

## **CHAPTER 130: PERSONNEL POLICY MANUAL**

### **SECTION 130.010: INTRODUCTION**

A. *Authority.* These policies, procedures, rules and regulations are hereby enacted by the Board of Trustees.

B. *Purpose.* The purpose of these rules is the formulation of sound personnel policies designed to promote efficiency and economy, reward meritorious service, provide for the settlement of grievances, develop and maintain morale, and establish non-discriminatory standards for the treatment of Village employees.

C. *Intent.* These personnel rules and regulations only outline the major employment policies of the Village of Wardsville. These rules and regulations do not intend to be and shall not be considered all-inclusive. The rules and regulations are not intended to be a substitute for the good judgment, common sense and discretion of Village personnel.

D. *Employment At Will.* All employees are employed "at will" and the Village expressly reserves the legal right to discharge or terminate employees at any time and for any reason. Likewise, employees have the legal right to terminate their employment at any time and for any reason. These personnel rules and policies are not a contract and are not intended to create any contractual obligations on the part of the Village.

E. *Changes In These Policies.* As circumstances arise in which the Village may determine that changes to these policies are necessary, the Village reserves the right to change these policies at any time and reserves the unilateral right to do so at any time without prior notice to its employees. Accordingly, no statement on these rules and policies is intended as a contractual commitment or obligation of the Village to any employee.

F. *Previous Policies.* These personnel rules and policies supersede and replace all previous rules and regulations.

G. *Consistent With Laws.* These policies and procedures shall not be inconsistent with but complimentary to related State and Federal laws and regulations. If any provision becomes invalid due to subsequent passage of interpretations of related legislation or court rulings, the remaining provisions shall not be invalidated.

H. *Administration Of These Policies.* It shall be the responsibility of the Clerk to administer, interpret and from time to time recommend to the Board of Trustees appropriate amendments in order to maintain the rules and policies.

## **SECTION 130.020: ORGANIZATION PHILOSOPHY**

A. *Mission.* The Village of Wardsville is committed to providing quality and effective services to its residents and to the general public at large.

B. *Values.* The strength and future growth of the Village is directly related to the contributions made by each individual within the organization. In order to create the proper climate for employees to achieve maximum contribution:

1. Employees will be placed in positions which best utilize their aptitudes and skills without regard to age, race, color, creed, sex, sexual orientation, political and religious affiliation, national origin, disability or handicap or marital status. Employees will be offered the opportunity for self-development and advancement through training and education.

2. Employees will be respected for their personal worth and dignity. They will be accorded fair and equitable treatment at all times through a program of compensation and general working conditions that reflect a spirit of social justice and social cooperation.

C. *Strategy.*

1. Commitment to the Village's mission and values will result in a desire on the part of each individual to excel in their work. This can be measured by innovation and teamwork resulting in the implementation of new and creative ideas.

2. The success of this strategy will manifest itself in:

- a. Growth in ability to serve.
- b. Increased efficiency.
- c. Greater productivity.
- d. Positive community relations and image projection.
- e. Access to resources of all kinds.

## **SECTION 130.030: PERSONNEL POLICY OBJECTIVES**

In order for the Village to fulfill its mission in the community, productive and competent employees at all levels in the organization must staff the Village. Accordingly, the Village seeks to provide employment conditions and policies which will attract, motivate and retain highly qualified employees.

## **SECTION 130.040: EMPLOYMENT POLICY**

### *A. Affirmative Action And Equal Opportunity Employer Policy.*

1. It is the policy of the Village of Wardsville, as set forth by the Board of Trustees, to provide employment, training, compensation, promotion and other conditions of employment without regard to age, race, color, creed, sex, sexual orientation, political and religious affiliation, national origin or marital status and in full compliance with the Americans with Disabilities Act.

2. Appropriate job-related standards will be applied to the condition of employment and will be maintained at a level consistent with the growth of the Village.

3. To the extent possible, the Village will seek out individuals with the best qualifications and the most promising potential to meet its employment requirements. Within its capacity, the Village will provide appropriate training and development to enable individuals to successfully complete their training period and qualify for continued employment.

### *B. Employment Policy.*

1. All employment will begin with a training period to allow the employee the opportunity to demonstrate an ability to perform the job and the Village to assess performance. Unless otherwise stated in the written job offer, the training period will cover the first three (3) months of employment. The training period shall be regarded as an integral part of the evaluation process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new, transferred or promoted employee to the position, and for replacing any employee whose performance does not meet the required work standards.

2. During this training period, an employee may be dismissed for any lawful reason and there shall be no right of appeal or grievance upon such dismissal.

#### *a. Procedure.*

(1) All applicants for employment must complete the Village's official job application form. An authorized representative of the Village will review all applications, check references and verify appropriate application information.

(2) Applicants selected for employment will be issued a letter confirming the offer of employment stating pertinent details such as position title, salary, nature of duties, date acceptance or rejection of the offer is expected and any other special conditions of employment. The letter will be signed by the Village Clerk or Chairperson of the Board of Trustees as appropriate.

(3) Selection of the all employees will be made by the Board of Trustees.

(4) Basic personnel policies will be discussed with a prospective employee, by the appropriate person, during the interview process. After employment is confirmed, the new employee will, upon their request, be given a copy of the personnel policies and procedure policies.

(5) The Chairman of the Board of Trustees will be responsible for the administration of personnel issues in accordance with the Village's policy of Equal Employment Opportunity and Affirmative Action and in accordance with State and Federal laws. The Board of Trustees will be consulted on such matters as appropriate.

C. *Harassment Policy.* It is the firm commitment of the Board of Trustees to prohibit any type of employee harassment. The Village of Wardsville will not tolerate the harassment of any employee by another employee of the Village.

1. *Purpose.* The purpose of this policy is to avoid the occurrence of harassment of its employees in the workplace, to define the Villages' position with respect to the harassment of its employees, and to set forth procedures to be followed in the event a problem develops in this area. This policy also describes the corrective action that will be taken with any employee who engages in such conduct.

2. *Policy.* It is the policy of the Village of Wardsville that all employees should be able to enjoy a working atmosphere that is free from all forms of discrimination, including harassment. Harassment infringes on every employee's right to a comfortable and productive work environment and undermines the integrity of the employment relationship. No employee, male or female, should be subjected to unsolicited or unwelcome conduct, either verbal or physical. The Village of Wardsville is committed to provide a positive working environment in which each employee is respected as an individual and can realize his/her full potential, with equal opportunity for advancement and personal growth. Consistent with this commitment, the Village strictly prohibits all forms of harassment and any employee who is found to have engaged in harassment will be subject to immediate corrective action, up to and including termination of their employment.

3. *Definitions.* Sexual harassment consists of unwelcome sexual advances, request for sexual favors or other verbal or physical conduct of a sexual nature where:

- a. Submission to such conduct is made a term or a condition of employment;
- b. An employment decision (such as promotion or job assignment) is based on acceptance or rejection of such conduct; or

c. Such conduct interferes with an employee's work performance or creates an intimidating, hostile or offensive work environment.

4. Sexual harassment takes a variety of forms and may involve employees in any job and at any level of responsibility. Although it would be impossible to list all forms of sexual harassment, we have set out some examples of conduct which would violate the Villages' Harassment Policy:

a. Intentional physical conduct of a sexual nature, such as touching, fondling, pinching, patting or grabbing another employee;

b. Making unwelcome or persistent sexual advances toward another employee;

c. Making sexual comments, jokes, noises or gestures to, or in the presence of, another employee;

d. Using explicit or derogatory sexual terms in reference to, or in the presence of, another employee, displaying sexually explicit or sexually oriented materials in the workplace including, but not limited to, magazines, posters, calendars, photographs, sketches or cartoons;

e. Granting or promising preferential treatment to an employee in exchange for submitting to or participating in sexual conduct;

f. Threatening an employee with termination, demotion, poor evaluation or other detrimental or retaliatory conduct as a means to obtain sexual favors;

g. Retaliating in any way against an employee who has complained of or reported sexual harassment or who has participated in the investigation of such conduct.

5. Other forms of harassment may include:

a. Threatening an employee with physical harm.

b. Verbal abuse of an employee based on physical appearance, national origin, sexual orientation, religion, race, age, gender, disability or creed.

6. *Reporting.* Any employee who believes that he/she has been the victim of harassment or who has witnessed or has knowledge of such behavior is urged to report such conduct to a member of the Board of Trustees.

7. *Investigations.*

a. All reported incidents of harassment will be promptly investigated by the Board appointed liaison. In the event that the incident in any way involves the liaison, then the investigation shall be the responsibility of Chairperson of the Board of Trustees. The information that is gathered will be handled confidentially. No employee will be subjected to any form of retaliation for making a good faith report or participating in an investigation of harassment. Investigations may vary depending upon individual circumstances but will include, at a minimum, interviews with the complaining party, the accused and, if necessary, any alleged witnesses.

b. Upon completion of the investigation, a complete report will be provided to the Board of Trustees who will, in Executive "Closed" Session, take such corrective action, which may involve any level of corrective action up to and including immediate termination of employment.

*D. Hours Of Work And Overtime Policy.*

1. All Village employees in executive and administrative positions are considered to be "exempt" as defined by the Fair Labor Standards Act, as amended (the "Act") and are therefore not paid overtime for hours worked in excess of forty (40) hours during the workweek. All positions not specifically identified as executive or administrative are designated as "classified" and are paid at an hourly rate and therefore eligible for overtime compensation or the minimum wage provisions by said Act.

2. Although every effort will be made to avoid it, overtime work may occasionally be required. The normal workweek for "classified" personnel is forty (40) hours with meals excluded. Hours worked in excess of forty (40) hours during the workweek will be paid at the premium overtime rate of one and one-half (1½) times the equivalent straight time hourly rate. Vacation time, sick leave time, holidays and other time off shall not be considered as hours of work for the purposes of computing overtime. The Clerk may reschedule daily hours or the workweek of any employee when necessary to successfully carry out the Village's business.

3. The standard workweek (Sunday--Saturday) for staff members exempt from the provisions of the "Act" will be forty (40) hours. Due to the nature of their work, however, they may need to be available for duty beyond the normal workweek. The regular salary of these employees is considered full compensation for the standard workweek, including casual, irregular or extra work hours inherent in the performance of their assigned position functions.

4. If an hourly employee is called to work outside of a normally scheduled workday or is called back to work after having completed a regularly scheduled workday, the minimum overtime for which compensation will be made will be two (2) hours.

*E. Employment Benefits.* The Village seeks to provide benefits to all employees that, when combined with salary, provide a reasonable foundation for economic security.

1. *General benefits.*

All employees are covered by Social Security, Workers' Compensation and unemployment insurance from the first (1st) day of employment, in accordance with applicable laws and regulations. Worker Compensation and unemployment insurance costs are paid by the Village; employees and the Village contribute to the Social Security Fund (FICA).

2. *Vacation leave policy.*

a. Vacation leave shall accrue to all full-time employees based upon their years of continuous service with the Village and part-time employees who work at least twenty (20) hours per week and have been employed by the Village for at least six (6) months.

b. During the first (1st) year of service, all full-time and part-time employees shall accrue vacation leave and may take vacation leave provided that the employee has completed six (6) months of continuous employment.

c. Vacation leave will be granted to employees each year based on length of service. Vacation leave must be earned before it is taken and may be used in one (1) hour increments. Full-time employees will earn vacation as follows:

<i>Years of Service</i>	<i>Hours Earned per Month</i>	<i>Maximum</i>
<i>Balance</i>		
0--4	10	180
5--15	12	216
16+	14	
252		

d. Part-time employees will be entitled to prorated vacation leave based upon the following formula:

After 80 hours worked in a month	50%
After 120 hours worked in a month	75%
After 160 hours worked in a month	100%

3. *Sick leave policy.*

a. Sick leave is not an earned benefit. Absence from scheduled work, whether "excused" or "unexcused", can lessen the Village's efficiency. Sick leave is a privilege granted in recognition of faithful service when employees are ill and unable to work; thus, unused sick leave is not payable at the time of termination.

b. Accrued sick leave may be used in the following situations:

(1) The employee is incapacitated for the performance of assigned duties by sickness or injury; or periods of time required for medical, surgical, dental or optical examinations or treatment.

(2) *Members of employee's household.* The employee is absent due to an illness of the employee's spouse, children, other relatives or unrelated members of the employee's household who require the employee's personal care and attention.

(3) Unusual cases will be handled on an individual basis. The final decision concerning the usage of sick leave rests with the Chairperson of the Board of Trustees and is based upon the degree to which the employee is responsible for providing personal care and attention for a family member, who may or may not reside in the household, or for another member of the household. Merely "visiting" a relative or household member who is ill or hospitalized would not justify usage of sick leave.

c. Full-time employees accumulate sick leave at the rate of eight (8) hours per month with a maximum accumulated balance of two hundred forty (240) hours. Sick leave is used in one (1) hour increments.

d. New employees accrue sick leave but cannot use sick leave until after completing their training period.

e. Chronic and pattern absenteeism and/or tardiness or other abuse of this policy will lead to disciplinary action up to and including termination of employment. Examples of pattern absenteeism include, but are not limited to, absences on any Mondays or Fridays and/or days adjacent to a holiday(s).

f. Part-time employees will be entitled to prorated sick leave based upon the following formula:

After 80 hours worked in a month	50%
After 120 hours worked in a month	75%
After 160 hours worked in a month	100%

#### 4. *Holiday policy.*

a. The Village recognizes the following holidays as paid time: New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Veterans

Day, Thanksgiving Day, Day after Thanksgiving, Christmas Eve Day, Christmas Day

b. If any of the recognized holidays fall on a Saturday, the previous Friday will be observed as the holiday. When any of the recognized holidays fall on a Sunday, the following Monday will be observed as the holiday. When any of the recognized holidays fall within the period of annual or sick leave, the holiday may be added to either. Exempt employees who are required to work on a recognized holiday will be given a substitute holiday to be taken within thirty (30) days thereafter.

c. Non-exempt employees who are required to work on a recognized holiday will be paid at time and one-half (½).

5. *Jury duty policy.* The Village recognizes the civic duty of employees to serve on juries when called. An employee performing jury duty will continue to receive their regular salary during the period of service and may retain the jury fee. A copy of the jury duty summons and jury duty service certification must be submitted for placement in the employee's file. However, part-time employees will not be paid jury duty leave for hours not normally scheduled to work.

6. *Bereavement leave policy.* Full-time employees may be granted up to three (3) working days of leave without loss of regular pay in the event of a death in the immediate family. If the allowable number of days is not sufficient, additional days may be taken as vacation time or unpaid leave. For the purpose of this policy, "immediate" family is defined as follows:

Spouse	Father-in-law	Parents
Mother-in-law	Children	Son-in-law
Grandparents	Daughter-in-law	Grandchildren
Guardian	Siblings	Significant other

7. *Unpaid leave of absence policy.*

a. The Chairperson of the Board of Trustees, may grant a permanent full-time employee an extended leave of absence without pay, benefits, accrual of vacation or accrual of sick leave, not to exceed twelve (12) calendar weeks. Leave of absence may be granted for medical reasons; to care for a newly adopted, foster care or newborn child; to care for the employee's spouse, son, daughter or parent with a serious health condition; or because of an employee's own serious health condition that makes the employee unable to work at all or to perform the essential functions of the employee's job. Such leave shall be granted only after all of the employee's accrued sick leave and vacation leave have expired.

b. If leave is granted hereunder because of an employee's medical condition, the employee may be required to submit a statement from his/her attending physician which shall include the date the serious health condition began; the physician's judgment

concerning the probable duration of the condition; the diagnosis of the serious health condition; a statement of the course of treatment; an indication of whether in-patient hospitalization is necessary; and a statement that the employee either cannot perform any kind of work or cannot perform the essential functions of his/her job. If the leave is to care for a family member, the employee may be required to provide a statement from the family member's physician indicating that it would be desirable or beneficial for the employee to provide care for the family member.

c. Employees seeking to use leave under this policy are required to provide thirty (30) days' advanced notice of the need to take leave if the need for the leave is foreseeable based on an expected birth or placement of a child or planned medical treatment for the serious health condition of the employee or family member. If thirty (30) days' notice is not practicable under the circumstances, notice must be given as soon as practicable. Notice should include the reason for the requested leave, the anticipated start of the leave and the anticipated duration of the leave.

d. *Procedure.* A request for an unpaid leave of absence must be made in writing to the Board of Trustees and specify the purpose, length and specific dates thereof. If the request is covered under FMLA, the employee must also provide a copy of the physician's documentation of the medical diagnosis. The Chairperson of the Board of Trustees will notify the employee, in writing, of the decision of the Board.

#### 8. *Continuing education.*

a. The Village recognizes that attendance at selected outside seminars, conferences and/or workshops are mutually beneficial to the employee and the Village.

b. Employees are encouraged to participate in continuing education activities in areas related to their work and will be reimbursed for the cost of approved training, subject to the availability of funds and prior approval by the Board of Trustees.

#### 9. *Military leave.*

a. Any employee who is to perform active duty or training or inactive duty or training in the armed forces of the United States, including, but not limited to, active reserves, shall be granted a leave of absence, as permitted by law. Further, an employee who leaves the Village for such military service may be paid accrued vacation for which the employee is eligible from the Village at the time of the leave of absence.

b. Any employee who leaves his/her job to serve in the armed forces is entitled to all rights provided for under State and Federal law during the performance of military duty and, upon completion of the military duty, the employee is entitled to reinstatement to his/her former position or to a position equal in terms of seniority, pay and status to the one the employee left to go into the service unless the Village's circumstances have changed so much that it would be impossible for this to be done. Those reinstatement

rights are conditioned upon the employee fulfilling the basic requirements for reinstatement under Federal and State law.

c. An employee who is reinstated following completion of military service shall be eligible to take accrued vacation thirty (30) days after reinstatement.

d. In addition to a leave of absence otherwise authorized in these rules, employees who are required to take annual periods of training as members in organized units of the Reserve Corps of the Army, Navy, Air Force, Marine Corps, Coast Guard or the National Guard and who are ordered to active duty will be granted a leave of absence without loss of time, pay, regular leave, impairment of job evaluation or any other benefits to which they may otherwise be entitled, upon proper application through the Clerk for the duration of said period of annual training not to exceed fifteen (15) working days in any Federal fiscal year.

10. *Voting time.* An employee eligible and registered to vote in any election held within this State or any primary election held in preparation for such election shall, on the day of such election, be entitled to leave from duty (if on duty) which would allow three (3) hours of voting time between the time of opening and the time of closing the polls. This Section shall not apply to a voter on the day of the election if there are three (3) successive hours while the polls are open in which the employee is not on duty. The Clerk may specify any three (3) hours between the time of opening and closing of the polls during which an employee may be granted voting leave. Generally, said leave shall not exceed one (1) hour of paid on-duty time for each election day. Exceptions may be arranged with the approval of the Clerk. Employees may be required to show current eligible voter registration cards to Clerk prior to release for voting purposes and no employee shall be granted time off with pay for voting who is not eligible to participate in a given election.

11. *Employment restrictions.*

a. No Village employee shall solicit any contribution for the campaign fund of any candidate for Village of Wardsville office or take part in the political campaign of any candidate for Village office. All employees may exercise their rights as a private citizen to express opinions and, if a registered voter in the Village, sign a nominating petition for any Village candidate and vote in any Village election. Political affiliation, participation or contribution shall not be considered in making any Village employment decision. No Village officer, employee or member of a board or commission shall use official authority or official influence for the purpose of interfering with or affecting the result of any election to or nomination for Village of Wardsville office. No Village officer, employee or member of a board or commission shall directly or indirectly coerce, attempt to coerce, command, advise or solicit a Village employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political or electoral purposes.

b. No employee, either full- or part-time of the Village, while on duty or while in uniform that identifies the individual as an employee of the Village shall canvass on behalf of any candidate, political party or political issue; display a political picture, sticker, badge or button; attend a political rally, fund raising function or other political gathering; circulate or sign a political petition; or serve as an election judge or clerk.

c. No employee shall place or allow to remain upon a Village vehicle used by the employee in the course of employment any political picture, sticker, badge or button.

d. Nothing in these regulations shall be construed to restrict an employee's freedom to express an opinion or exercise the right to vote.

e. No Village employee shall use Village equipment, personnel, facilities or resources to promote or help promote any civic, social, business or political candidate or any other non-Village purpose without the express written consent of the Clerk or the Board of Trustees.

#### **SECTION 130.050: COMPENSATION**

A. *Pay Period.* All Village employees will be paid biweekly. When the payday falls on a Village holiday, employees will be paid the preceding workday.

B. *Procedure.*

1. Time records showing the hours worked and leave taken will be maintained on a regular basis. Vacation and sick leave accruals will be maintained by the Clerk on each employee's attendance report.

2. Time and attendance records will be submitted to the Village Clerk for approval at the end of each month.

C. *Supplementary Employment.*

1. Any employee who wishes to engage in supplementary employment may do so without jeopardizing their employment with the Village, subject to the following conditions:

2. The proposed activity is approved by the Board of Trustees.

3. The activity will not harm the Village's public relations image.

4. The activity will not interfere with the individual's work or work schedule at the Village.

5. There is no potential for a conflict of interest.

6. The activity will not require the use of the Village's facilities, equipment, supplies or other personnel.

D. *Professional And Other Memberships.* Participation in community activities and professional organizations is encouraged when such activities are consistent with the mission of the Village and do not interfere with the employee's work or work schedule.

## **SECTION 130.060: COMPENSATION FOR JOB-RELATED EXPENSE**

*General Policy.* Employees required to travel on Village business and/or who incur other authorized expenses on behalf of the Village will be reimbursed under the travel reimbursement procedure.

1. *Out-of-town travel.* When out-of-town travel is required, air, bus, personal vehicle or train transportation may be used; however, reimbursement will be made at the lowest rate of air coach fare or mileage, whichever is less. Reimbursement for hotel/motel accommodations will be made for the actual costs incurred for a single room with bath, unless otherwise authorized. When accommodations are required for an extended period of time, weekly rates will be obtained if available. Miscellaneous expenses, such as tips, meter fees, bridge tolls, etc., are considered usual expenses and will be reimbursed on a reasonable actual cost basis. Receipts for accommodations, transportation, meals and off-street parking should be obtained and submitted with the expense account.

2. *Travel within the Wardsville area.*

a. Employees using their own personal vehicles for business will be reimbursed for such use at the current rate established by the Internal Revenue Service. Employees are responsible for their own auto insurance when using their personal vehicles while on Village business. The Village requires valid copies of driver's license and current auto insurance for all employees who use their personal vehicle for business. Rental car expenses will not be reimbursed.

b. Employees delegated to attend luncheon and dinner meetings as Village representatives will be reimbursed for all time and expenses incurred in doing so.

## **SECTION 130.070: PERSONNEL**

A. A confidential personnel folder will be maintained by the Village on each employee. Information contained in this file will include data pertinent to the individual's employment, such as their application form, reference checks, work history, job descriptions(s), performance evaluations, disciplinary actions, counseling records, commendations, etc. Personnel folders are available only to the employee,

the Clerk and the Board of Trustees. An employee wishing to add, delete or change any file items must submit a written request to the Clerk identifying the item(s) involved, the desired actions and the reasons therefore. The Clerk will review all files annually to insure current compliance and remove all items of a disciplinary nature that are three (3) years or more old. Inquires relative to earnings or job performance must be submitted in writing to the Clerk on business or credit agency letterhead, and the employee must give written permission for such information to be released. Only written inquiries will be acknowledged. Inquiries should be addressed to the Clerk and will be limited to:

1. Employment confirmation.
2. Position title.
3. Length of service.

B. *Performance Evaluation.* For the purpose of employee development and salary administration, each employee's performance may be reviewed and evaluated annually on or near the employee's anniversary date of employment. The performance evaluation will be based primarily on how well the employee addressed the responsibilities outlined in the description of their position. All employees will be asked to sign their evaluations verifying that they received the evaluation and that the performance discussions were held. The employee's signature does not necessarily indicate that the employee agrees with the evaluation. In the event of any disagreement over any part of the evaluation, the employee may file a written statement to that effect and that statement will be attached to the evaluation and become an integral part of the employee's personnel folder.

#### **SECTION 130.080: CORRECTIVE PERFORMANCE IMPROVEMENT AND DISCIPLINARY ACTIONS**

A. It shall be the duty of all employees to maintain high standards of conduct, cooperation, efficiency and economy in their work for the Village. The Clerk shall organize and direct the work of their units in a manner calculated to achieve these objectives.

B. Whenever work habits, attitude, production or personal conduct of an employee falls below a desirable standard, the Clerk shall point out the deficiencies at the time they are observed (or as soon as practicable thereafter).

C. Oral and written warnings with reasonable time for improvement and subsequent review shall precede formal discipline whenever, in the judgment of the Clerk, an infraction is readily correctable.

D. When an oral warning is given, the Clerk shall explain the infraction to the employee and indicate corrective measures that shall be taken. The Clerk will inform the employee that his/her conduct must improve or he/she will face more severe disciplinary action. The employee is required to sign an acknowledgement that the oral warning took place. A record of this warning will be placed in the employee's personal file and the employee will receive a copy. If no further action is taken on the matter in three (3) years, all written records of the oral warning will be removed from the employee's personnel file.

E. A written warning may be used for more serious infractions or in cases where the same rule has been broken. The Clerk should state, in writing, the nature of the infraction leading to the disciplinary action and prior warnings, if any. The warning should include what improvement is expected, the time limits for this improvement to occur and consequences of if the improvement goal is not met. The employee should read and sign the warning in the presence of the Clerk. One (1) copy of the warning will be placed in the employee's personal file, and one (1) copy will be given to the employee. If no future action is taken on the matter in three (3) years, all written records of the written warning will be removed from the employee's personnel file.

F. Corrective actions shall, at all times, be promptly administered and executed, thoroughly documented, appropriate to the infraction committed and shall never be used on account of political considerations, personal bias or prejudice.

G. Any disciplinary action shall be documented and explained to the employee. Eligible employees may appeal disciplinary actions against them pursuant to the Village's grievance procedure.

H. *Terminations.* Terminations of employment with the Village will be classified under one (1) of the following:

1. Resignation.

2. *Termination.* A termination is classified as a "resignation" when it has been voluntarily initiated by the employee. To remain in good standing and be eligible for rehire, the employee must submit their written letter of resignation at least fifteen (15) days in advance. If the employee's continued employment may be detrimental to the Village, employment may be terminated immediately.

3. *Discharge.*

a. A termination will be classified as a "discharge" when it has been determined that the employee's activities have not been in the best interests of the Village and/or the employee is guilty of conduct contrary to the policies and procedures of the Village.

b. Examples of conduct for which an employee may be discharged include, but are not limited to:

- (1) Conviction of a felony while an employee of the Village.
- (2) Misappropriation of Village funds, supplies or materials.
- (3) Failure to carry out job duties and responsibilities in an acceptable manner.
- (4) Violation of the Village's "Conflict of Interest" Policy.
- (5) Insubordination.
- (6) Possession, use or distribution of illegal drugs or controlled substances.
- (7) Falsification of any Village records.

c. An employee discharged for cause will be paid only for time worked plus accrued vacation.

d. An employee wishing to appeal his/her termination may do so by giving written notice to the Chairperson of the Board of Trustees within five (5) working days after the date of termination. The Board of Trustees will hear the appeal within ten (10) working days after the date of notice of appeal was received.

4. *Retirement.* An employee whose termination is the result of retirement will be paid through the last day of service, plus accrued vacation.

5. *Disability.* If an employee is unable to perform the essential functions of his/her position with or without reasonable accommodation because of disability, the Village may separate, transfer or otherwise dismiss that employee. The Village reserves the right to require any employee to undergo a physical or mental examination if the Village determines that there is an issue with respect to the employee's ability to perform the essential functions of his/her job or whether reasonable accommodation is necessary to enable the employee to perform the essential functions of the position.

6. *Return of Village property.* An employee leaving the Village's service for any reason and who has Village-owned equipment or property in his/her possession shall return such equipment or property to the Clerk prior to receiving his/her last paycheck. Failure to return said property may result in an amount being withheld from the employee's paycheck equal to the value of the property.

I. *Grievance Policy.* All employees shall have the right, except as specified herein, to utilize the grievance and complaint procedures of this Chapter. The grievance and complaint procedures of this Chapter will be available to permanent, full-time employees or part-time employees who work at least twenty (20) hours per week,

who are not serving a probationary period, whether imposed due to a new position or for disciplinary performance reasons.

1. *Purpose.* The grievance procedure provides the employee with a means of discussion and resolution of work-related grievances. The procedure is intended as a means of resolving situations where employees believe personnel policies have been or are being violated and are not a means to contest management decisions.

2. *Time limitations.* Grievances must be filed with the Board of Trustees within ten (10) working days from the date of the alleged action (the time limit may be extended to ninety (90) days upon showing by the grievant that he/she did not or could not know of the alleged harm). An employee may file a grievance without fear of jeopardizing their position, chances for promotion or salary advancement. Paperwork associated with filing a grievance must be completed outside of scheduled working hours. All documentation from the entire process will be maintained in a single file.

3. *Procedure.*

a. Within ten (10) working days after the written grievance has been submitted, the Clerk will meet with the employee to discuss the grievance and what action, if any, should be taken. The Clerk will issue a written response within ten (10) working days of the meeting.

b. Should the Clerk's response not resolve the grievance, the employee may, within five (5) working days after receiving the report, request in writing a review by the Board of Trustees. The Chairperson of the Board of Trustees will arrange for a hearing of the full Board of Trustees within thirty (30) days from the date of the request. The decision of the Board of Trustees will be final.

## **SECTION 130.090: SUBSTANCE ABUSE POLICY**

A. The Village proclaims that it will provide a drug-free workplace. Drug abuse in the workplace presents unacceptable dangers to the employees and the integrity of the Village. The Village reserves the right to routinely test employees for drug abuse as a condition of continuing employment when reasonable grounds to suspect substance abuse exist.

B. "*Reasonable grounds to suspect substance abuse exists*" is defined as suspicion based on personal observation by the Clerk or an elected official of an employee's appearance, behavior, speech or breath odor.

## **SECTION 130.100: EMPLOYEES TO ACKNOWLEDGE RECEIPT OF POLICY**

All current and future employees will be required to acknowledge, in writing, receipt of a copy of this policy and comply with its provisions. Copies of this substance abuse policy will be permanently posted on Village bulletin boards.