: An employee may be immediately terminated for violation of work rules, unacceptable behavior, misconduct, poor performance or for any reason or no reason without ever having received a verbal warning, a written warning or suspension.

B. Work Rules:

Some of the Work Rules which employees should be familiar with are listed below. Violation of any of these Work Rules may subject an employee to disciplinary action, ranging from a verbal warning to immediate termination, as deemed appropriate by the department head and/or the Village President. These Rules are by way of example and do not limit the right of the Village to terminate an employee for any reason or no reason. The Village reserves the sole right to revise or change these rules as it deems necessary without prior notice.

An employee will be subject to disciplinary action for:

1. Carelessness resulting in injury, property damage, or a dangerous condition.
2. Reckless or careless driving while using a Village vehicle.
3. Insubordination or failure to perform an assigned task.
4. Conduct which reflects unfavorably upon the Village as an employer.
5. Discourtesy or use of abusive language.
6. False statements at the time of employment.
7. Dishonesty.
8. Falsification of organization records or reports.
9. Willingly making a false statement to a supervisor, official, the public, or any Village board or commission.
10. Violation of a Village ordinance, administrative regulation, or department rule.
11. Refusal to be examined by a Village authorized fully licensed physician when so directed if applicable to position.
12. Theft or unauthorized removal of property belonging to the Village or another person.
13. Immoral conduct or indecent behavior on Village premises.
14. Refusal to work overtime during a designated emergency, without justifiable cause. (An emergency situation exists during any period in which the health, safety, or welfare of the community is threatened.)
15. Violation of, or disregard for, an established safety practice.
16. Possession or use of alcohol or a controlled substance while on Village premises.
17. Reporting for, or being at work while under the influence of alcohol or a controlled substance.

18. Provoking, instigating, or participating in an activity intended to disrupt the established work routine.
19. Unsatisfactory work performance.
20. Unauthorized use or possession of tools, machinery, or equipment.
21. Gambling on the premises during working hours.
22. Loafing, loitering or otherwise wasting time during work hours.
23. Being consistently late and/or absent from work without permission or notification.
24. Misuse of sick leave or other benefits.
25. Violation of the Equal Employment Opportunity, Anti-Harassment, ADA, or Drug Free Workplace policies.
26. Revealing Village information without the proper authorization.
27. Disruptive attitude or abusive language which is detrimental to the services, programs, and operations of the Village.
28. Asking for or accepting any form of gift or gratuity in connection with providing Village services or other violation of the Gift Ban Act Policy.
29. Allowing the political affiliation of the employee or of a resident or member of the general public to affect or in any way influence whether a resident or member of the general public receives Village services or allowing the political affiliation of the employee or of a resident or member of the general public to affect or in any way influence the type or quality of Village services available or provided to that resident or member of the general public.
30. Any other misconduct or impropriety of a similar seriousness to those items listed above.

18. SEPARATION FROM EMPLOYMENT

An employee may be separated from employment with the Village of Kirkland by resignation, layoff, and loss of acceptable position requirements or discharge. The determination of separation status for all employees shall be made by the Village President.

A. Resignation:

An employee may resign at any time, without prior notice to the Village. However, if possible, the Village would ask that departing employees submit a resignation to their department supervisor two (2) weeks prior to the date of the intended departure. The employee shall return any and all properties of the Village and have paid any obligations owed by said employee that could obligate the Village prior to separation.

Unauthorized absence from work for three (3) consecutive days may be considered a voluntary resignation effective on the first day of such absence.

B. Discharge:

The discharge or involuntary separation of an employee from service shall be based upon, but not limited to, such factors as incompetence, insubordination, misconduct, delinquency, the inability to satisfactorily perform the duties and responsibilities of the position, or for any reason or no reason, with or without notice.

The procedure to be followed in the discharge of an employee is established in the Discipline section of this policy.

C. Continuation Coverage Rights Under Cobra

Introduction

You are receiving this notice because you have recently become covered under a group health plan (the Plan). This notice contains important information about your right to COBRA continuation coverage, which is a temporary extension of coverage under the Plan. This notice generally explains COBRA continuation coverage, when it may become available to you and your family, and what you need to do to protect the right to receive it.

The right to COBRA continuation coverage was created by a federal law, the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). COBRA continuation coverage can become available to you when you would otherwise lose your group health coverage. It can also become available to other members of your family who are covered under the Plan when they would otherwise lose their group health coverage. For additional information about your rights and obligations under the Plan and under federal law, you should review the Plan's Summary Plan Description or contact the Plan Administrator.

What is COBRA Continuation Coverage?

COBRA continuation coverage is a continuation of Plan coverage when coverage would otherwise end because of a life event known as a "qualifying event." Specific qualifying events are listed later in this notice. After a qualifying event, COBRA continuation coverage must be offered to each person who is a "qualified beneficiary." You, your spouse, and your dependent children could become qualified beneficiaries if coverage under the Plan is lost because of the qualifying event. Under the Plan, qualified beneficiaries who elect COBRA continuation coverage must pay for COBRA continuation coverage.

If you are an employee, you will become a qualified beneficiary if you lose your coverage under the Plan because either one of the following qualifying events happens:

- Your hours of employment are reduced, or
- Your employment ends for any reason other than your gross misconduct.

If you are the spouse of an employee, you will become a qualified beneficiary if you lose your coverage under the Plan because any of the following qualifying events happens:

- Your spouse dies;
- Your spouse's hours of employment are reduced;
- Your spouse's employment ends for any reason other than his or her gross misconduct;
- Your spouse becomes entitled to Medicare benefits (under Part A, Part B, or both); or
- You become divorced or legally separated from your spouse.

Your dependent children will become qualified beneficiaries if they lose coverage under the Plan because any of the following qualifying events happens:

- The parent-employee dies;
- The parent-employee's hours of employment are reduced;
- The parent-employee's employment ends for any reason other than his or her gross misconduct;
- The parent-employee becomes entitled to Medicare benefits (Part A, Part B, or both);
- The parents become divorced or legally separated; or
- The child stops being eligible for coverage under the plan as a "dependent child."

When is COBRA Coverage Available?

The Plan will offer COBRA continuation coverage to qualified beneficiaries only after the Plan Administrator has been notified that a qualifying event has occurred. When the qualifying event is the end of employment or reduction of hours of employment, death of the employee, [*add if Plan provides retiree health coverage: commencement of a proceeding in bankruptcy with respect to the employer,*] or the employee's becoming entitled to Medicare benefits (under Part A, Part B, or both), the employer must notify the Plan Administrator of the qualifying event.

You Must Give Notice of Some Qualifying Events

For the other qualifying events (divorce or legal separation of the employee and spouse or a dependent child's losing eligibility for coverage as a dependent child), you must notify the Plan Administrator within 60 days [*or enter longer period permitted under the terms of the Plan*] after the qualifying event occurs. You must provide this notice to: [*Enter name of appropriate party*]. [*Add description of any additional Plan procedures for this notice, including a description of any required information or documentation.*]

How is COBRA Coverage Provided?

Once the Plan Administrator receives notice that a qualifying event has occurred, COBRA continuation coverage will be offered to each of the qualified beneficiaries. Each qualified beneficiary will have an independent right to elect COBRA continuation coverage. Covered employees may elect COBRA continuation coverage on behalf of their spouses, and parents may elect COBRA continuation coverage on behalf of their children.

COBRA continuation coverage is a temporary continuation of coverage. When the qualifying event is the death of the employee, the employee's becoming entitled to Medicare benefits (under Part A, Part B, or both), your divorce or legal separation, or a dependent child's losing eligibility as a dependent child, COBRA continuation coverage lasts for up to a total of 36 months. When

the qualifying event is the end of employment or reduction of the employee's hours of employment, and the employee became entitled to Medicare benefits less than 18 months before the qualifying event, COBRA continuation coverage for qualified beneficiaries other than the employee lasts until 36 months after the date of Medicare entitlement. For example, if a covered employee becomes entitled to Medicare 8 months before the date on which his employment terminates, COBRA continuation coverage for his spouse and children can last up to 36 months after the date of Medicare entitlement, which is equal to 28 months after the date of the qualifying event (36 months minus 8 months). Otherwise, when the qualifying event is the end of employment or reduction of the employee's hours of employment, COBRA continuation coverage generally lasts for only up to a total of 18 months. There are two ways in which this 18-month period of COBRA continuation coverage can be extended.

Disability extension of 18-month period of continuation coverage

If you or anyone in your family covered under the Plan is determined by the Social Security Administration to be disabled and you notify the Plan Administrator in a timely fashion, you and your entire family may be entitled to receive up to an additional 11 months of COBRA continuation coverage, for a total maximum of 29 months. The disability would have to have started at some time before the 60th day of COBRA continuation coverage and must last at least until the end of the 18-month period of continuation coverage. *[Add description of any additional Plan procedures for this notice, including a description of any required information or documentation, the name of the appropriate party to whom notice must be sent, and the time period for giving notice.]*

Second qualifying event extension of 18-month period of continuation coverage

If your family experiences another qualifying event while receiving 18 months of COBRA continuation coverage, the spouse and dependent children in your family can get up to 18 additional months of COBRA continuation coverage, for a maximum of 36 months, if notice of the second qualifying event is properly given to the Plan. This extension may be available to the spouse and any dependent children receiving continuation coverage if the employee or former employee dies, becomes entitled to Medicare benefits (under Part A, Part B, or both), or gets divorced or legally separated, or if the dependent child stops being eligible under the Plan as a dependent child, but only if the event would have caused the spouse or dependent child to lose coverage under the Plan had the first qualifying event not occurred.

If You Have Questions

Questions concerning your Plan or your COBRA continuation coverage rights should be addressed to the contact or contacts identified below. For more information about your rights under ERISA, including COBRA, the Health Insurance Portability and Accountability Act (HIPAA), and other laws affecting group health plans, contact the nearest Regional or District Office of the U.S. Department of Labor's Employee Benefits Security Administration (EBSA) in your area or visit the EBSA website at www.dol.gov/ebsa. (Addresses and phone numbers of Regional and District EBSA Offices are available through EBSA's website.)

Keep Your Plan Informed of Address Changes

In order to protect your family's rights, you should keep the Plan Administrator informed of any changes in the addresses of family members. You should also keep a copy, for your records, of any notices you send to the Plan Administrator.

Plan Contact Information

[Enter name of group health plan and name (or position), address and phone number of party or parties from whom information about the plan and COBRA continuation coverage can be obtained on request.]

ACKNOWLEDGEMENT FORM

THE FOLLOWING FORM IS TO BE SIGNED BY EACH EMPLOYEE AND WILL BE KEPT IN HIS OR HER PERSONNEL FILE.

EMPLOYEE_____

DEPARTMENT_____

I have received a copy of the Village's updated employee Personnel Policy and Procedures Manual dated_____, 2018 and understand that it is my responsibility to read, understand and follow the policies, practices, rules and regulations as a condition of my employment. Since the information, policies and benefits described in this policy are subject to chance, I understand and agree that such changes can be made by the Village in its sole and absolute discretion and I agree to observe these changes in all respects.

I furthermore specifically acknowledge, in accordance with state statutes, that I have received the policy statement of Village of Kirkland in compliance with the Drug Free Work Place Act that I will abide by the terms of that policy statement; that I will notify the Village of any criminal drug statute conviction for a violation occurring in the work place or at a Village work site no later than five (5) days after the conviction; and that I will, if convicted of a criminal drug statute violation as the result of conduct occurring in the work place or at a Village work site and given the opportunity to do so, satisfactorily participate in a drug abuse assistance or rehabilitation program and provide the Village with proof of satisfactory participation and completion of such a program.

I furthermore acknowledge that, included in the employee Personnel Policy and Procedures Manual I have received the Village of Kirkland's policy statement of compliance with the drug free workplace act and I have read and accept the terms of this policy.

SIGNED:_____

DATE:_____

WITNESS:_____

Z:\R\KirklandVillageof\Personnel\PersonnelManual.2018.final.doc