

City of Batavia Employee Handbook

Employee Personnel Policy Manual



HR Department



EMPLOYEE ACKNOWLEDGMENT FORM

(To be retained by the Human Resources Department)

I acknowledge having received a copy of the City of Batavia Employee Handbook. I agree to read and abide by all rules and procedures described. I understand that the Handbook may have to be changed from time to time and that it is not intended to provide assurance of continued employment. I also understand that the Handbook does not create any kind of employment contract.

Date _____

Employee Name _____

Employee Signature _____



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1 Introduction

1.1 Welcome

Welcome to the City of Batavia. This Manual has been designed to provide you with necessary and helpful information about the City of Batavia, its organization, history, employment policies/practices, benefits, and compensation. Since every employee benefit cannot be explained in detail within this handbook, please refer to the various individual booklets covering major benefits (pension, insurance, etc.) which are available upon request from the Human Resources Department. Also, do not hesitate to ask your supervisor any questions you might have about your job for the City of Batavia.

Service to the public, which is the primary goal of the City, depends a great deal on the diligence, innovation, and cooperation of all City employees. Remember, above all, that you are an important member of the City and everything you do has an impact on our citizens' opinions toward the City. As a public service employee, your conduct must always be above reproach or question.

It is our aim to relate job and career progress with one's individual performance and contribution. We believe that the City offers opportunities to every employee for personal growth and achievement.

We hope your association with the City of Batavia will be long, pleasant, and mutually rewarding for you and the City.



1.2 Brief History of City

Founded in 1833, Batavia, Illinois is the oldest community in Kane County. Incorporated as a municipal city government in 1891, the City of Batavia has consistently been recognized since it's founding as a progressive and industrious community which plans for the future while appreciating the proud aspects of its glorious past.

The name "Batavia" is drawn from the Dutch language and translated means "fair meadows." Batavia, Illinois, draws its name from its parent city, Batavia, New York, which was founded in up-state New York by Dutch traders and land surveyors. In the later years of the 1800's and into the first half of the 1900's, Batavia, Illinois was the center of windmill manufacturing for the world. At one time, more windmills were built by the windmill industries of Batavia than was the case anywhere else in the world. From this chapter of city history, Batavia drew its nickname, "The Windmill City."

Batavia of today remains a City government, vitally interested and involved in the community's growth, progress, and lifestyle. The City government is committed to the goal of maintaining a lifestyle in our City, which reflects the traditional roots of small town America while seeking to enhance and utilize the ever-advancing technologies and innovations of modern America.

1.3 Preface to Policy Manual

This Manual contains a comprehensive, up-to-date version of the personnel policies of the City of Batavia. It is intended for use by all city employees, including, supervisors, and department heads.

This Manual has been prepared to assist the employees of the City in understanding and carrying out their duties, responsibilities and privileges as City employees. The Manual is not a contract, nor is it intended to create a contract of employment. This Manual serves as a means of enabling each employee to gain a better understanding of his or her role in the City as well as their responsibilities to the residents of the City.

Please note that the City may, from time to time, add, change or delete a policy or practice mentioned in this Manual. If you have any questions about any subject in this Manual, your supervisor will be happy to discuss them with you.

The policies contained in the Manual apply to all City employees; however, members of the fire department and police department are also subject to the rules and regulations of the Board of Fire and Police Commissioners. Where a conflict exists, the rules of the Board of Fire and Police Commissioners will prevail. Employees who are members of a collective bargaining unit are also subject to the collective bargaining agreement for their group. Where a conflict exists between the Personnel Manual and the collective bargaining agreement, the collective bargaining agreement shall prevail. In addition, the various departments may establish working regulations and operating procedures which are meant to supplement the policies set forth in this Manual.



1.4 Human Resources Department

The Assistant City Administrator is responsible for overseeing the Human Resources Department and for recommending personnel policies and administering them fairly and consistently. He or she is responsible for all personnel programs, actions, and employment. The Assistant City Administrator is directly responsible to the City Administrator.

It is the responsibility of management to inform employees of their responsibilities, duties, and rights in matters of personnel and operational policies. This information is a necessary prerequisite of a well-informed employee. Learning and understanding the contents of the various policies is an educational process. All staff members are expected to read the manual and refer to it whenever they have a problem or question.

The Human Resources Department shall be responsible for maintaining a centralized personnel system to include the official personnel and medical files of all sworn and non-sworn employees. These files shall be confidential and contain the complete history of each employee during employment by the City. The files shall consist of, but not be limited to, records of changes in pay, promotions, discipline, commendations, work related, injuries, performance evaluations, education, and special training.

Access to an employee's personnel file shall be limited to the employee, the employee's immediate supervisor (for the purpose of this manual, immediate supervisor will be defined as the person whose principle work is substantially different from that of the subordinate employee and who has authority to suspend, discharge, direct, or discipline employees), the employee's department head, the City Administrator, Human Resources Personnel, the Mayor, and authorized federal and state agencies. Written permission shall be obtained from the employee for anyone else desiring to review the employee's personnel file.

Employee personnel records may be reviewed by persons authorized above by visiting the Human Resources Department. Personnel records may not be removed from the Human Resources Department. Copies of information contained in an employee's personnel file may be made and provided to authorized persons, if, in the opinion of the Assistant City Administrator, such action is warranted. All such copies shall be stamped "CONFIDENTIAL" and must be treated accordingly.

1.5 Code of Ethics for Government Service

ANY PERSON IN GOVERNMENT SERVICE SHOULD:

- 1) Put loyalty to the highest moral principles and to country above loyalty to persons, party or government department.
- 2) Uphold the Constitution, laws, and legal regulations of the United States and all governments therein and never be a party to their evasion.
- 3) Give a full days labor for a full days pay; giving to the performance of his/her duties, his/her earnest effort and best thought.
- 4) Seek to find and employ more efficient and economical ways of getting tasks accomplished.
- 5) Never discriminate unfairly by dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for themselves or their family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his/her governmental duties.
- 6) Make no private promises, of any kind, binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.
- 7) Engage in no business with Government, either directly or indirectly, which is inconsistent with the conscientious performance of his/her governmental duties.
- 8) Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.
- 9) Expose corruption where discovered.
- 10) Uphold these principles, ever conscious that public office is a public trust.

This Code of Ethics was agreed to by the House of Representatives and the Senate as House Concurrent Resolution 175 in the Second Session of the 85th Congress. The Code applies to all government employees and office holders. All employees of the City of Batavia are expected to conform to the above Code of Ethics.



1.6 Customer Service Standards

It is the goal of City of Batavia to *provide quality, reliable and affordable city services*, while fostering a *small-town atmosphere of friendliness and caring* in our community. To these ends city employees must embrace the timeless spirit of public service, while constantly seeking new ways to increase the efficiency of city operations. Customer Service supports and enhances the relationships we have with those we serve. Even brief interactions are opportunities for good service.

The hallmark of a great small town is the knowledge people have of one another, and the willingness to use that knowledge to make each other's lives a little easier. As City employees, we operate a not-for-profit service organization that is vitally important to those who reside, do business, or visit Batavia. Each of us has a responsibility to do our part to keep Batavia a special place.

The following Batavia Customer Service Standards have been established as a guide for employees and as a reminder that the spirit in which we discharge our duties is just as important as the work itself.

Make every first impression a positive one:

1. First impressions impact every subsequent interaction, be aware of your body language and tone of voice from the first moment of customer contact.
2. Use appropriate phone etiquette; state your department and name every time you answer the phone.
3. Keep in mind that from the customer's perspective —you **are** the City.
4. Always be aware that some customers may have multiple relationships with various City departments and that those relationships don't end even though your interaction is complete.
5. Create a welcoming atmosphere through your actions and words; even when you must bear bad news, do so in a professional, courteous manner.
6. Never lose sight of the fact that we are here to serve and attend to the needs of our customers, whomever they may be.

Every employee is empowered to help:

1. Resolve to fully listen to all concerns when approached with a question or issue. If you are unable to help, ensure that the appropriate person provides help. There is very little we do that cannot be paused to take the time to help someone or steer them in the right direction.
2. Know your scope of authority and feel comfortable operating within it.
3. Be aware of the City organization; if you cannot help someone, know who can.

In order to serve the public well, employees must be prepared to do so:

1. Current information should be maintained on the phone system, Internet and in printed materials.
2. Common questions should be anticipated and appropriate materials should be made readily available.
3. It is the responsibility of every employee to understand their department's procedures so that every customer can be assisted promptly.

Pride shows:

1. Always display a high level of professionalism to fulfill your role in the maintenance of the City's good reputation.
2. Negativity is contagious; strive to remain positive in all situations.
3. Ensure that your words and actions are supportive of all City departments in every interaction, whether internal or external. We are all on the same team.
4. Be open to give and receive constructive feedback as a means to continually improve the organization.
5. Remember that the way you treat customers reflects on every other City employee, the City government, and the community as a whole.

Good service requires flexibility:

1. Be open-minded and willing to change current practices to improve service delivery.
2. Seek creative solutions to unusual or difficult situations.



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3. Recognize that the best solution is not always the quickest or easiest.
 4. Strive to recognize when a unique situation requires normal procedures to be modified within the City's ability to do so.
 5. Take the time to translate technical information so that it can be easily understood.
 6. Respond appropriately when dealing with those who may require additional services due to language differences or physical limitations.

Conflict resolution is everyone's responsibility:

1. Never be the one to terminate a discussion or meeting without agreement, unless someone is being abusive.
2. Always try to instill calm before attempting to provide a resolution to a situation.

Empathy is always the best policy:

1. Always try to put yourself in the place of the person you are working with and make your best effort to fully understand the request or comment.
2. Seek to understand the needs of the person before seeking to be understood.
3. Be aware of your body language when dealing with people, express empathy without compromising community standards.
4. While we cannot always do what every customer wants, we can always treat them with fairness and respect.
5. It is in the most difficult situations that customer service is most important.

People deserve a timely response to their inquiries:

1. As long as it can be done safely and practically, an immediate response to people's inquiries is always the ideal.
2. As a service organization, we must strive to always be aware of other peoples' schedules, and be willing to accommodate them whenever possible.
3. When an immediate response is not possible, always provide a realistic expectation of when a follow-up response from a person knowledgeable of their situation can be expected.

4. Voice mails and emails should be responded to on the same day they were received whenever possible.

Always follow-up to make sure the customer's situation is resolved:

1. When appropriate, send follow-up letters to customers, with questions about how their experience with the City of Batavia could have been better.
2. Before ending any interaction, always be sure that all of a customer's needs have been discussed and ensure that all avenues that the City can realistically provide to resolve the situation at hand have been addressed.

When appropriate, offer suggestions as to how similar problems could be avoided in the future.

2 Employee Compensation

Compensation represents a series of potential rewards of vital importance to employees. Direct compensation includes wages and salaries for a job. Indirect compensation includes fringe benefits such as vacation and holidays, pension, health and life insurance, savings plan, paid leaves of absence, and legally required benefits such as social security.

The City Administrator shall administer the wage and salary system for all employees subject to the salary plans, approved by the City Council. The wage and salary system shall provide uniform ranges of pay and for subsequent rates that are fair and reasonable compensation for the types of employment and services rendered. The salary plans may also include other provisions to assist in the administration of good personnel practices for the City of Batavia.

Employees covered by contracts should refer to those contracts for any detailed explanations.

2.1 Direct Compensation

2.1.1 Responsibility for Administration of Salary Ranges and Increases

The City Administrator is responsible for the administration and maintenance of the pay plan. On an ongoing basis, the Human Resources Department shall conduct a General Wage and Salary Study to determine if current wages for each City position are at the appropriate level in the City's salary schedule. As part of this study, future Cost of Living Adjustments (COLAs), and employee benefits will also be evaluated.

In the case of wages and salaries, three factors shall be used to determine whether or not each position is being appropriately compensated for the function it currently performs:

- External Comparability (Similarity of pay to comparable positions in comparable communities);
- Internal Comparability (Similarity of pay to comparable positions within the City government); and
- Current budgetary constraints.

Upon completion of the wage and salary study, Human Resources shall make a wage recommendation to the City Administrator on wages for the next three-year period. Final approval of wages and benefits is made by the City Council.



Department heads may recommend that the salary range for a certain class (or group of classes) be amended to reflect a change in any of the pertinent factors. This recommendation will be analyzed by the City Administrator to determine whether the change is warranted and feasible and if found warranted and feasible, the City Administrator shall forward said recommendation to the City Council.

Any City employee, who has a question regarding his/her current salary step or range should discuss it with his/her supervisor; their department head, or Human Resources.

2.1.2 Pay Period

For overtime computation and other record keeping purposes, the normal payroll week shall begin at 12:01 a.m., Sunday and end fourteen days later, at midnight, Saturday.

Paychecks will be distributed bi-weekly on Friday. In the event of a holiday, pay checks will be distributed on the day before the holiday.

2.1.3 Hours of Work

For all non-exempt full-time City employees normal working hours for a pay period shall consist of eighty (80) hours within the payroll period, and ten (10) working days of eight (8) hours each. Employees who work an average of less than forty (40) hours per week shall not be considered full-time employees for the purposes of this manual. Employee's individual hours of work will be determined by their department head. Any department head who finds it necessary to do so may require some, or all, employees in their department to report for work outside of their normal work hours. All hours so worked shall be appropriately compensated in accordance with pay policies contained herein. Sick time, personal time, and vacation time shall be considered "hours worked" for the purposes of overtime pay computation. If a holiday falls within an employee's normal workweek, it shall be considered part of an employee's "hours worked" for purposes of overtime pay computation.

2.1.4 Overtime Pay

All hours worked by a non-exempt employee in excess of eight (8) hours per day or forty (40) hours in one week shall constitute overtime. A workweek shall be defined as the period of time from 12:01am Sunday to 12:00 midnight the following Saturday.

Overtime work shall be authorized by the immediate supervisor of any such employee and such employee shall receive, for such overtime work, a rate of pay that is equal to one and one-half times his/her normal rate of pay.

2.1.5 Double Time Pay

Double time shall be paid as follows: 1) To non-exempt employees who are required to work over sixteen (16) continuous hours, for all hours worked over sixteen (16) hours. 2) To employees who work on Sunday (12:01 a.m. Sunday morning to 12:00 a.m. Monday morning) and paid holidays. 3) To employees working between the hours of 12:01 a.m. - 7:00 a.m. Monday - Saturday when that employee has been called out for emergency work and has not been given at least 96 hours notice that they would be required to work at that time. Double time will not be applicable to work that has been scheduled at least 96 hours in advance of that time period.

2.1.6 Call Back Pay

Any non-exempt employee who is called back to work after having been released from his/her regularly scheduled work day, shall be entitled to a minimum of 2 hours pay, providing that this call back does not immediately precede or follow their assigned shift. Such "Call Back" time shall start when the employee begins work and shall end when the employee has been released from work. All Callbacks after midnight before 7am, or on Sunday (12:01 a.m. Sunday morning to 12:00 a.m. Monday morning) will be paid at double the employee's base rate of pay. All other Call Backs will be paid at one and one-half times the employee's base rate of pay. Employees called back shall respond not only to one initial Call Back, but also shall make themselves available, at no additional expense to the City, to respond to any other Call Back during that two (2) hour period. Should the duration of the second Call Back extend beyond this two (2) hour period, the employee would receive the applicable hourly rate for any additional hours worked.

2.1.7 Standby Duty

Nineteen (19) hours pay, straight time, shall be paid for all on-call personnel for standby duty from 4:00 p.m. Wednesday to 4:00pm the following Wednesday.

Six (6) hours pay, straight time, shall be paid for all on-call personnel on holidays.



2.1.8 Working Outside Of Classification

Employees may be asked to perform duties outside of their normal responsibilities that would normally be performed by someone of a higher classification. Under certain circumstances, when employees must perform these additional responsibilities for extended periods of time, or if the responsibilities require the utilization of special skills that are not required as part of their regular job, the City may provide additional compensation as described below:

Public Works

- **Acting Crewleader Pay:** In the absence of a Crewleader a department head may, at their discretion, designate another employee as "Acting Crewleader". Employees shall only be eligible for Acting Crewleader Pay if they serve in such capacity as "Acting Crewleader" for eight (8) consecutive hours or greater. If an individual serves in such capacity, they shall be paid at a premium rate that is 7% greater than their normal hourly rate for the period of time they have been designated "Acting Crewleader". Employees shall not be eligible for "Acting Crewleader" pay if they serve in such capacity for less than eight (8) hours.

Other Departments

Acting Supervisor Pay: At the discretion of the City Administrator

2.1.9 Exempt Employee Performance Bonus

All employees considered to be "exempt", or paid on a salaried, non-hourly basis will not be eligible for overtime, double time, comp time, standby pay or call back pay. Exempt employees are eligible for an annual performance bonus of up to 2% of their average salary of the previous year. The exact amount of the bonus will be determined by the employee's department head and subject to review by the City Administrator. The amount of the bonus shall be determined by the employee's performance over the past year.

2.1.10 Exempt Time

Employees who are classified as "exempt" or salaried do not qualify for overtime for time worked over 8 hours a day or 40 hours a week. Exempt employees are not paid

for their time, but rather for the work that they complete. However, employees in this classification are generally afforded slightly more flexible work schedules than employees who are paid on an hourly basis to acknowledge the lack of pay for overtime.

While these employees are generally expected to be in the office or in service during normal business hours, Department Directors may occasionally excuse exempt employees from being present in the office during normal business hours when their presence is not required or they have completed their work. Exempt employees may be required by their department to track any hours during normal business hours that they are not working, however, such time worked over or under normal working hours will not be formally tracked by payroll, unless an employee is absent from work for a whole day. Exempt employees may only be excused in this manner with written permission from their Department Director, or in the case of a Department Director, the City Administrator. If an exempt employee has been excused to be out of the office during normal business hours and are not taking paid leave time, they are still expected to be “in service” and available via cell phone and/or email. Under no circumstances, may an employee take more than one “exempt day” per pay period. Taking a full day off is expected to be a relatively rare occurrence.

2.1.11 Compensatory Time

All full time, non-exempt, non-sworn, non-public safety employees of the City of Batavia at his/her option, may elect to receive compensatory time in lieu of overtime and/or double time payment with the approval of their Department Director or his/her designee. Compensatory time shall be calculated at either one and one-half or two times the amount of time as it was earned, as described in Section 2.1 of this manual. Compensatory time may be accumulated up to a maximum of 40 hours at any given point in time. A maximum of 80 hours of comp time may be used per year and a maximum of 8 hours may be used per instance. Any compensatory time not used at the time of an employee’s separation from City employment will be paid to the employee’s straight time rate as the time was already accumulated at the appropriate overtime rate when banked.

Comp time may be granted at the employee’s request at the discretion of the Department Director or his/her designee. The Department Director’s decision to approve or deny comp time will be final. Requests for comp time off shall be made to the Department Director per that department’s time-off request policy.

If operational requirements require additional manpower, any employee off work on compensatory time can be required to report to work by the Department Director or his designee. If an employee is off work on compensatory time and is called to report he/she must report to work within a reasonable time frame. If an employee that is off work and on compensatory time is called to report for work, any hours worked would be paid at the appropriate hourly rate for that time of day and circumstance as per City



Policy. The employee's comp time would not be expended during the period of time the employee was required to be at work."

2.2 Indirect Compensation for Full-Time Employees

2.2.1 Holidays

The following are declared legal holidays for all City departments. All full-time employees shall receive regular pay for time off during such holidays:

*January 1st	Veteran's Day
Civil Rights Day	Labor Day
*Thanksgiving Day	*Day After Thanksgiving Day
Spring Holiday	*Christmas Eve Day
Memorial Day	*Christmas Day
*July 4th	

Whenever any full, legal holiday listed above, falls on a Saturday, the preceding business day shall be considered as a legal holiday; whenever any full, legal holiday listed above, falls on a Sunday, the following business day shall be considered as a legal holiday.

Any department head, who finds it necessary to do so, may require some, or all, employees of his/her department to report for their regularly scheduled shift on any of the aforesaid legal holidays. Any employee who works during a non-major holiday shall receive, in addition to the holiday pay he/she would have received had he/she not worked, regular pay for the hours worked during such holiday.

Employees who are required to work their normal shift (not overtime) on a major holiday (denoted by an '*' in the list above) shall receive, in addition to the holiday pay he or she would have received had he or she not worked, time and one-half (1-1/2) pay for hours worked during the major holiday.

Exempt employees in the Fire Department that work on a platoon schedule shall be paid an annual holiday stipend of \$3,300 out of acknowledgement of their requirement to work on all holidays and their ineligibility for traditional hourly holiday pay.

2.2.2 Personal Days

In addition, all full-time employees shall be granted a Personal Day, to be taken at the option of the employee. Requests for this Personal Day shall be submitted to the employee's supervisor, in accordance with his/her department's regulations. The supervisor will make the decision if the Personal Day should be granted at that time.



2.2.3 Vacations

Full-time employees of the City shall be entitled to annual vacation periods with full pay on the following basis:

- A. Two (2) weeks of vacation (80 hours) shall be allowed for such employees who have served the City of Batavia, Illinois, for one (1) year. One week of said vacation shall be available for use after six (6) months of employment.
- B. Three (3) weeks of vacation (120 hours) shall be allowed for such employees and appointed officers who have served the City of Batavia, Illinois, for a period of five (5) years.
- C. Four (4) weeks of vacation (160 hours) shall be allowed for such employees and appointed officers who have served the City of Batavia, Illinois, for a period of twelve (12) years.
- D. Five (5) weeks of vacation shall be allowed for such employees and appointed officers who have served the City of Batavia, Illinois, for a period of twenty (20) years.
- E. The head of each department may designate, by rule, the time when each employee under his or her supervision may take a vacation; the time at which the heads of departments may pick their vacation shall be designated by the City Administrator. Under normal circumstances, no more than two (2) weeks shall be taken at one time and not less than four (4) hours.
- F. Vacation days are not accruable but up to five (5) days of vacation time may be carried over.
- G. No such employee or appointed officer shall in any event be entitled to take more than six (6) weeks of vacation in any one (1) year.
- H. Out of recognition of the varying benefits packages offered by outside organizations, and the need to attract highly qualified candidates for open positions in the City, newly hired employees may be offered more vacation time than amounts described in this section, only upon approval of the City Administrator, as part of a wage/benefits proposal. Such accelerated benefits offers must be made in writing and be made part of the employee's personnel file.

2.2.3.1 Donation of Personal and Vacation Leave

Introduction:

Employees who are undergoing a hardship situation in their personal life such as, but not limited to, serious medical situations relating to either themselves or an immediate family member, may become eligible for donation of personal or vacation days by other employees to allow them additional paid time off.

Application Procedure:

In order to qualify for donation, the individual must make a request in writing to the City Administrator to qualify for hardship status. The request should include an explanation of what the cause of the hardship is, how long it is expected to last, and any documentation of the condition deemed appropriate. The employee must be able to demonstrate that they are either out of applicable sick, vacation, and personal leave or that such leave will be imminently exhausted. Request should be sent to Human Resources.

Review Procedure:

The City Administrator will review the request and make a determination of whether or not the hardship status would be in the best interests of the organization to be granted. The City Administrator may request additional documentation of the requestor before making final determination. The City Administrator's determination of hardship status shall be final. In the event the City Administrator is not available, the Assistant City Administrator shall review the request and make the determination.

Application of Hardship Status:

If hardship status is granted, it will remain in effect for four (4) months after the initial determination. An employee may request to be granted hardship status again after the initial period has expired using the same procedure described above.

Once hardship status is granted, electronic and physical postings will be made by the HR department of the name of the employee who has been granted hardship status and the opportunity to donate personal or vacation time to the employee. No mention of the specifics of the hardship will be made. Employees may only donate leave that is currently on the books during the hardship period.

Use of Donated Time:

Use of the donated time by the employee with hardship status shall still be subject to Department Head approval. Hardship leave can only be used if all other applicable leave is exhausted. If a hardship period extends beyond January 1 of a given year, it will not be subject to limitations on annual rollover of benefits described in Sections 2.2.2 and 2.2.3. However, no roll over of hardship time shall be allowed beyond the end of the hardship period. Any hardship time remaining unused at the end of the hardship period shall be distributed proportionately back to the employees who donated based on the percentage of total time donated that their donation represented. This reimbursement shall not be subject to maximum vacation and personal time accruals and roll over limits described in Sections 2.2.2 and 2.2.3.



2.2.4 Separation Benefit

Upon separation from the City, either voluntarily or involuntarily, an employee who has worked for the City for at least one (1) year, shall be entitled to pay that is equivalent to the amount of unused vacation and personal time the employee has remaining, and a pro-rata amount of accrued vacation pay. The pro-rata amount will be amortized by day and will be based from the employee's last anniversary date to the termination date.

Pro-Rata Vacation Calculation

Calculate the number of days from last anniversary date.

A. Count number of days from hire date anniversary to termination date.

B. Divide the number of days from last anniversary date to termination date by the number of days in a year to determine the percentage of days earned.

C. Multiply the percentage of days earned by the maximum number of vacation hours the employee can earn in one year at that stage in their career at the City.

Example:

Hire Date= May 1, 1993

Termination Date = Feb 8, 2004

A. 284 days from last anniversary date

B. $284 / 365 = 78\%$

C. $120 * 78\% = 94$ hours pro-rata earned

The employee would be paid for 94 hours of pro-rata vacation time earned plus any remaining vacation time not taken during the year of the resignation or termination.

All City owned property must be returned by the employee before a termination compensation check is issued. The replacement cost of any missing items will be charged from the final check to the employee.

2.2.5 Sick Leave

Employees and appointed officials of the City of Batavia, who work full-time for the City, shall receive regular pay during unavoidable absence from work due to sickness or accident. In addition, sick leave may be used for a maximum of five (5) days per year, upon approval of a department head, for the following reasons: the sickness or scheduled medical procedure of a parent, spouse or child, the birth of a child or grandchild, or the placement of a child with the employee for adoption or foster care.

Sick Leave may only be granted if an employee's department head believes the absence is excusable and providing sick employee does not qualify for disability benefits. For the purpose of this benefit, non-salaried personnel are those people who are paid at an hourly rate and are paid for overtime. The following other circumstances exist in regard to sick time:

- A) A department head may request a statement from a doctor to the effect that a person is ill and should not work.
- B) Sick leave shall be cumulative at a maximum rate of twelve (12) days per year, to a maximum accumulation of one hundred ninety two (192) days.
- C) Sick leave is intended to be insurance against a loss of wages as a result of being unavoidably absent due to illness. It is NOT intended to be used as additional time off. The purpose of accumulating sick leave is to provide the employee with necessary protection in the event of a major illness or non-work related injury.
- D) Upon voluntary separation from the City, employees shall be given a sick leave buyback incentive as follows:
 - For employees who have completed at least 5 years but not more than 10, they shall be paid for each day of unused, accumulated sick leave at a rate equal to 10% said unused sick leave. Such payment shall not exceed eleven (11) full days of salary or wages or eighty-eight (88) hours.
 - For employees who have completed at least 10 years but not more than 15, they shall be paid for each day of unused, accumulated sick leave at a rate equal to 15% of said unused sick leave. Such payment shall not exceed twenty-five (25) full days of salary or wages or two hundred (200) hours.
 - For employees who have completed at least 15 years but not more than 20, they shall be paid for each day of unused, accumulated sick leave at a rate equal to 25% of said unused sick leave. Such payment shall not exceed forty-five (45) full days of salary or wages or three hundred sixty (360) hours.
 - For employees who have completed at least 20 years, they shall be paid for each day of unused, accumulated sick leave at a rate equal to 40% of said unused sick leave. Such payment shall not exceed seventy-two (72) full days of salary or wages or five- hundred seventy six (576) hours.

2.2.6 Military Leave

The City shall comply with all federal and state laws governing military leave and employees' rights pertaining to military service.



2.2.7 Leaves of Absence

For the employee who wishes to take a leave of absence and resume work at a later time, leave may be granted, without pay, at the discretion of the City Administrator. The employees may apply for employment upon return from the leave without pay; however, re-employment shall be contingent upon an available job vacancy.

2.2.8 Family and Medical Leave

The City shall comply with all provisions of the Family and Medical Leave Act of 1993 (FMLA). If an employee makes a request for time off for any of the following reasons:

- The birth and care of a newborn child of the employee (father or mother);
- The placement with the employee of a son or daughter for adoption or foster care;
- To care for an immediate family member (spouse, child, or parent only) with a serious health condition; or
To take medical leave when the employee is unable to work because of a serious health condition (including periods of incapacity, continuing treatment by a health care provider, or recurring episodes relating to an underlying condition);

It is the responsibility of the employee's supervisor to notify the Human Resources Department so they may ascertain whether or not the leave requested should be classified as FMLA leave. FMLA leave shall run concurrently with benefit paid time-off such as vacation, sick, or personal days. Sick leave usage for a serious health condition of a parent, spouse or child shall be allowable upon the submission of the FMLA family physician statement documenting the need for the employee to care for their parent, spouse or child. An employee may utilize FMLA unpaid leave after all benefit paid time has been exhausted or when the balance of all benefit paid time is equivalent to two weeks or less. Per the Act, each employee is entitled to 12 weeks of FMLA classified leave, for each 12-month period.

2.2.9 Bereavement Leave

Up to five (5) consecutive work days of leave, with pay, may be granted upon the request of the employee for the death of a spouse, parent or child. Up to three (3) consecutive work days of leave, with pay, may be granted at the death of a grandparent, grandchild, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, or relative living in the household. These definitions shall include all step- and half-relationships where appropriate. No more than two (2) consecutive work days may be granted for the death of other relatives. Should additional days off be required, the employee may use vacation, personal time, or accumulated sick leave with the approval of their Department Head. If no paid leave is available, the employee may take leave without pay with the approval of their Department Head. Employees shall only be given bereavement pay for days they are normally scheduled to work.

2.2.10 Non-Work Related Disabilities

Definition

A non-work related disability is any physical or mental impairment which makes an employee unable to perform the duties of any position which the City might reasonably assign to him/her. Employee pregnancy is considered a disability for the purposes of this definition. The City shall comply with all state and federal laws relating to employee pregnancy and disability.

Modified (Light) Duty for Non Work Related Disabilities

Employees disabled while off-duty **may** be granted modified duty status, at the discretion of the Human Resources Department. Requests for modified duty must be submitted to Human Resources via a Non Work Related Modified Duty Request Form with all necessary documentation attached. Modified duty will be considered if: 1) the employee has been released by the City's medical doctor, or any specialist as being incapable of performing their full duties but still capable of performing a substantial portion of their normal duties, 2) there is a clear benefit to the City, and 3) the work assigned is befitting of their pay grade. Work should never be created in order to accommodate off-duty disabilities. Employees granted modified duty status must be certified as physically able to return to full duty by the City physician or his/her designate before they return to non-modified, full duty

2.2.11 On the Job Injury Reporting

If an employee is injured on the job, the following procedures should be followed:

Minor Injury

- First Aid treatment should be sought if needed
- Notification of immediate supervisor should occur promptly
- An accident/injury report should be filed immediately after notifying supervisor.
- Accident/Injury report should be given to the immediate supervisor
- Supervisor should review accident with employee.
- Supervisor should investigate the injury to see if it could have been avoidable or prevented. If yes to either avoidable or prevented should indicated this on the Supervisor report
- If needed supervisor should review injury with other co-workers
- Supervisor must be notified if injured employee leaves work.



Serious Injuries

- Immediate medical attention should be sought. Call for an ambulance (injured subject can sign a release if not wanting to go to hospital)
- Supervisor should be immediately notified by Injured employee or witness (if injured employee is unable) of where employee is being taken for treatment.
- Supervisor should immediately notify Human Resources with the information of employee name, type of injury, how injury occurred and where employee has been taken for treatment.
- Human Resources will call in authorization to medical facility
- Supervisor and Witness: fill out injury report on the day of occurrence.
- Injured Employee: fill out injury/accident report upon release of treatment or as soon as possible.
- Supervisor must be notified if injured employee leaves work.

It is strongly suggested you go to hospital if one of the following happens:

- Difficulty Breathing
- Unconsciousness
- Dizziness
- Burns (all)
- Deep Lacerations
- Head Injury
- Possible broken bones

Employees **should not** wait for approval before seeking medical attention. The health and safety of our employees is the most important issue. If the hospital or doctor needs approval, it can be obtained by the hospital staff during or after the employee has been treated.

Supervisors should notify Human Resources immediately for any employee injured who requires medical attention. If serious injury, the supervisor should notify their Department Head immediately.

Employee's who sustain an on duty injury will be required to seek initial medial treatment at Tyler Medical Clinic for non-emergency situations and the nearest emergency room for emergency situations.

2.2.12 Workers Compensation Benefits

Whenever an employee of the City of Batavia sustains an injury arising out of and in the course of their employment which causes the employee to be unable to perform their duties, they shall be entitled to a maximum of six months leave of absence and wage compensation pursuant to the provisions of the Illinois Worker's Compensation and Occupational Diseases Acts. Certain employees may also be entitled to the provisions of the Public Employees with Disabilities Act (PEDA).

Lost Time Cases

An employee who has been written off work due to an on duty injury, and authorized to be off by the City's third party worker's compensation administrator, shall be compensated according to worker's compensation laws and in concurrence with this manual. Once the employee is released back to work, whether it be with restrictions or to full duty, they will no longer receive worker's compensation pay but return to their regular wages earned based upon hours worked.

Modified (Light) Duty for On the Job Injuries

Modified duty **shall** be assigned to employees who have been injured on the job and are unable to perform the full range of their duties, if they have a prognosis of full recovery. The City's medical doctor, or any specialist who the employee has been referred to, must certify that the employee is incapable of performing their full duties and, furthermore, must indicate the acceptable terms of the modified duty. Employees granted modified duty status must be certified as physically able to return to full duty by the City physician or his/her designate before they return to non-modified, full duty. Modified duty will never exceed twelve (12) months in length for any disability.

When an employee has been released to modified duty for an on-duty injury, the Department Head needs to evaluate the restrictions and try to accommodate them. If it is found that the department does not have work that will keep the employee within his/her restrictions, the Department Head should contact Human Resources. Human Resources may temporarily move the employee to another City department that can accommodate the restrictions until employee is released to full duty. Overtime should never occur for employees on restricted duty for a work related injury or illness. At no time shall an employee work overtime while on restricted duty or lost time.

Coordination of Benefits

Where payment is due to such employee under the Workers' Compensation or pension laws, the amount received by reason of Workers' Compensation or pension payments shall be deducted from the allowance above provided for.



Administration of City Benefits During Injury Period

Sick leave and vacation leave shall be accrued by an employee while on temporary disability arising out of and in the course of employment. The City will continue to pay the employer share of Health Insurance Costs and pension contributions throughout the injury period. The employee will continue to be responsible for his/her employee portion of Health Insurance Costs and pension contributions during this period. If it is deemed the employee is permanently disabled and will not be able to return to his/her normal work duties all sick leave and vacation leave accruals will cease.

Doctor Appointments

Any employee injured on-duty that has sought medical attention related to their injury shall submit all original paperwork to their supervisor. This paperwork must indicate if the employee has been released to full or restricted duty, and what, if any, restrictions have been placed on the employee. The supervisor in turn shall submit all original paperwork to Human Resources. For every appointment the employee attends, a work status slip is required to be given to the Department Head

Follow Up Appointments

An employee going for a follow up doctor's appointment during working hours will be paid at a regular rate of pay. Every effort should be made by the employee to schedule their appointment in a manner that minimizes the impact on their workday. If the appointment is made at the beginning of an employees work day, the department head will discuss with the employee the reasonable amount of time for return from appointment. The department head must approve the time of an employee's appointment if attending during work hours. Employees should return with a note indicating the time of release from appointments. Any appointments made during non-work hours are unpaid appointments. Doctor appointments scheduled or appointments that run past the regular work hours shall not result in overtime for an employee.

2.2.13 Pension Disability Benefits

City of Batavia employees are presently covered by any one of three (3) separate pension and disability plans. These are the Illinois Municipal Retirement Fund (IMRF), the Police Pension Fund and the Fire Pension Fund. General municipal employees, and sworn Police and Fire personnel are subject to the regulations governing disability benefits in each of their respective plans. Employees who are not participants in the pension plan are not eligible for disability benefits. Specific requirements for eligibility for benefits are included in the individual plans. All questions and applications for disability benefits for employees covered under the IMRF should be directed to the City IMRF Representative.

In the event that an employee suffers serious illness or injury and becomes eligible for and receives disability benefits provided by any of the above-named funds prior to utilizing all of his/her sick leave and vacation leave credits and such injury or illness is not covered by Worker's Compensation, City sick leave and vacation benefits will cease. Any unused sick leave and/or vacation leave will remain as a credit to the employee and will be administered in accordance with City policy after the disability period is over.

During the period of disability, the employee's service credit toward retirement will increase at the same rate as when he/she was working. Sick leave and vacation leave will not accumulate. The employee will receive no regular salary increase during the disability period. Upon reinstatement, the employee will be compensated at their former rate plus any wage scale adjustments that were granted during their absence.

2.2.14 Jury and Witness Duty

Upon notification to serve on jury or witness duty, the employee shall submit a copy of the summons to his/her supervisor, who in turn will submit summons to Human Resources. Jury duty will be treated as an authorized absence from work and the employee shall continue to receive his/her regular base wage while performing jury services. A member who is subpoenaed or otherwise required to appear for issues directly related to their employment by the City, shall also receive all regular pay and benefits, whether they are on duty or off duty. Jury duty checks shall be turned over to the City. The City will reimburse the employee the mileage portion of the jury duty check.

2.2.15 Group Health Benefits

It shall be the policy of the Employer to provide hospitalization, major medical, dental and vision coverage for employees who work an average of 20 hours per week or more. Dependent dental coverage shall be provided to qualifying employees at the employee's expense. Employees working an average of 35 hours per week shall be eligible for single, employee-plus-one, or family coverage and a term life insurance benefit. Employees working an average of at least 20, but less than 35 hours per week shall be eligible for single coverage only.

Participating employee's contribution to the costs of the single coverage premium shall be no greater than fifteen percent (15%), the contribution to the cost of employee-plus-one premium shall be no greater than twenty percent (20%), and the contribution to the costs of the family coverage premium shall be no greater than thirty percent (30%) of the per-employee unit cost of the health plan. Employee contributions shall be deducted from wages or salaries on a per-pay-period basis. The employees' participation costs shall be determined by the City each year. Employee's contributions



shall not be reduced or pro-rated because they work less than full time. Employees should refer to the benefit plan document for type(s) of plan and network coverage(s).

At the option of the employee, participation in the City's group health plan may continue past retirement, so long as the following conditions are met:

- A. The retiree is at least fifty (50) years old or is collecting their retirement pension or qualifies for a disability pension.
- B. The retiree shall pay 100% of the plan participation cost.
- C. The retiree shall pay three months' participation costs in advance, at the beginning of each quarter, to the City or have monthly health premium deduction taken from their pension check.

The City will provide a life insurance program to cover all full-time employees in the amount of \$45,000 or the employee's base annual salary, whichever is greater, at no cost to the employee.

2.2.16 Clothing and Boot Reimbursement

Upon approval of their Department Head, field personnel shall be eligible for annual work boot and winter clothing reimbursement upon proof of purchase in the amount of \$250.

The purchase must be pre-approved by the employee's department head or no reimbursement shall be issued. For the replacement of existing items, employees will be required to demonstrate wear and tear before new purchases will be approved. Employees will be required to provide proof of purchase prior to receiving the reimbursement. Any and all reimbursements will follow the IRS regulations for taxable fringe benefits.

In addition to the boot/accessory allowance, appropriate outer wear shall be provided to employees at department head's discretion if the employee is expected to work in the elements on a regular ongoing basis. Any outer wear provided shall have the City of Batavia logo clearly visible and have appropriate safety markings. Any such outer wear provided shall remain the property of the City of Batavia and must be returned to the City upon separation from City employment.

2.2.17 Prescription Safety Eyewear

City employees whose jobs regularly require eye protection (determined by the Department Head), and who wear prescription eyeglasses shall be furnished one (1) pair of prescription safety glasses upon employment, or the Department Heads determination that eye protection is needed. Thereafter, a new pair will be provided every three years unless earlier replacement is required because of significant change in prescription or damage beyond repair. Prescription safety glasses will be provided through the Dreyer Medical Clinic under its Premium package, currently described as follows:

- The City will not cover the expense of an eye exam except as covered by participation in the City health care program
- The City will contribute \$59.00 towards single vision and \$88.00 towards bi-focal eyeglasses. (If prices change the City will continue to pay for the Premium package for single and bi-focal vision).
- Safety glasses shall include frames, lenses, case and permanent side-shields
- Upgrades to frame style will be at the employees expense
- No permanent tint will be allowed. Transition tinting may be added at the employees expense

Approval by supervisor/Department Head is required prior to the purchase of prescription safety glasses by the City. Eye appointments shall not take place during working hours unless sick time is used.

2.2.18 Meal Allowance

Employees required to work more than four (4) emergency hours following or preceding the work day, shall be allowed a thirty (30) minute paid meal period and \$10.00 meal allowance when such emergency requires working through “normal” meal periods or at the Department Heads discretion. Employees are required to show proof of purchase prior to receiving the allowance.



2.3 Indirect Compensation for Part Time Employees

Employees who work 20 or more hours a week but less than 40 hours a week in a non 24/7 department will be eligible for the sick, vacation, personal day, and holiday benefits described above, but on a prorated basis. Benefits for these employees shall be based on the average hours worked by the employee in the prior year. The only exception to this rule is if the employee is new or if the employee has undergone a significant change in the number of hours worked. In both of those cases, benefits will be calculated by Human Resources based on the anticipated hours the employee will work over the remainder of the calendar year.

Sick Leave, Vacation Leave, Personal Leave and Bereavement leave will be calculated as a percentage of the number of hours worked in a week. For example if an employee works 30 hours a week, they will receive sick, vacation, and bereavement leave at a rate of 75% of the normal benefit. For personal days, part-time employees will be given the opportunity to take full 8 hour day off of work, however they will be only be paid for the pro-rated amount they are due as described above.

Holiday pay will only be paid for scheduled workdays. If an employee is scheduled to work on a given day and it is a City Holiday, they will be paid for the amount of time they normally are scheduled to work on that day and receive the day off. If a Holiday falls on a day that they do not normally work, they will receive no holiday pay.

3 Recruitment and Selection of Employees

3.1 Responsibilities for Recruitment and Selection

The Assistant City Administrator is responsible for the recruitment and selection of all employees of the City of Batavia, with the exception of appointed officials. Appointed officials shall be selected by the Mayor based on the recommendation of the City Administrator and with the advice and consent of the entire City Council. The responsibility for recruitment and selection of sworn personnel in the Police and Fire Departments rests with the Board of Fire and Police Commissioners.

3.2 Non-Discrimination and Diversity Policy

The City of Batavia recognizes and advocates the inherent equality of all people, and therefore values human dignity, equality of opportunity, and respect for all individual differences as reflected in racial, cultural, ethnic, age, economic condition and other diversities. Consequently, motivated by these values and in accordance with federal, state, and local laws and regulations, the City is an equal opportunity employer, and all applicants for, and those holding any positions with the City of Batavia will be given equal consideration regarding employment, pay, promotion, transfer, and discipline without regard to race, color, beliefs, sex, national origin, physical or mental disability, marital status or status as a veteran (except where age, sex or physical requirements constitute a bona fide occupational qualification necessary to proper and efficient functioning in the employment duties.)

This policy applies to all programs and activities of the City, including but not limited to, employment practices, board and commission appointments, the provision of services to the public, enforcement of laws and ordinances, and contractual relations. The City will continue to take affirmative steps to implement these policies. (Section amended 1/4/99)

3.3 Harassment

The City of Batavia is committed to maintaining a work environment that is free of discrimination. In keeping with this commitment, the City will not tolerate harassment of City employees by anyone, including any supervisor, co-worker, vendor or any other third party.



Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, such as sex, color, race, religion, national origin, age, physical or mental disability or other protected group status. The City will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment. Such harassment may include, for example, jokes about another person's protected status, kidding, teasing, or practical jokes directed at a person based on his or her protected status.

Sexual harassment deserves special mention. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitute sexual harassment when (1) submission to the conduct is an explicit or implicit term or condition of employment, (2) submission to or rejection of the conduct is used as the basis for an employment decision, or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment is conduct based on sex, whether directed towards a person of the opposite or same sex, and may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing," practical jokes," jokes about obscene printed or visual material, and physical contact such as patting, pinching, or brushing against another person's body.

All City employees are responsible to help assure that harassment of any type is avoided. If an employee feels that he or she has experienced or witnessed harassment, the employee is to notify the Human Resources Department, the employee's department head or supervisor. The City forbids retaliation against anyone for reporting, harassment, assisting in making a harassment complaint, or cooperating in a harassment investigation. If an employee feels he or she has been retaliated against, or that harassment has continued following the reporting of same, the employee is to notify the Human Resources Department, the employee's department head or supervisor. The employee further has the right to file a charge of civil rights violations with the Illinois Department of Human Rights and, if substantial evidence to support the charge is found to exist, to have such an opportunity as is provided by law and applicable regulations to engage in conciliation with the City and/or to have the charge heard in a public hearing before an Administrative Law Judge of the Illinois Human Rights Commission. For further information, an employee may call or write to the Illinois Department of Human Rights, 100 West Randolph Street, Room 10-100, Chicago, Illinois, 60601, (312) 814-6200, or the Illinois Human Rights Commission, 100 W. Randolph Street, Room 5-100, Chicago, Illinois 60601 (312) 814-6269.

The City's policy is to investigate all such complaints thoroughly and promptly. To the fullest extent practicable, the City will keep complaints and the terms of their resolution confidential. If an investigation confirms that a violation of the policy has occurred, the City will take corrective action, including discipline, up to and including immediate termination of employment. (Section amended 1/4/99)

3.4 Determination of Need for New or Additional Personnel

Each department head is responsible for notifying the City Administrator, as far in advance as possible, of any requirements for new or additional personnel. Setting forth the number of employees required and all relevant criteria (such as desired education, training experience, etc.) subject to the City Administrator's approval. All requests for additional personnel are made as part of the department budget requests which are adopted by the City Council or any subsequent budget amendments passed by the City Council. Any new positions created must be placed into the appropriate paygrade in the wage schedule listed. Placements shall be recommended by Human Resources based on a survey of comparable communities. Prior to the hiring of additional personnel, the Government Services Committee shall review the justification for placement of the position into the wage schedule and recommend the appropriate amendment to the Wage and Salary Ordinance in effect to the full City Council. City Council approval is required to create additional position(s). Replacement personnel should be requested as soon as the department heads become aware that a vacancy will occur. The City Administrator shall approve all requests for replacement personnel.

Auxiliary Police and Paid-On-Call Fire Fighters will be selected and appointed in accordance with the Illinois Compiled Statutes and City of Batavia Ordinances.

The City of Batavia adopts a policy of filling vacancies from among existing employees when it is in the best interest of the City to do so. In no event shall the City be bound to fill a vacancy by transfer or promotion of an existing employee.

A vacancy shall be announced by the distribution of an in-house position opening memorandum to each department. The Assistant City Administrator, in his discretion, may simultaneously initiate the recruitment process for external candidates, with a view toward filling the vacancy with the most qualified candidate. The methods which may, in the discretion of the Assistant City Administrator, be used in the process of recruiting new employees include:

- 1) Advertisement of the available position by in-house memorandum;
- 2) Advertisement of the available position in newspapers and professional journals;
- 3) Contacts with professional organizations;
- 4) Contacts with educational institutions;
- 5) Contacts with employment offices;
- 6) Walk-in inquiries;
- 7) Advertisement of available position on City website.



3.5 Selection Process

All candidates for employment with the City shall file applications with the Human Resources Department. The screening of all non-sworn personnel is the responsibility of the Human Resources Department. The Human Resources Department will make an advisory recommendation to the department head who will make the final decision with the City Administrator's concurrence. Human Resources and the department head may reject any application which indicates that the candidate does not possess the minimum qualifications required for the position. An applicant may also be disqualified because he/she has made false statements on the employment application. The selection process may include the following steps:

- A) Screening of applications on the basis of previous experience, training, and special abilities;
- B) Screening interview;
- C) Job related pre-employment tests;
- D) Investigation of previous employment history and personal and professional references;
- E) Physical examination;
- F) Drug screening.

The screening of all sworn personnel, except appropriate Police and Fire Command Staff when allowable under law, is the responsibility of the Board of Fire and Police Commissioners. Examinations will be conducted pursuant to State Statutes and Fire and Police Commissioners rules and regulations.

Department heads and supervisors do not have the authority to employ or make commitments to any candidate without the approval of the City Administrator.

All prospective full-time employees, and part-time employees, determined by the City Administrator, will be required to take a physical examination, conducted by a physician selected by the City prior to employment. The entire cost of the examination will be at the expense of the City. Short term employees or employees on contract are exempt from this provision.

3.6 Types of Appointment

There are five (5) types of appointments to positions in the City organization. These are:

- A) Temporary Appointment - refers to short-term employees appointed to work for a limited period of time. Successive temporary appointments of the same individual to the same position shall be reviewed by the City Administrator.
- B) Part-Time Appointment - refers to employees who work fewer than the regularly established number of hours per day, days per week, or weeks per month.
- C) Regular Appointment - refers to employees who work regularly established hours per day, days per week, or weeks per month and who have been employed to work as career public employees.
- D) Acting Appointment - refers to an appointment of a City employee or another to fill, temporarily, a position for which a regular appointee is being sought, or when the regular appointee is on leave.
- E) Seasonal Appointment - refers to non-skilled employees who perform lawn maintenance, facilities maintenance, etc.

3.7 Work Analysis (Evaluatory) Period – New Employees

All new employees of the City of Batavia undergo a work analysis period, during which time the employee's performance is subject to close review by his/her supervisor and department head. An employee may be released at any time during this period. Completion of this work analysis period shall not entitle an employee to continue employment by the City in any form or position.

The work analysis period for sworn personnel of the Police and Fire Departments are defined in the rules and regulations of the Board of Fire and Police Commissioners. The work analysis period for all other employees is one (1) year.



4 Employment Practices

4.1 Promotions

It is the policy of the City to promote qualified employees whenever practical. Therefore, notice of the special consideration for vacancies or newly created positions will be made to employees.

4.2 Voluntary Reductions, Demotions and Transfers

A non-sworn employee may voluntarily request or accept assignment to a position having a lower maximum permissible salary or rate. All requests for or acceptance of such voluntary reductions, including reducing salary, shall be in writing, submitted to the Human Resources Department and shall be signed by the employee. No reduction shall become effective without the written approval of the City Administrator, further, no reduction will be granted if no position exists in the lower job classification.

A transfer is the assignment of a non-sworn employee to a vacant position in another classification or department. In determining whether or not to approve the transfer of an employee, the City Administrator may consider the education, experience, skill, ability and character of the employee.

Human Resources will advise the transferred employee of the conditions of the transfer, what pay grade and step the employee will be paid and what length the work analysis period will be, if any, prior to the employee's beginning work on the new job.



4.3 Nepotism

It is the policy of the City that employment and personnel decisions shall not be made on the basis of nepotism, nor under circumstances which reasonably create the appearance of nepotism to the public.

Under this policy:

- A) The City will discourage the hiring of more than one (1) member of the family or having more than one (1) relative in its employ at anytime. However, despite an apparent conflict with this policy, the best candidate for a position will be employed as long as such employment does not conflict with paragraph E of this section.
- B) A “relative” or “family” includes family relationship up to but not including first cousin.
- C) “Employment” does not include uncompensated service on City commissions or boards, but does include elected City officials and does include service on the Board of Fire and Police Commissioners with respect to sworn personnel.
- D) The City policy does not apply to employees whose hiring precedes the election and candidacy of a family member to a City office.
- E) Subject to paragraph D, the following employment shall be prohibited:
 - 1) Hiring relatives of elected City officials or the City Administrator;
 - 2) Hiring relatives of department heads in any department;
 - 3) Hiring a second family member in the same department/division in which a relative currently works, whether or not the current employee/relative is in a supervisory position.

This policy shall not apply to the employment of paid-on-call firemen, auxiliary police officers, any volunteer position with the City, or any employee candidates whose employment falls within the jurisdiction of the Board of Fire and Police Commissioners.

This nepotism policy shall be subject to all anti-discrimination requirements and affirmative action obligations as may be applicable to the City under Federal or State laws or regulations, or with respect to particular projects, grants or contracts funded by other governmental agencies.

4.4 Reference Checks

No City of Batavia personnel shall release any information on a present or previous employee, unless authorized to do so by Human Resources. Verbal requests for personnel information should be directed to the Human Resources Department who may release the employee's position, title, employment date, and termination date. Requests for additional information shall be made, in writing, to Human Resources and shall be released only upon the signed permission of the employee.

4.5 Residency

Residency Within Corporate Limits

City Administrator
Police Chief
Fire Chief

Residency Within Twelve (12) Miles of the Closest City Limit

Director of Public Works
Electric Superintendent
Water/Sewer Superintendent
Street Superintendent
Wastewater Superintendent
All non-clerical personnel of the Public Works Department
and all of its divisions

All other City employees would not be subject to any residency requirement unless prescribed by Collective Bargaining Agreement.

Any appointed officer or employee shall be allowed a maximum of one (1) year to comply with the applicable residency requirement.



4.6 Employee Suggestions

Employees are encouraged to bring any suggestion regarding methods of work, work routines, or any aspect of the work situation to their respective supervisors or department heads. All employees' suggestions regarding the improvement of City service will be given careful consideration and a response will be made. Suggestions can be made verbally to an employee's supervisor or in writing through the City's Employee Suggestion Program. Written employee suggestions may be anonymous or signed. In no circumstance will an employee be reprimanded or disciplined for making a suggestion through the Employee Suggestion Program.

4.7 Outside Employment

Outside employment is any employment in addition to an employee's regular, full-time job with the City. Full-time employees may engage in outside employment providing:

- A) Such outside employment shall not interfere with the efficient performance of the employee's duties.
- B) Such employment shall not constitute a conflict of interest.
- C) Such employment shall not occur during the employee's regular or assigned working hours.
- D) Such employment is reported to the employee's supervisor prior to acceptance of employment.

Employees of the Fire and Police Department should consult rules, regulations, department policy, and labor contracts in regards to outside employment.

4.8 Safety Rules

The City of Batavia, in an attempt to provide safe working conditions, has adopted the following general safety rules. Additional safety rules may be developed by individual departments when necessary. However, these rules may not conflict with these adopted general safety rules.

4.8.1 General Safety Rules

1. Work at a safe speed - foolish hurry is always dangerous.
2. Report all injuries or accidents, no matter how slight, immediately to a supervisor.
3. Do not attempt to give first aid to an injured worker if you have not been trained to do so. Do not move a seriously injured person unless absolutely necessary to save his life, as movement could aggravate the injury.
4. Obey all warning tags and signs. They are posted to point out hazards and are for your protection.
5. Do not horseplay on the job. This shows lack of maturity. Your worker's compensation coverage benefits will not cover you for horseplay injuries received.
6. Practice proper lifting techniques and body mechanics at all times regardless of how limited the physical effort may be and ask for assistance, whenever possible.
7. Never allow children or other persons to play or stand around when you are working.
8. Use the personal protective equipment required by the job being done such as goggles, safety shoes, hardhat, gloves, safety vest, hearing protection, etc.
9. If protective guards or barricades are required to protect other workers or passerby, check them before beginning work. If they are removed for any reason, replace them as soon as possible.
10. Ensure that all tools and equipment are in proper and safe working order with all protective guards in place before using.
11. Be considerate at all times of the safety of your fellow workers and the general public.
12. Obey all safety rules and practices and take an active part in the safety program of the City. Encourage fellow workers to follow safe work procedures.



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13. Always watch your step. Look out for backing trucks and all moving vehicles, whether on the job or driven by the public.
 14. Wear seat belts at all times when operating a vehicle.
 15. Do not jump from any vehicle or elevated position.
 16. Do not operate any power-driven equipment until you have been trained in safe practices of operation.
 17. Turn off or unplug electrical appliances when not in use.
 18. Avoid overloading electric circuits. If it is necessary to use triple or four-way sockets for commonly used electrical equipment, additional outlets are required.
 19. Extension cords can be a hazard when stapled, run under rugs, etc. Request additional outlets.
 20. Use portable electric heaters with great care. Avoid placing such appliances near combustibles. Unplug at end of workday.
 21. Read warning labels and instructions carefully before using chemicals.
 22. Flammable cleaning fluids and gasoline for edgers and lawn mowers should not be stored in building occupied for offices, public assembly and like uses. Only enough fluid for immediate use should be kept on hand in work areas.
 23. Smoking is allowed in authorized areas only! Smoking is not allowed where flammables are stored/used. Nor in City vehicles.
 24. Flammable liquids should be put and kept only in metal containers. Safety cans are required for gasoline.
 25. Be careful that light bulbs do not come into contact with combustible materials in storage areas.
 26. Be familiar with fire equipment and know what to do in case of fire.
 27. Be familiar with MSDS (Material Safety Data Sheets) procedures in your department.

5 Performance Evaluation

5.1 Objective and Method

A formalized program for evaluating the work performance of all employees in the City's service shall be maintained. The Human Resources Department, in cooperation with department heads, will administer a system of rating employee performance. The standards of performance recommended as a basis of such rating will have reference to the quality and quantity of work done, the manner in which the work is done, the conduct of employees and faithfulness to their duties and other characteristics which measure the value of the employee.

The purpose of these evaluations is to enable employees and supervisory personnel to work together to improve job performance and, therefore, the service provided to the citizens of the City. The job performance evaluation will be completed and rated by the evaluator. The employee will have the space provided and the right to comment on the rating. The employee, as well as all individuals involved in the rating process, will be required to sign and date the form. A copy will be provided for the employee. All evaluation forms, when completed and signed by the evaluator and employee, will be forwarded to the Human Resources Department. .

Performance evaluations may also be used in determining position status or dismissal; as a basis for bonuses; as a factor in determining order of layoff; as a basis for training, promotions, demotions, and transfers; and for such other purposes as may be set forth in this manual.

Each department shall prepare, on forms prescribed by the Human Resources Department, records of the performance of each employee, including those new employees working during their work analysis period, full-time and part-time employees. Job performance evaluations for all personnel, including sworn and non-sworn personnel, will be done periodically in a manner established by this manual or by department policy.

The City Administrator may make exceptions to the performance evaluation procedure where appropriate.

5.2 Performance Evaluations



New employees will be given a six (6) month evaluation by their supervisor with no adjustment in pay. Each employee's performance will be appraised on an annual basis on or prior to their employment anniversary date. The employee will be given an evaluation on an approved rating form designed to evaluate performance applicable to the type of position being rated. The Human Resources Department will determine how employees shall be classified for the purposes of evaluation forms.

6 Use of Public Property

6.1 General

No employee shall request or permit the use of city-owned vehicles, equipment, materials or property for personal convenience or profit or political purposes, except when such services are available to the public generally or are provided as City policy for the use of such employee in the conduct of City business. Telephone lines are provided for official business only and are not to be used for personal business except in the case of an emergency.

6.2 Computer Network Use and Security Policy

6.2.1 Purpose

The computer use policy establishes a policy for the use of the City of Batavia's network and computers with the purpose of ensuring productive and responsible practices. Access to the Internet and e-mail technology is granted to City employees to enhance their knowledge, skills, and abilities, as well as to foster their professional growth and development. All Users have a responsibility to use the City of Batavia's computer resources and the Internet in a professional, lawful and ethical manner.

6.2.2 Rights and Responsibilities

Computers and networks can provide access to resources on and off City property, as well as the ability to communicate with other users worldwide. Such open access is a privilege and requires that individual users act responsibly. Users must respect the rights of other users, respect the integrity of the systems and related physical resources, and observe all relevant laws, City policies, and contractual obligations. Since electronic information is volatile and easily reproduced, users must exercise care in acknowledging and respecting the work of others through strict adherence to software licensing agreements and copyright laws.



6.2.3 Ownership and Confidentiality

Use of the City's computer system, including the Internet by City of Batavia employees must be consistent with city-wide and departmental rules and regulations regarding employee conduct and ethical standards.

System administrators or other authorized City employees may access user files when necessary to protect the integrity of computer systems or the rights or property of the City. For example, system administrators may examine or make copies of files that are suspected of misuse or that have been corrupted or damaged. User files may be subject to search by law enforcement agencies under court order if such files contain information that may be used as evidence in a court of law.

All software, data, e-mail or Internet use residing on or transferred using City owned equipment is considered the property of the City of Batavia and are subject to monitoring and disclosure. The City Administrator reserves the right to authorize the IS Director to monitor and report back to him/her any activity on the City's network or any City owned computer. Monitoring may occur with or without notice to the employee. The use of a system log on or password should not convey any expectations of privacy to the employee. All data may be determined official City records and may need to be archived according to a citywide storage policy. Department director's can advise employees of their respective departments on determining what is an official City record.

6.2.4 Acceptable Use

Computer/Internet/e-mail usage should be limited to appropriate work related uses. If an employee has a question about the appropriateness of particular activity, he/she should consult his/her supervisor, Human Resources, or an IS authorized employee. An IS authorized personnel include members of the IS Department staff and department personnel assigned by the IS department with Department Director approval;

The following uses of City computer equipment and/or Internet and e-mail accounts are prohibited at all times. This list is not intended to be inclusive of all prohibited activities, it is provided only as a general guide:

- Any activity prohibited by law;
- Any activity that could be reasonably construed to be detrimental to the best interests of the City of Batavia;
- Uses that interfere with or disrupt the City's network, Internet access, or the use of other computer equipment and software. Such interference or disruption includes, but is not limited to distribution of unsolicited advertising or e-mail, flooding the network with messages or unnecessary processes, sending chain letters or pyramid solicitations;
- Unauthorized attempts or entry to other computational, information, or communications devices where public or general access has been limited;
- Any activity that is malicious, threatening, harassing or obscene in nature;
- Uses that violate the City of Batavia's Sexual Harassment policy or Personnel manual;
- Displaying material or sending obscene, offensive, lewd, or sexually harassing, racist, sexist, discriminatory, or otherwise offensive images or text on City computer equipment;
- Use of e-mail, Internet, or computer systems to promote one's own political and/or religious beliefs;
- Displaying, transmitting, distributing or making available information that expresses or implies discrimination or an intention to discriminate;
- Using the City's computer resources or facilities for profit or commercial gain.
- Knowingly or carelessly performing an act that will interfere with the normal operation of computers, terminals, peripherals, or networks;
- Deliberately wasting or overloading computing resources;
- Forging the identity of a user or machine in an electronic communication.
- Transmitting or reproducing materials that are slanderous or defamatory in nature or that otherwise violate existing laws or City regulations;
- The introduction of any software to City computers by any unauthorized personnel.
- Excessive personal use of e-mail, Internet, or computer systems.



6.2.5 Internet and E-Mail Use

The Internet is a worldwide network of computers that contains millions of pages of information. Users are cautioned that many of these pages include offensive, sexually explicit, and inappropriate material. In general, it is difficult to avoid at least some contact with this material while using the Internet. Even innocuous search requests may lead to sites with highly offensive content. Additionally, having an e-mail address on the Internet may lead to receipt of unsolicited e-mail containing offensive content. Users accessing the Internet do so at their own risk and the City of Batavia is not responsible for material viewed or downloaded by users from the Internet. To minimize these risks, your use of the Internet at the City of Batavia is governed by the following policy:

Department Heads will have the discretion to provide access to the Internet and e-mail to employees on an "as needed" basis only. Internet and e-mail access is a revocable privilege. Anyone given access to Internet or e-mail systems will be given a login ID and will be expected to provide a personalized password. E-mail messages and the transfer of information via the Internet are not secure. Any employee preparing to transmit confidential information via the Internet will seek the assistance of the IS Department. Any e-mail may be considered an official City record and should be handled treated in the appropriate manner.

Unsolicited e-mail (Spam) will be detected and remove in a best-effort approach by the IS department. Any e-mail determined to be spam will be moved to a temporary location on the network for a period of two weeks. Legitimate e-mail mistakenly determined to be spam can be retrieved for a period of two weeks by contacting the IS department.

Listed below are restrictions relating to Internet and e-mail access on city property or using city owned equipment.

1. Downloading programs via the Internet is prohibited on city PC's unless installed and properly licensed by the IS department.
2. Activities that are determined to use excessive network bandwidth from our Internet connection that is unrelated to City related business is prohibited.

E-mail accounts should be protected and kept confidential. Giving out your e-mail address should be limited to city business. E-mail account lists should not be distributed without authorization from the IS Department. E-mail accounts on the City of Batavia web shall be posted in the format of a link and not be expressively listed.

6.2.6 Electronic Services

Other organizations operating computing and network facilities that are reachable via the City's computers may have their own policies governing the use of those resources. When accessing remote resources from the City network, users are responsible for obeying both the policies set forth in this document and the policies of the other organizations.

6.2.7 Personal Digital Assistants (PDA)

The Information Services Department will assist users with loading or linking city owned or personal PDA's for use on city PC's. Personal PDA's will be for the purpose of official City of Batavia business. Any PC shared by multiple staff will not be eligible for PDA software applications. The loading and use of any PDA software will abide by the rules and regulations of all City Policies. The specific PDA software must be licensed for use on City owned PC's and a copy of the license may be required upon request by the IS department or Department Director.

6.2.8 Viruses and Spyware

Knowingly or carelessly propagating destructive programs such as worms or viruses on any computer system that is intended to damage or to place excessive load on a computer system is prohibited. This includes, but is not limited to, programs known as computer viruses, Trojan Horses, worms, spyware.

The IS department will use industry standard practices to protecting the network from computer viruses. Any virus detected in a file or e-mail will be quarantined or removed from the network with an accompanying informative message to the user and sender.

The IS Department provides virus protection software on all City owned computers and servers. The virus protection is automatically updated on a daily basis. Any files received from outside sources are automatically checked for computer viruses. If assistance is needed to check for viruses, contact a member of the IS department or authorized department computer person. Any computer virus detected on City owned equipment needs to be reported to the IS department immediately. Not all viruses are cleaned completely or removed by the anti-virus software thus requiring the IS staff to perform corrective measures. In the case of a virus outbreak or repeated offenses, the offending user, PC, department, or server will be disconnected from the network and shut down until the IS department determines it is safe to resume processing.



6.2.9 Security

No employee shall attempt to monitor or tamper with another user's applications, data files, and e-mail messages. Additional restrictions relating to Security policies are listed below and are prohibited by all employees.

1. Entering, without authorization, into another user's electronic or digital information to use, read, transfer or change the contents, or for any reason without permission from their supervisor.
2. Using another individual's password unless used by the IS staff to remedy a problem. Access to another user's files can be accomplished via network administration with permission by the user's supervisor. Requests should be directed to the IS department.
3. Granting another individual access to your password-protected information.
4. Using the City's network to gain unauthorized access to any other computer systems or network.

Unauthorized attempts to circumvent data protection schemes or uncover security loopholes. This includes creating and/or running programs that are designed to identify security loopholes and/or decrypt intentionally secure data. Authorized access will be limited to the IS staff for the sole purpose of securing the internal City network.

6.2.10 Use of City-owned Computer Equipment

The City of Batavia computer equipment should only be used for City related functions in support of City activities. Personal use of computer equipment is strictly prohibited. Unauthorized computer equipment is strictly forbidden from accessing the City network.

6.2.11 Location of City of Batavia Computer Equipment

All computers owned by the City, including all departments and subsidiary entities, are intended for use only at City facilities unless authorized by the Department Head and the IS Director. The equipment is inventoried and assets are tracked by the IS staff. Computer equipment, excluding laptop computers, is not to be relocated anywhere within or out of the premises. Relocation of computer equipment should be made only with prior arrangements from the IS staff. An IS staff member or an authorized department person is to move the equipment. All department authorized personnel need to communicate with the IS staff as to the intended location of the equipment. The IS department will address factors such as electrical needs, logistics and network availability, and inventory prior to relocating equipment.

Laptop computers and a portable projector are available for on-site or off-site work directly related to City business with prior written approval by the Department Director, City Manager and the IS Coordinator. Laptops also function as temporary replacements for City computers that are temporarily inoperable.

6.2.12 Modifying Computer Hardware or Peripherals

Modifying City owned computer equipment is prohibited. Connecting unauthorized equipment to any City owned computer equipment or network is prohibited. If an employee requires a modification to any computer equipment, they should contact the IS department with a request. Some requests may be tabled pending budget restraints.

The request should state:

- 1) The computer needing the modification.
- 2) What has prompted the request – explain the end result of your request, why is the equipment preventing you from performing your City duties.
- 3) Include your recommendation for the change needed to the current equipment.
- 4) Let us know the date needed if for a specific project.



6.2.13 Software

The City of Batavia does not condone the unlicensed use, distribution or duplication of copyrighted software. The City only loads copies of software that we are legally licensed to use. A license must exist for all software being used on City owned equipment. Licensing is tracked and maintained by the IS department. Any violation of the applicable software licensing agreement is prohibited.

6.2.14 Loading and Installing Software

All Software installation will be performed by a member of the IS department or the department authorized personnel with the appropriate license. Prior to software installation the IS department may check for viruses, proper licensing, operating system and hardware compatibility. Employees should not install or use unauthorized software on City computers.

Personal copies of software should not be used with or loaded on City equipment. No individual should duplicate, distribute or make illegal copies of any City software. However, certain company software licenses allow the use of their software on both a business PC and a home PC or Laptop computer. Home software requests should be forwarded to the IS department to verify the specific license requirements.

6.2.15 Storing Data and Backup Procedures

It is the users responsibility to manage their own data folders by organizing, storing or deleting files that are outdated or no longer needed. Users will be given a place on a central network server to store programs and data for City related activities. All users accounts have access to a secure folder on the network to store data. The user's folder, based on their login accounts, will be secure from other users on the network. A supervisor or department director can request access rights to their own employee's folders and files from the IS Department. The IS department will not read, delete, or copy user data unless in the process of managing file servers or PC's.

Any data stored or created on City equipment is considered City property and can be considered a public record. Users will not store data on a local PC but will store data on a network Server. All user data and program data will reside on a centrally located server when possible.

PC's installed by the IS dept staff will automatically locate user files on a file server. Servers will be fully backed up nightly with backups verified and documented on some form of secure magnetic media. The IS department will maintain a 2 week rotation of nightly backup tapes or media unless otherwise requested by a department. These backups will be used for disaster recovery. The IS department reserves the right to limit storage space on the server if it is determined that the user has abused their folder space.

6.2.16 Purchasing Computer Equipment or Software

All computer software and hardware purchased or licensed by the City of Batavia, including all city departments and subsidiary entities, will be managed and approved by the IS department. Peripheral devices such as PDA's, digital cameras and other miscellaneous equipment that connects to our computer's or network will be purchased and approved by the IS Department.

Requests for computer related purchases should be directed to the IS department and is subjected to the City of Batavia purchasing policies and budget approval. All equipment or software requests should be directed to the IS department verbally or through a written request. Small miscellaneous items needed during the year are budgeted for by the IS department. Large system requests should be sent to the IS Coordinator at least 3 weeks before budgets are due to the Finance Department. These requests will be researched by the IS department for configuration options, compatibility and redundancy with existing equipment and systems. The IS Department may request a meeting with an individual department to discuss the request.

6.2.17 Enforcement

Inappropriate use of the City's computing, networking or information resources may be subject to disciplinary action including revocation of all computing services or termination of employment. Additionally, misuse of these resources can be prosecuted under applicable City, State or Federal statutes. Users may be held accountable for their conduct under any applicable City policy, procedures, or collective bargaining agreements. Illegal reproduction of software and other intellectual property protected by U.S. copyright law is subject to civil damages and criminal punishment including fines and imprisonment.



6.3 City Vehicle Use Policy

6.3.1 Purpose

The purpose of this policy is to define the responsibilities and obligations of City employees in the use of City-owned vehicles, as well as general standards relating to identification, maintenance. The primary responsibility for dissemination, implementation and enforcement of this policy are the individual Department Heads, under the supervision of the City Administrator, who shall be consulted regarding any uncertainty regarding this policy.

Certain City of Batavia employees are permitted and/or required to drive City-owned vehicles to and from their homes due to the nature of the work they perform. This allows them to respond more readily and to be better prepared with necessary tools and equipment to address emergency situations during non-business hours. While use of a City-owned vehicle may provide conveniences for a City employee, assignment of a City vehicle for official use is not a fringe benefit or right of employment, but for the operational needs of the City. Any assignment of a City-owned vehicle is at the discretion of the City.

These City-owned vehicles are to be used only for commuting to and from work or when performing official City duties. In most cases, an employee is on official City duty when he/she has reported in or out on his/her radio, has shown up for work, has been assigned a work activity, or is specifically on an "on-call" basis.

Except as otherwise provided herein:

City-owned vehicles are not to be used for personal purposes.

They are not to transport anyone other than City employees or people working with or for the City in an official capacity.

No family members or other non-employee personnel are allowed in City-owned vehicles, whether the employee operating the vehicle is on duty or not unless such passengers are authorized by the department head or the city administrator in conjunction with the work duties of the employee.

A city owned or leased vehicle shall not be used for transportation to or from lunch by an employee and his/her spouse, except as provided in Paragraph #12 herein.

Only employees specifically authorized by their Department Head are allowed to take City-owned vehicles home. A list of such authorized employees is to be submitted to the City Administrator's office on a yearly basis. These authorized employees are not authorized to loan their City-owned vehicle to anyone else, except for City business related purposes as determined beforehand by the department head.

If it is more efficient in terms of productive use of time to have authorized rest periods taken in the field or at the job site, it is permissible to use City vehicles to pick up meals for employees.

If an employee is working in an area away from his or her base location and it is more convenient and less time consuming to eat lunch in that area, the employee may take the City vehicle to a nearby restaurant (or to his or her home if it is in the area) rather than returning to the base location, subject to supervisor approval.

A City vehicle also may be used for attending professional or governmental association meetings and luncheon meetings that directly benefit the City of Batavia.

A vehicle may be taken home at night providing one of the following criteria are met and it is approved by the Department Head and City Administrator:

The nature of duties are such that the employee is subject to be called out on an emergency or other extra duty outside normal working hours. This means that the possibility of being called out has been specifically assigned, as opposed to an employee having a general obligation or duty to respond to the request of a supervisor to work.

An employee proceeds regularly to or from home and work sites, rather than the regular office location. In that event, specific permission must be obtained from the Department Head and approved by the City Administrator.

If it is necessary for the employee to have a car to protect the safety, health or welfare of the citizens of Batavia. Such designation must specifically be approved by both the Department Head and the City Administrator on an annual basis.

When the employee is required to attend an official meeting or conference on the City's behalf.

The following regulations relate to take-home vehicles:

When permission is granted for a City owned vehicle to be driven home, the vehicle shall be stored off the street.

Each employee authorized to drive a City-owned vehicle home shall make the vehicle available for emergency use whenever he or she is out of the City or unavailable for service or other reasons.

Generally, no City-owned vehicles will be taken out of town overnight unless the employee is specifically on call or on City business that can be better accomplished by the vehicle being accessible to the employee. Department Heads shall have the obligation to manage the implementation of this provision to avoid undue wear and tear on City-owned vehicles, while maintaining the preferred service level to Batavia citizens.



To the extent personal use of City-owned vehicles is authorized, it is subject to withholding tax, pursuant to Internal Revenue Service regulations. This includes traveling to and from the home to the employee's place of work. The City Finance Department shall administer this provision of the policy, subject to review by the City Administrator.

Regulations relating to vehicle use are as follows:

Each City vehicle shall be assigned to a specific individual whenever possible for purposes of responsibility, and for assurance of proper maintenance. All vehicles so assigned will be for the sole purpose of allowing City personnel to carry out their job responsibilities during normal working hours.

Operators of City vehicles shall conduct a routine inspection of the vehicle to include, but not to be limited to the following: headlights and taillights, seat belts, horn, windshield wipers, tires, brakes, turn signals, and a weekly inspection of oil, battery, water and appearance. Each vehicle shall be scheduled for routine inspection and maintenance by the applicable Department Head.

Vehicles should be kept neat inside and outside, and every precaution must be taken to prevent debris from being blown or falling off trucks or from being discarded by vehicle occupants. Vehicle windows shall be closed and doors locked when not in use.

All City vehicles should be driven in a safe, courteous manner. Violations of traffic laws by a City employee while driving on City business is subject to review by the proper authorities for disciplinary action in addition to normal law enforcement procedures. The driver of a City vehicle is responsible at all times for not only the safe operation of the vehicle, but for the safe and lawful condition of the vehicle itself. Faulty operation of a vehicle shall be immediately reported to the employee's Department Head who shall issue a work order for repair.

City employees may not operate any vehicle for which they do not have a valid Illinois license for the intended use and type of vehicle being driven. It is the responsibility of the employee to procure the proper license.

No employee shall operate any vehicle without the approval of the supervisor responsible for said vehicle.

City employees who are authorized to take City vehicles home at night may transport other City employees so long as a reasonably direct route between the workstation and residence of the employee authorized to drive the City vehicle is maintained.

Employees shall not allow members of their family or their friends to drive City vehicles.

Any City-owned vehicle normally subject to response to emergencies allowing non-compliance with traffic laws and regulations shall be equipped with exterior-mounted flashing lights, of a type authorized by the State of Illinois. Each such vehicle, unless otherwise clearly an emergency response vehicle, or an undercover vehicle, shall also be marked on the rear in letters clearly visible to persons and vehicles nearby that such vehicle is subject to emergency response. All City-owned vehicles not used for undercover purposes shall be clearly marked as City of Batavia vehicles.

Limited personal use of City-owned vehicles. Due to the nature of their responsibilities, the Police Chief, the Fire Chief, Police Commanders, Deputy Fire Chief, employees acting as Fire Duty Chief and the Director of Public Works, are authorized personal use of a City vehicle, including the presence of family members within the vehicle. However, this use is limited to within 10 miles of the City limits of Batavia and to those times when not in a leave status (sick leave, personal leave or vacation). It is expected that good judgment and discretion will be exercised in use of this privilege. The employees in this paragraph authorized to make personal use of City vehicles will be required to have liability and property damage insurance covering such use, if required in the opinion of the City's legal adviser. If such personnel are responding to an emergency situation, they must be able to immediately let any family members or other passengers out of their vehicle, and the family members must make other arrangements to be taken home. Additionally, any employees who are allowed to transport family members in a City owned vehicle must file a hold harmless agreement with the City specifically naming all family members who might ride in City vehicles. This must be filed with and approved by the City Administrator's office before any family members are allowed to ride in a vehicle. At the discretion of the City Administrator, a reasonable auto allowance may be substituted for a take home vehicle to compensate any of the employees mentioned in this paragraph for use of their personal vehicle for City duties, if they do not wish to be issued a City Vehicle.

At no time shall any City employee drive any City owned or leased vehicle while intoxicated or under the influence of any drug(s) or alcohol.

Smoking shall be prohibited at all times in any City owned vehicle.

Abuse of vehicle privileges may result in disciplinary action.

Employees, who are involved in a traffic accident with a City-owned vehicle or while operating their personal vehicle on City business, must report the accident to their supervisor as soon as possible after the incident, but no later than 24 hours after the incident. A police report shall be made immediately anytime the accident involves collision, property damage, or personal injury to any person, and comply with all other City and department policies relating to involvement in an accident.



6.3.2 Travel Regulations

All City employees will be required to abide by the City of Batavia Travel Regulations. See appendix I.

6.3.3 Attendance at Conferences

The efficiency of any organization depends directly on the ability of its members to do their jobs. The City desires its employees to maintain their expertise in their fields.

Attendance at conferences, seminars, and training sessions assists employees in increasing their knowledge and broadening their perspective. Such experience aids employees in improving their skills and techniques and developing their capabilities. Based upon this philosophy, authorized attendance at, and participation in, professional conferences, conventions, and technical meetings, shall be considered part of the normal duties of management and professional employees, and in certain cases, non-exempt personnel.

While recognizing the benefit of memberships, conferences, seminars, and training sessions, the City also realizes that attendance to these meetings does use up productive man-hours and entails considerable expense. Time spent at these functions must be limited and scrutinized to insure:

- A) That the meeting is essential to the fulfillment of the requirements of the position of the attendee.
- B) That the absence of the attendee will not cause hardship on their department operation.
- C) That the value of the membership, conference, seminar, and training session is in the best interest of the City.
- D) That redundancy in special training within the City does not occur beyond that which is in the best interest of the City of Batavia.

With prior approval of the department head and the City Administrator, on the form provided by the director of finance, employees may attend such functions without loss of pay and at City expense in accordance with budgetary provisions as approved by the Mayor and City Council.

7 Discipline

7.1 Policy

Discipline is established for the good of everyone, the City and its employees. Discipline should be positive. It is intended to improve employee performance or to correct unacceptable employee action. Discipline usually includes talking and counseling with an employee, training an employee in his/her job. Discipline also includes imposing a penalty on an employee for breaking rules or for actions that are detrimental and/or disruptive to the effective discharge of City functions.

7.2 Reasons for Disciplinary Action

Employee tenure shall be maintained during periods of acceptable conduct and satisfactory performance of work assignments. Failure to meet standards of conduct and work performance for any of the following listed reasons shall be sufficient to discipline or discharge an employee, including but not limited to:

- A) Incompetence or inefficiency.
- B) Offensive Conduct.
- C) Insubordination or violation of any official order or regulation. Insubordination is defined as failure or deliberate refusal to obey an order by a superior, ridiculing a superior or his/her orders, whether in or out of his/her presence.
- D) Accepting tips or gifts in violation of Title I Chapter 13 of the Batavia City Code.
- E) Conviction of a criminal offense involving moral turpitude.
- F) Negligent or willful damage or waste of public property.
- G) Inexcusable absence without being granted leave.
- H) Intoxication or consumption of alcoholic beverages or controlled substances while at work.
- I) Violation of the City's Code of Ethics.
- J) Sexual harassment of any employee.
- K) Intentionally treating fellow employees disrespectfully, or otherwise creating an unwelcome work environment.



- L) Engaging in outside employment while on sick leave.
- M) Engaging in fraudulent use of sick leave.
- N) Engaging in outside employment during duty hours.
- O) Claiming sick leave under false pretenses.
- P) Excessive or chronic absenteeism.
- Q) Failure to comply with employee's specific department rules or safety rules.
- R) Failure to conform to assigned work hours.
- S) Falsification or misuse of any time sheets or records.
- T) Theft or conversion of City or another employee's property.
- U) Fighting on the job.
- V) Sleeping on the job.
- W) Violation of the Personnel Policy Manual.
- X) Any other activity which is not compatible with good public service.

The Assistant City Administrator is available to employees to discuss problems of sexual harassment. Immediate action will be taken to correct the problem.

7.3 Discipline/Discharge Policy

The following forms of disciplinary action may be imposed on or against non-sworn personnel. It is not necessarily progressive discipline, i.e., dismissal may be an initial action under certain circumstances.

A) By a Department Head:

- 1) Reprimand, verbal or written.
- 2) Reassignment to other duties within a department, subject to the approval of the City Administrator.
- 3) Suspension for three (3) days or for any shorter period, without pay, with the right on the part of an employee to appeal any such suspension to the City Administrator, by submitting a written appeal request within seven (7) days of receipt of notification of suspension.
- 4) Discharge in accordance with the provision of this Manual (see Separation Provision Page 43.)

B) By the City Administrator:

- 1) Reprimand, verbal or written.
- 2) Reassignment to other duties within a department, or reassignment to another department.
- 3) Demotion.
- 4) Suspension with no limitation as to length, with or without pay.
- 5) Discharge, in accordance with the provisions of this Manual (see Separation Provision Page 43.)
- 6) Involuntary resignation, at the direction of the City Administrator, for failure to report to work for three (3) consecutive days without authorized leave.

Repeated violations of the same rule, violations of more than one rule in a single act, the violation of different rules at different times, and aggravating circumstances, however, may be cause for accelerated or compound disciplinary action. Moreover, certain types of misconduct may result in immediate dismissal.



These listings are not all-inclusive but rather are examples of the types of misconduct for which employees may be disciplined or dismissed. Unacceptable conduct not specifically listed will, nonetheless, result in disciplinary action.

Suspensions shall be imposed for conduct, performance, or unsatisfactory performance warranting such sanction, in the sole judgment and determination of the suspending authority. Arrest or indictment for a criminal offense, is hereby determined to be a sufficient reason for suspension of a non-sworn employee by the City Administrator, with or without pay, pending disposition of such charge.

The foregoing provisions are not intended to, and shall not limit the authority of a department head to make job assignments within his/her department, or of the City Administrator to make assignments or reassignments of non-sworn personnel within a department or from department to department for non-disciplinary reasons.

Disciplinary actions shall be imposed by department heads and by the City Administrator as appropriate under the particular circumstances presented, in the sole judgment and determination of the disciplining authority (except for suspensions of three (3) days or less by a department head, which shall be appealable to the City Administrator in the manner specified above), and such determination shall be final and conclusive.

Department heads shall be subject to disciplinary action by the City Administrator in the same forms available with respect to other non-sworn personnel.

Sworn employees shall be subject to discipline only in accordance with the applicable provisions of state statutes, the rules and regulations of the Board of Fire and Police Commissioners and applicable departmental rules.

Employees covered by contract may be disciplined under this policy.

8 Grievances

8.1 Policy

Effective employee-employer relationships are necessary to carry out the responsibilities of the City to its citizens in an efficient and economical manner. To maintain these relationships requires prompt consideration and equitable adjustment of employee grievances. It is the desire of the City, when practicable, to adjust grievances informally, and both supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there may be grievances which will be resolved only after formal appeal and review.

Initiation of a grievance in good faith by an employee, will not be considered to case any reflection on his/her standing or loyalty, or on the employee's supervisor or fellow workers.

8.2 Procedure

If an employee has any complaints or grievances concerning classification, working conditions, salary or other matters relating to his/her job, the following are steps to be taken in the grievance procedure:

- A) Employee must request a grievance interview with his/her immediate supervisor within ten (10) calendar days of the incident at which time, the situation will be discussed and a resolution attempted.
- B) In the event the grievance remains unresolved, or if the employee is dissatisfied with the oral decision rendered, within ten (10) days the employee must put the grievance in writing and submit it to his/her department head. The department head should attempt to resolve the grievance by means of an interview with the supervisor and employee. Results of the interview shall be documented and forwarded to the City Administrator.
- C) If, after five (5) working days, a satisfactory solution cannot be obtained through steps A and B, the employee may appeal the matter, in writing, to the City Administrator. The City Administrator or his designee should promptly schedule a meeting with the employee and/or his/her representative and give an answer within ten (10) working days of such meeting.
- D) The City Administrator's decision in the matter is final and the employee will be notified of this final decision.

The Assistant City Administrator is available to assist the employee in processing his/her complaint. If an employee requests, the Assistant City Administrator will provide full information to the employee concerning assistance in the preparation of the written



complaint and will advise the employee of the proper administrative channels provided for considering complaints.

The grievance procedure is for the use of non-supervisory personnel only and is not available for management staff. Management staff is free to confer with the City Administrator anytime after notifying their immediate supervisor. The City Administrator will provide opportunities for any member of the management staff to meet with the City Administrator.

The grievance procedure is available to all City employees except those covered by contract.

9 Solicitation / Distribution Policy

9.1 Policy-General

Each year we receive many requests from organizations and individuals seeking permission to solicit City employees for various causes or asking that we carry on solicitations for them. Many of these requests are made in support of worthwhile endeavors. However, should we permit all such solicitations, it would seriously impair our ability to provide services efficiently to the public. Therefore, we have found it necessary to limit such solicitations and distributions as follows:

- 1) During working hours, there shall be no solicitation of employees by or on behalf of any individual, organization, club, society, or other group for any purpose.
- 2) During working hours at work stations, the distribution by employees and non-employees of any non-work related literature, pamphlets, or other written materials is prohibited.
- 3) Persons who are not employed by the City will not be permitted to distribute literature to any persons at any time for any purpose on City property or inside City offices.
- 4) The posting of non-work related materials or literature on City bulletin boards, which are limited to City business, is prohibited.

“Working hours”, for the purpose of this section only, refers to that portion of any workday during which an employee is supposed to be performing actual job duties; it does not include such times as lunch periods, break-time, or other duty-free time.



9.2 Statement on Unionization

The City of Batavia has always taken pride in the abilities and accomplishments of its employees. It is the intent of the City of Batavia to pay wages and benefits, within its financial ability, which are competitive with the market and that recognize the value of its employees. It is also City policy to communicate directly with employees and to work together to resolve their concerns as they arise. The City prefers that this mutual cooperation and direct communication continue and does not believe it would be in the best interests of presently unorganized City of Batavia employees to be represented by a union.

Due to the potential for conflict of interest, elected officials, confidential employees who deal with labor relation matters, department heads, and supervisors are not free to participate in unions or employee associations representing or seeking to represent City of Batavia employees.

10 Separation and Reinstatement

10.1 Voluntary Resignation

Non-supervisory personnel who voluntarily leave the City service, shall give advance, written notice of not less than ten (10) working days. Professional and supervisory personnel who voluntarily leave the City service shall give a month's advance written notice. Accrued vacation time shall not be used during the advanced notice period. Failure to comply with this rule shall be entered on the service record of the employee and may result in the denial of re-employment rights. The department head, with the approval of the City Administrator, may waive this requirement if, in his/her judgment, exceptional circumstances warrant such exception. Layoffs will be authorized by majority vote of the City Council.

10.2 Involuntary Resignation

An employee who, without valid reason, fails to report to work for three (3) consecutive workdays, without authorized leave, may be separated from the payroll and reported as an involuntary resignation. See section regarding "Sick Leave".

10.3 Layoff – Reduction in Work Force

For all non-sworn employees and those not covered by contract, any involuntary separation, not based on incompetence, insubordination, misconduct or delinquency, shall be considered a layoff.

- A) A layoff may occur as a result of the elimination of services, changes of work methods, or the reduction in number of personnel. An employee's skill, ability, merit and seniority may be given consideration in determining the order in which employees shall be laid off.
- B) If a regular employee is scheduled to be laid off he/she may be offered a reassignment, if a vacancy exists and he/she is qualified to fill the vacant position.
- C) Prior to a reduction in force, the names and class titles of any and all regular employees scheduled for layoff, shall be submitted to the City Administrator for review.
- D) Employees to be laid off shall be notified in writing at least fourteen (14) calendar days prior to the effective date of the layoff.



10.4 Discharge

A non-sworn employee may be discharged from the employment of the City whenever the department head determines that it is in the best interests of the City to do so. Reasons for discharge may include, without limitation, incompetence, insubordination, misconduct, delinquency or lack of the ability to perform the duties and responsibilities of an assigned position satisfactorily. The department head may obtain the recommendations and comments of such supervisory personnel or other employees as he deems appropriate to assist in his determination.

The City Administrator's determination, after the completion of the grievance procedure, that it is in the best interest to the City to discharge a non-sworn employee shall be final and conclusive.

Sworn employees shall be subject to discharge only in accordance with applicable provisions of state statute and the rules and regulations of the Board of Fire and Police Commissioners.

10.5 Retirement

Municipal employees are included in one of three separate pension funds: Illinois Municipal Retirement Fund (IMRF) for general employees, Illinois Police Pension Fund (IPPFA) for police officers, and the Firemen's Pension Fund for fire fighters.

All employees, except police officers and fire fighters, shall be covered by Social Security.

Detailed information concerning the IMRF pension fund can be obtained from the Human Resources Department. Information concerning the Illinois Police Pension Fund or Firemen's Pension Fund should be obtained through the Police or Fire Pension Board.

11 General Management, Technical and Supervisory Staff Guidelines

The management staff of the City consists of all supervisory and professional personnel. This shall include, but is not limited to, the following exempt job classifications:

City Administrator
Assistant City Administrator
Executive Assistant

Director of Finance
Assistant Finance Director

Police Chief
Deputy Police Chief
Police Records Supervisor

Fire Chief
Battalion Chief

Director of Public Works
Superintendent of Streets
Superintendent of Water/Sewer
Superintendent of Wastewater Treatment
Superintendent of Electric Utilities
Electric Operations Manager
Assistant Streets Superintendent

Director of Information Systems

Director of Community Development

City Engineer
Assistant City Engineer

In addition to the duties set forth in their job descriptions, members of the management staff are responsible for administering this document, assisting in the management of the City as a whole and through reports and recommendations, assisting the elected officials in the formulation of City policies. Specific guidance for supervisors on how to implement these policies can be found on the Administrative Policies Shared Drive of the City's computer network.



To coordinate their efforts and to better assist in overall management of the City, the management staff will occasionally be asked to work together in teams that cross department lines. Management staff is expected to do this while still maintaining and respecting formal lines of authority.

Salaried management staff are expected to work in a responsible manner and will not be paid overtime. Flexibility exists in time off with the approval of the City Administrator.

Management staff is not permitted to join any union or association that promotes bargaining rights of the city employees. The City Administrator will meet and confer with members of the management staff on matters of salary and benefits. Salaries of management staff will be based on merit.

The management staff has a special obligation to positively and affirmatively manage the affairs of the City with fairness, honest, candor, truth and humility.

Nothing in this manual shall be construed to require either the City or any of its employees to violate and federal or state laws. In the event any provision herein contained should conflict with any such laws, such provision shall be modified to the extent necessary to conform to such laws.

12 Appendix

- I Travel Training, and Education Regulations
- II Substance Abuse Program

12.1 Appendix I

TRAVEL, TRAINING, AND EDUCATION REGULATIONS

- I. General
 - 1.1 Introductory
- II. Transportation
 - 2.1 City Related Travel
 - 2.2 Direct Transportation Expenses
 - 2.3 Fleet Vehicles
 - 2.4 Privately Owned Vehicles
- III. Lodging
 - 3.1 Introductory
 - 3.2 Spouse's Lodging
- IV. Meals
 - 4.1 Meal and Incidental Expense Advance
 - 4.2 Pro-rated Allowances
 - 4.3 Meals Included in Registration Fee
- V. Miscellaneous Expenses
 - 5.1 Introductory
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6.1 Introductory

VII. Approval of Tuition Reimbursement Costs

7.1 Tuition Reimbursement

7.2 Preliminary Approval of Tuition Reimbursement

7.3 Reimbursement Schedule

7.4 Termination Payback

VIII. Training

8.1 Training Advance

8.2 Reimbursement

8.3 Termination Payback

REIMBURSABLE EMPLOYEE EXPENSES

I. General

1.1 Introductory

The City, in an effort to advance the training and professionalism of its staff, authorizes attendance at certain job related courses, seminars, and conferences requiring employees to travel outside the City in conduct of such City business. The purpose of this administrative guideline is to set general parameters for the reimbursement of travel expenses, related conference, seminar and tuition costs, and to describe certain procedures concerning authorization, documentation, and written summary evaluations when seminars, etc., are attended. The City's objectives are to allow travel arrangements that (1) conserve funds, (2) provide uniform treatment for all employees, (3) objectively evaluate attendance for future consideration, and (4) allow the employee to carry out his function in an appropriate manner.

Decisions as to which trips will be authorized are made during the budget formulation process. In each case, attendance must be approved in advance. Various local conferences are authorized as funds and duty conditions permit. An employee is expected to utilize good judgment in regard to costs as he normally would if traveling at his own expense.

The City does not encourage a spouse and/or other family members to accompany the employee on an official trip; however, there is no objection to this if their accompaniment does not interfere with the purpose of the trip. Spouses and/or family members travel at their own risk. All costs and expenses attributable to the spouse or family member must be paid for out of the employee's personal funds. No City funds will be expended for the costs incurred by a family member, except as provided for below.

An employee who terminates his employment must reimburse the City any payment he has received during the prior three (3) months for tuition or registration fees for a degree, certification or license program.

II. Transportation

2.1 City Related Travel

Employees who must travel as part of their responsibilities shall be reimbursed for travel expenses as prescribed in the following section. Aside from training or seminar fees, reimbursements/advance payments shall only be allowed for direct transportation costs, lodging, and meals and incidental expenses.

2.2 Direct Transportation Expenses

Air travel reimbursement shall be limited to least expensive fares where such services are available. Travel to and from airports must be by the most cost-efficient means, most often by bus or limousine where available. If a privately owned vehicle is utilized, the cost for mileage must not exceed bus or limousine costs. Normally, air travel arrangement will be made through local travel agency or Travel Website and billed directly to the City. Airline ticket receipts, not boarding passes, for airfare are required when not billed directly to the City. A purchase order must be used when billing is direct.

2.3 Fleet Vehicles

Fleet vehicles shall be used to travel to destinations of up to 300 miles from Batavia, whenever possible. Special approval for longer trips may be granted by the City Administrator if there will be more than one employee making the trip or upon other justification. (Time away from the job, as well as cost, is the criteria for evaluation in this area.)

All receipts for gasoline, repairs and other fleet vehicle expenses except parking and tolls must be returned with the expense report. Parking expenses and tolls are reimbursable but the employee should exercise care by selecting a facility that charges economical rates and a receipt must be obtained.



2.4 Privately Owned Vehicles

Privately owned vehicles may be used for travel on City business when no fleet vehicles are available, upon approval of City Administrator. (Criteria for evaluation is vehicle availability and if costs for travel are budgeted for by the department.) Reimbursement shall be at the mileage rate annually approved by the Internal Revenue Service. This reimbursement is to be considered the total reimbursement for tolls, fuel, and wear and tear on the vehicle. The only other vehicle related reimbursement available to employees who use their own vehicle are reasonable parking charges.

When an employee chooses to drive his car on a longer trip, for example when mixing a business trip with a pleasure trip, his reimbursement shall be limited to the actual cost, or the fair for air travel provided for under 2.1, which is lower. The employee shall not be reimbursed for any hotel, meal or other expense incurred en route or for parking charges at his destination, unless so authorized by the City Administrator. When two or more employees travel in the same private car, reimbursement shall be made to the owner of the car only.

III. Lodging

3.1 Introductory

An employee is expected to make hotel or motel reservations well in advance whenever possible and to take other actions to ensure that lodging is secured at moderate rates. Government rates should be requested whenever possible. Receipts for lodging are required.

Reimbursement for lodging shall be limited to the minimum number of nights required to conduct the assigned City business. If an employee chooses to arrive earlier or stay later, the additional lodging and other related expenses are his personal responsibility.

3.2 Spouse's Lodging

If an employee's spouse or other family member shares the lodging reimbursement shall be limited to a reasonable double room rate based on rooms and rate available. No lodging expense shall be reimbursed for meetings or conferences held in the Chicago Metropolitan Area, unless authorized by the City Administrator.

IV. Meals and Incidental Expenses Advance

4.1 Meal and Incidental Expense Advance

A Meal and Incidental Expense advance shall be granted upon approval by the City Administrator and Finance Director using at the appropriate Meals and Incidental Expense rate provided annually by the Internal Revenue service for the City traveled to. In order to receive said allowance, the employee must submit a Travel Advance Request Form and have it approved prior to their departure. This form is available in the Finance Department.

4.2 Allowances

The allowance for the day of departure and the day of return will be prorated based on the number of meals required away from home.

4.3 Meals Included in Registration Fee

Where conference registration fees include one or more meals, the per diem allowance shall be decreased by the appropriate amount.

V. Miscellaneous Expenses

5.1 No additional reimbursement will be made for baggage charges, haircuts, shoeshines, newspapers, etc. (Personal telephone calls shall be reimbursed, one (1) call per day maximum time limit of fifteen (15) minutes. When an employee is required to contact the Municipal Center, the telephone call should be charged against the employee's room. City issued cellular phones should be used for city-related calls while traveling. Do not place a collect call.

VI. Travel Expense Report

6.1. Within one (1) week after returning from a trip, an appropriately completed training expense form must be forwarded to the Finance Department. Any unused portion of the travel advance over the amount of the actual trip expense is to be refunded at that time to the Finance Department. The only items that will be considered reimbursable to the employee on this form are the following:

- Direct Lodging Expenses
- Travel Expenses (i.e. air fare, bus fare, cab fare, or parking fees for private vehicles, or parking, toll, and fuel charges for Fleet Vehicles)

Receipts must be included for any item to be reimbursed.

VII. Approval of Tuition Reimbursement Costs



7.1 Tuition Reimbursement

Tuition and registration fees shall be reimbursed to full-time City employees if the course/courses or degree program are related to the employee's current responsibilities or are related to the employee's future potential career development with the City of Batavia.

7.2 Preliminary Approval of Tuition Reimbursement

Employees wishing to receive reimbursement of anticipated tuition costs from an accredited college, junior college, or university must receive **advance approval** from their department head and the City Administrator prior to enrolling in the course or beginning a degree program.

Employees wishing to receive reimbursement of anticipated tuition costs from an accredited college, junior college, or university must make a request for tuition reimbursement no later than September 1st of a given year for any anticipated courses to be taken during the following calendar year. Employees will be notified no later than December 15th of a given year as to whether or not the tuition reimbursement program will be funded and to what extent it will be funded.

The employee must make a written request that demonstrates how the course or degree program will either enhance the employee's abilities to perform their current job, or enhance the employee's usefulness to the City later in their career with the City. If the department head approves, the request will be forwarded to the City Administrator for final approval. The City Administrator's decision will be final and will be based on budgetary constraints as well as the reasonableness of the employee's request.

Along with their written request, the employee must fill in the top half of the "Application for Advance/Reimbursement of Training Expense" form, leaving the section "Payment Advance" blank, but completing the "Estimated Cost." All signatures must be obtained prior to registration for the course. Upon successful completion of a course, reimbursement shall occur as described in section 7.3.

7.3 Reimbursement Schedule

Upon receiving notice that an employee has successfully completed an approved course, the City will reimburse the employee as follows:

- If the employee receives a grade of 'B' or higher they shall receive a reimbursement of 100% of their costs for tuition and student fees.

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- If the employee receives a grade of 'C' they shall receive a reimbursement of 80% of their costs for tuition and student fees.
 - No reimbursement will be given for grades below 'C' or for classes that are incomplete.

Under no circumstances will an employee receive more than \$4,150 in 2007, \$4,295 in 2008, or \$4,446 in 2009 per year in tuition and fee reimbursements.

7.4 Termination Payback

An employee who terminates his employment must repay the City for recent tuition reimbursement payments they have received in the following manner:

- For tuition reimbursements received by the employee within one (1) year of their termination date- the employee must repay the City 100% of the reimbursement amount they received during that time period.

For tuition reimbursements received by the employee more than one (1) year, but less than three (3) years prior to their termination date, the employee must repay the City 50% of the reimbursement amount they received during that time period.

VIII. Training

8.1 Training Advance

If the employee is requesting an advance on Training or Seminar Fees, he/she will fill in all information shown in the "Application for Advance/Reimbursement of Training Expense" form. This form is available in the Finance Department. Advances will only be given for training registration. He/She will retain the pink copy of this form and submit all other copies for approval. If approved, the employee shall submit the original and goldenrod copy to Finance. This should all be completed in compliance with Section 1.2. A check will be issued by the finance department and the white copy will be returned to the employee. If no advance is needed, training and seminar fees should be invoiced to the City and paid for out of the appropriate department's training budget.

8.2 Reimbursement

When the employee actually incurs training expenses, he/she will complete the expenses portion of the "Application for Advance/Reimbursement of Training Expense" form. If the employee previously received an advance, he/she will complete and return the white copy to Finance and any unused portion of the advance. If actual expenses exceed the advance, they will



be paid to the employee as soon as the expense report has been reviewed and approved.

If an advance was not given to the employee, he/she will complete the expense portion and submit it for approval. Upon approval, payment will be made by Finance.

8.3 Termination Payback

An employee who terminates his employment must pay to the City any reimbursement received during the prior three (3) months for tuition or registration fees for a degree, certification or license program.

12.2 Appendix II

SUBSTANCE ABUSE PROGRAM

Drug and/or Alcohol Use

It is the policy of the City of Batavia to maintain a “Drug Free Work Place” for our employees. Toward this end, the use of any illegal substance and/or alcohol while on-duty as a City employee, is expressly prohibited. Reporting for work while under the influence of any substance, legal or illegal, is also expressly prohibited.

The City of Batavia intends to enforce its “Drug Free Work Place” policy in the following manner:

Chemical Testing

1) Testing Permitted

The City may require an employee to submit to urine and/or blood tests if at least one (1) supervisory representative of the Employer determines there is reasonable suspicion for such testing and provides the employee with the basis for such suspicion, in writing, before the test is administered.

As a basis of confirming a pre-chemical test suspicion that an employee is under the influence of alcohol, the Employer may, after providing the employee with the required written basis for suspicion, require a breath analyzer test. Such test shall be conducted in the presence of a supervisor and only by a state qualified operator, on a certified breath analyzer device. The results of any breath analyzer test shall not be used as one (1) of the two (2) laboratory tests required to confirm substance misuse.

All employees covered by Commercial Drivers License (CDL) laws must comply with all provisions of these laws. Any drug testing required by the act will be conducted in accordance with its provisions.

2) Testing Procedure

The Employer shall:

- A) Use only clinical laboratories licensed to perform such tests and obtain samples pursuant to Illinois Clinical Laboratory Act;
- B) Be responsible for maintaining the proper chain of custody that insures the integrity of both collection of test samples and the test procedure;



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- C) Assure that the taking of urine samples shall not be witnessed, unless there is reasonable suspicion to believe that the employee is tampering with the testing procedure, or if a “clean” room cannot be provided at the facility where such sample is to be taken, then the sample collection may be witnessed by a medical professional of the same sex;
 - D) Collect sufficient sample as to provide an initial test and confirmatory test, and to set aside a reserve sample for the employee to have tested independently at a later time.

If the first test results in a positive finding, a confirmatory test (either GC/MS or a scientifically accurate equivalent) shall be conducted. If the initial test result is negative, no further testing shall be conducted and no adverse action shall be taken against an employee.

3) Tests Results

An initial positive test results shall not be used to discipline the employee unless and until a second confirmatory test result is also positive as to the same sample. A copy of all test results shall be made available to the employee. Only clinically recognized concentration levels in the bodily fluid shall be used to determine a positive test result, i.e., .08 grams of alcohol per 100 milliliters of blood.

The first time an employee tests positive on both the initial and the confirmatory test, the employee may receive, as part of any action:

- A) Required entry into an appropriate treatment program;
- B) The employee discontinues his/her use or abuse of drugs and/or alcohol;
- C) The employee successfully completes the prescribed treatment program, including any “after care” treatment;
- D) The employee agrees to submit to random testing during working hours for a period of up to twelve (12) months from the date of the confirmatory test.

Employees who refuse to agree to the foregoing, or who test positive, may be subject to additional discipline up to and including discharge.

4) Voluntary Requests for Assistance

The City shall take no adverse action against an employee who voluntarily seeks treatment or counseling. The City shall assist an employee seeking assistance

by making available means by which referrals or treatment may be obtained. Such assistance shall be obtained at the employee's expense.

5) Right to Counsel and Grieve

Employees shall have the right to file a grievance concerning any testing permitted by this agreement, in which the basis for testing, the administration of the test, the accuracy of the tests, or the results of such tests are in question.

6) Pre-Employment

Chemical testing shall be a condition precedent to employment with the City of Batavia. Testing procedures shall be at City expense pursuant to Section 2 and 3 of this article. No person testing positive on both initial and confirmation tests shall be offered a position with the City. A person having tested positive on both initial and confirmation tests shall be allowed to re-apply for a position with the City, upon proof of successful completion of a prescribed treatment program, including any "after care" treatment, entry into an agreement to submit to random testing during working hours for a period of up to twelve (12) months from the date of his/her hiring, and successful completion of the initial and confirmation testing at the time of re-application.





Administrative Policy Directive 10-01

General Discipline Procedures

It is the mission of the City of Batavia to provide the best services possible to its residents, visitors, and/or those doing business within or traveling through the community. It is also the policy of the City to provide a safe and respectful workplace for its employees.

Therefore, it is the policy of the City of Batavia to review any conduct that interferes with or adversely affects accomplishment of the mission of the City and take disciplinary action *when appropriate*. Such disciplinary action may range from coaching/counseling to immediate discharge from employment.

Depending on the conduct, disciplinary action may be administered by use of the following methods: coaching/counseling, verbal warnings, written reprimands, or termination. Employees may be suspended without pay pending the severity of the action as provided for under the Fair Labor Standards Act.

Factors that may be considered in determining the appropriate disciplinary action to be imposed include:

- Seriousness of conduct, especially in case of physical injury to self, others, or illegal or unethical conduct.
- Employee's disciplinary history
- Employee's ability to correct conduct
- Action taken with respect to similar conduct by other employees in similar circumstances, with similar employment records, and employee's awareness thereof
- Effect of the infraction on customers
- Effect of the infraction on the City of Batavia's operations
- Effect of the infraction on other employees
- Surrounding circumstances

There shall be an investigation to discover and understand the occurrence(s) and the presence or absence of any of the factors listed above. Employees are obligated to cooperate with any investigation, as long as the questions do not relate to any criminal activity where mandating cooperation would result in a 5th amendment rights violation.

Disciplinary Process/Procedures

1. Generally, the employee's immediate supervisor, (if they have been granted authority to administer discipline) under the coordination of a Department Director will conduct the initial investigation and when appropriate, the Human Resources Department will become involved.

2. Supervisors, who have been given the authority to administer discipline by their department director, should consult with Human Resources regarding any event that involves the imposition of discipline over and above a written reprimand, or behavior which they believe could evolve into a disciplinary issue that could be aided by EAP referral.
3. Discipline shall be administered by the employee's supervisor as soon as it is practical. However, a violation or behavior that, unless curtailed immediately could lead to damage to property, danger, injury or abuse of the employee, other employees or third parties may be corrected by any supervisor immediately, whether the employee is a subordinate or not. A direction to cease such behavior is not considered discipline, and the incident should be reported to the employee's direct supervisor as soon as possible for consideration of discipline.
4. Under normal circumstances no discipline beyond a written reprimand should be imposed without the prior approval of the employee's Department Director. Department Directors should consult with Human Resources whenever possible prior to issuing discipline to ensure consistency across the organization and compliance with City policy and employment law.
5. Discipline is to be administered privately, out of sight and sound of the employee's co-workers or other supervisors. This is not to say that lessons learned from a particular incident cannot be used for training or education of other employees, but discussion of the specific discipline of an individual with other employees should be avoided. Coaching/Counseling, written reprimands and suspensions are to be documented and placed in the employee's personnel file. Subject to the provisions of certain collective bargaining agreements, such reprimands shall remain as a basis for progressive discipline, for analysis of disciplinary trends, and for knowledge of future supervisors.
6. A Department Director may skip steps in the process outlined below depending on the circumstances of the situation, the severity of the offense, and the employee's disciplinary history.
7. Disciplinary Steps used in the City:

Step 1: Informal Discussion- For minor infractions, an informal discussion is appropriate. When a performance problem is first identified, the problem is to be thoroughly discussed with the employee

Step 2: Coaching/Counseling- If a private, informal discussion with the employee has not resulted in corrective action, the supervisor should meet with the employee to:

- a. Review problem
- b. Permit employee to present his/her views of the problem
- c. Advise employee that the problem must be corrected and give employee a timeline

- d. Plan and/or implement any remedial or corrective training needed to eliminate the problem.
- e. Inform employee that failure to correct the problem will result in further discipline up to and including termination
- f. Issue a counseling notice to the employee
- g. Send copy of notice to Human Resources to be placed in employee's personnel file

Step 3: Written Reprimand – If informal discussion and coaching/counseling has not resulted in corrective action, the supervisor should meet with employee, review all steps under coaching/counseling and issue a written reprimand to be placed in employee's personnel file.

Step 4: Unpaid/Paid – If informal discussion, coaching/counseling and written reprimand has not resulted in corrective action, supervisor and department director, should consult with Human Resources. The department director and Human Resources will meet with employee to begin the suspension process.

Step 4: Termination- If informal discussion, coaching/counseling and written reprimand has not resulted in corrective action, supervisor and department director, should consult with Human Resources. Human Resources and the Department Director will meet with employee to begin termination process including a "last chance" agreement if appropriate.

Reasons for Disciplinary Action

The following list describes conduct that should ordinarily result in disciplinary action. The list is meant to be merely illustrative, and other circumstances may also warrant disciplinary action.

1. Leaving during work hours or not returning to work after lunch or a rest period (except in an extreme emergency) without prior notification to management.
2. Failure to call at least one-half hour before the employee's scheduled starting time for a day in which he or she will be absent. (Department policies may require a higher standard depending on operational needs.)
3. Sleeping on the job.
4. Horseplay (If serious injury is a result, immediate termination may occur).
5. Negligence or carelessness in performing specified or assigned duties.
6. Improper use or no use of Personal Protective Equipment (PPE).
7. Unsafe operation of any equipment, including vehicles.

8. Failure to immediately report any work-related injuries to supervisor.
9. Failure to immediately fill out a work related injury reports. (Both employee and Supervisor).
10. Operating equipment, machines or vehicles without proper guards or safety devices in place and in working order.
11. Failures to meet a project deadline, obey an order, or follow a stated policy/procedure.
12. Failure to do daily/weekly vehicle inspections (By department regulations).
13. Violation of the City Smoking Policy.
14. Violations of any discrimination laws.
15. Violation of confidential information.
16. Posting, removing, altering or defacing notices on official City bulletin boards without company approval.
17. Tampering, stealing or destroying another employee's personal items, vehicles, locker, etc.
18. Serious disrespectful treatment of a citizen/customer elected and appointed officials or management.
19. Failure to report violations of work rules, including those listed within this policy document, to a supervisor.
20. Failure of a supervisor to initiate discipline for violation of work rules, including those listed within this policy document.
21. All others as outline in employee handbook section 4.8.1 General Safety Rules and section 7.2 Reasons for Disciplinary Action.

Reasons for Immediate Dismissal

Some conduct may result in immediate dismissal. The Department Director and Human Resources will conduct any termination together. Examples of behavior that may result in immediate termination depending on the specific circumstances include but are not limited to:

1. Harrassment-(ie: sexual, age, race, national orgin, religion, sexual orientation or other protected class) of other employees, vendors, citizens will not be tolerated. (As described in section 3.3 of the personnel manual)
2. Careless behavior or horseplay resulting in injury to self or another employee.
3. Insubordination- refusal to perform assigned duties or to follow orders of management.
4. Fighting or assault on an employee, citizen or member of the public.
5. Possession of or bringing onto City property or premises dangerous weapons of any kind or other contraband. (City issued equipment or weapons required for job excluded.)
6. Deliberate destruction of or damage to City property.
7. Possession of alcohol, consuming alcohol or being under the influence of alcohol on City property or while on duty.
8. Possession, use or being under the influence of drugs, narcotics or other intoxicants while on City property or on duty.
9. Hurtful speech, teasing or the spreading of malicious gossip or rumors
10. Serious or repeated disrespectful treatment of citizens/customers elected and appointed officials or management.
11. Failure to report serious violations of ethical or work rules, including those listed within this policy document, or rules resulting in physical injury to an employee, citizen or customer to a supervisor.
12. Failure of a supervisor to initiate discipline for serious violation of ethical or work rules, including those listed within this policy document, or rules resulting in physical injury to an employee, citizen or customer to a supervisor.
13. Theft of public property.

Administrative Policy Directive 10-02

Workplace Violence Policy

The City of Batavia is committed to maintaining a work environment that is free of any type of violence. Workplace violence is defined as any action(s) or word(s) that endanger or harm an employee themselves or another employee, or result in other employees having a reasonable belief that they are in danger.

It is the responsibility of all employees to report all threatening behavior to his or her immediate supervisor, whether the employee is on the receiving end of the threatening behavior or a witness to such behavior.

Workplace Violence Includes

- Verbal or physical harrassment
- Verbal or physical threats
- Assaults or other violence
- Any other behavior that causes others to feel unsafe

The following minimum consequences should occur when an employee is found to been engaging in any kind of workplace violence. However, a department director may disregard the progression and issue discipline more severe than the progression outlined below, depending on the circumstances of the situation, the severity of the offense, and the employee's disciplinary history. Fighting, other physical violence, and serious threats are grounds for immediate dismissal.

Workplace Violence Disciplinary Action

- First Offense – Documented Coaching Counseling/Oral Reprimand (With possible referral to EAP)
- Second Offense- Written Reprimand with documentation being forward to the employee's personnel file
- Third Offense – Unpaid Suspension
- Final Offense - Termination

Administrative Policy Directive 10-03

Damage to/Loss of Public Property Discipline Guidelines

Anytime public property is damaged or lost, the director of the department in which the loss occurred, and Human Resources should be notified via email. The Department Director shall also give notice to the Finance Department. Failure to make such notifications may subject the responsible party to discipline. The circumstances of the incident, the impact on a work group's operation, and the cost to replace or repair a damaged or lost item should always be taken into consideration; however, the standards outlined below should be viewed as minimum consequences. Supervisors should consult HR on the level of discipline that may be appropriate for a given incident to try to ensure that there is consistency throughout the City. Supervisors/Department Directors may issue discipline more severe than the progression outlined below, depending on the circumstances of the situation, the severity of the offense, and the employee's disciplinary history.

Damage Due to Carelessness

If an employee damages or causes the loss of public property due to his or her own *carelessness*, Department Directors should use the following guidelines for discipline. Carelessness is defined as unsafe behavior which puts employees or equipment at risk, but does not show a wanton disregard for safety, or a willingness to endanger the employee, others, or public property. The following minimum consequences should occur over a 5-year period per employee.

- First Offense: Min. of a documented coach-counseling/remedial training
- Second Offense: Min. of written reprimand and a coach-counseling
- Third Offense: Min. of written reprimand and a coach-counseling
- Fourth Offense: Min. of one day suspension without pay
- Fifth Offense: Min. of five day suspension without pay up to termination

Damage Due to Recklessness

If an employee damages or causes the loss of public property due to his or her own *recklessness*, Department Directors should use the following guidelines for discipline. Recklessness is defined as a wanton disregard for safe practices and policies, or a willingness to endanger the employee, others, or public property. The following minimum consequences should occur over a 10-year period per employee.

- First Offense: Min. of a one day suspension without pay
- Second Offense: Min. of a 5 day suspension without pay up to termination
- Final Offense: Termination

Administrative Policy Directive 10-04

Abuse of Sick Leave

An employee is responsible for the appropriate use of his/her sick leave. Sick leave abuse occurs when an employee uses sick leave for purposes other than unavoidable absences due to sickness or accident, medical appointments or in limited cases, the sickness or injury of a family member (as described in Section 2.2.5 of the employee handbook), or misrepresents the reason for utilizing sick leave.

Supervisors may suspect sick leave abuse when:

- an employee establishes a pattern of sick leave usage over a period of time such as repeatedly utilizing sick leave before or after a holiday, on Mondays and Fridays before or after a scheduled vacation day or in conjunction with regularly scheduled days off; or
- When an employee has utilized more than a proportionate number of days for that year thus far, without any knowledge of an FMLA qualifying event significant illness or injury; or
- When a reliable witness observes and/or reports evidence of an employee abusing sick leave; or
- When an employee demonstrates suspicious behavior related to sick leave use or abuse.

A supervisor who suspects abuse of sick leave may deny the sick leave request or require that a doctor's note be provided substantiating the illness. The following minimum consequences should occur when an employee is found to be abusing the sick leave policy. However, a Department Director may issue discipline outside of the progression below, depending on the circumstances of the situation, and the employee's disciplinary history.

- **First Offense-** Coaching Counseling/Oral Reprimand. (In addition, the employee should be placed on a doctor note requirement where they cannot take further sick time for one year without the provision of a doctor's note.)
- **Second Offense-** Written Reprimand with documentation being forwarded to employee's personnel file (doctor's note requirement extended or reinstated as appropriate). Employee may also receive a referral to the EAP.
- **Third Offense-** Unpaid suspension of 1 to 2 days.
- **Final Offense-** Termination.

If sick leave abuse is determined, the employee will have the time deducted from his/her personal or vacation leave. If no such leave is available the time shall be docked from his/her paycheck as appropriate.

Administrative Policy Directive 10-05

Tardiness/Absenteeism

Employees are expected to report to work on time and on a regular basis. Unnecessary absenteeism and tardiness is expensive, disruptive and places an unfair burden on other employees and supervisors. Any employee who is going to be absent or tardy to work must notify their supervisor at least 30 minutes prior to his/her normal start time, unless circumstances prevent the employee from being able to do so. An employee's absenteeism or tardiness is considered unexcused unless prior approval from employee's supervisor has been obtained.

Failure to give such notice constitutes grounds for possible disciplinary action. An employee is considered absent or tardy when he/she is not at their desk or assigned work area at their normal regularly scheduled start time. This includes returning from lunch periods or scheduled breaks.

Unsatisfactory attendance will impact possible promotional considerations and could lead to disciplinary action up to and including discharge. Any employee, who is absent for three (3) consecutive workdays without valid reason, will be considered to have involuntarily resigned their employment with the City of Batavia, as stated in section 10.2 of the employee handbook.

If an employee is tardy, the following minimum consequences should occur. However, a department director may issue discipline more severe than the progression outlined below depending on the circumstances of the situation and the employee's disciplinary history.

Disciplinary action Defined

- First Offense - Coaching Counseling/Oral Reprimand
- Second Offense – Written Reprimand- An employee who is tardy within 30 days of receiving coaching counseling will be given a written reprimand with documentation being forward to the employees personnel file.
- Third offense – Suspension- Any employee who is tardy within 30 days of receiving a written reprimand will receive a 1-2 day suspension without pay with notification that any further tardiness will result in further disciplinary action up to and including termination. Notice will be placed in the employee's personnel folder.
- Final offense- Termination

Administrative Policy Directive 10-06

Implementation of the Americans with Disabilities Act

Americans with Disabilities Act (ADA)

The City of Batavia is committed to providing equal opportunities for employees with disabilities following all provisions of the Americans with Disabilities Act of 1990 (ADA).

What is a disability under the ADA?

As defined by the ADA, an individual with a disability is any person who

- Has a physical or mental impairment that substantially limits one or more major life activities
- Has a record of such an impairment
- Is regarded as having such an impairment

Reasonable Accommodations

The City of Batavia is committed to ensuring equal opportunities for employees with disabilities and will make every reasonable effort to determine and provide the appropriate reasonable accommodation upon request, unless the accommodation would impose an undue burden.

Employee Accommodation Request

Qualified employees with disabilities whether permanent or temporary, may request accommodations to his/her position in writing to the Human Resources Department. Human Resources may require the employee to provide additional information about his/her disability or limitations and the need for the accommodations. When all information is received, Human Resources, will review the essential functions of the job description of the position requesting to be accommodated. Requests for accommodation may be fully or partially denied pending any undue burden the accommodations may cause. Human Resources will inform the employee in writing of the decision made within 14 days of receiving the request letter for accommodations.

Administrative Policy Directive 10-7

Wireless Communication Devices (cell phones)

1.0 GENERAL

1.1 The purpose of this policy is to provide guidelines regarding wireless communication devices. This policy enables the City of Batavia to meet its fiduciary responsibility to the taxpayers. It is recognized that the day-today operations of the workforce require voice and data communications and there is often a need to communicate when access to a regular telephone or computer is unavailable. Wireless communication devices are a valuable resource for certain personnel in order to conduct City business in an effective and timely manner.

1.2 If an employee's department has a more restrictive policy on use of cell phones that the employee must follow for the best operation of the department then the guidelines issued by the department, supersede this policy.

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2.0 DEPARTMENTS/DIVISIONS AFFECTED

This policy shall apply to all City divisions, departments, employees, and elected officials.

3.0 DEFINITIONS

- 3.1 "Wireless Communication Device" is any device that is used, by any measure, to send or receive wireless voice or data transmissions, commonly referred to as cell phones or smart phones (hereinafter "cell phones"). This does not include the City's two-way radio devices.

4.0 POLICY

- 4.1 The City of Batavia recognizes that cell phones are an important and necessary tool in the performance of certain employees' job duties. For those employees who have a valid business purpose, the City of Batavia will provide a cell phone for that employee's business use.

- 4.2 The determination of which phone and plan is appropriate for each employee will be made by the Information Systems Director with input from each Department Director and approval of the City Administrator. This determination will be made by taking into account the employee's individual job duties and related wireless communications needs. These needs will be determined by consulting with the department/division head and when necessary, the employee. Based on these individual needs, it will be the responsibility of the Information Systems (IS) Department to procure the most cost effective alternative of cell phone and plan. State contracts, pooling of minutes, and free phone offers are examples of the methods that will be used to establish the most cost effective alternative for cell phones and plans.
- 4.3 If, at his/her option, an employee wishes to use his/her personal smart phone for regular business purposes, he/she may be eligible to receive a cell phone stipend. Only employees who have a legitimate business need, and who would normally be eligible for a City-owned smart phone are eligible for the cell phone stipend. The City Administrator and department head must approve the request to utilize a personal cell phone for regular business purposes and receive a stipend. No employee may have a City issued cell phone and a stipend simultaneously except during the month of transition.
- 4.4 If the City has purchased a phone for an employee within the past 18 months, the employee will be ineligible to receive a cell phone stipend except in the instance that the City has a need for a phone and can utilize the City issued phone for another employee.
- 4.5 The department head will make the determination of eligibility for a stipend and the final approval will be by the City Administrator. The stipend must be within the guidelines and dollar limits established under this policy.
- 4.6 Employees requesting a cell phone stipend must maintain a cell phone contract from a wireless provider as long as the cell phone stipend is in place.
- 4.7 City of Batavia employees receiving a cell phone stipend will be responsible for:
- a. Purchase of phone equipment, accessories, taxes, and fees
 - b. Payment of bills and charges, including cost for any cosmetic or other extras associated with the phone including blue tooth, car charges, cords and cases
 - c. Retaining one year of billing records (paper or electronic)
 - d. Providing recent billing statements upon request by the City
 - e. The employee must allow the City to publish their personal cell phone number internally to City employees for conducting official City business.
 - f. Notify the City if the type of phone is changed to a non-smart phone
 - g. Notify the City if the stipend is more than their cost of service (including the two-year monthly cost of the phone and accessories).

- 4.8 Any employee receiving a cell phone stipend must provide to the City their personal cell phone records and/or statements and allow distribution of cell phone records to satisfy any legal requirements in regards to litigation or public records request such as but not limited to the Freedom of Information Act.
- 4.9 Employees receiving a stipend will be responsible for the upkeep and maintenance of their personal cell phone. The phones must stay operational to conduct City business. Repair or replacement of damaged phones, whether used during business hours or personal time, is the responsibility of the employee if the employee is receiving a stipend from the City.
- 4.10 Regardless of whether or not an employee receives a cell phone stipend, all City employees are allowed to use discounted plans for their personal plan from any provider offering these City employee discounts.
- 4.11 The use of cell phones, whether owned by the employee or the City creates a record of the number dialed or the number of the caller. When the cell phone is used for City business, the phone record is in nearly every case, a public record, subject to possible disclosure under the Public Records Act. Similarly, any message relating to City business that is left on a cell phone, whether owned by the employee or the City, is, in nearly every case, a public record, subject to possible disclosure under the Public Records Act.

5.0 PROCEDURE

- 5.1 Determination of Cell Phone Eligibility
 - 5.1.1 Eligibility is based on the need for frequent use of a cell phone or data accessibility, such as an employee who needs to be frequently available for emergency contact, and whose duties require him/her to be quickly contacted, anywhere, anytime as determined by their supervisor and department/division head.
 - 5.1.2 Employees leaving City employment, upgrading City owned phones, or it is determined that their position no longer needs a phone, must turn in the city-owned cell phone to their Supervisor or Department Director as part of their termination process. Employees transferring or changing positions within the City must coordinate their prior cell phone hardware and account with IS or Public Works, and eligibility in the new department or position must be re-established.
 - 5.1.3 Phones turned in to IS or Public Works will be disposed according to the City surplus ordinance after the data is wiped of the phone. If the phone is in good working condition, it may be reused with another employee as needed.
- 5.2 Determination of Phone, Plan or Stipend

- 5.2.1 The cell phone model, plan attributes, and dollar amount should cover the employee's projected business related needs and expenses only. Basic equipment costs and the employee's cell phone use related to business should be considered. Costs for non-business-related cosmetic or technical extras and upgrades cannot be considered.
- 5.2.2 Departments are responsible for projecting business use to the best of their ability, and for communicating this estimate to the IS Department. The IS Department with assistance from Public Works will be responsible for purchasing all City owned cell phones and establishing plans with cell phone providers. Public Works will have one designated person assigned to make purchases and provide support services for Public Works and Fire Department employees. Departments with special needs must identify such to IS prior to purchase. IS will utilize their expertise, and purchase the most cost effective option of phones and plans to meet the departments' business requirements. The IS Department will establish a standard menu of phones and plans. The standards will represent the options that best meet the City's business needs at the lowest cost. Employees requesting a phone or plan in excess of the standards must have written approval from the City Administrator.
- 5.2.3 Cell phones will only be updated when the following conditions exist:
- a. Employee has a City owned cell phone;
 - b. The City owned cell phone is more than two years old;
 - c. The old phone is damaged to the point where it is unusable;
 - d. Issues with the employees phone prevent that person from using the phone for its intended use;
- 5.3 Establishing a Cell Phone Stipend
- 5.3.1 A stipend will only be available to employees that have a City issued smart phone or are eligible to receive a City issued smart phone. To request a stipend the employee should fill out a Cell Phone Stipend Request form to their supervisor. The forms are available from your department director or the Intranet. The employee will attach to the form a copy of their cell phone contract or a current cell phone bill (summary page). If the personal phone is not yet activated, the contract or bill may be turned in following approval. The forms should be submitted to the department/division head for eligibility determination. Once approved, the department head will submit the forms to the City Administrator for final approval. If approved by the City Administrator, he/she will forward the approved forms to the Finance Department who will initiate the monthly stipend. The allowance will be paid through the employee's normal payroll check on a monthly basis. Finance will notify the IS Department so the employee City cell phone service can be cancelled. (*SEE APPENDIX 1: CELL PHONE STIPEND REQUEST FORM*)
- 5.3.2 When an employee moves from a City owned cell phone/plan to a personal plan with a stipend, the City phone will be returned to the IS Department.

5.4 Use of Cell Phone

- 5.4.1 Personal use of a City owned cell phone is permitted, so long as it does not interfere with City business, add to the cost of the City's plan or adversely affect the performance of official duties. Personal use during the employee's workday should be limited and infrequent. Excessive use of a City-owned cell phone for personal use may result in disciplinary action up to and including termination. In addition, use of an employee's personal cell phone should be limited and infrequent while the employee is working.
- 5.4.2 For employees receiving a cell phone stipend, the employee must retain an active cell phone contract with a wireless provider as long as a cell phone stipend is in place. The IRS has established that business reimbursement for a cell phone is not taxable as long as it is not in excess of the employee's cost. If the reimbursement is in excess, the employee must notify the City so that the amount can be reduced or taxed. Personal use should be kept at a minimum during the employee's working hours and not interfere with the employees work duties. Use of the device during work hours in any manner contrary to local, state, or federal laws or employee policies will constitute misuse, and will result in immediate termination of the cell phone allowance and possible disciplinary action. The City will not provide technical support for personal cell phones, except for providing the settings needed to support data communication with the City's network, for those authorized to have the ability to do so.
- 5.4.3 Non-exempt employees using their City issued or personal Smart phone during non-work hours to receive and send City email or communication does not imply payment of wages. Employees may access their City email and communicate with their supervisor or other employees but do so on their own time unless there is a special circumstance specifically approved by their Department Director.
- 5.4.4 City employees operating a motor vehicle shall follow all federal and state law relating to cell phone use in a vehicle. Use of a cell phone in a motor vehicle is permitted under the following circumstances:
- a. an authorized emergency vehicle, or a tow truck responding to a disabled vehicle;
 - b. a moving motor vehicle using a wireless communications device in hands-free mode;
 - c. a moving motor vehicle using a hand-held wireless communication device or mobile data computer to report illegal activity, summon medical or other emergency help, or prevent injury to a person or property;

5.5 Cell Phone Allowance Documentation and Review Requirements

- 5.5.1 The Finance Department will maintain a copy of the approved Stipend Request Form. Any employee receiving a cell phone stipend agrees to provide billing records at any time as requested by the HR or Finance Department, or external auditors engaged by the City, state or federal government. The department head is responsible for an annual review of employee business-related wireless communication device use, to determine if existing cellular phone allowances or stipend should be continued as-is, changed, or discontinued, and to determine if any new allowances should be established.
- 5.5.2 On an annual basis, an evaluation will be made by the Finance and IS Departments to determine if the allowance amount is equitable with current market conditions. The allowance may be adjusted upward or downward based on this evaluation.
- 5.6 Caring for City Cell Phones
 - 5.6.1 City phones are City owned equipment and should be treated to preserve the value and use of each phone. Abuse, lose or misuse of the phones will result in disciplinary action against the employee. Any deliberate action resulting in damage to the phone making it unable to perform in the capacity intended will result in the employee reimbursing the City for replacement of the phone. Multiple occurrences of phone abuse will result in discipline up to and including termination.
 - 5.6.2 Use of all City phones and Smart phones are subject to all Administrative Directives and policies in the Employee Handbook, specifically policies 6.2.3 Ownership and Confidentiality, 6.2.4 Acceptable Use, and 6.2.5 Internet and E-mail Use.
 - 5.6.3 Payment and support of Smart phone applications unless approved by the Department Heads will be the responsibility of the employee. If the application causes damage to the phones operating system (OS), the IS Department reserves the right to remove the application or reset the phones OS to its original factory installed state. The City will not be responsible to reimburse the employee for loaded applications on City owned phone if the OS is reset to its factory installed state.

7.0 APPENDICES

Cell Phone Stipend Request Form



CITY OF BATAVIA

JEFFERY D. SCHIELKE
Mayor

Cell Smart Phone Stipend Request Form [Appendix 1]

Employees can request a cell phone stipend that will provide compensation to an employee for using a personal cell smart phone for business purposes in lieu of a City owned cell smart phone. Stipends will be paid out monthly through the payroll system. Each employee must complete this form with approvals needed by the Department Head and City Administrator.

Employees requesting a stipend must accompany this request form with a copy of their cell phone contract or last month's phone bill either at submission or following approval. Stipend policies and eligibility requirements are in the City's Administrative Policy Directive 10.7 for Wireless Communication Devices.

Monthly stipend amounts will be \$60.00 for a smart phone or the actual cost of service if less. See the policy directive for more information.

Employee Name _____ Department _____

Employee cell phone number _____

Employee Signature _____ Date _____

Approval Signatures

Department Director _____ Date _____

City Administrator _____ Date _____