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Village of New Berlin

Personnel Codes

Established April 2002

VILLAGE PHILOSOPHY

It is sincerely hoped that your employment at the Village of New Berlin is rewarding and enjoyable. This Village is proud of its excellent record of employee relations, as evidenced by its long term employees. It is important however, that all employees are aware of and fully understand the terms and conditions of their employment status with the Village of New Berlin.

The Village Board is committed to reviewing its policies. Accordingly, the policies and benefits outlined in this handbook are subject to review and change by the Village Board at any time. Be assured that all employees will be given prior notice and documentation of any changes contained herein.

It is impossible to cover every situation that may arise in the employment relationship. If a situation is not covered, the matter shall be referred to the appropriate Department Head and then reviewed and implemented with the assistance of the Personnel Committee and Village Board.

INTRODUCTION

The purpose of this Personnel Code is to establish policies, procedures and plans relating to employees of the Village of New Berlin. The Village of New Berlin reserves the right in the sole discretion of the Village Board to add, change, or eliminate its policies, procedures or plans, or to make special allowances for situations not specifically addressed in this Code. This Code governs all Village employees, but should not be considered or construed as a contract of employment or a guarantee of employment. Unless otherwise specifically agreed, all employment with the Village is employment at will, terminable without notice and without cause. This Code does not apply to officers of the Village except where specifically indicated.

ARTICLE I

EQUAL OPPORTUNITY

1.01 Statement of Policy

(a) It is the policy of the Village of New Berlin to provide equal opportunity to all employees and applicants for employment in accordance with all applicable laws, directives and regulations of federal, state and local legislative bodies and administrative agencies.

(b) The Village of New Berlin shall recruit, hire, train and promote persons in all job classifications without regard to race, color, religion, national origin, sex, age, disability or political affiliation; provided, however, that nothing in this section shall impair the right of the Village to establish bonafide occupational qualifications for any job category.

(c) The Village of New Berlin shall insure that all personnel actions, including compensation, benefits, transfers, terminations, reductions in work force, rehires, education, tuition assistance, and the like, shall be administered without regard to race, color, religion, national origin, sex, age, handicap or political affiliation.

ARTICLE II

DEFINITIONS

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

- 2.01 **Board** - The Village Board of Trustees of the Village of New Berlin, Illinois.
- 2.02 **Compensation** - All form of valuable consideration, including salary, wages, benefits, and allowances earned by or paid to any employee by reason of service in a position with the Village.
- 2.03 **Employee** - A person other than an officer or an independent contractor who regularly performs remunerative work for the Village.
- 2.04 **Full-Time Employee** - An employee who is not a part-time employee or a temporary employee.
- 2.05 **Part-Time Employee** - An employee other than a temporary employee who works for the Village or is reasonably expected to work for the Village less than 32 hours per week or less than 1664 hours per calendar year with the exception of Village Office Personnel who will receive the benefits of a full time employee.
- 2.06 **Immediate Family** - Includes and is limited to parents, spouses, brothers, sisters, children, including legally adopted children, grandparents, grandchildren, parents-in-law, brothers-in-law, sisters-in-law, legal guardians, and stepchildren.
- 2.07 **Independent Contractor** - A person who performs remunerative work for the Village on a contractual basis. Examples of independent contractors include vendors of goods and services, engineers, attorneys and consultants for the Village.
- 2.08 **Municipal Code** - The Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*
- 2.09 **Officer** - A person designated by the Municipal Code as an officer of the Village, including, but not limited to, the Village President, Village Trustees, the Village Clerk, members of Boards and Commissions who take an oath of office (such as the Zoning Board and Planing Commission). Police officers and the Chief of Police are employees for purposes of this Personnel Code.
- 2.10 **Personnel Committee** - The Personnel Committee of the Village Board.
- 2.11. **President** - The President of the Village Board of Trustees.

- 2.12 **Probationary Employee** - A part-time or full-time employee other than a member of the Police Department who has worked for the Village less than six continuous calendar months; or a Police Officer who has worked for the Village less than twelve continuous calendar months.
- 2.13 **Temporary Employee** - An employee who is hired temporarily, for a period of less than 6 months, or who is hired only to work during particular seasons of the year (for example, a person hired to work in the Street Department during the summer).
- 2.14 **Work Day** - A working day is 8 hours.
- 2.15 **Work Week** – Monday 12:01 a.m. through Sunday 12:00 p.m.
- 2.16 **Fiscal Year** – May 1st through April 30th

ARTICLE III

HIRING AND FIRING AUTHORITY

3.01 **Employees:**

(a) All hiring authority for employees is vested in the Board. Employees shall be hired upon motion duly made, seconded and passed by the Board, subject to the President's veto and the Board's right of override as in the case of ordinances as set forth in the Municipal Code. No person shall be hired, and no motion to hire a person shall be made, unless that person has been evaluated by the Personnel Committee of the Village Board, and a report, either oral or written, rendered to the Board.

(b) Firing authority for employees is vested in the Board and shall be exercised as set forth in the sections of this Personnel Code relating to discipline.

(c) An offer of employment to any new full-time employee shall be conditional on the employee undergoing, at the Village's expense, a physical examination by a licensed physician and an opinion from such physician that the employee is physically capable of doing the work. The Village shall provide the physician with a description of the employee's job duties in advance of the examination.

(d) An offer of employment to any new full-time or part-time employee shall be conditional on the employee undergoing and passing a urinalysis drug test in accordance with the Village's drug testing program.

ARTICLE IV

LINES OF AUTHORITY

- 4.01 **Departments and Committee Heads** - Each employee of the Village, except office employees, is assigned to a department and his or her supervisor shall be the head of that department. For purposes of this Personnel Code, the Departments of the Village are as follows: Water & Sewer

Department, Police Department, Streets & Parks Department. Committee heads may lend department employees to other departments; in such cases the supervisor of the employee shall be the committee head of the receiving department for the duration of the assignment.

4.02 **Committees of the Board** - The Department heads are supervised by the various committees of the Board, as follows:

<u>Department</u>	<u>Committee</u>
Superintendent of Water & Sewer	Utilities
Superintendent of Streets & Parks	Streets and Parks
Police Department	Health and Safety
	Personnel
	Finance
	Zoning

Each committee reports the activities of its departments to the full Village Board.

4.03 **Chief of Police** - The Chief of Police is head of the Police Department and is supervised by the Chairman of Health & Safety Committee of the Village Board. The Chief of Police reports monthly to the full Village Board regarding the activities of the Police Department.

4.04 **Deputy Clerk** - If the Village by Ordinance permits the Village Clerk to appoint a Deputy Clerk, then the Deputy Clerk reports to the Clerk insofar as the Deputy Clerk's clerkship duties are concerned and to such employee's department head insofar as all of the employee's other duties are concerned. The Deputy Clerk does not lose his or her status as employee by virtue of appointment to the position of Deputy Clerk.

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

4.06 **Village Office Employees** - Village Office employees are supervised by the President, who shall perform duties of committee head with respect to them. The Personnel Committee Chairman shall act as the Committee Head for the Office Employees in the absence of the President.

ARTICLE V

ATTENDANCE AND HOURS OF WORK:

5.01 **Village Office** - The Village Office hours are 8:00 a.m. to 3:00 p.m., Monday through Friday. Employees of this Department are entitled to a 15-minute break in the morning and a 15-minute break in the afternoon. Lunch period is 1 hour daily.

5.02 **Village Street Department** - The Village Street Department hours are 6:30 a.m. to 3:00 p.m., Monday through Friday. Employees of this Department are entitled to a 15-minute break in the morning and a 15-minute break in the afternoon. Lunch period is 30 minutes daily.

5.03 **Police Department** - Police officers are subject to scheduling by the Chief of Police.

- 5.04 **Basic Work Week** - The basic work week is 40 hours, consisting of 5 working days, each of 8 hours in duration. Be advised that employees may be requested from time to time to work overtime but ***only as instructed by their respective supervisors***. Overtime is not a condition of employment, however, when necessary, employee cooperation is expected.
- 5.05 **Attendance** - Reliable attendance of all employees is essential. Continual absences, tardiness and unsatisfactory attendance will be dealt with under provisions of this Code pertaining to disciplinary actions.
- 5.06 **Water and Sewer Department** - The Village Water and Sewer Department hours are 6:30 a.m. to 3:00 p.m., Monday through Friday. As part of the regular working schedule, employees will be required to work at the water plant for 4 hours on Saturday and 4 hours on Sunday, alternating weekends. The employee that is scheduled for weekend duty at the water plant will receive the **preceding** Monday off, therefore in keeping with a 40 hour work week. For those instances in which a Holiday occurs during the weekend water plant duty, said employee will receive Compensatory time. Employees of this Department are entitled to a 15-minute break in the morning and a 15-minute break in the afternoon. The lunch period is 30 minutes daily.

ARTICLE VI

COMPENSATION AND TIME KEEPING

- 6.01 **New Hires** :
- (a) The salary of a newly hired employee shall be established when the employee is hired.
- (b) The salary of a new employee, other than temporary employees, shall be reviewed at the end of that employee's 3 month and 6 month probationary period, and the Board may in its discretion decide to raise, lower or keep in force the employee's initial salary.
- (c) The salaries of temporary employees may be reviewed by the Board at any time or not at all.
- 6.02 **Annual Salary Review** - The salaries of all full-time employees and part-time employees shall be reviewed by the Board annually. The Board shall annually by appropriate motion, resolution or ordinance, establish salaries for all full-time and part-time employees upon completion of its review. Salary decreases shall be effective when approved by the Board and shall not be retroactive. Any bonuses for full time employees shall be based on performance evaluations and shall be given at the beginning of a new fiscal year.
- 6.03 **Time Records** - Employees shall keep accurate time records. Each employee shall daily record his or her time worked and absences on timesheet forms approved by the Board. Timesheets shall be signed by the employee upon completion of each pay period's entries and reviewed and signed by the Department Head (or in the absence of a Department Head, by a person designated by the Committee Chairman). Department head's timesheets shall be signed by the Department Head and reviewed and signed by the Committee Chairman. Time shall be recorded to the nearest quarter hour increment. *In no event shall any employee be paid for time not recorded on a timesheet and approved by his or her department head or committee chairman.* No department head or other supervisor shall permit or encourage any employee to work but not record his or her time. ***Timesheets are important legal documents and are the source documents for the Village payroll system. Their accuracy is an absolute must.***

- 6.04 **Overtime** – As a matter of good business practice, overtime is to be kept to a minimum. All employees will receive compensatory time equal to time and one-half for all hours in excess of 40 hours in a 7 day period. Compensatory overtime will only be received on **authorized** overtime, meaning if previously approved by the Department Head or in event of an Emergency. Paid holidays, sick days and vacation days shall be credited as 8 hours worked for purposes of this section; any other time off, such as unpaid holiday and vacation days, sick days, bereavement days, and tardiness or other absences with or without leave, shall not be credited toward the 40 hours. Be advised that overtime is not a condition of employment, however, when overtime is necessary, employee cooperation is expected.
- 6.05 **Compensatory Overtime** – An employee will not accrue more than 100 hours in compensatory overtime in a fiscal year. Any hours over 100 will be lost except as otherwise authorized by the Village Board in exceptional situations. Exceptional situations would apply to but not be limited to Natural Disasters, Acts of God or other catastrophic events.
- 6.06 **Pay Period** - Village employees shall be paid on the 15th and 30th of each month. The pay period for each paycheck covers a two week period ending the Sunday before payday. (In the case of Police Officers working a Sunday night to Monday morning shift, the pay period shall include the hours worked on the Monday morning).
- 6.07 **Docking of Pay** - Employees shall not be compensated for absences other than paid absences as set forth in the sections of this Code pertaining to paid vacations and leaves; their salaries shall be docked for unpaid absences.

ARTICLE VII

BENEFITS:

- 7.01 **Paid Vacations** - Only full-time employees are entitled to paid vacations. The length of an employee's paid vacation is based upon years of continuous service completed as of his or her anniversary date. Once an employee has completed one year of continuous service, vacation time, sick time, compensatory time, etc., will be earned and used based on the fiscal year.

Except for special rules governing new hires, vacation days earned on or prior to the employee's anniversary date are accrued and available for use during the following year. The following rules shall govern paid vacations.

(a) **New Hires and Less Than 5 Years of Service** -

(1) New hires may earn 1 day per month toward vacation, excluding April and October, however shall not be eligible to use the earned vacation time until completion of 1 year of continuous service based on a fiscal year. Employee's vacation time earned will be prorated based on month and day of employment. After completion of 1 year of continuous service an employee is entitled to 80 hours of vacation.

(b) **Employees With 5 or More Years of Service** -

(1) An employee with 5 full years or more of service will earn 1½ days per month, with the exception of April and October. This is equivalent to 15 days or 120 hours paid vacation

to be given at the beginning of each fiscal year. This is the maximum amount of vacation employee may earn.

(c) **Limitations on Vacation Length** - No employee may take more than 10 consecutive working days of vacation, compensatory time and/or combination of sick time, (exclusive of holidays) without the prior consent of the appropriate committee.

(d) **Carryover of Vacation Hours** - Prior to the employee's fifth anniversary date, no employee may carry over vacation hours from one year to the next. Thereafter, an employee may carry over vacation hours from year to year, not to exceed 240 hours total for all years.

(e) **Payment of Vacation Credits Upon Termination** - An employee whose employment is terminated will receive payment at the then current straight time rate for vacation days accumulated and unused. If an employee dies, the employee's estate will be entitled to such payment.

(f) **Payment of Compensatory Time Upon Termination** - An employee whose employment is terminated will receive payment at the then current straight time rate for compensatory time accumulated and unused. If an employee dies, the employee's estate will be entitled to such payment.

(g) **Requests for and Reports of Vacations** - Employees other than Department Heads shall request vacation from Department Heads. Department Heads shall request vacation from the appropriate Committee Chairmen. An employee shall request vacation at least one week prior to the vacation requested. Department Heads have the discretion and responsibility to grant or deny vacations subject to the needs of the Village. Department Heads shall inform the Village Office daily of all personnel who are on vacation.

(g) **Minimum Increments of Vacations** - Employees may take paid vacations in hourly increments.

7.02 **Unpaid Vacations for Part-Time and Temporary Employees** - A part-time employee is entitled to vacation to the same extent as a full-time employee with equivalent lengths of service. However, a part-time employee will receive no pay during vacation. Temporary employees are entitled to no vacation but may take unpaid vacations in the discretion of their respective Department Heads.

7.03 **Paid Holidays:**

(a) Only full-time employees are entitled to paid holidays. Part-time and temporary employees shall not report to work for Village holidays, and will not be paid for such holidays.

If a holiday falls on a Saturday or Sunday, the following Monday is observed as a holiday. For employees that receive Monday as their scheduled day off, said employee will also receive Tuesday off in observance of the holiday. The official holidays of the Village are as follows:

- | | |
|----------------------------------|---------------------|
| 1. New Year's Day | 6. Labor Day |
| 2. Martin Luther King's Birthday | 7. Veterans Day |
| 3. President's Day | 8. Thanksgiving Day |
| 4. Memorial Day | 9. Christmas Day |
| 5. Fourth of July | |

All full time employees are entitled to 8 hours pay for each of the holidays listed above.

(b) Full time employees scheduled to work on one of the above listed holidays shall be paid for 8 hours of regular pay in addition to 1 ½ times their regular pay, for actual hours worked.

7.04 **Sick Leave:**

(a) All employees may take sick leave in accordance with this section, but only full-time employees are entitled to paid sick leave.

(b) An employee is entitled to a maximum of 80 hours sick leave per year, which will accrue at eight hours per month for the calendar months January through December, with the exception of April and October.

(c) A full-time employee may accumulate sick leave up to a maximum of 240 hours. When the services of a full-time employee are terminated, no compensation will be paid for accrued sick leave.

(d) A full-time employee without accumulated paid sick leave who requires additional sick leave will have sick days deducted from vacation time, if the employee has accumulated vacation time, or the time will be docked.

(e) Part-time and temporary employees are entitled to 80 hours unpaid sick leave per year and may not accumulate sick leave.

(f) Sick leave shall be taken in minimum increments of one hour and may be used for illness, disability, injury, doctor or dentist appointments, or appointments with other professional medical practitioners. Sick leave may be used for serious illness, injury or disability of the employee's immediate family.

(g) An employee taking sick leave shall, unless incapacitated, notify his or her Department Head by telephone no later than one hour after starting time on the date of the absence, and of each day thereafter of absence. (If a Department head is sick, he or she shall notify any other Department Head). The Department Head shall notify the Village Office of the employee's absence. An employee who does not comply with these rules shall be charged with an unauthorized absence.

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

7.05 **Leaves of Absence:** *Please be advised that in the event of a conflict between the Village of New Berlin Personnel Code and the Federal Family and Medical Leave Act, the provisions of the Federal Family and Medical Leave Act shall take precedence.*

(a) **Medical Leave** - An employee who has no sick leave entitlement and reasonably anticipates illness, disability or convalescence for more than 10 working days shall apply to the Board for an unpaid medical leave of absence. Applications shall be filed at least two weeks prior to the requested leave. The employee shall inform the Village Board in writing of the nature of the medical reason and the approximate time needed for leave, and shall accompany the application with a statement from the attending physician. In case of emergency or incapacitation of the

employee, the Village Board shall waive these requirements. The Village Board may in its sole discretion allow or deny the request for medical leave; no employee is entitled to medical leave.

(b) **Personal Leave** - A temporary unpaid personal leave of absence without pay may be granted

an employee for up to five days by the Committee Chairman for the employee's department, or in cases greater than five days, by the Board. The employee shall submit the request for personal leave in writing to his or her Department Head. In the event that personal leave is a Department Head, the request will go to his or her Committee Chairman, at least three days before the beginning of the leave, and, where Board approval is required, at least two weeks before the beginning of the leave. The request shall be in writing, shall state the beginning and ending dates of the leave, and the reason therefore. No employee is entitled to personal leave, and personal leave may be granted or denied in the sole discretion of the Committee Chairman or Board.

(c) **Bereavement Leave** - A maximum of 3 days leave may be taken by an employee who has a death in his or her immediate family. Full-time employees are entitled to paid bereavement leave; part-time and temporary employees are entitled to bereavement leave without pay. In addition, to the forgoing bereavement leave, a Department Head may grant any employee an unpaid day of leave to participate in the funeral of an aunt, uncle, niece, nephew, cousin, or friend. The employee may in his or her discretion take a paid vacation day for such purposes if the employee is entitled to a paid vacation day.

(d) **Military Leave** - Any employee called to active duty in or drafted in the Armed Services of the United States or ordered to training with the Army, Navy, Air Force, Marine Corps, or Coast Guard Reserves or National Guard shall be entitled to unpaid leave for the duration of his or her service. Such an employee shall present his or her Committee Chairman with a copy of his or her orders in advance of taking leave, and shall report back to work within 10 business days after return from active duty. Certain benefits will remain intact for the duration of said leave at the discretion of the Personnel Committee and must be approved before leave commences. Military leave shall not be granted to an employee who voluntarily joins the active Armed Services of the United States

(e) **Jury Leave** - An employee called for jury duty shall be given leave to attend jury duty. The employee upon receiving a summons shall immediately provide a copy to his or her Department Head, or if the employee is a Department Head, to his or her Committee Chairman. An employee taking jury leave has the following options regarding pay:

(1) The employee may continue to receive pay from the Village and pay over to the Village Treasurer all compensation paid by the court.

(2) The employee may take an unpaid leave of absence from the Village and retain all compensation paid by the court.

(3) The employee may take paid vacation days and retain all compensation paid by the court.

(f) **Maternity Leave:**

(1) A pregnant employee is entitled to an unpaid maternity leave of absence. An employee who becomes pregnant shall notify her Department Head. If the employee is a Department Head she will notify her Committee Chairman. Notification of her condition must be submitted by the beginning of the fifth month of the pregnancy. In addition, a

written statement from her personal physician specifying the estimated delivery date and the estimated date that the employee should cease working. From time to time the

employee shall provide written statements, if necessary, from her personal physician if the initial estimated dates change. The Department Head shall forward all such statements to the Personnel Committee.

(2) A maternity leave of absence shall commence when the employee's physician certifies that she is no longer able to perform work safely and efficiently. Maternity leave shall continue until such time as the employee's physician certifies that the employee is able to return to work, but not later than 10 weeks after commencement of maternity leave, or 8 weeks after the birth of the child, whichever is later. An employee on maternity leave is required to contact the Personnel Committee and report her return to work plans within 30 days of the birth of the child.

(3) An employee may submit a request for an extended maternity leave in excess of the above time periods to her Department Head (or if the employee is a Department Head, to her Committee Chairman) at least 30 days prior to the expiration of the leave or of any extension. The Department Head or Committee Chairman shall forward the request, with recommendations, to the Personnel Committee. The Personnel Committee, in its sole discretion, may approve or deny the extension or approve the extension in part.

(4) An employee who returns to work at the conclusion of maternity leave shall be restored to her former position or to a comparable position at the same rate of pay unless circumstances have changed or made it impossible or unreasonable to reinstate the employee.

(5) A pregnant employee may, consecutively with her unpaid maternity leave, take any accrued paid sick days or her then allowable paid vacation days.

(g) **Leaves Required Under Workers Compensation Laws** - An employee suffering from an injury that is job related under the Workers Compensation Laws shall be entitled to leave for such injury strictly and exclusively in accordance with those laws.

(h) **Election Leave** – Employees may be granted reasonable time off with pay as needed to vote in national, state and local elections if they are unable to vote during non-work hours. Requests need to be made in advance to the Department Head.

(i) **Religious Accommodation** – It is the practice of the Village to make reasonable accommodations for an employee's request for time off to observe religious obligations or holy days. Employees who are excused from work for religious observances may elect to take vacation, accrued unused personal time or unpaid personal leave. Employees should request time off for religious observations in advance to allow for appropriate scheduling.

7.06 **Tuition Reimbursement Program:**

(a) The Village encourages its employees to further their education and, therefore, will reimburse tuition as set forth in this section.

(b) Only full-time employees are entitled to participate in the tuition reimbursement program. An employee must make application for reimbursement to the Personnel Committee in time for the Personnel Committee to rule on the application prior to commencement of the course work.

(c) An eligible employee is entitled to 100% reimbursement for any course work at a suitable institution taken to prepare the employee to receive a GED. The employee must receive a passing grade to qualify for any reimbursement.

(d) An employee who takes a course is required to obtain a license or certification required for the employee to perform his or her job responsibilities is entitled to 100% tuition reimbursement upon receiving a passing grade in any such course from a suitable institution.

(e) An employee electing to take course work not required for but related to the employee's job responsibilities is eligible to partial tuition reimbursement according to the grade received by the employee from a suitable institution, as follows:

<u>Course Grade</u>	<u>% of Reimbursement</u>
A	90%
B	75%
C	50%
D or F	0%
Pass	90%
Fail	0%

Note: Please be advised that if said course work has been stated at time of enrollment to be a graded course but the employee elects the Pass/Fail grading option for said course, reimbursement will be at 50%.

(f) The Personnel Committee shall in its sole discretion determine whether or not course work meets the criteria of subsection (c), (d) and (e) and whether the institution selected by the employee is suitable. The Personnel Committee shall notify the employee of its findings in writing prior to the employee commencing the course work. The employee has the right to appeal to the Board for any adverse decision by the Personnel Committee.

(g) On completion of an approved course the employee shall submit to the Board:

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|---|--|
| (1) An official grade notice | (3) A copy of a canceled check or other proof of payment |
| (2) A copy of the official fee schedule | (4) Prior written authorization from the Personnel Committee |

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

(g) Full-time Police Officers may, with the advance approval of the Chief of Police, be given up to 40 hours paid leave per year to attend continuing education courses. Any paid leave for continuing education in excess of 40 hours per year must also be approved in advance by the Board.

7.07 **Other Benefits:**

(a) **Medical Benefits** - The Village will subsidize a full-time employee medical insurance as set forth in the governing medical insurance policy at a cost not to exceed 40% of the total monthly premium. This is to be reviewed by the Board on an annual basis consistent with the fiscal year. Dependent coverage will be the sole responsibility of the employee. Employees terminating employment with the Village are entitled to participate in the Village's medical insurance program

at their own cost as set forth in the Village's governing medical insurance policy. The Village's medical insurance program is subject to change without notice.

(b) **Retirement Benefits** - Retirement benefits are provided by the Illinois Municipal Retirement Fund (IMRF). Employees qualify for participation in the IMRF as set forth in IMRF rules and regulations. A minimum of 1000 hours per fiscal year for IMFR participation.

(c) **Clothing:**

(1) The Chief of Police and police officers are entitled to replacement uniform items to be provided by the Village in an amount approved yearly, pursuant to the Village budget or appropriation ordinance, beginning the January after the police officer's first full year of employment.

(2) For each newly-hired police officer, the Village shall purchase, from vendors selected by the Chief of Police, the clothing and accessory items listed herein.

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|-------------------------------------|---------------------------------|
| 1. Winter coat with insulated liner | 7. Raincoat |
| 2. Windbreaker jacket | 8. Handcuffs |
| 3. Summer shirt, 2 per yr. | 9. Police Department collar pin |
| 4. Winter shirt, 2 per yr. | 10. Ties |
| 5. Trouser, all weather, 2 per yr. | 11. Shield (badge) |
| 6. Shoes, 1 per yr. | 12. Name Plate |

(3) A newly hired police officer is required to provide, at his/her own expense, clothing and accessory items as listed below. Upon resignation or termination, the police officer shall return all items purchased or issued by the Village Police Department. Failure to return such items may result in appropriate legal action by the Village. All items listed below must meet Department and Chief of Police specifications.

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|------------------|--|
| 1. Gun belt | 5. Belt Keepers |
| 2. Pant belt | 6. Magazine pouch/case |
| 3. Holster | 7. Defensive aerosol spray and case |
| 4. Handcuff case | 8. Duty Weapon (Must be approved by the Chief of Police) |

ARTICLE VIII

EMPLOYEE RELATIONS

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

8.02 **Policy on Sexual Harrassment** - *Adopted by the Village Board of Trustees, July 19, 2000.*

“Sexual harassment” as used herein, shall have the meaning assigned to that term under the Illinois Human Rights Act, which is as follows:

“Sexual harassment” means any unwelcome sexual advances or requests for sexual favors or any 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, (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 has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

The Village of New Berlin shall not permit any sexual harassment of any person by any of its officers, trustees, employees or other representatives.

No individual shall engage in any sexual harassment of any person in connection with any employment or conditions of employment by the Village of New Berlin. Such acts are unlawful and prohibited whether the acts occur in the place of employment or elsewhere. Such acts are prohibited whether such acts are by one person or more, and whether condoned by the employer or not, and whether or not the person perpetrating such acts can, in fact, affect the employment or conditions of employment.

Should any employee of the Village of New Berlin believe he or she has been the victim of sexual harassment, such employee may notify the Village Clerk in writing specifying the alleged perpetrator, the date and time of the alleged sexual harassment and all other facts pertinent to the alleged sexual harassment. Upon receipt of such complaint, the Village Clerk shall immediately provide a copy of the Complaint to the President of the Village Board of Trustees. The President shall, as soon as practicable, appoint an ad hoc committee of the Village Board to investigate the Complaint. If the Complaint is found to be meritorious after a hearing is conducted by the committee, the committee shall make a report to the Village Board of Trustees. The Village Board of Trustees may execute such penalties as the Village Board deems appropriate, including but not limited to discharge from employment.

Any person who believes to be a victim of sexual harassment is hereby notified of the legal recourse available through the Department of Human Rights and the Illinois Human Rights Commission, including the investigative and complaint process available through said Department and Commission. Provisions relating to sexual harassment and employment under the Illinois Human Rights Act are found in 755 ILCS 5/2-101 et. seq.

The addresses and telephone numbers of the Illinois Department of Human Rights and the Illinois Human Rights Commission are as follows:

Illinois Department of Human Rights
222 South College
Springfield, IL 62704
Phone: (217) 785-5100
(217) 785-5125 (TDD)

Illinois Human Rights Commission
404 Stratton Office Building
Springfield, IL 62706
Phone: (217) 785-4350

All persons are hereby further notified that it is illegal for an employer to retaliate against an individual who has made a complaint of alleged sexual harassment, all as is more fully set forth in 755 ILCS 5/2-105 (B) (5).

- 8.03 **Changes in Personal Status** - An employee shall immediately report any change of name, address, telephone number or marital status to his or her supervisor.
- 8.04 **Dress Code** - An employee shall wear attire appropriate to his or her job functions. An employee working out of the shop is not expected to be neat and clean at all times because of the demanding nature of the job; however, the employee shall report to work in clean clothes in good repair. Office personnel shall wear attire appropriate to a business office. If an employee is in question as to what is appropriate, he or she may inquire of his or her supervisor. Police officers shall, unless called out on emergency, wear their complete uniforms at all times while on duty.
- 8.05 **Nepotism** - The Village may employ a member of the immediate family of a Village employee, trustee or other officer upon approval by the Village Board after full disclosure of the relationship. It will be noted that said applicant and/or employee will be judged based on his/her qualifications and/or performance.
- 8.06 **Job Description** – A written job description should include the employee’s primary job function and other various duties and responsibilities, as well as the person to whom the employee should report to and be supervised by.
- This job description shall be:
- a. Reviewed by employee at time of employment and signed to reflect understanding of duties.
 - b. Reviewed annually in conjunction with annual evaluations.
 - c. Reviewed with employee as new services are added or as operational changes take place.
 - d. Made part of employee personnel file.
- 8.07 **Performance Measurement** - Once a year prior to each employee's anniversary date, the employee shall be evaluated by his or her immediate supervisor in accordance with Village Board evaluation policies.
- 8.08 **Residency Requirements** - There are no residency requirements, however, all permanent full-time employees must be able to be within the the Village Limits within 30 minutes, in case of emergency, to report to a Committee Chairman.
- 8.09 **Outside Employment** - Since Village service is the primary responsibility of each employee, outside employment is discouraged. However, an employee may accept occasional or part-time jobs if:
- (a) There is no conflict with Village working hours.
 - (b) The employee's efficiency is maintained.
 - (c) There is no conflict of interest.

- 8.10 **Drug Testing** – All potential new hires are subject to a drug test at the Villages expense. Those who choose refuse for any reason to a pre-employment drug test, will not be considered for employment. All Village employees are subject to random drug testing. Any employee that chooses not to undergo a drug test will automatically be considered for termination unless the employee’s physician submits a drug test to the Village within 24 hours. A positive drug test, without documentation from a certified physician, will result in automatic termination.
- 8.11 **Physical** – Prior to and during employment, any and all employees shall be subject to a physical examination at the request of the Village, with the expense of such examination to be the responsibility of the Village with the doctors to be designated by the Village. If an employee is unable at any given time to qualify physically to carry out his/her designated duties, said employee shall be subject to transfer or dismissal.
- 8.12 **Village Vehicles** - Some employee’s positions require regular driving of the Village’s vehicles. Village vehicles are limited to business use only. Personal use of a Village vehicle is not allowed at any time. Employee’s whose position requires driving a Village vehicle will have their driving records reviewed on a periodic basis for insurance purposes. Employees who have an unacceptable driving record will have their position with the Village reviewed by the Department Head and the Personnel Committee. An unacceptable driving record may result in disciplinary action, up to and including termination.

ARTICLE IX

PROBATIONARY AND TEMPORARY EMPLOYEES

- 9.01 (a) **Probationary Employees (Other Than Police Officers)** - An employee not including a temporary employee shall be subject to a probationary period **of three months**. During the probationary period, such employee may be terminated by the Village Board without notice or hearing. On or about the end of the 2nd month of such new employee's tenure, the new employee's Department Head shall provide a written review of the probationary employee's job performance to the Personnel Committee. The Personnel Committee shall decide on or before the end of the third month of the new employee's tenure whether or not to retain the new employee and shall make recommendations on that subject to the Village Board along with a recommendation regarding any salary adjustment. The Board shall decide whether or not to retain the employee on or before the end of the sixth month of the new employee's tenure.
- (b) **Probationary Police Department Employees** - An employee of the police department shall be subject to a probationary period of twelve months. During the probationary period the police officer may be terminated by the Village Board without notice or a hearing. On or about the end of the tenth month of the new police officer's tenure, the Chief of Police (or, in the case of a newly hired Chief of Police, the Chair of the Police Committee) shall provide a written review of the officer's job performance to the personnel committee. The Personnel Committee shall decide on or before the end of the eleventh month of the new police officer's tenure whether or not to retain the new officer and shall make recommendations on that subject to the Village Board along with a recommendation regarding any salary adjustment. The Board shall decide whether or not

to retain the police officer on or before the end of the twelfth month of the new officer's tenure.

- 9.02 **Temporary Employees** - Temporary employees may be terminated at any time by the Village Board without notice or hearing.

ARTICLE X

DISCIPLINARY ACTIONS

- 10.01 **General** - Any Village employee may be subject to disciplinary action as described below because of the employee's failure or refusal to perform assigned duties in a manner acceptable to the Board. However, nothing in this Article shall limit or impair the at-will nature of all employments.
- 10.02 **Verbal Warning** - One method of disciplinary action is a verbal warning by the employee's Department Head or Committee Chairman.
- 10.03 **Written Warning** - Another method of disciplinary action is a written warning by the Department Head or Committee Chairman.
- 10.04 **Suspension Without Pay** - Suspension without pay is another method of disciplinary action, to be used only for serious infractions or where the employee has not rectified deficiencies noted in verbal or written warnings. (Neither a verbal warning nor a written warning is a condition precedent for a suspension). Suspensions without pay are limited to 10 working days for any infraction. The authority to suspend is vested in the Committee Chairman and, if the appropriate Committee Chairman is not available, in the President, subject to hearing rights set forth in Section 10.08(b).
- 10.05 **Dismissal** - Dismissal is another method of disciplinary action for serious offenses or for failure to correct problems or deficiencies, which have resulted in written warnings, or in suspension. Dismissal shall only be after hearing with the approval of the Board.
- 10.06 **Demotions** - Demotions are, strictly speaking, not a disciplinary action, but the Board may demote any employee whose work in his or her job has not been satisfactory, but who, in the opinion of the Board, can satisfactorily perform less difficult work.
- 10.07 **Disciplinary Rules** - The following actions may result in disciplinary action up to and including discharge:
- (a) Conviction of a felony, or a misdemeanor involving moral turpitude or dishonesty.
 - (b) Use of the employee's official position for personal gain.
 - (c) Falsification of Village records or timesheets.
 - (d) Sexual harassment or discrimination based on gender, race, color, creed, religion, national origin, or handicap.
 - (e) Carelessness and or abuse in the handling Village equipment.
 - (f) Illegal or abusive uses of sick time or other leave.
 - (g) Use of, or being under the influence of, alcohol or illegal drugs as defined by the Illinois Criminal Code while on the job, or failure to submit to or pass a urinalysis examination as set forth in the Village drug-testing program.
 - (h) Incompetence or inefficiency in the performance of assigned duties or inattention to duties.
 - (i) Insubordination by disobedience to any order or directive, or disrespect toward a Department Head or Officer of the Village.

- (j) Misuse or abuses of Village working time for personal gain or for any reason other than performing the employee's assigned duties.
- (k) Excessive absenteeism or tardiness, including leaving work early and overstaying meal periods.
- (l) Solicitation or acceptance of any gratuity, gift, present, reward or other thing of value in return for the performance of the employee's official duties, or as a condition for not performing those duties.
- (m) Failure to pay promptly any indebtedness owed to the Village, including, but not limited to, taxes and utility bills.
- (n) Habitual discourtesy or disrespect to the public or to fellow employees.
- (o) Theft, destruction, loss or unauthorized use of Village property, equipment and materials, either willfully or through unnecessary carelessness.
- (p) Unauthorized dissemination of information protected from disclosure under the Illinois Freedom of Information Act.
- (q) Any act which brings disrepute upon the Village or the Village Board.

10.08 **Hearing Rights** - Any full or part-time non-probationary employee shall have the right to a hearing and appeal of certain disciplinary actions, as follows:

(a) Written warnings may be appealed by presentation of a grievance in writing to the employee's Department Head, (or, in the case of discipline of a Department Head, to the Committee Chairman) who, if possible, will resolve the grievance. If the aggrieved employee is not satisfied with the disposition of the written warning, the employee shall submit his case in writing to the Personnel Committee within five working days. The Personnel Committee shall require in writing the action taken and justification therefore against the aggrieved employee. The Personnel Committee may conduct a hearing allowing witnesses for both or either side to testify, or it may call witnesses of its own, before deciding on the issue. The Personnel Committee shall render its decision within 10 days of the receipt of the appeal of the aggrieved employee, and will advise the aggrieved employee of its decision in writing.

(b) In case of suspension, the employee is entitled to a hearing. The hearing shall be pre-suspension unless in the judgment of the Committee Chairman, or in the absence of the Committee Chairman, the President, circumstances require immediate suspension and a post-suspension hearing. After such hearing, the Board may elect to affirm the suspension without pay, shorten or lengthen the suspension without pay, or if it determines in a post-suspension hearing that the suspension was improper, terminate the suspension and award back pay.

(c) Any employee faced with discharge is entitled to a pre-discharge hearing, which shall be held by the Board. The pre-discharge hearing shall, in the case of an employee suspended without pay pending discharge, be held in conjunction with the post-suspension hearing.

(d) Prior to any hearing under subparagraph (b) or (c), the employee shall be entitled to a written notice of hearing. The notice shall contain a statement of charges signed by the Village President or Chair of the Personnel Committee; it shall identify the conduct complained of; it shall explain the employee's rights under this Code, and it shall identify any complainants. At any such hearing, the employee may present witnesses, may be represented by counsel, and may, at the employee's own expense, have a court reporter present. The President shall preside at any such hearing, and the Village Attorney shall be present to advise the Board.

(e) The Board shall make its decision by majority vote of those present. The President is entitled to vote at such hearing and shall be counted in determining the majority.

(f) In addition to the rights set forth in this section, police officers are entitled to rights set forth in the Uniform Peace Officers' Disciplinary Act, 111. Rev. Stat. Ch. 85, Section 2551, et seq.

10.09 **Records of Disciplinary Action**

(a) Supervisors may in their discretion keep written records of verbal warnings given to employees. Such written records shall not become part of an employee's official personnel file unless they form the basis of a later written warning for repeated behavior.

(b) Written warnings, and decisions of the Personnel Committee sustaining appeals of a written warning, shall be maintained in an employee's personnel file for a minimum of three years. If after three years, the employee has had no disciplinary actions resulting from a violation of the same provision of the Personnel Code as gave rise to the written warning, the written warning, and any appeal decision, shall be removed from the personnel file. If there has been a disciplinary action resulting from a violation of the same provision of the Personnel Code as gave rise to the original warning, the record of the original warning shall be maintained in the personnel file until the record of the subsequent violation is removed under this subparagraph.

(c) If an employee appeals a written warning and the Personnel Committee decides that the written warning was without merit, the written warning shall be removed from the employee's personnel file.

(d) Records of suspensions without pay, demotions and dismissal shall be maintained permanently in the employee's personnel file.

ARTICLE XI

TERMINATIONS

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

11.02 **Layoffs** - When it is necessary in the judgment of the Board to reduce the number of employees on the Village payroll or on the payroll of any department, the Board may lay off employees in its sole discretion. A laid off employee shall receive a ten working day notice of separation or shall be paid for ten days following the notice of layoff. An employee thus separated is eligible for re-employment and if re-employed shall retain seniority rights as of the date of separation for purposes of this section.

11.03 **Return of Village Property** - An employee leaving the Village's service, whether through resignation, layoff or dismissal shall return any property of the Village in which the employee has in his or her possession. Any property in the care of a Village employee which is deemed unusable or in poor condition due to misuse or abuse will be the responsibility of the Village employee to replace, repair to suitable working condition or pay to have the equipment replaced or repaired. Equipment age and normal wear and tear will be taken into consideration regarding this matter. The property shall be returned to the employee's Supervisor, before the employee receives his or her final check.

ARTICLE XII

PERSONNEL FILES

- 12.01 The Personnel Committee shall maintain a personnel file on each employee. The file shall contain the employee's employment application, and copies of every annual review, all letters of commendation or awards deemed relevant by the Personnel Committee, verbal and written disciplinary warnings, records pertaining to suspensions and discharge, and any other information deemed relevant by the Personnel Committee.
- 12.02 The personnel files are confidential and not subject to disclosure to the public without a legitimate subpoena or other judicial order. An employee shall have the right, upon written request and at reasonable times and places, to inspect and copy all or part of his or her personnel file and to request the Personnel Committee to make legitimate additions thereto or deletions therefrom. The personnel files shall be maintained in a secure file cabinet that shall be kept locked when not in use. The Personnel Committee shall have free access to the personnel files and shall allow the President and other trustees to review the files upon request.

End of Personnel Code

**ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING
OF THE VILLAGE OF NEW BERLIN PERSONNEL CODES**

I have received a copy of the Village of New Berlin Personnel Codes. I know that I must read this handbook so I understand my rights and responsibilities as an employee of this Village.

I understand that the Personnel Code handbook is not an employment contract, but it is an explanation of Village policies and procedures. The Village of New Berlin has not solicited my agreement to the policies and procedures set forth in this handbook. I realize that the Village may interpret, clarify, revise and/or deviate from the procedures set forth in the handbook.

I also realize the employment relationship between the Village and me is terminable at will by either party and that nothing in this handbook creates additional rights or provide a basis for me to believe my employment is not terminable at will.

I understand that if I have any questions, I am to speak with my immediate supervisor or the Personnel Committee.

Employee Signature

Date

This page is to be detached and submitted to the Personnel Committee upon receipt of this handbook and will become a part of the employee's personnel file.