



EMPLOYEE HANDBOOK

TABLE OF CONTENTS

EMPLOYEE HANDBOOK	1
Article 1 General	1
Section 1.01 Disclaimer	1
Section 1.02 Collective Bargaining Agreements.....	1
Section 1.03 Equal Opportunity Employer	2
Section 1.04 Light Duty	2
Section 1.05 Civility Policy and Policy against Workplace Violence or Threats	3
Section 1.06 Sexual Abuse Prevention Policy.....	5
Section 1.07 Sexual Harassment Policy.....	7
Section 1.08 Definition of Employees	14
Section 1.09 Probationary Period - New Employees	15
Section 1.10 Nepotism Policy	15
Section 1.11 Gift Ban Policy.....	16
Section 1.12 Code of Conduct and Whistleblower Protection Policy	17
1.12.1 Scope.....	18
1.12.2 Ethical Standards.....	18
1.12.3 Code of Ethics.....	19
Section 1.13 Political Activities	22
Section 1.14 Salary Review	23
Article 2 Personnel	23
Section 2.01 Personnel Files	23
Section 2.02 Car Allowance	23
Section 2.03 City Related Expenses	24
Section 2.04 Conferences and Seminars	24
Section 2.05 Job Openings.....	24
Article 3 Conditions of Employment (not all inclusive)	25
Section 3.01 Outside Employment	25
Section 3.02 General.....	26
Article 4 Benefits	27
Section 4.01 Medical and Dental Insurance	27
Section 4.02 Life Insurance	28

Section 4.03 Employee Assistance Program (EAP)	29
Section 4.04 Retirement Systems	29
Section 4.05 Retirement Savings Plan – Deferred 457 Compensation Plan	30
Section 4.06 Changes in Personal Status	31
Section 4.07 Continuing Education.....	32
Section 4.08 Organization Membership.....	32
Article 5 Miscellaneous Policies	32
Section 5.01 Inclement Weather.....	32
Section 5.02 Searches and Investigations.....	32
Section 5.03 No Solicitation/No Distribution	33
Section 5.04 Personal Telephone Calls Policy	33
Section 5.05 Cellular Phone Policy.....	34
Section 5.06 Tobacco Policy	35
Section 5.07 Dress and Appearance Standards.....	35
Section 5.08 Bulletin Boards.....	35
Section 5.09 Verification of Employment/References.....	36
Article 6 Attendance, Hours of Work, and Approved Time off Work.....	36
Section 6.01 Hours of Work.....	36
Section 6.02 Payday and Payroll Deductions	38
Section 6.03 Attendance	38
Section 6.04 Holidays.....	39
6.04.1 Holidays on Weekends	39
6.04.2 Holiday Pay.....	40
6.04.3 Eligibility Requirements.....	40
6.04.4 Holiday Hours for Overtime Purposes.....	40
Section 6.05 Vacation.....	40
6.05.1 Eligibility and Allowances.....	40
6.05.2 Working Days.....	40
6.05.3 Vacation Pay.....	41
6.05.4 Scheduling and Accrual	41
6.05.5 Emergencies.....	41
6.05.6 Vacation Rights in Case of Layoff or Separation.....	42

Section 6.06 Personal Days	42
6.06.1 Eligibility and Allowances	42
6.06.2 Personal Day Pay	42
6.06.3 Personal Day Rights in Case of Layoff or Separation	42
6.06.4 Personal Day Rights.....	42
Section 6.07 Sick Leave	43
6.07.1 Purpose	43
6.07.2 Allowance	43
6.07.3 Days Earned In Accumulation.....	43
6.07.4 Rate of Payment	44
6.07.5 Notification	44
6.07.6 Medical Examination.....	44
6.07.7 Abuse of Sick Leave	44
6.07.8 Sick Leave Utilization.....	44
Section 6.08 Leaves of Absence	45
6.08.1 Discretionary Leave	45
6.08.2 Application for Leave	45
6.08.3 Jury Leave or Witness Duty	46
6.08.4 Funeral Leave	46
6.08.5 Military Leave.....	46
6.08.6 Major Medical Leave.....	46
6.08.07 Maternity Leave	47
6.08.08 Victims' Economic Safety and Security Act (VESSA):	47
Section 6.09 Family Medical Leave Act ("FMLA") Policy	47
Article 7 About Your Employment	56
Section 7.01 Complaint/Grievance Procedure.....	56
Article 8 Guidelines for Conduct.....	57
Section 8.01 General Rules.....	57
Section 8.02 Drug & Alcohol Policy	60
8.02.1 Policy.	60
8.02.2 Purpose.	61
8.02.3 Responsibility.....	61

8.02.4 Employment Testing; Reasonable Suspicion.....	61
8.02.5 Pre-Employment Testing.	62
8.02.6 Post-Accident Testing.	63
8.02.7 Payment for Testing.....	63
8.02.8 Test Results.....	63
8.02.9 Disciplinary Action for Positive Test Results.	63
8.02.10 Employee Assistance.....	63
Article 9 Department of Information Technology (IT) Use and Security Policy	64
Section 9.01 Introduction	64
Section 9.02 Purpose	64
Section 9.03 General Information	65
9.03.1 Applicability	65
9.03.2 Computer Access.....	65
9.03.3 Remote Access.....	65
9.03.4 Password Access Program	65
9.03.5 Password Cracking	66
9.03.6 Password Selection and Protection	66
9.03.7 Computer Sabotage.....	66
9.03.8 Hackers.....	66
9.03.9 Harassment, Threats and Discrimination	67
9.03.10 Snooping.....	67
9.03.11 Unauthorized Access	68
9.03.12 Viruses, Worms, and Trojan Horses	68
9.03.13 Personal Use of Computers.....	69
9.03.14 Accidents, Mistakes and Spills.....	70
Section 9.04 Administration	70
9.04.1 Back-up.....	70
9.04.2 Copyright Infringement.....	70
9.04.3 Purchases of Computer Software and Equipment	71
9.04.4 Disposal of City Data and Technological Equipment	71
9.04.5 Proprietary Information	71
9.04.6 Reporting Policy Violations	72

9.04.7 Termination of Employment	72
9.04.8 Unauthorized Changes to City Computers.....	73
Section 9.05 Confidentiality	73
9.05.1 Handling Confidential Information	73
9.05.2 Encryption	74
Section 9.06 Physical Security	74
9.06.1 Locks	74
9.06.2 Laptops, Tablets, I-pads and other Devices.....	74
9.06.3 Off-Site Computers	75
Section 9.07 Privacy	75
9.07.1 Monitoring Computer Communications and Systems	75
Section 9.08 Website Privacy Policy	76
9.08.1 Privacy Policy & Notices	76
9.08.2 Log Data	76
9.08.3 Disclaimer/ Terms and Conditions of Use.....	76
9.08.4 Links to Other Sites.....	77
9.08.5 Questions and Concerns?	77
Section 9.09 External Communications.....	78
9.09.1 Internet Connections.....	78
9.09.2 Filters	79
9.09.3 Subscriptions	79
9.09.4 Surveys.....	79
9.09.5 Third Parties	79
9.09.6 E-mail.....	79
9.09.7 Forwarding Information.....	80
9.09.8 Spam	81
9.09.9 Social Media Policy.....	81
Section 9.10 Local Area Network	83
Section 9.11 Glossary of Terms	83
9.11.1 Computer Information	83
9.11.2 Encryption.....	83
9.11.3 Firewall	84

9.11.4 Hacker	84
9.11.5 Instant Messaging.....	84
9.11.6 Internet.....	84
9.11.7 LAN.....	84
9.11.8 Login	84
9.11.9 2FA	84
9.11.10 Server	84
9.11.11 Spam	84
9.11.12 Third-Party Computer	85
9.11.13 Ransomware.....	85
9.11.14 Virus.....	85
9.11.15 Web Site	85
9.11.16 Worm	85
Article 10 Media Relations Policy	85
Section 10.01 Goal.....	85
Section 10.02 Policy	85
Section 10.03 City Spokespersons.....	86
Section 10.04 Records Requests	87
Section 10.05 Privileged and Private Information	87
Section 10.06 Personal Points of View.....	87
Section 10.07 City Initiated Information	88
Section 10.08 Public Safety Issues	88
Section 10.09 Crisis or Emergency Issues	89

Article 1 General

Section 1.01 Disclaimer

Please Read Carefully

Unless otherwise provided by a collective bargaining agreement, individual employment contract, or applicable law, your employment with the City of Berwyn (hereinafter referred to as the “City of Berwyn” or the “City”) is considered “at will,” which means that your employment has no definite term and can be terminated at any time, with or without cause. This Employee handbook is not intended to create, nor should it be construed to constitute any type of employment contract, promise, or guarantee between the City of Berwyn and its employees. This Employee handbook is also not intended to provide any assurance of continued employment for any specific term. Rather, it is simply intended to describe the City of Berwyn and some of its personnel policies and procedures. These policies and procedures supersede all prior policies and statements regarding these issues and they may, and likely will, be changed from time to time with or without notice, as the City deems appropriate.

An exception are departmental policies that continue to supersede the Employee handbook. In the event of any inconsistency between this Handbook and a specific department policy, the department policy takes precedence but only as to those employees within the department. In the event that the department policy is silent on an issue, the Handbook’s guidance shall preside.

Furthermore, employment terms and conditions and compensation may be altered or terminated at any time with or without cause and with or without notice at the option of the City. Should any provision in this employee handbook be found to be unenforceable and invalid, such finding does not invalidate the entire employee handbook, but only the subject provision. No representative of the City, other than the Mayor or City Administrator, has the authority to enter into any agreement contrary to the foregoing.

Section 1.02 Collective Bargaining Agreements

The City is a party to certain Collective Bargaining Agreements with the union(s) for certain covered employees. The terms and conditions of employment for the covered employees are set forth in a Collective Bargaining Agreement. In the event of any inconsistency between this Handbook and a specific provision of a Collective Bargaining Agreement, the Collective Bargaining Agreement takes precedence but only as to those employees covered by the Collective Bargaining Agreement. Employees with questions about their Collective Bargaining Agreement should contact their union steward(s) for guidance. All inquiries regarding union membership, except for payroll processes and procedures, will be referred to the exclusive bargaining representative. In the event that a Collective Bargaining Agreement is silent on an issue, the Handbook’s guidance shall preside.

Section 1.03 Equal Opportunity Employer

The City is firmly committed to prohibiting unlawful discrimination on the basis of all legally protected categories, including without limitation, based on race, color, sex, sexual orientation, gender identity, age, religion, creed, military status, marital status, national origin, genetic information, pregnancy, mental or physical disability status, etc. This Policy extends throughout the employment process, from application/selection through termination, and in all employment related decisions.

The City is also committed to providing reasonable accommodations to disabled individuals who are otherwise qualified to perform the essential job functions of the position for which the individual applies and/or is hired unless doing so would result in undue hardship or a significant risk of substantial harm to health and safety. If you believe you are in need of a reasonable accommodation, you should notify the City Administrator or your Department Head so that your request can be considered as appropriate on a confidential basis. We encourage your participation in the interactive reasonable accommodation process.

If you feel that you have been the victim of unlawful discrimination of any kind (including denial of a reasonable accommodation if disabled) or if you have witnessed a violation of this Policy, you are directed to promptly report the allegations to your Department Head or the City Administrator (or designee). Be assured that all complaints will be promptly investigated and remedied as appropriate. Also be assured that no retaliation will be taken or tolerated against any person who reports a complaint of a violation of this Policy and/or participates in an investigation of a complaint allegation. In the event the Administration determines that a violation of this Policy has occurred, appropriate disciplinary action (including immediate termination, if warranted) will be taken as deemed necessary by management.

Section 1.04 Light Duty

Employees who are unable to perform their normal essential job duties, due to a job related or non-job related injury/illness which rises to the level of a disability may return in a light duty capacity when the work is available and provided it does not present an undue hardship to the City. The light duty must be approved in writing by a licensed physician. It is understood that this section in no way obligates or requires the City to allocate a light-duty assignment where one is neither available nor needed or when such work would not be immediately beneficial to the City. Additionally, an eligible employee may be entitled to time off for this purpose under the FMLA or other City leave policies. These issues will be addressed on a case-by-case basis with consideration given to all facts involved. Employees are encouraged to participate in an interactive discussion to determine the appropriate form of a reasonable accommodation where medically necessary.

Additionally, in accordance with state law, when requested, the City will provide alternate work assignments that better accommodates a pregnant police officer, firefighter, or other employee, provided there is no undue hardship caused by the alternate work assignment.

If this is applicable to you, please speak to your Department Head/Chief (or designee) to have a request of this sort to be considered.

Section 1.05 Civility Policy and Policy against Workplace Violence or Threats

The purpose of this Policy is to set forth some examples of the types of acts or behaviors that cannot and will not be tolerated in the workplace. Though these issues can best be described as “common sense,” there are times when certain individuals may forget standards of decorum thus requiring that this Policy be spelled out as a reminder. In short, it is the City’s Policy that all employees treat co-workers, residents, businesses and visitors with respect and as they would like to be treated themselves. All employees are entitled to a reasonably comfortable working environment while on premises and while properly engaged in business activities on behalf of the City.

Workplace Violence: Workplace violence includes, without limitation, any act or threat of violence or “bullying” by any current City employee, customer or visitor against another employee, resident or visitor on or about City premises or elsewhere, at any time while properly engaged in City business or in circumstances that may affect your employment with the City. This definition includes acts or threats of harm or damage against personal or City property (regardless of the person who initiates the action and even if intended to be a joke). By definition, the actual or threatened possession of weapons (firearms, explosives, knives, etc.), except as allowed and properly used pursuant to City and department rules and regulations, on City premises also constitutes workplace violence and is strictly prohibited.

Unacceptable Behavior: Unacceptable behavior includes (without limitation) any act, statement, gesture, or other behavior that occurs while at the workplace or while engaged in business activities and/or in behalf of the City which a reasonable employee, customer or visitor would or could reasonably find offensive. Unacceptable behavior can include, but is not limited to:

1. Obscene, inappropriate or unprofessional communications of any kind, including (without limitation) telephone calls, letters, facsimile transmissions, electronic mail including posting of same;
2. Racial, sexual, religious, ethnic or other similarly inappropriate jokes or comments based on any of the protected bases stated in our EEO Policy (Section 1.03);
3. Obscene, offensive, inappropriate and/or abusive gestures;
4. Abusive, offensive or disruptive acts, statements or behavior;
5. Invasions of privacy of a fellow employee, resident, business or visitor of the City.
6. Use, disclosure or misappropriation of any City property or confidential information.
7. Any other action, inaction, gesture or statement deemed harmful to the City, its employees, property or reputation.

Note: This policy will be construed in accordance with the law and it is not intended to restrict or limit an employee's lawful communications or protected conduct as allowed by the Illinois State Labor Relations Act or any other law that governs the employment of the City's employees.

Reporting of Policy Violation:

The City expects that everyone will act responsibly to establish a pleasant and friendly work environment. However, if an employee feels they have been subjected to any form of workplace violence, bullying or other unacceptable behavior, the employee should report that conduct to their immediate supervisor, Department Head or the City Administrator (or designee) within five calendar days of the offense or as soon as practicable. Employees are not required to approach the person who is engaging in such behavior, and they may bypass any offending member of management. The person the workplace violence or bullying is reported to will take the necessary steps to initiate a prompt and thorough investigation. In the case of an imminent threat and/or emergency situation, employees and members of management are directed to immediately contact law enforcement.

Employees should also be aware that complaints of this sort are a serious matter and may lead to discharge against the offender when warranted and deemed appropriate by the City Administrator.

Every supervisor is reminded to take appropriate steps to help ensure that the workplace is free from workplace violence, bullying and/or unacceptable behavior. For example, when appropriate, supervisors should consider doing any one or more of the following:

1. Informing all employees of the substance of this Policy and the potential consequences of a violation;
2. Encouraging employees who are aware that another employee has engaged in violence or unacceptable behavior to report this behavior to their supervisors promptly; and
3. Taking prompt action when such reports are made so that the matter can be investigated and remedied as appropriate.
4. Immediately notifying the Department of Children and Family Services (DCFS) Hotline (1-800-25-ABUSE or 1-800-252-2873) if the observed or complained of conduct involves the abuse of a minor.

Employees are asked and expected to report any incidents of workplace violence or unacceptable behavior to their supervisor or the appropriate party as soon as possible after becoming aware of the event (no matter how slight the incident may seem at the time). The City prohibits retaliation against anyone for making a complaint pursuant to this Policy or cooperating in an investigation under this Policy. If an employee feels they have been subjected to any form of retaliation, the employee should report that conduct to their immediate supervisor, another member of management or the City Administrator

within five calendar days of the offense, or as soon as practicable. Employees are not required to approach the person retaliating against them and may bypass any offending member of management.

Consequences of Policy Violation:

Workplace violence, bullying and unacceptable behavior is strictly prohibited. The City requires that all employees, residents, and visitors engage in proper, professional conduct. The City maintains a “zero tolerance” policy for such behavior and a violation of this Section will be grounds for disciplinary action including immediate dismissal (no matter when discovered), and even where the incident may have been intended as a joke. Depending on the incident and surrounding circumstances involved, civil and/or criminal action also may be taken against the offender in appropriate cases.

Section 1.06 Sexual Abuse Prevention Policy

General Policy Statement

The City of Berwyn does not permit or allow sexual abuse to occur in the workplace or at any activity sponsored by or related to the City of Berwyn. In order to make this “zero-tolerance” policy clear to all City of Berwyn staff members, council members, board members and volunteers, the City of Berwyn has adopted mandatory procedures that all City of Berwyn staff members, board members and volunteers must follow when they learn of or witness sexual abuse.

Sexual abuse takes the form of inappropriate sexual contact or interaction for the gratification of the actor who is functioning as a caregiver and is responsible for the person or child’s care. Sexual abuse includes sexual assault, exploitation, molestation or injury. It does not include sexual harassment, which is another form of behavior prohibited by the County.

Possible Signs of Sexual Abuse

There are a number of “red flags” that suggest someone is being sexually abused. They take the form of physical or behavioral evidence.

Physical evidence of sexual abuse includes, but is not limited to:

- Sexually transmitted diseases;
- Difficulty walking or ambulating normally;
- Stained, bloody or torn undergarments;
- Genital pain or itching; or
- Physical injuries involving the external genitalia.

Behavioral signals suggestive of sexual abuse include, but are not limited to:

- Fear or reluctance about being left in the care of a particular person;
- Recoiling from being touched;
- Bundling oneself in excessive clothing, especially night clothes;
- Discomfort or apprehension when sex is referred to or discussed; or
- Nightmares or fear of night and/or darkness.

Reporting Procedure

All City of Berwyn staff members, board members or volunteers who learn of sexual abuse being committed must immediately report it to their department head and the City of Berwyn's City Administrator who is responsible for Human Resources (the "designee"). If the victim is an adult other than an elderly adult, the designee must immediately report the abuse to the local police. If the victim is an elderly adult, the designee must immediately report the abuse to the Elder Abuse 24-Hour Hotline at 1-866-800-1409. If the victim is a child, the designee must immediately report the abuse by telephone to the Department of Children and Family Services (DCFS) at 1-800-252-2873 and confirm it in writing via the U.S. Mail, postage prepaid, within 48 hours of the initial phone report, to DCFS Office of Inspector General, 2240 Ogden Avenue, Chicago, IL 60612. Appropriate family members of the victim must be notified immediately of suspected child abuse.

Investigation and Follow Up

The City of Berwyn takes allegations of sexual abuse seriously. If an allegation is reported against a City of Berwyn staff member, board member or volunteer, the City of Berwyn will promptly, thoroughly and impartially initiate an investigation to determine whether there is a reasonable basis to believe that sexual abuse has been committed. The City of Berwyn's investigation may be undertaken by an internal team or the City of Berwyn will cooperate fully with any investigation conducted by law enforcement or regulatory agencies, and the City of Berwyn may refer the complaint and the result of its own investigation to those agencies. The City of Berwyn reserves the right to place the subject of the investigation on an involuntary leave of absence or reassign that person to responsibilities that do not involve personal contact with individuals. To the fullest extent possible, but consistent with the City of Berwyn's legal obligation to report suspected abuse to appropriate authorities, the City of Berwyn will endeavor to keep the identities of the alleged victims and investigation subject confidential, as allowed by law.

If the investigation substantiates the allegation, this policy allows the City of Berwyn to impose discipline, up to and including termination of employment.

Retaliation Prohibited

We prohibit any retaliation against anyone who in good faith reports sexual abuse, alleges that sexual abuse is being committed or participates in the investigation of the alleged abuse. Intentionally false or malicious accusations of sexual abuse are prohibited.

Anyone who improperly retaliates against an individual who has made a good-faith allegation of sexual abuse, or intentionally provides false information to that effect, will be subject to discipline, up to and including termination of employment.

Section 1.07 Sexual Harassment Policy

Statement of Policy

It is the Policy of the City that all employees engage in the highest possible professional standards and that all persons be treated fairly, civilly and with respect. To this end, the City will not tolerate or condone discrimination or harassment on the basis of race, color, religion, sex, gender, gender-identity, gender-expression, sexual orientation, genetic information, national origin, age, physical or mental disability, pregnancy, childbirth (or common conditions related thereto) ancestry, marital status, military status, arrest record, unfavorable discharge from military service, order of protection status, citizenship status, or any other classification prohibited under federal or state law. Sexual misconduct is also prohibited.

The City will neither tolerate nor condone discrimination, harassment or sexual misconduct by employees, managers, supervisors, elected officials, co-workers, or non-employees with whom the City has a business, service, or professional relationship. "Employee" for purposes of this Policy includes any individual performing services for the City, a contractor, a consultant, an apprentice, an applicant for apprenticeship, an unpaid intern or volunteers. Retaliation against an employee who complains about or reports any act of discrimination, harassment or misconduct in violation of this Policy is prohibited. Retaliation against any employee who participates in an investigation pursuant to this Policy is likewise prohibited. The City is committed to ensuring and providing a workplace free of discrimination, harassment, sexual misconduct and retaliation. The City will take disciplinary action, up to and including termination, against an employee who violates this policy.

Definition of Sexual Harassment

This Policy adopts the definition of sexual harassment as stated in the Illinois Human Rights Act, which currently defines sexual harassment as:

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.

Conduct which may constitute sexual harassment includes:

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

The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends, to some extent, on individual perception and interpretation.

Responsibilities

A. Supervisors. Each supervisor shall be responsible for ensuring compliance with this policy, including the following:

1. Monitoring the workplace environment for signs of discrimination, harassment or sexual misconduct;
2. Immediately notifying law enforcement where there is reasonable belief that the observed or complained of conduct violates the criminal laws of the State of Illinois;
3. Immediately addressing any observed acts of discrimination, harassment or sexual misconduct and taking steps to intervene when appropriate, whether or not the involved employees are within their line of supervision;
4. Immediately reporting any complaint of harassment, discrimination or sexual misconduct to their Department Head; and

5. Take immediate action to limit the work contact between the individuals when there has been a complaint of discrimination, harassment or sexual misconduct, pending investigation.

B. Employees. Each employee is responsible for assisting in the prevention of discrimination, harassment and sexual misconduct through the following acts:

1. Refrain from participation in, or encouragement of, actions that could be perceived as discrimination, harassment or sexual misconduct.
2. Immediately reporting any violations of this policy to a supervisor and law enforcement (if appropriate under the circumstances). Employees are obligated to report violations of this policy as soon as they occur. An Employee should not wait until the conduct becomes unbearable before reporting the prohibited conduct. All Employees are encouraged to report instances of prohibited conduct, even if the conduct is merely observed and directed toward another individual, and even if the other person does not appear to be bothered or offended by the conduct. All Employees are encouraged to report instances of prohibited conduct regardless of the identity of the alleged offender (e.g. man, woman, supervisor, elected official, co-worker, volunteer, vendor, and/or member of the public.)
3. Encouraging any employee who confides that they are the victim of conduct in violation of this policy to report these acts to a supervisor. The City of Berwyn has an open door policy for all employees.

Failure to report known discrimination, harassment or sexual misconduct may be grounds for discipline.

Procedure for Reporting an Allegation of Sexual Harassment

An employee who either observes sexual harassment or believes themselves to be the object of sexual harassment should, if they feel safe doing so, deal with the incident(s) as directly and firmly as possible by clearly communicating their position to the offending employee and their immediate supervisor. If the employee is a union member, it may be reported to their union representative as well. It is not necessary for sexual harassment to be directed at the person making the report. The employee experiencing what they believe to be sexual harassment must not assume that the employer is aware of the conduct. If there are no witnesses and the victim fails to notify a supervisor or other responsible officer, the municipality will not be presumed to have knowledge of the harassment.

Any employee may report conduct, which is believed to be sexual harassment, in any of the following ways:

- **Electronic/Direct Communication.** If there is sexual harassing behavior in the workplace, the harassed employee should, if they feel safe doing so, directly and clearly express their objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.

- Contact with Supervisory Personnel. At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate supervisor of the person making the report (unless that person is the harasser/offender) and/or to any of the following: a department head, the City Administrator, or the Mayor.
- Resolution Outside Municipality. The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every report and incident so that problems can be identified and remedied by the municipality. However, all municipal employees have the right to contact the Illinois Department of Human Rights (IDHR) at 877-236-7703 or the Equal Employment Opportunity Commission (EEOC) at 800-669-4000 or <http://oig.eeoc.gov/hotline> for information regarding filing a formal complaint with those entities. An IDHR complaint must be filed within 300 days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within 300 days.

Reporting and Independent Review of an Allegation of Sexual Harassment for Elected Officials

- A. An elected official who either observes another elected official engage in sexual harassment or believes themselves to be the object of sexual harassment by another elected official may report such conduct for independent review to the City Attorney. If the City Attorney believes a conflict exists which prevents them from conducting an independent review, the City Attorney must notify the City of such conflict. Upon receiving notification of the conflict, the City Council shall authorize the engagement of outside legal counsel to conduct the review.
- B. The City Attorney or outside legal counsel shall conduct an independent review of the allegations and provide any findings to the corporate authorities of the City. Any documents, communications or other records created pursuant to the review shall remain confidential, subject to attorney-client privilege, and will not be disclosed unless such disclosure is authorized by resolution with the concurrence of a majority of all members then holding office on the City Council, including the Mayor, or as otherwise required by applicable local, State or federal law.
- C. Such records shall also be presumed as exempt from disclosure under the Freedom of Information Act, to the extent it is applicable.

Documentation of any incident may be submitted with any report (what was said or done, the date, the time and the place), including, but not limited to, written records such as letters, notes, memos and telephone messages.

Supervisors shall immediately report any conduct that may violate this policy of which they become aware of to their Department Head who will in turn report to the Mayor. The Mayor will advise the City Council of all such complaints.

Investigation Procedures

All reported violations of this policy will be investigated. The investigation will be conducted thoroughly and promptly. It may include interviews with the person making the complaint; the person against whom the complaint is made, any potential witnesses identified by either person, as well as with others whom the City believes may have relevant information. Employees are expected to cooperate in this process. The investigation may also include review of pertinent documents and other materials. In most circumstances, the person making the complaint will be requested to put their complaint in writing, honestly setting forth full particulars (such as the date, time, location, presence of any witnesses, etc.) to ensure that all possible violations of this Policy are properly investigated.

The investigation will be conducted in a manner that protects the confidentiality of those involved to the extent reasonably possible. Employees involved in an investigation may be instructed to or instructed not to discuss the investigation with other employees depending upon the specific circumstances of the investigation. The City will use the criteria set forth in rulings of the National Labor Relations Board in making these determinations.

This complaint procedure is a critical part of the City's efforts to eliminate unlawful workplace harassment. A request not to investigate a reported violation of this policy cannot be honored.

The results of the investigation shall be reported to the Mayor and the City Council along with a prevention analysis.

Prohibition on Retaliation for Reporting Sexual Harassment Allegations

No municipal official, supervisor or employee or any municipal agency or office shall take any retaliatory action against any municipal employee due to a municipal employee's or any other person/resident's:

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

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

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

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

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

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

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

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

Consequences of a Violation or the Prohibition on Discrimination, Harassment or Sexual Misconduct

Where harassment, discrimination or sexual misconduct has been found to have occurred, the City will take is prompt and proportionate disciplinary action, up to and including discharge, based on the behavior(s) at issue and the severity of the infraction. This disciplinary action may, but need not necessarily, include:

- a. Verbal or written reprimand;
- b. Placing the offending employee on a corrective action plan for a period of time to be identified;

- c. Delay in pay increases or promotions;
- d. Suspending the offending employee from work without pay;
- e. Demotion;
- f. Immediate termination.

In addition to any and all other disciplinary action that may be taken by the City, any person who violates this Policy or the prohibition on sexual harassment contained in 5 ILCS 430/5-65, may be subject to a fine of up to \$5,000 per offense, applicable discipline or discharge by the municipality and any applicable fines and penalties established pursuant to local ordinance, State law or Federal law. Each violation may constitute a separate offense. Any discipline imposed by the municipality shall be separate and distinct from any penalty imposed by an ethics commission and any fines or penalties imposed by a court of law or a State or Federal agency.

Upon completion of the investigation, the City will advise the complaining employee of the results of the investigation, including action taken, if any, against the offending individual.

Consequences for Knowingly Making a False Report

A false report is a report of discrimination, harassment or sexual misconduct made by an accuser using the report to accomplish some end other than stopping the discrimination, harassment or sexual misconduct. **A false report is a report not made in good faith, which cannot be proven.** Given the seriousness of the consequences for the accused, a false or frivolous report is a severe offense that can itself result in disciplinary action. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be subject to discipline or discharge pursuant to applicable municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements.

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

Additional Resources

If you have any questions concerning the City's policies on this matter, please see your supervisor or the City Attorney. Further information may also be obtained from the Illinois Department of Human Rights, 312-814-6200, or the Equal Employment Opportunity Commission (EEOC), 800-669-4000 or for matters involving the abuse of minors the Illinois Department of Children and Family Services (DCFS), 800-25-ABUSE.

Section 1.08 Definition of Employees

Appointive Personnel – Personnel appointed by the Mayor shall be directly responsible to the Mayor or their designee in the performance of their duties, and the Mayor shall set their compensation and duties.

Administrative Personnel – Administrative Personnel shall include those persons hired in the positions of Department Heads, Assistant Department Heads or Supervisors. Administrative Personnel shall be employed by and responsible to the Mayor in the performance of their duties except Supervisors and Assistants to Department Heads, who will be responsible to that Department Head.

Supervisory Personnel – Supervisory Personnel shall be responsible to their respective Department Head or assistant department head. Supervisory Personnel shall carry out and be responsible for tasks and duties as assigned by the appropriate Department Head or other administrative personnel. In addition, they shall evaluate employees, recommend and impose discipline in consultation with the Department Head, assign work duties as called upon, supervise employees, assist and train employees as necessary, and provide input when requested for the hire, promotion or demotion of employees, among other duties that may be assigned.

Supervisory personnel, as well as administrative and appointed personnel, are considered “exempt” employees under the Fair Labor Standards Act.

Regular Full-time Employees – Regular Full-time Employees shall include those persons who have completed the probationary period and have been employed by the Municipality for duties and responsibilities on a full-time and year-round basis. Regular Full-time Employees are eligible for benefits during the probationary period. Regular Full-time Employees acquire and accumulate seniority beginning on their start date in the full-time position. Regular personnel shall be recommended for employment by administrative or supervisory personnel with approval of the Mayor and shall be responsible to the same.

Regular Part-time Employees – Regular Part-time Employees shall be defined as any employee who has completed the probationary period and who work a minimum of 1,000 hours per year. Unless otherwise provided in a collective bargaining agreement, regular part-time employees do not acquire and accumulate seniority. Regular part-time employees are eligible for vacation, holiday, personal, and major medical and sick leave benefits on a prorated basis (*i.e.* 32 hours per week equals 80% of benefits, 24 hours per week equals 60% of benefits, 20 hours per week equals 50% of benefits) during their probationary period. The only exception are booking officers, part-time community service officers, and auxiliary officers who are not eligible to receive any benefits. Consult the Benefits Administrator or benefits plan documents for specific details and eligibility requirements.

Seasonal / Part-Time Personnel – Personnel employed for a specific job or for seasonal work and who shall not be considered in the regular employee classifications shall automatically be included in this classification. Employees in this category shall be employed and dismissed by the Department Head with the approval of the Mayor. Unless specifically stated herein, fringe benefits will not be applicable to persons in this classification nor do such personnel acquire and accumulate seniority. Further, these personnel shall work hours as established in their job description as well as established by the appropriate Department Head.

Regardless of the specific employee definition, all employees are bound by and protected by the policies set forth in this Employment Handbook, including but not limited to: anti-discrimination, anti-harassment, and anti-retaliation policies summarized throughout this Handbook.

Section 1.09 Probationary Period - New Employees

All new employees, and those re-hired after loss of seniority, shall be considered probationary employees until they complete a probationary period of at least six (6) full months. A probationary employee may be laid-off, disciplined or terminated without cause during such probationary period or thereafter. The period may be extended at the sole discretion of the City Administrator or Mayor.

Upon successful completion of the probationary period, a Regular Full-time Employee shall acquire seniority which shall be retroactive to their last date of hire with the City in a position covered by the City Personnel Rules.

Benefit eligible employees begin receiving their benefits at a pro-rated rate during their probationary period.

Section 1.10 Nepotism Policy

After February 8, 2000, no person shall be hired and placed in any position of employment within the City which would cause the person to report directly to a supervisor with whom the person has a familial relationship.

A “familial relationship” shall be defined as a relationship between two persons where at least one of them is a parent, sibling, grandparent, child spouse, sibling-in-law, or child-in-law to the other person.

Where the person to whom a City employee reports becomes a person with whom the employee has a familial relationship due to promotion, marriage or other action, the subordinate employee shall be reassigned to another shift or a position in the same or another department.

No person shall be considered for hiring or for promotion unless and until they completely and accurately fill out and submit to the City Administrator or Mayor an affidavit disclosing all persons employed by the City with whom they have a familial relationship. Any affidavit

found to be false or misleading shall constitute grounds for termination of the person who submitted false or misleading affidavit.

No person shall participate in any decision to hire if that person has a familial relationship with the person being considered for hiring.

No person shall participate in any decision to promote if that person has a familial relationship with the person being considered for promotion.

Section 1.11 Gift Ban Policy

City employees and officials must be compliant with the Illinois State Gift Ban Act (5 ILCS 430). The City has adopted the Illinois State Gift Ban Act as Ordinance No.201.03 and this Ordinance will be subject to revision from time to time to comply with the changes in the law.

Except as otherwise provided, no employee shall intentionally solicit or accept any gift from any prohibited source in violation of any federal or State statute or City ordinance. This ban applies to and includes the spouse of and immediate family living with the Employee.

This gift ban restriction does not apply to the following:

1. Opportunities, benefits, and services that are available on the same conditions as for the general public;
2. Anything for which the Employee pays the market value;
3. Any (i) contribution that is lawfully made under the Illinois Election Code or the Illinois State Officials and Employees Ethics Act or (ii) activities associated with a fundraising event in support of a political organization or candidate;
4. Educational materials and missions;
5. Travel expenses for a meeting to discuss City business;
6. A gift from a relative, meaning those people related to the Employee as parent, child, sibling, sibling, great sibling, first cousin, sibling, spouse, civil union partner, grandparent, grandchild, in-laws, stepparents, stepchild, half-siblings, and including the parents, grandparents of the Employee's spouse and the Employee's fiancé or fiancée;
7. Anything provided by an individual on the basis of a personal friendship unless the Employee has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the Employee and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the Employee shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between

the individual giving the gift and the Employee, including any previous exchange of gifts between the individual and the Employee; (ii) whether to the actual knowledge of the Employee the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift, and (iii) whether to the actual knowledge of the Employee the individual who gave the gift also at the same time gave the same or similar gifts to other Employees;

8. Food or refreshments not exceeding \$75.00 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For purposes of this section, "catered" means food or refreshments that are purchased ready to eat and delivered by any means;
9. Food, refreshments, lodgings, transportation, and other benefits resulting from the outside business or employment activities (or outside activities that are not connected to the duties of the Employee as an Employee of the City) of the Employee, or the spouse of the Employee, if the benefits have not been offered or enhanced because of the official position or employment of the Employee, and are customarily provided to others in similar circumstances;
10. Intra-governmental and inter-governmental gifts. "Intra-governmental gift" means any gift given to an Employee from another Employee or other officer or employee of the City. "Inter-governmental gift" means any gift given to an Employee by a member, officer or employee of a State agency, of a federal agency, or of any governmental entity;
11. Bequests, inheritances, and other transfers at death;
12. Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.00.

Each of the exceptions listed in this section is mutually exclusive and independent of one another.

An Employee does not violate this gift ban if the Employee promptly takes reasonable action to return the prohibited gift to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c) (3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered or succeeded.

Section 1.12 Code of Conduct and Whistleblower Protection Policy

The City of Berwyn is strongly committed to conducting its business lawfully and in accordance with the highest ethical standards. We are proud of our values and hold ourselves out to our community as a model for others to follow. To this end, this Code of Conduct and Whistleblower Protection Policy shall serve to: (1) emphasize the City's commitment to ethics and compliance with the law; (2) set forth some (but not all) general

standards of ethical and legal behavior; (3) provide a reporting mechanism for known or suspected ethical or legal violations; and (4) help prevent and detect wrongdoing.

1.12.1 Scope

This policy applies to all of the City of Berwyn's personnel and employees.

1.12.2 Ethical Standards

A. Conflict of Interest

A conflict of interest exists when a person's private interests interferes in any way with the interests of the City of Berwyn. A conflict can arise when an employee takes actions or has interests that may make it difficult to perform their work for the City objectively and effectively. Conflicts of interest may also arise when an employee receives improper personal benefits as a result of their position at the City.

Conflicts of interest may not always be clear cut, so if you have a question, you should consult with your immediate supervisor, the City of Berwyn's City Administrator or, if circumstances warrant, the City Attorney. Any employee who becomes aware of a conflict or potential conflict should immediately bring it to the attention of the appropriate person in the chain of command.

B. Compliance with Laws, Rules and Regulations

Obeying the law, both in letter and in spirit, is the foundation on which the City's ethical standards are built. In conducting the business of the City, employees shall be expected to understand and comply with all applicable governmental laws, rules and regulations. That said, if an employee does not feel that they have a good grasp of the applicable laws and regulations, then the employee should seek the assistance at the most appropriate level of the chain of command.

C. Fraud and/or Significant Accounting Deficiencies

Any City employee, officer or director shall promptly bring to the attention of the City Attorney any information they may have concerning: (a) significant deficiencies in internal controls over financial reporting which could adversely affect the City's ability to legitimately and accurately record, process, summarize and report financial data or (b) any fraud involving any financial or operational matter anywhere within the City.

D. Reporting Known or Suspected Violations

The City of Berwyn's employees are strongly encouraged to report all known or suspected violations of this Code of Conduct. Specifically, employees should talk to the appropriate person in the organization about any known or suspected illegal or unethical behavior. If the employee is uncomfortable speaking with this person, then the employee can follow the chain of command to seek resolution all the way to the Mayor. No retaliatory action of any kind will be permitted or tolerated against anyone making such a report under this

Policy or against any person who participates in an investigation under this Policy. The City will strictly enforce this prohibition, and violators will be subject to disciplinary action up to and including termination if deemed appropriate based on the circumstances involved.

Note, reporting known or suspected illegal or unethical behavior is not optional. It is required. Similarly, all employees are required to cooperate in internal investigations of misconduct. Any failure to report a violation or to withhold information related to a violation will result in discipline up to and including discharge.

Finally, it goes without saying, that any violation of this Code of Conduct, will result in discipline up to and including discharge. Any violation of this Code that also constitutes a violation of law may result in criminal penalties and civil liabilities for the offending employee.

REMEMBER

1. ALL EMPLOYEES ARE STRONGLY ENCOURAGED TO REPORT SUSPECTED ILLEGAL OR UNETHICAL BEHAVIOR or any other actual or potential violation of this Policy.
2. EMPLOYEES WHO MAKE SUCH A REPORT (OR PARTICIPATE IN AN INVESTIGATION) WILL BE PROTECTED FROM ANY RETALIATION FOR DOING SO.
3. This Policy will be reviewed from time to time for possible revision and should be construed in a manner that complies will applicable laws.

1.12.3 Code of Ethics

General City Code of Ethics:

- A. Employees, as public employees, are deemed to acknowledge and understand the following (not exhaustive list):
 1. The public judges its government by the way public employees conduct themselves in their employment.
 2. The public has a right to expect that every public employee will conduct themselves in a manner that will tend to preserve public confidence in and respect for the government represented.
 3. Such confidence and respect can best be promoted if every public employee will uniformly: (i) treat all citizens with courtesy, impartiality, fairness and equality under the law; and (ii) avoid both actual and potential conflicts between their private self-interest and the public interest.

4. The avoidance of such actual, potential and perceived conflicts between private self-interest and the public interest can best be promoted if every public employee will uniformly: (i) avoid the expenditure of public funds for nonpublic purposes; that is, the expenditure of public funds by any and all public employees shall be for and in furtherance of only recognized public purposes; and (ii) avoid the expenditure of public funds without supporting original receipts therefor; that is, there shall be no expenditures of public funds by any public employee without original receipts accounting for one hundred percent (100%) of such expenditures. Such obligations of honest and truthful conduct and fair dealing are minimum requirements with which all public employees shall comply and are in addition to any other obligations required or imposed by law.
5. The best interests of the public require that all public employees be obligated to report for investigation all alleged violations of this ethics code discovered in good faith.

B. For purposes of this Ethics Code, the following definitions shall apply:

1. Financial Interest: any interest which shall yield, directly or indirectly, a monetary or other material benefit (other than the duly authorized salary or compensation for their services to the City) to the Employee or to any person employing or retaining the services of the Employee.
2. Immediate Family: a person who is related to an Employee as spouse or as any of the following, whether by marriage or a civil union partnership, blood or adoption: parent, child, sibling, sibling-in-law, grandparent, grandchild, parent-in-law, child-in-law, step-parent, stepchild, stepsibling, half-sibling, or sibling-in-law.
3. Official Action: any act, action, approval, decision, denial, directive, disapproval, inaction, order, performance, nonperformance, recommendation, vote or other direct result of an Employee's exercise of discretionary authority in connection with the Employee's public position.
4. Partner in Interest: (i) a member of the Employee's immediate family; or (ii) a business with which the Employee or a member of the Employee's immediate family is associated; or (iii) any other person with whom the Employee or a member of the Employee's immediate family is in business, or is negotiating or has an agreement concerning future employment or the future conferring of any personal benefit, whether in the Employee's own name or the name of any business or person from whom the Employee is entitled or expects to become entitled to receive any personal benefit, as a result of a contract or transaction which is, or which is expected to become, the subject of an official action by or with the City.

5. Personal Benefit: any benefit which is offered or received, or perceived to be offered or received, primarily for the purpose of influencing the manner in which an Employee performs or refrains from performing an official action, so that an attempt is made to induce the Employee, or the Employee is induced, to act in favor of some interest other than the public interest on the basis of an expectation or hope that the Employee or a partner in interest of said Employee will obtain some private gain by acting against the public interest; provided, however, that the term "personal benefit" does not include payment by the City of salaries, compensation or employee benefits or payment by an employer or business other than the City of salaries, compensation, employee benefits or pursuant to a contract, when the payment is unrelated to an Employee's status as such and is not made for the purpose of influencing, directly or indirectly, an official action of an Employee.
 6. Personal Interest: any direct or indirect interest, whether the value is financial or nonfinancial, which value may accrue to a person or result in such person deriving or potentially deriving a personal benefit as a result of the approval or denial of any ordinance, resolution, order or other official action, or the performance or nonperformance thereof, by an Employee, and which interest is not shared by the general public.
- C. Fair and Equal Treatment: No Employee shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large. No Employee shall request, use or permit the use of any publicly owned or publicly supported property, vehicle, equipment, labor or service for the personal convenience or the private advantage of the Employee or any other person. This rule shall not be deemed to prohibit an Employee from requesting, using or permitting the use of such publicly owned or publicly supported property, vehicle, labor or service which it is the general practice to make available to the public at large.
- D. Prohibited Acts:
1. No employee or partner in interest of such employee shall have any financial interest or personal interest, directly in their own name or indirectly in the name of any other person, association, trust or corporation, in any contract, business or official action of the City or any board, body, committee or department thereof, except as may be specifically permitted under the Illinois Public Officer Prohibited Activities Act, 50 ILCS 105/0.01 et seq., as amended, or under any other applicable law.
 2. No employee or partner in interest of such employee shall solicit or accept from any person, directly or indirectly, any personal benefit, regardless of value, or the promise of receiving a personal benefit in the future, for the employee or partner in interest of such employee.

3. No employee shall expend public funds for nonpublic purposes. That is, the expenditure of public funds by any employee shall be made only upon the authorization of the Corporate Authorities of the City and only for and in furtherance of properly identified public purposes.
 4. No employee shall expend public funds without supporting receipts. That is, there shall be no expenditures of public funds by any employee unless such expenditures have been previously authorized by the Corporate Authorities of the City and all such expenditures must be evidenced by receipts accounting for one hundred percent (100%) of such expenditures.
- E. All employees shall be and are hereby obligated to report to the City Administrator or Mayor for investigation of all alleged violations of this ethics code discovered by such employee in good faith.

Section 1.13 Political Activities

Employees shall not engage in the following prohibited political activities (not all inclusive) on working time or with the use of City resources. This Policy shall be construed in accordance with ILCS 430/5-15 and all other applicable laws and regulations:

1. Employees shall not perform any political activity during any compensated time (other than vacation, personal, or compensatory time off). Employees shall not intentionally misappropriate any City property or resources by engaging in any political activity for the benefit of any campaign for elective office or any political organization;
2. At no time shall any employee misappropriate the services of any other employee of the City by requiring the other employee to perform any political activity (i) as part of that other employee's City duties, (ii) as a condition of City employment, or (iii) during any time off that is compensated by the City (such as vacation, personal, or compensatory time off);
3. An employee shall not be required at any time to participate in any political activity in consideration for that employee being awarded any additional compensation or other City benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise; and
4. An employee shall not be awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise, in consideration for the Employee's participation in any political activity.

Nothing in this section shall prohibit activities that are otherwise appropriate for an employee to engage in as a part of their official duties or activities that are undertaken by an employee on a voluntary basis as permitted by law. No employee in a position that is subject to recognized merit principles of public employment shall be denied or deprived

of City employment or tenure solely because they are a member or an officer of a political committee, of a political party, or of a political organization or club.

No rule or regulation herein shall in any way be interpreted to inhibit or prohibit any employee from exercising their full political rights to engage in political activities, including the right to petition, make speeches, campaign door to door, and to run for public office, so long as the Employee does not use their official position to coerce or influence others and does not engage in these activities while they are at work on duty and/or as otherwise prohibited by law.

This policy will be carried out to the fullest extent of the law.

Section 1.14 Salary Review

At the Mayor's discretion, salaries will be reviewed based upon the following criteria:

- 1) Relative difficulty and responsibility of each position;
- 2) Availability of employees in particular occupational careers;
- 3) The financial ability of the City to balance salary and fringe benefit costs against all other obligations.

The minimum, maximum, and intermediate steps of each salary range shall be those rates in the basic salary schedule which most nearly reflect the above factors.

Article 2 Personnel

Section 2.01 Personnel Files

The privacy of current and past employees will be assured by the City and its representatives to the maximum extent required by law. The City Administrator (or designee) shall be responsible for the maintenance and administration of the official personnel files for all current employees consistent with applicable law. Employees are responsible for updating personal information any time there is a change. Employees are allowed to have their chosen name placed on their city identification cards whether or not they have legally changed their name. All personnel files including any medical information regarding an employee shall remain in a confidential file with limited access to others.

The privacy and access to an employee's personnel files will be governed in accordance with the Illinois Personnel Record Review Act. If you have questions about your rights and obligations under this law, you are encouraged to speak to the City Administrator or their designee.

Section 2.02 Car Allowance

All City employees issued a City owned automobile will adhere to IRS tax regulations.

City gasoline pump usage will be permitted for City-owned vehicles only or other approved vehicles as deemed necessary and appropriate by the Mayor.

When City business requires a City employee to use their personal automobile, the employee shall be reimbursed at the applicable I.R.S. rate for all authorized miles. If you have a question about the current rate, please contact your Supervisor. You will not be reimbursed unless you are specifically authorized to engage in the travel at issue.

Section 2.03 City Related Expenses

Any time an employee has been authorized by a Department Head to spend funds for City business, the employee will be reimbursed upon presenting original valid receipts to the Finance Director.

Section 2.04 Conferences and Seminars

1. Philosophy - The City shall provide opportunities for employees to attend conferences which may be of benefit to the employee and which would help to improve the City's operation or service. With prior approval by the Mayor or Department Head, the employee may attend such conferences and seminars without loss of pay and at the City's expense in accordance with authorized budgetary provisions.
2. Authorization - Each department head shall recommend conferences and/or seminars that they feel employees in that particular department will benefit from by attending. The Mayor shall approve said requests.
3. Expenses – Reimbursed expenses for conferences shall include mileage or travel costs, registration, meals (excluding alcohol), lodging, and other pertinent miscellaneous expenses. Persons authorized to attend conferences should make a request for an advance for anticipated expenses. It is mandatory that all authorized persons account for the advance and expenses on an expense form with original receipts attached.

It shall be the practice of this City to pay for all legitimate expenses as outlined above.

**Note: The City of Berwyn's Police Department is an exception in regard to expense reimbursement for conferences, seminars, and training. Police Department staff will not be reimbursed for mileage and meals for in-state conferences, seminars, and trainings. Meals for out of state conferences and seminars will be reimbursed using the per diem rates located on the U.S. General Services Administration website: www.gsa.gov*

Section 2.05 Job Openings

Openings in positions within the City will be posted so that qualified candidates may be considered. Any employee who wishes to apply for such positions shall submit an

application in writing to the designated department for consideration. In all cases, the City reserves the right to select the most qualified candidate for any available opening.

Article 3 Conditions of Employment (not all inclusive)

Section 3.01 Outside Employment

It is to be understood that an employee's employment with the City (even if part-time or seasonal) is to be their primary employment. Therefore, it is recommended that outside employment by any City employee should be kept to a minimum as your work for this City must be your priority.

No outside employment shall be permitted if:

- A. It could or does physically or mentally hamper or interfere with the employee in their ability to do the essential job functions required of the employee by the City.
- B. It would or could reflect adversely upon the employee or the City; and/or
- C. It is in conflict with (or appears to be in conflict with) the employee's position as a City employee.

Each employee, prior to engaging in outside employment, shall notify the Department Head as to:

- A. The name of the outside employer;
- B. The nature of the outside work; and
- C. The standard work schedule of the outside work.

Employees who have accepted secondary employment may not use sick leave, FMLA leave, disability leave, or other leaves offered by the City to work on the secondary job. Fraudulent use of leave will result in disciplinary action up to and including termination.

A leave of absence will not be granted to enable an employee to apply for or accept employment elsewhere or for self-employment, except with the express written approval of the City Administrator. Employees who engage in employment elsewhere in violation of this Policy during such leave may immediately be terminated by the City.

The City expects employees engaged in secondary employment to perform the duties and responsibilities of their position with the City in a satisfactory manner and with the knowledge that all employees will be evaluated based on the performance standards for their position and will be subject to the City's scheduling demands, regardless of any existing outside work requirements.

The City Administrator shall reserve the right to prohibit and/or restrict any outside employment on the part of any City employee which employment, in their judgment, might

be detrimental to the best interest of the City or the employee's performance of services on behalf of the City. In such cases, the employee will be given an appropriate warning and then must decide if they want to continue their service with the City or with the outside employer. Employees of the City may not engage in outside business activities while on normal duty nor may City property be used for anything but City functions.

If an employee suffers any injury or illness during or resulting from an outside employment activity, the City will not be responsible for any workers' compensation benefits, except as otherwise required by law.

NOTE: Those employees who are covered by a collective bargaining agreement, should consult the union contract for details applicable to them.

IMPORTANT NOTE: Employees are required to seek approval for outside employment in writing on an annual basis.

Section 3.02 General

A. Employee Suggestions

All employees who make suggestions for improvement of City services, reductions of cost, improvement of safety or training, or other related programs, are encouraged to communicate their suggestions in a written report to the Department Head, City Administrator and/or Mayor.

The employee shall be informed of the disposition of their suggestion and a copy of the report will be filed in the employee's personnel history file.

Meritorious suggestions shall be recognized by special commendations to be recommended by the Mayor to the City Council.

B. Council Meeting Attendance

All employees of the City are welcome to attend any public meeting except executive sessions. The Mayor may require certain staff members to attend Council meetings as deemed necessary.

In the interest of efficiency and better working relationships, employees shall utilize the grievance procedure set forth in this manual (Section 7.01) or otherwise consult with their immediate supervisor or Department Head concerning any matter directly related to their employment with the City. Therefore, employees shall not directly contact elected Aldermen concerning matters affecting their employment without first seeking resolution through the chain of authority up to and including the Mayor. In addition, under no circumstances shall an employee seek to use public meetings conducted by the City as a forum to raise grievances or disputes concerning matters affecting their employment. The City does not and will not restrict any employee's right to discuss matters of public importance not relating to

their employment with any elected official or other persons in any forum. Violations of this prohibition will be dealt with as a disciplinary matter.

C. Staff Meetings

1. City-Wide. From time to time, a meeting or meetings of all regular employees may take place to discuss matters of mutual interest to the City and employees. The Mayor or their designee shall chair the meetings which will be held during the normal business hours.
2. Department Staff Meetings. Each department will hold staff meetings for all departmental employees. The Department Head will chair the meetings which will be held as deemed necessary and appropriate. If deemed appropriate, suggestions resulting from these meetings may be placed in writing and submitted to the Mayor.

D. Change of Address and/or Qualifying Life Event - All employees must notify the Payroll Administrator, Benefits Administrator, and their Department Head upon the change of address and/or change of contact information and if there is a qualifying life event for insurance purposes (ex. marriage, having a baby, loss of health coverage).

E. Resignation Notice – Except for extraordinary circumstances, employees who fail to give at least two (2) weeks advance notice prior to resignation are considered to be not in “good standing.” Those employees are generally not eligible for rehire.

All resignations shall be in writing giving the reasons for leaving. Where, for any reason, it is impossible or impractical to obtain a written notification, the Department Head or Mayor shall record the reasons in writing. All resignation letters will be placed in the employee’s personnel history file.

Article 4 Benefits

Section 4.01 Medical and Dental Insurance

The City provides a comprehensive medical and dental insurance plan for full-time employees and eligible dependents. Pro-rated comprehensive medical and dental insurance is available for regular part-time employees who regularly work between 30 hours and 32 hours a week (*i.e.* of prorated schedules: for 30 hours per week, the employer covers 75% of premium and employees cover 25% of premium; for 32 hours or more per week, the employer covers 87.5% of premium and employees cover 12.5% of premium.) Information and Summary Plan Descriptions regarding these plans are available from the Benefits Administrator.

All full-time employees become eligible for the City’s medical and dental plan on the first of the month after completing one (1) calendar month of employment.

The City reserves the right to amend, modify, add to and subtract from any coverages or items of coverage for insurance (except as provided by law). The City expressly reserves the right to change carriers and to provide other or different benefits than those set forth above. In addition, the City reserves the right to institute cost reduction measures including but not limited to mandatory second opinions on elective surgery; use of day surgery and prohibitions on weekend admissions; and changes in deductibles and coverage limits. Finally, the City reserves the right to change the amount of percentage share of its contribution to provide these benefits.

Benefits

All benefits and requirements of the plans are described in the policy booklet provided to each employee through the Benefits Administrator.

Enrollment

Enrollment forms should be completed in the following instances:

1. New employees beginning service with the City;
2. Employees wanting to add an eligible dependent;
3. Employees who want to drop a dependent.

Enrollment forms are available from the Benefits Administrator. It is the employee's responsibility to notify the Benefits Administrator of any change in dependent status by completing an enrollment form within a 30 day period. Upon termination of employment with the City, the employee may elect to continue medical coverage under the Consolidated Omnibus Budget Reconciliation Act (R.L. 99-272) (COBRA).

Premiums

The City will offer several choices of insurance plans. Premiums are deducted bi-weekly from the employee's paycheck.

Section 4.02 Life Insurance

The City provides all full-time employees group life insurance in the amount of \$25,000.

Benefits

All benefits and requirements of the plan are described in the policy booklet provided by the Benefits Administrator.

Enrollment

Beneficiary forms are available from the Benefits Administrator. It is the employee's responsibility to notify the Benefits Administrator of any changes in beneficiary(s) by updating a beneficiary form.

Premiums

There are no employee paid premiums for employer provider life insurance coverage.

Additional Coverage

Employees are offered the opportunity to purchase additional life insurance at their own expense.

Section 4.03 Employee Assistance Program (EAP)

The City provides an Employee Assistance Program (EAP) for use by eligible employees and their dependents in order to help employees address possible personal problems, which may be affecting job performance or general personal attitude. The EAP is intended to provide assistance to employees who may be exhibiting below standard, unusual or less than satisfactory job performance, which may be attributable to trauma or personal stresses. Employees are encouraged to seek EAP assistance/counseling prior to job performance being affected.

Department Head Training

Department Heads have been trained to recognize performance problems, which may be caused by personal problems and to become knowledgeable of the performance impacts on personal problems. Department Heads are not trained to be counselors, only to recognize the problem and performance implication in order to refer the employee to the appropriate place for assistance.

Confidentiality

All communications between a counselor and an employee will be considered strictly confidential, with the following exceptions:

- Matters that involve violations of the law. Violations of the law will only be revealed through legal precedence.
- There is an indication the employee presents an immediate physical danger or a threat to their safety or the safety of others.

Section 4.04 Retirement Systems

City employees who work one thousand (1,000) hours or more per year must participate in the Illinois Municipal Retirement Fund (IMRF). Police officers and firefighters are

excluded as participating employees and shall participate in their established pension funds.

Benefits

All benefits and requirements of the plan are described in the plan booklet mailed to the employee by IMRF.

Enrollment

Enrollment and beneficiary forms are available from the Benefits Administrator. It is the employee's responsibility to keep information on file up-to-date as to name, address, and beneficiary(s).

Premiums

Retirement benefits accrue from both employee and employer contributions. Contributions to the retirement system are mandatory and 4.5 percent (4.5%) is deducted from the member's salary each payroll period. The employer's contribution percentage is determined each year based on funding requirements of the pension plan.

Contributions made after January 1, 1985, represent deferred compensation and are not taxed until withdrawn from the retirement system.

Benefit Statement

Annual benefit statements are provided by the retirement system to participating members. Employees may request an estimate of benefits from the retirement system at any time to obtain an approximate projected retirement benefit figure.

Retirement

Employees who plan to retire from the system are encouraged to contact the retirement system at least ninety (90) days in advance of the anticipated retirement date to secure estimate of benefits information and to finalize the retirement date. Retirement is defined as receiving retirement wages upon termination from the City. This action should be coordinated with the City Administrator.

Questions regarding benefits should be directed to IMRF (1-800-ASK-IMRF)
www.imrf.org

Section 4.05 Retirement Savings Plan – Deferred 457 Compensation Plan

The City offers an option to any regular full-time employee to invest a portion of their present earning in a deferred 457 compensation plan. This is an arrangement where a certain dollar amount or percent can be designated by the employee to be withheld from their paycheck and invested for payment at a later date, usually at retirement, when most people are in a lower income bracket. Under this arrangement, neither the deferred

amount nor earnings on the investments are subject to current Federal income taxes until such time as the employee receives payment from the plan.

Benefits

All benefits and requirements of the plan are described in the policy booklets available from the Payroll Administrator.

Benefits received through this program are in addition to any Social Security or public employees' retirement system benefits for which the participating employee would be eligible.

Enrollment

Enrollment can be arranged through the Payroll Administrator and is open to any individual who has achieved regular full-time employee status with the City. Contributions to the program are financed solely by the employee through payroll deduction.

Section 4.06 Changes in Personal Status

A change in an employee's personal status may have an important effect upon employee benefits and/or the amount an employee has withheld for federal and state income taxes.

Mandatory Notifications to the Benefits Administrator

Employees must notify the benefits and payroll administrators within thirty (30) days of any change in:

1. Home address or telephone number;
2. Marital status – name of spouse, date of birth, and social security number (a copy of the marriage license is also required);
3. Dependents (addition) – name of dependent and date of birth (a copy of the birth certificate is also required);
4. Dependents (deletion) – name of dependent being dropped due to divorce, age limit, death, etc.; or
5. Name, address, and telephone number of the person to be notified in case of an emergency.

The City may deny benefits to the new dependent if the employee does not notify them within thirty (30) days of the change.

Section 4.07 Continuing Education

All full-time personnel shall be encouraged to further their education. 50% of tuition for continuing education courses may be paid by the City if a prior recommendation is made by the Department Head and approved by the Mayor. To be eligible for reimbursement, the employee must receive approval prior to the course starting, and the courses must be work related. The employee must receive a grade of "C" or above to qualify for reimbursement.

Section 4.08 Organization Membership

1. Professional organizations. Professional organizations are defined as any broadly accepted viable organization which deals primarily with municipal services. It is felt that any designated employee wishing to join such an organization should be encouraged to do so to foster good public relations benefits to the City. Upon recommendation of the Mayor, the City will pay the annual dues.
2. Holding organizational office. Before indicating a willingness to accept nomination or appointment to office requiring time during normal working hours, approval should be secured from the Mayor.

Article 5 Miscellaneous Policies

Section 5.01 Inclement Weather

In the event of unusually severe weather, the Mayor, City Administrator, or their designee will decide whether to stop work for the day. It is within management's discretion to determine whether time off is paid or unpaid. If an employee fails to report to work on a day when the City is open for business, the employee may not be compensated for the absence.

Section 5.02 Searches and Investigations

Our City policies and work rules include prohibitions on various types of misconduct, such as theft, possession of weapons, violation of our drug and alcohol policy, and health and safety violations. These policies and rules exist for the protection of our employees, our residents, and others with whom we do business and have contact, including members of the public. We are also subject to health and safety requirements imposed by various laws. In order to make sure that our policies and rules are being followed, it is necessary that we investigate possible violations of our policies, and inspect items brought on City premises.

Accordingly, the City reserves the right, when it determines it is appropriate, to conduct searches of persons (including employees) and their personal vehicles and belongings on Company property, including desks, lockers, cars, packages, toolkits, bags and briefcases, as well as voice mail, computers, and computer software, e-mail, files, storage and other media. (Employees are reminded that desks, lockers, telephones, voice mail,

tools, personal computers and computer media and other items supplied by the City are and remain City property.) Failure or refusal to consent to a search when requested by the City, or failure to cooperate fully in any investigation, may result in discipline, up to and including immediate discharge.

Section 5.03 No Solicitation/No Distribution

To avoid annoyance to our employees and interference with our operations, no employee is permitted to distribute literature or solicit to other employees for any purpose on City premises during working time. City premises include all areas where employees perform their assigned work tasks. Working time includes the time during which any of the employees involved are actually scheduled to work, and does not include scheduled rest periods, meal breaks and other specified times when employees are not expected to be working.

Unless permitted by law or with the permission of the City Administrator, employees may not distribute literature of any kind in working areas. However, during non-working time, employees may distribute literature in non-working areas (such as the lunchroom), provided undue litter does not result.

Non-employees may not solicit for any purpose or engage in the distribution of literature of any kind while on City premises (including City parking lots). Any employee who violates this No Solicitation/No Distribution rule is subject to disciplinary action, including but not limited to discharge.

Section 5.04 Personal Telephone Calls Policy

Our telephones are for business use and generally should not be used for personal calls (either in or out) during working time, except in cases of emergency or other compelling circumstances. Our prohibition against personal calls during working time includes use of personal cellular phones, regardless of who owns the phone or pays for the airtime.

Under no circumstances should the City's telephones be used for making long distance personal calls, without specific advance approval by management.

Making unauthorized long-distance calls, failing to follow long distance calling procedures, or making or receiving excessive personal calls during working time constitutes grounds for discipline up to and including termination.

Please remember: Our City residents and those we serve depend upon us for cheerful and prompt service. Therefore, it is important that we treat telephone callers with courtesy and respect, and that we keep our phone lines open for residents and others with whom we do business.

Section 5.05 Cellular Phone Policy

Increasingly, cellular phones are being used for both personal and business reasons. Although we do not want to interfere with your personal time, we are aware of reports that have shown that using a cellular phone can distract a driver and possibly increase the driver's chance of getting into an accident. In order to protect the safety of our employees and others, and to safeguard equipment, we have developed, and expect our employees to adhere to, the following policy:

It is your responsibility to know how to use the features available on your cellular phone, including speed dialing, redialing and safe, hands-free operations. At all times, the cellular phone should be within safe reach of the driver in case of an emergency. The City of Berwyn does not condone the use of cellular phones while operating a vehicle unless it is hands free via a blue tooth device as allowed per Illinois state law. The only exception provided is for Law Enforcement Officers who are on duty and using their cell phone for official duties.

Safety must come before all other concerns. Employees whose job responsibilities involve regular or occasional driving and who receive a cell phone for business use should refrain from using their cellular phone while driving. Regardless of the circumstances, including slow or stopped traffic, the City strongly encourages you to pull off to the side of the road and to safely stop your vehicle before placing or accepting a call.

Employees whose job responsibilities do not specifically include driving as an essential function, but who are issued a cell phone for official City business use, and employees who may on occasion choose to use a personal cell phone for official City business purposes, are also expected to abide by the provisions above. Under no circumstances are employees allowed to place themselves or others at risk in order to fulfill business needs.

Employees are required to report moving violations that result while using a cellular phone while driving while conducting official City business or with a City issued cellular phone or vehicle, and such employees will be solely responsible for all liabilities that result from such violations.

Employees in possession of City issued cellular phones are expected to protect the phones from loss, damage or theft. Upon resignation or termination of employment, or at any time upon the City's request, the employee may be asked to produce the phone for return or inspection. Employees unable to present the phone in good working condition within the time period requested (*i.e.* 24 hours) may be expected to bear the cost of a replacement.

Employees who separate from employment with outstanding debts for cell phone loss or unauthorized cell phone charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

City provided cell phones are for business use and personal calls should be limited to emergency circumstances. Regardless of whether a cell phone is company-issued or personal in nature, employees should never use any type of photographic feature on their cell phones to take pictures on City premises, while conducting City business, or at City sponsored functions without receiving written permission from management to do so. Excessive personal phone calls, regardless of the phone used, can interfere with safety and productivity and be distracting to others. During work time, employees should limit the use of their personal cell phones. Employees should set personal cell phones on the silent ring mode during work hours to avoid disturbing those around them. Employees are asked to make personal phone calls during non-work hours and to ensure that family and friends are aware of this policy. Flexibility will be provided in emergency circumstances. The City will not be liable for the loss of personal cell phones brought into the workplace.

Section 5.06 Tobacco Policy

It has long been determined that smoking is dangerous to the health of those who smoke. It has been confirmed that smoking is also dangerous for others who inhale the smoke on a second-hand basis. In addition, smoking typically leaves odors and can damage furniture, vehicles, equipment, and buildings. The negative results of smoking have led to the passage of regulatory laws and the decision of many employers to limit or ban smoking in their facilities.

By City resolution and pursuant to state law, smoking (or use of any tobacco products including e-cigarettes) of any kind is prohibited in any City building, facility, while operating City equipment, or vehicles. Smoking will be permitted on City grounds outside of buildings during designated break periods provided it is at least fifteen (15) feet from any entrance(s) to the facility. Your Department Head and/or supervisor will determine what qualifies as a designated break period and interpreting whether a particular location is suitable for smoking. If you have questions, please speak to your supervisor. Violation of this Policy is considered a serious safety threat and will lead to disciplinary action (including immediate dismissal) if deemed warranted by management.

Section 5.07 Dress and Appearance Standards

All employees are expected to dress appropriately and be groomed in keeping with the standards as set forth by the City of Berwyn.

Section 5.08 Bulletin Boards

The City of Berwyn has placed bulletin boards in the City buildings to keep you informed of important legal matters, as well as City activities and events. Legal notices relating to employment and labor laws are normally posted in the break rooms. We encourage you to check bulletin boards on a daily basis so that you will be fully informed of matters that directly affect you and your employment.

No materials may be posted on or removed from bulletin boards without the prior approval of your supervisor. For applicable employees, consult your collective bargaining agreement if you need additional information about posting of union approved notices.

Section 5.09 Verification of Employment/References

Often when our employees apply for a mortgage, for housing, or for credit, calls are made to the City of Berwyn to verify that the applicant works here. The institution to whom you are applying may verify your employment by mailing us a verification form along with an Authorization to Release Information form that has been signed by you. We will then complete the form and mail it back to the institution. All inquiries for references should be referred to the office of the City Administrator.

Article 6 Attendance, Hours of Work, and Approved Time off Work

Section 6.01 Hours of Work

The “normal” hours of work shall be those necessary for the efficient conduct of the City’s business, as determined or revised from time to time by the City Administrator. Each Department Head shall maintain a schedule of normal working hours for their department. Of course, exceptions to the normal schedule may arise and we appreciate an employee’s cooperation if this occurs.

Work Week

1. **Appointive, Administrative and Supervisory Personnel** – These personnel are expected to work a schedule that fulfills the objectives of the City and the department in which they are employed. These personnel are exempt employees under the Fair Labor Standards Act.
2. **Regular Full-Time Personnel** – These personnel are expected to work forty (40) hours per week (including a one (1) hour paid lunch per workday).
3. **Regular Part-Time Personnel** – Work hours will vary in accordance with the applicable job description and the needs of the appropriate Department Head. As hourly personnel, these employees will be entitled to one (1) hour paid lunch on any workday in which they work six (6) hours or more.

Actual work hours on a daily basis will vary from position to position and will be established by the applicable job description and modified as the need arises by the appropriate department head for persons in their area of responsibility.

4. **Seasonal / Part-time Personnel** – Hours for persons hired in this category will be established by the individual who is responsible for their work.

Overtime Compensation

1. **Appointive, Administrative and Supervisory Personnel** – In the case of appointive, administrative and supervisory personnel, it is implicit that the nature of their positions may require additional time beyond the normal work schedule without compensation. Such personnel are exempt employees under the Fair Labor Standards Act. In appropriate instances, as set forth in section 3(a) below, they may take administrative time off.
2. **Regular Personnel** – All regular personnel who are called upon to work hours in addition to Section 6.01 “Work week”, of this manual shall be compensated at a pay of 1.5 times regular rate, or, in instances where compensatory time is requested and granted as set forth in section (3)(b) below, by compensatory time off. The amount of compensatory time off for each hour of overtime performed will be in accordance with the actual hours worked on the over-time basis. Employees may not work overtime without advance permission from their Department Head. Department Heads can discipline employees after they work unapproved overtime. As per City policy, employees must receive overtime/ compensatory time for all hours worked over forty (40) hours per pay week. In the event of a holiday, overtime/compensatory time will occur in excess of the applicable workweek. (Example: Holiday falls on a Monday resulting in a 32 hour workweek. Overtime/compensatory time would occur beyond 32 hours).

3. Definitions

- a. **Administrative Time** – Administrative time is defined as time that may be granted to appointive, administrative, and supervisory personnel in lieu of financial reimbursement. Due to the requirement that these individuals work many additional hours in the evening and on weekends, it is fitting that from time to time they be granted time off from work when they feel that their schedules will permit. Said time off shall be approved by their immediate supervisor, who shall use proper care and judgement before granting the request. It should be clearly understood by all concerned that administrative time is not to be construed on an hour-for-hour matching basis.
- b. **Compensatory Time** – In lieu of payment for overtime hours, regular personnel may request compensatory time off as follows: An employee who desires to accumulate compensatory time off must request to take the overtime hours as compensatory time before the overtime is worked.

Such requests shall be made to the immediate supervisor. If approved by the Department Head, compensatory time will be accrued to the employee in accordance with the actual hours overtime hours worked.

An employee may accumulate no more than 24 hours of compensatory time off within a pay period. Requests to take compensatory time off shall be directed to the immediate supervisor and approved by the Department Head. Requests to take compensatory time off will not be unreasonably denied if operating requirements can be satisfied. The Department Head

will be responsible for keeping appropriate records on the accumulation and use of compensatory time. Notwithstanding the foregoing provision, all compensatory time must, if at all possible, be utilized by the conclusion of the pay period subsequent to the period in which the time accrued.

Section 6.02 Payday and Payroll Deductions

By default, the City deposits payroll via direct deposit to your personal bank account. If for some reason, you would like a traditional paycheck, please see the Payroll Administrator to make arrangements.

Unless otherwise designated, the City's workweek for pay purposes begins each Thursday at 12:01 a.m. and ends the following Wednesday night at midnight. Payroll will be issued every other Wednesday, unless otherwise noted. Your paycheck will include payments for your work performed during the prior work week. For your protection, you are the only person who can receive your payroll check, unless you submit a signed written request to the Payroll Administrator for another person to receive your payroll check. The person who receives your paycheck may be asked to show proof of identity at the time they are to receive your paycheck.

Your paycheck check stub itemizes the amounts and descriptions of all deductions from your gross earnings, such as Federal and State taxes, Social Security, and other legally required deductions, as well as those which you have previously authorized the City to make (such as group insurance contributions, Section 457(b) plan contributions, employee purchases, etc.). The Payroll Administrator is available to answer any questions you may have concerning your paycheck. If any mistakes are made in regard to pay, the City will make good-faith efforts to correct them when they are alerted to them.

If a current or former City employee is in debt to the City (water, parking, fines *etc.*), the monies owed may be deducted from any form of payment owed to them by the City. If the employee is over \$100 (one hundred dollars) in arrears, the City will establish a payment plan with the employee so that such monies owed will be withheld from employee's paycheck(s) until the debt is satisfied.

Section 6.03 Attendance

You are needed and important to this operation. Please remember that the City and your fellow employees depend upon you to be at work and on time on all of your scheduled workdays. Maintaining a good attendance record is very important. Attendance records (including absences, tardiness and leaving early) will be kept. Attendance is considered to be a part of your overall performance, and unapproved absences may result in discipline or discharge. Likewise, unapproved, excessive tardiness or leaving early will not be tolerated and may result in disciplinary action, including but not limited to discharge.

Whenever you must be absent from or late to work because of sickness or other emergency, it is your responsibility to let your supervisor (or in their absence, the

Department Head) know as soon as possible and at least one (1) hour prior to the start of your scheduled work time if possible, on each and every day of your absence or tardiness. Failure to do so may result in an unexcused absence. (If the telephone is not answered, you should leave a voice-mail message for the Department Head.) The City reserves the right to require you to provide medical certification of your illness. This will enable your supervisor to make the arrangements necessary to keep our operation running smoothly. Always keep your supervisor and the Department Head advised on when you plan to return to work. Notifying the receptionist or a fellow employee is not sufficient. You must speak to a member of management within your department.

If you need to leave work prior to the end of your shift due to an illness or an emergency, you must first tell your supervisor and obtain permission to do so. If your supervisor is unavailable, please notify the Department Head (or designee). You must speak to a member of management; notifying the receptionist or a fellow employee is not sufficient.

Section 6.04 Holidays

The following are paid holidays for eligible employees in covered positions (when these days fall on a normally scheduled workday of the employee and provided the day is designated by the City as a covered holiday):

- New Year's Day
- Martin Luther King Day
- Presidents Day
- Good Friday
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Eve
- Christmas Day
- New Year's Eve

**Note: The above holiday's provision does not apply to employees of the City's library. Please refer to the current AFSCME union contract for library employee holidays.*

6.04.1 *Holidays on Weekends*

Whenever any of the holidays listed above fall on Saturday, the preceding Friday normally will be observed as the holiday. When any of the holidays listed above fall on Sunday, the succeeding Monday normally will be observed as the holiday.

6.04.2 Holiday Pay

For each such City designated holiday, when not worked, an eligible employee shall receive holiday pay computed at their regular straight-time hourly rate for the number of hours for which they are normally and regularly scheduled to work immediately prior to the holiday. For each such holiday in fact worked, an eligible employee shall receive one and one-half (1-1/2) times their regular straight-time hourly rate for all hours worked on that holiday in lieu of the paid holiday time off. If the employee and City mutually agree, compensatory time off may be granted and scheduled in lieu of pay for time worked on a holiday.

6.04.3 Eligibility Requirements

In order to be eligible for holiday pay, the employee must regularly work at least twenty (20) hours per week. The employee also must have worked the employee's full normally scheduled workday immediately preceding and following the designated holiday. Unless prior approval is received, no employee will be eligible for holiday pay unless the employee is in a covered position and works the full regularly scheduled workday immediately before or after a designated holiday. The only exception is for an employee on approved FMLA leave for one or both of the days.

6.04.4 Holiday Hours for Overtime Purposes

For the purpose of computing overtime, all holiday hours worked or not worked but paid under this Policy shall be regarded as "hours worked". Employees in certain eligible positions, who are required to work on a designated holiday, will be entitled to either an alternate day off (within the same pay period) or paid at a rate of one and one-half (1-1/2) times their regular straight-time hourly rate for all hours worked on that holiday as determined by your Department Head.

Section 6.05 Vacation

6.05.1 Eligibility and Allowances

Full-time eligible employees in covered positions (other than seasonal employees) and regular part-time employees (pro-rated) shall be eligible for paid vacation time. Vacation allowances shall be based on the following schedule:

6.05.2 Working Days

<u>CLASSIFICATION</u>	
5 days prorated	1 - 12 months
7 days	After 1 year anniversary date
10 days	After 2 year anniversary date
15 days	After 5 year anniversary date
16 days	After 7 year anniversary date

17 days	After 9 year anniversary date
18 days	After 11 year anniversary date
19 days	After 13 year anniversary date
20 days	After 15 year anniversary date
21 days	After 21 year anniversary date
22 days	After 22 year anniversary date
23 days	After 23 year anniversary date
24 days	After 24 year anniversary date
25 days	After 25 year anniversary date

The term “working days” as used in this vacation schedule shall mean a full-time employee’s regular working day, not to exceed eight (8) hours. Ordinarily, vacation time taken during a given anniversary year shall be the vacation allowance earned during the preceding anniversary year except for employees having worked less than one year.

Following are examples of the pro-rated vacation pay for regular part-time employees:

40 hours per week – 100% of vacation plan above

32 hours per week – 80% of vacation plan above

20 hours per week – 50% of vacation plan above

6.05.3 Vacation Pay

The rate of vacation pay shall be the employee’s regular straight-time rate of pay in effect for the employee’s regular job on the payday immediately preceding the employee’s vacation.

6.05.4 Scheduling and Accrual

Employees shall be awarded vacation time by the City in accordance with its service needs. Each department shall maintain their own vacation schedule. Written vacation requests are to be made to the Department Head for approval. Unused vacation time shall not accumulate from calendar year to calendar year, except upon written approval of the City Administrator or Mayor.

6.05.5 Emergencies

Where a vacation day is needed for emergency reasons, such as unexpected family illness covered by FMLA, the employee will notify their immediate supervisor as soon as possible of such need. If the City is able to arrange suitable coverage for the employee’s work, the employee will be given the requested day(s) off as a vacation day(s), provided the employee has the requisite number of accrued vacation day(s) available.

6.05.6 Vacation Rights in Case of Layoff or Separation

Any employee who retires, voluntarily quits, or is otherwise terminated prior to taking their earned vacation shall be compensated for the unused vacation they have properly accumulated but not used at the time of separation prorated during the year of retirement/termination. For example, if the employee receives 22 vacation days per year, and they retire at the end of June, they will only receive 11 days vacation for the year. Payment shall be made on the next regular payday following the date of separation.

Section 6.06 Personal Days

6.06.1 Eligibility and Allowances

Full-time eligible employees in covered positions (other than seasonal employees) shall be eligible for four (4) paid personal days per calendar year after the completion of one year of service with the City. Regular part-time employees are pro-rated. Personal days shall not carry over from year to year except upon written approval of the City Administrator or Mayor.

**Note: An exception in regard to personal days exists for employees of the City's library as they receive additional personal days for the holidays where City Hall is closed and the library is open. Details regarding library personal days can be found within the AFSCME union contract.*

6.06.2 Personal Day Pay

The rate of personal day pay shall be the employee's regular straight-time rate of pay in effect for the employee's regular job on the payday immediately preceding the employee's personal day.

6.06.3 Personal Day Rights in Case of Layoff or Separation

Any employee who retires, voluntarily quits, or is otherwise terminated prior to taking their earned personal day shall be compensated for the unused personal day(s) they have properly accumulated but not used at the time of separation prorated during the year of retirement/termination. For example, if the employee receives 4 personal days per year, and they retire at the end of June, they will only receive 2 personal days for the year. Payment shall be made on the next regular payday following the date of separation.

6.06.4 Personal Day Rights for Seasonal/Part-Time Personnel

Seasonal/Part-Time Personnel shall accrue at the rate of one hour of personal day pay for every 40 hours worked up to 40 hours of paid personal leave. The rate of personal day pay shall be the employee's regular straight-time rate of pay in effect for the employee's regular job on the payday immediately preceding the employee's personal day. The maximum number of hours that a seasonal employee can accrue is 40 hours. Personal days accrued by Seasonal/Part-Time Personnel shall not carry over from year

to year. The City shall not pay Seasonal/Part-Time Personnel for any unused Personal time at the conclusion of the employee's employment with the City.

Paid personal days shall begin to accrue at the commencement of employment. Employees shall be entitled to begin using paid personal day leave for 90 days following commencement of their employment.

Seasonal/Part-Time Personnel shall provide a minimum of 7 days notice for personal leave that is foreseeable. If a paid personal day is not foreseeable, the employee shall provide such notice as soon as is practicable after the employee is aware of the necessity of the leave to their immediate supervisor.

Section 6.07 Sick Leave

6.07.1 Purpose

Sick leave with pay is provided as a benefit in recognition that employees do contract various illnesses from time to time and that their financial resources may be diminished in such instances if pay is discontinued, and that it may not be in the best interest or health of the employee or fellow employees for them to work while sick. Sick employees are expected to remain at home unless hospitalized or visiting their doctor. Sick leave also may be used in limited instances when absence from work is due to illness in the employee's immediate family (defined as the employee's legal spouse (including civil union partner), parents, parents of spouse, siblings of employee and spouse or grandparents and grandchildren of employee and spouse or anyone living in the employee's household at the time of the sickness).

6.07.2 Allowance

Any employee contracting or incurring any non-service connected sickness or disability shall receive sick leave with pay as provided in this Policy. Sick leave will be granted for purposes of childbearing on the same terms and conditions as any other illness or disability. Where applicable, time off that qualifies for sick pay will run concurrently with otherwise approved unpaid FMLA time off.

6.07.3 Days Earned In Accumulation

Employees shall be allowed one (1) day of sick leave for each month of service up to a maximum "cap" of forty (40) days. Employees with more sick days than the maximum forty (40) days at the end of the year will be compensated with one (1) day's regular wage for each day of unused sick leave over the forty (40) day bank. Sick leave shall be earned by an employee for any month in which the employee is compensated for more than eighty (80) hours of work.

6.07.4 Rate of Payment

Employees shall be paid eight (8) hours at their regular, straight-time hourly rate of pay for each single day of sick leave properly utilized (or the number of hours per day the employee was regularly scheduled to work prior to the sick leave, if other than eight (8) hours).

6.07.5 Notification

Notification of absence due to sickness shall be given as soon as possible on the first day of such absence to the employee's supervisor. Unless authorized under FMLA, failure to properly report an illness shall be considered as absence without pay and may subject the employee to discipline as well.

6.07.6 Medical Examination

The City may require a health care provider's note attesting to (a) the employee's medical need to be away, and/or (b) the employee's release to return to work (either with or without a reasonable accommodation where applicable) immediately upon the employee's return from such leave. The City may, where there is reason to suspect abuse, due to a pattern of absences or extended days off, and/or for an absence of three (3) workdays or more, require an employee seeking to utilize sick leave to submit a health care provider's certification of the illness and/or to submit at any time during such leave to an examination by a doctor or nurse designated by the City. Examinations administered by a physician or nurse selected by the City shall be paid for by the City. In the case of a sick day used for an ill family member, the City may require a health care provider's certification by the physician of the family member as a condition of payment under this Policy. Failure or refusal to provide requested medical information will result in loss of benefits and privileges under this Policy.

6.07.7 Abuse of Sick Leave

Abuse of sick leave is a serious matter. If proper notification is not given, or abuse is observed, any absence may be charged as leave without pay and/or may constitute cause for discipline up to and including discharge.

6.07.8 Sick Leave Utilization

Accumulated sick leave above the standard twelve (12) days issued per year may be used only for the following purposes: a) for major illness or injury, prior to major medical leave or workmen's compensation benefits becoming effective; b) extension of major medical leave if necessary and upon proper documentation; c) extension of regular wages upon retirement; d) administrative and appointive personnel may extend regular wages if not reappointed after the termination of an Administration. Other than listed above, there shall be no compensation for unused accumulated sick leave upon leaving employment, by termination or resignation. Excess sick leave can be credited, however, toward IMRF length of service upon proper documentation to the pension authority.

Any unpaid time off that qualifies under this Policy and the FMLA will run concurrently, except if prohibited by law.

Section 6.08 Leaves of Absence

6.08.1 Discretionary Leave

The City may, in its discretion, grant a leave of absence at the request of an employee without pay for good and sufficient reason (as determined by the Mayor or their designee).

6.08.2 Application for Leave

Any request for a leave of absence shall be submitted in writing by the employee to the Mayor or their designee as far in advance as practicable (and at least 30 days in advance when the need for leave is foreseeable). The request shall state the reason for the leave of absence and the approximate length of time off the employee desires. Authorization for leave of absence shall, if granted, be furnished to the employee by their immediate supervisor and it shall be in writing.

Employees wishing to take such leaves of absence must realize that positions may be eliminated or the duties may become obsolete or the duties may be transferred to other positions during the ordinary course of business; moreover, in cases of a lengthy leave, a position may be filled and thus may not be available. Thus, no assurance whatsoever of reinstatement after 30 days can be given. However, if the position is still vacant at the conclusion of the granted leave period, the employee shall resume their same status therein. If the position no longer exists, every effort will be made to place the employee in a suitable position as soon as possible. In any event, the employee will retain their status as to creditable service for the computation of fringe benefits upon return to full-time status.

Except as otherwise provided herein or mandated by law, unpaid leaves of absence shall only be granted when it will not unduly interfere with the best interest of the City. In no event will the City grant a leave of absence for the purpose of working at other employment or securing other employment unless the employee intends to return to services with the City and the employment experience that is sought is directly related to their duties with the City.

During the duration of a valid and approved leave of absence, all benefits will be suspended, however pursuant to applicable State and Federal guidelines and standards, employees may upon request, retain certain hospitalization and other benefits at their own cost and expense. Vacation is not earned during a leave of absence.

Requests for special unpaid leave absence without pay shall be for a period not to exceed one (1) year in duration. Any requests for extension of leave shall be subject to all of the requirements of the initial request.

6.08.3 Jury Leave or Witness Duty

Employees who are summoned to jury duty or subpoenaed as witnesses in matters in which they have no personal or pecuniary interest shall receive time off with pay, provided that proper notice is given to their immediate supervisor. An employee shall notify their immediate supervisor as soon as possible after being subpoenaed or summoned. The City shall compensate such employees at their regular rate of pay for time lost while serving on jury duty or witness duty. They may be required to present verification of the witness appearance or jury duty. If an employee is subpoenaed to be in court for any other reason, the time off will be granted but without pay (or the employee may be required to substitute their earned time off benefits, if any).

6.08.4 Funeral Leave

In the event of death in the employee's "immediate family" (defined as the employee's legal spouse (including civil union partner), children, parents, parents of spouse, siblings of employee and spouse or grandparents and grandchildren of employee and spouse, or anyone living in the employee's household at the time of their death), an employee shall be granted up to three (3) consecutive workdays off work to attend the funeral. Leave beyond such three (3) consecutive workdays may, upon approval of the City Administrator or their designee, be taken if charged to the employee's sick leave or vacation leave accrual account, if any.

6.08.5 Military Leave

The City provides approved time off, pay, benefits and reinstatement rights for eligible employees who need time off for military reasons in accordance with state, federal or local military leave laws.

6.08.6 Major Medical Leave

In cases of major illness, certified by a physician, the following schedule for paid major medical leave shall take effect:

- From six (6) months of service up to 2nd anniversary date: Up to a maximum of three (3) weeks full pay after a waiting period of ten (10) working days of illness without pay.
- From the 2nd anniversary date to the 5th anniversary date: Up to a maximum of four (4) weeks full pay after a waiting period of ten (10) working days of illness without pay.
- After the 5th anniversary date: Up to a maximum of eight (8) weeks full pay after a waiting period of five (5) working days of illness without pay.

Use of Accumulated Sick Leave: An employee eligible for major medical leave may use any unused accumulated sick leave, as outlined above, during the five (5) day waiting

period; and upon proper certification from their physician, may use sick leave upon the expiration of major medical leave benefits.

Extension of Major Medical Leave: Under extreme circumstances and upon submission of proper documentation and certification, the Mayor may grant an additional period of major medical leave up to the maximum originally allowed by the City. However, an employee must first exhaust all available and unused vacation time, accumulated sick leave, personal leave and compensatory time before they are eligible for the extended major medical leave.

Length of Major Medical Leave: Notwithstanding the foregoing maximum schedules for Major Medical Leave, the City of Berwyn may from time to time adopt policies and procedures that will designate time periods for return to work following selected conditions and medical procedures. These time periods shall be available in the office of the City Administrator and will control the amount of major medical leave that will be allowed subject however to the maximums outlined herein.

**Note: Illinois Municipal Police Association, Local #1 (IMPA) members do not qualify for major medical leave as they receive extended leave per their union contract.*

6.08.07 Pregnancy Leave

Requests for Pregnancy Leave shall be granted and governed by the policies for Major Medical Leave as outlined in Section 6.08.6 herein. Notwithstanding these policies, the waiting period without pay shall be waived. Additionally, the employee may request an unpaid leave of absence once all major medical leave, vacation time have been exhausted, under the Family Leave Act.

6.08.08 Victims' Economic Safety and Security Act (VESSA):

The Victims Economic Safety and Security Act (VESSA) grants up to 12 weeks of leave in any 12-month period for employees who are victims of gender, domestic or sexual violence or who have a family or household member who is a victim of gender, domestic or sexual violence. The employee must provide the City with at least 48 hours' notice of the employee's intention to take leave unless notice is not practicable in emergency situations. The purpose of VESSA is to reduce domestic violence, dating violence, sexual assault, gender violence and stalking by enabling victims of domestic violence to leave abusive situations, achieve safety, and minimize the physical and emotional injuries from gender, domestic or sexual violence. For more information, please contact the City Administrator or their designee.

Section 6.09 Family Medical Leave Act ("FMLA") Policy

1. If you have been employed by the City for at least twelve (12) months **and** have worked at least 1,250 hours during the 12-month period preceding the start of the leave (which includes all periods of absence from work due to or necessitated by USERRA or Illinois Service Member Employment and Reemployment Rights Act (ISERRA)-covered service),

and you work at or report to a work site which has fifty (50) or more City employees within a 75-mile radius of that work site, you are eligible for up to a total of twelve (12) workweeks of unpaid leave during any rolling twelve (12) month period for one or more of the following reasons:

- a. *Because of the birth of your child and in order to care for such child (within 12 months after the birth of the child);*
- b. *Because of the placement of a child with you for adoption or foster care (within 12 months of the placement of the child);*
- c. *In order to care for your spouse, child, or parents if they have a “serious health condition;”*
- d. *Because of a “serious health condition” that makes you unable to perform the functions of your job; or*
- e. *Because of any “qualifying exigency” (as defined by the Secretary of Labor) arising out of the fact that your spouse, child, or parent is deployed on active duty (or has been notified of an impending call or order to active duty in a foreign country) in the Armed Forces, including the National Guard and Reserves.*

2. 2. Serious Health Condition. For purposes of this policy, “serious health condition” means an illness, injury, impairment or physical or mental condition that involves one of the following:

- a. Hospital Care. Inpatient care in a hospital, hospice or residential medical care facility, including any period of incapacity relating to the same condition;
- b. Absence Plus Treatment. A period of incapacity of more than three full consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves either: one (1) treatment two (2) or more times (within 30 days and provided the first visit takes place within seven (7) days of the first day of incapacity) by a health care provider, by a nurse or physician’s assistant under direct supervision of a health care provider, or by a provider of health care services under orders of, or on referral by, a health care provider; or two (2) treatments by a health care provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of the health care provider (first visit to health care provider must take place within seven (7) days of the first day of incapacity);
- c. Pregnancy. Any period of incapacity due to pregnancy, or for prenatal care;
- d. Chronic Conditions Requiring Treatment. A chronic condition which: requires at least two (2) periodic visits for treatment per year by a health care provider, or by a nurse or physician’s assistant under direct supervision of a health care provider; which condition continues over an extended period of time; and may cause episodic rather than a continuing period of incapacity;

- e. Permanent/Long-term Conditions Requiring Supervision. A period of incapacity which is permanent or long-term due to a condition for which treatment may be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider;
- f. Multiple Treatments (non-chronic conditions). Any period of incapacity to receive multiple treatment (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) full consecutive calendar days in the absence of medical intervention or treatment.

3. Qualifying Exigency Leave. If you are an eligible employee (as defined above), you are entitled to take up to twelve (12) weeks of unpaid FMLA leave for any qualifying exigency leave arising out of the fact that a military member is on covered active duty or called to active duty status in a foreign country. The leave described in this paragraph is available during a 12-month rolling period and may be taken on an intermittent or reduced leave schedule basis. You will be required to provide a copy of the military member's active duty orders or other documentation issued by the military that indicates that the military member is on covered active duty or is called to active duty status in a foreign country and the dates of the covered military member's covered active duty service. Eligible employees may take all twelve (12) weeks of their FMLA leave entitlement as qualifying exigency leave or the employee may take a combination of twelve (12) weeks of leave for both qualifying exigency leave or any other qualifying reason listed above.

With respect to a qualifying exigency leave:

- a. A "military member" means your spouse, child, or parent who is on covered active duty or called to covered active duty status in any foreign country in any of the Armed Forces, including a member of the National Guard or Reserves.
- b. A "qualifying exigency" includes the following broad categories: (a) short notice deployment; (b) military events and related activities; (c) childcare and school activities; (d) parental care; (e) financial and legal arrangements; (f) counseling; (g) rest and recuperation; (h) post deployment activities, including reintegration activities, for a period of 90 days following the termination of active duty status; and, (i) additional categories that are agreed to by the employer and employee within this phrase.
- c. The phrase "child" is defined as your biological, adopted, or foster child, stepchild, legal ward, or child for whom you stood in loco parentis, of any age for qualifying exigency leave, who is on active duty or called to active duty status who is of any age. (Note: This

definition is different from other sections of this FMLA policy). If the exigency leave is to arrange for childcare or school activities of a military member's child, the military member must be the spouse, child or parent of the employee requesting the leave.

- d. A "parent" means a biological, adoptive, step or foster parent, or any other individual who stood in loco parentis to you when you were a child but it does not include "parents in law".
- e. Permanent/Long-term Conditions Requiring Supervision. A period of incapacity which is permanent or long-term due to a condition for which treatment may be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider;
- f. Multiple Treatments (non-chronic conditions). Any period of incapacity to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) full consecutive calendar days in the absence of medical intervention or treatment.

4. Military Caregiver Leave. If you have been employed by the City for at least twelve (12) months and have worked at least 1,250 hours during the 12-month period preceding the start of the leave, and you work at or report to a work site which has fifty (50) or more City employees within a 75-mile radius of that work site, and you are a spouse, child (of any age for military caregiver leave), parent or next of kin of a Covered Service member, as defined below, you are entitled to a total of twenty-six (26) workweeks of unpaid leave during a single 12-month period to care for the Covered Service member (including twelve (12) workweeks for any other FMLA qualifying reason). The leave described in this paragraph shall only be available during a single 12-month period beginning as of the date the leave commences and ending 12 months after that date (and any unused amounts are forfeited).

Military Caregiver Leave may be permitted more than once if necessary to care for a different Covered Service member (or the same Service member with multiple or subsequent injuries or illnesses) up to a combined total of twenty six (26) workweeks in a twelve (12) month period. However, your total available leave time in any single 12-month period generally may not exceed a combined total of twenty-six (26) workweeks (including FMLA time off taken for any other reason); except as provided under the FMLA regulations. You will be required to timely submit a medical certification available from the City Administrator or their designee or an invitational travel order or authorization from the Department of Defense as a condition of receiving approved Military Caregiver Leave. NOTE: the 12-month computation period for this type of leave differs from the other types of FMLA leave.

With respect to Military Caregiver FMLA Leave:

- a. A “Covered Service member” means (1) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or (2) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy, and who was discharged or released under conditions other than dishonorable.
- b. “Outpatient status” means the status of a Covered Service member assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.
- c. “Next of kin” means the nearest blood relative of that individual (regardless of age) other than an employee’s spouse or child. You are required to provide confirmation of the relationship upon request. The Service member may designate the blood relative who is considered their next of kin; otherwise, the following order generally will apply: blood relatives granted custody by law, sibling, grandparents, piblings, and then first cousins.
- d. “Serious injury or illness” for a Current Service member means an injury or illness incurred by the Service member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the Service member’s active duty and was aggravated by service in the line of duty) that (i) may render the Service member medically unfit to perform the duties of the member’s office, grade, rank or rating, or (ii) in the case of a veteran Service member, that manifests itself before or after the member became a veteran.
- e. “Serious injury or illness” for a Covered Veteran means an injury or illness that was incurred or aggravated by the member in the line of duty on active duty in the Armed Forces and manifested itself before or after the member became a veteran, and is: (1) A continuation of a serious injury or illness that was incurred or aggravated when the Covered Veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member’s office, grade, rank, or rating; OR (2) A physical or mental condition for which the Covered Veteran has received a VA Service Related Disability Rating (VASRD) of 50 percent or greater and such

VASRD rating is based, in whole or in part, on the condition precipitating the need for caregiver leave; OR (3) A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment; OR (4) An injury, including a psychological injury, on the basis of which the Covered Veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

5. Spouses Employed by the City. If your spouse also works for the City and you both become eligible for a leave under paragraphs 1a. or 1b. above, or for the care of a sick parent under paragraph 1c. above, the two of you together will be limited to a combined total of twelve (12) workweeks of leave in any rolling 12-month period. In addition, if you and your spouse both become eligible for a leave under the Military Caregiver Family Leave provision above or under a combination of the Military Caregiver Family Leave provision, paragraphs 1a. and 1b. above, or to care for your parent with a serious health condition under paragraph 1c above, the two of you together generally will be limited to a combined total of twenty-six (26) workweeks of leave in any single 12-month period.

6. Medical Certification. Any request for a leave under paragraphs 1c., 1d. or under the Service member Family Leave provision above must be supported by certification issued by the applicable health care provider or the Department of Defense. You are required to submit this information on the forms provided to you and available from the City Administrator or their designee or on the Invitational Travel Orders or Authorizations provided to you by the Department of Defense.

You will be required to submit a new medical certification form for each leave year for a medical condition(s) that last longer than one year. Additionally, you are required to submit a recertification of an ongoing condition every six (6) months in connection with an absence where the duration of the condition is described as "lifetime" or "unknown".

At its discretion, the City may require a second medical opinion and periodic recertification to support the continuation of a leave or under paragraphs 1.c. and 1.d. (except as otherwise provided by the Department of Labor). If the 1st and 2nd opinions differ, a 3rd opinion can be obtained from a health care provider jointly approved by both you and the City (unless you accept the second opinion as determinative). A second medical opinion generally will not be requested for Military Caregiver Leave but may be requested if the Certification is completed by a health care provider who is not affiliated with the DOD, VA or TRICARE.

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, the City asks that employees not provide any genetic information when responding to a request for medical certification regarding their own serious health conditions under this FMLA Policy. "Genetic information" as defined by GINA, includes an individual's family medical

history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

There is an exemption to GINA's limitation on the disclosure of family medical history when an employee requests a leave of absence under the FMLA due to a family member's serious health condition. In such situations, all information necessary to make the medical certification form complete and sufficient under the FMLA should be provided.

7. Intermittent Leave. If certified as medically necessary for the serious health condition of either you or your spouse, child or parent (Paragraphs 1.c. and 1.d., above), or to care for a Covered Service member if you are a spouse, child, parent or next of kin to the Covered Service member (Paragraph 3, above), leave may be taken on an intermittent or reduced leave schedule. Intermittent leave also may be taken if you qualify for leave because of a qualifying exigency as described in Paragraph 1e, above, subject to the submission of a certification prescribed by the Secretary of Labor. If leave is requested on an intermittent basis, however, the City may require that you transfer temporarily to an alternative position which better accommodates recurring periods of absence or to a part-time schedule, provided that the position offers equivalent pay and benefits.

8. Light Duty Work Assignments. While voluntarily performing in a light duty capacity, that time does not count against your 12-week FMLA allotment. In effect, your right to restoration is held in abeyance during the period of time that you are performing in a light duty capacity (or until the end of the applicable 12-month FMLA leave year if longer).

9. Notification and Reporting Requirements. All requests for leaves of absence must be submitted to your supervisor or the City Administrator or their designee at least thirty (30) days in advance of the start of the leave, except when the leave is due to an emergency or is otherwise not foreseeable. If the leave is not foreseeable, you must provide notice as soon as "practicable," which generally means either the same day or the next business day that you learn of the need for leave, in the absence of any unusual circumstances. A delay in submitting an FMLA leave request may result in a loss of FMLA protections and/or a delay of the start of your leave. Your supervisor will forward the request to the City Administrator or their designee for approval.

You must respond to our questions relative to your leave request so that we can determine if the leave qualifies for FMLA protection; failure to do so may result in loss or delay of FMLA protections. If you are seeking leave due to a FMLA-qualifying reason for which the City has previously granted you FMLA-protected leave, *you must specifically reference the qualifying reason or need for FMLA leave at the time of your request to be away from work*. It is not sufficient to simply "call in sick" without providing additional information which would provide the City with reasonable cause to believe your absence/time away from work may qualify as an FMLA qualifying event. In all cases in which you are seeking leave under this policy, you shall provide such notice to the City consistent with the City's established call-in procedures so long as no unusual

circumstances prevent you from doing so. Failure to comply with the call-in procedures may result in a delay or denial of FMLA protected leave.

You must make an effort to schedule a leave so as not to disrupt business operations. During the leave, you may be required to report periodically on your status and your intention to return to work. Any extension of time for your leave of absence must be requested in writing prior to your scheduled date of return to work, together with written documentation to support the extension. Your failure to either return to work on the scheduled date of return or to apply in writing for an extension prior to that date will be considered to be a resignation of employment effective as of the last date of the approved leave. Employees on leaves for their own serious health condition must provide fitness-for-duty releases from their health care provider before they will be permitted to return to work. Your maximum time on a leave of absence, all types combined, and including all extensions, cannot exceed a total of twelve (12) weeks in a rolling twelve month period, unless you are a spouse, child, parent, or next of kin on leave to care for a Covered Service member, in which case your leave can last for up to twenty-six (26) workweeks in a single twelve (12) month period (unless legally required otherwise).

An Employee shall not be granted a leave of absence for the purpose of seeking or taking employment elsewhere or operating a private business. Unauthorized work while on a leave of absence will result in disciplinary action, up to and including discharge.

A leave of absence will not affect the continuity of your employment. Your original date of employment remains the same for seniority purposes. However, you will not accrue any benefits during the period you are on a leave.

10. Employee Benefits During Family and Medical Leave of Absence. You will be permitted to maintain health and dental insurance coverage for the duration of the leave under the same conditions coverage would have been provided if you had remained actively at work. However, you must make arrangements for the continuation of and payment of insurance premiums before you go on leave status. If you do not return to work after the leave, or if you fail to pay your portion of the premiums, you will be required, under certain circumstances, to reimburse the City for the costs and expenses associated with insuring you during the leave.

11. Return From a Family and Medical Leave. If you return from your leave on or before being absent for twelve (12) workweeks in a rolling twelve (12) month period or twenty-six (26) workweeks during a single twelve (12) month period if you took a leave under the Service member Family Leave provision, you will be restored to the same or to an equivalent position to the one you held when the leave started. Of course, you have no greater right to reinstatement or to other benefits and conditions of employment than if you had been continuously employed during the FMLA leave period. In determining whether a position is "equivalent", we would look at whether the position had substantially similar terms and conditions of employment and whether the position entails similar duties, skills, efforts, responsibilities, authority, privileges and status.

If the leave was due to your own serious health condition, you will be required to submit a fitness-for-duty certification from your health care provider in accordance with our normal policies and practices applicable to other leaves of absence, certifying that you are able to resume work and perform the essential functions of the job (either with or without a reasonable accommodation). A list of the essential job functions will be made available to you for compliance with this requirement prior to the City designating your leave as FMLA leave. If a reasonable job safety concern exists, you also may be required to provide a fitness for duty certification up to once every thirty (30) days before returning from an intermittent or reduced schedule FMLA leave related to your own serious health condition. Generally, a returning employee will be permitted to return to work within two (2) business days of the City's receipt of a valid fitness for duty release.

If you fail to return to work at the expiration of your approved Family and Medical Leave, it will be considered to be a resignation of your employment with us. Likewise, an employee on FMLA leave who provides notice of their intent not to return to work upon expiration of a leave will lose their entitlement to FMLA leave and related benefits.

12. Key Employees. Certain highly compensated key employees may be denied reinstatement when necessary to prevent "substantial and grievous economic injury" to the City's operations. A "key" employee is a salaried Employee who is among the highest paid 10% of employees employed by the City. Employees will be notified of their status as a key employee, when applicable, after they request a Family and Medical Leave.

13. Coordination with Other Policies. You must substitute any accrued paid vacation days, personal time, and sick days (if you otherwise qualify) for unpaid leave under this policy, and any such paid time off must be taken concurrently with your Family and Medical Leave. If you otherwise qualify for disability pay, you will collect it at the same time you are on unpaid Family and Medical Leave. Further, if you otherwise qualify for any other type of leave of absence, you must take that leave at the same time as you are taking your Family and Medical Leave. All time missed from work that qualifies for both Family and Medical Leave, and for workers' compensation (or any other type of lawfully allowed leave), will be counted toward your Family and Medical Leave. To receive any type of paid time off benefit while on FMLA leave, you are required to meet the City's conditions for taking the paid leave (although the City may in its discretion waive any procedural requirement for the paid leave in appropriate circumstances).

14. Anti-Retaliation Provisions. Be assured that no retaliation will be taken or tolerated against any employee who exercises their rights under our FMLA policy. If you feel that you have been the victim of any discrimination or retaliation under this Policy, you are encouraged to contact the City Administrator and/or City Attorney so that the matter can be promptly investigated and remedied as appropriate.

15. Compliance With Other Laws. In administering this FMLA Policy, the City complies with the Americans with Disabilities Act ("ADA") and any other relevant law. The City may approve a reasonable request for an extension of a leave of absence beyond the amount of leave provided by the FMLA, approve a leave of absence for an employee who does

not qualify for FMLA leave, or otherwise modify this Policy, as a reasonable accommodation for a disability under the ADA.

Article 7 About Your Employment

Section 7.01 Complaint/Grievance Procedure

Whenever people work closely together as we do here, complaints and misunderstandings are bound to arise from time to time. We make every effort to provide you with an opportunity to bring all such matters to management's attention and receive prompt and fair consideration. As part of this effort, we have developed the procedure set forth below for handling such complaints and problems.

Before seeking advice or assistance from anyone outside the City, we strongly encourage you to make use of this procedure because we believe that a successful future depends upon our ability to work together to solve our own problems.

Procedure for Filing a Grievance

- Step 1. The employee having a grievance shall discuss the matter with their immediate supervisor within thirty (30) calendar days of the incident. Unless the grievance is presented within this time frame, it shall be deemed not to exist. The supervisor shall make a careful inquiry into the facts and circumstances of the complaint in an attempt to resolve it promptly and fairly and give their answer to the employee within three (3) working days of the discussion. The supervisor shall advise the Department Head and City Administrator in brief, written form as to the question and departmental response. If the supervisor does not reply within this time frame, or if the employee is dissatisfied with the response of the supervisor, the employee may initiate Step 2 of the procedure.
- Step 2. The question or dispute shall be put into writing and submitted to the Department Head within five (5) working days of the supervisor's decision in Step 1. The Department Head shall make a separate investigation, including discussion with both the employee and supervisor. The Department Head will respond to the employee in writing within five (5) working days of the receipt of the employee's grievance. A copy of the written dispute and the response will also be forwarded to the City Administrator. If the Department Head does not respond within five (5) working days, the employee shall consider the answer to be "grievance denied." The employee may initiate Step 3 at that time.
- Step 3. If the employee is dissatisfied with the Department Head's decision, they may submit a written request for a final determination by the City Administrator or their staff designee within five (5) working days of the receipt of the Department Head's response. The City Administrator shall review the matter in detail and give a binding written response based on the policies

and procedures of the City within ten (10) working days of the receipt of the employee's grievance.

We believe strongly in open, free communication at all levels. This procedure is not designed to discourage you from talking to anyone in the City at any time. Rather, it is simply a way to ensure that complaints and problems are dealt with in a prompt, orderly and consistent fashion. If you would feel uncomfortable speaking with a member of management within your chain of command, then you can speak with any member of management with whom you would feel more comfortable.

In addition to your own problems and concerns, for the safety and well-being of everyone who works at the City, we encourage you to follow these procedures whenever you learn of a violation of City rules and policies.

No one who comes forward under this procedure will be retaliated against or suffer any negative consequences no matter how the complaint or problem is resolved. Be assured that the confidentiality of all such matters will be maintained to the fullest extent possible.

Article 8 Guidelines for Conduct

Section 8.01 General Rules

Your primary responsibility is to do a good job, and this carries with it a number of obligations, such as obeying City rules, adhering to safe working practices, cooperating with management, fellow employees and our residents and remaining committed to the best interests of the City. As an employee of the City of Berwyn, you also are expected to meet reasonable standards of work performance and personal conduct at all times.

The City's policy is, whenever appropriate, to utilize progressive discipline procedures for violations of work rules, policies, or poor work performance. However, the City reserves the right to deal with each violation or infraction on a case-by-case basis. This means that as a general rule, you will be given an increasingly severe penalty each time an offense is committed or work performance falls below an expected standard. Some types of misconduct, however, are so intolerable that you may be suspended (with or without pay as determined by the City Administrator) or even terminated immediately upon the first occurrence.

The following are examples of offenses which are so intolerable that they may result in immediate, severe disciplinary action up to and including immediate termination for the first offense. THIS LIST IS NOT ALL INCLUSIVE:

1. Stealing (taking without permission) property belonging to the City, a resident or another employee.
2. Being absent three (3) or more consecutive days without acceptable notice to the Department Head.
3. Failing to return on time from a leave of absence.

4. Falsifying or altering City records (no matter when discovered).
5. Fighting with, assaulting, threatening, or using obscene language towards management, a co-worker, visitor or resident regardless of where the incident occurs.
6. Fighting with, assaulting, and threatening, on City property, any person not covered by above Rule #5; or deliberately provoking or inciting another person to engage in an assault or fight on City property.
7. Destroying, damaging or hiding property belonging to the City, a resident or another employee.
8. Giving false information to anyone who has any duty in preparing City records including employment applications (no matter when discovered).
9. Refusal or failure to promptly comply with a work assignment or instruction or failing or refusing to perform assigned work.
10. Reporting to work or working under the influence of alcoholic beverages, cannabis, or a habit-forming or illegal drug, or having such in one's possession on City property, or other violation of Alcohol and Drug Policy.
11. Attempting to or bringing alcoholic beverages, cannabis or cannabis-infused products, or any non-prescription drugs or illegal substances into working areas.
12. Engaging in immoral or indecent conduct or any conduct which could embarrass the reputation of or discredit the City.
13. Possessing or storing dangerous weapons or explosives on City property.
14. Removal or adjustment of safety or security devices or alarm systems, without authorization from your supervisor.
15. Being convicted of a felony or other serious crime which reflects upon an employee's continuing fitness to perform their job, or which results in harm to the City's reputation. (These issues will be addressed on a case-by-case basis considering all of the facts involved.)
16. Failing or refusing to cooperate with the City in any investigation of a theft or a suspected theft of property, or other conduct harmful to the City or the concealment of or failure to report the occurrence of any violation of any City rules or policies or general understanding of proper conduct.
17. Reckless (or dangerous) driving in parking lots or other similar activity that presents an actual or potential safety threat to our employees or others.

18. Any action or conduct, which impedes the City's efforts to achieve its policy and goals, or brings discredit upon the City. This applies to both the professional and private conduct of all City employees. The City prohibits any and all conduct which is contrary to the letter and spirit of the City's policy or goals which would reflect adversely upon the City, staff of the City, or its residents. This includes not only unlawful acts by staff, but also all acts, which although not unlawful themselves, would degrade or bring disrespect upon the City, staff of the City, or its residents. This also includes any action contrary to the stated policy, goals, rules, regulations, orders, procedures or directives of the City.

The following are examples of offenses which may result in disciplinary action under our progressive discipline procedure. In certain situations, depending on the severity and/or frequency of the offense, the first offense may result in immediate suspension or even discharge for the first offense. Nothing in this Policy is intended to create a procedural or contractual right.

1. Failing to follow prescribed work rules or policies.
2. Repeated absenteeism or tardiness.
3. Violation of No-Solicitation/Distribution policy.
4. Refusing to work a reasonable amount of overtime or failing to work voluntarily accepted overtime.
5. Using obscene or threatening language in a malicious manner towards another employee, resident or visitor.
6. Destruction of bulletin boards or marking or destroying any literature on such bulletin boards, or posting anything on bulletin boards without permission of management.
7. Failing to follow prescribed parking regulations, prescribed safety and health procedures, practices or policies.
8. Failing to report any accident or injury as promptly as possible to your supervisor or Department Head.
9. Failing to maintain satisfactory work performance, or incompetent or inefficient work performance.
10. Failing to maintain satisfactory or proper standards of dress, grooming or cleanliness.
11. Engaging in horseplay, or other disorderly conduct.
12. Interfering with the work performance of other employees.

13. Unauthorized absence from premises or assigned work area, including leaving early for breaks, lunch or at the end of the day or failing to return on time from breaks or lunch, and/or failing to properly record time away when leaving work areas.
14. Excessive loafing on the job or unreasonable use of toilet, washroom or breakroom facilities during working time.
15. Being in an unauthorized area of the building or examining any type of City records without your supervisor's authorization.
16. Engaging in personal business during working time, such as personal work, personal telephone calls, sleeping, reading, visiting other employees, etc., without permission of your supervisor.
17. Failing to call the City, as far in advance as possible under the circumstances, when not reporting for work.
18. Failing to report knowledge of violation of City rules, policies or procedures by another employee.
19. Habitual, repeated or frequent neglecting or failing to log in or out on timecards or time sheets, (including logging out to record breaks, lunch periods or when changing departments).
20. Carelessness or negligent use of computers, copying machines, fax machines, or other City property or equipment or any violation of computer or equipment use policy.
21. Use or wearing of sunglasses, headsets, or personal radios in working areas without prior permission from your supervisor. If any accessory is needed per ADA, employee should make the request to their supervisor to approve.
22. Any other act or omission deemed harmful or hazardous to the City, our property, our employees, our residents and/or our visitors.

Section 8.02 Drug & Alcohol Policy

8.02.1 Policy.

The use of unauthorized controlled substances by employees poses a significant danger to the health, safety and welfare of the employee and public. It undermines the public trust, adversely affects productivity, and is therefore prohibited. This policy includes post-accident/incident testing. To the extent that this policy does not conflict with union contracts or department drug & alcohol policies, this policy shall be administered for all City employees. This policy establishes "zero tolerance" of any level of alcohol or controlled substances (for the purposes of this Policy, "controlled substances" includes cannabis and cannabis-infused products). ZERO TOLERANCE specifically means that

no level of alcohol or unauthorized controlled substances is accepted for any employee of the City while on duty.

8.02.2 Purpose.

The purpose of this policy is to establish written procedures for conducting urinalysis/toxicology tests of all employees under the following conditions:

1. When there is a reasonable suspicion that an employee is under the influence of alcohol or is using an unauthorized controlled substance while on duty;
2. Post-accident testing; and
3. Alcohol/drug testing for all new employees.

8.02.3 Responsibility.

1. All department heads, supervisors and managers are responsible for the implementation of this policy.
2. The City is responsible for obtaining and approving the laboratory testing facility and testing procedures.
3. The fee for testing employees shall be paid for by the City.

8.02.4 Employment Testing; Reasonable Suspicion.

1. Reasonable suspicion exists if specific objective facts and circumstances warrant rational inferences that a person may be under the influence of alcohol, cannabis, or another banned substance. Illustrative, but not all inclusive, criteria of reasonable suspicion are:
 - (a) A pattern of abnormal conduct or erratic behavior; a dramatic decline in work performance; excessive sick leave usage;
 - (b) Information provided by a reliable and credible source which is independently corroborated by supervisory staff;
 - (c) Difficulty walking, slurred speech, needle marks, glazed stare;
 - (d) Observation, such as direct observation of use and/or physical symptoms of being under the influence of alcohol or a controlled substance; and
 - (e) Possession of alcohol or a controlled substance while on duty or while on City property.
2. If an employee believes that there is reasonable suspicion that another employee is under the influence of alcohol or a controlled substance, that employee should report their suspicion to their immediate supervisor.

3. If the supervisor believes that there is reasonable suspicion that an employee is under the influence of alcohol or a controlled substance, they must confirm their suspicion with the Department Head. If those suspicions are confirmed, the suspected employee will be immediately notified that a blood or urine sample will be required. The following procedures will be immediately taken:
 - (a) The employee shall sign a release and consent authorization form for the alcohol/drug testing information to be released to the City;
 - (b) The employee's refusal to take the alcohol/drug test shall be treated the same as a positive test result. If an employee leaves the premises after being advised by their supervisor of the above, it shall be considered "insubordination," and as if the employee had refused to submit to the test, which is a violation of this policy. The violation shall be considered "just cause" and treated in the same manner as a positive test result;
 - (c) Chain-of-custody documentation for the specimen shall be maintained by the doctor, collection facility and/or laboratory from collection to analysis to destruction. A copy of the results shall be forwarded to the City Administrator or their designee;
 - (d) The employee will be escorted by the supervisor to a designated collection facility or laboratory where a urine/blood sample will be taken by a medical professional. The test results shall be submitted to the City where they shall remain as confidential;
 - (e) Upon completion of the tests, the employee shall be transported to their residence at the City's expense. Under no circumstances shall an employee suspected of being under the influence of alcohol, cannabis or using drugs be allowed to leave the work site or the test site driving their own or a City owned vehicle. If there is reason to believe that a medical or safety issue might exist at the time of employee testing, the employee will be evaluated by a physician at the testing facility for medical clearance to return to their residence; and
 - (f) The employee shall remain on paid status until the results are received. If the test is positive, the employee will be notified and will be given the opportunity to present information that the positive result was the result of an over-the-counter or prescribed drug, or that special circumstances may have affected the test results.

8.02.5 Pre-Employment Testing.

The City of Berwyn reserves the right to require new hires to pass a pre-employment drug screening.

8.02.6 Post-Accident Testing.

1. Post-accident drug/alcohol testing for any employee operating a City owned vehicle is always required.
2. Testing must be done as soon as possible after the accident. Testing for alcohol must be done within two (2) hours and for drugs within thirty-two (32) hours after the accident.

8.02.7 Payment for Testing.

1. The City will assume all costs for testing outlined in this Policy.
2. If an employee tests positive for alcohol or any controlled substance, they may be terminated from their employment with the City or given the opportunity to resign.

8.02.8 Test Results.

1. All test results and related documentation will be treated confidentially and shall not be utilized by the City for any purpose other than employment matters.
2. Test results shall not be released to any other agency or to prospective employers of the employee without the written consent of the employee. Test results shall not be released to any law enforcement agency, except pursuant to a lawful subpoena or court order.

8.02.9 Disciplinary Action for Positive Test Results.

1. A positive test result for either alcohol or an unauthorized controlled substance will result in discipline up to, and including, immediate termination, or the City may accept the employee's resignation. The action described herein is not mutually exclusive of any other action that another agency may take.
2. Any violation of this Policy is considered "just cause" for termination.

8.02.10 Employee Assistance.

1. The City fully supports all assistance programs that are available and encourages employees who have alcohol and/or drug problems to seek these confidential services. These services play an important role by providing employees an opportunity to eliminate alcohol and drug use. These treatment centers will follow up with individuals during their rehabilitation and track their progress and encourage successful completion of the program. Information regarding the City's Employee Assistance Program (EAP) is found in Section 4.03 of this employee handbook.
2. Admittance to an assistance program is not a substitute for work rule violations.

(Ord. 99-50, passed 10-26-1999)

Article 9 Department of Information Technology (IT) Use and Security Policy

THIS POLICY IS NOT INTENDED TO LIMIT OR INTERFERE WITH ANY EMPLOYEE'S RIGHT TO ENGAGE IN PROTECTED OR CONCERTED ACTIVITIES AS DEFINED BY THE ILLINOIS LABOR RELATIONS ACT OR OTHER APPLICABLE LAWS. IN THE EVENT OF A CONFLICT BETWEEN THIS POLICY AND THE LAW, THE LAW WILL GOVERN.

Section 9.01 Introduction

The City of Berwyn provides employee access to information technology for the purpose of furthering the goals and objectives of the City.

The acceleration of technology has allowed the City to expand the base of employees using computers within the City. The ability of the City to operate effectively is very reliant upon the proper operation of its computers and the security and integrity of its data. Everything from telephone and voicemail to monitoring and managing our utilities is computer dependent. These facts, coupled with the power of the individual workstation and the ability to communicate with the world outside the City network, make it very important that management provide guidance on proper use of City computers and other IT equipment.

It is unquestioned that a well-trained work force properly versed in computer operating procedures and computer user security matters will have the best chance of minimizing business interruptions and potential litigation due to inappropriate, negligent, or unethical use of City computers. For this reason, we have created the City of Berwyn Information Technology Use and Security Policy. Please understand it is not our intention to encumber your use of the computer, but rather our fiduciary responsibility to protect the resources of the City. We believe this Policy accomplishes that with little to no hardship to you, the computer user and our valued employee.

Section 9.02 Purpose

The purpose of the Information Technology Use and Security Policy is to ensure the responsible and acceptable use of City technological resources. Adherence to the Policy will protect the City and its employees from liability and business interruptions due to inappropriate use of City computers and breaches of computer security.

This Policy summarizes many of the computer users' responsibility to safeguard computer and telecommunications equipment and information from accidental or deliberate unauthorized access, tampering, snooping, distribution, or destruction. It sets forth what is, and is not, appropriate use of City technological resources. Users may be disciplined for noncompliance with City Policy up to and including termination. This Policy does not purport to address every computer operating and security issue. It is your responsibility

to use sound judgment. Check with your supervisor if you identify an issue or situation that you are not certain how to handle.

Section 9.03 General Information

9.03.1 Applicability

For purposes of this document, the term 'computer user' is meant to include all full-time, part-time and seasonal City employees, elected officials, temporary employees, library staff, volunteers, and contractors. Computer users are responsible for the appropriate use of City computers and for taking reasonable precautions to secure the information and equipment entrusted to them. This Policy also applies to other technology resources in use around the City. Examples of these resources include fax machines, telephones, cellular phones, pagers, two-way radios, and other communication devices. The Policy also applies to new or emerging technologies and those not specifically named.

Employees are responsible for reporting inappropriate use of City computers and breaches of computer security and for assisting in resolving such matters. Users are responsible for adhering to City policies and practices as described herein and in other City policy manuals to ensure City computers are used in accordance with City policy guidelines. They are also responsible for ensuring that reasonable measures are taken to prevent loss or damage of computer information and equipment.

9.03.2 Computer Access

Access to City computers, as well as the level of access, must be authorized by each employee's supervisor. Access may be revoked any time at the discretion of the supervisor; or as security requires, by the Director of Information Technology. Users must utilize individual user accounts and passwords for accessing all City I.T. computer systems, unless otherwise approved by the Director of I.T. Employees will never share their network access with other employees and must keep passwords confidential. Two-factor authentication (2FA) may be required for computer access at the discretion of the Director of I.T.

9.03.3 Remote Access

Remote access (VPN) to City computers resources, electronic documents, or desktops, is prohibited without the authorization of the Director of I.T. and City Administrator. As necessary and with Department Director approval, employees are granted remote access to City email via Outlook Web Access (OWA) or their City-issued telephone. 2FA, Two-Factor Authentication controls must be in place for staff to receive remote access. City IT will oversee control over City's authentication control systems.

9.03.4 Password Access Program

The City's password access program is an excellent tool to defend against unauthorized access of City computers. However, a password access program is only effective when used properly.

Do not leave your computer logged on and unattended for an extended period of time. Do not log on to your system if someone can see you keying in your password. Report any irregularities flagged by the password access program (last login time and date, number of attempts to login, etc.) to your supervisor or to the I.T. Department.

9.03.5 Password Cracking

It is not uncommon for employees to try to figure out a friend or associate's password, just to see if they can. However, the same employee would never steal the key and go through your desk drawer, looking at everything and anything private and confidential. Yet, this is just what happens when passwords are cracked. Stay away from such activity. It is a serious violation of City Policy and could result in termination.

9.03.6 Password Selection and Protection

Select difficult passwords composed of numbers and letters combined. Do not use the names of loved ones commonly known to other employees. Change them regularly and protect them from snoopers. A lot of damage can be done if someone gets your password. Users will be held accountable for password selection and protection.

Do not share your password with anyone other than a supervisor or an I.T. Department technician. Do not write it down where someone can find it, do not send it over the Internet, Intranet, e-mail, or any other communication line.

All employees of the City are provided unique usernames and passwords which govern all access to City I.T resources. Sharing your username and password is prohibited and constitutes a direct violation of this Policy. Users are to use, and only use, their unique user ID and passwords accessing all City I.T resources. All City employee user account passwords expire after 90 days and must be reset to something unique. Complex password algorithms are in place to ensure "simple" passwords are prohibited.

If you have a question about password selection or safekeeping, please see your supervisor or an I.T. Department technician.

9.03.7 Computer Sabotage

Destruction, theft, alteration, or any other form of sabotage of City computers, telephones, network or telecommunications cabling, programs, files, or data is prohibited and will be investigated and prosecuted to the fullest extent of the law.

9.03.8 Hackers

Hackers frequently penetrate computer systems by calling unsuspecting employees representing themselves as new employees, supervisors, or other trusted individuals. Through a variety of probing questions they obtain information necessary for their invasive programs to do their work.

Never give any information about computer systems out over the telephone or in any other way to anyone but authorized personnel. If someone requests such information, get their name and phone number, and tell them you will get right back to them. Report the incident immediately to the Help Desk.

Using hacker programs and trying to access computer systems using hacker techniques is prohibited. Trying to hack into third party computer systems using City computers is prohibited and will be reported to the appropriate authorities. Hacker crimes result in millions of dollars of downtime, lost data, and other problems. If you are caught hacking, it is a serious offense. If you identify vulnerability in the City's computer security system, report it to the Director of I.T.

9.03.9 Harassment, Threats and Discrimination

It is City policy, and the law, that employees are able to work free of unlawful harassment, threats, and discrimination. Unlawful harassment is physical or verbal behavior directed towards an individual due to their race, age, marital status, gender, disability, religion, sexual orientation, or nationality for the purpose of interfering with an individual's work performance or creating an intimidating or hostile work environment.

It is not uncommon for employees to receive files, data, pictures, games, jokes, etc., that may be considered offensive by some. The computer is possibly the easiest tool for obtaining, storing, sharing, and disseminating to large audiences such material and viewpoints. Such activity is a serious violation of City Policy. It is inappropriate to use City computers to share your personal views about religion, politics, sexuality, or any other subject of a personal nature that could be considered offensive to others within or outside the City. City computers are not vehicles to express free speech.

Computers provide a huge potential for unlawful harassment. Users often think their communications are private, and trashed or deleted files are gone forever. However, deleted files are often easily recovered; and information on City computers is not necessarily private. Users often feel comfortable writing and storing files within the confines of their "personal" computer, and sharing personal views on a wide range of non-business subjects. Remember, whatever you transmit is a permanent record to the receiver. It can, at some future date, be taken out of context and used against you and the City.

9.03.10 Snooping

Snooping into City computer systems is a serious violation of City Policy. If you have no business being there, don't go there. If you accidentally identify a new way-to access information, report it to the I.T. Director. Watching other users enter information and looking at computer disks that do not belong to you are prohibited. Obtaining or trying to obtain other users' passwords or using programs that compromise security in any way are violations of City Policy. If you observe someone snooping, report it to your supervisor.

9.03.11 Unauthorized Access

Unauthorized access of City computers is prohibited. Unauthorized access of third-party computers using City computers is prohibited. Attempting to access City computers without specific authorization is prohibited. Any form of tampering, including snooping and hacking, to gain access to computers is a violation of City Policy and carries serious consequences. Employees are required to log off their computers at the end of the day and when not in use for an extended period of time. This will help prevent computer security breaches. In addition, computer users must take other reasonable precautions to prevent unauthorized access of City computers.

Department Directors have primary responsibility for the creation and maintenance of application data. These system owners shall be responsible for defining the security and integrity requirements of their data. They are primarily responsible for authorizing data access and ensuring adequate security, accountability, and control is employed to protect the data.

9.03.12 Viruses, Worms, and Trojan Horses

Data that has been exposed to any computer other than a City computer must be scanned before installation. This includes e-mail with attachments (a virus can quickly contaminate your computer simply by opening an e-mail attachment), downloads from the Internet, and other sources of data that may be contaminated. Viruses can result in significant damage and lost productivity. If you are uncertain whether data needs to be scanned before installation, call the Help Desk.

Use of virus, worm, or Trojan horse programs is prohibited. If you identify a virus, worm, or Trojan horse, or what you suspect to be one, do not try to fix the problem. Make notes as to what you observed and contact the Help Desk.

If you receive a virus warning, call the Help Desk immediately. Do not forward it to other computer users within the City. Many such warnings are hoaxes meant to do nothing more than alarm people and create large amounts of traffic on the network. If the I.T. Department technicians determine that the warning is valid they will take the appropriate steps to notify other users.

Ransomware is a type of malicious software that infects a computer and restricts users' access to it until a ransom is paid to unlock it. Ransomware variants have been observed for several years and often attempt to extort money from victims by displaying an on-screen alert. Typically, these alerts state that the user's systems have been locked or that the user's files have been encrypted. Users are told that unless a ransom is paid, access will not be restored. The ransom demanded from individuals varies greatly but is frequently \$200–\$400 dollars and must be paid in virtual currency, such as Bitcoin.

Protect yourself and learn how to report suspicious communications containing ransomware.

Backup regularly and keep a recent backup copy encrypted on a separate system.

There are dozens of ways that files can suddenly vanish, such as fire, flood, theft, a dropped laptop or even an accidental delete. Backup and be sure to encrypt your backups. If you are unsure if your system is being regularly backed up, contact the City I.T. Department.

Don't enable macros in document attachments received via email. Microsoft deliberately turned off the auto-execution of macros by default many years ago as a security measure. A lot of malware infections rely on persuading you to turn macros back on, so don't do it!

Do not open unsolicited email attachments. If you are unsure of an email or an attachment, don't open it. Forward suspicious emails and attachments to helpdesk@ci.berwyn.il.us or call us at extension 4357.

Don't log in as an admin unless it's needed. Don't stay logged in as an administrator any longer than is strictly necessary and avoid browsing, opening documents, or other "regular work" activities while you have administrator rights.

Review network file share permissions. System administrators should review file share permissions for users and groups, using the principle of least privilege. Damage to network file shares (e.g. departmental share) can sometimes be limited using strict permissions.

Stay up-to-date on software patches/updates. Malware that doesn't come in via document macros often relies on security bugs in popular applications, including Office, your browser, Adobe Flash, etc. The sooner you patch, the fewer open holes remain. If you are unsure if your system is being regularly patched, contact the City of Berwyn I.T Department.

Ransomware is commonly delivered via phishing emails that entice you to click on, download, or open a malicious file attachment. If you are unsure of the sender's origin or a questionable link appears, contact the helpdesk staff before clicking any link or opening any attachments.

9.03.13 Personal Use of Computers

During scheduled "break" times, incidental and occasional personal use of City computers is permitted for reasonable activities that do not need substantial computer hard disk space or other computer resources. Personal use of computers must not interfere with the employee's or any other employee's job duties or business activities. As a general rule, if you would be uncomfortable asking for permission, it is probably not an appropriate use of City computers.

Prohibited activities include, but are not limited to, computer games, personal software, and running a personal business on the side. Using City computers to store or transmit inappropriate jokes, junk mail, chain letters, or to solicit for commercial, religious, or political causes is prohibited. If you are uncertain about a specific activity, ask your supervisor. With regard to employee privacy, personal computer files will be treated as though they belong to the City.

Data produced or received for City purposes while you are employed by the City is considered the property of the City. All other data is considered personal property and should not be used on City computers without the consent of your Department Director and the I.T. Director.

9.03.14 Accidents, Mistakes and Spills

It is not hackers, snoopers, viruses, worms, or Trojan horses that cause the most damage to computers and information. Most data loss and damage to computers occurs at the hands of authorized users. Mistakes and accidents represent the biggest cost when it comes to computer information loss. We have all done it, deleted a file that we just spent hours creating, spilled coffee on the keyboard, or dropped the laptop on the floor. Take a few seconds to read the computer screen before you delete, save, or transmit files. In addition, users need to take reasonable precautions with respect to computer operations, maintenance, handling, and transportation.

Section 9.04 Administration

9.04.1 Back-up

Backing up files is key to productivity and safeguarding data against unwanted intrusions. Most City computers are attached to the network. If data is being properly stored on the network, backup is automatically handled by the I.T. Department.

If your computer is not attached to the network, you are responsible for your own backups. Important files should be backed-up daily.

All backed-up files should be stored on a secure computer disk or tape, other than the one containing the original data. The back-up disk or tape should be stored off site, preferably in a locked drawer or cabinet. All data stores on removable media, such as portable hard drives, USB drives, DVD/CD-R(w), etc. is not subject to backup and if lost, is not recoverable. Please ensure you take appropriate action to preserve and backup any data you opt to store on all removable media.

9.04.2 Copyright Infringement

The City does not own most of the computer software that it utilizes, but rather licenses the right to use software. Accordingly, City owned or licensed software may only be reproduced or modified by authorized I.T. Department personnel in accordance with the terms of the software licensing agreements. Unauthorized modifying, copying, redistributing, and republishing of copyrighted or proprietary material are strictly prohibited. Copyright laws apply to the Internet as well. Copyright infringement is serious business and the City strictly prohibits any such activity. If you have questions about copyright infringement, discuss it with the Director of the I.T. Department immediately.

Copies of shareware or "free" programs must be registered with the I.T. Department. Shareware and free software often have licensing and use restrictions and should not be copied or forwarded to others. Typically, if you continue to use shareware you must send

in a "donation," often of a specified amount, to the creator of the program. If you neglect to do so, you may have committed copyright infringement. If you provide the program to a friend, you may have violated copyright law. It is not unusual for "free" software to contain a virus. As such, it is important that all new software is purchased through and installed by the I.T. Department. Your Department Director and the Director of I.T must approve all requests for application programs.

Users are prohibited from installing software on a City computer without prior authorization from the I.T. Department. This specifically includes the downloading of software from the Internet. The purpose of this is to ensure the integrity of the network and managed workstations as well as ensuring City compliance with software licensing requirements.

9.04.3 Purchases of Computer Software and Equipment

All purchases of computer software and equipment are prohibited without approval from your Department Director. All computer software and hardware purchases must be made through the I.T. Department, meet pre-established quality requirements, and be compatible with other City computer software and equipment. Donated or confiscated equipment must be placed into service by the I.T. Department subject to current quality and compatibility guidelines.

The I.T. Department is responsible for maintaining appropriate procedures for tracking computer assets and licenses and maintaining proper security for all computer related resources.

9.04.4 Disposal of City Data and Technological Equipment

Dated information is only useful to individuals who should not have the data.

A word of caution, permanently removing a file from your computer is something you need to consider carefully before taking action. Recreating a file you did not intend to delete can be tedious and time consuming. Although the file probably exists on back up, it is not always practical for the technician to expend the resources necessary to find the file.

When a user or department no longer has use for a hardware or software component of an information technology resource, the component should be transferred to the I.T. Department. The I.T. Department will retain a repository of computer system components and will supply user/departments with available components as needed to avoid unnecessary purchases. The I.T. Department will also appropriately dispose of obsolete computer equipment.

9.04.5 Proprietary Information

City data, databases, programs, and other proprietary information represent City assets and can only be used for authorized City business. Use of City assets for personal gain or benefit is prohibited. Sharing, misappropriating, forwarding, copying or retaining any

of the City's confidential or proprietary information with unauthorized City personnel or third parties is prohibited.

9.04.6 Reporting Policy Violations

Employees are required to report violations, or suspected violations, of computer policy. Activities that should immediately be reported to your Department Director include, but are not limited to:

- Attempts to circumvent established computer security systems
- Use, or suspected use, of virus, Trojan horse, or hacker programs
- Obtaining, or trying to obtain, another user's password
- Using the computer to make harassing or defamatory comments or to in any way create a hostile work environment
- Using the computer to communicate inappropriate messages or jokes that may be considered offensive by others
- Illegal activity of any kind
- Trying to damage the City or an employee of the City in any way

Computer Policy violations will be investigated. Noncompliance with the City's employee computer Policy may result in discipline up to, and including, termination. Depending upon the nature of the violation, criminal or civil charges might also be filed. Employees that report violations or suspected violations of City Policy will be protected from termination, discrimination, harassment, and any other form of retaliation. Hackers, snoopers, password stealers, virus installers, data erasers, and anyone involved in such activity will be disciplined.

If you identify computer security vulnerability, you are required to report it immediately.

9.04.7 Termination of Employment

All information on City computers is considered City property. Deleting, altering, copying, or sharing confidential, proprietary, or any other information upon termination requires authorization from your Department Director. The computer you have been entrusted with must be returned with your password, identification code, and any other appropriate information necessary for the City to continue using the computer and information uninterrupted.

The following activity is prohibited upon termination and will be prosecuted to the fullest extent of the law:

- Accessing City computers

- Providing third parties, or anyone else, access to City computers
- Taking computer files, data, programs, or computer equipment

9.04.8 Unauthorized Changes to City Computers

Installing software and making changes to computer hardware, software, system configuration, and the like are prohibited. The City's computer systems have been designed and documented to prevent loss of data and provide an audit trail for correcting problems. Unauthorized changes to computer systems ultimately result in lost productivity. Such changes often require a computer technician to fix both the original problem and the problem caused by the would-be computer technician. Poor documentation of the procedures performed and the order in which they were completed further complicate unauthorized changes to computer systems.

You must get approval from the I.T. Department before making any changes to City computers.

Section 9.05 Confidentiality

Confidential information should only be used for its intended purpose. Using confidential information for anything other than its intended use is prohibited without prior approval from your Department Head.

All computer information is considered confidential unless you have received permission to use it. Accessing or attempting to access confidential data is strictly prohibited. Confidential information should only be used for its intended purpose. Using confidential information for anything other than its intended use is prohibited without prior approval from your Department Director and the I.T. Department.

9.05.1 Handling Confidential Information

Using confidential information stored on computers is typically more difficult to manage than traditional paper documents that are sealed in an envelope and locked in a filing cabinet clearly labeled CONFIDENTIAL. As such, it is important that users take extra care with confidential information stored on computers. The following are inappropriate under normal circumstances when dealing with confidential information:

- Printing to a printer in an unsecured area where documents may be read by others
- Leaving your computer unattended with confidential files open
- Leaving computer disks, CDs, or other media with confidential data unattended in easy to access places. Remember it only takes a minute to copy a disk
- Sending confidential information over the Internet, Intranet, dial-up modem lines, or other unsecured communication lines without approval from your Department Director

If you observe a document at a shared printer, or any other location, do not read it without permission.

9.05.2 Encryption

Encryption and encryption utilities are prohibited without the approval of your Department Director and the Director of I.T. If you need to send confidential or proprietary information over the Internet or other public communication lines you must obtain prior approval.

Section 9.06 Physical Security

9.06.1 Locks

Physical security is key to protecting your computer and computer information from loss and damage. Store floppy disks, CD-ROM, DVD-ROM, flash drives, external hard drives and other sensitive information in a secure location. Log off your computer when it is not in use for an extended period of time. Lock the door to your office or work area when leaving for the night. Take a few minutes to practice good physical security. Your investment of time will provide an excellent return and help prevent temptation by others.

For emergency access and maintenance purposes, the I.T. Department must have a duplicate of any key to a computer or docking station.

9.06.2 Laptops, Tablets, I-pads and other Devices

There is no sure way to secure all computer-based devices (tablets, I-pads, computers, laptops, etc). However, there are many sensible, cost-effective measures that can help reduce the risk of loss or damage. The following are required when taking these devices off City property:

- Report lost or stolen computers or other devices immediately (prior to end of the workday)
- All important files must be backed-up, and back-up disks must be stored in a separate physical location from the computer
- Confidential, important, and proprietary data leaving the facility requires authorization from your Department Director
- Use reasonable precautions to safeguard the laptop or other device against accidental damage or misuse
- When traveling, laptops and other computerized devices must be in sight at all times or physically secure
- Always store laptops and other devices in a protective carrying case

Unless otherwise approved by the IT department in writing, employees are prohibited from plugging all employee-equipment equipment (laptops, PC's, etc.) into the City network.

9.06.3 Off-Site Computers

Off-site users must take additional precautions to safeguard computer information and equipment, including but not limited to:

- Safeguarding the computer and information from theft or damage
- Prohibiting access to the computer (including family, friends, associates, and others) for any purpose without authorization from your Department Director
- Adhering to all computer policies and practices of the City for on-site users
- Remote access to City resources, equipment, information and desktops is prohibited unless approved by the Director of I.T & Mayor

Section 9.07 Privacy

9.07.1 Monitoring Computer Communications and Systems

Many people think data stored on computers, transmission of data between individuals on dial-up modem lines, communications on the Internet, and e-mail are private, and in most cases they are. However, the City reserves the right, without prior notice, to access, disclose, use, or remove both business and other computer communications and information, and will do so for legitimate business purposes.

IMPORTANT: Random audits to verify that City computers are clear of viruses and used in accordance with City policy will be performed. The City will investigate complaints about inappropriate images on computers, inappropriate e-mail, or other inappropriate conduct. The City will monitor Internet activity to see what sites are frequented, duration of time spent, files downloaded, and information exchanged. Again, computer systems and information are City property and should be used principally for business purposes.

It is not management's intention to be "Big Brother." However, it is management's fiduciary responsibility to:

- Establish and enforce policy to help prevent the violation of personal rights and illegal acts
- Reduce the risk of liability and business interruption to the City
- Maintain a professional work environment where computer abuse will not be tolerated

Section 9.08 Website Privacy Policy

9.08.1 Privacy Policy & Notices

This notice is provided to help you better protect your privacy by explaining the City of Berwyn's online information practices and the choices you can make about the way your information is collected and used. To make this notice easy to find, we make it available on the City of Berwyn website homepage and at every point where personally identifiable information may be requested.

While we encourage the interactive nature of online media, it is our policy to create website content that requires minimum collection of information from our visitors.

- Generally, we limit the personally identifiable information to only that which is reasonably necessary to provide proper service and/or response.
- The City of Berwyn accepts email, online form submissions, written, and verbal communications from anyone and/or any organization. These communications may be shared within the government, and may, depending on the subject matter, be retained in agency files. Sharing of these emails or form data is generally limited to those individuals who are responsible for or with oversight of the subject matter contained in the email. Emails received are not used to create a master list for unsolicited contacts by the City of Berwyn. Information from the City's files is subject to information requests made under the Freedom of Information Act and as otherwise required by law.
- The City of Berwyn never sells, markets, trades or otherwise shares personally identifiable information with any third party.

9.08.2 Log Data

If you visit this site the City's web server, it collects and stores: the name of the domain and host from which you access the Internet (for example, aol.com or princeton.edu); the Internet protocol (IP) address of the computer you are using; the browser software you use and your operating system; the date and time you access our site; and the Internet address of the website from which you linked directly to our site. We use this information to measure the number of visitors to the different sections of our site, and to help us make our site more useful. Generally, we delete this information after one year. The City of Berwyn does not link the log data collected to the personal information that users submit online when participating in our activities.

9.08.3 Disclaimer/ Terms and Conditions of Use

This Web site was created and is maintained by the City of Berwyn, Illinois, and is intended to be a non-public forum, the purpose of which is to provide access to local government departments, services, programs and information. The user assumes the entire risk related to use of this data. In no event will the City of Berwyn be liable to the

user or to any third party for any direct, indirect, incidental, consequential, special or exemplary damages or lost profit resulting from any use or misuse of this data.

There shall be no use of the City of Berwyn's seal, logos, designs, slogans, images, trademarks or service marks contained in this site without specific, written permission from the City of Berwyn. Berwyn staff provides information to the City of Berwyn's website. While we try to keep it accurate and up-to-date, we cannot guarantee that it always will be entirely current. If you see something that should be corrected or updated, please contact us via email. Be sure to give the full URL of the document in your message, as well as provide notification to the I.T. Department.

9.08.4 Links to Other Sites

This site contains links to other sites and servers. The City of Berwyn is not responsible for the privacy practices or the content of such Web sites. Once you link to another site, you are subject to the privacy policy of the new site. The appearance of external links on this site does not constitute endorsement by the City of Berwyn of external web sites or the information, products or services contained therein.

The City of Berwyn believes there are reasonable and desirable needs for links to Web sites outside the span of control of the municipality, when these sites help further the goals of the City by providing useful government-related information. Links are provided to web sites that fall under the following guidelines:

- Web sites owned and operated by local, state, federal government and educational agencies.
- Web sites owned and operated by utilities that serve the residents of the City of Berwyn and by franchise are granted such authority.
- Web sites of organizations that receive direct financial support from the City as partners in pursuit of governmental purposes.
- Web sites of hospitals located in Berwyn providing emergency public services.

To ensure the continued government related purposes of the City of Berwyn's website, links generally are not provided to any other for-profit business or non-profit organization not meeting the above criteria, nor any for-profit web site or web site containing advertising. In order to avoid the appearance of City endorsement of, or involvement with, political content, links are not made to sites that are associated with, sponsored by or serving a candidate for elected office, or any political party or organization supporting or seeking to defeat any candidate for elective office or ballot proposal.

9.08.5 Questions and Concerns?

If you have any questions, comments or concerns regarding the privacy policy and/or practices of City of Berwyn's website, please contact the I.T. department at 708-788-2660.

Section 9.09 External Communications

9.09.1 *Internet Connections*

Internet connections are authorized for specific business needs. Connection to the Internet without your supervisor's authorization is prohibited. Such use is a privilege that may be revoked at any time if abused. Furthermore, the following activities are prohibited without the authorization of your Department Director & Director of I.T.

- Accessing the Internet by intentionally bypassing the firewall
- Downloading information of any kind, including data, files, programs, pictures, screen savers, streaming video or audio, and attachments, that is not directly required based on the nature of your position within the City
- Exploring the Internet for profit
- Establishing communications with third parties
- Forwarding or transmitting information to third parties or employees for reasons other than City business
- Copying programs, files, and data
- Transmitting important, confidential, or proprietary information
- Speaking on behalf of the City

Individuals that have received management approval to transmit information on the Internet should understand that such transmissions are identifiable and attributable to the City. Disclaimers such as "The opinions expressed do not necessarily represent those of the City," while a good idea, do not necessarily relieve the City of liability. The Internet should be considered a public forum for all transmissions. All communications on the Internet provide an opportunity for a permanent record and can be edited and retransmitted. Accordingly, maintain a professional decorum in all communications and transmissions.

The following actions are prohibited under any circumstances:

- Portraying yourself as someone other than who you are or the City you represent
- Accessing inappropriate web sites, data, pictures, jokes, files, and games
- Inappropriate chatting, e-mail, monitoring, or viewing
- Harassing, discriminating, or in any way making defamatory comments

- Transmitting junk mail, chain letters, or soliciting for commercial, religious, or political causes
- Gambling or any other activity that is illegal, violates City policy, or is contrary to the City's interests
- Accessing video sites for entertainment purposes

9.09.2 Filters

The City reserves the right to identify and block Internet content that is inconsistent with the goals of the City. Materials that may reasonably be construed to be obscene, disruptive, or harmful to the working environment and security may be blocked. Since no filtering mechanism is capable of blocking all objectionable content, however, computer users must adhere to the guidelines stated herein and refrain from viewing, displaying, sending, receiving, storing, or printing all such materials.

9.09.3 Subscriptions

Use of subscription-based services without approval from your Department Director is prohibited. Some Internet sites require that users subscribe before being able to use them. Users should not subscribe to such services without prior approval. Resources, of any kind, where fees are assessed may not be accessed without prior approval.

9.09.4 Surveys

Participation in web-based surveys without authorization from your Department Director is prohibited. When using the Internet, the user implicitly involves the City in their expression. Therefore, users should not participate in Web or E-mail surveys or interviews without authorization.

9.09.5 Third Parties

The same standards of decorum, respect, and professionalism that guide us in the office environment, apply to computer communications with third parties. Important, confidential, and proprietary information is stored on City computer systems. Accordingly, only City personnel are allowed access to the City's computer systems without written authorization from your Department Director. Your Department Director must approve computer data and other information received by, or provided to, third parties. Please keep in mind that third parties may have a legitimate business need, duty, legal right, or obligation to access, disclose, or use information transmitted.

9.09.6 E-mail

E-mail is provided by the City to assist in the conduct of City business. All messages composed, sent, or received on the electronic mail system are and remain the property of the City. They are not the private property of any employee. E-mail should never be considered confidential.

Incidental or occasional use of e-mail for personal reasons is permitted. Such use is a privilege that may be revoked at any time if abused. Only City personnel are allowed access to the City email system. The following e-mail activity is prohibited:

- Accessing, or trying to access, another user's e-mail account
- Obtaining or distributing another user's e-mail account
- Using e-mail to harass, discriminate, or make defamatory comments
- Sending inappropriate e-mail to third parties. Any message containing sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious, or political beliefs, national origin, or disability is considered inappropriate.
- Transmitting City records within, or outside, the City without authorization from your Department Director.
- Transmitting junk mail, chain letters, or soliciting for commercial, religious, or political causes
- Sending or receiving copyrighted materials, trade secrets, proprietary financial information, or similar information without authorization from your Department Director.

Employees are required to report inappropriate use of e-mail to the I.T. Department.

Appropriate e-mail etiquette is essential to maintaining a productive and professional work environment. Comments that might be made at parties, in elevators, and on the telephone are now done via e-mail. However, e-mail can be widely, easily, and quickly disseminated. E-mail can be edited, forwarded, distributed, and filed for later use, possibly at the most inopportune time. For professionals with electronic recovery skills, e-mail is a gold mine. If you would not put it in a memorandum on City letterhead, do not say it with e-mail!

9.09.7 Forwarding Information

E-mail makes attaching files and forwarding data a snap. However, the damage from forwarding something to the wrong person may be serious. Please take a minute to think through the appropriateness of all the parties to whom you are forwarding. If you receive an e-mail (particularly an e-mail with an attachment) and intend to forward it to others, consider the following:

- Is any of the information unnecessary or inappropriate for any individual?
- Would the author take exception to, or be embarrassed by, your forwarding the information? (A good rule of thumb is to copy the author.)

- Might the information be received negatively?
- Might the information be misunderstood?
- Is the receiver likely to forward the information to individuals that should not have, or do not need, the information?
- Do the attachments have viruses?

If the answer to any of these questions is yes, do not forward the information. A bad decision may only result in misunderstanding, hurt feelings, and added work. When in doubt, please contact the IT Department prior to sending your communication.

Forwarding City e-mail to a personal or private account is prohibited without the consent of your Department Director and only for business purposes.

9.09.8 Spam

Sending unsolicited messages or files to individuals, groups or organizations that you do not have a prior relationship with is prohibited without authorization from your supervisor. Sending messages or files with the intent to cause harm or damage to the intended receiver is a violation of City Policy and will be prosecuted to the full extent of the law.

Global messages to City e-mail recipients such as “City Access” is prohibited without the consent of your Department Director.

9.09.9 Social Media Policy

This Policy governs the use of social media by all City employees, whether full-time, part-time, or seasonal. For purposes of this Policy, social media is defined as Internet or mobile digital tools and systems used to share and/or receive information. This Policy covers employee conduct on, among many other things, internet blogs, message boards, and various social media websites such as Facebook, Linked-In, Instagram, Snapchat, Twitter, and YouTube.

Nothing in this policy shall prohibit or infringe upon any communication, speech or expression that is protected under state or federal constitutions, the Illinois Public Labor Relations Act, or any other applicable law.

The City recognizes that its employees may use social media as a method for communicating ideas and information. However, employees should recognize the potential for damage caused (either directly or indirectly) to the City in certain circumstances via your personal use of social media when you can be identified as a City employee. Accordingly, you should comply with this policy to ensure that risk of such damage is minimized.

You are personally responsible for the content you publish in a personal capacity on any form of social media platform. Remember that all posts are public and often permanent.

When in doubt, you should seek guidance from your Department Head on how to comply with this Policy. The City reserves the right to read what you write or say publicly and make a determination if it meets this Policy.

Prohibited Conduct

1. Employees are prohibited from engaging in the use of social media for reasons falling outside of their job responsibilities during working time. For purposes of this Policy, “working time” means those times when employees are required to be engaged in work-related tasks and does not include time before or after the workday, authorized break times, or mealtimes.
2. Employees are prohibited from disclosing confidential information relating to the City. For purposes of this policy, confidential information includes, but is not limited to, nonpublic information about the City, its employees, or other individuals that would not be subject to disclosure under the Illinois Freedom of Information Act and other information that, if disclosed, would violate any law or court order. Questions about whether information constitutes confidential information should be directed to the City Administrator.
3. Employees are prohibited from utilizing any City logos, trademarks, copyrights, or other images associated with the City when using social media for reasons falling outside of their job responsibilities if doing so would reasonably create the impression that the information utilized is sponsored or sanctioned by the City.
4. When using social media for reasons falling outside of their job responsibilities, employees are prohibited from making any statements that would give the impression that the views they have expressed are the opinions of the City. If there may be the potential for confusion on this issue (for example, if the individual making the statement is identified as an employee of the City), employees are expected to include a disclaimer stating that the views being expressed are personal and do not necessarily reflect the views of the City.
5. Employees are prohibited from communicating about the City and its employees, citizens, vendors, contractors, or suppliers in a manner that is vulgar, obscene, threatening, intimidating, harassing, libelous, or discriminatory on the basis of race, color, religion, sex, gender, gender-identity, gender-expression, sexual orientation, genetic information, national origin, age, physical or mental disability, pregnancy, childbirth (or common conditions related thereto) ancestry, marital status, military status, arrest record, unfavorable discharge from military service, order of

protection status, citizenship status, or any other characteristic protected by federal, state, or local law. Additionally, employees are prohibited from making statements that they know to be false about the City, its employees, or any third party.

Violations of this Policy may result in disciplinary action up to and including termination of employment. The City will not tolerate retaliation against any employee who reports, in good faith, a possible violation of this Policy or who cooperates in an investigation relating to a violation of this Policy.

Section 9.10 Local Area Network

All important, confidential, or proprietary information must be stored on the LAN. Storing information on your desktop computer is prohibited without authorization from your supervisor. The LAN is equipped with electronic and physical security. Activity on the network is monitored for tampering and other security breaches. Maintenance and back up are performed on the LAN daily; and programs and other information are updated regularly. Use the LAN! It is safe, effective, and reliable.

Because important, confidential, and proprietary information is stored on the LAN, only City employees are allowed access without written authorization from a Department Director. All City policies apply to the LAN.

The following activities are prohibited, without authorization from the Director of I.T.:

- Installation of business or personal software on the LAN
- Making any changes to the LAN hardware or software
- Exceeding authorization to LAN programs, data, and files
- Assisting anyone within, or outside, the City in obtaining access to the LAN

Section 9.11 Glossary of Terms

9.11.1 Computer Information

Data, software, files, and any other information stored on City computers and systems.

9.11.2 Encryption

The process of turning plain text into cipher text by applying an algorithm that rearranges or changes its input into something unrecognizable.

9.11.3 Firewall

A specifically configured system that serves as a secure gateway between an outside network (e.g., the Internet), and the organization's internal networks.

9.11.4 Hacker

Slang for an individual intensely absorbed with and/or extremely knowledgeable about computer hardware and software. Also used to describe those who break into and corrupt computer systems. (Hacker is used here to describe those who break into and corrupt computer systems.)

9.11.5 Instant Messaging

A method of linking people together electronically for the purpose of real-time communication.

9.11.6 Internet

A group of networks connected via routers.

9.11.7 LAN

A set of connections between computers that provides the basis for electrical transmissions of information, generally within a small geographical location to serve a single organization.

9.11.8 Login

A start-up file stored in the user's directory. This file is used to execute commands that should only be executed at login time, such as establishing the terminal type and starting windows systems.

9.11.9 2FA

Short for Two-factor authentication: (2FA) is a second layer of security to protect an account or system.

9.11.10 Server

A computer or device that administers network functions and applications.

9.11.11 Spam

Many copies of the same unsolicited message sent to newsgroups or via email intended to force the message on people who would not otherwise choose to receive it.

9.11.12 Third-Party Computer

A computer that does not belong to the City. In this instance the employee and the City are the first two parties.

9.11.13 Ransomware

A program that masquerades as something it is not, usually for the purpose of breaking into an account or exceeding commands with another user's privileges, and uses encryption to lock data, requiring "ransom" to be paid in order to receive the decryption key.

9.11.14 Virus

A set of instructions that can reside in software and can be used to destroy other files or perform other tasks with another user's privileges.

9.11.15 Web Site

A server computer that makes documents available on the World Wide Web. Each web site is identified by a host name.

9.11.16 Worm

A program that propagates by replicating itself on each host in a network, with the purpose of breaking into systems.

Article 10 Media Relations Policy

Section 10.01 Goal

The City of Berwyn seeks to work cooperatively with the media to disseminate information of public interest and concern in an accurate, complete and timely manner.

Section 10.02 Policy

1. To achieve the City's goal, the City Administrator is designated as the City Public Information Officer ("City PIO") and shall be responsible for the implementation of this Policy. When the City PIO is unavailable, they shall designate one of the authorized City spokespersons as the acting City PIO.
2. All media calls are to be treated as important calls, and we must ensure that we respond to the journalists' enquiry and/or interview request in a timely and informative way. Any media inquiries received by City staff will be referred immediately to their Department Director who, in turn, will immediately forward the contact to the City PIO for response.
3. It is important not to respond to any questions on the initial call.

The person taking the call should say:

- “I’m not the best person to talk to, but I will arrange for the right person to call you back.” OR
- “I am not an expert in this area, but I can get someone to call you back.”
- For spokespeople – “I am busy, but will call you back as soon as possible”

The person taking the call must ask:

- What is your name?
- What publication are you calling from?
- When is your deadline?
- What information are you looking for and what is the topic of the interview?
- What is your phone number?

Once you have this information, tell the journalist that a spokesperson will call them back as soon as possible.

4. When contacted by the City PIO for information needed to respond to a media inquiry, all Department Directors shall immediately provide the City PIO the most accurate and complete information available for the response.
5. If the City PIO determines that the City’s goal can best be achieved by having someone with more background or expertise speak for the City on a particular topic, they may designate one of the authorized spokespersons to assist with or give the City’s response.
6. To assure that the City’s elected officials have accurate, complete and timely information to fulfill their responsibilities to represent the public in City affairs, they shall be informed by email of the substance of significant media inquiries and of the City’s official response.

Section 10.03 City Spokespersons

Authorized City spokespersons that the City PIO, in their judgment, may designate for a particular response are:

The Mayor and City Council members
The City Attorney
All Department Directors
The Police Public Information Officer (“Police PIO”)
The Fire Public Information Officer (“Fire PIO”)
City employees with expertise on a specific issue

Section 10.04 Records Requests

1. Media requests for records will be handled in accordance with this Policy, to the extent it is consistent with the Illinois Open Records Act (5 ILCS 160/1) and Illinois Criminal Justice Records (20 ILCS 3930).
2. The City PIO will be notified of all media records requests.
3. Media requests for records shall be made in writing on the Freedom of Information Act form and delivered to the City Clerk. A copy of all records provided to the media in response to the request shall be attached to the completed form and archived by the City Clerk after disseminating to the City PIO.
4. The records produced in response to media requests shall be readily available for public viewing upon request.

Section 10.05 Privileged and Private Information

1. The vast majority of the records and affairs of the City of Berwyn are public information which citizens, including the press, have the right to know. All public information should be provided to the press upon request without unnecessary delay.
2. Some matters, however, like ongoing investigations, information regarding litigation or the threat of litigation, personnel issues, real estate transactions, medical and mental health matters, private data regarding citizens, documents in draft form, to name a few, are governed by privileges and laws intended to advance important public policy goals.
3. When a media request for an interview or for records appears to involve a subject matter that may be privileged or private, the City PIO or City Clerk should consult with the City Attorney. The City Attorney will review the request and provide counsel to staff.

Section 10.06 Personal Points of View

1. It is recognized that all employees have the right to express their personal points of view regarding matters of general public concern.
2. However, personal points of view may conflict with the City's official policy.
3. Therefore, City employees who write letters to the editor may not use official City stationary. If an employee chooses to identify themselves as a City employee in a letter or email to the editor, they must state that the views set forth in the letter do not represent the views of the City but are the employee's personal opinions.

4. A similar disclaimer must be given if an employee addresses a public meeting, participates in a radio talk show, or is interviewed for radio or television, unless the employee has been designated by the City PIO as a spokesperson for the City.

Section 10.07 City Initiated Information

1. Proactive media contact on behalf of the City is processed through the City PIO – this includes press releases, media advisories and personal contacts with reporters and editors for coverage.
2. Departments seeking publicity for events or activities, or needing to collaborate with the media to communicate important information to the public, will coordinate with the City PIO.

Section 10.08 Public Safety Issues

1. Because the Berwyn Police Department (“BPD”) and Berwyn Fire Department (“BFD”) operate 24/7 and their work generates a high volume of media calls, they shall designate fire personnel and police personnel as BPD and BFD Public Information Officers or BPD PIO’s and BFD PIO’s and follow specific guidelines when releasing information as illustrated herein.
2. When the City PIO is notified by a City staff member of a media call regarding a police investigation or general criminal activity, the City PIO will immediately work with the BPD PIO for the appropriate response.
3. When the City PIO is notified by a City staff member of a media call regarding a fire investigation, the City PIO will automatically work with the BFD PIO for the appropriate response. All information released to the media by either the BPD PIO and/or BFD PIO should be reviewed by the City PIO who will forward the information by email to elected officials.
4. Media inquiries concerning matters of police/fire personnel, general police/fire policies and procedures, or in any way reflecting upon the competency or integrity of police/fire personnel or police/fire administration will be routed to and handled directly by the City PIO as provided in this policy.
5. In law enforcement situations, on-scene requests for media interviews will be referred to the BPD PIO. The City PIO may write and distribute press releases based on information provided by the on-scene BPD PIO.
6. In fire and EMS situations, on-scene requests for media interviews will be referred to the BFD PIO. The BFD PIO will notify the City PIO if an interview was conducted. The City PIO may write and distribute press releases based on information provided by the BFD PIO.

7. In combined law enforcement/fire/EMS situations, only one person will speak on behalf of the City as determined by the City PIO.

Section 10.09 Crisis or Emergency Issues

During a crisis or major emergency (i.e. flooding, tornado, mass casualty incident, etc.), the procedure for communicating with the media is highlighted in the City Emergency Plan. The plan designates the City PIO as the main point of contact for the media. The City PIO will be assisted by alternates, including the BPD PIO and BFD PIO to prepare and disseminate emergency public information.

RECEIPT OF PERSONNEL EMPLOYEE HANDBOOK

I have received a copy of the City of Berwyn Employee handbook (“Employee Manual”). I understand that the Employee Manual contains a summary of some benefits and policies and that the City reserves the right to change, modify or delete rules, policies and benefits contained in the Employee Manual. I agree to abide by the rules and regulations contained in the Employee Manual and with any revisions made thereafter. I also understand that any delay or failure by the City to enforce any City Policy or rule will not constitute a waiver of the City's right to do so in the future.

I understand that neither this Employee Manual nor any other communication by a management representative, whether oral or written, is intended in any way to create a contract of employment. Since employment with the City of Berwyn is voluntarily entered into, I am free to resign at any time. Similarly, the City of Berwyn may terminate the employment relationship whenever it believes it is appropriate. In the event of a conflict between this Employee Manual and a specific provision of the collective bargaining agreement, the collective bargaining agreement will govern.

I am aware that the City has the right and responsibility to take reasonable steps to inspect and review any items, materials or communications that are made with City equipment or on City time. Therefore, I acknowledge that I have no expectation with respect to the privacy of such communications. Finally, I acknowledge and understand that nothing in this Employee Manual or this Receipt is intended to diminish my rights to engage in free speech or other forms of communication that are protected by law, including the right to engage in lawful protected or concerted activity under the Illinois State Labor Relations Act.

Date

Signature

[Return to the Office of the City Administrator and Copy in Employee Personnel File]