



The City of Lake Forest

Personnel Policies and Practices for Temporary Employees

May 1, 2019

**Employee Information Site:
www.citylf.org**

TABLE OF CONTENTS

INTRODUCTION	1
EMPLOYMENT AT WILL	1
CORE VALUES AND CODE OF CONDUCT	2
PURPOSE/POLICY	3
AUTHORITY	3
POLICIES AND PRACTICES ESTABLISHED	3
1. EMPLOYMENT POLICY	4
1.1.0 Authority to Employ Personnel	4
1.2.0 Employment Procedure	4
1.3.0 Equal Opportunity Employer	4
1.4.0 Drug-Free Workplace	5
1.5.0 Employment of Relatives	5
1.6.0 Resignations	5
2. PAY PLAN	6
2.1.0 Pay Plan	6
2.2.0 Positions	6
2.3.0 Fringe Benefits	6
3. HOURS OF WORK	7
3.1.0 Workweek Defined	7
3.2.0 Workday Defined	7
3.3.0 Overtime Work	7
3.4.0 Compensation for Overtime Work	7
4. LEAVE POLICY	7
4.1.0 On-the-Job Injury and Disability Leave	7
4.2.0 Military Service, Training	8
4.3.0 Family Military Leave Act.	8
4.4.0 Absence Without Leave	8
4.5.0 Family and Medical Leave (FMLA Leave)	8
4.6.0 Victim's Economic Security and Safety Leave	12
4.7.0 Pregnancy Accommodation	13
4.8.0 Miscellaneous Leave Policies	14
5. DISCIPLINE, GRIEVANCES AND FEEDBACK	15
5.1.0 Procedure in Handling Disciplinary Action, Grievances	15
5.2.0 Appeals from Disciplinary Action	15
5.3.0 Employee Feedback	15
6. RETIREMENT PENSION PLAN	16
6.1.0 Retirement, Pension Plan	16
7. MISCELLANEOUS REGULATIONS	16
7.1.0 Physical Fitness	16
7.2.0 Personal Use of City Property	16
7.3.0 Political Activity	16
7.4.0 On-the-Job Safety	17
7.5.0 Public Information	17
7.6.0 Public Relations	17
7.7.0 Gifts and Gratuities	17
7.8.0 Patents	18
7.9.0 Smoking Ban	18
7.10.0 Employee Use Computers and Electronic Communications Systems	18
7.11.0 Cell Phone Usage (City-owned and Personal)	18
7.12.0 Use of Personally-Owned Devices (BYOD)	19

**PERSONNEL POLICIES AND PRACTICES
FOR TEMPORARY EMPLOYEES
OF
THE CITY OF LAKE FOREST**

May 1, 2019

INTRODUCTION

The policies, as presented herein, shall constitute the Official Personnel Policies and Practices of The City of Lake Forest for all temporary employees of the City. Administrative Directives governing personnel and referred to throughout these policies are available for viewing and printing on the Employee Information Site located at www.citylf.org. They are also available for employee inspection by contacting the Human Resources Department.

EMPLOYMENT AT WILL

The intent of these policies is to give the employee a brief description and general information concerning City employment policies.

The employment relationship between the City and its employees is employment at will, which means that either the City or the employee may end the employment relationship at any time, for any reasons, without notice, warning or cause. This means that in the absence of a written employment agreement, the City and its employees shall not be bound to an employment contract or a commitment to employment for a definite period of time. Either party can terminate the employment relationship at any time and for any reason. Neither these policies, nor any other policy, procedure or practice of the City constitutes a contractual commitment between the City and its employees and they do not prove any guarantee or assurance of continued employment or a term or condition of employment for any period of time.

The employment relationship may be governed by a number of sources, including but not limited to The City of Lake Forest Charter, the City Code, the Personnel Policies and Practices, Fire and Police Commission Rules and Regulations, department policies and procedures, state and federal law, statutes and regulations, and available funding. All of the benefits provided to employees by these policies are subject to budgetary constraints. Further, in the event any of the provisions of these policies conflict with the terms of an applicable collective bargaining agreement, the terms of the collective bargaining agreement shall govern. The City has the right to modify or eliminate its employment policies from time to time in its sole discretion, without prior notice.

CORE VALUES AND CODE OF CONDUCT



Values Statement: The core values of the City are important to the philosophy of the organization. These values shape our collective expectations of each other in the workplace. These values are the basis of our individual and collective conduct.

Integrity:	Unconditional adherence to our moral and ethical values.
Respect:	Being considerate and accepting of others.
Trust:	Being dependable, demonstrating confidence and faith in others and being willing to let go and to empower others.
Excellence:	Commitment to professional growth, teamwork, optimum community service, and doing what is right.

How We Work: We work collaboratively in teams, where everyone is valued and accountable to one another. We strive to be ethical, respectful, and promote excellence in the delivery of service to the residents.

Code of Conduct

1. We work ethically and collaboratively, in an environment where everyone is valued and accountable.
2. We follow our policies and procedures consistently and professionally. We know our jobs and do our jobs the right way.
3. We follow the policies and operating guidelines for the areas in which we operate.
4. We speak up and report if we see something that isn't right, and we are protected from retaliation when we do speak up.

Reporting

The City prides itself on its adherence to all federal, state, and local laws/regulations, including ethics laws. Therefore, the City asks that any violation of federal, state, or local law or regulation or City policy, violation of ethical standards or requirements, a mismanagement or abuse of authority, or other improper or unlawful conduct that is witnessed or learned of by an employee or any other individual conducting business with or on behalf of the City be reported immediately to the Director of Human Resources or the City Manager (or the Mayor if the conduct involved the City Manager) to allow the City to investigate and, if applicable, correct the situation or condition.

All reports of illegal and dishonest activities or of actions that may be in violation of this policy will be promptly investigated and the City will take appropriate corrective or disciplinary action against persons violating this policy, in addition to any other legal compliance actions.

The City will not take any retaliatory action against an employee if the employee refuses to participate in an activity or discloses or threatens to disclose an activity or policy or procedure that the employee in good faith has reasonable cause to believe is a violation of the law. Any whistleblower who believes he/she is being retaliated against must contact the Director of Human Resources immediately. Accountability in government, financial responsibility and delivery of quality services are key components to preserving the public's trust. Based on our core values, all employees share the responsibility to ensure that the City demonstrates this accountability, as well as the proper stewardship of the financial resources and property entrusted to us.

PURPOSE/POLICY

It is the declared policy of The City of Lake Forest that employment in the City government shall be based on merit, free from personal and political considerations, and that just and equitable incentives and conditions of employment will be maintained to promote efficiency and economy in the operation of the City government.

The City maintains that employees are its most important asset, whose health and safety are of the utmost consideration. Therefore, providing a safe work environment is a matter of continuing concern, equal in importance to all other operational considerations. (See Admin. Dir. Section 6, Employee Safety Procedures)

In addition, all employees must be allowed to work in an environment free from unlawful discrimination and harassment, including sexual harassment. The City prohibits sexual overtones and intimidation, as well as any other form of sexual or other types of harassment in the workplace. The City also prohibits anyone from taking any adverse action against an employee for making a good faith complaint of harassment. (See Admin. Dir. 2-13, Anti-Harassment)

Violence in the workplace will also not be tolerated. Weapons are prohibited on any City property or job site with the exception of sworn police officers, and all threats will be viewed with the assumption that they will be carried out. All reports of such incidents will immediately be thoroughly investigated. If found to be valid, disciplinary action will be taken, up to and including dismissal. The reporting procedure outlined in the Anti-Harassment directive noted above may also be utilized for reporting acts of violence. To the extent permitted by the Firearm Concealed Carry Act, any employee may store a firearm or ammunition concealed in a case within a locked vehicle or locked container out of plain view within the vehicle in the parking area of a City facility. Employees may not store a firearm or ammunition within a vehicle in Parking areas that constitute a prohibited areas.

AUTHORITY

The City Manager, by City Council directive, is responsible for the administration of the following personnel rules and regulations and is vested with full authority to establish by administrative directive terms and conditions of employment consistent with policy established by the City Council.

POLICIES AND PRACTICES ESTABLISHED

The employees who are covered by any applicable collective bargaining agreement (and any subsequent Agreements signed during the duration of these policies) shall be governed by the provisions of those agreements, to the extent that any of the Personnel Policies and Practices conflict with the agreements. In all other circumstances, including where the agreements are silent, these Policies and Practices shall govern.

1. EMPLOYMENT POLICY

1.1.0 Authority to Employ Personnel

Authority to employ individuals for all temporary positions in the City service is vested in the City Manager.

1.2.0 Employment Procedure

It is the policy of the City to employ and fill vacancies on the basis of merit and, whenever it is in the best interests of the City, to promote City employees to higher positions when vacancies occur.

The City also will make reasonable accommodations, as required by law, for qualified individuals with disabilities unless doing so would result in an undue hardship. (See Admin. Dir. 5-2, Request for Accommodation)

All persons seeking employment with the City shall first make electronic application to the Department of Human Resources on the City website. Employees who are unable to submit an application electronically will be afforded the ability to submit a paper application or offered another form of accommodation as warranted. No person will be employed and placed on the City payroll until appropriate and satisfactory background, employment, and medical examinations have been completed and information necessary for pension plan, payroll deduction and other required data are determined. (See Admin. Dir. 2-10, Medical Examination Policy)

Once hired, all employees will be given an orientation program which addresses pay issues, City policies and procedures, safety issues, instruction in the proper use of equipment and any other factors necessary to enable the employee to perform in the job.

1.3.0 Equal Opportunity Employer

The City's equal employment opportunity policy applies to all terms, conditions and privileges of employment including hiring, probation, training, placement, promotion, transfer, compensation, benefits and employee programs, discipline, termination, layoff and recall, and retirement. All employees will be judged on the basis of merit, training, experience, ability to perform the job, and compliance with applicable retirement and pension plan requirements. The City does not discriminate against a person because of race, color, sex, religion, age, disability, national origin, ancestry, creed, marital status, sexual orientation, citizenship status, military status, veteran status, genetic history, pregnancy or any other class protected by law. Every person will be given an equal opportunity for employment with the City, and the City shall comply strictly with all applicable Federal, State and local employment and labor laws, including making reasonable accommodations for qualified individuals with disabilities unless doing so would result in an undue hardship. (See Admin. Dir. 5-2, Request for Accommodation)

1.4.0 Drug-Free Workplace

The use and misuse of alcohol and drugs by The City of Lake Forest's employees is contrary to a drug-free workforce and workplace. The use of these substances increases the potential for accidents, absenteeism, substandard performance, turnover, misconduct, poor employee morale, damage to property, injury to the public and/or other employees, or degradation of trust in the City to effectively service its citizens. In addition, employees who are “drivers” as that term is defined pursuant to the Omnibus Transportation Employee Testing Act of 1992, and other employees in safety-sensitive positions, are subject to drug and alcohol testing as set forth in federal regulations and pursuant to procedures described in an Alcohol and Substance Abuse Policy. (See Admin. Dir. 2-2, Alcohol and Drug Policy for CDL License Holders, and 2-3, Alcohol and Drug Policy)

1.5.0 Employment of Relatives

In order to avoid an actual or potential conflict of interest in employee hiring, supervision and/or allocation of duties, employment and personnel decisions shall not be made on the basis of nepotism or under circumstances which reasonably create the appearance of nepotism to the public. For purposes of this policy, the terms “immediate family” and “relatives” are a spouse, parents, parent in-laws, siblings, sister/brother in laws, children. These types of relationships in the workplace are strongly discouraged, however, case-by-case consideration will be given to any current employees that would be adversely affected by a strict application of this policy.

1. The City generally does not permit two or more relatives to work in the same department, division or section in circumstances where one relation occupies a position that supervises the other relation or has influence involving the relation’s employment, promotion, supervision, salary advancement or other personnel decisions. In the case of temporary positions, however, more than one member of a family may be employed within the same department, and in the same division or section, as long as a direct or indirect supervisory/subordinate relationship between the relatives does not exist.
2. If employment of immediate family members exists, or is later established, or is deemed to be in the best interest of the City, and an actual or potential conflict arises, the City Manager, the Director of Human Resources and the appropriate Department Head(s) will endeavor to resolve the conflict by conciliation, transfer or other appropriate action, including termination. These situations will be resolved on a case-by-case basis. The City staff will present recommendations in each such case to the PCA for review and approval.
3. This policy does not apply to those individuals who are uncompensated and who serve on The City Council or advisory City Boards and Commissions.

1.6.0 Resignations

To resign from the City service in good standing, an employee shall give his/her department head at least two week's written notice of his/her intention to resign. Under exceptional circumstances, the City Manager may waive the two-week notice requirement, thereby allowing the employee to leave in good standing.

2. PAY PLAN

2.1.0 Pay Plan

The salary ranges and position titles as maintained by the Department of Human Resources shall constitute the pay ranges for all temporary employees of The City of Lake Forest.

The City Manager, as chief administrative officer of the City, shall be responsible to the City Council for the administration and interpretation of the pay ranges and shall set salaries for all employees within the limits established herein. All salary adjustments shall be authorized by the City Manager following consideration of recommendations by department heads, who shall certify each employee's eligibility and qualifications for such salary adjustment. The City Manager is further authorized to establish and administer an employee evaluation and development program to be used to determine employee job effectiveness, performance, and individual employee development. Such a program serves as an important factor in consideration of employee salary adjustments.

2.2.0 Positions

The City has ranges and position titles that are maintained by the Department of Human Resources. Listed below are some non-Recreation-related positions and pay ranges. Recreation positions and ranges are maintained separately.

<u>Temporary Positions</u>	<u>Hourly Pay Range</u>
Intern	\$10.00 - \$18.00
Office Clerk	\$ 8.50 - \$17.00
Administrative Assistant	\$15.00 - \$24.24
Management Analyst	\$26.00 - \$35.36
Part-time CSO	\$15.00 - \$28.00
Summer CSO	\$15.00 - \$28.00
Summer Laborer	\$ 8.25 - \$14.00
Seasonal Laborer	\$11.00 - \$14.00
Seasonal Maintenance Worker	\$12.00 - \$16.00
Paid-on-Premises Firefighter	
Ride/Training	\$17.00
Recall/OT	\$17.00
Paid-on-Premises Firefighter/Paramedic	
Ride/Training	\$19.00
Recall/OT	\$19.00
Crossing Guards	\$530.00 bi-weekly
Part-time Records Clerk	\$22.00 - \$32.00
Dickinson/CROYA Car Driver	\$11.00 - \$14.00
Bus Driver (CDL)	\$14.00 - \$16.00

2.3.0 Fringe Benefits

The City has established policies and guidelines for the proper handling and taxing of certain employee fringe benefits to ensure compliance with IRS guidelines. Included in these benefits are guidelines on uniforms, logo wear, Internet connectivity, laptop computers and other miscellaneous items that may be subject to being taxed. (See Admin. Dir. 2-15, Employee Fringe Benefits)

3. HOURS OF WORK

3.1.0 Workweek Defined

The workweek commences at 12:01 a.m. on Sunday and ends at midnight on the following Saturday. The workweek for each position shall be established by the individual departments. It is the personal responsibility of each employee to be at his/her work station and fully prepared to begin work at the time the established departmental shift/work day begins. Staffing will be based on the business needs of the City. Management reserves the right to adjust schedules according to need.

3.2.0 Workday Defined

The work day for each employee shall be the 24-hour period from the time that work is scheduled to begin until that time shall occur again. This definition shall be used whenever workday is referred to in these policies. A 30-minute unpaid meal break is included as part of the workday unless otherwise defined for specific positions.

3.3.0 Overtime Work

It is the policy of the City to keep work in excess of established schedules at a minimum and to permit such work only when it is necessary to meet City operating requirements. All overtime work performed by a nonexempt employee must be approved by the employee's immediate supervisor prior to the work being performed. Unauthorized overtime work will subject the employee to discipline, including dismissal.

3.4.0 Compensation for Overtime Work

Employees shall be compensated for overtime work at the following rates:

- a. Temporary employees will be compensated at 1½ times their regular rate for any authorized work in excess of 40 hours in a work week. In the event that shift changes are approved which increase the regular workday but cause the workweek to remain at or below 40 hours, overtime will not be compensated until the hours worked extend beyond 40 hours per week. Whenever an employee of this category is called back to work on a temporary basis, a minimum of one hour of overtime compensation will be paid.

4. LEAVE POLICY

4.1.0 On-the-Job Injury and Disability Leave

If an employee is injured on the job, no matter how slightly, the injury must be promptly reported to the immediate supervisor and a written accident report filed. Medical and hospital expenses incurred due to bona fide work-related injuries will be paid in accordance with City policy and applicable provisions of the Illinois Worker's Compensation Act, provided proper and prompt notice of the accident has been reported by the employee to the department head. (See Admin. Dir. 6-3, Accident and Injury Investigation)

A temporary employee on injury leave may be eligible to receive compensation payable under the Illinois Worker's Compensation Act or eligible retirement or pension fund benefits. No employee may return from a work-related injury without a written doctor's release. However, regardless of any other City policy or procedure, the time on leave for a prolonged personal illness or on light

duty may not exceed six (6) months unless an exception is made by the City Manager or otherwise required by law. (See Admin. Dir. 2-6, Limited Duty)

4.2.0 Military Service, Training

The City will follow all applicable Federal, State and local laws regarding employees who are required to fulfill a military commitment.

4.3.0 Family Military Leave Act.

Any employee who has been working for at least 12 months, who has worked at least 1,250 hours in those months, and who is the parent or spouse of a person called to state or United States military service lasting longer than 30 days is entitled to unpaid family military leave of up to 30 days while the deployment order is in effect. If leave will consist of five or more consecutive work days, at least 14 days' notice is required. Employees taking leave for less than five consecutive work days must give as much advanced notice as is practicable. Employees requesting leave must consult with their supervisor to schedule the leave so it does not unduly disrupt the operations of the City. An employee may not take family military leave unless the employee has used all accumulated vacation leave and holiday leave. The City may require certification from the proper military authority to verify the employee's eligibility for the family military leave requested.

4.4.0 Absence Without Leave

Absence of an employee from duty, including any absence for a single day or part of a day, that is not specifically authorized shall be without pay and serve as a basis for disciplinary action. An employee who absents himself/herself from the job for three (3) consecutive days without authorized leave shall be deemed to have resigned and will be separated with cause.

4.5.0 Family and Medical Leave (FMLA Leave)

Employee Eligibility, Leave Entitlement, and Job Restoration

Employees who have been employed by the City for at least 12 months and who have worked at least 1,250 hours during the prior 12 months may take up to 12 weeks of unpaid leave per 12-month period in accordance with the Family and Medical Leave Act of 1993 ("FMLA"). The 12-month period shall be measured forward from the date an employee first uses any family and medical leave. ("FMLA leave").

FMLA leave is available for the following reasons:

1. For incapacity due to pregnancy, prenatal medical care or child birth;
2. To care for the employee's child after birth, or placement for adoption or foster care;
3. To care for the employee's spouse (including a same-sex spouse), son or daughter (leave rights are extended to those who assume the role of caring for a child regardless of the legal or biological relationship if the requisite family relationship exists), or parent, who has a serious health condition; or
4. For a serious health condition that makes the employee unable to perform the employee's job.
5. Military family leave for a qualifying exigency.
6. Military Family leave to act for caregiver purposes.

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care

provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a health care provider or one (1) visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment. In most cases, serious health conditions do not include short-term conditions, such as the cold, flu, earache, upset stomach, or a migraine.

In the case of FMLA leave for serious health conditions, the leave may be taken intermittently or on a reduced-hours basis if such leave is medically necessary. If the need for intermittent or reduced-hours leave is foreseeable based on planned medical treatment, the employee generally must schedule the treatment in a manner that does not unduly disrupt the City's operations. Also, if intermittent or reduced-hours leave is required, the City may temporarily transfer the employee to another position with equivalent pay and benefits that better accommodates such leave.

In the case of an FMLA leave for the birth or placement of a child, intermittent or reduced-hours leave cannot be taken without the approval of the Department Head and Director of Human Resources. If both spouses are employed by the City, the combined FMLA leave for the birth or placement of a child, or to care for a parent who has a serious health condition, shall not exceed 12 weeks.

Employees who return to work from an FMLA leave within their maximum 12 weeks per 12-month period will be reinstated to their former position or to an equivalent position with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed by the City during the FMLA leave period. Therefore, if changes in the City's business occur during an employee's FMLA leave and the employee would have been terminated, laid off or reassigned had he/she been on active status, the employee is not guaranteed reinstatement.

If an employee does not return to work following the conclusion of FMLA leave, the employee will be considered to have voluntarily resigned, unless the employee requests and is granted a personal leave of absence or remains off work on an approved leave. In either case, the City cannot guarantee the availability of a position when the period of leave exceeds the job-protected leave period provided by the FMLA. In addition, certain key employees may be denied restoration to their prior or an equivalent position.

Military Family Leave: Qualifying Exigency

Eligible employees may take up to 12 weeks leave for a "qualifying exigency" arising out of the foreign deployment of the employee's spouse, son, daughter, or parent who is a member of the Armed Forces (including the National Guard and Reserves) and who is on covered active duty or has been notified of an impending call or order to covered active duty. Qualifying exigencies include (i) addressing any issues that arise from the short-notice deployment (deployment within 7 or fewer days of notice); (ii) Attending military events and related activities, such as official ceremonies, programs, events and informational briefings, or family support or assistance programs sponsored by the military, military service organizations, or the American Red Cross that are related to the member's deployment; (iii) certain childcare and related activities (e.g., arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling in or transferring a child to a new school or day care facility); (iv) care of the military member's parent who is incapable of self-care; (v) making or updating financial and legal arrangements; (vi) attending counseling for the employee, the military member, or the child

of the military member; (vii) certain post-deployment activities within 90 days of the end of the military member's covered active duty; and (viii) taking up to 15 calendar days of leave to spend time with a military member who is on short-term, temporary Rest and Recuperation leave during deployment.

Military Family Leave: Caregiver

Eligible employees may also take up to 26 weeks of leave to care for a covered service member or a covered veteran during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is receiving medical treatment, recuperation, or therapy, or is in outpatient status, or is on the temporary disability retired list for a serious injury or illness. A serious injury or illness is one that is incurred by a servicemember in the line of duty on active duty that may cause the servicemember to be medically unfit to perform the duties of his or her office, grade, rank, or rating. A serious injury or illness also includes injuries or illnesses that existed before the servicemember's active duty and that were aggravated by service in the line of duty on active duty.

A covered veteran is a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and meets each of the following criterion:

- was a member of the Armed Forces (including a member of the National Guard or Reserves);
- was discharged or released under conditions other than dishonorable; and
- was discharged within the five-year period before the eligible employee first takes FMLA military caregiver leave to care for him or her.

Note: With respect to military family caregiver leave, an eligible employee is limited to a combined total of 26 weeks of leave for any FMLA-qualifying reasons during the single 12-month period. Up to 12 of the 26 weeks may be for an FMLA-qualifying reason other than military family caregiver leave.

Notice And Certification

Requests for FMLA leave should be submitted in writing to the employee's Department Head. The Department Head should immediately forward the request to the Director of Human Resources. Employees must provide 30 days' advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the City's normal call-in procedures for reporting absences. Leave to accommodate planned medical treatment should, when possible, be scheduled to avoid disruption of City operations. Employees taking intermittent leave must comply with the City's normal call-in procedures unless their condition precludes them from doing so. Employees must provide sufficient information for the City to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. If an employee seeks leave for a reason for which he or she has previously been granted FMLA leave within the past 12 months, the employee must specify the reason for which FMLA leave was previously taken.

After receiving a request for FMLA leave, the City will inform the employee whether he or she is eligible under the FMLA. If the employee is eligible, the City will inform the employee about any additional information the employee must provide to qualify for FMLA leave as well as the employee's rights and responsibilities concerning FMLA leave. If the employee is not eligible for FMLA leave, the City will inform the employee why he/she is not eligible.

Employees requesting FMLA leave may be required to submit a certification from their health care provider establishing the existence of a serious health condition, the need for the leave and its probable duration. The medical certification form may be obtained from the Director of Human Resources' office. When required, such certification must be submitted as soon as practicable, but, in no event, later than 15 calendar days after the request. If the City concludes that an employee's medical certification is insufficient, it will notify the employee in writing of the additional information that is necessary to complete the certification. The employee then has seven (7) calendar days to provide the requested information. The City reserves the right to require a second and/or third medical opinion by a health care provider of its choice.

The City will then inform the employee whether leave will be designated as FMLA-protected and, if known, the amount of leave that will be granted. The City will also notify the employee if it determines that the leave is not FMLA-protected.

Employees on FMLA leave must periodically notify the Director of Human Resources of their status and intention to return to work, and may be required to submit periodic medical recertifications. Employees who are expecting to return to work early from FMLA leave must inform the Director of Human Resources as soon as practicable. In addition, in order to return to work after an FMLA leave due to the employee's own serious health condition, the employee must submit a certification from his/her health care provider that the employee is able to resume work and perform the essential functions of the employee's job, *i.e.*, fit for duty. An employee will not be returned to work until the employee has submitted this documentation.

Failure to meet the notice and certification requirements may result in denial of a request for leave; counting the employee's days off against his or her attendance record; disciplinary action, up to and including termination; or denial of reinstatement following the leave.

Prohibition On Working

As with other forms of leave, except where express authorization is given, employees on FMLA leave are prohibited from performing any work, paid or unpaid, for any other person or entity, including the employee's own business. Violations of this prohibition may result in FMLA leave being revoked and the employee's prior days off being counted against his or her attendance record; disciplinary action, up to and including termination; or denial of reinstatement following the leave.

Health Insurance And Other Benefits

During an FMLA leave, the City will continue to pay its portion of the group health insurance premiums if applicable, and the employee must continue to pay his/her share of the premiums (including the employee's share of any premium increases). The employee's failure to pay his/her share of the premiums will result in loss of coverage. If the employee does not return to work after the leave expires, the employee must reimburse the City for all premiums the City paid during the leave, unless the employee does not return because of the continuation, recurrence or onset of a serious health condition, or other circumstances beyond the employee's control.

Employees will not lose any employment benefits earned and accumulated before their FMLA leave begins. However, employees on illness and disability leaves, including leaves for their own serious health condition, must use all accumulated leave. Employees on leave for the birth or placement of a child must use all accumulated. Use of accumulated leave for an extended period for any reasons covered under this policy will be considered as part of the 12 (or 26) weeks of

FMLA leave. Upon exhaustion of FMLA leave, the employee may request an unpaid leave of absence as defined in Section 5.6 of these policies.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

This policy is intended to comply with the Family and Medical Leave Act of 1993 as amended, and its implementing regulations. The City will be guided by the specific provisions of the FMLA and related regulations issued by the U.S. Department of Labor when interpreting and applying this policy in individual cases.

4.6.0 Victim's Economic Security and Safety Leave

Eligibility and Leave Entitlement

Pursuant to the Victims' Economic Security and Safety Act ("VESSA"), employees who are victims of domestic or sexual violence, or have a family or household member who is a victim of domestic or sexual violence, are permitted to take up to twelve (12) weeks of unpaid leave during any twelve (12)-month period to:

1. Seek medical attention for, or to recover from, physical or psychological injuries caused by domestic or sexual violence to the employee or a family or household member;
2. Obtain services from a victim services organization for the employee or a family or household member;
3. Obtain psychological or other counseling for the employee or a family or household member;
4. Participate in safety planning, relocating, or taking other actions to increase the safety of the employee or a family or household member; or
5. Seek legal assistance or remedies to ensure the health and safety of the employee or a family or household member.

Notice and Certification

Employees must give their immediate supervisor or department head at least 48 hours advance notice of their intention to take leave unless such notice is not practicable.

The City may require certification to verify that the employee or the employee's family or household member is a victim of domestic or sexual violence or to verify that leave is for one of the five purposes listed under "Eligibility and Leave Entitlement."

Health Insurance and Other Benefits

During the leave, the City will continue an employee's health care coverage if applicable on the same basis as prior to the leave. The City may recover the premium it paid for maintaining coverage if:

1. The employee fails to return from leave after the period of leave to which the employee is entitled has expired; or
2. The employee fails to return from leave for any reason other than the continuation, recurrence, or onset of domestic or sexual violence that entitles the employee to leave under VESSA, or other circumstances beyond the employee's control. The City may require the employee to submit a certification that he or she is unable to return to work. All information provided to the City will be kept confidential unless disclosure is requested or consented to in writing by the employee or otherwise required by applicable federal or state law.

Employees will not lose any employment benefits earned and accumulated before their VESSA leave begins. Employees may elect to use their earned and accumulated paid time off days in conjunction with their VESSA leave and should notify their immediate supervisor if they choose to do so.

Reinstatement

The City will restore an employee to his or her former position or to an equivalent position with equivalent pay, benefits, and other employment terms, provided the employee returns to work at the end of his or her scheduled leave.

The City fully supports the concept of VESSA leave. Accordingly, the City will not interfere with or restrain any employee in the exercise of VESSA leave rights, nor will it retaliate or discriminate against anyone who seeks to enforce these rights.

4.7.0 Pregnancy Accommodation

Pursuant to the Pregnancy Accommodation Amendment to the Illinois Human Rights Act, effective January 1, 2015, the City will accommodate pregnant employees. Under the Act, pregnancy is defined as "pregnancy, childbirth, and conditions related to pregnancy and childbirth". With respect to pregnancy, childbirth, and related conditions, the City will:

1. make reasonable accommodations, if so requested, unless it can be demonstrated that the accommodation would impose an undue hardship on the ordinary operations of the City;
2. not deny employment opportunities or benefits to or take adverse action against an otherwise qualified job applicant or employee;
3. not require a job applicant or employee to accept an accommodation that the applicant or employee chooses not to accept; or
4. not require an employee to take leave under any leave law or policy of the City if another reasonable accommodation can be provided.

Employees who would like to make a request for accommodation under this policy should contact the Human Resources Department. The City may request an employee to provide certain information from her health care provider regarding the request for accommodation. Upon presentation of medical documentation supporting the need for a workplace accommodation, the City will consider accommodation of pregnancy to the extent such accommodation does not pose an undue hardship on the ordinary operation of the business of the City.

4.8.0 Miscellaneous Leave Policies

In cases where an employee attends **court sessions as a defendant**, subpoenaed witness or plaintiff in conjunction with that employee's employment, the employee may be paid for the period of absence. An employee receiving full pay shall sign over to the City any payments received for court appearances.

The City complies with the **Illinois School Visitation Rights Act** by allowing employees who work the equivalent of at least 1,020 hours each year and have been employed for 6 consecutive months prior to the request to take up to eight hours of unpaid leave per school year, with no more than four hours being taken in one day. An employee requesting leave under this Act must provide a written request for the leave at least seven days in advance, except in the case of emergencies. This leave is intended to be used as a last resort by employees who have made every attempt to schedule the visit during non-working hours.

The employee must provide his/her supervisor with documentation of the visit as provided by the school administrator within 2 working days of the school visitation. If notice is not provided within the required time frame, the employee is subject to the City's standard disciplinary procedures for unexcused absences. This is unpaid leave, however, the City will make every effort to accommodate an employee who wishes to make up the time, provided it is not disruptive to normal City operations.

Voting Leave – The City encourages employees who desire to do so to exercise their right to vote before or after working hours. Employees who are registered to vote and who are not otherwise able to vote outside working hours are eligible to receive up to two (2) hours off with pay in order to vote in a general or special election, or an election where propositions are submitted to a popular vote. All requests for such time off must be submitted to an employee's immediate supervisor or department head two (2) days prior to the election day and the City may specify the hours during which employees may absent themselves from work in order to vote.

5. DISCIPLINE, GRIEVANCES AND FEEDBACK

5.1.0 Procedure in Handling Disciplinary Action, Grievances

The City Manager, as the chief administrative officer of the city, is responsible to the Mayor and City Council for the administration of all affairs, departments and offices of the City. As directed by the City Manager, department and division heads are responsible for the maintenance of a high standard of efficiency on the part of assigned employees, and for enforcement of good discipline, safety and proper personal conduct. They are authorized to use appropriate disciplinary measures as approved by the City Manager. Such action may consist of a warning or the recommendation for suspensions without pay or dismissal, even for a first offense, as defined below:

Warning — written reprimand.

Suspension Without Pay — Temporary separation from the City service without pay for disciplinary purposes where the cause is not considered sufficiently grave to require dismissal.

Dismissal — Permanent separation from the City service for such causes including, but not limited to, serious misconduct (on or off duty); insubordination; unsatisfactory job performance; dishonesty; violation of the City's alcohol and drug-free workplace policies; carelessness, negligence or violence toward City property, fellow employees or the public; endangering other employees and/or the public through careless, negligent or substandard job performance; unauthorized or excessive absences; habitual tardiness; or personal acceptance and appropriation of any fee, reward, gift, tip or other remuneration received solely for the performance of official duties or in connection with his/her municipal employment.

The City generally endorses the practice of corrective counseling. However, the level of discipline to be applied in a specific circumstance will be determined solely by the City and discipline shall not be issued in any particular order or manner. The City may consider the seriousness of the offense, the repetitive nature of the action, and the employee's prior work and disciplinary record when handing out discipline.

5.2.0 Appeals from Disciplinary Action

Upon notification by the department head, an employee receiving disciplinary action in the form of a suspension or dismissal has the right to a hearing before the City Manager. The employee must file a written request within 48 hours of notification of the disciplinary action which states the basis of the appeal and the remedy that is being requested. The decisions of the City Manager made in accordance with approved policy shall be final. (See Admin. Dir. 2-19, Disciplinary Procedures)

5.3.0 Employee Feedback

To create an organization-wide environment for the expression of ideas, concerns and opinions of all employees, a communication system has been established to supplement the organization's formal chain-of-command. This feedback process has been undertaken to involve employees in the decision-making process, to create teamwork, to develop effective communications and cooperation throughout the organization and to build employee commitment to organizational goals. (See Admin. Dir. 2-11, Organizational Feedback/Information Sharing)

6. RETIREMENT PENSION PLAN

6.1.0 Retirement, Pension Plan

Temporary employees working over 1,000 hours in a year in qualifying positions shall be covered by retirement or pension plans in accordance with statutory requirements. The authorized retirement and pension plan for City employees shall be the Illinois Municipal Retirement Fund.

Plan members who first participated in the plans on or after January 1, 2011 will be considered Tier 2 members and their benefits will be defined by this tier of their appropriate pension fund.

7. MISCELLANEOUS REGULATIONS

7.1.0 Physical Fitness

It shall be the responsibility of each employee to maintain the standards of physical fitness required for performing his/her job. Whenever a department head determines that the mental or physical condition of an employee is endangering the safety of fellow workers or causing the employee's inability to perform essential job functions, the employee may be requested to submit to a medical examination by a City-approved physician, without expense to the employee, for the purpose of determining the employee's fitness for duty (including whether the employee's physical or mental condition poses a threat to the employee or others).

If the employee is found not to be fit for duty, it shall then be the duty of the individual, when recommendations are made by the examining physician, to follow all directives and recommendations concerning his/her physical condition or be subject to disciplinary action, including dismissal.

Where appropriate, the City will work with an employee who is a qualified individual with a disability to provide his/her with a reasonable accommodation to allow him/her to perform his/her essential job functions, provided the accommodation does not pose an undue hardship on the City.

7.2.0 Personal Use of City Property

The use of any City property for personal use is prohibited unless otherwise approved by the department head.

7.3.0 Political Activity

While on duty for the City, all employees shall refrain from soliciting or receiving any subscription, contribution, or political service from any person for any political purpose pertaining to the government of the City. Further, they shall not work at the polls (politically) or circulate petitions or campaign literature for elective City officials while at work or on duty. Individuals employed by the City in any capacity will not be considered for appointment to any City board or commission, except as directed by State Statute (i.e., Police and Fire Pension Boards). The Mayor, with the approval of the City Council, may waive this restriction if it is determined to be in the best interest of the City.

However, nothing in this section shall be construed to prevent employees from becoming or continuing to be members of any lawful political organization, from attending lawful political meetings, from expressing their views on political matters, or from voting with complete freedom in any election.

7.4.0 On-the-Job Safety

As a regular part of City employment, each employee is expected to conduct himself/herself and handle equipment in such a manner as to avoid accidents. Employees are responsible for observing all safety rules and using available safety devices and are responsible to report unsafe conditions or equipment to their department head. (See Admin. Dir. Section 6, Employee Safety Procedures)

The Illinois Mandatory Seat Belt Law mandates the use of safety belts for both the drivers and front seat passengers of public and private vehicles. The provisions of this law will apply as an official policy to all City vehicles being driven on public roadways to, from or between job sites, and also during extended periods of driving. Certain necessary exemptions are allowed under the law, including those permitted for vehicles where the driver or passengers frequently stop and leave the vehicle, provided the speed of the vehicle between stops does not exceed 15 miles per hour. The following vehicles will therefore be exempted from the routine use of safety belts:

- Public Works scooters
- Parks Section vehicles used for mowing and litter pick up
- Vehicles used by the Water & Sewer Section for catch basin cleaning and reading water meters
- Parking enforcement

These exemptions do not apply when these vehicles are being driven on public roadways to, from or between job sites, and during extended periods of non-stop driving. The exemption only applies for the periods when these vehicles will be frequently stopping or involved in non-roadway driving situations.

To promote personal and vehicular safety, departmental safety committees shall be established to investigate accidents and unsafe conditions. The committees will review details encompassing each accident and unsafe condition, as requested, and will submit its findings with recommendations to the department head, who will determine final disposition of each case. Disciplinary action up to and including termination may be taken against employee(s) if employee negligence is proven to be a factor contributing to the accident or the cause of an unsafe condition.

7.5.0 Public Information

It shall be the responsibility of the City Manager or his designate to verify and/or disseminate all information released in the name of the City.

7.6.0 Public Relations

All City employees shall be responsible for providing municipal services to the public in a courteous, polite manner free from discrimination because of race, color, sex, religion, age, disability or handicap, national origin, ancestry, creed, marital status, sexual orientation, citizenship status, veteran status, military status, genetic history or any other class protected by law.

7.7.0 Gifts and Gratuities

City services are not to be extended by employees in exchange for special awards, gifts or other remuneration from outside individuals or organizations. When an employee receives any offering as a result of their status as a City employee, such receipt must be reported in writing at once to

their department head and retention of the gift will be conditioned on the department head's approval based on department policy and in accordance with State and local laws then in effect.

7.8.0 Patents

Any City employee inventing or designing a product for the City while in its employ shall enter into all necessary and proper agreements to assign all that right and property interest in and to such design and/or patent to The City of Lake Forest without compensation.

7.9.0 Smoking Ban

To set forth policies governing City employee compliance with the Lake Forest Smoking Ban Ordinance, the following restrictions will be in place for employees:

- All buildings will be smoke free, including the use of electronic cigarettes (e-cigarettes);
- No one will be allowed to smoke within 25 feet of an entrance to any City building;
- Smoking will not be allowed in any City vehicle;
- Smoking will not be allowed in City parks;
- Smoking will not be allowed at the train platforms;
- Smoking will not be allowed in Market Square, including sidewalks in the Square;
- Smoking will not be allowed at the Beach;
- Golfers will be allowed to smoke at the Deerpath Golf Course, however, they must be 75-feet away from the clubhouse; and
- Smoking will be allowed in parking lots as long as it is not within 25 feet of an entrance to any City building.

(See Admin. Dir. 2-28, Lake Forest Smoking Ban Ordinance Compliance)

7.10.0 Employee Use Computers and Electronic Communications Systems

The Computers and Electronic Communications Systems (email, Internet, personal computers, smart phones and tablets) is a valuable tool owned and maintained by the City. Use of the systems is afforded to employees at their supervisor's discretion for the purpose of improving their ability to perform the duties of their jobs. All users must abide by the terms and conditions of the policy. (See Admin. Dir. 2-4, Computers and Electronic Communications Systems Policy)

7.11.0 Cell Phone Usage (City-owned and Personal)

The City has established guidelines for the safe usage of City-owned and personal cell phones and to ensure compliance with IRS guidelines. Cell phone equipment owned or issued by the City is to be used primarily to facilitate the conduct of official City business.

Employees assigned City cell phones must select one of two options regarding personal use of the cell phones and sign an acknowledgement regarding their choice:

- Employees must sign an agreement that they will not use the City cell phone for personal calls except in emergency situations or as noted below;
- Employees may have their personal cell phone lines added to the Nextel phones issued by the City and use those lines for personal calls with Nextel billing the employee separately; or
- Employees who do not have the option of adding a personal line to the phone, such as those with Blackberry units, may elect to reimburse the City for the use of the line. The cost will be

based on the amount the provider charges to add a second line on a phone and will be paid through payroll deduction.

Employees are not allowed to use City cell phones for personal calls unless they have chosen the appropriate option noted above or unless they meet the following criteria:

- It reasonably could not have been made at another time. Examples of circumstances that may be authorized use during regular work hours are:
 - Calls to home or doctor if employee is injured or becomes sick at work.
 - Calls to notify an employee's family or other appropriate parties of a schedule change caused by official business or transportation schedule changes or delays.
 - Calls when an employee is required to work overtime without advance notice. The call may be to advise family or other appropriate parties of the schedule change and to make alternate transportation arrangement or child care/dependent care arrangements.
- The call does not adversely affect the performance of duties by the employee and is of reasonable duration.

Once a cell phone (City-owned or personal) is in use by a City employee certain "rules of the road" must be followed to ensure the safety of the employee using the cell phone and anyone that employee may come in contact with. The use of any wireless device while driving is prohibited. This includes all cell phone, direct connect and two-way radio communication (with the exception of public safety radios). Employees must use hands-free options in accordance with state law when the use of a cell phone is required, refrain from discussion of complicated or emotional discussions and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather or the employee is driving in an unfamiliar area. Employees whose job responsibilities include regular or occasional driving and who **use** a cellular communication device, whether City-owned or personal, are expected to refrain from using their phone while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. (See Admin. Dir. 2-16, Cell Phone Usage)

7.12.0 Use of Personally-Owned Devices (BYOD)

The City permits authorized employees to use their personally owned devices in conjunction with the performance of their job duties, subject to the policies set forth in the City's Administrative Directive for the Use of Personal Mobile Devices for City Business. (See Admin. Dir. 2-4a, Use of Personal Mobile Devices for City Business)