



## **Edwardsville Township Personnel Policy**

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## **CHAPTER 1      INTRODUCTION**

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### **SECTION 1.1      WELCOME**

Welcome to Edwardsville Township!

We are excited to have you as part of our progressive team. You were hired because we believe you can contribute to the achievement of excellent public service and share our commitment to our mission statement.

Edwardsville Township is committed to distinctive and unparalleled customer service in all aspects of our constituency. As part of the team, you will discover that the pursuit of excellence is truly a rewarding aspect of your career with Edwardsville Township. As a team member, you must "own" the results of your productivity.

This personnel policy manual contains the key policies, goals, benefits, and expectations of Edwardsville Township and other information you will need as part of our team.

The success of Edwardsville Township is determined by our success in operating as a unified team. We have to earn the trust and respect of our citizens every day in order for the citizens to make the decision to trust our services. There are no magic formulas. Our success is guaranteed by creative, productive employees who are empowered to make suggestions while thinking "outside the box." Your job, every job, is essential to fulfilling our mission to "provide distinctive quality and unparalleled customer service" every day to more people who "trust and respect" us.

The primary goal at Edwardsville Township, and yours, is to live our mission statement and continue to be a leader in public service. We achieve this through dedicated hard work and commitment from every employee. It is the desire of Edwardsville Township, from top to bottom, to have every employee succeed in their job and assist in achieving our goals.

You should use this manual as a ready reference as you pursue your career with Edwardsville Township. Additionally, this manual should assure good management and fair treatment of all employees. At Edwardsville Township, we strive to recognize the contributions of all employees.

Welcome aboard. We look forward to your contribution.

Sincerely,

Township Supervisor

Township Assessor

**SECTION 1.2            APPLICATION AND SCOPE**

The Personnel Policy Manual is a statement of policies and procedures to be followed by employees of Edwardsville Township.

The Personnel Policy Manual applies to all full-time employees of Edwardsville Township. A full-time employee for Edwardsville Township is defined as an employee working 35 or more hours per week on a regular basis.

This manual applies to part-time employees, including but not limited to seasonal workers and unpaid interns. However, employee benefits apply only to full-time employees, unless otherwise provided by separate agreement.

This manual also applies to all elected officials and other appointed positions where applicable and permitted by state and federal law.

Any agreements or assurances governing the economic terms (e.g. salary and benefits) during an employee's tenure of employment must be in writing and signed and approved by the Township. All employees are employees at will. An employment at will relationship is one which has no specific duration, and such relationship may be terminated at will by either the employer or the employee for or without cause. It is each employee's responsibility to read and abide by all rules and regulations, policies and procedures in the manual.

**SECTION 1.3            CONFORMITY AND SEVERABILITY**

All provisions of the Personnel Policy Manual must conform to state and federal law, and the Codified Ordinances of Edwardsville Township.

If any section, paragraph or provision of this Personnel Policy Manual shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section paragraph or provision shall not affect any of the remaining provisions of this manual.

**SECTION 1.4**

**EMPLOYEE ACKNOWLEDGEMENT FORM**

I, the undersigned employee, hereby acknowledge that I have received a copy of the Personnel Policy Manual for Edwardsville Township. I understand that I am to become familiar with the contents of the manual, as it outlines my responsibilities, benefits, and Township employment policies. I have had the opportunity to ask questions about its content.

I understand that this manual represents only current policies, regulations and benefits, and that the Township may make changes in the manual at any time. Edwardsville Township has advised me that neither this manual nor any other policy or form shall be construed as an express or implied contract concerning my employment with the Township nor do they create any rights in the nature of any employment contract. I understand that this manual is not all-inclusive, and that depending on my position within the Township, other additional policies and regulations may apply to my employment.

The Township retains the sole right to modify, suspend, interpret, or cancel in whole or in part, at any time, and with or without any notice, any of the published or unpublished policies or practices.

I understand that this manual supersedes and cancels all prior employment practices and agreements, whether written or oral, unless expressly stated in this manual.

EMPLOYEE'S NAME (printed): \_\_\_\_\_

EMPLOYEE'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

One signed copy of this form shall be retained by the Township in the employee's personnel file, and an additional copy shall be provided to the employee with his/her copy of the Personnel Policy Manual.

## **CHAPTER 2                    TERMS OF EMPLOYMENT**

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### **SECTION 2.1                    EQUAL EMPLOYMENT OPPORTUNITY POLICY**

It is the Township's intent and policy to treat all employees and applicants for employment equally, without discrimination, and without regard to race, color, age, religion, sex, national origin, sexual orientation, disability or veteran status.

1. The Township is committed to a policy of equal opportunity for all persons. Each department shall adhere to procedures that promote equal opportunity in all areas of Township government, including employment.
2. Each Township employee shall remain mindful of the Township's citizens who are in legally protected groups.
3. All positions of employment with the Township shall be advertised openly for a length of time sufficient to allow interested individuals to apply. Advertisements shall be placed in media most likely to reach members of legally protected groups, including, but not limited to, a publication of general circulation in Edwardsville Township. Notwithstanding the above, the Township may promote an existing employee to a vacant position without prior advertisement of said position.

### **SECTION 2.2                    APPLICATIONS**

An application for employment must be completed by all persons seeking employment with the Township. All forms shall be approved by the designated Township Supervisor's Office individual. Employment applications may require personal information, including but not limited to: education, experience, references, and information regarding skills or certifications required for specific positions. Discovery of false information on an employment application is grounds for termination at any time, regardless of the length of time the employee has been employed with the Township.

### **SECTION 2.3                    EXAMINATIONS**

Examinations may not be required except where specifically stated by these rules.

Examinations may be given to fairly test the abilities and aptitudes of candidates for the duties to be performed.

Pre-employment tests may include criminal and financial background checks, written, oral, physical, psychological, drug screening\*, or performance-based tests provided they examine the applicant's ability to perform the functions or duties of the job. Employment is contingent upon successful completion of all tests.

- \* Drug screenings will include a panel screening which test for and are limited to: Alcohol, Amphetamines, Cocaine, Marijuana, Phencyclidine and Opiates.

For employees who are required to drive or operate equipment, which requires a valid driver's license, driving records and license validity may be checked periodically.

## **SECTION 2.4 SELECTION**

Selections for non-competitive examination positions will be based upon merit, experience, and training. All candidates for a position will be rated fairly with the best qualified individual gaining employment.

The employing department is responsible for verifying the applicant's employment experience, education and skills before extending a job offer to the applicant.

By federal law, each new employee must, within the first three days of employment, complete and sign an INS (Immigration Naturalization Services) Form I-9 and show proof of identity and eligibility. The new applicant must also complete W-4 State and Federal Tax forms, insurance forms, and the employee acknowledgement from the Personnel Policy Manual and any other necessary employee benefit forms.

If the applicant knowingly makes a false statement on the application form; cannot legally hold the position; offers money, service, or anything of value to win favor during the application process, he or she may be disqualified. Finally, if the prospective employee does not meet the physical requirements when tested, they may be disqualified.

## **SECTION 2.5 DISQUALIFICATION**

Applicants may be disqualified from Township employment for the following reasons:

1. Applicant is found lacking in any of the established preliminary requirements of employment.
2. Applicant is physically unable to perform the functions or duties of the position.
3. Applicant is addicted to the habitual use of narcotics or intoxicating beverages.
4. Applicant has been convicted of a felony, or of a misdemeanor involving moral turpitude, or excessive number of minor violations.
5. Applicant has been dismissed from any employment for good cause.
6. Applicant has attempted to practice any deception or fraud in the employment application.
7. Applicant character and or employment references are found to be unsatisfactory.

## **SECTION 2.6 RESIDENCY**

Residents of the Township may receive preferential consideration for employment, if all other employment qualifications are equal.

## **SECTION 2.7 ANTI-NEPOTISM**

It is the policy of Edwardsville Township that no person be employed by the Township in any position which places such person under the administrative supervision of another employee to whom such person is related as father, mother, brother, sister, uncle, aunt, husband, wife, son, daughter, niece, nephew, grandparents, such persons

related by marriage, or any relationship that could create unfair favoritism, personal conflict, or nepotism in the workplace.

For purposes of this policy, a person is under the administrative supervision of his or her immediate supervisor and also of supervisors at higher levels within the organizational lines of the particular department or areas of employment.

## **CHAPTER 3      EMPLOYEE CLASSIFICATION AND COMPENSATION**

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### **SECTION 3.1      EMPLOYEE DEFINITIONS**

For the purposes of this manual, the following definitions shall apply:

**Employer** – the term employer means the government of Edwardsville Township-

**Employee** – the term employee means any person in the service of the Township, including an authorized volunteer. A contractor or one employed by a contractor who has contracted with the Township is not considered an employee of the Township. An elected official is not an employee whose personal rights are affected by the manual.

**Department** – the term department shall be defined as any unit of Township government that:

1. Has as its executive officer an elected public official or appointed public official; and
2. Has been designated under the Township budget of monies with one or more authorized accounts providing, among other expenses, for salaries.

**Elected Official** – the term Elected Official means a Township elected public office holder. An Elected Official is the one individual ultimately responsible for all operations of his/her office unless specifically indicated otherwise in this manual. The Department Head may designate a representative as being responsible for carrying out the immediate functions as enumerated in this manual, and that representative, upon designation, shall be considered the Department Head.

**Immediate Supervisor** – the term immediate supervisor shall mean the individual to whom the employee shall immediately report and be responsible for his/her work.

**Township Board** – the term Township Board shall mean the elected public office holders of the Edwardsville Township Board.

**Workplace** – All property (including parking lots) owned by the Township and any non-township property where work is being performed by Township employees in an official capacity.

### **SECTION 3.2      COMPENSATION**

Salaries of all Township elected officials shall be established by the Township Board. Salaries and rates of all Township employees shall be determined by Department Heads.

### **SECTION 3.3 EMPLOYEE PERFORMANCE EVALUATIONS**

Each employee, upon completion of their introductory period, will have their performance reviewed on an annual basis. This review will be completed by the employee's immediate supervisor in writing. It will be discussed with the employee and signed by the supervisor and the employee. A copy of all reviews will be maintained in the employee's personnel file. Factors which should be covered in a review are: accuracy, quality of work, attendance, dependability, job knowledge, and quantity of work. Other factors relating to the employee's job performance should be included as required.

### **SECTION 3.4 PROMOTIONS**

Positions within the service of Edwardsville Township shall be filled by promotion whenever practical, and in the best interest of the Township.

All such promotions shall be in accordance with departmental procedures, labor agreements, and/or boards or commissions governing the same.

### **SECTION 3.5 TRANSFERS**

Transfers may be allowed when management deems it to be in the best interest of the Township.

A voluntary transfer may be approved if the employee is qualified for the position, and the transfer will not negatively affect the operations of the employee's current department.

An involuntary transfer may be ordered by management when necessary to afford greater efficiency to a department, including, but not limited to, a determination that an employee may be more effective in another position. Management may also transfer an employee rather than enforce a lay-off if the employee is qualified for another position for which there is a vacancy.

The Township will not create a new position for a disabled employee. However, a disabled employee may transfer into an existing position if there is a vacancy, if he or she is able to perform the essential functions of the position and if he or she is the most qualified person for the position.

### **SECTION 3.6 DEMOTION**

Demotion is the assignment of an employee to a position of less responsibility and /or less compensation than the position from which the demotion was made. The Township's authority to implement demotion shall include, but not be limited to, the inability of an employee to perform the work efficiently, a reduction in work force, or a restructure of the Township's organization.

Any such demotions shall be in accordance with the departmental procedures, labor agreements, and/or boards or commissions governing same.

An employee's seniority with the Township will not be affected by a demotion. If an employee is transferred through a demotion, departmental seniority is to be determined by the date on which the employee is transferred to the new department.

A demoted employee will retain all accrued vacation and sick leave earned in his or her former position. However, scheduling advantages and compensation associated with the former position may or may not be retained.

## **CHAPTER 4**

## **EMPLOYMENT PRACTICES**

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### **SECTION 4.1 FAIR LABOR STANDARDS ACT**

The Fair Labor Standards Act (FLSA) establishes minimum wage, overtime compensation, recordkeeping, and child labor standards affecting certain full-time and part-time workers in the private sector, as well as in Federal, State, and local governments. Due to the nature of their duties, certain positions are exempt from provisions of the FLSA.

### **SECTION 4.2 INTRODUCTORY PERIOD**

All employees appointed as part-time or full-time permanent employees shall be subject to an introductory period of evaluation as follows:

All employees shall be considered an introductory employee for a period of 90 days.

1. An employee may be released without prejudice at any time during their introductory period providing the appropriate supervisor submits evidence to the Department Head justifying the need for dismissal.
2. The introductory employee shall be reviewed by the supervisor and given a written evaluation at the end of the seventy-fifth day of employment. The written evaluation shall be placed in the employee's personnel file in the Township Supervisor's office.
3. It shall be the supervisor's responsibility to either recommend retention or dismissal of the employee in question at or before the end of the introductory period.
4. All employees having successfully completed their introductory periods, and having been appointed as permanent employees, shall be eligible for continuously permanent employment, subject to the review and evaluative procedures as set forth below:
  - a. Each and every permanent employee shall be reviewed and evaluated annually after completing one (1) full fiscal year of employment to determine if said employee has performed the duties and responsibilities of his/her position in an acceptable way. Said review shall be performed by the employee's immediate supervisor and reviewed by the Department Head.
  - b. After such evaluation, the employee will be notified in writing of any deficiency and corrective action to be taken, and shall then also be advised of the penalties involved and whether or not his or her services will be subject to non-reappointment and/or termination. These records are to be made a part of the employee's personnel file.
  - c. Any employee believing he or she was not reviewed fairly or any employee who, as a result of his or her evaluation does not receive the additional benefits other similar classifications receive (such as a raise in salary), or who has been notified of possible termination, may appeal pursuant to the grievance procedure under Section 10.2.

### **SECTION 4.3 MINIMUM WAGE**

The Township complies in all respects with the minimum wage laws prescribed by federal and state law.

#### **SECTION 4.4 OVERTIME COMPENSATION**

Overtime will be paid at a rate of one and one half times the employee's regular rate of pay for each hour worked in a work week in excess of the maximum allowable for a given position subject to management approval.

Pursuant to the FLSA, the Township may allow non-exempt employees to accumulate compensatory time in lieu of monetary compensation. The FLSA requires that compensatory time is given at a rate of 1 1/2 times the amount of overtime worked. The FLSA places a limit of a maximum of 240 hours compensatory time for most employees. After the maximum hours have been accrued, the employee must receive monetary compensation for any overtime. Department Heads are encouraged to keep use of overtime at a minimum.

This section applies to only non-exempt employees under the Fair Labor Standard Act.

#### **SECTION 4.5 EQUAL PAY PROVISION**

The equal pay provisions of the FLSA prohibit sex-based wage differentials between men and women employed by the Township who perform jobs that require equal skill, effort, and responsibility, and which are performed under similar working conditions. However, wage differentials may exist due to other factors, such as longevity with the Township.

#### **SECTION 4.6 RECORDKEEPING REQUIREMENTS**

The Act requires the Township to maintain certain records for applicable employees. It is essential that each employee keep his or her Department Head apprised of the following current, accurate information:

1. Employee's full name and Social Security Number (inform of changes upon marriage, divorce or other legal name change);
2. Current address, including zip code;
3. Birth date;
4. Time and day of week when employee's work week begins;
5. Hours worked each day;
6. Total hours worked each week;
7. Total daily or weekly straight-time earnings;
8. Total overtime earnings for the work week;
9. Any additions to/deductions from employee's wages;

#### **SECTION 4.7 MODIFIED OR LIGHT DUTY**

It is the policy of Edwardsville Township to provide suitable modified or light work for Township employees who are temporarily unable to return to work due to injury, as long as meaningful and necessary work is available. This assignment will be consistent with the employee's skill and abilities and any medically necessary work restrictions. Nothing in this policy establishes a right to be placed on modified or light duty, or once placed to continue in such an assignment for any specified length of time. Modified or light duty assignments will not exceed 90 days for each injury or illness.

The Township Supervisor has the responsibility for the coordination and administration of this procedure. All requirements for modified or light duty assignments will be evaluated on a case-by-case basis with consideration given to the skills and abilities of the employee, the medical or physical restrictions, and the availability for work. The Township Supervisor shall make available to the employee's physician a copy of the employee's job description for the purpose of allowing the physician to determine any work restriction and/or limitations. The physician's statement releasing the employee for light duty shall include a description of the injury/illness, prognosis, work restrictions or limitations, the estimated length of time the employee may require work in a modified or light duty capacity and, if applicable, any follow-up treatment of therapy required.

Consideration for modified or light duty assignment will be contingent upon the following:

1. The employee presents a physician's statement that includes a complete description of the physical restrictions or limitations and releasing the employee for modified or light duty.
2. The Township's ability to temporarily modify the employee's regular duty requirements to accommodate the restrictions or limitations, the estimated length of time the employee may require work in a modified or light duty capacity, and any follow-up treatment or therapy required.
3. The employee being otherwise qualified, as determined by the Township Supervisor to perform such work.

The Township may require periodic medical updates from the physician regarding the employee's ability to perform the duties of a temporarily modified or light duty assignment or to be released to return to full duty. The Township may require an employee to submit to an examination with a physician chosen by the Township at the Township's expense. The Township reserves the right, to discontinue a modified or light duty assignment at any time, including but not limited to the following reasons: light duty work no longer being available, operational requirements prohibiting the continuance of modified duty, or the employee's inability to satisfactorily perform the duties of the assignment. Additionally, if at any time it appears that the assignment is interfering with the full recovery of the employee or is a threat to the safety and well-being of the employee, co-workers, or the public, the Township shall temporarily discontinue the assignment until an evaluation can be obtained regarding the employee's ability to continue.

The following procedure shall be used when an employee is requesting light duty:

1. The employee must present to his or her supervisor a written statement from his or her physician. The supervisor will immediately send a written statement to the Township Supervisor. The statement should contain:
  - a. Length of time that the employee is to remain on restricted duty.
  - b. Exact nature of the work that the employee can and cannot perform. This should include specific duties and weight limitations, if applicable.
  - c. Date of the next schedule re-examination to determine any change in the employee's physical status.

The above-mentioned information must be provided in writing after each examination. The physician's office may also fax statements to the Township Supervisor's office.

2. The Township Supervisor will discuss with their immediate supervisor if the potential exists for a modification to the employee's regular duty assignment to accommodate the restrictions or limitations as stated by the physician. The temporary light duty assignment shall be made in close consultation with the Department Head or designated supervisor of the employee's work unit, the employee's physician, and the employee.

3. Should the Township Supervisor and/or Department Head agree that a modification is not possible within the employee's department, the Township Supervisor will seek the availability of light duty work throughout the Township.
4. Having determined either that the employee's regular duty assignment can be reasonably modified to accommodate the restrictions or limitations or that an appropriate light duty assignment is available, the immediate supervisor will contact the employee and inform them of the work assignment. The supervisor will also contact the Township Supervisor to advise them of the final decision regarding modified or light duty work for the employee in order that personnel records may reflect a change in job duties.
5. If, while on light duty assignment, the employee needs to be absent for related medical treatment or doctor's appointment, the employee must bring a written statement from the treating physician/facility. This statement should inform the Township if there is any change in the employee's condition that would impact the light duty assignment. The statement should be forwarded to the Township Supervisor's office.
6. If, at any time during the modified or light duty assignment, the employee receives a full duty medical release from the physician, he/she shall immediately send the written statement to their supervisor and the Township Supervisor so that arrangements can be made for reassignment to regular (full) duty.

Employees who are working outside their normal job classification shall be paid at the rate of pay established by their normal job classification; such pay is chargeable to the department in which the employee is normally compensated. Should a modified or light duty assignment not be available to an employee, the employee may utilize accrued leave or excused leave without pay and may be subject to the rules of the Family and Medical Leave Act. Should the absence be due to an on-the-job injury the employee may be eligible for workers compensation. Nothing in the policy shall be interpreted to require the Township to create modified or light duty assignments for an employee. Employees will only be assigned to light duty assignments when the Township determines that the need exists.

## **CHAPTER 5**

## **RECORDS AND REPORTS**

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### **SECTION 5.1 PERSONNEL FORMS**

The Township Supervisor's Office shall approve all personnel forms to be used and properly maintained by all Township departments with the exception of those forms unique to the operation of the particular department.

### **SECTION 5.2 LEAVE RECORDS**

The Township Supervisor's Office shall maintain a leave record with the following information:

1. Sick leave earned, used and unused.
2. Any other leave, with or without pay.

Leave information from all Township departments will be submitted to the Township Supervisor's Office biweekly with the payroll time sheets.

### **SECTION 5.3 OFFICIAL ROSTER**

The Township Supervisor's Office shall maintain a record of all employees showing name, address, employment date, and title of position, salary rate, transfers, sick leave, annual leave, and other pertinent data. In order that this roster may be properly maintained, all personnel actions (disciplinary actions, demotions, promotions, lateral transfers, etc.) and other changes in status of employment are to be reported to the Township Supervisor's Office by the Department Head.

### **SECTION 5.4 UPDATE OF INFORMATION REQUIRED**

It is the responsibility of each employee to provide both his or her Department Head and the Township Supervisor's Office with a current address and telephone number. The Department Head shall provide the Township Supervisor's Office with the current information. This applies even if the address and telephone number are temporary.

### **SECTION 5.5 RECORDS ON PERSONNEL**

Except as otherwise provided in these rules, all records on personnel pertaining to date of employment, present and past job classifications, and rate of pay shall be considered public records and may be inspected to verify employment upon application to the Township Supervisor's Office during normal working hours. No other information shall be released to anyone other than the employee or employee's supervisor without written permission from the employee.

### **SECTION 5.6 CONFIDENTIAL PERSONNEL RECORDS**

The following personnel records shall be considered confidential and separate and available only to the employee, the employee's Department Head, and those individuals designated by the Department Head.

1. Investigative correspondence and data related to the moral character and reputation of applicants for employment or employees of the Township.
2. Files, statements, reports, and other data in connection with and related to investigation of personnel policy violations.
3. Examinations materials, questions, data, and examination papers and records relating in any way to competitive exams and tests.
4. Correspondence and other documentation concerning commendations and criticisms.
5. Employee Performance Evaluations.

#### 5.6.1 Inspection of Records

Upon a written request to the Township Supervisor's Office, an employee may inspect his or her personnel records. The Township will allow the employee to inspect his or her records within seven (7) working days after the request is submitted. If the Township determines that a seven (7) day deadline cannot be met, it will be allowed an additional seven (7) days to make the records available for review. The inspection will take place during normal working hours.

An employee will be allowed to obtain a copy of the information in his or her personnel record. The Township may charge the employee a fee to pay for the actual cost of duplicating a record. If time does not permit copies to be made during the inspection, the Township may make copies and give them to the employee after the review time. No employee will be permitted to remove any part of any record from the place of inspection.

An employee who is involved in a current grievance against the Township may designate in writing a representative to inspect his or her personnel records, in accordance with this section, which may have a bearing on the resolution of the grievance.

#### 5.6.2 Exceptions

An employee or representative does not have the right to inspect the following:

1. Letters of reference;
2. Any portion of a test document, except for a cumulative test score;
3. Materials relating to the Township's staff planning, where the materials relate to, or affect more than, one employee. This exception does not apply to materials which have been, or intended to be, used by the Township to determine the individual's employee's qualifications for employment, promotion, transfer, or additional compensation, discharge, or discipline.
4. Information of a personal nature about a person other than the employee, if disclosure would constitute a clearly unwarranted invasion of the other person's privacy.
5. Records relevant to any other pending claim between the Township and an employee which may be discovered in a judicial proceeding.

6. Investigatory or security records maintained by the Township to investigate criminal conduct by any employee, or activity by the employee which could reasonably be expected to harm the Township's property, operations, or business, or could cause the Township financial liability, unless and until the Township takes adverse personnel action based on information in such records.

### 5.6.3 Disciplinary Records

The Township will not divulge a disciplinary report, letter of reprimand, or other disciplinary actions to a third party, a party not employed by the Township, or a party who is not part of a labor organization representing the employee without written notice to the employee.

5.6.4 This section is governed by the Illinois Personnel Record Review Act. 820 ILCS 40/1 et seq. The statute and any future amendments thereto are incorporated herein by reference.

## **SECTION 5.7 CONFIDENTIAL RECORDS**

### 5.7.1 IRS Documentation, Grievances, Medical Records

A separate, confidential file on each employee will be maintained in a secure place. The file will include the following type of information:

1. Internal Revenue Service I-9 Documentation.
2. Grievances, discrimination complaints, and response.
3. Medical Records. Federal law provides that the Township may make inquiries into the ability of an employee to perform job-related functions, including medical conditions and history. After making an offer for employment, the Township may require a medical examination of an employee. The Township may condition an offer of employment on the results of the medical examination.

Employees should be aware of the following:

- a. Supervisors may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations;
- b. First aid and safety personnel may be informed, when appropriate, if the disability requires emergency treatment; and
- c. Government officials may investigate Township compliance with the law and will be provided relevant information on request.

### 5.7.2 Internal Investigations

A file will be maintained in the office of the Department Head containing any internal investigations. These are investigatory documents, and the employee will not have the right to inspect the records unless and until the Township takes adverse personnel action based on information in these records.

### 5.7.3 External Investigations

Investigatory or security records maintained by the Township to investigate criminal conduct by an employee will not be available for inspection by any employee unless and until the Township takes adverse personnel action based on information in these records.

## **SECTION 5.8            HANDLING OF RECORDS AND CONFIDENTIAL DOCUMENTS**

No employee shall steal, alter, forge, or tamper with any employee record. No record or other confidential documentation shall be removed from its respective department without express permission from the Department Head.

Only authorized personnel may duplicate any record or other confidential documentation. Only authorized personnel shall have access to such information and be permitted to disseminate same.

Violation of this section shall subject an employee to discipline, including the possibility of discharge.

## **CHAPTER 6      EMPLOYEE CONDUCT AND DISCIPLINARY PROCEDURES**

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### **SECTION 6.1      APPEARANCE AND CONDUCT**

Each employee is expected to maintain a neat and clean personal appearance, positively reflecting upon individual competency, efficiency, and pride as a Township employee. Such appearance shall foster and enhance a professional, efficient and positive image as a Township employee.

All employees will conform to OSHA regulations regarding protective clothing, including but not limited to protective footwear.

Employees are discouraged from engaging in conduct which adversely affects the morale or efficiency of an individual department or the Township, or which tends to destroy public respect for another employee or representative of the Township and/or confidence in the operation of municipal services. If an employee engages in such conduct, he or she will be subject to disciplinary action, including the possibility of discharge.

### **SECTION 6.2      SMOKING IN TOWNSHIP BUILDINGS**

The State of Illinois has promulgated into law Public Act 095-0017, also referred to as the Smoke Free Illinois Act. This act strictly prohibits smoking cigarettes and smokeless cigarettes in all public places. It also prohibits smoking within fifteen feet of any government/public building and in government owned licensed vehicles in the State of Illinois or any political subdivision. Smoking is prohibited on all Edwardsville Township properties.

### **SECTION 6.3      ABSENCES**

Employees may not be absent from work without informing their supervisor (or the supervisor's designated representative) within one (1) hours of the start of the workday. Unauthorized or excessive absences will be grounds for disciplinary action, including dismissal. Employees returning from injury or extended illness of three (3) working days or more may be required to furnish the Township with a release from their medical doctor prior to commencing work. The Township reserves the right to require the employee at Township expense to be examined by the Township's doctor or physical therapy facility prior to returning to work. Said employee shall not leave in good standing and shall not be re-instated or paid for unauthorized absences.

### **SECTION 6.4      HOURS OF WORK**

The standard workday for full-time employees shall be seven (7) hours duration for all Edwardsville Township administration employees and eight (8) hours for all Edwardsville Township park employees. Work schedules shall be established by each Department Head.

Each Edwardsville Township employee shall be authorized not more than one (1 hour lunch) break at a time (approximately midday of mid-shift) convenient to the Department.

Shift workers and part-time personnel shall work a schedule defined by the Department Head.

A record of hours worked shall be maintained for each employee. Falsification of any record, including a timecard or timesheet, shall be cause for disciplinary action up to and including immediate dismissal.

## **SECTION 6.5 TARDINESS**

Any employee who arrives late for work shall not be paid for any time he or she has been absent. Departmental policy may authorize an employee to extend his or her work period to compensate for time missed.

Tardiness shall be grounds for disciplinary action. A pattern of tardiness shall be grounds for disciplinary action, including the possibility of discharge.

## **SECTION 6.6 CHANGE OF ADDRESS**

All employees must provide their Department Head with current addresses and phone numbers. Department Heads shall provide the Township Supervisor's Office or payroll with the current information.

## **SECTION 6.7 OUTSIDE EMPLOYMENT/ACTIVITIES**

An employee's position with the Township shall have priority over any other occupational interest of the employee.

An employee engaged in outside employment, must provide the Department Head with the name of the employer, and a description of the work performed. An employee may not perform any outside work which is, or can be perceived to be, in conflict with the best interest of the Township. A determination of whether outside employment is deemed to be detrimental or in conflict with the best interest of the Township shall be made by the Department Head.

An employee should also be careful to avoid appearances of impropriety and should consider how the individual's engagement in an outside activity could reflect upon the Township's goodwill. Employees who are absent due to an injury or illness incurred at an outside job shall be ineligible for the accrual of vacation, sick leave, workmen's compensation, and insurance benefits during the duration of time absent from employment.

## **SECTION 6.8 PECUNIARY INTEREST**

6.8.1 Employees shall not have a financial interest, directly or indirectly, in any contract or business with the Township unless the Township Board of Trustees gives approval due to special circumstances.

6.8.2 No employee shall utilize any prestige, influence, position, time, facilities, equipment, or supplies of the Township for private gain or advantage.

6.8.3 No employee shall accept any fee or reward from any source for any services rendered in the performance of Township duties without the knowledge of his or her Department Head.

6.8.4 No employee shall alter his or her performance in any manner whatsoever in recognition of a promise, offered and or/received gift or gratuity including discounted or cost-free goods or services.

## **SECTION 6.9            PERSONAL BUSINESS DURING WORKING HOURS**

Every attempt shall be made to confine personal business to off-duty hours. Visitors and personal telephone calls are discouraged. Personal long distance telephone calls on Township telephones are prohibited, unless prior supervisory permission is given, and the employee reimburses the Township for the cost of the call.

Employees may not engage in outside business activities while on duty, Township property may not be used for non-Township business unless authorized by any employee's Department Head.

## **SECTION 6.10           PAYMENT DUE THE TOWNSHIP**

All employees are expected to be timely in regard to any payments or charges owed the Township. Failure to pay by the original due date will result in penalty charges and all other non-payment charges. Continued untimely payments will result in disciplinary action including, but not limited to payroll deduction or possible dismissal.

## **SECTION 6.11           STATE OFFICIALS AND EMPLOYEES ETHICS ACT**

Pursuant to the State Officials and Employees Ethics Act, (5 ILCS 430/1 et seq.), the “Act”, all Township employees are prohibited from accepting gifts from any Prohibited Source. A Prohibited Source means any person or entity who:

1. Is seeking official action (i) by the member or officer or (ii) in the case of an employee, by the employee or by the member, officer, State [Township] agency, or other employee directing the employee;
2. Does business or seeks to do business (i) with the member or officer or (ii) in the case of an employee, with the employee or with the member, officer, State [Township] agency, or other employee directing the employee;
3. Conducts activities regulated (i) by the member or officer or (ii) in the case of an employee, by the employee or by the member, officer, State [Township] agency, or other employee directing the employee;
4. Has interests that may be substantially affected by the performance or non-performance of the official duties of the member, officer, or employee; or
5. Is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act, except that an entity not otherwise a prohibited source does not become a prohibited source merely because a registered lobbyist is one of its members or serves on its board of directors.

Section 10-15 of the Act, as amended from time to time, lists the exceptions to the prohibition rule. If any employee does accept a gift from a Prohibited Source pursuant to one of the exceptions listed in the Act, the employee must disclose said gift to the employee’s Department Head.

In addition to the penalties provided by state law, a violation of this section will result in disciplinary action, including the possibility of dismissal.

## SECTION 6.12 HARASSMENT POLICY

### 6.12.1 Sexual Harassment Policy

Edwardsville Township reaffirms the principle that its employees have a right to be free from sex discrimination in the form of sexual harassment by any other employee; and the Township recognizes that sexual harassment, whether overt, implicit, or through misinterpretation, creates potential harm to individual employees, to the person complained of, and to the overall employment climate of the Township.

It is the responsibility of each individual employee to refrain from sexual harassment, and it is the right of each individual employee to work in an environment free from sexual harassment.

### 6.12.2 Sexual Harassment Defined

Within the Illinois Human Rights Act, sexual harassment is defined as:

Any unwelcome sexual advance 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 any 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.

Examples of prohibited conduct include, but are not limited to the following:

1. Supervisors or managers explicitly or implicitly suggesting sex in return for a hiring, compensation, promotion, or retention decision;
2. Verbal or written sexually suggestive or obscene comments, jokes, or propositions;
3. Unwanted physical contact, such as touching, grabbing, or pinching;
4. Displaying sexually suggestive objects, pictures, or magazines;
5. Continual expression of sexual or social interest after an indication that such interest is not desired;
6. Conduct with sexual implications when such conduct interferes with the employee's work performance or creates an intimidating work environment;
7. Suggesting or implying that failure to accept a request for a date or sex would adversely affect the employee in respect to a performance evaluation or promotion;
8. Sexual harassment can involve a man harassing a woman, a woman harassing a man, or a person of one gender harassing another of the same gender.

### 6.12.3 Reporting Harassment

Responsibility

1. Any employee should report an observed incident of sexual harassment to a supervisor or Department Head.
2. Supervisors and Department Heads are required to promptly investigate, report, and resolve any reports of harassment.
3. All parties in the complaint process are obligated to protect the privacy of all persons involved. The Township will take reasonable steps to ensure confidentiality; however, confidentiality cannot be guaranteed.
4. Supervisors must ensure that no retaliation will result against an employee making a complaint.

#### Procedure

1. Direct communication and documentation.  
An employee who either observes or believes himself or herself to be the object of sexual harassment should deal with the incident as directly and firmly as possible by clearly communicating to the offending employee. The harassed employee should directly and clearly express any objection to unwelcome conduct and request that the behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing, with a copy given to a supervisor. Each incident should be documented, including what was said or done, the date, time, and place, even if not taken immediately to a supervisor. It is not necessary for sexual harassment to be directed at the person making a complaint.
2. Communication with supervisor.  
If direct communication is not possible with the employee, or if communication with the offending employee was not successful, the situation should be taken to an immediate supervisor. If the harasser is a supervisor, go to the next level of supervision.
3. Good Faith Complaint.  
No person making a good faith complaint will be retaliated against, even if the complaint is not substantiated.
4. Resolution Outside Department.  
It is hoped that most sexual harassment complaints and incidents can be resolved internally. However, an employee has the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission about filing a formal complaint. An IDHR complaint must be filed within 180 days of the alleged incident unless it is a continuing offense. A complaint with the EEOC must be filed within 300 days. An employee who is suddenly transferred to a lower paying job or passed over for a promotion, after filing a complaint with the IDHR or EEOC may file a retaliation charge.

#### 6.12.4 False and Frivolous Complaints

False and frivolous charges refer to cases where the accuser fabricates a sexual harassment complaint to accomplish some end other than stopping sexual harassment. It does not refer to charges made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false and frivolous charge is a severe offense that can itself result in disciplinary action.

#### 6.12.5 General Harassment Policy

Edwardsville Township prohibits harassment and discrimination because of race, color, religion, sex, national origin, ancestry, citizenship status (with regard to employment), age, marital status, physical or mental handicap, sexual orientation, military service or unfavorable military discharge. Acts of harassment or discrimination of any kind shall be grounds for discipline, including dismissal.

#### 6.12.6 Violence in the Workplace

Edwardsville Township will not tolerate workplace violence. The Township reserves the right to take any or all steps to prevent such conduct. Any act of violence within the workplace shall be grounds for discipline, up to and including discharge.

### **SECTION 6.13 DRUG FREE WORKPLACE POLICY**

In compliance with the Drug Free Workplace Act (30 ILCS 580/1), the following Drug Free Workplace Policy shall apply to all Township employees. Employees of Edwardsville Township Parks may be subject to additional drug policies set forth by Edwardsville Township.

#### Notice Requirements

1. Each employee is hereby notified that the manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited on property owned or controlled by Edwardsville Township, or in any place where duties of employment are being performed.
2. As a condition of employment on a state or federal grant or contract, every employee must abide by the terms of this policy, and shall notify his or her Department Head of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after the conviction.
3. Any employee who violates this policy will be subject to discipline, including the possibility of discharge.
4. Individuals who are registered users of medical cannabis in accordance with the Compassionate Use of Medical Cannabis Pilot Program Act will not be disqualified from employment based solely on the detected presence of cannabis on a drug test, unless failing to do so would put the Township in violation of a federal law or cause it to lose a federal contract or funding. Individuals who are registered users of medical cannabis in accordance with the Compassionate Use of Medical Cannabis Pilot Program Act may not report to work under the influence of cannabis.

#### 6.13.1 Drug Free Awareness Program

The Township Supervisor directs that a drug free awareness program be established as a component of existing employee assistance programs. This program shall inform employees about the following:

1. Dangers of drug abuse in the workplace,
2. The Township's policy of maintaining a drug free workplace,
3. Available drug counseling, rehabilitation, and employee assistance programs, and
4. The penalties that may be imposed upon an employee for a drug abuse violation.

#### 6.13.2 Employee Copy of Statement

Each employee to be engaged in the performance of a state or federal grant or contract shall be given a copy of the statements set forth in 6.13 above.

#### 6.13.3 Township Notification to Agency

The Township will notify the state or federal granting or contracting agency within ten (10) days and after receiving notice of a criminal drug statute conviction from an employee pursuant to 6.13 above.

#### 6.13.4 Employee Participation in Assistance or Rehabilitation Program

Any employee who is convicted for a violation of any criminal drug statute shall satisfactorily participate in a drug abuse assistance or rehabilitation program or the Township will impose a sanction upon him or her, including the possibility of discharge from employment. The Township may assist an employee in selecting a course of action in the event drug counseling, treatment, and rehabilitation are required.

#### 6.13.5 Drug Testing Policy

Whereas the Township is committed to providing a Drug Free Workplace for its employees, and for the safety and well-being of Township employees and residents, the Township has adopted a program that will allow it to take necessary actions, including drug and/or alcohol testing, to implement a drug and alcohol policy. Separate agreements may provide for alternate drug testing policies.

#### 6.13.6 Reasonable Suspicion

Where there is reasonable suspicion to believe that an employee is impaired due to the influence of a drug or alcohol while on duty, the employee may be required to report for drug and/or alcohol testing by the Department Head, the Township Supervisor, or his designate. Refusal of an employee to comply with the order for drug and/or alcohol screening will be considered a refusal of a direct order and will be cause for disciplinary action, including the possibility of discharge.

Reasons for which an employee will be required to submit to testing include, but are not limited to:

1. An employee has been arrested or indicted for conduct involving illegal drug related activity;
2. An employee is injured while performing Township business, causing reasonable suspicion of drug and/or alcohol use;
3. An employee is involved in an accident while performing Township business, causing reasonable suspicion of drug and/or alcohol use; or
4. An employee has absences or tardiness under circumstances giving rise to the reasonable suspicion of drug or alcohol use.

#### 6.13.7 Written Notice

When an employee is ordered to submit to testing, the Township will provide the employee with the reason of the order. A written notice setting forth the objective facts and reasonable inferences leading to the order will be provided in a reasonable time following the order.

#### 6.13.8 Voluntary Request for Assistance

The Township will not take adverse employment action against any employee because he or she voluntarily seeks treatment, counseling, or other support for an alcohol or drug related problem, unless the request follows the order to submit to testing, or the employee is found to be using illegal drugs or under the influence of drugs or alcohol while doing Township business.

#### 6.13.9 Discipline

##### A. First Positive

The first confirmed positive test result will be cause for disciplinary action. To avoid discharge, an employee must agree to the following:

1. The employee must attend the Employee Assistance Program for evaluation, diagnosis and development of a rehabilitation treatment plan, consistent with generally accepted standards; and
2. The employee must cooperate in the rehabilitation plan, undergo unannounced periodic drug and alcohol screening for a period of up to twelve (12) months, complete the rehabilitation, remain free of drug and alcohol use, and sign an agreement consenting to said conditions.

##### B. Second Positive

1. If an employee enters rehabilitation program, pursuant to "A" above, and has a second confirmed positive test while in the program, the employee will be suspended for thirty (30) calendar days. To maintain employment, the employee will be required to continue the rehabilitation program and comply with all other conditions of rehabilitation. Any further confirmed positive test will result in the employee's immediate discharge.
2. If an employee is required to take a test based on a reasonable suspicion of use, and tests positive a second time, the employee will be discharged immediately.

This section shall in no way limit discipline for other offenses arising out of, related to, or aggravated by drug use or alcohol abuse, including but not limited to the possibility of discharge because the employee's condition is such that he or she is unable to perform the essential functions of his or her position, or that he or she poses a direct threat to the health and safety to himself, herself or others.

#### 6.13.10 Employment Status

The Township will not be required to maintain an employee on active employment status if (1) it is determined by physician that the employee's current use of drugs or alcohol will prevent him or her from performing the essential function of the employee's position, or (2) the employee's current use will constitute a direct threat to the property and safety of himself or others.

An employee may use accrued and unused leave or request unpaid leave of absence pending treatment.

The Township will make a good faith effort to continue to maintain a drug free workplace through implementation of this Drug Free Workplace Policy. Department Heads shall maintain more detailed regulations to further implement this policy, as they are in a position to deal more directly with individual employees. Such regulations shall be effective upon approval of the Township Supervisor.

## **SECTION 6.14 WEAPONS AND FIREARMS PROHIBITED**

Edwardsville Township seeks to protect the safety of employees, visitors and citizens of the Township. In recognition of the Illinois Firearm Concealed Carry Act (430 ILCS 66), the Township adopts the following policy.

### Definition:

*Employee*, for purposes of this policy, shall mean all persons performing work for the Employer in any job classification, including but not limited to, full-time employees, part-time employees, temporary employees, seasonal employees, probationary employees, contractual employees, elected or appointed officials, elected or appointed members of any committee or commission, volunteers working on behalf of the Employer or volunteers working on behalf of any elected or appointed official. This definition shall not include, for purposes of this policy, law enforcement officers who are specifically authorized by law to carry a weapon or firearm or any other employee specifically authorized by law to carry a weapon or firearm in the course of his/her employment with the Employer.

*Weapon*, for purposes of this policy includes but is not limited to firearms of any sort; air guns; stun guns, like TASERS, or other stun devices; knives with blades longer than four inches; explosive material, including fireworks; brass knuckles or other fighting instruments; martial arts weapons such a nun chucks or throwing stars; and all other dangerous weaponry.

### Prohibited Conduct:

Pursuant to this policy, employees of the Employer are prohibited from carrying weapons in any of the following areas and may be subject to discipline up to and including termination for violating this policy. Employees are prohibited from carrying weapons:

- A. In any building owned or leased by the Employer:
- B. At any work location controlled by the Employer: C. In any vehicle leased or owned by the Employer;
- D. At any site controlled by the Employer:
- E. At any time or in any area that is associated with the employee's work with the Employer:
- F. At any time while the employee is acting within the scope and course of his/her employment.

Employees are also prohibited from carrying a weapon on or into one of the prohibited areas defined by the Illinois Firearm Concealed Carry Act while acting within the course and scope of his or her employment and may be subject to disciplinary action up to and including termination for violating this policy. Prohibited areas are defined by the Illinois Firearm Concealed Carry Act as:

- A. Any building, real property, and parking area under the control of a public or private elementary or secondary school;

- B. Any building, real property, and parking area under the control of a pre-school or childcare facility, including any room or portion of a building under the control of a pre-school or childcare facility. Nothing in this paragraph shall prevent the operator of a child care facility in a family home from owning or possessing a firearm in the home or license under this Act, if no child under child care at the home is present in the home or the firearm in the home is stored in a locked container when a child under child care at the home is present in the home.
- C. Any building, parking area, or portion of a building under the control of any officer of the executive or legislative branch of government, provided that nothing in this paragraph shall prohibit a licensee from carrying a concealed firearm onto the real property, bikeway, or trail in a park regulated by the Department of Natural Resources or any other designated public hunting area or building where firearm possession is permitted as established by the Department of Natural Resources under Section 1.8 of the Wildlife Code.
- D. Any building designated for matters before a circuit court, appellate court, or the Supreme Court, or any building or portion of a building under the control of the Supreme Court.
- E. Any building or portion of a building under the control of a unit of local government.
- F. Any building, real property, and parking area under the control of an adult or juvenile detention or correctional institution, prison, or jail.
- G. Any building, real property, and parking area under the control of a public or private hospital or hospital affiliate, mental health facility, or nursing home.
- H. Any bus, train or form of transportation paid for in whole or in part with public funds, and any building, real property and parking area under the control of a public transportation facility paid for in whole or in part with public funds.
- I. Any building, real property, and parking area under the control of any establishment that serves alcohol on its premises, if more than 50% of the establishment's gross receipts within the prior 3 months are from the sale of alcohol. The owner of an establishment who knowingly fails to prohibit concealed firearms on its premises as provided in this paragraph or who knowingly makes a false statement or record to avoid the prohibition on concealed firearms under this paragraph is subject to the penalty under subsection (c5) of Section 10-1 of the Liquor Control Act of 1934.
- J. Any public gathering or special event conducted on property open to the public that requires the issuance of a permit from the unit of local government, provided this prohibition shall not apply to a licensee who must walk through a public gathering in order to access his or her residence, place of business or vehicle.
- K. Any building or real property that has been issued a Special Event Retailer's license as defined in Section 1-3.17.1 of the Liquor Control Act during the time designated for the sale of alcohol by the Special Event Retailer's license, or a Special use permit license as defined in subsection (q) of Section 5-1 of the Liquor Control Act during the time designated for the sale of alcohol by the Special use permit license.
- L. Any public playground.
- M. Any public park, athletic area, or athletic facility under the control of a municipality or park district, provided nothing in this Section shall prohibit a licensee from carrying a concealed firearm while on a trail or bikeway if only a portion of the trail or bikeway includes a public park.
- N. Any real property under the control of the Cook County Forest Preserve District.
- O. Any building, classroom, laboratory, medical clinic, hospital, artistic venue, athletic venue, entertainment venue, officially recognized university-related organization, property, whether owned or leased, any real property, including parking areas, sidewalks, and common areas under the control of a public or private community college, college, or university.
- P. Any building, real property, or parking area under the control of a gaming facility licensed under the Riverboat Gambling Act or the Illinois Horse Racing Act of 1975, including an inter-track wagering location licensee.

- Q. Any stadium, arena, or the real property or parking area under the control of a stadium, arena, or any collegiate or professional sporting event.
- R. Any building, real property, or parking area under the control of a public library.
- S. Any building, real property, or parking area under the control of an airport.
- T. Any building, real property, or parking area under the control of an amusement park.
- U. Any building, real property, or parking area under control of a zoo or museum.
- V. Any street, driveway, parking area, property, building, or facility, owned, leased, controlled, or used by a nuclear energy, storage, weapons, or development site or facility regulated by the federal Nuclear Regulatory Commission. The licensee shall not under any circumstance store a firearm or ammunition in his or her vehicle or in any compartment or container within a vehicle located anywhere in or on the street, driveway, parking area, property, building, or facility described in this paragraph.
- W. Any area where firearms are prohibited under federal law.

Storage:

Any employee who does not possess a valid license to carry a concealed firearm is prohibited from bringing a firearm onto a parking lot owned or leased by the Employer. Employees are prohibited from bringing any other weapons onto a parking lot owned or leased by the Employer.

An employee with a valid license to carry a concealed firearm who chooses to carry a concealed firearm while driving to and from work and park in a parking lot owned or leased by the Employer must store his or her firearm or ammunition concealed in a case within a locked vehicle or locked container out of plain view within the vehicle in the parking area. An employee with a valid license to carry a concealed firearm may carry a concealed firearm within a prohibited parking lot area only for the limited purpose of storing or retrieving a firearm within the vehicle's trunk, provided the licensee ensures the concealed firearm is unloaded prior to exiting the vehicle. An employee with a valid license to carry a concealed firearm must make certain that the firearm is properly stored in accordance with this policy and Illinois law prior to acting in the course and scope of his or her employment.

Policy Violations:

Any employee who violates this policy is subject to discipline up to and including termination, and shall be considered as acting outside the scope and course of his or her duties and/or employment. The Township will not defend or indemnify any employee for an act or omission in violation of this policy.

Acknowledgement of Policy:

Every employee shall be responsible for reviewing and understanding this policy. Any questions regarding this policy may be directed to the Township Supervisor.

**SECTION 6.15 ANTI-BULLYING POLICY**

**6.15.1 Objective**

The purpose of this policy is to communicate to all employees (part-time or full-time), including supervisors, managers and executives, that Edwardsville Township considers workplace bullying unacceptable and will not tolerate it under any circumstances. Employees found in violation of this policy will be disciplined, up to and including termination. Independent contractors found to be in violation of this policy may be subject to contract cancellation.

**Edwardsville Township promotes a healthy workplace culture where all employees are able to work in an environment free of bullying behavior.**

### **6.15.2 Definition**

Edwardsville Township defines bullying as persistent, malicious, unwelcome, severe and pervasive mistreatment that harms, intimidates, offends, degrades or humiliates an employee, whether verbal, physical or otherwise, at the place of work and/or in the course of employment.

### **6.15.3 Examples**

Bullying may be intentional or unintentional. However, it must be noted that when an allegation of bullying is made, the intention of the alleged bully is irrelevant, and will not be given consideration when meting out discipline. As in sexual harassment, it is the effect of the behavior on the individual that is important.

Edwardsville Township considers the following types of behavior examples of bullying:

- **Verbal bullying:** Slandering, ridiculing or maligning a person or his or her family; persistent name calling that is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks.
- **Physical bullying:** Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property
- **Gesture bullying:** Nonverbal threatening gestures; glances that can convey threatening messages. □
- **Exclusion:** Socially or physically excluding or disregarding a person in work-related activities.

In addition, the following examples may constitute or contribute to evidence of bullying in the workplace:

- Persistent singling out of one person.
- Shouting or raising voice at an individual in public or in private.
- Using verbal or obscene gestures.
- Not allowing the person to speak or express himself or herself (i.e., ignoring or interrupting). □  
Personal insults and use of offensive nicknames.
- Public humiliation in any form.
- Constant criticism on matters unrelated or minimally related to the person's job performance or description.
- Ignoring or interrupting an individual at meetings.
- Public reprimands.
- Repeatedly accusing someone of errors that cannot be documented.
- Deliberately interfering with mail and other communications. □ Spreading rumors and gossip regarding individuals. □ Encouraging others to disregard a supervisor's instructions.
- Manipulating the ability of someone to do his or her work (e.g., overloading, underloading, withholding information, assigning meaningless tasks, setting deadlines that cannot be met, giving deliberately ambiguous instructions).
- Inflicting menial tasks not in keeping with the normal responsibilities of the job. □ Taking credit for another person's ideas.
- Refusing reasonable requests for leave in the absence of work-related reasons not to grant leave.
- Deliberately excluding an individual or isolating him or her from work-related activities, such as meetings.
- Unwanted physical contact, physical abuse or threats of abuse to an individual or an individual's property (defacing or marking up property).

### **6.15.3 Reporting**

Edwardsville Township encourages all employees to report any instance of bullying behavior. Any reports of this type will be treated seriously, investigated promptly and impartially. Edwardsville Township requires any supervisor who witnesses any bullying, irrespective of reporting relationship, to immediately report this conduct to their immediate supervisor. Edwardsville Township will protect any employee who reports bullying conduct from retaliation or reprisal.

## **CHAPTER 7      COMMUNICATION**

It is essential that all Township employees communicate and cooperate with one another to maintain efficiency, both within and outside of their respective departments, so that the intent and goals of the Township remains clear.

For example, notice of any functions or activities that impact the financial position of the Township shall be given to the Township Supervisor. Department Heads and departmental employees must share information with one another, such that the Department Heads will know about all major activities proceeding within his or her department. Likewise, Department Heads must keep employees within their respective departments aware of departmental policies, ordinances, Township policies, state and federal laws. Department Heads are encouraged to meet with employees periodically to ensure that their departments are adhering to such regulations.

Department Heads shall also encourage employees to cooperate and interact with other departments.

### **SECTION 7.1      CORRESPONDENCE**

Department Heads shall be furnished with copies of any and all official correspondence directed from the department to any person, agency, or organization outside the department.

### **SECTION 7.2      COMMUNICATION FOR PRESS RELEASE**

Absent an emergency, all press releases must be approved by the Township Supervisor.

### **SECTION 7.3      FORMS, LETTERHEAD, AND EQUIPMENT**

Use of Township departmental forms, letterhead, or telecommunications equipment shall be reserved for official business.

### **SECTION 7.4      TOWNSHIP MAILING ADDRESS**

The use of any official Township mailing address for personal business is prohibited without prior authorization, except where otherwise authorized.

### **SECTION 7.5      REPORTING AND TESTIFYING**

Any report, whether given in person or in writing, by a Township employee shall contain accurate, honest information.

Township employees shall testify, respond to inquiries, and conduct Township business in a credible and cooperative manner.

Any subpoena fee received by the employee must be signed-over to the Township.

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**SECTION 7.6 COMPLAINTS AGAINST FELLOW EMPLOYEES**

Any complaints regarding a fellow employee shall be handled by the Department Head immediately. Employees shall be made aware of complaints against them immediately, unless it will compromise an investigation. Making a false, malicious or harassing complaint against another employee shall be grounds for discipline. Nothing herein shall be construed so as to inhibit any individual's First Amendment Rights.

**SECTION 7.7 CONFIDENTIALITY**

Employees shall refrain from discussing or disclosing confidential operations, business, or records of the Township without first obtaining the necessary authorization or permission of their Department Head. There should not be any conversation in public by employees regarding confidential Township business.

## **CHAPTER 8      SEPARATION**

A permanent employee with satisfactory job performance shall remain in the service of Edwardsville Township, except as otherwise provided as follows:

### **SECTION 8.1      SEPARATION DURING INTRODUCTORY PERIOD**

An individual's employment may be summarily terminated (i.e., without a hearing) during the introductory period if:

1. The Department Head recommends termination and
2. Notice of such termination is issued in written form by the supervisors or Department Head.

### **SECTION 8.2      SEPARATION**

Employees who leave the services of the Township for any reason other than retirement or involuntary separation shall receive all pay outlined in this section which may be due them with the following qualifications:

- A. Notwithstanding the language contained in Section 11.10 herein, employees shall be paid for all unused vacation time provided that the Department Head is notified by the employee of his/her leaving two weeks in advance or sufficient reason is given in the absence of such notice.
- B. An employee who owes any money to the Township at the time of the employee's separation shall have his/her final pay applied against the account of whatever the amount may be needed to satisfy it and shall be given a receipt for the money credited. Partial settlement of an account by application of final pay shall not release an employee from any remaining balance due.

### **SECTION 8.3      RESIGNATIONS**

Employees who wish to voluntarily terminate employment with the Township shall submit a written resignation to their supervisor or Department Head at least two (2) weeks prior to the intended date of departure. Failure to do so, will result in the employee being separated "not in good standing" and thereby ineligible for future reemployment. A copy of the employees' resignation will be maintained in the employee's personnel file.

Any former employee of the Township who voluntarily separated from the Township shall be considered a new, introductory employee if hired.

### **SECTION 8.4      LAYOFFS**

Edwardsville Township has the right to determine the size of the work force and to lay-off employees whenever it is deemed necessary, by reason of shortage of funds, lack of work, abolishment of a position, material changes in duties of organization, or other valid reasons. Any layoffs will be handled in accordance with this manual, departmental procedures, labor agreements, state and federal law, and boards or commissions governing the same.

### **SECTION 8.5      DISMISSALS**

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In the best interest of all employees, as well as the Township, it is necessary to maintain high standards of conduct and job performance. Unless otherwise expressly provided by a written agreement, the Township may terminate employment at any time, for any reason, with or without advance notice or cause.

Dismissals will be handled in accordance with this manual.

## **SECTION 8.6 DEATH OF AN EMPLOYEE**

Upon the death of an employee, the Township will pay to the employee's legal heirs the accrued salary due, compensation for unused accrued vacation time, and any other pay due the employee at the time of the death.

Such payment will be made within thirty (30) days from the date of an employee death date, or when the Township is provided with proof of legal heir ship, whichever is later and shall be made in addition to any pension, insurance, or worker's compensation benefits due.

## **SECTION 8.7 RIGHTS AND DUTIES UPON SEPARATION**

Employees who separate from the service of the Township shall receive payment of all salary earned up to the effective date of their termination, less all authorized deductions. Employees shall receive payment for accrued vacation.

## **SECTION 8.8 RETIREMENT**

### 8.8.1 Definitions

1. ***Township Pensioner***: An employee or a former employee of the Township who, by virtue of his or her service years with the Township, may receive income from any pension program with which the Township is affiliated by Illinois law.
2. ***Township Retiree***: An employee who, by age and virtue of his or her service years with the Township and at the time he or she left employment of the Township, is receiving income from, or is eligible to receive income from, a pension program with which the Township is affiliated by Illinois law.
3. ***Disability Retiree***: A person, separated from service to the Township because of illness or injury, who is eligible due to vesting or other legally established criteria to receive income or other benefits from a pension program with which the Township is affiliated by Illinois law. **No person shall be so classified a "disability retiree" until all accrued leave benefits for that person have been exhausted** and the condition of their health is such that no work is reasonably available for them within the general category of their usual assignment.

### 8.8.2 Compensation

- A. **Retiree** Subject to separate contract provisions and this manual, certain benefits shall be converted to monetary compensation upon retirement from the Township. A retiree shall be entitled to compensation for the following unless otherwise provided by separate writing:

- 100% of accrued, unused vacation leave;

- 100% of accrued, unused compensatory time; • 100% of accrued, unused sick leave; and • 100% of unused personal leave.

B. Disability Retiree Because an employee is not deemed to be a disability retiree until all accrued benefits for that person have been exhausted, a disability retiree will not have accrued any unused vacation leave, compensatory time, or sick leave.

## **CHAPTER 9 DISCIPLINARY ACTIONS**

### **SECTION 9.1 WORKING RELATIONSHIPS**

It is the responsibility of each Department Head to organize his or her department. Supervisors are responsible for fostering positive work habits, productivity, and conduct which will help the department to operate efficiently.

Supervisors are expected to encourage cooperation and efficiency, including discipline of any employee whose conduct is not in the best interest of the Township. This may include oral or written notice to the employee regarding behaviors that may negatively affect the department. Oral and written warnings should be reported to the Department Head. A supervisor should consult his or her Department Head prior to taking formal disciplinary action other than oral or written warnings.

Written warnings shall be maintained in the employee's personnel file.

### **SECTION 9.2 FORMS OF DISCIPLINARY ACTION**

Any employee who engages in improper conduct will be subject to disciplinary action, based on the circumstances of the individual case, up to and including discharge. The following guidelines are used by the Township to determine the extent to which discipline may be appropriate. The Township reserves the right to discipline an employee for engaging in other misconduct not specifically addressed in this manual. The Township reserves the right to bypass the progressive disciplinary procedure and to discharge an employee for misconduct, when it is determined that the circumstances are serious enough to warrant not adhering to progressive disciplinary procedures.

Disciplinary action may be in the form of oral warning, written warning, suspension, demotion, reduction in pay, cancellation of accrued compensatory or personal leave, or discharge. In determining the appropriate level of discipline, offenses are to be considered cumulative. If the disciplinary action recommended is suspension without pay, the employee may choose to count the day against accrued compensatory or personal leave. Other than oral or written warnings, an employee shall be notified in writing prior to the effective date of the disciplinary action.

An employee who has been given notice of discharge may be retained on "duty" status, placed on leave with pay, or suspended without pay prior to the effective date of discharge. Unless expressly provided by a separate writing, the Township Supervisor or his designated representative shall make a final determination regarding dismissal for all positions.

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Although the Township has determined that the use of a progressive disciplinary procedure is the most effective method for achieving corrective action, the Township retains the ultimate discretion to impose discipline on a case-by-case basis. The Township reserves the right to forego a progressive disciplinary procedure if it deems that circumstances warrant a procedure or discipline other than the progressive disciplinary policy.

### **SECTION 9.3 CAUSES FOR DISCIPLINARY ACTION**

Causes of disciplinary action include, but are not limited to, the following:

1. Using intoxicants at any time during work hours, including the employee lunch break.
2. Arriving at work while intoxicated or while under the influence of illegal drugs. The determination as to whether or not an employee is intoxicated or under the influence of alcoholic beverages shall be based upon standards set forth by the Illinois Vehicle Code, or as provided by a separate applicable drug policy.
3. Failure to follow reasonable and proper directions or orders, whether given directly or indirectly by a supervisor or Department Head.
4. Accepting bribes, gifts, or favors for personal use in the course of work, or in connection with work, when such action causes a potential conflict of interest or appearance of impropriety.
5. Missing or leaving work without permission.
6. Showing a pattern of absences or tardiness.
7. Becoming physically or mentally unfit for the performance of work duties.
8. Failure to perform assigned work in an efficient manner.
9. Being wasteful of material, property, or working time.
10. Damaging Township property through neglect or carelessness.
11. Being unable to cooperate with fellow employees, such that work is negatively impacted.
12. Disrespect toward another employee or supervisor.
13. Being involved in misappropriation, destruction, theft, or conversion of Township property.
14. Conviction of a felony or a misdemeanor involving moral turpitude.
15. Unsafe conduct or action that jeopardizes the safety of self or others.
16. Driving a Township vehicle while under the influence of drugs or alcohol.
17. Refusing to submit to drug and/or alcohol testing pursuant to a supervisor's request.
18. Attempting, threatening, or using personal or political influence in securing a promotion, leave, transfer, change in pay, or character of work.
19. Engaging in outside business activities on Township time or using Township property or office for personal gain.
20. Engaging in abusive or offensive conduct or language in public, or toward the public, Township officials, or other employees, even if the employee is not on duty at the time of such conduct.
21. Discussing or disclosing the confidential operations, business, or records of a department or the Township without having first obtained the necessary authorization or permission from a supervisor, Department Head, or other Township official.
22. Abuse of any leave policy.
23. Unauthorized expenditures of municipal funds.
24. Failure to follow any policy pursuant to this manual.

### **SECTION 9.4 SUSPENSIONS**

A Department Head may suspend, for just cause, any employee for a period of up to thirty (30) days without pay for disciplinary reasons.

A single offense depending on the severity of the action may be grounds for suspension. A pattern or accumulation of minor offenses may be grounds for suspension. An employee need not receive an oral or written warning for each act of misconduct prior to receiving notice of suspension.

A second suspension within any twelve (12) month period may be indicative of a pattern of behavior warranting discharge.

## **SECTION 9.5 DISCHARGE**

Any single offense, depending on the severity of the action, may be grounds for discharge. Unless expressly provided in separate writing, an employee need not receive oral and written warnings prior to receiving notice of discharge.

## **CHAPTER 10 APPEALS AND GRIEVANCES**

### **SECTION 10.1 GRIEVANCE DEFINED**

An employee dispute, claim or complaint involving interpretation of, application of, or compliance with the provisions of this manual.

### **SECTION 10.2 GRIEVANCE PROCEDURE**

Each employee is assured freedom from coercion, restraint, or reprisal in presenting a grievance. The grievance procedure is as follows:

1. Each employee begins the grievance procedure with his or her immediate supervisor. A grievance may be informally presented to a supervisor, but shall be followed-up in writing. The written grievance shall be presented to the supervisor within five (5) business days of the event or incident causing the grievance. A supervisor shall make careful inquiry regarding the facts and circumstances of the employee's complaint, and will advise the employee of the decision with five (5) business days.
2. If the grievance is not resolved through an employee's immediate supervisor, the employee may appeal to his or her Department Head within five (5) business days of receiving the supervisor's written response. If a grievance is made to a Department Head, the Department Head shall initiate a separate investigation, review prior action taken, and advise the employee of his or her decision within five (5) business days.
3. If the grievance is not resolved through the Department Head, the employee may appeal to the Township Supervisor or his designate. The Township Supervisor or his designee's decision shall be final.
4. A grievance shall be considered settled, unless it is appealed to the next higher authority.
5. Each appeal must occur in writing within five (5) business days from the date of receipt of a written decision from the Township.
6. An employee who has been demoted, suspended, or discharged may appeal directly to the Township Supervisor or his designate. The Township or his designate shall render a decision within ten (10) business days. Unless otherwise expressly provided in separate writing or state law, the Township Supervisor's decision shall be final.

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## **CHAPTER 11      ABSENCE FROM WORK**

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### **SECTION 11.1      DISABILITY LEAVE**

If it is determined that an employee's leave will extend beyond thirty (30) calendar days, employees with one (1) or more years of service credit under the Illinois Municipal Retirement Fund may apply for disability benefits. Pregnancy is included as a disability under IMRF if the employee is eligible. IMRF disability claims should be submitted to the Township Supervisor's office. Employees who are not participants in IMRF are not eligible for disability benefits. Specific eligibility requirements for benefits are included within IMRF.

In the event an employee becomes eligible for disability benefits provided by IMRF, he/she can decide when the disability coverage should begin. Employees have the option to use all available sick and vacation time before receiving the disability benefit or receive the benefit at the time they become eligible. If the benefit begins prior to utilizing all of the employee's sick leave and vacation leave, accrual of these benefits will cease. Any unused sick and/or vacation leave will remain a credit to the employee and will be administered in accordance with Township policy after the disability period is over.

Employees should contact their plan administrator for additional information.

### **SECTION 11.2      FAMILY AND MEDICAL LEAVE ACT**

The Township will comply with the Family and Medical Leave Act implementing regulations as revised effective January 16, 2009. The Township posts the mandatory FMLA Notice and upon hire provides all new employees with notices required by the U.S. Department of Labor (DOL) on Employee Rights and Responsibilities under the Family and Medical Act in a specified area in each department. The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

The Township will run all FMLA concurrently with all sick leave or workmen's compensation leave. While on unpaid FMLA you are not entitled to accrue sick leave or vacation benefits.

If you have any questions, concerns, or disputes with this policy, you must contact the Township Supervisor's Office in writing.

#### **1. General Provisions**

Under this policy, the Township will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12 month period to eligible employees. The leave may be paid, unpaid, or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

#### **2. Eligibility**

To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

- a. The employee must have worked for the Township for 12 months or 52 weeks. The 12 months or the 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the employer's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.
- b. The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

### 3. Type of Leave Covered

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

- a. The birth of a child and in order to care for that child.
- b. The placement of a child for adoption or foster care and to care for the newly placed child.
- c. To care for a spouse, child, or parent with a serious health condition (described below).
- d. The serious health condition (described below) of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven

days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

Employees with questions about what illnesses are covered under this FMLA policy or under the Township's sick leave policy are encouraged to consult with the Township Supervisor.

If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the Township may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

#### **4. Paid Parental Leave**

An employee must be eligible for an approved FMLA leave in order to take paid parental leave. An employee is eligible for FMLA leave if they have been employed with the Township for at least twelve (12) months before taking leave and worked at least 1,250 hours during the 12-month period immediately preceding the leave. Eligible employees may receive up to a total of twelve (12) work weeks of paid parental leave for either the birth of the employee's biological child or children (to include the employee's biological children born using gestational surrogacy), or for the adoption or foster of a child or children by the employee. Any paid parental leave is to be taken within the first year following either the child or children's date of birth, or the initial date of placement in the employee's home in the case of adoption or foster care.

Paid Parental Leave must run concurrently with FMLA. Paid parental leave may only be taken once per birth or placement event and must be used before a biological child turns one (1) year old or prior to the one (1) year anniversary of initial placement in the case of adoption or foster care. Any unused paid parental leave will be forfeited at the end of such a rolling year period. Eligible employees who are acting as gestational surrogates may receive up to eight (8) work weeks of paid leave for their own recovery from routine childbirth. If postpartum complications arise that require additional leave beyond the routine recovery period, the employee may receive up to a maximum total of twelve (12) work weeks of paid leave. Sufficient medical certification must be provided to the employee's department HR Liaison in order to approve the additional leave time. Such paid leave may only be taken once per birth event and must be taken within one (1) year following the event. Any unused paid leave will be forfeited at the end of such a rolling year period.

Paid parental leave may be requested on a continuous, intermittent, or reduced schedule basis. Intermittent and reduced schedule parental leave must be mutually agreed upon by the employee and their department head, or their designee, prior to the start of the leave. If the employee and their department head, or their designee, cannot mutually agree to an intermittent or reduced schedule, the employee has the right to take the leave on a continuous basis.

Utilizing paid parental leave will not have a negative impact on employment status. Additional paid options following the exhaustion of paid parental leave include the use of available accrued vacation time, compensatory time (as applicable), and/or personal days in accordance with the department's normal established work rules. Any fraudulent attempts to obtain paid parental leave may result in discipline, up to and including discharge.

5. Qualifying exigency leave of families of members of the National Guard and Reserves when the covered military member is on active duty or called to active duty in support of a contingency operation. An employee whose spouse, son, daughter, or parent either has been notified of an impending call or order to active military duty or who is already on active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: 1) short-notice deployment, 2) military events and activities, 3) child care and school activities, 4) financial and legal arrangements, 5) counseling, 6) rest and recuperation, 7) post-deployment activities, and 8) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12 week maximum of FMLA leave in a 12 month period.

6. Military caregiver leave (also known as covered service member leave) to care for an ill or injured service member.

This leave may extend to up to 26 weeks in a single 12 month period for an employee to care for a spouse, son, daughter, parent or next of kin covered service member with a serious illness or injury incurred in the line of duty on active duty. Next of kin is defined as the closest blood relative of the injured or recovering service member.

## 5. Amount of Leave

An eligible employee can take up to 12 weeks for the FMLA circumstances (1) through (5) above under this policy during any 12 month period. The Township will measure the 12 month period as a rolling 12 month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the Township will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA circumstances (6) above (military caregiver leave) during a single 12 month period. For this military caregiver leave, the Township will measure the 12-month period as a rolling 12 month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If a husband and wife both work for the Township and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the Township and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

## 6. Employee Status and Benefits during Leave

While an employee is on leave, the Township will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee has continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the Township will require the employee to reimburse the Township the amount it paid for the employee's health insurance premium during the leave period.

If the employee contributes to a life insurance or disability plan, the employer will continue to making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums, or the employer may elect to maintain such benefits during the leave and pay the employee's share of the premiums payments. If the employee does not continue these payments, the employer may discontinue coverage during the leave. If the employer maintains coverage, the employer may recover the cost incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

## 7. Employee Status after Leave

An employee who takes leave under this policy may be asked to provide a fitness for duty (FDD) clearance from the health care provider. This requirement will be included in the employer's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits, and other employment terms. The position will be the same or one which is virtually identical in terms of pay, benefits, and working conditions. The Township may choose to exempt certain key employees from this requirement and return them to the same or similar position.

## 8. Use of Paid and Unpaid Leave

An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all paid vacation, personal or sick leave prior to being eligible for unpaid leave. Sick leave will run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick leave policy.

Disability leave for the birth of a child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies) will be designated as FMLA leave and will run concurrently with FMLA. For example, if an employer provides six weeks of pregnancy disability leave, the six weeks will be designated as FMLA leave and counted towards the employee's 12 week entitlement. The employee may then be required to substitute accrued (or earned) paid leave as appropriate before being eligible for unpaid leave for what remains of the 12-week entitlement. An employee who is taking leave for the adoption or foster care of a child must use all paid vacation, personal, or family leave prior to being eligible for unpaid leave.

An employee who is using military FMLA leave for a qualifying exigency must use all paid vacation and personal leave prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave

must also use all paid vacation, personal leave, or sick leave (as long as the reason for the absence is covered by the Township's sick leave policy) prior to being eligible for unpaid leave.

#### 9. Intermittent Leave or a Reduced Work Schedule

The employee may take FMLA leave in 12 consecutive weeks, may also use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the work week or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 work weeks (or 26 work weeks to care for an injured or ill service member over a 12 month period).

The Township may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

For the birth, adoption, or foster care of a child, the Township and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption, or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because the serious health condition of a family member, the employer should try to reach agreement with the Township before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

#### 9. Certification for the Employee's Serious Health Condition

The Township will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Employee's Serious Health Condition (<http://www.dol.gov/esa/whd/forms/WH-380-E.pdf>).

The Township may directly contact the employee's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The Township will not use the employee's direct supervisor for this contact. Before the Township makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPPA Medical Privacy Rules, the Township will obtain the employee's permission for clarification of individually identifiable health information.

The Township has the right to ask for a second opinion if it has reason to doubt the certification. The Township will pay the employee to get a certification from a second doctor, which the Township will select. The Township may deny FMLA leave to an employee who refuses to release relevant medical

records to the health care provider provided designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the Township will require the opinion of a third doctor. The Township and the employee will mutually select the third doctor, and the Township will pay for the opinion. The third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

#### 10. Certification for the Family Member's Serious Health Condition

The Township will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Family Member's Serious Health Condition (<http://www.dol.gov/esa/whd/forms/WH-380-F.pfd>).

The Township may directly contact the employee's family member's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The Township will not use the employee's direct supervisor for this contact. Before the Township makes direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPPA Medical Privacy Rules, the Township will obtain the employee's family member's permission for clarification of individually identifiable health information.

The Township has the right to ask for a second opinion if it has reason to doubt the certification. The Township will pay for the employee's family member to get a certification from a second doctor, which the Township will select. The Township may deny FMLA leave to an employee whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the Township will require the opinion of a third doctor. The Township and the employee will mutually select the third doctor, and the Township will pay for the opinion. The third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

#### 11. Certification of Qualifying Exigency for Military Family Medical Leave

The Township will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave (<http://www.dol.gov/esa/whd/forms/WH-384.pdf>).

#### 12. Certification for Serious Injury or Illness of Covered Service member for Military Family Leave

The Township will require certification for the serious injury or illness of the covered service member. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Service member (<http://www.dol.gov/esa/whd/forms/WH-385.pdf>).

### 13. Recertification

The Township may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days and only when circumstances have changed significantly, or if the employee receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the Township may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence. The Township may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

### 14. Procedure for Requesting FMLA Leave

All employees requesting FMLA leave must provide verbal or written notice of need for the leave to the Township Supervisor. Within five business days after the employee has provided this notice, the Township Supervisor will complete and provide the employee with the DOL Notice of Eligibility and Rights (<http://www.dol.gov/esa/whd/fmla/finalrule/WH381.pdf>).

When the need for the leave is foreseeable, the employee must provide the employer with at least 30 days notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the Township's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

### 15. Designation of Leave

Within five business days after the employee has submitted the appropriate certification form, the Township Supervisor will complete and provide the employee with a written response to the employee's request for FMLA leave using the DOL Designation Notice (<http://www.dol.gov/esa/whd/forms/WH382.pdf>).

### 16. Intent to Return to Work from FMLA Leave

On a basis that does not discriminate against employee on FMLA leave, the Township may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

### 17. Outside Employment

An employee shall not perform outside work while on FMLA leave.

### **SECTION 11.3**

### **SCHOOL VISITATION RIGHTS ACT**

In accordance with 820 ILCS 147, Public Act 87-1240, the School Visitation Rights Act, Edwardsville Township will allow eligible employees unpaid leave of up to a total of eight (8) hours during any school year, no more than four (4) hours of which may be taken on any given day, to attend school conferences or classroom activities related to the employee's child if the conference or classroom activities cannot be scheduled during non-work hours. No unpaid leave in accordance with this Act may be taken unless the employee has exhausted all vacation leave, personal leave, and/or compensatory leave. Sick leave and disability leave may not be applied to school visitation leave as described under this Act. Upon completion of school visitation rights by a parent or guardian, the school administrator shall provide the parent or guardian documentation of the school visitation. The parent or guardian shall submit such verification to the Township. Failure of a parent or guardian to submit the verification statement from the school to the Township within two (2) working days of the school visitation will subject the employee to the disciplinary procedures as outlined in the manual for unexcused absences from work.

### **SECTION 11.4 BEREAVEMENT LEAVE**

Unless otherwise provided by separate writing, a leave of absence with pay will be allowed in the event of a death in the immediate family. All full-time employees are provided with up to three (3) paid business days, as funeral leave to attend the funeral, or handle related matters, caused by the death of a member of his or her immediate family. An employee will not receive bereavement pay for any day that would have been a non-working day, including weekends and normal off-duty days. The Department Head must approve all funeral leaves.

Immediate family includes: spouse or significant other, child, reproductive loss, grandchild, father, mother, father-in-law, mother in-law, brother, sister, grandfather, grandmother, spouse's grandfather, spouse's grandmother and past legal guardian. Step family shall also be considered immediate family for purposes of bereavement leave.

For other relatives the Department Head or his/her designee may grant an employee an emergency leave of absence for the day of the funeral without loss of pay. Employees shall be allowed up to three (3) days paid funeral leave in the event of a death of a family member other than the immediate family. The number of days of funeral leave allowed shall be at the discretion of the Department Head and shall be decided on a case-by-case basis, dependent upon the circumstances and the relationship of the family member to the employee.

Employees shall be allowed the option of using two (2) days of any other form of accrued leave (sick leave, vacation, personal day) to attend the funeral of anyone other than those family members defined in the section above. Any additional time off desired in conjunction with a funeral as defined by this section shall be considered vacation and shall be subject to the appropriate approvals.

Nothing herein shall be interpreted as prohibiting a Department Head from allowing use of vacation or other accrued leave to be used for bereavement.

### **SECTION 11.5 HOLIDAYS**

Edwardsville Township will grant holiday time off to all employees on the holidays determined each year by the Township Board.

A holiday, which falls on an employee's regularly scheduled day off, shall afford the affected employee a compensatory day off which may be taken at another time subject to Department Head approval. When a holiday falls on Sunday, the following Monday is observed as a holiday; if a holiday falls on a Saturday the preceding Friday is observed as a holiday.

#### 11.5.1 Holiday Pay Administration

Edwardsville Township employees who are required to work on an observed holiday shall be compensated at time and 1/2 their regular rate of pay.

Holidays occurring during vacation time, or other authorized days off, will not be counted against accrued vacation time. Holidays occurring during sick leave will not be counted as sick days unless the employee was scheduled to work that holiday.

### **SECTION 11.6 JURY AND WITNESS DUTY**

If an employee is required to serve for jury or witness duty, he/she must submit a copy of the summons to his/her supervisor. Jury and witness duties are considered authorized absences from work and the employee will receive his/her regular base salary while performing these duties. Because the employee will continue to be paid by the Township, the employee will be required to turn over any remuneration received for performing jury service to the Township. The employee shall return to work at the Township when excused from jury duty, even if only to work a portion of the day.

### **SECTION 11.7 MILITARY DUTY LEAVE**

11.7.1 Long Term Military Leave An employee called upon to serve in the United States military shall be granted leave to do so. Any such employee shall be entitled to all protections afforded by state and federal law.

11.7.2 Short Term Military Leave An employee called for short term military leave (fewer than 31 days) shall be entitled to all protections afforded by state and federal law. An employee who is a member of a reserve component of the United States military is entitled to fulfill his or her annual commitment with the military unit.

1. An employee called to active duty as the result of an order of the President.

If an employee is called to active duty as the result of the President, the Township will continue to pay his or her salary. The Township will continue to compensate the employee at his or her regular rate of pay. Upon return from the military leave, the employee shall remit his or her military pay to the Township. The employee shall also remit to the Township a written statement from his or her commanding officer, providing an accurate accounting of military pay, including all allowances, received during the term of military leave. Prior to leaving, the employee may make arrangements with his or her Department Head to suspend payment of the regular salary, and to receive only military pay, rather than having to remit the military pay to the Township.

The employee's benefits will be unaffected by any short-term military leave.

2. An employee called to active duty as the result of an order of the Governor, or as part of monthly and annual service requirements.

Under state law, the Township is not required to pay an employee's regular salary, which would mean that the employee would stop earning IMRF service credit and IMRF disability and death benefit coverage would stop. However, the Township recognizes the importance of its community supporting employees who serve in the armed services. When called to active duty as the result of an order of the Governor, or as part of monthly and annual service requirements, the Township will continue to compensate the employee at his or her regular rate of pay. This will allow the employee to accrue IMRF service credit, and continue coverage of IMRF disability and death benefits. Upon return from the military leave, the employee shall remit his or her military pay to the Township.

Prior to leaving, the employee may make arrangements with his or her Department Head to suspend payment of the regular salary, and to receive only military pay, rather than having to later remit the military pay to the Township.

The foregoing sections are governed by the Illinois Government Employees Benefits Continuation Act (50 ILCS 140/2), the Illinois Public Employee Armed Services Right Act (5 ILCS 330), and the Military Leave of Absence Act (5 ILCS 325). Those statutes and amendments thereto are incorporated herein by reference.

## **SECTION 11.8 PERSONAL LEAVE**

Each full-time employee covered by this manual may take three (3) Personal Days each fiscal year subject to advance approval by the Department Head. Personal Days will be credited to an employee on April 1<sup>st</sup> and may not be carried over to the next year.

Additionally, Edwardsville Township part-time employees are entitled to Paid Time Off (PTO) pursuant to Illinois Law SB 0208 effective January 1, 2024. Paid leave accrues at a rate of one hour for every 40 hours worked up to a maximum of 40 hours in the 12-month period. Employees must provide written notice of request for leave. Employees must be employed 90 days before they are entitled to take paid leave. Employees may take paid leave for any reason and are not required to provide their supervisor with the reason for the leave or documentation to support leave.

## **SECTION 11.9 SICK LEAVE**

Sick leave benefits are provided for the employee's personal illness/injury or medical appointments as well as the illness/injury or medical appointments in the immediate family or temporary disability only. The immediate family shall be defined and limited to the employee's child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or step-parent. Children shall also include those eighteen (18) years or older, but incapable of self-care because of a mental or physical disability and are living in the employee's home. Sick leave should not be used for vacation or personal days. Excessive sick leave may be grounds for discipline,

including dismissal. Unless otherwise expressly provided by separate writing, paid sick leave shall be permitted subject to the following:

1. All regular full-time employees shall be entitled to 12 days of sick leave per year which shall accrue at the rate of 1 sick day per month, up to a maximum of 120 days.
2. Employees may opt to apply their excess sick leave hours for additional service credit under the Illinois Municipal Retirement Fund regulations, as may be amended from time to time. If an employee elects the option contained in this paragraph the employee is precluded from changing those days to payment into a separate fund at a later date.
3. Temporary or part-time employees are not eligible for sick pay.
4. Sick leave shall continue to accumulate during legal holidays, vacations, jury duty, funeral leave, and short-term military leave.
5. Vacation days may be used for sick leave, subject to Rule 11.10.2 under Utilization.
6. Sick leave shall be credited in increments of no less than thirty (30) minutes.
7. An employee must notify a supervisor or designated representative within one hour prior to the start of the work day that he or she will be absent from work.
8. A Department Head may request that any employee's sick leave be terminated, should the Department Head have reason to believe that the employee is capable of performing the employee's job.
9. If doubt exists about the actual illness or disability of an employee, the employee may be required to provide the Department Head with a signed confirmation regarding the nature of the disability from the employee's attending physician.
10. An employee shall not receive paid sick leave for any of the following:
  - a. For injuries received while working as an independent contractor.
  - b. For injuries received while working for wages from an employer other than the Township.
  - c. For injuries received while committing a crime.
11. An employee receiving sick pay, while also receiving payment from Worker's Compensation or a pension fund, shall receive only the difference between the employee's regular salary and the payments received from Worker's Compensation or pension fund, unless otherwise provided by law.
12. An employee who is reinstated, within one (1) year after having been laid off or granted leave of absence without pay, shall be credited with any unused sick leave upon return to the Township.
13. Employees having suffered sudden illness or injury during vacation leave may be credited for such vacation leave and placed on sick leave status, provided:

- a. Said employees have remaining accrued sick leave, and
  - b. Such illness or injury required hospitalization, or
  - c. Such illness or injury causes the employee to become bedfast and such circumstances are
  - d. Documented by a licensed dentist or physician.
14. An employee terminating service with the Township shall be allowed sick pay leave pay during the last two (2) weeks of employment, only upon presentation of a signed statement of illness from an attending physician.
15. Abuse of this policy shall be grounds for discipline, including termination of employment.
16. Payment for absences of more than three (3) consecutive days will not be approved without the written verification of the illness/injury from the employee's personal physician or the employee's immediate family member's personal physician. An employee may only return to work after the Township has received written verification from his/her personal physician that the employee is fit for full duty. Absences in excess of three (3) consecutive days will require placing the employee on an approved leave.

**SECTION 11.10 VACATIONS**

**11.10.1 Authorization for Leave**

All employees must apply for vacation as far as possible in advance of the desired time off to the Department Head. Vacation schedules shall be approved by each Department Head subject to the operational need of the Township.

**Eligibility:**

Regular full-time employees are eligible for paid vacation leave after successful completion of their one-year anniversary.

Accrual: Vacation accrued is based upon total years of full-time service with the Township

<b>Years of Service</b>	<b>Vacation Days Per Year</b>	<b>Maximum Carryover Allowed</b>
1-9	10 days	5 workdays per year
10-15 years	15 days	5 workdays per year
16-20+ years	20 days	5 workdays per year

### **11.10.2 Utilization**

Vacation is beneficial to the personal welfare of the individual. Vacation awarded shall be used prior to the employee's anniversary date, except as approved by the Township Supervisor. Vacation schedules shall be approved by each Department Head and are subject to the needs of the Township.

Employees are encouraged to use available vacation for rest, relaxation and personal pursuit. If an employee is unable to use all earned vacation time in any given benefit year, he/she has the option to carry over up to 1 week (5 days) of vacation into the next benefit year with approval from the Township Supervisor.

If an employee terminates employment prior to using all accrued vacation time, and proper termination notice is given as outlined herein, the amount of unused vacation time will be reimbursed on the final paycheck at the employee's regular rate of pay.

The Department Heads are responsible for communicating this policy to their respective subordinates. Absence due to sickness, injury or disability, in excess of sick leave may, upon request, be chargeable against accumulated vacation allowance.

All paid leave must be utilized before unpaid leave is granted.

### **SECTION 11.11 LEAVE OF ABSENCE WITHOUT PAY**

Unless otherwise expressly provided by separate writing, an employee may be granted a general leave of absence without pay, based on the following conditions:

1. All benefits will be suspended during leave. An employee may elect to preserve his placement in an insurance program but will be required to pay his or her premiums in advance, if applicable.
2. Benefits will not accrue during leave.
3. Leave will not be granted to allow an employee to take gainful employment, unless submitted to and approved by the Township Board.
4. If it is determined that false information was submitted in requesting leave, the employee will be immediately discharged from employment with the Township.
5. All other consideration for the granting of such leave shall be in accordance with departmental procedures.
6. All paid leave must be utilized before granting unpaid leave.
7. The period granted shall not exceed ninety (90) days, unless approved by the Township Board.

### **SECTION 11.12 EMPLOYEE BLOOD DONATION LEAVE ACT**

In accordance with (House Bill 324) effective June 15, 2005, the Employee Blood Donation Leave Act (EBDLA) allows a full-time employee, who has been employed by the Township for a period of six months or

more, to request up to one (1) hour of paid leave to donate blood every fifty-six (56) days in accordance with appropriate medical standards established by the American Red Cross, America's Blood Centers, the American Association of Blood Banks, or other nationally recognized standards. A participating employee may use one hour of paid leave after obtaining approval from his/her supervisor. Appropriate documentation may be required prior to the proposed blood donation before the leave is approved.

## **SECTION 11.13 VOTING LEAVE POLICY**

Edwardsville Township will permit the absence of an employee, who is entitled to vote, up to two (2) hours during the employee's working hours to vote if the employee is unable to vote outside of working hours. In accordance with state law (10 ILCS 5/17-15). 49, employees should request time off to vote from their supervisor at least one working day prior to Election Day. This does not apply to Election Days declared as state holidays.

## **CHAPTER 12 BENEFITS**

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### **SECTION 12.1 WORKER'S COMPENSATION**

The Township provides Worker's Compensation Insurance for all employees. Such insurance will provide benefits in the event that an occupational illness or injury is incurred while the employee is working.

An employee is required to report immediately to his or her supervisor or Department Head any injuries received while working. Failure to report an injury or illness in a timely manner may affect the employee's claim for benefits. A report of injury form shall be completed and forwarded to the Township Supervisor within twentyfour (24) hours of the occurrence. Department Heads shall use their best efforts to investigate any injury or illness leading to a Worker's Compensation claim.

Fraud or falsification of any Worker's Compensation claim, or facts relating thereto, in whole or in part, shall be grounds for disciplinary action, including possible termination, criminal, and/or civil legal action.

### **SECTION 12.2 PENSIONS**

Unless otherwise expressed provided by a separate writing, permanent, full-time employees of the Township will be covered by the following pension:

1. Illinois Municipal Retirement Fund

### **SECTION 12.3 SOCIAL SECURITY BENEFITS**

Unless otherwise provided by separate writing, or state or federal law, employees of the Township shall be eligible for Social Security Benefits. Withholdings from salaries or wages shall be made in the amounts, and at such time

as may be required by state or federal laws or regulations, and shall be paid over to the authorized state agency in such amounts and at such times as designated by state laws and regulations.

## **CHAPTER 13 MISCELLANEOUS**

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### **SECTION 13.1 UNIFORMS**

The Township may provide clothing, uniforms, and accessories for those non-contract employees whose positions require the use of same and/or have traditionally used same.

### **SECTION 13.2 TOWNSHIP PROPERTY**

An employee in possession or control of Township property shall be personally responsible for its proper care, use, and security. Damage or loss resulting from negligence may be charged to the employee and may subject the employee to disciplinary action.

No employee shall loan or otherwise issue to any person any key or combination to access Township owned property without prior approval of a supervisor. An employee shall report to his or her immediate supervisor the loss and/or duplication of any departmental key or combination that may allow unauthorized personnel to access Township property.

### **SECTION 13.3 USE OF TOWNSHIP VEHICLES**

No Township employee shall carry passengers who are not employed by the Township in a Township vehicle, unless:

1. The passengers are involved with official, Township related business; or
2. The passengers have been approved for occupancy by the respective Department Head.

13.3.1 Unless otherwise specified by agreement, employees are prohibited from utilizing any Township owned vehicle for solely personal purposes.

13.3.2 Employees shall operate motor vehicles with due regard for life and property and in compliance with Township ordinances and the Illinois Vehicle Code.

13.3.3 Smoking or the use of any tobacco product is prohibited while in a Township owned vehicle.

13.3.4 Any employee who is assigned a vehicle shall be responsible for ensuring the cleanliness of the vehicle.

### **SECTION 13.4 TRAVEL POLICY**

#### 13.4.1 Policy Statement:

Edwardsville Township openly and actively encourages its employees, officials, and representatives to seek out and attend professional conferences, seminars, workshops, and other opportunities for professional development. A wealth of knowledge is gathered and exchanged as professionals from related fields learn new developments that impact their respective community(s) and improve the quality of life for residents.

Professional conferences are educational events that allow attendees to: □

spur progress and manage growth

- maintain compliance with state and municipal standards and statutes
- develop and implement cost control strategies
- identify and implement ways to improve operations
- market your community

Professional development is more than sharing information and networking. Professional development is no longer just a tool to help manage. It has manifested into a necessity in today's complex and challenging local government environment.

#### 13.4.2 Policy:

The policy of the Township Board of Trustees is to reimburse employees and Township Officials for reasonable authorized expenses that are incurred by them in the performance of their duties. Travel expenses are expenses that are ordinary and necessary to accomplish Township business. All official travel shall be properly authorized, reported, and reimbursed. It is the traveler's responsibility to report his/her actual travel expenses in a responsible and ethical manner. Travelers may not approve the reimbursement of their own travel expenses. The Township does not provide cash advances for travel.

Travel shall be defined as any expenditure directly incident to official travel by employees and officers of the Township or by wards or charges of the Township involving reimbursement to travelers or direct payment to private agencies providing transportation or related services, and as further defined pursuant to Illinois law, codified at 50 ILCS 150/5 *et seq.*, as amended.

#### 13.4.3 Transportation Expenses:

All travel shall be by the most economical mode of transportation available considering travel time, costs, and work requirements. All travel shall be the most direct route. Modes of transportation authorized for official travel include automobiles, railroads, airlines, buses, taxicabs, and public transportation. Township owned vehicles may be used when most economical and available.

Transportation expenses include the following: commercial carrier air fares, rental car charges including fuel, fees, applicable taxes (excluding the collision damage waiver and personal accident insurance), privately owned vehicle (POV) mileage allowance, emergency repairs to Township owned vehicles, overnight and day auto parking, round trip mileage to and from a common carrier, bridge and road tolls, taxi and public transportation fees.

Transportation tickets or e-tickets shall be procured in advance to secure the lowest possible rate/discount.

Mileage allowance shall be computed from the traveler's headquarters' (residence or work location) and the common carrier or destination using the IRS authorized rate in effect at the time of travel. Expenses for travel between the traveler's residence and headquarters (commuting) are not allowed. If two or more persons on business share a POV, only the driver can claim reimbursement for mileage. An employee who uses a POV on Township business shall provide proof of liability insurance if required.

If travel for official Township business necessitates the use of air travel or train travel, the lowest reasonable available fares for such travel shall be selected. The maximum amount allowable for travel by air shall be \$700.00. The maximum allowable amount for travel by train shall be \$250.00

#### 13.4.4 Lodging Expenses:

Only commercial lodging may be reimbursed. The maximum allowable reimbursement for an employee or officer of the Township shall be those rates set by the Federal Travel Regulation and maintained by the United States General Services Administration for lodging in effect at the time of the expense was incurred. Lodging taxes are not included in the per diem lodging rate and are reimbursable as miscellaneous travel expenses. Room service charges, mini bar charges, movie rentals, fitness center fees, bar tabs, and alcoholic beverage are not reimbursable lodging charges and are incurred at the traveler's expense.

#### 13.4.5 Meal Reimbursement

The maximum allowable meal reimbursement for an employee or officer of the Township shall be those rates set by the Federal Travel Regulation and maintained by the United States General Services Administration for meals and incidental expenses in effect at the time of the expense was incurred. Taxes and tips are included in the meals and incidental expense rate. Incidental expenses are defined as: fees and tips given to porters, baggage carriers, and hotel staff.

#### 13.4.6 Miscellaneous Expenses:

The cost of business-related expenses related to special services, if reasonable, shall be reimbursable. For example, conference or seminar registration, a fee for CEU's, exhibit space, laundry or dry cleaning if on travel status for at least seven consecutive days, baggage handling, faxes, copying, word processing, business telephone calls or calls to announce a safe arrival or a change in travel plans that last five minutes or less, tipping etc. \*This list is not an all-inclusive list.

#### 13.4.7 Non-reimbursable Expenses:

Examples of non-reimbursable expenses are:

1. Alcoholic beverages
2. Entertainment
3. Late check-out and room upgrade charges
4. Parking tickets or other traffic tickets
5. Meals for spouse/guest
6. Travel expenses for a spouse/guest

7. Conference or seminar registration for a spouse/guest

\*This list is not an all-inclusive list.

Entertainment shall be defined as: includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless ancillary to the purpose of the program or event, and as further defined pursuant to Illinois law, codified at 50 ILCS 150/5 *et seq.*

13.4.8 Reporting Travel Expenses:

A travel expense report shall be used to account for all travel expenses incurred in connection with official Township travel. This form shall be used to reimburse the traveler for any additional amounts due. The total amount of all expenses pertaining to one particular trip must be accounted for on the form. Travelers must itemize all expenses, including meals.

Substantiation of expenses shall include the date and time of departure from and return to the traveler's home or office, the origin and destination of the trip, the purpose of the trip and the amount of expenditures listed by date. Original itemized receipts for transportation, lodging, meals, and miscellaneous expenses shall be submitted with a signed travel expense report. A copy of a credit card statement is acceptable if an original receipt is not submitted. The traveler and the department head must sign the report to authenticate and verify the submission.

13.4.9 Emergency Travel

On occasion emergency or unplanned travel may be necessary. The Township Supervisor may determine and approve emergency travel on a case-by-case basis. Certain provisions of this policy may be waived when responding to catastrophic destruction. The Federal Travel Regulation(s) GSA shall be used as a model in emergency situations.

13.4.10 Approval of Expenses

The Board of Trustees must approve the following reimbursements for travel, including meals or lodging, by a roll call vote at an open meeting of the Board of Trustees:

- (1) Any expense of any employee that exceeds the maximum permitted or that resulted from an emergency or extraordinary circumstances; or
- (2) Any expense of any elected official of the Township.

**SECTION 13.5 WEATHER AND SAFETY CLOSINGS**

The Township is open for business unless there is a government-declared state of emergency or unless the Township Supervisor or the Township Assessor decides to close their respective office. You will be provided with notification of any closure prior to 7:00 a.m. Use common sense and your best judgment when traveling to work in inclement weather.

Employees may be required to telework, or request to be absent from duty (either paid leave or leave without pay) if he/she chooses not to perform work. If the Township facilities are open and you are delayed getting to work or cannot get to work because of inclement weather, you must contact your supervisor and the absence will be charged to (1) vacation/personal/PTO or (2) unpaid time off, in that order. You should always use your judgment about your own safety in getting to work.

When severe weather develops or is anticipated to develop during the day and a decision is made to close early, nonexempt employees working onsite as of the time of the closing will be compensated as if you had worked to the end of your regularly scheduled hours for that day.

## **CHAPTER 14    EMPLOYEE SAFETY**

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### **SECTION 14.1    GENERAL PROVISIONS**

Edwardsville Township requires each employee to obey established safety rules, including utilization of proper safety apparel. Failure to abide by safety rules may subject an employee to disciplinary action.

### **SECTION 14.2    REPORTING OF ACCIDENT/ INCIDENT**

If an employee is involved in an accident or other incident involving injury, illness, or property damage while on duty, he or she must immediately report this incident to his or her supervisor. The supervisor shall report the incident to the Department Head. The Township Supervisor will evaluate the need to notify the legal counsel or the Township Board.

A Department Head may require the employee to submit to alcohol and/or drug testing, if the employee or any other person has sustained any physical injury, or if property damage is sustained in the incident. If the employee refuses to submit to alcohol, and/or drug testing within one (1) hour, he or she will be subject to discipline, including the possibility of discharge. If it appears that employee has sustained any injury in the incident, the Department Head may further require the employee to submit to a physical examination.

Any employee involved in an accident while on duty must complete an accident report form and submit it to his or her Department Head and the Township Supervisor within twenty-four (24) hours of the accident.

If an employee is unable to do so, the employee's supervisor shall complete a preliminary report and submit it to the Department Head within twenty-four (24) hours of the accident. When the employee is able to do so, he or she shall submit a complete report to the Department Head. Failure to do so may subject the employee to disciplinary action, including dismissal.

### **SECTION 14.3    DAMAGES AND SETTLEMENTS**

An employee shall not accept money or other compensation for damages sustained (including injuries) in an accident while on duty, unless it has been approved in writing by the Township Board, subsequent to review by legal counsel.

## CHAPTER 15 ELECTRONIC COMMUNICATION

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This policy is intended to serve as a guideline for the proper use of Edwardsville Township electronic communications systems. This policy covers the use of all forms of electronic communications including, but not limited to, e-mail, voice mail, fax machines, external electronic bulletin boards, Intranet, and Internet, and applies to all the Township employees, elected officials, independent contractors, and agents, hereafter called “**Employees.**” Every employee is expected to read, understand, and follow the provisions of these policies and will be held responsible for its contents. The use of the Township’s electronic communication systems constitutes acceptance for these policies and their requirements.

### **SECTION 15.1 USE OF ELECTRONIC COMMUNICATIONS**

The Township’s electronic communications systems, including e-mail and the Internet, are intended for business use only and are the property of the Township. Incidental and occasional use of these systems for non-work purposes may be permitted at the discretion of individual Department Heads. Before using these systems for business or personal use, the employee is advised that any information that is created, sent, received, accessed, or stored in these systems will be the property of the Township and will not be private. If employee is permitted access to the electronic communication systems for non-work purposes, such use shall not violate any section of this manual or interfere with the employee’s work performance.

Employee should use the same care and discretion when writing e-mail and other electronic communications as he or she would for any formal written communication. Any message of information sent by employee to other individuals via electronic communication systems, such as the Internet or e-mail, is a statement identifiable and attributable to the Township. Consequently, all electronic communications sent by employee, whether business or personal, must be professional and comply with this manual and any applicable rule, regulation, or statute.

### **SECTION 15.2 PROHIBITED COMMUNICATIONS**

1. Under no circumstances may an employee access the Township’s electronic communication systems for creating, possessing, uploading, downloading, accessing, transmitting, or interfering with the productivity of co-workers.
2. An employee may not use these systems for illegal activities. An employee may not engage in any act which violates copyright or trademark laws.
3. Posting information, opinions, or comments to Internet discussion groups (for example: news groups, chat, list servers or electronic bulletin boards) is prohibited, without prior authorization from the employee’s Department Head.
4. E-mail or other electronic communications may not be used to disclose confidential or sensitive information. Personal information such as home addresses, phone numbers and social security numbers should never be disclosed on the Internet.

5. The Township's computer resources and/or Internet connection may not be used to play or download games or other entertainment software.

### **SECTION 15.3 NO PRESUMPTION OF PRIVACY**

Although an employee may use passwords to access some electronic communication systems, these communications should not be considered private. An employee should always assume that any communication whether business related or personally created, sent, received, or stored on the Township's electronic communication system may be read or heard by someone other than the intended recipient.

Employees should also recognize that e-mail messages deleted from the system might still be retrieved from the computer's back-up system when requested by authorized personnel. Consequently, messages that were previously deleted may be recreated, printed out, or forwarded to authorized personnel without the employee's knowledge.

### **SECTION 15.4 THE TOWNSHIP'S RIGHT TO MONITOR USE**

The Township reserves the right to monitor, intercept, access, disclose, retain, print, and delete all information created, sent, received, or stored in its electronic communications systems at any time, with or without employee notice.

Internet usage will be monitored in the same manner as other electronic communications.

Information obtained through monitoring may be used as a basis for employee discipline, termination, and evaluating employee performance.

### **SECTION 15.5 PROHIBITED ACTIVITIES**

1. Employees may not, without a Department Head's authorization, upload, download, or otherwise transmit copyrighted, trademarked, or patented material, trade secrets, or confidential, private or proprietary information or materials.
2. Employees may not upload, download, or otherwise transmit illegal information or materials.
3. Employees may not use the Township's electronic communication system to gain unauthorized access to remote computers or other systems to intrude, damage, alter, or disrupt such computers or systems in any way, nor may employees, without authorization from their Department Head, use someone else's code or password or disclose anyone's code or password including their own. It is a violation of this policy for employees to intentionally intercept, eavesdrop, record, or alter another person's Internet and e-mail messages.
4. Employees may not enable unauthorized individuals to have access to use or use the Township's electronic communication system or otherwise permit any use, which would jeopardize the security of the Township's electronic communication systems.
5. Employees must use their real names when sending e-mail messages or other electronic communications and may not misrepresent, obscure, or in any way attempt to subvert the information necessary to identify the real person responsible for the electronic communication. Sending e-mail messages under a fictitious name or false name is a violation of this policy. Likewise, using another employee's account or login ID constitutes a violation of this policy.

See also Chapter 16 Computer Crime Prevention Law.

#### **SECTION 15.6 LICENSING FEES**

Employees may not install any software for which the Township has not paid the appropriate licensing fee. Additional licensing fees may be incurred every time software is installed for a new computer. Consequently, before software is installed on a computer, each employee has a duty to ensure that all appropriate licensing fees have been paid.

An employee may not copy software for distribution to any third party or for home use.

The installation of software for trial periods authorized by the vendor would not be a violation of this policy.

#### **SECTION 15.7 ENCRYPTION**

Employees may not password protect or otherwise privately code their files without prior authorization from a Department Head. The employee's Department Head and Township Supervisor must specifically approve use of encryption software prior to using such software for storage, receipt, and transmission of data. If encryption software is used, the employee must give the password to his or her Department Head.

#### **SECTION 15.8 VIRUSES AND TAMPERING**

Any files downloaded from the Internet must be scanned with virus detection software before installation and execution. The intentional introduction of viruses, attempts to breach system security, or other unauthorized tampering with any of the Township's electronic communication systems are expressly prohibited. An employee must immediately report any viruses, tampering, other system breaches to a Department Head.

#### **SECTION 15.9 DISCLAIMER OF LIABILITY FOR USE OF THE INTERNET**

The Township is not responsible for material viewed or downloaded by an employee from the Internet. The Internet provides access to a significant amount of information, some of which contains offensive, sexually explicit, and inappropriate material. It is not difficult to avoid contact with this material. Therefore, an employee using the Internet does so at his or her own risk and is responsible for the employee's own conduct.

#### **SECTION 15.10 DUTY NOT TO WASTE ELECTRONIC COMMUNICATIONS RESOURCES**

An employee must not deliberately perform actions that waste electronic communications resources or unfairly monopolizes resources to the exclusion of other employees. This includes, but is not limited to, subscribing to list servers and mailing lists, streaming video and audio, or viewing web sites not directly related to the employee's job responsibilities; spending extensive non-productive time on the Internet; and doing large nonwork related file downloads or mass mailings. Electronic communication resources are limited and employees have a duty to conserve these resources.

## **SECTION 15.11 E-MAIL ADDRESSES**

The Township reserves the right to monitor and keep an employee's e-mail address active for a reasonable period of time following an employee's departure to ensure that important business communications reach the Township.

## **SECTION 15.12 VIOLATIONS**

Violations of this policy may subject the employees to disciplinary action including, but not limited to, the removal of privileges, dismissal from employment, and/or, if applicable, any criminal or civil penalties or other legal action.

An employee who observes violations of this policy are obligated to report those violations to a Department Head and/or system administrator.

## **SECTION 15.13 POLICY CHANGES**

Revised policy changes will be made available to employees in a timely manner.

## **SECTION 15.15 DEFINITIONS**

Definitions applicable to this policy:

1. **Electronic Mail (e-mail):** Electronic mail may include non-interactive communication of text, data, image, or voice messages between a sender and a designated recipient(s) by systems utilizing telecommunications links. It may also include correspondence transmitted and stored electronically using software facilities called "mail", "facsimile", or "messaging" systems; or voice messages transmitted and stored for later retrieval from a computer system.
2. **Internet:** A worldwide network of networks, connecting informational networks that communicate through common communications language, or "protocol".
3. **Intranet:** An in-house web site and inter-office e-mail that serves the employees and elected officials of Edwardsville Township. Although intranet pages and inter-office e-mail may link to the Internet, an intranet is not accessed by the general public.
4. **Encryption Software:** Proprietary software that changes information from its native state to an unrecognizable coded state which can only be returned to its native state with special software.
5. **World Wide Web:** An Internet client-server distributed information and retrieval system based upon hypertext transfer protocol (HTTP) that transfer hypertext documents that can contain text, graphics, audio, video, and other multimedia file types across a varied array of computer systems.
6. **File Transfer Protocol (FTP):** A program that allows users to transfer data between different computers on a network or between networks.
7. **USENET:** A collection of computer discussion groups that are read all over the world.
8. **List Servers:** An e-mail discussion group.
9. **Newsgroups:** The computer discussion groups of a USENET server.

10. **E-mail messages:** Text documents created, stored, and delivered in an electronic format. E-mail messages are similar to other forms of communicated messages, such as correspondence, memoranda, and circular letters.

11. **Non-record messages:** E-mail messages that do not set policy, establish guidelines or procedures, certify a transaction, or become a receipt. These are informal communications that are similar to communications during telephone conversations or conversations in an office hallway. Generally, non-record messages are short-lived, with no historical significance or public importance, and need not be retained after they have fulfilled their purpose. Examples include the following:

12. Routine requests for information or publications which require no administrative action, policy decision, or special compilation or research and copies of replies;

13. Originating office copies of letters of transmittal that do not add any information to that contained in the transmitted material; quasi-official notices including memoranda and other records that do not serve as the basis of official actions (meeting confirmations, etc.).

14. **Records retention schedules:** Listings of agency records and how long they must be retained.

## 15.16 E-MAIL RETENTION POLICY

### 15.16.1 Purpose

This policy applies to all e-mail and e-mail attachments circulated within the Township. To establish guidelines to promote the effective capture, management, and retention of e-mail messages, which are public records in compliance with records retention requirements. E-mail is a viable, efficient means to conduct municipal business. Consistency, predictability, and reliability in the manner in which the e-mail system is used and in which public records are maintained within the Township are the focus of this section.

### 15.16.2 Policy

All Township records shall be inventoried and analyzed for administrative, legal, financial, and historical values to ensure that valuable records are adequately preserved, and non-records and obsolete records are destroyed in accord with authorized records retention schedules.

### 15.16.3 Retention

E-mail messages which are temporary communications, and are not necessary to preserve a record may be discarded routinely. Some e-mail may be considered to be of public record. As such, an employee will have the same responsibility for e-mail messages as they do for other public record and must distinguish between records and non-record information

Non-record messages should be deleted from files as soon as they have fulfilled their purpose. These records are not required to be kept under law, and preservation is not necessary or convenient in conducting Township business. If an employee determines a message to be a record, it shall be properly preserved and disposed of as specified in the Township's approved records retention schedule. Examples of messages considered to be records may include policy documents, contract related documents, and any other transmission that if received would be maintained in a file for record preservation.

Messages and attachments shall be reviewed at least every fifteen (15) days. If determined to be a record, it shall be printed (including time, date, sender and receiver) and retained in paper format.

The Township may delete all messages from the server every thirty (30) days after they have been opened.

#### 15.16.4 Exemptions

The Township Supervisor or department designate may authorize individuals, for investigative purposes, to engage in activities otherwise prohibited by this policy.

## **CHAPTER 16      COMPUTER CRIME PREVENTION AND COMPUTER USE**

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Each employee is hereby on notice that the Illinois Computer Crime Prevention Law makes unauthorized computer use a criminal offense. 720 ILCS 5/16D.

Each employee is personally responsible for his or her actions regarding federal copyright infringement laws while using the computer and use of computers which constitutes a computer crime under state and federal laws.

### **SECTION 16.1      COMPUTER TAMPERING**

Computer tampering includes simply accessing, or causing to be accessed, a computer program, or data without authorization. Tampering also includes, but is not limited to, the following:

- A. accessing a computer, program, or data and obtaining such data or services;
- B. accessing a computer, program, or data and damaging or destroying the computer or altering, deleting, or removing a program or data;
- C. inserting or attempting to insert a program or virus into a computer knowing, or having a reason to believe, that the program contains information or commands that may damage or destroy the computer or its programs;
- D. Falsifying or forging e-mail transmission information or routing information.

Any employee engaged in computer tampering is guilty of a misdemeanor for the first offense and a felony for any subsequent offense. The employee shall also be subject to discipline, including discharge of employment, and may be referred to the States Attorney for prosecution.

### **SECTION 16.2      AGGRAVATED COMPUTER TAMPERING**

A person commits aggravated computer tampering when committing the offense of computer tampering and knowingly causes disruption of, or interference with, vital services or operations of state and local governments or a public entity. Computer tampering may also include the probability of death or great bodily harm to one or more individuals. This act is a felony. Any employee engaged in aggravated computer tampering shall be subject to discipline, including discharge of employment, and will be referred to the States Attorney for prosecution.

### **SECTION 16.3      COMPUTER FRAUD**

A person commits computer fraud when accessing or using a computer, program, or data as part of a scheme to deceive or defraud. This includes using a computer to gain control over money, services, or property. Property includes, but is not limited to, electronic impulses, electronically produced data, confidential or copyrighted material, billing information, and software. This act is a felony. Any employee engaged in computer fraud shall be subject to discipline, including discharge of employment, and will be referred to the States Attorney for prosecution.

### **SECTION 16.4      COMPUTER USE**

It is the purpose of this policy to provide employees with guidance on the proper use of personal computers and related electronic messaging systems utilized in Edwardsville Township for the purposes of disseminating electronic mail, utilizing services of the Internet, related electronic message transmission, recording and storage devices, and data management systems.

#### 16.4.1 Policy:

The availability and use of the personal computer within the work environment have provided many opportunities for enhancement of productivity and effectiveness. These technologies also entail the opportunity for transfer and broad distribution of sensitive information that can also have damaging effects on the Township, its members, and the public if not managed properly. Therefore, it is the policy of Edwardsville Township that all members abide by the guidelines set forth herein when using personal computers and the services of both internal and external databases and information exchange networks, and where applicable, voice mail, mobile data terminals, and related electronic messaging devices. Unlicensed software is not permitted on Township computers. Employees should not expect privacy in the use of these government communication tools. Use of this technology for harassment or other inappropriate behavior regarding race, color, creed, religion, sex, ancestry, national origin, age, or disability may result in discipline up to and including termination.

All Township employees must sign a written “Computer Security Statement”, which states in part:

“I will use Edwardsville Township computer systems for official Township business only. I will not enter any unauthorized data or change any data without authorization. I understand that violating a computer security system, allowing unauthorized access by another party, willfully altering data without authorization or knowingly causing a computer malfunction may constitute a criminal offense under Illinois Compiled Statutes and I understand that if I violate any provisions contained in or laws referred to in this statement, I may be subjected to disciplinary action that could result in termination of my employment.”

Employees have no rights to privacy with regard to Internet or computer systems.

#### 16.4.2 Definitions:

Electronic Messaging Device (EMD): For the purposes of this order, electronic messaging devices include personal computers, electronic mail systems, voice mail systems, paging systems, electronic bulletin boards, and Internet services, mobile digital terminals and facsimile transmissions.

### 16.4.3 General:

1. Transmission of electronic messages and information on communications media provided for members of Edwardsville Township shall be treated with the same degree of propriety, professionalism, and confidentiality as official written correspondence or public records.
2. This Department encourages authorized and trained personnel with access to EMDs to utilize these devices whenever necessary. However, use of any of these devices is a privilege that is subject to revocation.
3. EMDs and their contents are the property of Edwardsville Township and intended for use in conducting official business with limited exceptions noted elsewhere in this policy. No employee shall use the system or the Internet for personal monetary gain or to conduct or monitor personal business interests.
4. Employees are advised that they do not maintain any right to privacy in EMD equipment or its contents, including personally owned software.
  - a. The Township reserves the right to access any information contained in EMDs and may require members to provide passwords to files that have been encrypted or password protected.
  - b. The Township reserves the right to access, for quality control purposes and/or for violations of this policy, electronic and voice transmissions of members conducting business of this Township.
5. Accessing or transmitting materials (other than that required for Township or other official business) that involves the use of obscene language, images, jokes, sexually explicit materials, or messages that disparage any person, group or classification of individuals is prohibited whether or not a recipient has consented to or requested such material.
6. Confidential, proprietary, or sensitive information may be disseminated (or made available through shared directories or networked systems) only to individuals with a need and a right to know and when there is sufficient assurance that appropriate security of such information will be maintained. Such information includes but is not limited to the following:
  - a. Transmittal of personnel information, such as salary, performance reviews, complaints, grievances, misconduct, disciplinary information, medical records, or related employee information.
  - b. Criminal history information and confidential informant master files, identifications files, or related information.
  - c. Intelligence files and information containing sensitive information.
7. No employee shall access or allow to access any file or database unless that person has a need and a right to such information. Additionally, personal identification and access codes shall not be revealed to any authorized source.
8. An EMD is designed and intended to conduct business of Edwardsville Township and is restricted to that purpose. Installation or access to software for purely entertainment purposes is prohibited. Exceptions to business use include the following:
  - a. Infrequent personal use of these devices may be permissible if limited in scope and frequency, if in conformance with other elements of this policy, and if not connected with a profit-making business enterprise or the promotion of any product or service.
  - b. Personnel may make off-duty personal use of agency computers for professional and career development purposes when in keeping with other provisions of this policy and with prior knowledge of an appropriate supervisor.

### 16.4.4 Importing, Downloading Information and Software:

- A. Employees shall not download or install on their personal computer or network terminal any file (including sound and video files and files attached to e-mail messages), software or other materials from the Internet or other external sources without the approval of the Township Supervisor.
  - 1. Material shall be downloaded to floppy drives and scanned for viruses prior to being entered into any personal or shared system.
  - 2. In no case shall external materials or applications be downloaded directly to any shared (network) drive. When in doubt, members shall consult the Township Supervisor for guidance.
- B. Members shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized.
  - 1. Any software for which proof of licensing (original disks, original manuals and/or license) cannot be provided is subject to removal by authorized agency personnel.
  - 2. Privately owned software may not be loaded on agency computers.
- C. Members shall observe copyright restrictions of any documents, images, or sounds sent through or stored on electronic mail.
- D. Any hardware enhancements or additions to agency-owned equipment must be approved and authorized by the Township Supervisor. The Township Supervisor is responsible for determining proper installation procedures.
- E. Employees shall not permit unauthorized persons to use this agency's electronic mail system.
- F. To avoid breaches of security, Employees shall log off any personal computer that has access to Edwardsville Township computer network, electronic mail system, the internet, or sensitive information whenever they leave their workstation.

## **CHAPTER 17      COPYRIGHT LAW PROTECTION POLICY**

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### **SECTION 17.1      REPRODUCTION OF COPYRIGHTED MATERIALS**

The Township recognizes and supports the copyright laws of the United States governing the making of photocopies and other reproductions of copyrighted materials. Each employee is hereby notified that the Township will not provide legal support in a case in which an employee has notice that a potential infringement exists and the individual pursues utilization of the materials in a manner resulting in infringement.

Any reproduction of copyrighted materials will be done with the written permission of the copyright holder. The employee responsible for reproduction may be individually liable for any infringement of the copyright.

Any willful infringement of a copyright law may subject the employee to disciplinary action, including discharge of employment.

In a court action for damages for copyright infringement, a finding of willful infringement will preclude the Township payment of any judgment rendered against the employee, including attorneys' fees or costs which the employee may incur in conjunction with a lawsuit or settlement, and may render the employee individually liable to the Township for any costs and damages incurred due to a suit or levied it by final judgment of a court, arbitration, or other means of dispute settlement.

## SECTION 17.2 POSTING OF NOTICE

The following notice shall be posted next to each copying machine in a highly visible manner:

### NOTICE

The Copyright Law of the United States (Title 17, U.S. Code) governs the making of photocopies or other reproductions of copyrighted material. Any person using these copies is liable for any infringement.

## CHAPTER 18 CELLULAR POLICY

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Edwardsville Township has established a cellular telephone policy, which will define the proper use of cell phones. The Township is committed to providing an environment that encourages the use of computers and electronic tools to support the Township's business. It is the responsibility of each employee to ensure that this technology is used for proper business purposes and in a manner that does not compromise the confidentiality of proprietary or other sensitive information. The use of cell phones is a privilege and requires the users to be responsible and accountable for their actions at all times.

By using a cell phone issued by Edwardsville Township employees agree and understand that this technology has been provided by Edwardsville Township for use by its employees in business transactions/communications for Edwardsville Township. Township cell phones are provided to improve customer service (to residents and business associates) and to enhance business efficiency. Cell phones are not a personal benefit and should not be used as a primary mode of personal communication. Cell phones should not be used when a less costly alternative is safe, convenient, and readily available. **Department Heads are responsible for reviewing all cell phone bills of their staff for proper reimbursement of personal calls beyond policy limits. The Township Supervisor will rely upon the Department Head's authorization for accuracy of personal vs. work-related calls.**

Township employees in possession of Township cellular phones are required to take precautions to prevent theft, vandalism, and damage to Township equipment.

No employee shall be allowed to use a wireless communications device in a manner that violates IL state statute as amended from time to time. Cell phone usage while operating a motorized vehicle is strongly prohibited unless used safely in hands-free mode as allowed by law. Employees should plan to allow placement of calls prior to or after driving. Employees should remember that their primary responsibility is driving safely and obeying the rules of the road.

The following outlines the basic tenets of this policy:

1. There should be no inappropriate messages that refer to race, gender, color, national origin, religion, age, disability, sexual orientation, or a protected class status as established by law.
2. There shall be no harassment in any form.
3. All sexually explicit materials including indecent images, cartoons, or jokes are explicitly banned.

4. Personal attacks on co-workers or business associates are prohibited, as is hate mail, vulgar, or otherwise offensive language.
5. Edwardsville Township reserves the right to review, audit, and monitor its electronic equipment, including an employee's itemized cell phone usage, call history (incoming and outgoing), and phonebook entries at its discretion in the ordinary course of business.
6. Unauthorized use of cellular phones includes:
  - a. Use for personal causes or political causes
  - b. Use of unassigned equipment
  - c. Misrepresenting one's identity
  - d. Installing unauthorized programs or files
  - e. Removing required business programs or files
  - f. May only be used for minimal personal use
7. Any employee who violates this policy shall be subject to discipline, up to and including termination of employment.
8. Department Heads shall determine the cellular usage requirements for employees under their supervision and should limit assignment of the cell phone to employees who have a legitimate business need.
9. Personal calls must be reimbursed (at the plan rate) with a check made payable to Edwardsville Township in the following instances:
  - a. Any assistance, roaming charges, non-business calls, or other miscellaneous charges which are not clearly business related.
10. Township cell phone must be returned within three business days after an employee has terminated their employment or after an elected official has ended their term.

## CHAPTER 19 THE AMERICANS WITH DISABILITIES ACT

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The Americans with Disabilities Act (ADA) requires employers to reasonably accommodate qualified individuals with disabilities. It is the policy of the Township to comply with all federal and state laws concerning the employment of persons with disabilities.

It is our Township policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment.

Edwardsville Township will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job.

An individual who can be reasonably accommodated for a job without undue hardship will be given the same consideration for that position as any other applicant.

All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace—when such threat cannot be eliminated by reasonable accommodation—will not be hired. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave until an organizational decision has been made in regard to the employee’s immediate employment situation.

The Township Supervisor is responsible for implementing this policy, including resolution of reasonable accommodation, safety, and undue hardship issues.

### **Definitions**

As used in this policy, the following terms have the indicated meaning and will be adhered to in relation to the ADA policy.

“Disability” means a physical or mental impairment that substantially limits one or more major life activities of the individual; a record of such an impairment; or being regarded as having such an impairment. Major life activities include the following:

- In general—Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.
- Major bodily functions—A major life activity also includes the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

“Direct threat” means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

“Qualified individual” means an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.

“Reasonable accommodation” may include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

“Undue hardship” means an action requiring significant difficulty or expense by the employer.

In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include, but are not limited to: □ The nature and cost of the accommodation.

- The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources or the impact of such accommodation upon the operation of the facility.
- The overall financial resources of the employer; the number, type and location of facilities.
- The type of operations of the Township, including the composition, structure, and functions of the workforce; relationship of the particular facility to the employer.

“Essential functions of the job” refers to those job activities that are determined by the employer to be essential or core to performing the job; these functions cannot be modified.