



**REGULAR COUNCIL MEETING MONDAY, SEPTEMBER 24, 2012
5:30 P.M.**

	1	2
1.0 CALL TO ORDER		
2.0 PLEDGE OF ALLEGIANCE <i>Mayor Laurie L. Barra</i>		
3.0 ROLL CALL <i>Clerk to Call the Roll</i>		
4.0 APPROVAL OF AGENDA ACTION: Motion to approve the meeting agenda. VOTE REQUIRED		
5.0 APPROVAL OF MINUTES ACTION: Motion to approve minutes of the Regular Council Meeting of September 10, 2012. VOTE REQUIRED		
6.0 PUBLIC INPUT ON AGENDA ITEMS <i>Speakers to state name, address, and spell last name. Speakers will be given 5 minutes to address the Council. Questions unrelated to agenda items are accepted during "Public Questions" near the end of the meeting.</i>		
7.0 CONSENT AGENDA		
7.1 Receive and File Monthly Reports and Minutes: Police Department July and August Reports; Traffic Safety Committee Minutes dated September 7, 2012; Building and Inspections Department Reports for June, July, and August; and Mayor's Advisory Committee for People with Disabilities Minutes June 14, 2012.		5
7.2 Receive and File Petition of Voluntary De-Annexation from the City of Pekin Marion and Carol Dever VFW Road.		5
ACTION: Motion to approve all items listed on the Consent Agenda by Omnibus Vote. VOTE REQUIRED TO APPROVE CONSENT AGENDA		
8.0 COMMUNICATIONS, PETITIONS, REPORTS		
9.0 NEW BUSINESS		

9.1 Ordinance No. 2665-12/13 – Accepting a Contract for Sale of Real Estate and Authorizing the Sale of Municipally Owned Property DESCRIPTION: Authorizes the sale of a 2 ½ acre parcel in Riverway Business Park. to Illinois American Water Company in the amount of \$109,000.00. ACTION: Motion to adopt the ordinance. VOTE REQUIRED	DG	1
9.2 Ordinance No. 1462-A317-12/13 – Amending Title 8 of the Code of the City of Pekin 1995 Regarding No Parking DESCRIPTION: Recommendation of the Traffic Safety Committee to restrict parking 30 feet back from either side of the entrance to 1201 Florence Street. ACTION: Motion to adopt the ordinance. VOTE REQUIRED	GN	2
9.3 Resolution No. 57-12/13 – Adopting the Employee Handbook of the City of Pekin 2012 DESCRIPTION: New Employee Handbook that reflects numerous federal and state laws passed within the last 5 years as well as adds new sections and cleans up language to be more inclusive for all departments and requires less change in the future. ACTION: Motion to adopt the resolution. VOTE REQUIRED	SN	5
10.0 ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL 10.1 Council Members 10.2 Staff 10.3 Five Minute Public Questions 10.4 Press Time		
11.0 EXECUTIVE SESSION 65 ILCS 120/2 (c)		
12.0 ADJOURN No Vote Required		

Column 1 Key:

DG Asst City Manager Darin Girdler
SN Director of Human Resources Sarah Newcomb
GN Police Chief Greg Nelson

Column 2 Key:

1 A Prosperous Community. To promote and sustain a balanced economy that supports expansion and retention of family-wage jobs.
2 A Safe Community. To protect community life and property by providing effective, principled police and fire services.
3 A Strong Foundation. To improve and maintain existing infrastructure and leverage opportunities for new infrastructure.
4 A High Quality of Life. To support or provide services that improve the quality of life for Pekin's residents.
5 An Effective Government. To deliver effectively the services that Pekin's residents want, need, and are willing to support.

**PROCEEDINGS OF THE REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF PEKIN, ILLINOIS,
HELD IN THE COUNCIL CHAMBERS OF CITY HALL
111 SOUTH CAPITOL STREET
ON MONDAY, SEPTEMBER 10, 2012 AT 5:30 O'CLOCK P.M.
LAURIE L. BARRA, MAYOR PRESIDING**

**PRESENT: COUNCIL MEMBERS, ABEL, SCHMIDGALL, MASSAGLIA, HENDRICKS,
BLANCHARD, MCCABE, AND BARRA**

ABSENT: NONE

The **Pledge of Allegiance** was led by Mayor Barra.

Roll was called and all Council Members were physically present. A quorum was present.

AGENDA

Motion by Council Member Blanchard, seconded by Council Member Hendricks that **the agenda be approved as presented**. On roll call vote all present voted Aye.

MINUTES

Motion by Council Member McCabe, seconded by Council Member Abel, that the **minutes of the Regular City Council Meeting of August 27, 2012, be approved as written**. On roll call vote, all present voted Aye.

CONSENT AGENDA

Motion by Council Member Hendricks, seconded by Council Member McCabe, that the **CONSENT AGENDA be approved as presented**. Mayor Barra presented the following for consideration of the Consent Agenda items by Omnibus Vote. Mayor Barra read the proclamation "Intellectual Disabilities Week" September 21-23, 2012. Don Short of the Knights of Columbus spoke of the K of C campaign for the treatment and care of the mentally handicapped by sponsoring the Annual Tootsie Roll Drive. Steve Sutton, Chairman of this year's project told the Council that 90% of the proceeds support area facilities and special events for handicapped persons.

7.0 CONSENT AGENDA
7.1 Receive and File Monthly Reports and Minutes: International Fire Code (IFC) Board of Appeals Minutes August 22, 2012.
7.2 Proclamation: Intellectual Disabilities Week Knights of Columbus September 21-23, 2012.
7.3 Resolution No. 54-12/13 – Mayor's Appointment of Michael J. Freilinger to the Human Rights Committee to fill the unexpired term of Kevin Andrews until May 2013.
7.4 Resolution No. 55-12/13 – Mayor's Re-appointments of Greg Henderson and Scott Parkin to the Board of Appeals International Fire Code for a four (4) year term until October 10, 2016.

On roll call vote all present voted Aye.

COMMUNICATIONS, PETITIONS, REPORTS

Joseph Wuellner, City Manager told the Council that the City of Pekin would begin **BILLING THE WASTEWATER FEE**, previously collected by Illinois American Water Company on Monday. He introduced Angela Evans and Melanie Nievar of the Finance Department to explain the billing format and the provisions made to pay in person by cash check, or credit card; online; drop box; or food Depot and Scnucks grocery stores. Discussion followed regarding payment terms related to penalty charges and methods to collect past due accounts. Council Member Schmidgall spoke in opposition to excessive shut-off fees imposed on tenants for non-payment by landlords. Ms. Nievar made Council aware that many owners did not know tenants were not paying the wastewater and preferred being billed. Council was reminded that an agreement was approved in June with IAWC in regards to the termination of service and disconnect-fees which were amounts that would be charged to the City by the water company.

City Treasurer James Wolf presented the First Quarter Financial Report. Mr. Wolf highlighted general observations from the Revenues Over Expenses of All City Funds for May 1 – July 31, 2012. He indicated revenue increases over the same period last year but expenses were going up faster percentage wise. Investment Earnings for the three months ending July 31, 2012 were less than the same period last year because of the very low rates.

NEW BUSINESS

RESOLUTION NO. 56-12/13

APPROVE THE 5 FRAMEWORK/PRIORITY AND THE 6 INITIATIVE RECOMMENDATIONS FOR REGIONAL ECONOMIC DEVELOPMENT

Motion by Council Member Abel, seconded by Council Member Massaglia that **Resolution No. 56-12/13 be adopted.** Council was informed that the formal action established the City of Pekin's commitment to work collaboratively with public private and not-for-profit stakeholders toward the implementation of the following:

1. Reorganize Central Illinois Economic Development Council Governance and Staff, while maintaining an organizational structure that has functioning economic development capabilities.
 2. Merge the roles of the Regional Planning Commission/Metropolitan Planning Organization, Illinois River Valley Council of Governments, and Economic Development District
 3. Integrate Workforce Development with Comprehensive Economic Development (CED)
 4. Accentuate Heartland Partnership Strengths and Simplify Heartland Partnership Governance
 5. Launch Top-Down/Bottom-Up Regional Comprehensive Economic Development (CED) Asset Based Strategy.
-
1. Regional Data Center of Excellence: creation of an integrated data portal that is hosted and managed by one organization but is virtually connected to each county and municipality.
 2. Best Practice Regional CED Leadership Training Program: create a curriculum which will develop local leadership capacity to implement and manage a regional economy and/or their organizations in accordance with best practices for regional CED and collaboration.
 3. Regional Workforce Center of Excellence: implementation of a workforce center of excellence (WCOE) as a model for addressing critical shortages of skilled workers to the needs of a specific industry.
 4. Implement a Regional Innovation Ecosystem: creation of a regional innovation ecosystem inclusive of the proposed new small business incubator.
 5. Integrated Equity and Debt Finance System: development of an integrated framework for aggregating, attracting and managing larger equity and debt capital pools whether they be from public or private sources.
 6. Develop an e-Connectivity Strategy with Network Provider COI: creation of an e-strategy that is fully integrated as an enabling resource with the regional asset-based CED strategy.

Frank Knot of ViTAL Economy was introduced by Assistant City Manager Darin Girdler. Mr. Knott spoke of the process and committees in working toward a collaborative effort to bring economic development to the entire region. He announced there would be a meeting of active citizens and organization leaders the second week in November and by June of 2013 form a measurable strategy for best environment possible for development and job growth in the future. On roll call vote, all present voted Aye.

Motion by Council Member Massaglia, seconded by Council Member Schmidgall, that the **CHANGE ORDER 3 WITH WILLIAMS BROTHERS CONSTRUCTION, INC. for Wastewater Treatment Plant Project Phase 2A in the amount of \$211,562.00 be approved.** City Engineer Mike Guerra advised the Council that the amendment included deductions and additions for 11 items due to anticipated changes required once construction started. There would be \$260,327.00 remaining in the contingency balance. On roll call vote, all present voted Aye.

ORDINANCE NO. 2664-12/13

AMENDING TITLE 4, CHAPTER 6, ARTICLE B OF THE CODE OF THE CITY OF PEKIN 1995 REGARDING THE AIRPORT COMMISSION

Motion by Council Member Schmidgall, seconded by Council Member Abel, that the **Ordinance No. 2664-12/13 be adopted.**

City Engineer Mike Guerra, liaison to the Airport Commission, recommended that the language in the City Code regarding the commission and its involvement in the operations and oversight be updated. The amendments reflect the current operations by the City and the current role of the commission as a recommending body. On roll call vote, all present voted Aye.

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Mayor Barra expressed appreciation for a very successful, community involved Marigold Festival. She also announced the 911 Observance at City Hall on Tuesday, September 11, 2012 at noon on the steps of City Hall.

Council Member Abel noted Levy and Budget considerations for the next year were approaching and requested that the approximate \$200,000.00 revenue source, the Towing Ordinance, be revisited prior to budget hearings.

Council Member Schmidgall informed the public that packets of material for election to the City Council for 3-4 year terms and 1-2 year term were available at City Hall. Petitions containing 49 signatures would be filed in November for Primary and General Elections in 2013. City Clerk and Local Election Official Sue McMillan informed the Council the filing period from November 19-26 also contained the Thanksgiving Holidays and to check for correct hours the office would be open to receive petition papers.

Council Member Blanchard requested that the audio for the Council meetings and the rebroadcast on Channel 22 be checked and the volume increased.

City Engineer Mike Guerra reported back to Council on the costs of the products to overlay verses chip seal of streets.

Assistant City Manager, Darin Girdler updated the Council on the status of the Joint Review Board in the process to recommend a Tax Increment Financing Redevelopment Plan and Project Industrial Park Conservation Area. The members of the JRB would reconvene on Thursday, September 13, 2012 at 3:00 p.m.

City Manager Joseph reported back to Council regarding a policy of the school bus operations to not send buses into some cul-de-sacs. Discussion followed where some changed pickup locations caused younger children to have to walk out of their home sight to get to the nearest bus stop. Council Member Schmidgall disagreed with changing a policy that the city has provided for years and residents have relied on. Director of Transportation, Ty Whitford, stated it was unsafe to require the buses to have to backup to get out of the cul-de-sacs. The Bus Department approach, with the advice of the City's insurance provider, was to avoid backup when ever possible. School District 108 administration approved the bus stop plan.

Mayor Barra asked that Mr. Whitford report back on how many cul-de-sacs require children to walk out of the sight line of their homes to get to the nearest bus stop.

Ed Schwin, 1007 South Capitol Street, addressed the Council regarding a code enforcement matter at 1007 South Capitol Street. He presented photos of tall grass, unmoved dumpster, and debris that existed on the adjacent property.

No further business to come before the Council, motion was made by Council Member Hendricks, seconded by Council Member Abel to adjourn. Motion carried voice vote.

COUNCIL ADJOURNED AT 7:30 P.M.

**PEKIN POLICE DEPARTMENT
END OF MONTH REPORT FOR July 2012**

	July 2011	June 2012	July 2012
TRAFFIC TICKETS	257	370	364
WARNING TICKETS	196	146	137
OFFENSES	489	469	495
ARRESTS	165	403	323
PARKING TICKETS	168	163	158
STOPS	1145	867	928

CITY ORDINANCE TICKETS FOR July 2012

NUMBER OF TICKETS WRITTEN 146
NUMBER OF TICKETS PAID OVER THE COUNTER 60
FINES COLLECTED OVER THE COUNTER \$10,000

**PEKIN POLICE DEPARTMENT
END OF MONTH REPORT FOR AUGUST 2012**

	AUGUST 2011	JULY 2012	AUGUST 2012
TRAFFIC TICKETS	274	364	415
WARNING TICKETS	226	137	98
OFFENSES	510	495	546
ARRESTS	265	323	342
PARKING TICKETS	329	158	164
STOPS	1249	928	916

CITY ORDINANCE TICKETS FOR AUGUST 2012

NUMBER OF TICKETS WRITTEN 135
NUMBER OF TICKETS PAID OVER THE COUNTER 58
FINES COLLECTED OVER THE COUNTER \$9,650

CITY OF PEKIN TRAFFIC SAFETY COMMITTEE MINUTES
SEPTEMBER 7, 2012 @ 8:30 a.m.
CITY HALL CONFERENCE ROOM

PRESENT: Joe Wuellner, Kurt Nelson, Tim Gillespie, Bob Shaw, Mike Guerra, Will Taylor. Also present: Jim Kaminski, Jeff Hangartner, Ken Harris (Pekin Times), Lee Ann Wrhel.

Old Business:

1. Capitol St. & 4th St. – Two-way Streets

The committee held a special meeting at the library on August 7th to receive public input about this proposed change. The residents who spoke at the special meeting were concerned with parking and speed of vehicles. It is the consensus of the committee that the change would result in lower speeds with possibly a somewhat higher volume of traffic. Crash data and traffic counts were compiled for these streets. From January 2006 to August 2012, there have been 81 crashes on Capitol Street and 115 crashes on 4th Street. Crash data for S. 5th Street was also collected. It was noted that Capitol Street had double the number of crashes as S. 5th Street and 4th Street had four times the number of crashes as S. 5th Street.

Mike reported that based on a model, it would reduce traffic on 4th Street (except in the downtown area). It showed no negative impact in neighborhoods. It was also noted that the one-way streets may be a contributing factor to speeding.

Bob asked why the streets were made one-way in the past. This was done in the 1950's as a way to move traffic downtown quicker. This is no longer an issue as the downtown has changed with most shopping being done on the east edge of town.

Joe informed the committee that this will likely be a hard sell to the council members. He agrees that it makes sense from a safety standpoint but there is public opposition to it.

Tim stated that regarding parking on streets, streets are in place to move traffic not parking vehicles. His recommendation is based on what is safest for the entire community. The responsibility of the committee is to do what is best for the city as a whole. City Council has a different role.

It was noted that the results of the on-line poll showed the majority in favor of the change. Residents of the streets involved were close to 50/50.

Jim commented that the inconsistency of the traffic flow of the streets involved is confusing, which is dangerous when vehicles go the wrong way.

Tim made a motion to make a recommendation to City Council to make Capitol Street and 4th Street two-way streets in their entirety. Will seconded the motion. All in favor, except Joe abstained.

2. *Multi-Use Path Network*

Mike had distributed a map at the end of last meeting that illustrated a potential plan. He asked for input. Having the plan in place gives the city a better chance for grant funding in the future. He reviewed details of the plan and route. The idea is for the path to move people through town connecting points of interest; such as parks, the library, churches, shopping, schools, etc. It was noted that sidewalks that are 8 feet wide are considered multi-use paths.

Kurt made a motion to adopt the map as presented as the committee's multi-use path network plan. Tim seconded the motion. All in favor.

New Business:

1. *Citywide Review of Narrow Street Parking Restrictions*

A council member has asked if the committee is going to get back to this project. It was noted that last time driveway counts were used, but it is desirable to be more consistent with what side of streets would be restricted. It was also noted that vehicles parked on streets make it harder for emergency vehicles and snowplows to get through.

Joe recommended using street widths as the determining factor of where restrictions should be put in place, for better consistency. He stated that there is a database stating the width of all city streets. This data will be collected and this will be an agenda item for the next meeting.

2. *Stop Sign Request – Washington School Lot at Washington St.*

This is on private property. Joe will contact Dr. Link at District 108 to suggest/request a stop sign be placed in that location.

3. *“No Parking Here to Corner” Request @ 1201 Florence*

Monge Property Management made this request. Mike made a motion to make a recommendation to City Council for no parking 30 feet back from either side of the entrance to 1201 Florence. Will seconded the motion. All in favor.

Ron Mayeur (309-678-7045, ronmayeur@yahoo.com) asked about placing a free standing sign, (he provided a photo) on the right of way in front of his house at 907 Hamilton. He was informed that no variance is needed, but it must be less than 30 inches tall.

Bob Van Den Arend, (1903 St. Clair, 346-9510) attended the meeting to observe how the meetings are run and asked for an introduction of the committee members and their

titles. He has a number items that he indicated he would like to address at the next meeting. He will get correspondence to the committee.

Around the Table

Mike followed up about the guard rail on S. 14th Street discussion from the last meeting. He stated that according to the IDOT Bureau of Local Roads and Streets Manual, Roadside Safety chapter, roadside barriers should not be placed in conjunction with either barrier or mountable curbs. That is the reason a guard rail is not recommended in this location.

Jeff Hangartner noted that there are plantings blocking the stop sign at 11th Street and Coolidge. Code says that landscaping can be no higher than 30 inches on a corner. The homeowner will be given notice.

Tim reported a boat on Hawthorne at Sheridan that has been parked there too long. The police department will address this.

Bob stated the Marigold Parade is good for the city.

Will mentioned that there is no stop sign at the T-intersection of Stratford and Avon. T-intersections with no signs will be addressed at the next meeting.

Respectfully Submitted,
Lee Ann Wrhel

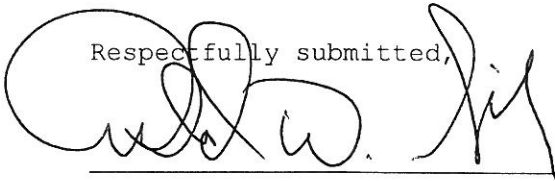
NEXT REGULAR MEETING OCTOBER 5, 2012 @ 8:30 A.M.

BUILDING DEPARTMENT REPORTS
INSPECTIONS & ZONING
June '2012

	PERMITS	VALUE	FEEES
BUILDING DEPT	66	\$ 1,250,848.00	\$ 5,559.00
ELECTRIC DEPT	30	\$ 40,582.00	\$ 1,319.00
HVAC DEPT	27	\$ 81,512.00	\$ 1,020.00
PLUMBING DEPT	54		\$ 1,520.00
STORM SEWER PERMITS	0		\$.00
STORM WATER PERMITS	5		\$ 100.00
SEWER PERMITS	8		\$ 440.00
SEWER TAP RES	4		\$ 6,400.00
SEWER TAP COMM			\$.00
DEPARTMENT TOTAL	194	\$ 1,372,942.00	\$ 16,358.00

TOTAL CODE ENFORCEMENT COMPLAINTS - 91

Respectfully submitted,



Ronald Sieh, Building Inspector



Mark Reeder, Electrical Inspector



Dave VanDyke, HVAC Inspector



Morris Sunkel, Plumbing & Sewer Inspector



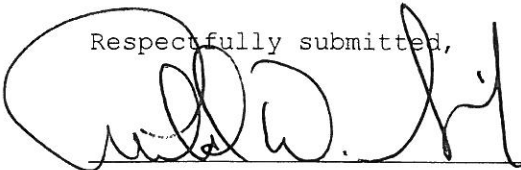
Dave Shallenberger, Deputy Code Enforcement Officer

BUILDING DEPARTMENT REPORTS
INSPECTIONS & ZONING
July '2012

	PERMITS	VALUE	FEEs
BUILDING DEPT	51	\$ 2,805,181.00	\$ 3,768.00
ELECTRIC DEPT	23	\$ 3,000.00	\$ 873.00
HVAC DEPT	43	\$ 192,393.00	\$ 1,955.00
PLUMBING DEPT	39		\$ 933.00
STORM SEWER PERMITS	0		\$.00
STORM WATER PERMITS	2		\$ 40.00
SEWER PERMITS	9		\$ 495.00
SEWER TAP RES	3		\$ 4,800.00
SEWER TAP COMM	1		\$ 2,000.00
DEPARTMENT TOTAL	171	\$ 3,000,574.00	\$ 14,864.00

TOTAL CODE ENFORCEMENT COMPLAINTS - 134

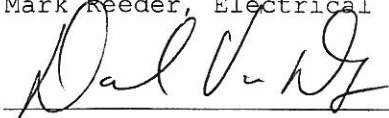
Respectfully submitted,



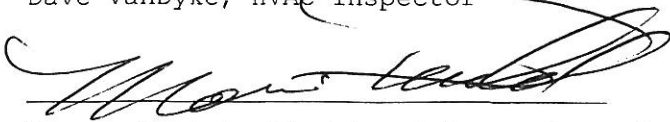
Ronald Sieh, Building Inspector



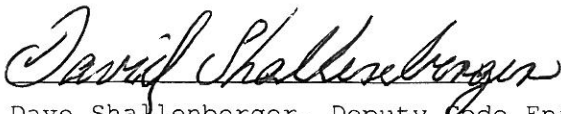
Mark Reeder, Electrical Inspector



Dave VanDyke, HVAC Inspector



Morris Sunkel, Plumbing & Sewer Inspector



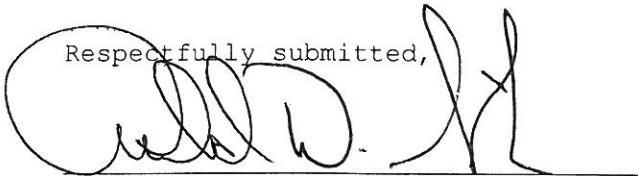
Dave Shallenberger, Deputy Code Enforcement Officer

BUILDING DEPARTMENT REPORTS
INSPECTIONS & ZONING
August '2012

	PERMITS	VALUE	FEEs
BUILDING DEPT	57	\$ 2,647,657.00	\$ 5,998.00
ELECTRIC DEPT	34	\$ 22,550.00	\$ 1,339.00
HVAC DEPT	41	\$ 92,094.00	\$ 1,320.00
PLUMBING DEPT	41		\$ 805.00
STORM SEWER PERMITS	0		\$.00
STORM WATER PERMITS	0		\$.00
SEWER PERMITS	1		\$ 55.00
SEWER TAP RES	0		\$.00
SEWER TAP COMM	1		\$ 2,000.00
DEPARTMENT TOTAL	175	\$ 2,762,301.00	\$ 11,517.00

TOTAL CODE ENFORCEMENT COMPLAINTS - 126

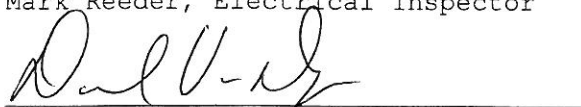
Respectfully submitted,



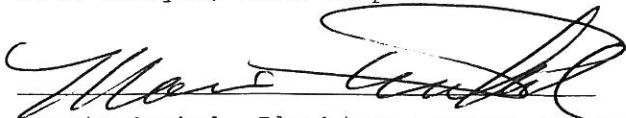
Ronald Sieh, Building Inspector



Mark Reeder, Electrical Inspector



Dave VanDyke, HVAC Inspector



Morris Sunkel, Plumbing & Sewer Inspector



Dave Shallenberger, Deputy Code Enforcement Officer

BUILDING REPORT 2012

BUILDING REPORT 2012													
MONTH	DWELLINGS 1	GARAGES 2	MULTI-FAMILY 3	COMMERCIAL 4	COMMERCIAL REMODELING 5	RESIDENTIAL REMODELING 6	MISC. 7	RESIDENTIAL DEMOLITIONS 8	COMMERCIAL DEMOLITIONS 9	BUILDING DOLLARS	BLDG PERMITS		
JANUARY	2.00	\$129,525			9.00	\$20,678,744	5.00	\$44,900	2.00	\$2,600	2.00	\$21,055,769	
FEBRUARY			2.00		6.00	\$387,923	8.00	\$71,225	6.00	\$14,172	1.00	\$502,320	
MARCH	2.00	\$409,853			11.00	\$181,220	16.00	\$120,100	22.00	\$50,040	1.00	\$761,213	
APRIL	2.00	\$329,060	4.00				3.00	\$26,934	27.00	\$604,860	31.00	\$50,410	
MAY	4.00	\$773,874	6.00		7.00	\$82,150	18.00	\$165,692	34.00	\$55,650	1.00	\$1,131,846	
JUNE	3.00	\$501,412	1.00		10.00	\$362,429	16.00	\$291,400	33.00	\$55,607	2.00	\$1,250,848	
TOTAL 6 MO.	13.00	\$1,442,112	13.00		\$105,479	0.00	\$0	\$24,000	46.00	\$20,909,048	96.00	\$935,253	
JULY	3.00	\$560,120	3.00				1.00	\$1,773,466	4.00	\$54,800	21.00	\$341,138	
AUGUST			4.00				1.00	\$398,038	11.00	\$2,070,700	18.00	\$123,850	
SEPTEMBER													
OCTOBER													
NOVEMBER													
DECEMBER													
TOTAL 6 MO.	3.00	\$560,120	7.00		\$61,695	0.00	\$0	\$2,171,504	15.00	\$2,125,500	39.00	\$444,908	
YEAR	16	\$2,402,432	20.00		\$167,674	0.00	\$0	4.00	\$2,195,504	61.00	\$23,094,548	129.00	\$1,400,521
	</												

City of Pekin
Mayor's Advisory Committee for People with
Disabilities
Minutes
June 14, 2012; 4:00 pm

- I. Welcome and introductions
 - A. Present – Libby Holbrook, Roy Davis, Perry Martin, James Kolzow, Joey Meskiman, Melanie Psinas, Barb Meskiman, Leia Stewart (and Mojave), Vicki Bass & Pamela Anderson
 - II. Approval of October 2011 and February 2012 minutes –
1st Joey 2nd Libby; aye all
 - III. Old business
 - A. Pekin High School wellness day recap – fun; busy; kids reluctant at first and then enjoyed the experience; Activities - wrapped boxes with an arm disability; stuff envelop with a vision impairment; (Perry did not bring pictures of his new grandson – we requested that he bring at August meeting)
 - B. Prioritization process – Continuation of the discussion of submitted items – completed C and D of the prioritization listing
 - IV. New business
 - V. Correspondence / around the table
-

City of Pekin
Mayor's Advisory Committee for People with
Disabilities
Minutes

June 14, 2012; 4:00 pm

- A. J. Meskiman - Joe Cramer passed away,
moment of silence
 - B. L. Holbrook; beginning in July (TCRC) they
will be having a commercial kitchen to process
some goods to package for Farmers
Markets/Culinary department at the High
School –Kitchen rebuild begins in July
 - C. P. Anderson –ADA compliance – sidewalks,
signage, ramps; money in 2012 Action Plan
(Save a lot – ADA parking spaces not marked)
- VI. Adjourn – Perry 1st, Joey 2nd - ayes



**PETITION OF VOLUNTARY DE-ANNEXATION
FROM
THE CITY OF PEKIN, ILLINOIS**

We, the undersigned Marion Dever & Carol Dever hereinafter referred to as the Petitioner, for our petition to the City Council of the City of Pekin, Illinois, state and allege as follows:

That we are the owners of record of the real estate in Tazewell County, Illinois described in the documentation attached.

That the said real estate is now a part of the corporate limits of the City of Pekin, Illinois, Tazewell County, Illinois.

That we request that the said real estate be de-annexed, and be detached from the corporate limits of the City of Pekin, Illinois.

That we request the City Council of the City of Pekin to cause the required notice to be published and to conduct the public hearing required by law, and to thereafter adopt an ordinance reducing the limits of the City of Pekin to exclude the attached described real estate.

Dated this 14 day of Sept, 2012.

Marion Dever Carol Dever
Property Owner (s)

Marion Dever
Property Owner (s) Please print name (s)

Carol Dever

2875 S. 14th Street, Pekin, IL 61554
Address City/State/Zip

309-303-1313
Phone No.

STATE OF ILLINOIS)
) SS.
COUNTY OF TAZEWELL)

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO
HEREBY CERTIFY that Carol & Marion Dover, personally known to me to be
the same person whose name is subscribed to the foregoing instrument appeared before me this
day in person and acknowledged that he signed, sealed and delivered the foregoing instrument as
his free and voluntary act, for the uses and purposes therein set forth.

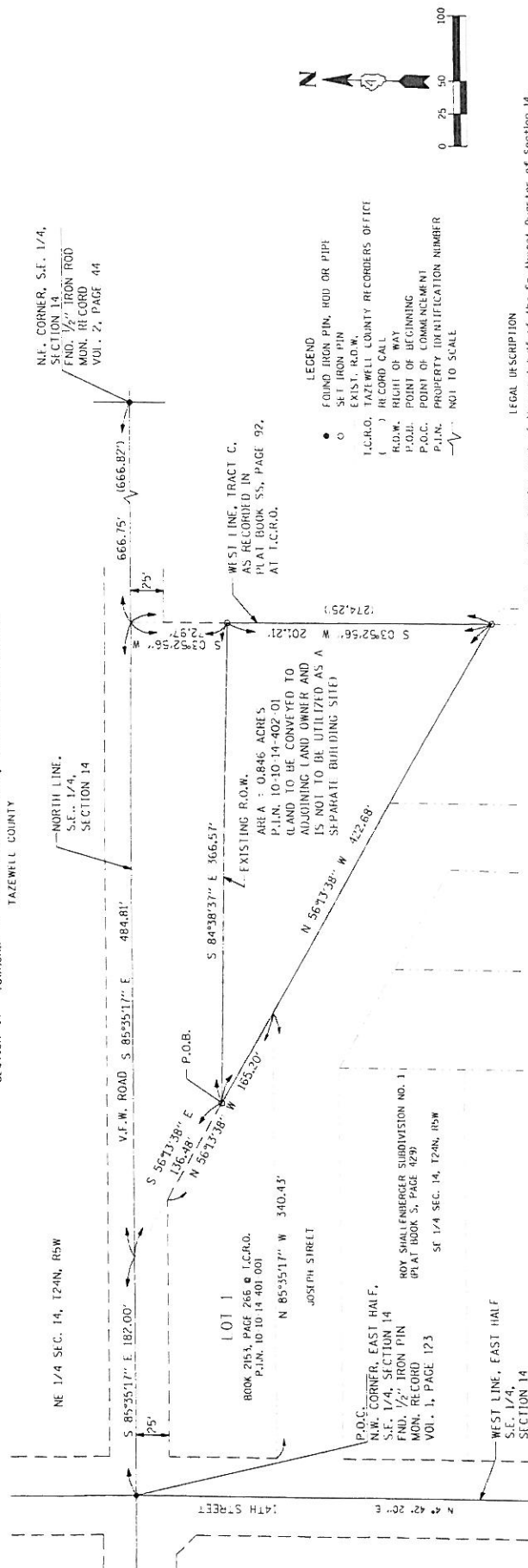
Given under my hand and Notarial seal, this 14th day of September 2012.

Juanita K Van Buskirk
Notary Public



PLAT OF SURVEY

A PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 24 NORTH, RANGE 5 WEST, 3rd PRINCIPAL MERIDIAN, TAZEWELL COUNTY



LEGAL DESCRIPTION

A tract of land being part of the east half of the Southeast Quarter of Section 14, Township 24 North, Range 5 West of the Third Principal Meridian, Tazewell County, Illinois, and being more particularly described as follows:

Commencing at the northwest corner of the east half of the Southeast Quarter of said Section 14 and running thence South 85 degrees 55 minutes 17 seconds East, a distance of 366.57 feet to the south line of said Section 14, thence South 85 degrees 55 minutes 17 seconds East, a distance of 136.48 feet to a point, thence South 56 degrees 37 minutes 38 seconds East, a distance of 136.48 feet to the Point of Beginning of the Tract herein described.

From the Point of Beginning, thence South 84 degrees 38 minutes 37 seconds East, along the south right of way line of V.W. Road, a distance of 366.57 feet to the southeast corner of Tract C as recorded in Plat Book 55, Page 92, thence South 56 degrees 37 minutes 38 seconds East, a distance of 136.48 feet to a point, thence South 56 degrees 37 minutes 38 seconds East, a distance of 136.48 feet to the Point of Beginning, thence North 56 degrees 37 minutes 38 seconds West, a distance of 422.68 feet to the Point of Beginning, and containing 36,852 square feet, more or less, or 0.846 acres, more or less, situated in the County of Tazewell, State of Illinois.

STATE OF ILLINOIS)
COUNTY OF TAZEWELL)

This is to certify that _____ (is/are) the owner(s) of the land described in the plat, and that she has caused the same to be surveyed and staked as indicated thereon, for the uses and purposes set forth therein.

Owner: _____

Dated this _____ day of _____, AD 2017

STATE OF ILLINOIS)
COUNTY OF TAZEWELL)

I, _____, a Notary Public in and for said County and the State of Illinois, do hereby certify that _____, personally known to me to be a valid person whose name is subscribed to the foregoing plat, and each of the persons whose names are subscribed to the foregoing plat, are the owner(s) of the land described in the plat, and that the said plat and certification are true and voluntary acts for the uses and purposes therein set forth.

Given under my hand and seal the _____ day of _____, AD 2017

Notary Public _____ Commission Expires _____

AECOM
111 NE JEFFERSON AVE.
PEORIA, IL 61607

Field Work Completed 9-12-12.

MY LICENSE EXPIRES NOVEMBER 30, 2012

PH (309) 676 8464

ORDINANCE NO.

**AN ORDINANCE ACCEPTING A CONTRACT FOR SALE OF REAL ESTATE
AUTHORIZING THE SALE
OF MUNICIPALLY OWNED REAL PROPERTY
WITHIN THE CITY OF PEKIN, ILLINOIS**

WHEREAS, the City of Pekin owns the following described property (the "Property"):

A parcel located on the west side of Riverway Drive in the Riverway Business Park Subdivision on a rectangular piece of land approximately 340 long and 320 feet wide containing approximately two and one-half (2 ½) acres and as shown on Exhibit A of the Purchase Agreement which shall be verified by survey.

AND WHEREAS, the City Council of the City of Pekin has determined that the above described Property is unoccupied and not needed for or used for governmental purposes or proprietary activity and therefore, the said Property is not required for the use of, or profitable to the municipality; and

WHEREAS, pursuant to Ordinance No. 2649-11/12 Establishing Procedure for Sale or Lease of Surplus Public Real Estate, the City Manager, or his designated representatives, have negotiated the price and terms of said Contract, and

WHEREAS, the City of Pekin has negotiated the Sale of Real Estate wherein the acquisition of the Property shall be for the sum of One Hundred Nine Thousand (\$109,000.00) Dollars and No Cents; and

WHEREAS, upon enacting this Ordinance, the City Council finds and determines it is in the best interests of the City of Pekin and its residents that the City of Pekin sell/transfer the Property to Illinois-American Water Company; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF PEKIN, ILLINOIS:**

SECTION I. That the City of Pekin finds as facts the recitals herein above set forth.

SECTION II. That the City shall complete the sale of the following described Property:

A parcel located on the west side of Riverway Drive in the Riverway Business Park Subdivision on a rectangular piece of land approximately 340 long and 320 feet wide containing approximately two and one-half (2 ½) acres and as shown on Exhibit A of the Purchase Agreement which shall be verified by survey.

IN TAZEWELL COUNTY ILLINOIS

is hereby approved by the City of Pekin, and said Property shall be transferred in accordance with acceptable practices for the sum of One Hundred Nine Thousand (\$109,000.00) Dollars and No Cents.

SECTION III. In accordance with the terms of said Sale, the Mayor of the City of Pekin, for and on behalf of the City of Pekin, is hereby authorized and directed to convey and transfer the aforesaid Property to Illinois-American Water Company by a proper Municipal Deed, and the City Clerk is hereby authorized to acknowledge and attest such Municipal Deed and to affix thereto the seal of the City of Pekin for and on behalf of the City of Pekin.

SECTION IV. That the Mayor and City Clerk are hereby authorized, respectively, for and on behalf of the City of Pekin, to execute and attest such Contract and such other documents as may be necessary to consummate the transaction contemplated herein and in said Contract.

SECTION V. All Ordinances or portions thereof in conflict with this Ordinance are hereby repealed.

SECTION VI. That this Ordinance shall be in full force and effect from and after its passage, by a vote of at least three-fourths of the corporate authorities now holding office, and approval in the manner provided by law.

AYES:

NAYS:

ABSENT:

ABSTAINING:

PASSED in the due form of law by the City Council of the City of Pekin, Illinois, at its regular meeting held on the _____ day of _____, 2012.

APPROVED this _____ day of _____, 2012.

MAYOR

ATTEST:

CITY CLERK

PURCHASE AGREEMENT

This Purchase Agreement (hereinafter "Agreement") is made this 4th day of SEPTEMBER, 2012, by **Illinois-American Water Company**, an Illinois corporation with offices located at 300 North Water Works Drive, Belleville, IL 62223 (hereinafter "Purchaser"), and the **City of Pekin, Illinois**, an Illinois Municipal corporation located at 111 South Capitol Street, Pekin, IL 61554 ("Seller"), subject to all the following terms and conditions:

1. **Subject of the Purchase and Sale.** Purchaser agrees to purchase from the Seller and the Seller agrees to sell to Purchaser the real estate and any improvements thereon, on a rectangular shaped tract of land, approximately 340 feet long and 320 feet wide, located on the West side of Riverway Drive in the Riverway Business Park Subdivision containing approximately two and one half (2 ½) acres located in Pekin, Illinois and shown hachured ///// on the attached drawing marked Exhibit A (hereinafter "Property") attached hereto and incorporated herein.
2. **Purchase Price.** The Purchase Price for the Property shall be One Hundred Nine Thousand Dollars (\$109,000.00) ("Purchase Price"). The actual acreage of the Property shall be determined by a Survey, paid for by Purchaser, and approved by both the Purchaser and Seller. Said Purchase Price is to be payable as follows:
 - a) The sum of One Thousand Dollars (\$1,000.00) said payment (hereinafter "Earnest Money") shall be deposited in escrow by Purchaser within seven (7) days following receipt of the signed Agreement by Purchaser from the Seller with First Community Title Company, 2807 Broadway, Pekin, IL 61554 (hereinafter "Title Company"), which said Earnest Money shall be applicable against the Purchase Price to be paid at Closing.
 - b) The sum of One Hundred Eight Thousand Dollars (\$108,000.00) will be due from Purchaser on the date of Closing.
3. **Title to the Property.** Title to the Property shall be good and merchantable and shall be conveyed to Purchaser by a General Warranty Deed free and clear of any and all liens, claims and interests of any kind or nature whatsoever except the following:
 - a) current real estate taxes not delinquent; and
 - b) such other liens, rights and encumbrances as may be approved by Purchaser pursuant to Paragraph 6 hereof (hereinafter "Permitted Exceptions").

As evidence of such title, Purchaser shall at Purchaser's sole cost and expense, within fifteen (15) days after the date of acceptance of this Agreement, order a

commitment (hereinafter "Title Commitment") for an ALTA Form B owner's policy of title insurance issued by the Title Company, together with legible copies of all instruments identified as exceptions in the Title Commitment, in which Title Commitment the Title Company shall agree to insure in an amount equal to the Purchase Price that upon the delivery of a General Warranty Deed from Seller to Purchaser, Purchaser shall have fee simple title to the Property free and clear of all matters normally excluded by the preprinted exceptions and of all liens, encumbrances, claims and interests except for Permitted Exceptions. The Title Commitment shall also include such endorsements as the Purchaser shall request in a form acceptable to Purchaser.

4. **Survey.** Purchaser may obtain, at Purchaser's sole expense, a current survey of the Property (hereinafter "Survey") prepared and certified to Purchaser by a surveyor licensed in the State of Illinois. The certificate of survey shall be in accordance with the Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, shall contain a legal description of the Property and shall identify the boundaries of the Property, the dimensions and area thereof, the location and dimensions of any improvements on the Property, the location and dimensions of all recorded easements on the Property, the location and dimensions of all easements, rights-of-way, driveways, roads, power lines, fences and encroachments on the Property which are observable from a visual inspection of the Property, and access to public roads or rights-of-way. The certificate of survey shall further certify that no part of the Property lies within a designated flood plain or flood hazard area. If upon receipt of the certificate of survey, Purchaser has any objection to a matter shown therein which affects or could affect the Property or Purchaser's use of the Property, Purchaser shall promptly notify Seller of said objection(s) in writing and Seller shall have fifteen (15) days after receiving such written notice from Purchaser to correct such matters to Purchaser's reasonable satisfaction. If Seller fails to correct such matters to Purchaser's reasonable satisfaction within said fifteen (15) day period, Purchaser shall have the right to terminate the Agreement by written notice given to Seller on or prior to the date of Closing, in which event the Earnest Money shall be refunded to Purchaser and neither party shall have any further liability under the Agreement. Purchaser shall pay for the survey necessary to subdivide the Property from the remaining portion of Seller's property.
5. **Zoning and Construction Approval Contingency.** This Agreement is contingent upon the Purchaser receiving all necessary zoning, construction and permit approvals (hereinafter collectively "Zoning and Construction Approvals") for Purchaser's intended use of the Property. If the Purchaser does not receive said zoning, construction and permit approvals, Purchaser shall have the option of terminating this Agreement and shall be refunded all of the Earnest Money.
6. **Environmental Assessment, Engineering Reports and Soil Tests.** Purchaser may also obtain, at its sole cost and expense:

- a) Environmental assessments prepared by a qualified environmental consulting and engineering firm which shall indicate that the Property is not now being used nor has any of the Property been used for any activities involving, directly or indirectly, the use, generation, treatment, storage or disposal of any hazardous or toxic chemical, material, substance or waste, including without limitation, any hazardous substance for the clean-up of which the Purchaser or any subsequent owner of the Property could be enjoined or subjected to any damages, penalties, clean-up costs or other liabilities under the provisions of the Comprehensive Environmental Responsibility Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or other Federal, state or local laws, statutes or ordinances respecting hazardous substances, petroleum, asbestos or polychlorinated biphenyls (PCBs) (hereinafter "Environmental Reports"). Such reports shall be satisfactory to Purchaser in its sole discretion.
- b) Engineering feasibility study(ies) (hereinafter "Engineering Study") of the Property prepared by an engineering firm acceptable to Purchaser. Such report shall be satisfactory to Purchaser in its sole discretion.
- c) Soil tests (hereinafter "Soil Tests") of the Property prepared by a soil testing firm acceptable to Purchaser. Such Soil Tests report shall be satisfactory to Purchaser in its sole discretion
- d) To the extent practicable, Purchaser shall restore the Property to its former state prior to the performance of Purchaser's environmental assessments, engineering feasibility study and soil tests described in said Paragraph 6 (a-c).

Upon receipt of all of (i) the Title Commitment; (ii) all instruments and documents, if any, referenced therein as exceptions (hereinafter "Exception Documents"); (iii) the Survey; (iv) the Environmental Reports; (v) the Engineering Study, and (vi) the Soil Tests, and within ninety (90) days after Seller's acceptance of this Offer, Purchaser shall give Seller written notice of any exceptions enumerated in the Title Commitment or Exception Documents and/or any states of fact shown on the Survey, the Environmental Reports, the Engineering Study or the Soil Tests which are unacceptable to Purchaser, which exceptions may include cost projections or governmental impositions which, in Purchaser's sole discretion, are deemed unacceptable. Seller shall have fifteen (15) days after receipt of that notice to have those exceptions removed and/or those states of fact corrected. If Seller is unable to remove said exceptions and/or correct said states of fact, then i) the Agreement contemplated herein, at the option of the Purchaser, shall terminate, ii) the Earnest Money shall immediately be refunded to Purchaser and iii) all obligations and liabilities of the parties hereunder shall cease.

7. **Representations and Warranties of Seller.** Seller represents and warrants to Purchaser that the following statements are, and at Closing will be, true statements of law and fact:
- a) Neither the execution and delivery of this Agreement, nor the consummation of the transactions contemplated hereby, nor the compliance with or fulfillment of the terms and conditions hereof, will conflict with, or result in a breach of, the terms, conditions or provisions of, or constitute a default under any agreement to which Seller is a party or by which Seller is otherwise bound; and
 - b) Seller has passed an Ordinance authorizing the Mayor of the City of Pekin to execute this Agreement and that Seller has full right, power and authority to sell, transfer, convey and assign all of the Property to Purchaser and there are no legal, contractual or other restrictions on Seller's ability to sell, transfer, convey and assign all of the Property to Purchaser; and
 - c) There are no mechanic's or materialman's liens against the Property, and no unpaid claims for labor performed, materials furnished or services rendered in connection with constructing, improving or repairing the Property in respect of which liens may or could be filed against the Property; and
 - d) To Seller's knowledge, there are no public assessments against any of the Property or any claims pending which would result in the creation of any liens for any public improvements, including but not limited to water, sewer, street, paving, electric or power improvements, whether such improvements have been completed or are in progress; and
 - e) The Property is not subject to any easements, rights, duties, obligations, covenants, conditions, restrictions, limitations, agreements, liens or encumbrances not of record; and
 - f) There are no parties currently in possession of the Property other than Seller; and
 - g) Seller has not made any contract to sell or lease all or any part of the Property to any person other than Purchaser, nor has Seller given to any person an option or right of first refusal which is presently exercisable to purchase all or any part of the Property; and
 - h) To the best of Seller's knowledge, Seller has good and marketable title to the Property, free and clear of all liens, leases, restrictions and encumbrances, except (i) current real estate taxes not delinquent; (ii) easements, restrictions and encumbrances of record on the date hereof;

- (iii) those matters that would be disclosed by an accurate survey and inspection of the Property; and
- i) To Seller's knowledge, no existing condition of the property or its operation exists which violates any government code, rule, statute, ordinance or regulation; and
 - j) No fact or condition will exist which would result in the termination of the current access from the Property to any presently existing highways and/or roads adjoining or situated on the Property, or to any existing sewer or other utility facilities servicing, adjoining or situated on the Property; and
 - k) Seller knows of no defects of the Property; and
 - l) To Seller's knowledge, there are no actions, suits, proceedings or investigations pending or threatened against the Seller or the Property before any court, administrative agency or other body and no judgment, order, writ, injunction, decree or other similar command of any court or other governmental agency which is presently in effect, has been entered against the Property or served on or entered against Seller in connection with the Property; and
 - m) Seller is not involved in any proceedings by or against Seller in any court under the Federal Bankruptcy Code or any insolvency or debtor's relief act, whether state or federal, or for the appointment of a trustee, receiver, liquidator, assignee, sequestrator or other similar official of a substantial part of Seller's Property; and
 - n) To the best of Seller's knowledge, the Property (i) contains no facilities that are subject to reporting under Section 312 of the Federal Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11022); (ii) is not the site of any underground storage tanks; (iii) is not listed on the Comprehensive Environmental Response Compensation and Liability Insurance System (CERCLIS) in accordance with Section 116 of the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9616); and (iv) contains no environmental defects; and
 - o) To the best of Seller's knowledge, there has not been constructed, deposited, stored, disposed, placed or located on the Property any Hazardous Materials at any time while Seller has owned the Property. As used herein, "Hazardous Materials" means any elements, compounds, solutions, mixtures, substances, materials or other matter of any kind, including solid, liquid or gaseous materials which are (i) listed or defined as a "hazardous waste," "extremely hazardous waste," "restricted hazardous waste," "hazardous substance" or "toxic substance" under any municipal, state or federal law, code, ordinance or other regulation, (ii)

petroleum, oil and gas, (iii) asbestos, (iv) polychlorinated biphenyls, (v) designated a "hazardous substance" pursuant to Section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1317), (vi) defined as "hazardous waste" pursuant to Section 1004 of the Federal Resource Conservation and Recovery Act, 42 U.S.C. 6901, et seq. (42 U.S.C. 6903), (vii) defined as a "hazardous substance" pursuant to Section 101 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601, et seq. (42 U.S.C. 9601) (CERCLA), (viii) defined as a toxic substance in the Toxic Substance Control Act (1511 U.S.C. 2601, et seq.), (ix) contaminant of soil or ground water and cause degradation of the soil and/or water to the extent that mitigation methods are needed to restore the soil or water to its natural state, or (x) causes or contributors to damage to human health or the environment; and

- p) Seller agrees to furnish to Purchaser any information concerning the Property requested by Purchaser that Seller presently has and as may come into the possession of Seller from and after the date hereof; and
- q) Seller agrees to either terminate all leases involving the Property or agree to have the Property removed from the terms and conditions of said leases.

8. Covenants of Seller. Seller hereby covenants and agrees:

- a) Seller shall promptly inform Purchaser upon receiving any notice of any alleged violation of and shall comply with any material aspect of any statute, ordinance, law, rule, regulation or code of any governmental authority having jurisdiction relating to the Property or the use, occupancy or operation thereof, or any restriction, condition, covenant or agreement concerning the Property or the use, occupancy or operation thereof.
- b) Seller shall give Purchaser, its representatives, agents and contractors immediate access to the Property for purposes of inspection and testing, including without limitation the Environmental Report, Engineering Study and Soil Tests.
- c) Seller shall not enter into any agreement with any other party for the lease, option to purchase, or sale of the Property while this Agreement is in effect. In addition, Seller will not convey any easements or licenses on the Property while this Agreement is in effect.

9. Conditions Precedent to Purchaser's Obligations. The obligations of Purchaser hereunder shall be subject to the fulfillment of the following conditions precedent each of which shall have been satisfied at or before Closing, or such other time as stated herein; provided, however, that Purchaser may conditionally or unconditionally waive any one or more of such conditions in Purchaser's sole discretion:

- a) All of the documents delivered by Seller to Purchaser pursuant to the terms and conditions hereof shall have been delivered within the time specified herein and shall be in form and substance satisfactory to Purchaser.
- b) Each of the representations and warranties of Seller contained herein shall be true as of the date of Closing.
- c) Seller shall have complied with, fulfilled and performed each of the covenants, terms and conditions to be complied with, fulfilled or performed by Seller hereunder.
- d) The Title Commitment, Survey, Engineering Study, Environmental Reports and Soil Tests shall disclose no exceptions to or conditions of title unsatisfactory to Purchaser, in Purchaser's sole discretion.
- e) The Property is not located within a Flood Plain and does not have any Wetlands located on it.
- f) Seller shall duly and diligently observe and perform each of the obligations of Seller under the terms of this Agreement.
- g) Purchaser shall have obtained all governmental approvals necessary for the use and development of the Property for its intended use and occupancy.
- h) The soil and ground water conditions of the Property are satisfactory to Purchaser, in Purchaser's sole discretion.
- i) No statement of fact shall have been revealed subsequent to the Survey, Title Commitment, the Environmental Report, the Engineering Study or the Soils Tests which have a materially detrimental effect on the condition of the Property, Purchaser's intended use of the Property or the costs of construction of Purchaser's improvements thereon in Purchaser's sole discretion.
- j) All utilities required for the operation of the facilities proposed by Purchaser shall be on or directly adjacent to the Property and permission shall have been granted by the appropriate public authority to connect to the same.

Nothing herein contained shall be interpreted as obligating the Purchaser to accede to any requirement imposed by any governmental unit as a condition for the favorable resolution of the foregoing contingencies. Any contingent provision

in respect to which unacceptable requirements are imposed, as determined by Purchaser, in its sole discretion, shall be deemed to be unresolved.

10. **Closing.** Closing of the transactions contemplated hereby shall occur at the Title Company on such a date designated by Purchaser which is not more than thirty (30) days after the date all conditions precedent to Purchaser's obligations hereunder have been satisfied or waived but in no event later than thirty (30) days after the expiration of the inspection period set forth in Paragraph 6; provided, however, that if on the last date available for Closing, zoning or other developmental approvals relating to the construction of the facilities and the use and development of the Property for Purchaser's intended use are still pending, the parties agree that the time for Closing shall be extended to a date which is thirty (30) days after such proceedings have been concluded and the result thereof has become final and unappealable. The consummation of the sale and purchase contemplated hereunder is referred to herein as the "Closing."
11. **Possession Upon Execution.** Possession of the Property shall be delivered to Purchaser at the time of Closing.
12. **Considerations of Seller.** At the Closing, Seller shall execute and/or deliver to Purchaser the following instruments, documents and considerations, all of which shall be in form and substance satisfactory to Purchaser:
 - a) A General Warranty Deed conveying the fee simple estate in the Property to Purchaser subject only to the Permitted Exceptions;
 - b) A non-foreign affidavit, properly executed, containing such information as shall be required by the Internal Revenue Code and the regulations issued thereunder sufficient to establish that Seller is not a "Foreign Person" (as defined in the Internal Revenue Code and the regulations issued thereunder);
 - c) Any forms required by the State of Illinois concerning selling of real property;
 - d) A closing statement;
 - e) A marked up commitment for an ALTA Form B Owner's policy, insuring good and marketable title to the fee simple estate in Purchaser on the date of Closing, subject only to the Permitted Exceptions, and with any endorsements required by Purchaser pursuant to Paragraph 3 of this Agreement;
 - f) All organizational documents, ordinances and resolutions of Seller authorizing the conveyance of the Property to Purchaser;

- g) Such other instruments, documents and considerations which may reasonably be required by the state, county or municipality in which the Property is located, as well as any documents required by the Title Company, Purchaser or Purchaser's counsel to consummate the transaction evidenced by this Agreement.

13. Considerations of Purchaser.

- a) At the Closing, Purchaser shall pay to Seller the Purchase Price, less any closing prorations as hereinafter provided.
- b) Purchaser shall maintain its facilities to be constructed in compliance with all applicable rules, laws, ordinances, statutes, codes and regulations.

14. Closing Prorations.

- a) Expenses/Revenues. There are no continuing expenses relating to the Property except non-delinquent Property taxes and assessments. All other expenses shall be paid by Seller and cancelled as of the date of Closing. All rents, income issues and profits of the Property, if any, shall be prorated between Seller and Purchaser as of the date of Closing, with continuing rents, income, issues and profits from the date of Closing (if any) allocated to Purchaser.
- b) Closing Costs. Any Closing fees charged by the Title Company shall be shared equally by the Purchaser and Seller. Closing Costs shall be paid as follows:
 - i) Seller's Expenses. Seller agrees to pay all costs of releasing existing loans and recording the releases; preparation of the General Warranty Deed (see Section 3), Illinois Real Estate Transfer Tax on the sale of the Property, if any; and other expenses stipulated to be paid by the Seller under the provisions of this Agreement.
 - ii) Purchaser's Expenses. Purchaser agrees to pay the cost of the Title Insurance Policy and any endorsements; the costs of the Survey, Environmental Report, Engineering Study and Soils Test; and other expenses stipulated to be paid by Purchaser under other provisions of this Agreement.

- 15. Taxes and Assessments.** Seller shall pay, or cause to be paid, all real estate taxes relating to the Property assessed for all calendar years prior to the Closing and shall pay, or cause to be paid, that portion of such taxes assessed for and becoming a lien during the calendar year of the Closing as shall be allocable to it for the period through and including the date of the Closing. A credit shall be allowed to Purchaser at Closing for any such taxes which are not then due and

payable. If the tax rates applicable to such taxes for any such year have not been determined by the Closing, the most current tax rate shall be used. Purchaser shall pay all assessments for municipal or other public improvements becoming a lien on the Property after the Closing and Seller shall pay all assessments becoming a lien prior thereto.

16. **Damage and Destruction; Condemnation.** All risk of loss or damage to the Property occurring subsequent to the date hereof shall be borne by Seller to and including the date of Closing. If any of the Property shall suffer a loss by fire, flood, tornado, accident or other cause after the date hereof and on or before the date of the Closing, or if proceedings to take or condemn the whole or any part of the Property for public or quasi-public use under any statute or by the right of eminent domain are commenced or threatened prior to the date of Closing, then Purchaser may, at its option, either consummate or not consummate the transactions contemplated hereby. If Purchaser elects to consummate such transactions, then all insurance proceeds payable in respect to such casualty and/or any and all damages or awards payable in respect to such taking or condemnation shall be paid to Purchaser. If Purchaser elects not to consummate such transactions, this Agreement shall terminate, the Earnest Money shall be returned to Purchaser and this Agreement shall be of no further force and effect.
17. **Termination.** In the event that (a) any one or more of the conditions precedent set forth herein is not fulfilled on or before Closing, (b) Purchaser discovers that any representation or warranty made by Seller herein was, on the date of this Agreement, or at any time thereafter, inaccurate or untrue in any respect, or (c) Seller fails to comply with or perform any one or more of the covenants, terms and conditions to be complied with or performed by it hereunder, then, and in any such event, Purchaser shall have the right, at its election and in addition to any other rights or remedies it may have at law or in equity to terminate this Agreement. In the event that this Agreement is so terminated, Purchaser shall be released from all further obligations and liabilities hereunder and the Earnest Money shall be immediately returned to Purchaser. Purchaser shall also have the right to pursue all appropriate remedies including damages and specific performance, for any breach hereof and shall be entitled to recover reasonable attorney's fees incurred in connection with any such action. If Purchaser fails to observe or perform any of the terms and conditions hereof to be observed or performed by Purchaser, then Seller shall be permitted to pursue any monetary damages (but not specific performance) for such breach including reasonable attorney's fees.
18. **Survival of Representations, Warranties and Covenants.** All representations, warranties and covenants contained herein shall survive the execution hereof and the consummation of the transactions contemplated herein, and shall not be deemed to be merged into the deed to be delivered by Seller to Purchaser hereunder. All statements contained in any schedule, certificate or other instrument, document or other consideration delivered at any time by Seller to

Purchaser in connection with the transactions contemplated herein shall constitute representations and warranties hereunder.

19. **Expenses; Brokerages.** Except as herein specifically provided to the contrary, each of the parties hereto shall bear its own expenses incurred in connection herewith, and no party shall be liable to any other party for any of such expenses, whether or not the transactions contemplated by this Agreement are consummated. Each of the parties hereto covenants that it has not employed any broker, finder or agent pursuant to any implied or written agreement whereby the other of such parties is or will be obligated to pay any broker's commission for bringing the parties together or bringing about this Agreement or the transactions contemplated herein.
20. **Miscellaneous.** This instrument contains the entire agreement between the parties and supersedes all prior oral or written understandings, agreements or contracts, formal or informal, between the parties hereto. This provision and each and every other provision of this Agreement may not, under any circumstances, be modified, changed, amended or any provisions hereunder waived verbally, but only may be modified, changed, amended or provisions hereunder waived by an agreement in writing and executed by all parties hereto. This Agreement shall be construed under and governed by the laws of the State of Illinois.
21. **Notices.** All notices and other communications hereunder shall be in writing and shall be deemed to have been duly given as of the date of mailing when delivered in person or sent by registered or certified mail (return receipt requested), postage prepaid, or Federal Express, UPS or other overnight mail carrier, addressed as follows:
- | | |
|----------------------|---|
| To Purchaser: | Illinois-American Water Company
Dave Moore - Legal Department
727 Craig Road
St. Louis, MO 63141 |
| To Seller: | City of Pekin
ATTN: _____
111 South Capitol Street
Pekin, IL 61554 |
- or to such other address as may be furnished in writing by a party to the other.
22. **Successors and Assigns.** The terms, provisions, covenants, agreements and conditions contained in this Agreement shall apply to, inure to the benefit of, and be binding upon, the parties hereto and upon their respective heirs, legal representatives, successors and assigns.
23. **Assignment.** Purchaser shall have the right to assign its interest in this Agreement to any affiliated or related entity.

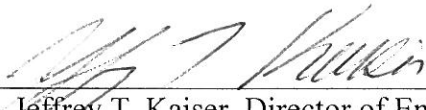
24. **No Waiver.** No failure on the part of either party at any time to require performance by the other party of any term hereof shall be taken or held to be a waiver of such term or in any way affect such party's right to enforce such term, and no waiver on the part of either party of any term hereof shall be taken or held to be a waiver of any other term hereof or the breach thereof.
25. **Severability.** The invalidity or unenforceability of any particular provision hereof shall not affect the other provisions, and this Agreement shall be construed in all respects as if such invalid or unenforceable provision had not been contained herein.
26. **Expiration of Time Periods.** If any date specified herein is, or any period specified herein expires on, a Saturday, Sunday or holiday, then such date or expiration date of such period, as the case may be, shall be extended to the next succeeding business day.
27. **Duration of Offer.** This offer shall expire if written acceptance endorsed hereon is not delivered to Purchaser on or before 5:00 P.M. on SEPTEMBER 28, 2012.

**Remainder of Page Left Intentionally Blank
Signature Page to Follow**

EXECUTED as of the date first above written.

PURCHASER:

ILINOIS-AMERICAN WATER COMPANY
an Illinois corporation

BY: 
Jeffrey T. Kaiser, Director of Engineering

ACCEPTANCE OF AGREEMENT

Seller hereby accepts the foregoing Agreement and agrees to sell and convey the Property to Purchaser upon and subject to the terms and conditions set forth herein.

Dated this _____ day of _____, 2012.

SELLER:

CITY OF PEKIN, ILLINOIS
an Illinois Municipal Corporation

BY: _____
Laurie L. Barra, Mayor

Sue McMillan, City Clerk



EXHIBIT "A"



REQUEST FOR COUNCIL ACTION

To: Mayor and Council

CC: City Clerk

From: Greg Nelson, Police Chief

AGENDA ITEM:	No Parking within 30' of Entrance to 1201 Florence Street
AGENDA DATE REQUESTED:	September 24, 2012
ACTION REQUESTED:	Restrict parking within 30' of the entrance to 1201 Florence Street, both north and south of the entrance. This action is at the request of the Traffic Safety Committee.
BACKGROUND:	Leman Property Management requested this change because persons parking on Florence Street were crowding the entrance to 1201 Florence and all of the other buildings served by that parking lot. There is no other restriction on how close a motorist can park adjacent to a driveway, only not to block it.
FINANCIAL IMPACT:	Approximately \$400 to create 2 signs and install with standards.
NEIGHBORHOOD CONCERNS:	None
IMPACT IF APPROVED:	Will improve ingress and egress to the parking lot served by that driveway.
IMPACT IF DENIED:	No change
ALTERNATIVES:	Other parking restrictions could be enacted in the area.
RELATIONSHIP TO THE CONCEPTUAL PLANNING PROCESS:	[check no more than 2 boxes]
☐	A Prosperous Community. To promote and sustain a balanced economy that supports expansion and retention of Family-way jobs.
☒	A Safe Community. To protect community life and property by providing effective, principled Police and Fire services.
☐	A Strong Foundation. To improve and maintain existing infrastructure and leverage opportunities for new infrastructure.

- ☐ **A High Quality of Life.** To support or provide services that improves the quality of life for Pekin’s residents.
- ☐ **An Effective Government.** To deliver effectively the services that Pekin’s residents want, need, and are willing to support.

REQUIRED SIGNATURES

Department Director

Date

Finance Department

(Certification of Availability of Funds) Date

Corporation Counsel

Date

City Manager

Date

ORDINANCE NO. 1462-A317 – 12/13

**AN ORDINANCE AMENDING TITLE 8, CHAPTER 4, SECTION 1. D
OF THE CODE OF THE CITY OF PEKIN 1995
REGARDING NO PARKING SCHEDULE
1201 FLORENCE STREET**

WHEREAS, the City of Pekin is a home rule municipality as described in Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and function pertaining to its government and its affairs; and

WHEREAS, the Code of the City of Pekin 1995 was adopted on April 10, 1995, and duly published in book form; and

WHEREAS, the Traffic Safety Committee addressed request of property owner to address vehicles parked too close to 1201 Florence Street entrance at the meeting of September 7, 2012; and

WHEREAS, the Traffic Safety Committee recommends to Council to consider prohibiting parking on the west side of Florence Street 30' back from entrance at 1201 north and south; and

WHEREAS, the City Council has determined that it is in the best interests of the City to amend the Traffic Code NO PARKING SCHEDULE

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEKIN, ILLINOIS:

1. That Title 8, Chapter 4, Section 1. D. be amended by deleting the existing No Parking Schedule dated August 20, 2012 in its entirety, and inserting the No Parking Schedule dated September 24, 2012 attached hereto and incorporated herein by this reference.

BE IT FURTHER ORDAINED that all other parts of the Code of the City of Pekin 1995 as amended except as modified herein are hereby reaffirmed and ratified and are in full force and effect.

BE IT FURTHER ORDAINED that all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon its passage, approval and publication as required by law.

PASSED AND APPROVED at the regular meeting of the City Council of the City of Pekin, this _____ day of _____, 2012; and upon roll call the vote was as follows:

AYES:

NAYS:

ABSENT:

ABSTAINING:

APPROVED this _____ day of _____, 2012.

Mayor

ATTEST:

City Clerk

Time	Duration	Days	On Street	At or From	To	Direction of Traffic	Side	Date of Adoption
Total	Always	All days	1201 Florence Street	1201 entrance	30' north and 30' south	South	West	09-24-12
Total	Always	All days	Ann Eliza Street	North 8th Street	North 2nd Street	West	Both	
Total	Always	All days	Ann Eliza Street	South 11th Street	South 12th Street	East-West	Both	
Total	Always	All days	Avon Street	50' south of corner	Charles Street	South	West	02-28-11
Total	Always	All days	Barney Avenue	Court Street	Griffin Drive	North	Both	
Total	Always	All days	Broadway	Front Street	Eastern City Limit	East-West	Both	
Total	6:00am-6:00pm	Mon-Fri	Buena Vista	Broadway	South 620'	North	East	
15 min	6am-6pm	Mon-Fri	Buena Vista	Broadway	South 540'	South	West	
Total	Always	All days	Caroline Street	North 2nd Street	P & PU Railroad	East	South	
2 hours	9am-5pm	Mon-Sat	Center Street	South 13th Street	Garden Street	East-West	Both	
Total	Always	All days	Charles Street	50' from corner	Avon Street	East	South	02-28-11
Total	Always	All days	Charles Street	Mechanic Street	Maple Street	East-West	Both	
Total	Always	All days	Charles Street	Summer Street	3rd Street	East-West	Both	
Total	Always	All days	Christopher Street	Alley north to	Lucille	North-South	Both	
2 hour	8am-4pm	School	Commonwealth	East Shore Drive	East end	East-West	Both	
2 hours	9am-5pm	Mon-Sat	Court Street	North 6th Street	North 2nd Street	West	Both	
Total	Always	All days	Court Street	South 4th Street	80' West	East	South	
Total	Always	All days	Court Street	Broadway	North 6th Street	West	Both	
2 hours	9am-5pm	Mon-Sat	Court Street	South 2nd Street	Broadway	East	Both	
Total	Always	All days	Court Street	South 8th Street	Eastern City Limit	East-West	Both	
2 hours	8am-4pm	School	Court Street (Frontage)	East Shore Drive	West Shore Drive	East-South	Both	
Total	Always	All days	Cynthia Street	Broadway	South 2nd Street	West	Both	
Total	Always	All days	Derby Street	Allen Street	South 2nd Street	West	North	DELETE
15 min	Always	All days	Derby Street	Allen / RR Tracks	Circle Dr Salvation Ar	West	North	05-29-12
Total	Always	All days	Derby Street	Morton Street	South 10th Street	West	Both	
Total	Always	All days	Derby Street	Circle Dr Salvation Ar	South Second	West	North	05-29-12
Total	Always	All days	Distillery Road	Front Street	115' South of Front	West	North	08-23-10
2 hours	8am-4pm	School	East Shore Drive	Court Street	Commonwealth	North-South	Both	
2 hours	9am-5pm	Mon-Sat	Elizabeth Street	South Third Street	Capitol Street	East	South	
2 hours	9am-5pm	Mon-Sat	Elizabeth Street	Broadway	South 3rd Street	West	Both	
2 hours	9am-5pm	Mon-Sat	Elizabeth Street	South 3rd Street	South 5th Street	East	Both	
Total	Always	All days	Elizabeth Street	Broadway	South 5th Street	West	South	
Total	Always	All days	Elizabeth Street	South Third Street	Capitol Street	West	North	
Total	Always	All days	Elm Street	Mechanic Street	3rd Street	East-West	Both	
Total	Always	All days	Enterprise Drive	South 2nd Street	Riverway Drive	East-West	Both	
Total	Always	All days	Entrance Drive	Orr Avenue	Court Street	North-South	Both	
2 hours	9am-5pm	Mon-Sat	Haines Avenue	Hillyer Street	St Joseph Place	North-South	Both	
Total	Always	All days	Hanna Drive	South 2nd Street	South 5th Street	East-West	Both	01-15-10 edit

Time	Duration	Days	On Street	At or From	To	Direction of Traffic	Side	Date of Adoption
Total	Always	All days	North 6th Street	Margaret Street	Caroline Street	North	East	
Total	Always	All day	North 6th Street	Court Street	100' North	North	East	
2 hours	9am-5pm	Mon-Sat	North 6th Street	Caroline Street	Court Street	South	West	
2 hours	9am-5pm	Mon-Sat	North 6th Street	Court Street	North to Alley	North	East	
Total	Always	All days	North 7th Street	North 8th Street	Ann Eliza Street	South	Both	
30 min	9am-5pm	Mon-Sat	North 7th Street	Ann Eliza Street	Margaret Street	South	East	
Total	Always	All days	North 7th Street	Ann Eliza Street	Margaret Street	South	West	
Total	Always	All days	North 8th Street	North 7th Street	Northern city limits	North-South	Both	
2 hours	9am-5pm	Mon-Sat	North Capitol Street	Court Street	Caroline Street	North-South	Both	
2 hours	8am-4pm	School	North Shore Drive	East Shore Drive	West Shore Drive	East-West	Both	
Total	Always	All days	Olt Avenue	Court Street	Valle Vista Boulevard	North-South	Both	
Total	Always	All Days	Orchard Street	Broadway Road	Northern dead end	North	East	09-22-08
Total	Always	All days	Park Avenue	South 14th Street	Court Street	East	South	
Total	Always	All days	Park Avenue	South 13th Street	North 14th Street	East	South	09-22-08
2 hours	9am-5pm	Mon-Sat	Park Avenue	South 12th Street	13th Street	East	South	
15 min	9am-5pm	Mon-Sat	Park Avenue	South 13th Street	South 14th Street	West	North	
2 Hours	Always	All days	Park Avenue	South 14th Street	Court Street	West	North	
Total	Always	All days	Parkway Drive	Court Street	Northern City Limit	North-South	Both	
Total	Always	All days	Parkway Drive	368' South of Sherida	427' South of Sherida	North	East	
Total	Always	All days	Pine Street	Maple Park Drive	70' West	West	North	
Total	Always	All days	Pine Street/Maple Park	walk @ apt Pine Stree	drive @ apt Maple Par	East/North	South/	08-24-09
Total	Always	All days	Powers Avenue	Highwood Avenue	Entrance Drive	East-West	Both	
Total	7:30am-5pm	School	Prince Street	South Capitol Street	South 4th Street	East	South	
Total	Always	All days	Prince Street	South 12th Street	North 14th Street	East-West	Both	
Total	Always	All days	Prince Street	South 8th Street	South 9th Street	East-West	Both	
Total	Always	All days	Prince Street	Summer Street	3rd Street	East-West	Both	
Total	Always	All days	Prince Street	South 8th Street	300' West	West	North	
Total	Always	All days	Riverway Drive	Koch Street	Hanna Drive	North-South	Both	
Total	Always	All days	RWB Frontage Rd	Enterprise Drive	North End	North-South	Both	
hours	9am-5pm	Mon-Sat	Sabella Street	South 3rd Street	Broadway	East-West	Both	
Total	Always	All days	Sabella Street	South 2nd Street	South 3rd street	East	South	04-07-10 *
Total	8am-5pm	Mon-Fri	Sabella Street	South 3rd Street	South 2nd Street	West	North	04-26-10
Total	Always	All days	Sheridan Road	600 ' east of Redwoo	Lick Creek Bridge	East-West	Both	
Total	Always	All days	Sheridan Road	North 14th Street	200' East	East-West	Both	05-23-11
Total	Always	All days	Sheridan Road	Parkway Drive	200' East	East-West	Both	05-23-11
Total	Always	All days	Sommerset Street	Lakeside Avenue	40' North of Lakeside	North	West	
Total	Always	All days	Sommerset Street	North 3rd Street	North 2nd Street	North	Both	
Total	Always	All days	South 10th Street	Oxford Street	Charles Street	North-South	East	10-14-08

Time	Duration	Days	On Street	At or From	To	Direction of Traffic	Side	Date of Adoption
2 hours	9am-5pm	Mon-Sat	South Capitol Street	Broadway	Court Street	North	Both	
Total	Always	All days	St Joseph Place	South 7th Street	South 6th Street	West	North	
2 hours	9am-5pm	Mon-Sat	St Joseph Place	South 6th Street	South 7th Street	East	South	
2 hours	9am-5pm	Mon-Sat	St Mary Street	South 3rd Street	Broadway	East-West	Both	
Total	Always	All days	Stadium Drive	Court Street	Parkway Drive	East-West	Both	
Total	Always	All days	State Street	North 5th Street	40'	East-West	Both	
Total	Always	All days	Sycamore Street	Royal Street	Lucille Street	South	West	
Total	Always	All days	Third Avenue	Washington Street	Broadway	North	Both	
Total	Always	All days	Veerman Street	810' North of Willow	895' North of Willow	North	East	
Total	Always	All days	Veerman Street	535' North of Willow	620' North of Willow	North	East	
Total	Always	All days	Washington Street	South 6th Street	50' East	West	North	
Total	Always	All days	Washington Street	165' East of Buena Vi	230' East of Buena Vi	West	North	
Total	Always	All days	Washington Street	105' East of Capitol	185' West of Capitol	West	North	11-24-08
2 hours	9am-5pm	Mon-Sat	Washington Street	200 feet east of 10th	10th Street	East	South	
Total	Always	All days	Washington Street	Capitol Street	82' West of Capitol	East	South	
Total	Always	All days	Washington Street	South 6th Street	88'	East	North	
Total	Always	All days	Washington Street	Bacon Street	South 6th Street	East	South	
Total	Always	All days	Washington Street	200' West of Court	Court Street	East	South	
Total	Always	All days	Washington Street	South 6th Street	50' West	West	North	
Total	Always	All days	Willow Street	Parkway Drive	200' East	East-West	Both	05-23-11
Total	Always	All days	Willow Street	North 14th Street	200' East	East-West	Both	05-23-11
Total	Always	All days	Winter Street	Hecker	South 10th Street	West	North	09-22-08*
Total	Always	All days	Woodlawn Court	Summer Street	Charles Street	West	Both	

RESOLUTION NO.57-12/13

A RESOLUTION ADOPTING THE EMPLOYEE HANDBOOK 2012 OF THE CITY OF PEKIN

WHEREAS, the City of Pekin reviewed existing policies and amended the Employee Handbook and Personnel Policy as follows:

Resolution No. 140 dated March 25, 1996
Resolution No. 70
Resolution No. 392 dated March 8, 1999
Resolution No. 50 E-mail Policy dated April 11, 2000
Resolution No. 177 Sexual Harassment Policy dated April 22, 2002
Resolution No. 123-05/06 New Personnel Policy for Employee dated September 12, 2005

Resolution No. 178-06/07 dated December 11, 2006

8.3 E-MAIL AND THE INTERNET

Resolution No. 190-06/07 dated March 26, 2007

6.2 INCLEMENT WEATHER

4.8 VACATION

8.3 EMAIL AND INTERNET POLICY

6.8 COMPENSATORY TIME OFF (COMP TIME)

Resolution No. 16-07/08 dated October 9, 2007

9.3 PERSONAL TELEPHONE CALLS

Resolution No. 52-08/09 dated August 25, 2008

8.6 SMOKING POLICY

Resolution No. 35-10/11 dated January 25, 2010

4.8 VACATION

4.10 PAY UPON RETIREMENT

Resolution No. 91-10/11 dated April 11, 2011

2.9 RESIDENCY

;and

WHEREAS, it is in the best interest of the City of Pekin that the Employee Handbook reflect numerous federal and state laws passed within the last 5 years as well as add new sections and clean up language to be more inclusive for all departments and require less change in the future; and

WHEREAS, after further review by staff and with Council direction it is in the best interest of the City of Pekin to adopt a new Employee Handbook by replacing the present Employee Policy in its entirety with the attached Exhibit "A"



City of Pekin

Human Resources Department

September 13, 2012

Keith Gleason
Teamsters Local 627
7101 N. Allen Road
Peoria, IL 61614

Dear Keith:

Thank you for meeting with me today to go over the proposed changes to the updated Employee Handbook for all City of Pekin employees. I will attach a copy of this letter to the handbook.

Regarding the underlined segment of section 4.11, partially listed below, the City of Pekin agrees will not affect the Street Department or Waste Water Treatment unit employees in regard to holiday pay.

4.11 HOLIDAYS

If a recognized holiday falls during an eligible employee's leave of absence from work or during a period of sick leave, the employee will be eligible for holiday pay. If the holiday falls during an employee's approved vacation time, holiday pay will be paid. If an employee calls in sick the day before or the day after a recognized holiday without prior authorization from the supervisor or department, the employee will not be eligible for holiday pay unless otherwise required by law.

In sections 8.3 and 9.4, partially shown below, the City of Pekin agrees GPS tracking will be used to confirm actions for disciplinary purposes, not to seek out reasons for disciplinary action for all Teamster's unit employees.

8.3 CITY VEHICLES AND DRIVING ON CITY BUSINESS

Employees should be aware that City vehicles may have GPS tracking devices and cameras recording driver and passenger activity.

9.4 USE OF CAMERAS / OTHER RECORDING EQUIPMENT

The City has many cameras and recording devices, as well as GPS tracking systems in vehicles and on premises. All City employees should be aware that they or their movements may be recorded while in one of these areas or vehicles.

Sincerely,

A handwritten signature in black ink that reads "Sarah J. Newcomb".

Sarah J. Newcomb

C: Joe Wuellner, City Manager

Sarah Newcomb, Human Resources Director
111 S. Capitol St. Pekin, IL 61554 (309) 478-5380 Fax: (309) 346-2005
E-mail: snewcomb@ci.pekin.il.us



REQUEST FOR COUNCIL ACTION

To: Mayor Barra and Council Members

CC: Joe Wuellner, Darin Girdler, Sue McMillan, Angie Evans, & City Attorney

From: Sarah Newcomb

AGENDA ITEM: Amend Personnel Policy

AGENDA DATE REQUESTED: September 24, 2012

ACTION REQUESTED: Amend the Personnel Policy to reflect numerous federal and state laws passed within the last 5 years as well as add new sections and clean up language to be more inclusive for all departments and require less changes in the future.

BACKGROUND:

The Employee handbook has had several sections revised, but has not have a thorough revamping in numerous years. With so many law changes in the last two-five years, I felt it was necessary to basically look at each section of the document and nearly every section had some sort of change. There is a lot of preferred change in language, such as “employee handbook” rather than “personnel policy”; “introductory period” rather than “probationary period”. State and Federal laws have changed many things such as reasonable accommodations, COBRA, FMLA, ADA, leave allowances for voting, school visitation, and several others. We also added sections on distracted driving and rules for driving City vehicles and for driving while on City business, social media, GPS units, confidentiality and changed language in sections regarding workers compensation, pay corrections, travel and meal reimbursement, military leave, cell phone use, sick, vacation and holiday pay.

All of the unions were given an opportunity to review the document prior to bringing it before council and the Teamsters Union did request the City provide a letter stating that language in section 4.11 would not affect the Street and Waste Water Treatment contracts and that GPS tracking would be used only to confirm discipline, not for tracking purposed with the intent to search out wrongdoings by City employees.

The entire Employee Handbook was reviewed by an attorney as well.

FINANCIAL IMPACT: None as a result of changes made within the document, only the cost of printing the document for all employees which I estimate at approximately \$1700.00, which was included in the FY 12-13 budget.

NEIGHBORHOOD CONCERNS: n/a

IMPACT IF APPROVED: Current document reflecting law changes

IMPACT IF DENIED: Our documentation will be out of compliance with federal and state laws

ALTERNATIVES: n/a

RELATIONSHIP TO THE CONCEPTUAL PLANNING PROCESS: A more effective government

REQUIRED SIGNATURES

Department Director

Date

Finance Department

(Certification of Availability of Funds)

Date

Corporation Counsel

(Certification of Review)

Date

City Manager

Date

City of Pekin

Employee Handbook



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NO CONTRACTS OF EMPLOYMENT

The policies in this Personnel Manual are not intended to create a contract and are not an offer to enter into a contract. These policies do not establish contractual rights for employment or any employment benefit. The policies are not to be construed to constitute contractual obligations of any kind, or a contract of employment between the City of Pekin ("City") and any employee.

No commitment for employment for any specified duration, including "lifetime" employment, shall be valid or binding on the City unless expressly set forth in a written document and signed by both the employee and by the City Manager.

Employment with the City is voluntary and "at-will." Just as you are free to resign at any time for any reason, the City has the right to terminate your employment and/or benefits at any time, with or without cause or advance notice.

The policies in this Personnel Manual have been developed at the discretion of the City and may be amended or eliminated at any time, at the sole discretion of the City. The City retains the right to modify, eliminate, amend, or cancel any of its published or unpublished policies for any reason, with or without advance notice, at its sole discretion without having to give justification.

This Personnel Manual is not intended to replace or supersede a collective bargaining agreement that may cover many of the terms and conditions of employment for employees covered by that agreement.

These policies replace all previous policies and practices and may not be changed or added to without the express written approval of the City Manager. Questions about these policies should be directed to the Human Resources Director.



1. INTRODUCTION

1.1 WELCOME

It is a pleasure to welcome you as an employee of The City of Pekin and to wish you success in your new job. This Personnel Manual is provided for your personal use. The following pages are intended to provide newcomers and those of you who have been with us for some time a better understanding of the privileges and responsibilities of being a City of Pekin employee. We encourage you to read it and keep for your future reference. If you have any questions about the contents of this Manual, or about anything that pertains to your job, please discuss these issues with your immediate supervisor, department head, or the Human Resources Director.

The City Manager and other management staff have faith in their employees, and a real interest in them, their concerns, thoughts and ideas. Our primary aim is to serve the public, and we strive to provide quality service in an effective and efficient manner. We recognize the credit for this distinction most of the time goes unappreciated; however the City Manager and management staff do appreciate everything our employees do for the public.

Thank you for joining us. We look forward to working with you and hope your experience will be enjoyable and rewarding.

1.2 PURPOSE

This Personnel Manual is provided to all employees of the City of Pekin, which will also be referenced throughout this Manual as the "the City." It is intended to serve as a guideline for reference to the day-to-day administration of the human resources policies, practices, and work rules, and also outlines various employee benefit programs. All statements herein are designed to increase employee understanding and provide direction to allow accomplishment of our objectives. These provisions supersede the existing Personnel Manual. Existing departmental policies and procedures necessary for the operations of a specific department shall not be affected by this Manual. This Manual is not an employment contract and does not establish contractual rights. The City Manager may modify, change, or eliminate the policies and/or procedures listed in these guidelines at any time, with the approval of our City Council. All changes and modifications will be communicated to employees through one or more of the City's usual channels of communication such as: mailings, newsletters, payroll stuffers, employee meetings, city website, or internal postings.

It is the responsibility of all employees to become familiar with and adhere to all policies and provisions of the Manual. Day-to-day interpretations of policy statements and their intent fall under the authority of the Human Resources Director, with final approval by the City Manager.

The official copy of this document is kept and maintained in the Human Resources Department. This Policy is also part of the official records maintained by the City Clerk. For further clarification regarding the full rights, benefits and obligations of employees and of the City, please contact the Human Resources Director.

It is recognized that the City has in the past and may in the future, enter into collectively-bargained agreements on behalf of particular groups of employees within the City's operation. It is expressly acknowledged that the provisions of such collectively-bargained agreements control and shall be applied to employees covered by such agreements, notwithstanding any contrary provisions within this Manual. Accordingly, any matters specifically covered by the collectively-bargained agreements supersede these policies for those employees covered by the collective bargaining agreement.

1.3 EMPLOYEE RESPONSIBILITIES

Each of us, as an employee, is an "Ambassador" of the City. It is hoped and even expected that you are proud to be a member of our team, and will always refer to the City of Pekin in a positive manner.

Our ability to successfully provide the level of service the citizens of our community (our customers) expect and deserve depends upon the quality of our staff and their commitment to excellence. It is expected that all City employees strive to understand, appreciate, commit to, and exemplify the following:

- A. Provide QUALITY work at a productive pace;
- B. Treat others with courtesy and respect their rights;
- C. Demonstrate the highest standards of personal integrity, truthfulness, honesty, and fortitude in all public activities;
- D. Respect each other, and support the City's goals and philosophies;
- E. Show genuine team effort while participating in work activities;
- F. Display a positive attitude and a smile to the people we serve no matter how challenging the day has been;
- G. Take initiative within your authority; and
- H. Perform your responsibilities to the best of your ability.

All complaints from the public shall be handled courteously and promptly. The employee who receives a complaint should attempt to resolve the complaint if possible, or immediately refer the complaining party to the appropriate department head or the City Manager. All complaints shall be properly documented.

1.4 BUSINESS PRACTICES

Employees are expected to follow certain guidelines and standards in day-to-day conduct. Violations are subject to disciplinary action, up to and including termination of employment. City business practices include, but are not limited to the following:

1. COMPLIANCE WITH LAWS AND REGULATIONS

City employees shall conduct all activities in compliance with all applicable federal, state, and local laws and regulations. It is the responsibility of the employee to make sure any license, permit, certification or the like is kept current. The City will not be held responsible for the expiration of any such item if the employee did not give proper notice to the City.

2. PROPER RECORDING OF ASSETS AND DISBURSEMENTS

Making false or fictitious entries in the City books and records and/or issuing false or misleading reports about the City operations, are prohibited. No employee shall engage in any transaction that requires or contemplates such prohibited activities.

3. PURCHASING POLICIES

All suppliers, seeking or participating in business dealings with the City, will be accorded fair and impartial treatment. Soliciting or accepting monetary or non-monetary kickbacks, fees, or commissions from a supplier is expressly forbidden. Accepting normal business courtesies is permissible in accordance with the Illinois State Gift Ban Act . (Also see Conflict of Interest policy below, and refer to current State mandated ethics, gift ban, etc. policies).

4. POLITICAL CAMPAIGN POLICY

The City encourages individuals to participate in civic and political activities in their own way during their personal time. In doing so, individuals must never act as a representative of the City or give the appearance that the City is supporting their activity without the expressed consent of the City Manager. Participation in political activity of any kind is prohibited during the employee's working hours.

5. OUTSIDE EMPLOYMENT

Employees may hold outside jobs as long as they meet the performance standards of their job with the City. Employees must notify their immediate supervisor and the City Manager in writing of any outside employment. All employees are subject to the City scheduling requirements, regardless of any existing outside work requirements. City work schedules will not be adjusted to accommodate non-City work schedules.

If an employee's outside work interferes with his or her performance or ability to meet the requirements of their job as it is modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain with the City. Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals outside the City for materials sold, or services rendered, while performing their jobs with the City.

Employees in certain job categories should be aware that working while on disability may decrease certain pension benefits, in accordance with applicable state law.

6. ON/OFF DUTY MORALS, EFFICIENCY, IMAGE, PUBLIC CONFIDENCE

No employee shall engage in conduct, on or off duty, which adversely affects the morale or efficiency of the organization, or, engage in conduct, on or off duty, which has a tendency to destroy public respect for the employee and/or the City, and/or destroy confidence in the operations of the City or otherwise reflect negatively on the City. Employees must ensure that all actions and statements, whether made publicly or privately, are such as to promote the execution of City ordinances, regulations, policies, and programs.

7. CONFLICT OF INTEREST

Employees are expected to avoid any outside interest or activity which is in conflict or incompatible with the conduct of official duties, or has the potential to be a conflict of interest. Employees must decline from participating in any business activity with the City, or participating in any decision on any such activity when the employee either has an ownership interest in the business with which the City is dealing or stands to receive personal outside gain from such dealings.

Employees are also expected to take precautions to avoid any appearance of conflict of interest, or raise suggestions of impropriety. To this end, the City expressly precludes any City employee from soliciting, or accepting, any gift, gratuity, service, favor or valuable service(s), or other personal gain for themselves or a relative in exchange for, or as a result of, or which might influence, the performance of their duty as City employees. The sole exceptions are that employees may in compliance with the Illinois State Gift Ban Act:

- accept (but may not solicit or request) gifts of normal business courtesies with a nominal value; or
- may, with prior approval of the City Manager, participate in activities / events (e.g., seminars, conventions, golf tournaments) sponsored by an entity with which the City does business or might do business.

This policy is to provide guidelines so that employees can seek further clarification on conflicts of interest or potential conflicts of interest. Contact the Human Resources Director for more information or questions about conflicts of interest.

2. EMPLOYMENT

2.1 EMPLOYMENT AT WILL

Employment with the City is “at will,” which means employment with the City is voluntarily entered into, and the employee is free to resign at will at any time, with or without cause. Similarly, the City may terminate the employment relationship at will at any time, with or without advance notice or cause.

2.2 EMPLOYEE RELATIONS: OPEN DOOR POLICY

The City values employees’ constructive opinions and suggestions, and believes communication is important in the workplace. The City encourages employees to discuss suggestions, problems, or concerns with their supervisor. In most cases, talking with your supervisor may resolve an

issue. However, an employee may also discuss problems and concerns with their immediate supervisor, Department Head, Human Resources Director, or City Manager.

Direct communication is always the best route to take to resolve issues.

2.3 EQUAL EMPLOYMENT OPPORTUNITY

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at the City will be based on merit, qualifications, and abilities. The City does not discriminate in any aspect of employment opportunities or practices on the basis of race, color, creed, sex, sexual orientation, national origin, ancestry, protected military or veteran status, marital status, age, disability, order of protection status, or any other characteristic protected by law. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Any employee with questions or concerns about any type of discrimination in the workplace is encouraged to bring these issues to the attention of their immediate Supervisor, Human Resources Director, or the City Manager. Employees can raise concerns and make reports without fear of retaliation. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

2.4 REASONABLE ACCOMMODATION

The City will make reasonable accommodations for qualified employees with known disabilities unless doing so would result in undue hardship. Questions about reasonable accommodation should be directed to the Human Resources Director.

2.5 EMPLOYMENT PROCESS

The Human Resources Department may advertise for position openings through various resources and methods. In addition, position openings are posted in every City department. The job vacancy announcement shall be in a consistent format for all City jobs, and include at minimum the job title, rate or range of pay, a summary of duties, the essential qualifications, and the basic procedure to be followed in hiring.

Applications for regular full-time and regular part-time employment, and all applications and resumes received in response to advertised vacancies will be kept on file for one (1) year. Applicants must submit a new application for each job posting.

Employees are selected on the basis of their qualifications to fulfill established specifications for the job, or as outlined in collective bargaining agreements. General selection criteria include knowledge, experience, education, training, skills, and willingness to work in a specified environment. Applicants meeting criteria are interviewed and may be subject to testing for the position requirements.

Hiring of Department Head personnel shall be the responsibility of the City Manager. When a non-management vacancy exists in a department, the respective Department Head will notify the City Manager to obtain authorization for filling the position before taking any other steps. The Department Head and the Human Resources Director will screen all applicants and interview a sufficient number of qualified candidates, and select the most qualified candidate. Participation in the interview/selection process may include the City Manager if he/she elects to participate or is requested to participate by the Department Head. All applicants interviewed shall be notified by the responsible department head or the Human Resources Department when the vacancy is filled.

2.6 EMPLOYMENT PROCESS FOR POLICE AND FIRE

Procedures and specific provisions for hiring members of the Police and Fire Departments will be followed as set forth in the Rules and Regulations of the Board of Fire and Police Commissioners of the City of Pekin.

2.7 PROMOTIONS

The City values the talents and expertise of their employees and employees are encouraged to seek advancement opportunities within the City. Current employees of the City will be considered if they possess the necessary qualifications and/or experience that are equal to or would exceed others who make application, and when it is in the best interest of the City to do so.

2.8 EMPLOYMENT OF RELATIVES

Relatives and/or personal acquaintances are subject to the same hiring standards and job requirements as other applicants. It is the City's policy that an employee may not work under the direct or indirect supervision of a relative as defined in this policy. For the purpose of this policy "relatives" includes spouses, civil union partners, sons or daughters, grandchildren, brothers or sisters, brothers or sisters-in-law, mothers or fathers, mother or father-in-law, or "step" relatives of the same level. The City reserves the right to take action if an actual or potential conflict of interest arises involving relatives or persons involved in a dating relationship even if no direct reporting relationship is involved.

2.9 EMPLOYMENT PHYSICALS

Post-offer pre-employment medical exams, including drug screen, are required for every applicant who is offered employment with the City. Offers of employment by the City are conditional upon the candidate successfully completing these requirements, and employment will not begin until the employment medical examination is successfully completed. Successful completion of the exam requires a negative drug screen and the health care provider's certification that the candidate meets the minimal physical standards established for the specific job.

The City will provide reasonable accommodations, when necessary and requested, for qualified individuals with disabilities, in accordance with the Americans with Disabilities Act.

2.9 (a) FITNESS FOR DUTY EXAM

Current employees may be required to take medical examinations to determine fitness for duty when the examination is job-related and consistent with business necessity in accordance with the ADA and applicable law. For example, a medical examination may be required when as a guide for reasonable accommodation, prior to a “light duty” assignment, or other reason.

Individual departments may, with City Manager approval, establish additional testing requirements to evaluate the capacity and fitness of candidates to effectively and efficiently perform the duties of the specific job for which they have applied. For example, the Board of Fire and Police Commissioners may establish testing for strength, dexterity, agility, etc. beyond the basic employment physical examination for specific positions in the fire and police departments. In no case will such job or department specific rules or procedures be inconsistent or in conflict with City policies.

2.10 RESIDENCY REQUIREMENT

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General Conditions. All employees shall reside within 10 miles of the corporate limits of the City of Pekin. Residency requirements for employees covered under collective bargaining agreements shall be governed by those agreements. Residency requirements for non-union sworn police and fire personnel shall also be governed by the police and fire collective bargaining agreements.

Newly hired employees who do not reside within 10 miles of the corporate limits of the City of Pekin may have up to twelve (12) months from the end of their Introductory Period to establish residency.

Exceptions to this policy may only be temporary, for personal hardship reasons, and must be authorized in writing by the City Manager. An employee who fails to meet this requirement shall be terminated.

Special Conditions. Employees occupying the following positions shall be required to live within the corporate limits of the City of Pekin: City Manager, Assistant City Manager, Public Works Director, Operations Supervisor (for Public Works), Superintendent of Transportation, Police Chief, and Fire Chief.

Newly hired employees who do not reside within the corporate limits of the City of Pekin may have up to twelve (12) months from the end of their Introductory Period to establish residency if required by the position or collective bargaining agreement.

Exceptions to this policy may only be temporary, for personal hardship reasons, and must be authorized in writing by the City Manager. An employee who fails to meet the requirements of this policy shall be terminated.

2.11 LICENSING AND PERMITTING

Various permits, licenses and certificates are required of employees by State and Federal agencies as a prerequisite to performing certain municipal tasks. It is the employee's responsibility to maintain permits, licenses and certificates. The City will confirm, on occasion, that all such licenses and certificates are in the possession of the applicable department or the employee before authorizing the employee to perform such regulated work. The City will not be held responsible for the expiration of any such item.

Costs for such permits, licenses and certificates may be paid by the City (except regular vehicular drivers' licenses), together with any specialized training required to achieve such permits, licenses, or certificates on approval of the department head or City Manager.

3. EMPLOYMENT STATUS and RECORDS

3.1 EMPLOYMENT CATEGORIES

It is the intent of the City to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time.

DEFINITIONS OF CLASSIFICATIONS

Employees are designated as either Non-Exempt or Exempt from certain federal and state wage and hour laws. **Non-Exempt** employees are not exempt from minimum wage and overtime provisions and are paid for the actual number of hours they work. **Exempt employees** are exempt from specific provisions of state and federal wage and hour requirements, including minimum wage and overtime provisions. Exempt employees are paid annual salaries without regard to the number of hours worked.

DEFINITIONS OF CATEGORIES

Regular Full-Time: Employees who have successfully completed initial Introductory Period and are regularly scheduled to work 40 hours or more per week on a regular basis. Generally, regular full-time employees are eligible for City employee benefits, subject to the terms, conditions, and limitations of each benefit program.

Regular Part-time: Employees who have successfully completed their initial Introductory Period and are regularly scheduled to work less than 40 hours per week on a regular basis. Regular part-time employees receive all legally mandated benefits (such as Social Security and Workers' Compensation insurance), and may be eligible for other benefits as outlined in any applicable collective bargaining agreement or the benefit program itself.

Seasonal: Employees hired for a specific “not to exceed” period of time of less than one year, including school year employees. Seasonal employees’ rates of pay may differ from regular employees in similar positions. Seasonal employees receive legally mandated benefits and may receive other benefits as stated in any applicable collective bargaining agreement or the benefit program itself.

Temporary: An employee whose employment with the City is of a limited duration, such as an interim replacement, to temporarily supplement the workforce, or to assist in the completion of a specific project. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees may be scheduled to work either a full-time or part-time schedule. Temporary employees are not eligible for any benefits offered by the City, other than legally mandated benefits.

Contractual: Contracted personnel are not employees of the City of Pekin, and therefore, not eligible to participate in the City’s benefit programs.

* NOTE: Occasionally, FULL-TIME employees may work less than their normal schedules, or PART-TIME employees may work more than their normal schedules. These variations do not change the status of the employee or the position.

3.2 ACCESS TO PERSONNEL FILES

The City maintains a confidential personnel file for each employee. The personnel file normally includes, but is not limited to, such information as the employee's job application, resume, records of training, documentation of performance evaluations, disciplinary records, pay history, and other records. Official personnel files are kept and maintained in the Human Resources Department. Personnel information kept by individual departments is limited to information needed for day-to-day operations.

Personnel files are the property of the City, and access to the information they contain is restricted, generally limited to the respective department head, the City Manager, and human resources personnel who have a legitimate reason to review information in the file.

Employees who wish to review their own personnel file should contact the Human Resources Office. Files will be reviewed in the Human Resources Office and in the presence of the Human Resources Director.

Employees may request copies of material contained within their own personnel file. The City reserves the right to charge a reasonable fee for copying the material in accordance with the Illinois Personnel Records Review Act.

3.3 EMPLOYMENT REFERENCE CHECKS

The City will respond only to those reference check inquiries that are submitted in writing. No employment data beyond dates of employment and eligibility for re-hire will be released without a written authorization and release form signed by the individual who is the subject of the inquiry.

3.4 PERSONNEL DATA CHANGES

It is the responsibility of each employee to promptly notify the Human Resources Department of any changes in personnel data. Personal mailing addresses, telephone numbers, citizenship, marital or civil union status, number and names of dependents, and individuals to be contacted in the event of an emergency must be accurate and current at all times. If any personnel data has changed, the employee must promptly advise the Human Resources Department of the new information.

3.5 EMPLOYMENT APPLICATIONS

The City relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in exclusion of the individual from further consideration for employment or, if the person has been hired, may result in disciplinary action, up to and including termination of employment.

3.6 INTRODUCTORY PERIOD

The initial Introductory Period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The City utilizes this period to evaluate employee capabilities, work habits, and overall performance. Either the employee or the City may end the employment relationship at will at any time during or after the introductory period.

All new and rehired employees, as well as current employees who transfer to a new position, work on an introductory basis for the first six (6) months after their date of hire or job change, or as outlined in their collective bargaining agreement. At the end of the six (6) month period, the responsible department head will make a recommendation to retain or terminate the employee; or to extend the introductory period. Extending the initial Introductory Period will only be considered if there are strong indications that more time will bring the required improvement. There is no employee right to grieve or appeal a termination made in conjunction with the Introductory Period. The Human Resources Department shall be notified of action taken at the conclusion of the Introductory Period.

Upon satisfactory completion of the Introductory Period, employees enter the “regular” employment classification. Successful completion of the Introductory Period does not change the “employment-at-will” status.

3.7 PERFORMANCE EVALUATION

Managers and employees are strongly encouraged to discuss job performance on an informal, day-to-day basis. A written performance evaluation will be conducted for each employee near the end of, or shortly before, the completion of the Introductory Period. Written evaluations will provide an assessment of the employee's capabilities, work habits, and overall performance. Additional performance evaluations are periodically conducted to provide both managers and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for performance improvement. NOTE: Contracted employees will receive performance evaluations in accordance with the terms of their contract.

All employees normally receive a written and associated verbal performance review at least annually. The employee is to acknowledge the review by dating and signing the evaluation form. The signature does not imply agreement with the evaluation, but only that it was completed and reviewed. If the employee is not in agreement with any part of the review, he / she may provide a written response to the evaluation to be attached to the completed written evaluation form. A copy of the completed and signed evaluation form and any attachments will be included in the employee's personnel file.

4. EMPLOYEE BENEFIT PROGRAMS

Note: Employees covered by collective bargaining agreements should refer to their specific contract language where appropriate. Contract language shall take precedence over statements found in the Manual.

4.1 BENEFITS IN GENERAL

The City recognizes the importance of providing a full range of benefits to its employees and takes pride in the benefits available to qualified employees. Everyone should share in the effort to use these benefits wisely and appropriately to help keep the costs in line so that we can maintain quality and affordable benefits.

These policies do not constitute a guarantee of plan coverage or benefits. Periodic changes to various benefits may be necessary from time to time as contracts are renegotiated and business conditions dictate. Benefits are subject to change or termination at any time with or without advance notice. In the event there is a conflict between the language in these policies and the language in the benefit plan documents, the language in the plans documents shall prevail.

An updated schedule is distributed periodically outlining the current benefits for City employees.

4.2 INSURANCE BENEFITS

Full-time employees are eligible to participate in the City of Pekin health insurance programs the first day of the month following their date of hire or date they attain full-time status until the age

of medicare eligibility, unless otherwise stated in Illinois State Statutes or collective bargaining agreement.

A Summary Plan Document of the City of Pekin Employee Health Benefit Plan will be provided to all eligible employees. Along with other pertinent information, this document provides a summary of the plan options available, deductibles, co-insurance levels, out-of-pocket levels, major medical benefits, prescription drug program co-payments, life insurance benefits, and dental benefits.

Specific Plan coverages, benefits, and eligibility requirements are determined by and may be found in the Summary Plan Document. Benefit information provided in this Personnel Manual is only summary information and not binding or controlling.

The City of Pekin also conducts an Annual Open Enrollment. During this period, employees are given the opportunity to update their insurance information and elections for the new year. Full-time employees must attend the Annual Open Enrollment.

4.3 CONTINUATION OF BENEFITS (COBRA)

The federal Consolidated Omnibus Reconciliation Act (COBRA) gives the employee and his/her qualified beneficiaries the opportunity to continue health insurance coverage under the employer's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events include termination of employment, death, certain leaves of absence, reduction in an employee's hours, divorce, legal separation, and a dependent child no longer meeting eligibility requirements.

A notification of health care continuation rights will be mailed to the employee at his or her last known address within the timeframe specified by law. If continued coverage is elected and the proper premium is paid and received within the designated time frame, there will be no break in coverage.

Employees should refer to the Continuation of Benefits (COBRA) section of the Plan document or the Summary Plan Description for a more thorough explanation of this subject. The information shown in this manual is only summary in nature.

IN ADDITION TO THOSE COBRA BENEFITS DESCRIBED OR REFERRED TO ABOVE, THE CITY HAS ADOPTED THE FOLLOWING:

- If an employee resigns or is terminated prior to retirement, the employee will only have the rights, if any, provided by federal and state law.
- If an employee retires under the retirement requirements of IMRF, Fire Pension or Police Pension, the employee and the employee's spouse may continue their health insurance at the employee's cost until the employee and spouse becomes eligible for Medicare.
- Employees should refer to their Summary Plan Description (SPD) for additional information regarding continuation of benefits when: an employee retires but dies before the employee becomes eligible for Medicare, if an employee who has successfully

completed his or her Introductory Period becomes disabled, and continuation under other scenarios.

4.4 RETIREMENT PLAN

Illinois State law requires participation in the Illinois Municipal Retirement Fund (IMRF) by employees who work in an IMRF qualified position. An IMRF qualified position is one that is intended to be over 1,000 hours per year. Currently, as a member of IMRF making contributions toward a Regular IMRF pension, employees contribute 4.5% of their salary (3.75% for the employee's pension and 0.75% for a surviving spouse pension).

IMRF contributions are tax deferred; employees do not pay either federal or Illinois income tax on the money used to make your contributions. IMRF benefits include retirement benefits, disability benefits, and death benefits. The benefits and provisions of the IMRF are governed by Illinois law and the plan is administered by IMRF. An IMRF Benefit Booklet which summarizes these and other IMRF benefits and the requirements to be eligible for those benefits is available at www.imrf.org.

Illinois state law requires participation in the Police Pension Fund or Fire Pension Fund for those individuals who work as a fire fighter or sworn police officer. Employee contributions, through payroll deduction, are set by the Illinois Pension Code, and change periodically.

4.5 SECTION 125 FLEXIBLE SPENDING ACCOUNT

The City provides employees with the opportunity to participate in a Section 125 Flexible Spending Account (FSA). Section 125 refers to the section of the IRS Code that allows eligible employees to deduct pre-tax dollars for qualified expenses under the health plan and for child care.

4.6 ADDITIONAL VOLUNTARY BENEFITS

Employees may choose to purchase additional benefits on a voluntary basis. These currently include Long-Term Care, Cancer, additional life insurance, and a 457 Deferred Compensation plan. Other plans are available from time to time. It is each employee's responsibility to contact the insurance broker directly to discuss these coverages. The City provides employees with the opportunity to participate in a Retirement Health Savings Account (RHSA). With the RHSA, participating employees can pay for qualified out of pocket expenses (medical, dental, vision, etc.) on a pretax basis with deductions taken directly from the employee's paycheck. All premiums (costs) are paid by the employee. Payroll deduction may be utilized on approved programs. Information about what is available and who to contact may be obtained from the Human Resources Department.

4.7 WELLNESS PROGRAMS

In addition to the Employee Assistance Program, employees are encouraged to participate in various other City-sponsored Wellness Programs and activities that are designed to maintain or improve employee health. The City sponsors programs from time to time to educate employees and encourage healthy behavior through participation in our annual health fair, smoking cessation, general athletic club membership, and other programs.

4.8 VACATION (ANNUAL LEAVE)

The City provides vacation benefits to eligible regular full-time employees for time away from work for rest, relaxation, or for personal needs. Vacations are accrued (earned) based on the employee's anniversary date, and are scheduled during the calendar year in the period in which they were earned.

In those years the employee progresses to a new level of benefit accrual (after completing 1, 5, 10 or 15 years of service), the additional week earned can be taken any time during the vacation year of the employee's anniversary date.

Vacation hours must normally be scheduled in advance with the approval of the department head. Approval is based on a number of factors, including the operating requirements of the department. Vacation hours will be paid based on the employee's base rate of pay at the time the vacation is taken.

Employees accrue vacation based on their anniversary date according to the following schedule (unless outlined differently in collective bargaining agreements):

1 Year of Completed Service	2 Weeks or 80 Hours
5 Years of Completed Service	3 Weeks or 120 Hours
10 Years of Completed Service	4 Weeks or 160 Hours
15 Years of Completed Service	5 Weeks or 200 Hours

New hires may request one week of their earned vacation hours after 6 months, with supervisor approval.

If an employee becomes ill while on vacation, he or she can use sick leave time instead of vacation if a statement from their doctor is provided to the department head.

Exempt employees will be reimbursed up to one week (40 hours) each year for unused vacation at a rate of one-half the value of the unused vacation.

Eligible employees who change status (full-time to part-time or vice-versa) may retain the vacation they have already accrued, however, no vacation hours will accrue while the employee is classified in part-time or any status other than full-time unless their collective bargaining agreement or contract states the contrary. If the employee does not plan to return to covered-status, they may wish to be paid for their accrued vacation benefit. Employees who retire or

whose employment otherwise terminates will be paid for all earned but unused, and pro-rated accrued vacation in accordance with Illinois law.

4.9 SICK PAY PLAN

The City provides regular full-time employees paid sick days to eligible employees who are temporarily absent due to their own illness or injury or the illness or injury of the employee's immediate family member. For the purpose of this policy, immediate family members consist of the employee's spouse, civil union partner, mother, father, brother, sister, mother-in-law, father-in-law, child (adopted, biological or step), maternal and paternal grandparents.

Eligible employees earn 1 sick day per month (12 days per year) up to a maximum accrual of 240 days (1920 hours). Employees covered by collective bargaining agreements should refer to the respective contract or written agreement language. Accumulated sick leave will not be paid when an employee changes from a benefit eligible classification status, or upon termination of employment.

Employees must notify their immediate supervisor of all sick leave absences, regardless of the expected length of the absence, before the scheduled start of their workday, if possible, or as soon as possible. Extenuating circumstances will be taken into consideration. Employees are to inform their supervisor of their impending absence, the best estimate of the expected length of the absence, and the reason for the absence. Employees must notify their supervisor for each additional day of absence under this policy.

Department heads may require a physician's certification of the need to take sick leave. Employees who are absent for three or more consecutive days must provide a physician's certification to return to work. Return to work certification may also be requested for absences of less than three days. Failure to provide such certification may be the basis for denial of sick leave and the equivalent reduction in pay for the time absent from work when applicable.

Abuse of the sick leave policy in any manner including but not limited to: failure to take sick leave when needed, taking sick leave for purposes other than its intended use, and/or falsifying illness or injury shall be the basis for disciplinary action up to and including termination.

4.10 SICK PAY UPON RETIREMENT

Upon retirement, up to a maximum of 240 sick days (1,920 hours) can be used to pay for City of Pekin group health insurance premiums and/or to extend IMRF service credit for up to one (1) year. An employee's sick time balance at retirement will be computed at their current hourly rate (unless otherwise noted in a contract or collective bargaining agreement) and placed in a City of Pekin account. Such account shall not bear interest and shall expire upon depletion of the sick leave value placed therein.

The value of this computation can be used exclusively to pay for:

- (1) City of Pekin group health insurance premiums;
- (2) to extend IMRF service time for up to one year; or

- (3) any combination of these two options, as long as the total hours used does not exceed 240 days, or 1,920 hours.

Upon the death of a retired employee who was using his or her sick time monies to pay for health insurance, his or her spouse may use the balance of any sick time monies to pay for health insurance premiums until exhausted

4.11 HOLIDAYS

The City provides non-exempt employees holiday pay upon hire. The City-recognized Holidays are:

- New Year's Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day / Day after Thanksgiving
- Christmas Day

Holidays falling on a Saturday are normally recognized on the Friday before, and holidays falling on a Sunday are recognized on the following Monday.

All non-exempt employees who must work on a designated holiday, or on the day the holiday is recognized, will receive double their normal rate of pay for any holiday hours worked, or as outlined in collective bargaining agreements. All non-exempt employees required to take off on the day a holiday is recognized, and for which they would otherwise normally be scheduled to work, will receive regular pay (base pay) for the holiday.

If a recognized holiday falls during an eligible employee's leave of absence from work or during a period of sick leave, the employee will be eligible for holiday pay. If the holiday falls during an employee's approved vacation time, holiday pay will be paid. If an employee calls in sick the day before or the day after a recognized holiday without prior authorization from the supervisor or department, the employee will not be eligible for holiday pay unless otherwise required by law.

Exempt employees receive the same salary they would have received for the week had the holiday not occurred. This is the case regardless of whether or not they worked on a holiday.

4.12 OVERTIME

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime. When possible, advance notification of these mandatory assignments will be provided. Overtime work must be authorized in advance by the employee's supervisor.

Overtime compensation will be paid to all NONEXEMPT employees at one and one-half times the employee's regular hourly rate of pay for hours worked in excess of 40 in any workweek. Sick time will not be considered hours worked for the purpose of calculating overtime pay. Vacation time, personal days, and holidays shall be considered as hours worked for the purpose of computing overtime.

Employees who do not work scheduled overtime or who work overtime without prior approval are subject to discipline.

4.13 PERSONAL DAYS

The City of Pekin grants its regular full-time employees two paid days each calendar year for personal time. These days require the prior approval of the supervisor or department head and may be taken to observe a religious holiday or to conduct personal business. Personal days are not cumulative from year to year and no compensation will be paid for unused time. Personal days may be taken in half-day increments if approved by the department head.

4.14 WORKERS COMPENSATION INSURANCE

The City carries and pays the full cost for workers compensation insurance for the benefit of employees who incur injury or illness arising out of and in the course of employment with the City, in accordance with applicable law.

Employees who sustain a work related injury or illness, no matter how minor, must ***immediately*** report it to the Risk Manager and to the employee's immediate supervisor, if available, or to a supervisor on duty at the time the injury happened. The supervisor is to be informed about how the injury happened, the nature of the injury, time of the incident, and if and where the employee is going for treatment.

When the illness or injury arises out of or in the course of the performance of the employee's duties, the employee is to be sent to the City Physician immediately, if it is not an emergency. In the case of an emergency, the employee should go, or be taken, to the nearest available clinic or hospital emergency room depending on the severity and/or time the action is taken. All employees involved in a work-related accident are required to undergo drug and alcohol testing immediately after the accident without any deviation from the location of the accident to the designated physician's facility.

If the injury or illness is deemed compensable under the Illinois Workers' Compensation Act, the City will pay for necessary first aid, medical and surgical services thereafter, limited, however, to that which is reasonably required to cure or relieve the effects of the accident or injury, in accordance with applicable law.

Eligibility: This coverage is provided to all employees, and paid for by the City.

Neither the City, nor the insurance carrier, will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the City.

4.15 BEREAVEMENT LEAVE

Employees may be granted up to three (3) working days off with pay to make arrangements for and/or attend the funeral of a member of his/her immediate family. Immediate family includes spouse, civil union partner, parent, natural or adoptive child, brother, sister, grandparent, grandchild, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, or legal guardian. Funerals of “step” relatives of the same relationship may be approved.

4.16 EMPLOYEE ASSISTANCE PROGRAM (EAP)

The Employee Assistance Program (EAP) is a confidential service designed to help employees resolve personal and workplace problems that have the potential of affecting job performance and personal well being. Any employee or member of their immediate family may contact the designated EAP counselors, on a confidential basis and at no cost to the employee for up to six visits per year, to seek evaluation and help to deal with the employee’s personal problems including, but not limited to: marriage and family problems, excessive stress at work or home, alcohol, drug and other dependencies, financial issues, etc. Contact the Human Resources Director or your Department Head for more information.

5. TIME KEEPING and PAYROLL

5.1 TIME KEEPING

Accurately recording time worked is the responsibility of every employee. Federal and state laws require the City to keep an accurate record of time worked in order to calculate employee pay and benefits. “Time worked” is all the time actually spent on the job performing assigned duties. Full-Time employees, regardless of exempt status, are expected to work 40 hours per week by either their presence or by using benefit hours to complete the 40 hours.

All employees, regardless of status, must accurately record each day’s time on their time sheet. All other time is to be documented with an explanation on the time sheet. Employees are required to sign their time sheet if they do not electronically record the time themselves, and by signing, certify to the accuracy of the records submitted. All employees are to be given copies of their time sheet upon request. No employee may record or sign another employee’s time record under any circumstances. Overtime work must always be approved by the immediate supervisor before it is performed.

Since worked hours are recorded to the nearest quarter hour, hourly employees should begin their workday no more than seven (7) minutes prior to their scheduled starting time or continue working more than seven (7) minutes after their scheduled stop time without expressed, prior authorization from their supervisor.

Altering, falsifying, tampering with time records, or recording time in a deceiving manner in order to receive pay inappropriately may result in disciplinary action including, but not limited to, termination of employment.

5.2 PAYROLL PERIODS

The pay period consists of fourteen (14) consecutive days beginning with the first shift on Sunday and ending with the last shift on the second Saturday. Starting and ending times of shifts may vary depending on the job assignment.

All employees are paid bi-weekly (every other week) and paychecks are normally distributed on the Friday following the end of the pay period. A designated employee from each department will be allowed to pick up paychecks for their department. The bi-weekly pay schedule is made up of twenty-six (26) pay periods per year. Changes will be made and announced in advance whenever the City's holidays or closings interfere with the normal pay schedule. The City offers the convenience of direct deposit. The employees are encouraged to participate in this benefit.

5.3 PAY CORRECTIONS

The City takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck. The City prohibits improper deductions from employee paychecks. In the event that there is an error in the amount of pay (including any improper deduction) employees should promptly notify the finance department so that corrections can be made as quickly as possible.

6. WORK CONDITIONS and HOURS

6.1 SAFETY

Overview

Safety is a top priority for the City and we are committed to maintaining a safe and healthful work environment for employees. To assist in providing a safe work environment, the City has established a workplace safety program. The City Safety Committee is comprised of representatives from various City departments. Goals of the safety committee include developing, implementing, monitoring, and evaluating safety and emergency procedures. Safety Committee members hold 2-year staggered terms. Its success depends on the alertness and personal commitment of all employees.

The City provides information to employees about workplace safety issues through regular internal communication channels. Employees also receive periodic workplace safety training. The training covers potential safety hazards and safe work practices and procedures to eliminate or minimize hazards.

Some of the best safety improvement ideas come from employees. Employees with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with

the City's Safety Committee or their department head. Reports of workplace safety issues may be made anonymously if the employee wishes. All reports can be made without fear of retaliation. The Safety Committee has in place a Safety Suggestion Program.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must use safety equipment whenever the job requires. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

Safety Policy

The City has a formal Safety Manual which is attached to and a part of this Personnel Manual. It also recognizes individual departments have unique issues and safety needs and may have their own department-specific policies in place. Employees shall refer to and familiarize themselves with both the City Safety Manual and those policies put into place within their respective departments.

Your job may have additional safety guidelines which are established for your protection, and the protection of others. If so, you will be required to know and follow them carefully. Any questions regarding safety guidelines should be directed to your supervisor, department head, or the City Manager.

6.2 INCLEMENT WEATHER

All employees are expected to report to work during inclement weather conditions. However, if weather conditions are extreme and travel to work would present a safety concern, employees should contact their immediate supervisor. Depending on your job duties, or other circumstances, your supervisor may send a city vehicle to pick you up or give you the option of remaining at home. Employees choosing to remain at home will be paid for the day using benefit time, i.e. vacation, sick, personal, or comp time, if available.

On occasion, bad weather occurs during the day after you have arrived at work. Depending on your job duties, or other circumstances, and if approved by the City Manager, employees may be sent home with the option of using comp time, vacation, or personal time, if available, for remaining hours of the work day. Employees who choose to remain at work will be paid their normal rate of pay for that day.

6.2 (a) EMERGENCY CLOSINGS

In the event an emergency (such as power failure) disrupts City operations, City administration will make every effort to open City facilities and offices to the public and employees. In extreme cases, such circumstances may require a delay in opening a facility or the closing of a work facility. Critical City operations and services may be required to maintain a minimum

level of staffing during adverse weather or emergency conditions when other employees are not required to report to work.

6.3 WORK SCHEDULES

Work schedules for employees may vary due to the needs of the City and each Department. Department heads will establish, subject to approval of the City Manager, the working schedule for employees within their department, unless otherwise outlined in a collective bargaining agreement.

Department Heads shall have authority to vary the working hours for employees to meet operational needs of the department and, when possible and appropriate, meet employee needs, so long as it does not create overtime or other unnecessary expense, or unduly disrupt operations. Any change in a work schedule desired by an employee must be approved by his/her department head.

Staffing needs and operational demands may necessitate changes in starting and ending times, as well as variations in the total hours that may be scheduled each day and week. The standard work week, for all full-time employees, is forty (40) hours from the first shift on Sunday to the last shift on Saturday, as scheduled by the respective supervisors. Some employees may be scheduled to work less than the standard forty hours. Salaried and management personnel shall spend the time necessary to properly perform their duties and responsibilities, but shall work a minimum of forty (40) hours.

6.4 EMPLOYEE MEETINGS and TRAINING

All employees, as a condition of employment, must attend scheduled orientation and training sessions as assigned.

Periodic employee meetings scheduled by management provide an opportunity to inform employees of the City policies, provide training, and to disseminate information. It also provides the employee an opportunity to express his or her views and make contributions for improvements.

All meetings and seminars will be classified as either optional or mandatory. Mandatory meetings are considered to be important to the employees as well as to the City, and are considered as hours worked for pay and overtime purposes. Failure to attend mandatory meetings will result in disciplinary actions similar to other violations of City policies. Optional meetings are highly encouraged, but no disciplinary action will be taken as a result of not attending.

6.5 CONFERENCE AND MEETING EXPENSES

The City Manager or Department Heads may approve travel to conferences and meetings for persons in their departments to represent the City, and are responsible to approve all such related expenses in accordance with departmental budgets and established policy and procedure.

The City will only pay out of town expenses as defined in this policy for those conferences and meetings that are determined to be advantageous to the conduct of City business and according to Internal Revenue Service regulations and policies. Employees are encouraged to travel together when more than one individual is attending the same event in order to reduce costs.

Transportation: It is expected that the shortest and most direct route and the least expensive method of transportation will be used. If air travel is selected, it will be at coach-class fare. The City will pay the cost of round trip air fare, the cost of employee travel to and from the employee's home and the air terminal, the cost of employee parking at the air terminal, and the cost of transportation to and from the point of arrival/departure and the conference/meeting center. If private vehicle is used for travel, the transportation allowance shall be at the current allowable Internal Revenue Service rate. If a city-owned vehicle is used, there will be no allowance except for out-of-pocket operating expenses, such as re-fueling while on the trip. When feasible, employees are expected to car pool on out-of-town travel. A City vehicle shall be used for local travel when at all possible.

Lodging: The City will pay for conference and meeting-related out-of-town lodging. Employees are expected to stay at the conference center hotel/motel, any hotels/motels affiliated with the conference, or at a hotel/motel with rates not in excess of the conference hotel/motel. Whenever appropriate, employees are encouraged to share rooms in order to save on travel expenses.

When the event is more than 120 miles from the City of Pekin, the City will pay for lodging on the evening before a conference only when the conference is scheduled to begin before noon the following day. Similarly, the City will pay for lodging on the evening of a conference when the conference ends after 5:00 p.m. when the event is more than 120 miles from the City of Pekin.

Meals and Incidental Expenses: Reimbursement shall be made for the reasonable cost of meals and incidental expenses. The City shall establish from time to time the maximum allowance per day for meals and incidental expenses in accordance with IRS specifications. Meal reimbursements will only be made for meals during regular business hours and when the employee is 50 miles away from his or her normal work location. Employees are expected to use discretion in meal reimbursement. In general, breakfast is only reimbursable if the employee's travel time necessarily begins before 7:00am.; lunch is only reimbursable if the employee is necessarily travelling during normal lunch hours. Dinner is only reimbursable if the employee's actual departure time to the event is before 5:00pm or the employee's return time is after 6:30 pm. In other words, if the employee has a reasonable opportunity to eat breakfast before travel begins, breakfast is not reimbursable.

Reimbursements will only be made for actual expenses incurred. Incidental expenses shall be defined as: local taxi fares for transport to and from meeting, business telephone calls, local parking, tolls, and tips. Tipping shall not exceed 20%. Car rental expenses related to meeting or business purposes may be approved if unusual situations so require such rental.

Conference Expenses: The City will pay for all necessary conference fees, registration, and materials charges, in accordance with IRS limits.

Procedures: Travel, lodging , and registration arrangements must be made as far in advance as possible, and at least two weeks in advance, to allow for securing the lowest rates and obtaining

the required approval from the Department Head or City Manger. No travel expenses shall be reimbursed without receipts. Certain situations may require prior approval of the City Manager. Employees must submit a completed expense form with receipts within 14 days of the employees return.

Travel advances and per diem checks may be made on the regular bill runs, by approval of the responsible Department Head, to cover estimated expenses of the travel; reconciliation of the advance with the actual expense receipts shall take place within 310 days after the travel is completed, by submittal to the Department Head and the Finance Department for the accounting of actual travel expenses; including receipts for all expenses. If an employee has received cash in advance, and total expenses are less than the amount of the advance, a check in the amount of the difference must be submitted to the Finance Department within 10 business days of return from trip.

6.6 CORPORATE CARD PROGRAM

The purpose of the City's Corporate Card Program is to establish a more efficient, cost-effective method of purchasing and paying for small dollar transactions. The program is designed, in part, to replace department purchase orders, and eliminate the use of petty cash fund reimbursements for small dollar purchases including office supplies, subscriptions, computer software and accessories, certain maintenance and repair materials, and other petty cash type items.

Cardholder Use Only – The Corporate Card may be used only by the employee to whom the card has been issued or employees who have been authorized to do so. The cardholder is responsible and accountable for all transactions that occur on his or her card. The cardholder may be held personally responsible for unauthorized or inappropriate charges.

City Purchases Only – The Corporate Card is to be used for City-authorized purchases only. The Corporate Card cannot be used for any personal use and any such use will require immediate reimbursement and should only be the result of an extreme emergency and improper use will result in disciplinary action that may include termination of employment. When unauthorized purchases are inadvertently included on approved out-of-town travel expenses, the employee must immediately reimburse the City and provide a written explanation.

Spending Limits – The person using the card must attain his or her supervisor's approval for the purpose and estimated amount of purchase prior to use.

Prohibited Uses of Corporate Cards – The following types of items may **not** be purchased with a Corporate Card, regardless of the dollar amount:

- Cash advances.
- Telephone charges; except during travel, to be included in lodging charges.
- Any additional goods or services specifically restricted by the departments.
- Personal items.
- Unauthorized entertainment expenses.

Cardholders must review detailed Finance Department Corporate Card policies and procedures and sign the Cardholder Agreement form prior to receiving a Corporate Card.

6.7 MEAL AND BREAK PERIODS

Meal periods of not less than twenty (20) minutes duration are provided to all employees working a shift of at least seven (7) hours. Department heads will schedule meal periods to accommodate operating requirements. Break periods not to exceed fifteen (15) minutes per four hours worked may be scheduled or approved by department heads if needed and not disruptive to operations. Break times cannot be combined, and cannot be used for reporting late or leaving work early. Employees are expected to eat in the breakroom or other designated location rather than at their work location.

6.8 COMPENSATORY TIME OFF (COMP TIME)

Compensatory time for employees covered under collective bargaining agreements is governed by and described within the applicable agreements. However, the City provides compensatory time to non-exempt, non-union employees. When an employee who is eligible for compensatory time under this policy works in excess of 40 hours in a workweek, the employee is eligible to be paid at the rate of one and one-half times their regular hourly rate of pay or for compensatory time off at a rate of one and one-half hours for each hour of overtime.

Regular full-time non-exempt, non-union employees may accrue up to forty (40) hours at time and one-half (60 hours total). Each individual employee is responsible for maintaining written accrual and utilization records on their time sheet in accordance with the terms of this policy.

Employees may use accrued compensatory time within a reasonable period after making the request as long as the absence does not unduly disrupt the operations of the department. It is anticipated by the City that compensatory time will be used for personal commitments, rest and recuperation after particularly heavy work-loads or allow for additional time in conjunction with scheduled vacation time. It is not to be used on Mondays and Fridays to extend the weekend or immediately before or after a holiday without department head or City Manager approval. Factors that will be considered include staffing and operational demands.

Non-union employees will not be compensated, either during or upon separation of employment from the City, for any accumulated but unused compensatory time. Exempt employees are not eligible for compensatory time.

7.0 UNPAID LEAVES OF ABSENCE

7.1 PERSONAL LEAVE OF ABSENCE

The City will consider requests for personal leaves of absence from regular full-time and regular part-time employees who have at least twelve (12) months of continuous service. The City provides personal leave of absence in certain circumstances not covered by FMLA or other City

leave policy. Requests are granted based on the nature of the request and the service needs of the City. Leaves of absence under this policy are unpaid.

Eligible employees may request a leaves of absence for a period of up to twelve (12) weeks. Employees must submit a request for leave of absence at least 30 days in advance, whenever the need for leave is foreseeable. If the need for leave is not foreseeable, employees must request leave as soon in advance as practicable.

Personal leave itself is unpaid. However, City policy requires employees to first use their available paid time off (vacation, sick leave, compensation time, etc., as applicable) during the FMLA leave period. When an employee has taken all available accrued paid leave, any additional leave under this policy will be unpaid. Paid sick leave is not available under circumstances in which the employee is not otherwise eligible for such leave.

Employees on leave of absence under this policy are prohibited from engaging in outside or supplemental employment.

Benefit accruals, such as vacation and sick time, will be suspended during any unpaid portion of leave under this policy and will resume upon return to active employment.

So that an employee's return to work can be properly scheduled, an employee on leave must, whenever possible, provide his or her supervisor with at least two weeks advance notice of the date he or she intends to return to work.

When a leave ends, the employee will normally be reinstated to the same position, if it is available, or to a similar position for which the employee is qualified. However, approval leave does not guarantee reinstatement in all cases. If another position is not found for the employee within thirty (30) days from the date the leave expires, the employee's employment will be terminated. If an employee fails to report to work promptly at the end of the approved leave, the employee is considered to have voluntarily resigned unless otherwise protected by applicable law.

Please note that the eligibility and other requirements and limitations do not apply to an employee's request for reasonable accommodation under the ADA. Employees in need of leave as reasonable accommodation under the ADA for a medical condition may make such a request regardless of their length of service, employment category, or other requirement of this policy. See Reasonable Accommodation policy.

7.2 MILITARY LEAVE

A military leave of absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and applicable state law. Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable. Employees on military leave must apply for reinstatement in accordance with USERRA and all applicable state laws.

Differential pay may be granted for military leave greater than two weeks. Employees may use their available vacation, personal, or compensatory time while absent for service under this policy.

7.3 EDUCATIONAL LEAVE & FINANCIAL ASSISTANCE

The City encourages employees to continue their education and professional development whenever possible. Employees should take advantage of worthwhile educational opportunities to help improve job performance in their current positions. Employees may request leave and financial assistance for courses of study that the City determines are directly related to the employee's present job or that will enhance the employee's potential for advancement to a position within the City and to which the employee has a reasonable expectation of advancing. Factors the City will consider in approving courses include the nature and purpose of the course of study, the benefits of the course to the employee and the City, the employee's current position and length of service, and cost.

Employees may request a leave of absence without pay for educational purposes for up to 12 months duration when absence from work is needed to attend classes at a junior college, college, or trade school. All educational leave requests must be approved in advance by recommendation by the department head and approval by the City Manager. The Human Resources Director should be contacted regarding how seniority, health insurance, vacation, and other benefits are affected during and after the leave of absence.

All employees seeking reimbursement must be pre-approved under the Tuition Reimbursement Policy. The Tuition Reimbursement Policy is available through the Human Resources Department. Approved employees are eligible for reimbursement according to the Tuition Reimbursement Policy available in the Human Resources Department. The maximum reimbursement for tuition is limited to the current tuition rate per hour for courses at University of Illinois-Springfield.

Department heads or the City Manager may approve time off for employees to attend approved workshops or seminars to improve job performance or prepare for advancement or promotion opportunities. Time off for these purposes can be with or without pay depending on the program content, and fees may be reimbursed depending on the availability of budgeted dollars.

While educational leave and financial assistance are expected to enhance and employees' performance and professional abilities, the City cannot guarantee that participation in formal education will entitle the employee to automatic advancement, a different job assignment, or pay increase.

7.4 FAMILY AND MEDICAL LEAVE

Eligible employees may take up to 12 workweeks of unpaid FMLA leave in a consecutive 12-month period (rolling year) for specified family and medical reasons. Employees may take up to 26 weeks of military caregiver leave to care for a covered servicemember with a serious injury or illness, in accordance with FMLA.

Eligibility

Employees are eligible if they have worked for a covered employer for at least 12 months, has worked 1,250 hours over the previous 12 months, and is employed at a worksite with at least 50 employees within 75 miles of that worksite.

Conditions Triggering Leave

Eligible employees may take 12-weeks unpaid FMLA leave during the leave year for one or more of the following reasons:

- For incapacity due to pregnancy, prenatal medical care, or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care (leave must be taken during the 12-month period following the birth or placement, and must be taken in a single consecutive period and may not be taken intermittently or on a reduced schedule);
- To care for the employee's spouse, son or daughter, or parent of the employee, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job; or
- Any qualifying exigency.

Federal law specifies employee eligibility for leave and provides certain limitations and conditions. Spouses who both work for the City may only take a combined total of twelve (12) weeks for the birth or placement of a child. However, each employee may use the remainder of his/her individual FMLA leave for other allowable reasons.

Definition of Serious Health Condition

For the purposes of this policy, a serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Military Family Leave

Qualifying Exigency Leave Eligible employees may take up to 12 weeks of FMLA leave for certain qualifying exigencies arising out of the fact that a spouse, son, daughter, or parent of the employee is on covered active duty or call to active duty status. Qualifying exigencies may

include short-notice deployment (up to 7 days of leave); attending certain military events; arranging for alternative childcare; addressing certain financial and legal arrangements; periods of rest and recuperation for the servicemember (up to 5 days of leave); attending certain counseling sessions; attending post-deployment activities (available for up to 90 days after the termination of the covered servicemember's covered active duty status; other activities arising out of the servicemember's covered active duty or call to active duty and agreed upon by the City and the employee.

Leave to Care for a Covered Servicemember FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. A covered service member is also a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness or who was a member of the Armed Forces (including the National Guard or reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

For leave under this section, a "serious injury or illness" is defined as:

- (1) For a member of the Armed Forces (including a member of the National Guard or Reserves), an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or that existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; or
- (2) For a veteran who was a covered servicemember of the Armed Forces (including a member of the National Guard or Reserves), an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or that existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

Spouses who both work for the City may only take a combined total of 26 weeks in a single 12-month period to care for a covered servicemember.

Calculation of FMLA Leave

Eligible employees may receive up to 12 workweeks of unpaid leave during any "rolling" 12-month period, measured backward from the date of any FMLA leave. FMLA leave for the birth or placement of a child for adoption or foster care must be concluded within 12 months of the birth or placement of the child.

Intermittent Leave

Eligible employees may take FMLA intermittently or on a reduced hour basis when medically necessary for the employee's own or immediate family member's serious health condition. Leave due to qualifying exigencies and to care for a covered servicemember with a serious illness or injury may also be taken on an intermittent basis. Intermittent leave is not permitted for birth of a child, to care for a newly born child, or for placement of a child for adoption or foster care.

Where an employee requests intermittent leave or leave on a reduced hours basis due to an immediate family member's or the employee's own serious health condition, the City has the option, in its sole discretion, to require the employee to transfer to a temporary alternative job (with equivalent pay and benefits) for which the employee is qualified and which better accommodates the intermittent leave or reduced hours leave than the employee's regular job.

Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the City's operations.

Use of Accrued Paid Leave

FMLA leave itself is unpaid. However, City policy requires employees to first use their available paid time off (vacation, sick leave, etc., as applicable) during the FMLA leave period. When an employee has taken all available accrued paid leave, any additional leave under this policy will be unpaid. Paid sick leave is not available under circumstances in which the employee is not otherwise eligible for such leave.

Outside Employment

Employees on leave of absence under this policy are prohibited from engaging in outside or supplemental employment.

Requesting Leave

To request FMLA leave, employees must complete a Request for Leave form and submit it to the Human Resources Director.

Notification by Employee

When the need for leave is foreseeable (such as the birth or placement of a child and certain medical treatments), the employee must notify the City at least 30 days in advance of the requested leave. When 30 days' notice is not possible, the employee must give notice as soon as practicable (usually within 1 or 2 business days of learning of the need for leave). Failure to provide timely notification may result in delay or denial of leave.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated date when the leave would start and the duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting

the need for military family leave. Calling in “sick” is generally not sufficient. Employees also must inform the City if the requested leave is for a reason for which FMLA leave was previously taken or certified.

Certification

If the employee is requesting leave due to the employee’s own or a covered family member’s serious health condition, employees are required to provide a certification and periodic recertification from a health care provider supporting the need for leave. The employee must provide a copy of the certification in a timely manner (fifteen calendar days after leave is requested). All appropriate information must be provided on the certification. Under certain circumstances, the City may require second or third medical opinions and periodic recertifications. Failure to comply with these requirements may result in delay or denial of leave.

Employees may be required to provide a fitness-for-duty certification before returning to work.

Benefits

Employees taking leave under this policy who participate in the City’s group health plan may continue coverage under the plan on the same terms as if they had continued work, with the City paying its portion of the premiums and the employee paying his or her portion. If paid leave is substituted for unpaid leave, the City will deduct the employee’s portion of the group health insurance premiums through payroll deduction. If leave is unpaid, employees must pay his or her portion to the City prior to the first day of each month. If the employee’s share of the premium payment is more than 30 days late, loss of coverage may result.

If an employee fails to return to work from FMLA leave, the City reserves the right to recover reimbursement for the employer-paid portion of benefits coverage, unless the employee fails to return due to the continuation, recurrence, or onset of a serious health condition or circumstances beyond his or her control.

Return to Work

Upon returning from FMLA leave, most employees must be restored to their original position or to an equivalent position with equivalent pay, benefits, and other employment terms. Job restoration may be denied if the employee qualifies as a “key employee” (generally the highest paid 10% of the City’s workforce) and restoration would cause substantial and grievous economic injury to the City.

Questions

Questions about this policy should be directed to the Human Resources Director.

Limited Nature of This Policy

This policy is intended to provide only those leave benefits and protection required by the Family and Medical Leave Act and any applicable law.

7.5 VOTING

The City encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If an employee's work hours begin less than two hours after the opening of the polls and end less than two hours before the closing of the polls, the City will grant up to 2 1 hours paid time off to vote. Employees must request time off under this policy before the election day. Employee will be required to provide their receipt from the polling place. The City may schedule the hours during which the employee takes time off to vote under this policy.

7.6 VESSA LEAVE

The Illinois Victims' Economic Security and Safety Act (VESSA) provides that an employee who is a victim of domestic or sexual violence may take up to a total of 12 workweeks of leave during any 12-month period to address the sexual or domestic violence. Reasons for leave under this policy can include seeking medical care, counseling, victim services, safety planning, and legal assistance. Employees must provide at least 48 hours' notice of the need for leave under this policy, unless providing such notice is not practicable. Employees may be required to provide certification that the leave is for one of the purposes covered under VESSA. Employees who have any questions about VESSA leave should contact the Employee Benefits Coordinator.

7.7 SCHOOL VISITATION LEAVE

The City provides eligible employees who have exhausted all paid time off (except sick and disability) unpaid time off to attend school conferences and activities of their child. Under this policy, "child" includes biological, adopted, foster, stepchild of the employee, and/or legal wards of the employee.

To be eligible for leave under this policy, employees must have been employed by the City at least 6 months working at least half time. Employees must provide at least 7 days advance notice of the need for leave under this policy whenever possible. Employees must provide at least 24 hours notice in an emergency situation.

Employees may request up to 8 hours leave per school year under this policy. However, no more than 4 hours of school visitation leave may be taken in any one day. Upon return from the leave, employees must provide documentation to the Employee Benefits Coordinator or Department Head from the school verifying the date and time of the visit. Contact the Employee Benefits Coordinator for more information or questions about and requests for parental leave for school visits.

8. EMPLOYEE PERFORMANCE AND BEHAVIOR

8.1 EMPLOYEE CONDUCT AND WORK RULES

To ensure orderly operations and provide the best possible work environment, employees are expected to follow certain rules of conduct that will help protect the interests and safety of all employees and the City. While it is impossible to list every rule of conduct, the following are some examples. Violations of City work rules include, but are not limited to:

- Negligence or improper conduct leading to damage of property
- Theft or inappropriate removal or possession of property
- Falsification of records or statements, or deliberately using any type of misleading, inaccurate, or falsified records or statements (including employment application)
- Working under the influence of alcohol or illegal drugs
- Boisterous or disruptive activity
- Possession, distribution, sale, transfer, or use of alcohol, illegal drugs in the workplace, while on duty, or while operating City-owned vehicles
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
- Insubordination (including disobeying supervisor's instructions and disrespectful conduct)
- Inappropriate attire
- Violation of safety or health rules
- Smoking in prohibited areas
- Felony conviction
- Sexual and any other unlawful or unwelcome harassment
- Profanity
- Excessive tardiness, absenteeism, or any absence without notice
- Inappropriate use of telephones, mail system, electronic communications, computers, or any equipment
- Violence or threat of violence, bullying, intimidation, or any disorderly conduct
- Gambling
- Unsatisfactory performance or conduct
- Failure to obtain approval for overtime
- Improper use of Leave Time or other benefits
- Unauthorized disclosure of confidential information
- Unauthorized solicitation and/or distribution during work hours
- Failure to follow any other City rule or policy

Employees who engage in unacceptable or inappropriate behavior are subject to discipline, up to and including termination of employment. Discipline can include verbal warning, written warning, suspension with or without pay, and termination of employment. The City retains the right to use progressive discipline or not, as it deems appropriate in each instance.

8.2 USE OF CITY PROPERTY AND EQUIPMENT

Employees are responsible for all City property and equipment issued to them or in their possession or control. When using City equipment and property, employees are expected to use care and follow all operating instructions, safety standards, and guidelines. Employees must

immediately notify their supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damage, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. All employees must report to their immediate supervisor the loss of any City property/equipment that has been furnished to the individual.

City property may not be removed or used for personal use unless authorized by the City. Employees must return all City property immediately upon request or upon termination of employment. The improper, careless, negligent, destructive, or unsafe use or operation of City equipment can result in disciplinary action, up to and including termination of employment.

8.3 CITY VEHICLES AND DRIVING ON CITY BUSINESS

Any employee who drives a City vehicle is expected to treat it with care. Any employee who abuses a City vehicle through lack of care or unsafe or distracted driving will be subject to disciplinary action up to and including termination. In the event of an accident involving a City vehicle or while on City business, the employee must report all information immediately to their supervisor.

When driving a City vehicle or personal vehicle on City business, employees are prohibited from using cell phones and any other electronic equipment. Employees should safely pull off the road and come to a complete stop before dialing, talking, texting, or using any electronic equipment. Distracted driving is considered a serious offense and employees must be aware of their surroundings and their concentration levels at all times.

City vehicles are intended to be driven by the assigned employee or agent only of the City. Operators of City vehicles and anyone driving on City business must comply with all applicable motor vehicle laws and regulations, including laws governing cell phone use and use of electronic communications and equipment, and drivers must possess a valid driver's license. There shall be no unauthorized drivers or passengers in City vehicles.

All drivers and passengers in City vehicles are required to wear safety belts. City vehicles may not be driven for private use unless specific arrangements have been made in advance. Illegal drugs or chemicals are not allowed in a City vehicle at any time and no driver who has been drinking alcohol or is under the influence of alcohol, drugs, or chemicals is allowed to drive a City vehicle.

The improper, careless, negligent, or unsafe operation of City vehicles, as well as excessive or avoidable traffic and parking violations, loss of license and any other violation of this policy can result in disciplinary action, up to and including termination of employment.

Employees shall immediately report, in writing, all damage to the City vehicles and equipment, and file such reports which contain all known facts surrounding the cause and nature of the damage.

Employees should be aware that City vehicles may have GPS tracking devices and cameras recording driver and passenger activity.

8.4 WORKPLACE VIOLENCE PREVENTION

The City is committed to preventing workplace violence and to maintaining a safe work environment. All employees and public should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, “horseplay” or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from City premises without proper authorization.

Conduct that threatens, intimidates, or coerces another employee, or member of the public will not be tolerated. All threats of (or actual) violence, both direct and indirect, must be reported as soon as possible to your immediate supervisor or any other member of management. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, employees should be as specific and detailed as possible. All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril.

The City will promptly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. In order to maintain workplace safety and the integrity of its investigation, the City may suspend employees, either with or without pay, pending investigation.

8.5 DISCIPLINARY POLICY AND PROCESURES

POLICY:

VIOLATION OF THE CITY’S RULES OF CONDUCT, OR OF ANY OF THE POLICIES LISTED IN THIS MANUAL, MAY RESULT IN DISCIPLINARY ACTION, UP TO AND INCLUDING IMMEDIATE DISMISSAL, BASED UPON THE SEVERITY OF THE VIOLATION AND/OR OFFENSE AT ISSUE.

Supervisors are to provide direction and counseling about performance and conduct on the job routinely in the course of everyday conversation. The purpose of the constructive criticism process is to provide a way for the employee and his or her supervisor to solve problems in a positive, constructive manner. However, should an employee’s performance or conduct require extra discussion, the supervisor will arrange a private meeting with the employee to assure the employee is aware of the problem or issue, is trained and knows what is expected, no obstacles prevent the employee from doing what is expected, the employee has received adequate feedback of how his/her performance or conduct compares to expectations, and is aware of the consequences of non-compliance.

PROCEDURE:

1. When the conduct or ability of an employee is such that duties are not being performed satisfactorily or the supervisor’s expectations are not being met, and satisfactory improvement has not resulted from Constructive Criticism meetings, the supervisor shall record in detail the employee’s job performance issues on a Disciplinary Action Form. The supervisor shall specifically state the

unsatisfactory performance and the recommended action to be taken. A copy of any written disciplinary report shall be given to the employee with a copy placed in the employee's personnel file, and shall be signed by both the employee and the supervisor. A copy of any disciplinary report that includes suspension and/or dismissal shall be sent to the City Manager prior to the specific action being taken.

2. When a reprimand seems warranted, the supervisor shall meet with the employee, ascertain reasons for the act, and if warranted, reprimand the employee verbally or formally with a written Disciplinary Action Report. A note of any verbal reprimand shall be placed in the employee's personnel file.
3. Suspension is a temporary separation without pay. It is used for infractions not grave enough for dismissal. It is also used during the time an investigation is being conducted. If an investigation finds discipline unwarranted, the employee shall be returned to duty and paid for the time suspended. Suspensions may not be imposed without prior discussion with the City Manager.
4. Dismissal is discharge made for misconduct or other "for cause" issues, performance issues, "at will" terminations, or reductions in force due to changing business operations, and/or program modifications resulting in changes in personnel requirements.

8.6 GRIEVANCE PROCEDURE

In General – In most cases, employees are able to satisfactorily address workplace concerns with their supervisor, department head, or the Human Resources Director. Good relationships are easier to achieve in an open atmosphere where problems and opinions are discussed freely, frankly, and sincerely.

In the event an issue cannot be resolved on an informal basis, employees may utilize the following Grievance Procedure (if not covered by a collective bargaining agreement). Employees are afforded the right to express issues and complaints without fear of reprisal.

If the issue involves sexual or other harassment, or an issue involving employee or public safety, or as required by law, employees may bypass any or all steps in this policy and raise the issue directly with their supervisor, department head, Human Resources Director, or the City Manager.

Procedures – The following grievance procedure may be used by any employee who has a complaint:

Step 1: Employees can present the problem orally or in writing to his or her immediate supervisor. The supervisor will normally respond no later than the 14th calendar day after the complaint is made. If the supervisor does not respond within 14 days, or the

problem is not resolved to the employee's satisfaction, the complaint may proceed to Step 2.

Step 2: The employee shall submit his or her complaint in writing to their department head within five (5) working days of the supervisor's decision in Step 1. When circumstances warrant, the department head will investigate and evaluate the complaint and attempt to reach a settlement. The department head shall make his or her decision and discuss it with the employee no later than the 14th calendar day after the written complaint is received. If the employee fails to receive a reply in fourteen (14) calendar days, if a satisfactory settlement cannot be reached, or if grounds for settlement are not within the scope of the department head's authority, the complaint can proceed to Step 3.

Step 3: The employee shall submit his or her complaint in writing to the Human Resources Director. When circumstances warrant, a thorough investigation will be conducted and a conference will be scheduled among the employee, his or her immediate supervisor and/or department head, and the City Manager. A ruling on the matter will be delivered in writing to the employee within fourteen (14) calendar days following the conference, and the decision of the City Manager shall be final and binding.

Time Limits: A complaint may not be considered under the Procedure if the time elapsed between its occurrence and the initial discussion with the supervisor equals or exceeds thirty (30) calendar days.

An employee wishing to appeal a decision rendered at any of the steps must do so within three (3) working days after notification of the decision. Should three (3) working days pass without notification by the employee of his or her intentions to appeal, the matter shall be considered settled.

In cases that require extensive investigation, time limits specified in the steps may be extended at the City's discretion.

8.7 THEFT AND FRAUDULENT ACTIVITIES POLICY

Any employee who has reason to believe theft, fraudulent activity, or other illegal act has occurred (or may occur) in conjunction with any City department, function, or activity shall immediately report it to the Human Resources Director or their department head.

Fraudulent transactions and other acts covered under this policy may include but are not limited to: misappropriation of City funds, theft of the City property, or falsification of records or reports, waste, or abuse of funds, property, or other resources.

Employees must cooperate fully with those performing investigations pursuant to this policy. Employees found to have participated in any fraudulent act or other activity in violation of this policy will be subject to disciplinary action up to and including termination from employment. In addition, criminal or civil actions may be taken against employees who participate in such acts.

For the purpose of this policy, fraud shall be defined to include: The intentional deception by an individual or individuals, either internal or external to the City, which could result in a tangible or intangible benefit to themselves, others, or the City, or could cause detriment to others or the City. Fraud includes a false representation of a matter of fact, whether by words or by conduct, by false or misleading statements, or by concealment of that which should have been disclosed, which deceives and is intended to deceive.

8.8 E-MAIL AND INTERNET POLICY

The City of Pekin provides access to the information resources of the Internet and the use of E-Mail to help employees do their job and be a more productive employee. The facilities to provide that access represent a considerable commitment on the part of the City of Pekin. The following E-Mail and Internet policy is designed to help you understand our expectations, and to help you use those tools wisely.

The following guidelines are little more than good business practice. When applied to E-Mail and the Internet, these guidelines can help control the cost of the system and maximize its benefits for all the City of Pekin participants.

PURPOSE

The purpose of this policy is to establish an e-mail policy for all municipal employees, volunteers, appointees and elected officials that create, use, and manage e-mail as part of the transaction of business. Additionally, this policy will set forth some general guidelines as to what constitutes a “public record.”

INTENT

To establish guidelines that will promote the effective capture, management, and retention of e-mail messages which are public records in compliance with records retention requirements. This policy is not intended to discourage the use of e-mail to conduct municipal business, but rather to establish a framework for its proper use as a communications tool. E-mail can still function as a viable, efficient means to conduct municipal business. Consistency, predictability, and reliability in the manner in which the e-mail system is used and in which public records are maintained within the municipality, are the primary focuses of this policy.

POLICY

All municipal records should be inventoried and analyzed for administrative, legal, financial and historical values to ensure that:

1. Valuable records are adequately preserved; and
2. Non-records and obsolete records are destroyed in accord with authorized records retention schedules and after approval is received from the Local Records Commission.

SCOPE

This policy applies to all e-mail and attachments circulated within the municipality.

DEFINITIONS

- A. E-mail messages are text documents which are created, stored, and delivered in an electronic format. As such, e-mail messages are similar to other forms of communicated messages, such as correspondence, memoranda, and circular letters.
- B. Non-record messages are e-mail messages that do not set policy, establish guidelines or procedures, certify a transaction, or become a receipt. Rather, they are informal communications that are similar to communications during telephone conversations or conversations in an office hallway. Generally, non-record messages are short-lived, with no historical significance or public importance, and need not be retained after they have fulfilled their purpose. Examples include:
 - 1. Routine requests for information or publications which require no administrative action, policy decision, or special compilation or research, and copies of replies.
 - 2. Originating office copies of letters of transmittal that do not add any information to that contained in the transmitted material.
 - 3. Quasi-official notices including memoranda and other records that do not serve as the basis of official actions (i.e., holiday notices, meeting confirmations, etc.).
- C. Records retention schedules are listings of agency records and how long they must be retained.

APPROPRIATE USE

E-mail and Internet services are City of Pekin property, and they are to be used primarily to facilitate city business. The City recognizes that there may be occasions where it is necessary to use the systems for incidental personal purposes. This does not, however, allow for continuous use during lunch hours or break times. Reasonable use for personal purposes may be permitted. As always, use of E-mail and Internet services may be monitored, and abuse of non-work related use of the systems may result in a loss of access and/or disciplinary action.

ACCESS AND PRIVACY

Users should take note that the information generated on e-mail may be a public record subject to public inspection. There is no expectation of privacy when using the city's network.

RETENTION

Generally, e-mail messages are temporary communications which are non-vital and may be discarded routinely. However, depending on the content of the e-mail, it may be considered public record. Accordingly, employees have the same responsibilities for e-mail messages as

they do for any other public record and must distinguish between records and non-record information.

Non-record messages should be deleted from files as soon as they have fulfilled their purpose. These are records that are not required to be kept under law or whose preservation is not necessary or convenient to conduct municipal business. On the other hand, messages determined by users to be records should be properly preserved and disposed of as specified in the municipality's approved records retention schedule. Examples of messages considered to be records might include policy documents or contract related documents.

Messages and attachments shall be reviewed at minimum every 15 days and, if they are determined to be records, printed fully (including time, date, sender and receiver) and retained in paper format.

The IT Department shall delete all messages from the server thirty (30) days after they have been opened.

Factors to consider in deciding whether a document is a record are:

- 1) Is it in connection with the transaction of public business (this eliminates all e-mails which do not relate to public business, i.e., personal notes, etc.)?

- 2) Is it official documentary material (a draft of a letter vs. the letter itself)?

- 3) Is it FOIAable? For example, "preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated" need not be produced under FOIA, "except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body." Therefore, unless staff wishes to keep their preliminary drafts, notes, etc., there seems to be no point in keeping these documents and presumably they may be destroyed if paper or deleted if e-mail.

- 4) Is the material "appropriate for preservation by such agency or officer, or any successor thereof, as evidence of the organization, function, policies, decisions, procedures, or other activities thereof, or because of the informational data contained therein"? These would eliminate the necessity of keeping documents which do not reflect the official actions of the municipality, but rather the comments or actions of individuals which reflect not the policy of the municipality but the thought of the individual.

- 5) Does the document have any historical significance? Is the document evidence of the function, policies, decisions, procedures or other activities of the municipality or of just an individual?

- 6) Even if a document is a record it need not be kept forever. The LRA sets up timetables within which records may be destroyed. Each municipality should refer to its own Records Retention Schedule to determine how long a particular record must be retained. If a Records Retention Schedule does not yet exist, the Local Records Commission should be contacted by the municipality in order to gain assistance in:

- a. creating an inventory of the documents that exist within the municipality;
- b. determining the amount of time each category of records must be retained;
- c. obtaining approval of the retention periods assessed to each record.

Examples of potential records requested to be retained in a Records Retention Schedule, and their generally requested retention periods, include:

- E-mails considered public records -- 1 year
- Unsolicited applications for employment – 1 year
- Solicited applications for employment – 2 years
- FOIA requests and denials -- 2 years after the date of filing
- Lawsuits – 3 years following final settlement
- Bids – 10 years (successful), 3 years (unsuccessful)
- Annexation agreements, transcripts, plats, ordinances – permanently

7) Many e-mail documents rapidly become stale and do not reflect “function, policies, decisions, procedures, etc.” when a matter is finalized. Therefore, the municipality can simply keep the final document.

8) Are the records duplicative? Only one copy need be retained.

NOTE: A public record that is stored and accessible after this time is still a public record and must be produced upon request, if it does not fall within one of FOIA’s exemptions. Accordingly, a systematic deletion program that eliminates obsolete documents should be implemented in conjunction with the system administrator.

EXAMPLES OF E-MAILS THAT GENERALLY CONSTITUTE PUBLIC RECORDS

- E-mail created or received by municipal employees in connection with municipal business
- E-mail that facilitates action, such as initiating, authorizing or completing a transaction in connection with municipal business

EXAMPLES OF E-MAILS THAT GENERALLY DON’T CONSTITUTE PUBLIC RECORDS

- Personal e-mail messages and announcements not related to municipal business
- Copies or extracts of documents e-mailed for convenience or reference
- Internal e-mails created by employees on work-related topics which do not facilitate action (i.e., cover notes, etc.)

- E-mails containing drafts, notes or inter-office memoranda that are not retained by the municipality in the ordinary course of business

EXAMPLES OF E-MAILS THAT MAY CONSTITUTE PUBLIC RECORDS

- E-mail that provides substantive comments on an action taken by the municipality (i.e., comments add to a proper understanding of the execution of the final municipal action)
- E-mail providing documentation of significant official decisions and commitments reached orally and not otherwise documented in the municipality's files

RESPONDING TO FOIA REQUESTS

If an e-mail does fall within the definition of a public record it may not be deleted, except as provided in the municipality's record retention schedule. Further, these e-mails should be reviewed prior to release under FOIA so that any exempt information contained in them may be deleted or redacted. Finally, if the e-mail falls within one of the exemptions (i.e., protected by attorney-client privilege), it need not be produced.

If in doubt as to whether an e-mail message is a public record or contains exempt information, contact Corporation Counsel or City Clerk for clarification.

COPY OF RECORD

Where e-mail communication is between a sender and a recipient, the sender's copy is designated as the copy of record. In other words, it is the sender's copy to which any retention requirements should apply. All other copies are merely "duplicates" and can be disposed of at will. Cases where this principle does not apply include e-mail received from other agencies or from the public.

REVIEW

A periodic review of this policy shall be undertaken to keep the policy current with best practices and new technology.

ACCEPTABLE USES OF THE CITY OF PEKIN E-MAIL AND THE INTERNET

The City of Pekin encourages the use of the e-mail and the Internet because they make communication more efficient and effective. The City also encourages the use of telecommunications to explore occupational topics, conduct research, and contact others in the same job field throughout the country. The City anticipates that the systems will expedite the sharing of effective practices and lessons across the community and will help the City stay on the leading edge of practice by forming partnerships with others across the nation. E-Mail and Internet service are City of Pekin property, and they are to be used exclusively to facilitate city business. Every employee has a responsibility to maintain and enhance the City of Pekin's public image and to use e-mail and Internet access in a productive manner. Any unauthorized or improper use of e-mail or the Internet is not acceptable and will not be permitted.

UNACCEPTABLE USES OF THE CITY OF PEKIN E-MAIL AND THE INTERNET

City of Pekin e-mail and Internet access may not be used for transmitting, retrieving or storing any communications of a discriminatory or harassing nature or materials that are obscene or X-rated. Harassment of any kind is prohibited. (Refer to the City of Pekin Anti-Harassment policy). No messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, marital status, physical attributes or sexual orientation may be transmitted or forwarded using the City of Pekin system. No abusive, profane or offensive language may be transmitted through the City of Pekin's e-mail or Internet system. The City of Pekin's harassment policy applies in full to e-mail and Internet use. Employees do not have a personal privacy right regarding any matter created, received, stored or sent from or on the City of Pekin's e-mail or Internet system or computers.

The City of Pekin e-mail and Internet system also may not be used for any purpose that is illegal, against City policy or contrary to the City of Pekin's best interest. Solicitation of non City business or any use of the City of Pekin e-mail or Internet system for personal gain is prohibited.

RULES FOR ELECTRONIC COMMUNICATIONS

Each employee is responsible for the content of all text, audio or images that he or she places on or sends over the City of Pekin's e-mail or Internet system. Employees may not hide their identities or represent that any e-mail or other electronic communications were sent from someone else or from another business entity. Employees must include their name in all messages communicated on the City of Pekin's e-mail and Internet system.

Any messages or information sent by an employee to another individual outside the City of Pekin via the City of Pekin e-mail or Internet system (including bulletin boards, online services or Internet sites) are statements that reflect on the City of Pekin. Despite personal "disclaimers" in electronic messages, any statements may be tied to the City of Pekin. Any communication defaming another person, group or organization is strictly prohibited.

All communications sent by employees via the City of Pekin's e-mail or Internet system must comply with all policies and may not disclose any confidential or proprietary information relating to the City of Pekin.

If employees receive unsolicited e-mail from outside the City that appears to violate this policy, the employee should notify his or her supervisor immediately. Similarly, if any employee accidentally accesses an inappropriate web site in the normal course of business, the employee should notify his or her supervisor immediately.

DOWNLOADING SOFTWARE

To prevent the downloading of computer viruses that could contaminate the system, no employee may download software without prior authorization from his/her department head. If unsure, the department head should clear the request with the IT Department before authorization is granted. Any and all software that is downloaded must be registered with the City of Pekin.

COPYRIGHT AND TRADEMARK ISSUES

Copyrighted and trademarked material that does not belong to the City of Pekin may not be transmitted by employees on the City of Pekin's e-mail or Internet system without permission from the holder of the copyright or trademark. Every employee who obtains access to other companies' or individuals' materials must respect all copyrights and trademarks and may not copy, retrieve, modify or forward copyrighted materials, except with permission or as a single copy for reference only.

SYSTEM SECURITY

The City of Pekin reserves the right to monitor how employees use e-mail and the Internet. The City of Pekin will monitor e-mail messages, Internet use and other electronic files created by employees on a random basis, and where there is good cause for such monitoring or some legal obligation to do so. All messages created, sent or received over the City of Pekin's e-mail or Internet system are the City of Pekin's property and should not be considered private information. The City of Pekin reserves the right to access and monitor EVERY message and file on the e-mail or Internet system. Despite the existence of any passwords, employees should not assume that any electronic communication is private. Highly confidential information or data should be transmitted in other ways.

VIOLATIONS

Any employee who violates these rules or otherwise abuses the privilege of the City of Pekin's e-mail and Internet system will be subject to corrective action up to and including termination. If necessary, the City of Pekin also reserves the right to advise appropriate officials of any illegal activities.

8.9 SOCIAL MEDIA

The City recognizes the prevalence and importance of social media. Social media includes, but is not limited to, online forums, and social networking sites. The use of social media by City employees can become a problem, however, if it interferes with an employee's work, is used to harass coworkers, creates a hostile work environment, harms the goodwill or reputation of the City, or if it in any way adversely affects the City.

Employees are expected to use their professional judgment and take the most prudent action possible with regard to social media posts. If a City employee is uncertain about the appropriateness of a social media posting, he or she should refrain from making the post, or contact the Human Resources Director.

While it is not possible to list all inappropriate social media activity, following are some guidelines:

1. No City employee other than a designated spokesperson may speak on behalf of the City.

2. If an employee identifies himself or herself as a City employee or discusses matters related to the City on social media, the employee must make clear that he or she is an employee of the City and that the views posted are those of the person (the employee) alone and they do not represent the views of the City or any agency or department of the City. The employee must keep in mind that if information is posted in violation of City policy or any law, the disclaimer will not shield the employee from disciplinary action.
3. Unless given written consent by the City, an employee shall not use the City's logo or trademarks on any social media post.
4. All postings on social media must comply with the City's confidentiality, ethics, harassment, safety, and personnel policies. If an employee is unsure about the confidential nature of information the employee is considering for posting, the employee must first consult with their supervisor.
5. Employees shall not link any post to the City's website, nor shall an employee post City material, on a social media site without written permission from City Human Resources.

Violation of this policy may lead to discipline up to and including the immediate termination of employment.

8.10 ANTI-HARASSMENT POLICY AND COMPLAINT PROCEDURE

POLICY STATEMENT

The City is committed to providing a work environment free from unlawful discrimination and harassment. Discrimination or harassment of any kind based on sex, race, color, national origin, age, religion, disability, handicap, sexual orientation, protected veteran status, marital status, ancestry, order of protection status or any other legally protected characteristic is strictly prohibited. Actions, words, jokes, or comments based on any of these characteristics will not be tolerated.

Sexual harassment is one type of harassment that is prohibited. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Other conduct commonly considered to be sexual harassment includes:

- **VERBAL:** sexual innuendoes, suggestive comments, insults, humor and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside their presence, of a sexual nature.
- **NONVERBAL:** suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking", or "kissing" noises
- **VISUAL:** posters, signs, pin-ups or slogans of a sexual nature
- **PHYSICAL:** touching, unwelcome hugging or kissing, pinching, brushing the body, coerced sexual intercourse, or actual assault

PROCEDURES

If you believe you have been subject to or witness to sexual or other unlawful harassment, report it immediately to your supervisor, department head, or Director of Human Resources. Such conduct must be reported whether it occurs at or away from City facilities, during work hours or outside work hours, and whether committed by a City employee or by another person the employee encounters as part of employment by the City, such as a supplier.

Any supervisor or manager who becomes aware of possible sexual or other unlawful harassment must immediately report such information to the Human Resources Director or City Manager even if the employee has asked that no action be taken on the complaint.

Employees can make good faith reports and complaints of sexual or other harassment without fear of reprisal or retaliation. Retaliation by any person against an employee making such a report or complaint or participating in a related investigation is strictly prohibited and any such retaliation subjects an employee to disciplinary action, up to and including termination of employment.

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

All complaints of sexual or other harassment will be promptly and thoroughly investigated. To the extent possible, the City endeavors to maintain confidentiality of complaints and related investigation.

Any employee who has engaged in sexual or other unlawful harassment or otherwise violated this policy will be subject to disciplinary action, up to and including termination of employment.

The City hopes that any incident of sexual harassment can be resolved through the internal process outlined above. This policy, however, does not preclude any employee from filing a complaint

with an appropriate outside agency. Employees may choose to file a complaint of harassment with either of the following:

Illinois Department of Human Rights Commission	OR	Federal Equal Employment Opportunity
James R. Thompson Center		500 West Madison Street – Suite 2800
100 West Randolph Street, Suite 10-100		Chicago, Illinois 60661
(312) 814-6200		(312) 353-2713

8.11 DRUG AND ALCOHOL POLICY

The City is committed to providing a safe and healthy workplace and a work environment that promotes employee health and well-being and public confidence. The City expects all employees to report for work in a condition to perform their duties safely and satisfactorily. Employee involvement with drugs and alcohol can adversely affect job performance and employee morale, jeopardize employee and public safety, and undermine public confidence.

It is a violation of City policy for any employee to use, possess, manufacture, transport, distribute sell, trade, and/or offer for sale, illegal drugs or alcohol while on the City property or while representing or working for the City. Furthermore, any such conduct (as well as alcohol use) off-premises and/or during non-working hours that adversely affects or has the potential to adversely affect safety or performance is also prohibited. An employee found to be under the influence of alcohol or found to have a detectable concentration of an illegal drug while on duty or while representing the City is subject to termination.

Any employee convicted of any criminal offense involving alcohol or illegal drugs or other controlled substance in connection with or related to their employment with the City in any manner is required to notify their department head in writing of such conviction within five (5) days of the conviction. Failure to provide such notice will result in termination.

If an employee has knowledge of the presence or use of drugs, alcohol or other intoxicants or the presence or use of illegal drugs, alcohol or other intoxicants or controlled substance on City property or in City equipment or vehicle, that employee is required to report such presence as well.

Employees may be required to submit to blood, urine or other diagnostic tests to detect alcohol or drugs in their system. Testing that may be required includes the following:

1. **Post-Offer/Pre-Employment.** The City requires employees who have been extended a conditional offer of employment to undergo a drug and alcohol test. Individuals subject to this testing who refuse to take a test or who test positive will not be eligible for employment with the City.
2. **Post Accident.** When an employee is involved in an on-the-job accident, he or she may be required to undergo a drug and alcohol test. An “accident” includes an incident that results in death or bodily injury to an individual requiring medical treatment away from

the scene of the accident; any incident resulting in damage to property; and any serious or potentially serious incident, including near misses, in which safety precautions were violated or unusually careless acts were performed. Testing shall occur as soon as possible after the accident; however, nothing in this policy shall be construed to require the delay or necessary medical attention for the injured following the accident. Each employee whose performance could have contributed to the accident is subject to testing.

3. Reasonable Suspicion Testing. When an employee's supervisor or other supervisor has reason to believe an employee on City property or during work hours is using or is under the influence of prohibited drugs or alcohol, or that there has been a violation of this policy, the employee may be required to undergo a drug and alcohol test.

If an initial screening test indicates a positive finding, a confirmation test will be conducted. Any employee who refuses to submit to testing under this policy is subject to termination. An employee will be subject to the same consequences of a positive test if he or she adulterates or dilutes the specimen, substitutes the specimen with that of another person, will not sign the required forms, or refuses to cooperate in the testing process in such a way that prevents completion of the test.

For the purposes of this policy, an employee shall be deemed to have used, or be under the influence of, or impaired by alcohol when any test demonstrates a blood/alcohol, concentration within the employee's system of or equivalent to .04 percent or more, and by drugs, intoxicants, or other controlled substance whenever any testing confirms the employee has detectable levels of a drug, intoxicant, or other controlled substance or its components within the employee's system for which the employee has not provided proof of a current prescription.

The City reserves the right to carry out reasonable searches of employees and their property, including but not limited to desks, files, clothing, lockers and private vehicles parked on City property. An employee who refuses to submit immediately to such a search shall be subject to termination.

Employees are prohibited from bringing drug paraphernalia onto the City property at any time. An employee who possesses or distributes such paraphernalia while on the City property, or while representing the City, shall be subject to termination.

Employees who take over-the-counter or prescribed medications are responsible for being aware of any effect(s) the medications may have on the performance of their duties and must promptly inform their immediate supervisor if any medication may impair their ability to do their jobs. The employee must also maintain the substance in its original container, identifying the medications, dosage, date of prescription, and prescribing physician. If an employee's use of any medication could adversely affect the safe performance of his or her job duties or conduct on the job, the employee must provide their department head with a statement from the physician indicating the employee is able to work while taking such medications and listing any precautions, safety restrictions, or any on-duty limitations resulting from the use of the medication. An employee who fails to do so shall be subject to disciplinary action, including termination. In addition, employees who take over-the-counter or prescribed medications contrary to the instructions of the label or physician, may be subject to disciplinary action, including termination.

The City encourages any employee with a drug or alcohol problem to contact their department head or the Human Resources Director for assistance. The City may, at the employee's request, and when it is the first occurrence, refer her or him to an assistance program for information or professional assistance. The City includes such treatment as an eligible expense in its medical insurance program. All communications will be strictly confidential. Employees will not be subject to discipline for voluntarily acknowledging a drug or alcohol problem prior to detection. However, this will not excuse any violation of this drug and alcohol policy for which the employee is subject to disciplinary action, including, but not limited to, termination.

8.12 SMOKING POLICY

All City-owned or operated buildings and vehicles are non-smoking areas. Smoking and the use of tobacco products is prohibited in any enclosed building and within 15 feet of any entrance or exit.

8.13 ATTENDANCE and PUNCTUALITY

Employees are expected to be reliable and punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on our ability to serve the public. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they must notify their supervisor at work or at home as soon as possible before the start of the scheduled work time. If unable to reach the supervisor, the employee must notify the front desk receptionist or the Human Resources office.

The supervisor has the discretion to excuse late notification in the event of unusual or exceptional circumstances. Poor attendance and excessive tardiness are disruptive and may lead to disciplinary action up to and including termination.

An employee who is absent for a period of three (3) consecutive days without notification will be considered to have voluntarily resigned.

By definition, any employee who is not at his or her workstation (area) prepared to start work at the scheduled starting time for the shift is late. Likewise, an employee who does not return to work in a timely manner after a meal or other break is considered late.

Any employee who reports to work more than ten (10) minutes after the beginning of the shift must report to his/her immediate supervisor prior to beginning work.

8.14 PERSONAL APPEARANCE AND IMAGE

It is the policy of the City that each employee's dress, grooming, and personal hygiene must be appropriate to the work situation. Employees are expected at all times to present a professional appearance to the public we serve. The City may be judged not only by the quality of its services, but also by the appearance of those providing the services. Therefore, while freedom of

individual expression and changing styles and fashion are recognized, it remains important to meet the expectations of the public while representing the City. Good grooming and appropriate dress reflect employee pride and inspires community confidence.

During business hours and business functions, and when representing the City, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Employees are expected to dress in business casual unless circumstances require a more professional image. Business casual includes collared and/or Henley-style city shirts and polo shirts; dress pants, khakis, and long capri pants (but not clam diggers or cargo style). Shorts are not allowed. Dresses and skirts must be mid length (at or below the knee); mini-skirts (at mid-thigh or above) are not allowed. Spaghetti strap or backless dresses are prohibited.

Employees may not wear spandex/leggings, flip-flops, tank or halter tops, sweatpants or yoga pants, sweatshirts, , shorts or T-shirts with unauthorized or inappropriate printed slogans or designs, excessive or obstructive jewelry (two earrings per ear allowed), novelty buttons, and similar items of casual attire that do not present a businesslike appearance.

All attire must be clean and pressed. Any clothing that is excessively worn, frayed, or suggestive, or revealing is not appropriate. Furthermore, facial jewelry, such as eyebrow rings, nose rings, lip rings, and tongue studs, is not appropriate and must not be worn during work hours.

Hair must be clean, combed, and neatly trimmed or arranged.

Depending on the nature of their job, certain employees may be required to meet special dress and grooming standards, such as wearing uniforms or dressing in designated business attire for specific occasions. Employees must consistently wear nametags and insignias identifying the City and the employee when required. Employees conducting or attending meetings, seminars, roundtables, etc. with the public are expected to represent the City in a professional manner and dress appropriately for conducting such business.

Any employee whose appearance does not meet these guidelines will be sent home and instructed by their direct supervisor or department head to return to work in proper attire. Consult with your department head if you have questions as to what constitutes appropriate attire.

The image you portray is also affected by the spirit with which you contribute to the team effort. Courtesy, in person, by telephone, or by letter, is expected of each employee when interacting and communicating with other employees, and the public.

8.15 RETURN OF PROPERTY

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. Employees must return all the City property, including all equipment, supplies, and keys immediately upon request or upon termination of employment. Where permitted by applicable laws, the City may withhold from the employee's check or final paycheck the cost of any items that are not returned when authorized by the employee.

8.16 RESIGNATION

Resignation is a voluntary act initiated by the employee to terminate employment. To resign from the City in “good standing,” an employee must provide written notice to his or her department head in a reasonable period in advance of the actual day of separation. The City requests thirty (30) calendar days’ notice for most job categories unless a shorter timeframe is approved by the department head, but in no case will less than two (2) weeks’ written notice be considered a resignation in good standing. Failure by the employee to give notice may result in denial of consideration for future employment.

Any employee absent from work without notice for three (3) consecutive work days will be deemed to have voluntarily terminated employment. This method of resignation precludes any reemployment with the City.

9. MISCELLANEOUS

9.1 SOLICITATION AND DISTRIBUTION

Solicitation of, or the distribution of literature to visitors of our facilities is strictly prohibited. Solicitation of employees or the distribution of literature, pamphlets or other materials, by anyone not an employee is strictly prohibited on the City property.

Solicitation of employees by other employees and/or the distribution of any literature between employees is prohibited during working time (“working time” applies not only to the employee doing the solicitation or distribution, but also to the employee being solicited or receiving the distribution) and in work areas.

The City recognizes that employees have interests in events and organizations outside the workplace. However, excessive unauthorized sales of tickets, solicitation of contributions, or the distribution of handbills can be disruptive in the workplace. Such activities require prior approval of the department head. In some instances, the collection of money for presents, flowers, parties, donations, or for cases of particular hardship can be considered appropriate. In these exceptional cases, such collections may be permitted with the approval of the department head. All such approved solicitation may only be made during non-work time (regularly scheduled rest, meal periods, and other periods when employees are not on duty).

9.2 JURY / WITNESS DUTY

The City encourages employees to fulfill their civic responsibilities by serving jury duty when summoned. Any employee who is summoned and participates in jury duty shall be paid the difference between their regular rate of pay and the jury per diem for each day the employee normally would have worked. The employee must surrender to the City Clerk any compensation

received for jury duty, except for mileage fees. Any employee off on jury duty shall report for work when released from jury duty during any period the employee would be scheduled for work.

Employees who receive a summons must provide a copy of the summons to their supervisor as soon as possible. Employees must provide proof of service and proof of per diem paid by the court upon completion of the jury duty period, or as requested by the City. It is the employee's responsibility to keep his or her supervisor informed as to the expected amount of time required for jury duty.

If you are subpoenaed as a witness in a court or administrative hearing not involving personal litigation or service as a paid expert witness, you will be granted paid time off work if such time off will not be detrimental to the City operations, and you may keep any witness fees. If you are subpoenaed in the line of duty to represent the City as a witness or defendant, your appearance will be considered a part of your job assignment (time worked).

9.3 TELEPHONE AND CELL PHONE USE

Personal calls and use of personal cell phones (for talking, texting, or other use) during work hours is to be kept to a minimum. Personal cell phones should be set on the vibrate function while at work and during work hours.

City telephones are intended to be used for business and job-related purposes only, and not for personal calls. Personal calls can be counter-productive and disruptive to the receiving employee and co-workers as well. While it is understood some non-business telephone interruptions are going to occur because employees can't always control the caller, it is the individual employee's responsibility to inform friends and relatives that, except in cases of emergencies, they are not to be receiving personal telephone calls at work.

Only local calls may be made on the City telephones. Disciplinary measures up to and including termination may result when personal telephone calls become excessive, disruptive and/or counter-productive to the employee or co-workers.

CITY CELL PHONES

City cell phones are allowed for employee use at the discretion of the City Manager. Cell phones are for business purposes ~~only~~, unless otherwise authorized by the City Manager. Employees will pay for upgraded phones at their own expense.

Personal Use: City employees are encouraged to keep their personal time their own and not use their cell phones/smart phones excessively on off-City hours as this could be in violation of the Fair Labor Standards Act. Check with individual supervisors about recommendations for using your phone after regular City business hours.

Usage of City cell phones for long distance calls is strongly discouraged.

9.4 USE OF CAMERAS / OTHER RECORDING EQUIPMENT

Caution should be taken with regard to the use of cameras, audio, video and other similar equipment while at work and in work areas. The City has legal nondisclosure and confidentiality obligations and respects the privacy of employees and the public. The City strictly prohibits the taking of photographs and videos, whether by camera phone or any other device, in such areas as restrooms, locker rooms, and other “private” places. Violations of this policy may result in actions being taken including confiscation of equipment, initiation of appropriate disciplinary measures and/or potential legal action.

The City has many cameras and recording devices, as well as GPS tracking systems in vehicles and on premises. All City employees should be aware that they or their movements may be recorded while in one of these areas or vehicles.

9.5 SOCIAL SECURITY POLICY

The City of Pekin adopted a Social Security Policy under the Identity Protection Act, 5ILCS 179/1 et seq. to state the purpose or purposes for which the agency or its designees can collect an individual’s Social Security Number (SSN). Employees are to use the utmost care when collecting social security numbers and they will not use SSN for any unlawful purpose.

What does the City of Pekin do with your Social Security Number? The Identity Protection Act, 5 ILCS 179/1 et seq., requires each local and state government agency to draft, approve and implement an Identity-Protection Policy that includes a statement of the purpose or purposes for which the agency is collecting and using an individual’s Social Security Number (SSN). This statement of purpose is being provided to you because you have been asked by the City of Pekin to provide your SSN or because you requested a copy of this statement.

Why do we collect your Social Security Number?

You are being asked for your SSN for one or more of the following reasons:

- Utility account or licensee application
- Complaint mediation or investigation
- Crime victim compensation
- Law enforcement investigation
- Child Support Collection
- Internal verification
- Administrative services and or;
- Emergency Medical service response, disease control or other medical necessity;

What do we do with your Social Security number?

- We will only use your SSN for the purpose for which it was collected
- We will not:
 - Sell, lease, loan, trade, or rent your SSN to a third party
 - Publicly post or publicly display your SSN

- Print your SSN on any card required for you to access our services
- Require you to transmit your SSN over the Internet, unless the connection is secure or your SSN is encrypted
- Print your SSN on any materials that are mailed to you, unless State or Federal law requires that number to be on documents mailed to you, or unless we are confirming the accuracy of your SSN

For details Contact : City of Pekin City Clerk's Office 111 S. Capitol St. Pekin IL 61554
Refer to City Code: Chapter 1 Administration Article 8

9.6 WORKING OFF-PREMISES

Employees who work off City premises must maintain appropriate care and security of all City equipment and information when authorized to work off-premises. Employees are responsible for maintaining the confidentiality of City information, documents, passwords, and other information. Employees are also responsible for preventing unauthorized access to any City system or information from their worksite. Employees must dispose of work related documents in a manner that will not jeopardize the interests of the City.

All City equipment, property, information, hardware, software, and files remain the property of the City and shall be promptly returned to the City upon request or termination of employment.

9.7 REPORTING ACCIDENTS AND INJURIES

All City employees are required to report all on-the-job accidents (including City vehicle accidents or accidents while driving on City business) to their supervisors immediately.

9.8 POLITICAL ACTIVITIES

The support or promotion of political activities or interests by City employees during working hours or with City resources is strictly prohibited. Employees may not make statements or publish materials that imply City endorsement of a particular political candidate.

9.9 INSPECTIONS

The City reserves the right to inspect all equipment, desks, lockers, offices, and other storage devices and areas on City premises (including, but not limited to, City buildings and parking areas), as well as any articles found within them, at any time, with or without notice. This includes the right to inspect employee property brought onto City premises.

9.11 CONFIDENTIALITY OF INFORMATION

The daily work of an employee may involve access to information about citizens, other employees or members of the general public that is sensitive and/or confidential in nature. Technological or manual capabilities should not be used in a manner that infringes upon an individual's right to privacy. Such information may be learned from City records, documents, files or conversations. Information originating from issues of litigation or medical documents is protected under strict Federal or State disclosure laws.

Any form of confidential information shall only be accessed and disclosed to authorized individuals as necessary, on a need to know basis, or as required through the normal course of business or work activity. Any employee who has been determined to be in violation of this policy may be subject to disciplinary action up to and including termination of employment.

Any questions or concerns by City employees regarding the appropriateness of conveying certain confidential information should be directed to the Human Resources Director as applicable.

PERSONNEL MANUAL ACKNOWLEDGMENT

PLEASE SIGN, TEAR OUT, AND RETURN THIS RECEIPT ACKNOWLEDGMENT TO THE HUMAN RESOURCES DEPARTMENT.

My signature below acknowledges I have received and read a copy of the City of Pekin Personnel Manual. I understand it contains important information on certain policies and my responsibilities as an employee of the City. I understand that if I have any questions or need additional information regarding policies and procedures, I may contact my immediate supervisor or the Human Resources Director.

I understand that this Manual does not constitute a contract of employment, express or implied, or a promise of treatment in any particular manner in any given situation. I understand that nothing contained in this Manual or any verbal statement should be interpreted as creating any type of employment contract between the City and me.

I understand that my employment with the City is at-will and that either I or the City may terminate my employment for at any time, for any reason, with or without cause or advance notice. I also understand there is no specified length to my employment with the City. Furthermore, no commitment for employment for any specified duration is valid or binding on the City unless expressly set forth in a written document and signed by both the employee and by an authorized representative of the City.

I understand that this Manual and the information in it supersedes any other previous manuals or policies. I understand that the City may add, change, rescind, replace, or cancel policies, practices, or benefits at any time, with or without notice, at its sole discretion.

I have read, understand, and agree with the City's policies on electronic communications and information. I understand and agree that I have no expectation of privacy with respect to any of the City's electronic equipment or any information sent, received, or stored in the equipment. I understand that the City has the right to monitor, at its discretion, any electronic information and usage. By my signature below, I hereby authorize the City to monitor, search, inspect, use, and disclose all electronic communications.

I understand that during the course of my employment confidential information may be made available to me. I understand that this information may not be disclosed or used outside City premises without prior authorization.

Employee Name (Printed)

Employee Signature

Date _____

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NO CONTRACTS OF EMPLOYMENT

The policies in this Personnel Manual are not intended to create a contract and are not an offer to enter into a contract. These policies do not establish contractual rights for employment or any employment benefit. The policies are not to be construed to constitute contractual obligations of any kind, or a contract of employment between the City of Pekin ("City") and any employee.

No commitment for employment for any specified duration, including "lifetime" employment, shall be valid or binding on the City unless expressly set forth in a written document and signed by both the employee and by the City Manager.

Employment with the City is voluntary and "at-will." Just as you are free to resign at any time for any reason, the City has the right to terminate your employment and/or benefits at any time, with or without cause or advance notice.

The policies in this Personnel Manual have been developed at the discretion of the City and may be amended or eliminated at any time, at the sole discretion of the City. The City retains the right to modify, eliminate, amend, or cancel any of its published or unpublished policies for any reason, with or without advance notice, at its sole discretion without having to give justification.

This Personnel Manual is not intended to replace or supersede a collective bargaining agreement that may cover many of the terms and conditions of employment for employees covered by that agreement.

These policies replace all previous policies and practices and may not be changed or added to without the express written approval of the City Manager. Questions about these policies should be directed to the Human Resources Director.

It is the responsibility of all employees to become familiar with and adhere to all policies and provisions of the Manual. Day-to-day interpretations of policy statements and their intent fall under the authority of the Human Resources Director, with final approval by the City Manager.

The official copy of this document is kept and maintained in the Human Resources Department. This Policy is also part of the official records maintained by the City Clerk. For further clarification regarding the full rights, benefits and obligations of employees and of the City, please contact the Human Resources Director.

It is recognized that the City has in the past and may in the future, enter into collectively-bargained agreements on behalf of particular groups of employees within the City's operation. It is expressly acknowledged that the provisions of such collectively-bargained agreements control and shall be applied to employees covered by such agreements, notwithstanding any contrary provisions within this Manual. Accordingly, any matters specifically covered by the collectively-bargained agreements supersede these policies for those employees covered by the collective bargaining agreement.

1.3 EMPLOYEE RESPONSIBILITIES

Each of us, as an employee, is an "Ambassador" of the City. It is hoped and even expected that you are proud to be a member of our team, and will always refer to the City of Pekin in a positive manner.

Our ability to successfully provide the level of service the citizens of our community (our customers) expect and deserve depends upon the quality of our staff and their commitment to excellence. It is expected that all City employees strive to understand, appreciate, commit to, and exemplify the following:

- A. Provide QUALITY work at a productive pace;
- B. Treat others with courtesy and respect their rights;
- C. Demonstrate the highest standards of personal integrity, truthfulness, honesty, and fortitude in all public activities;
- D. Respect each other, and support the City's goals and philosophies;
- E. Show genuine team effort while participating in work activities;
- F. Display a positive attitude and a smile to the people we serve no matter how challenging the day has been;
- G. Take initiative within your authority; and
- H. Perform your responsibilities to the best of your ability.

All complaints from the public shall be handled courteously and promptly. The employee who receives a complaint should attempt to resolve the complaint if possible, or immediately refer the complaining party to the appropriate department head or the City Manager. All complaints shall be properly documented.

1.4 BUSINESS PRACTICES

6. ON/OFF DUTY MORALS, EFFICIENCY, IMAGE, PUBLIC CONFIDENCE

No employee shall engage in conduct, on or off duty, which adversely affects the morale or efficiency of the organization, or, engage in conduct, on or off duty, which has a tendency to destroy public respect for the employee and/or the City, and/or destroy confidence in the operations of the City or otherwise reflect negatively on the City. Employees must ensure that all actions and statements, whether made publicly or privately, are such as to promote the execution of City ordinances, regulations, policies, and programs.

7. CONFLICT OF INTEREST

Employees are expected to avoid any outside interest or activity which is in conflict or incompatible with the conduct of official duties, or has the potential to be a conflict of interest. Employees must decline from participating in any business activity with the City, or participating in any decision on any such activity when the employee either has an ownership interest in the business with which the City is dealing or stands to receive personal outside gain from such dealings.

Employees are also expected to take precautions to avoid any appearance of conflict of interest, or raise suggestions of impropriety. To this end, the City expressly precludes any City employee from soliciting, or accepting, any gift, gratuity, service, favor or valuable service(s), or other personal gain for themselves or a relative in exchange for, or as a result of, or which might influence, the performance of their duty as City employees. The sole exceptions are that employees may in compliance with the Illinois State Gift Ban Act:

- accept (but may not solicit or request) gifts of normal business courtesies with a nominal value; or
- may, with prior approval of the City Manager, participate in activities / events (e.g., seminars, conventions, golf tournaments) sponsored by an entity with which the City does business or might do business.

This policy is to provide guidelines so that employees can seek further clarification on conflicts of interest or potential conflicts of interest. Contact the Human Resources Director for more information or questions about conflicts of interest.

2. EMPLOYMENT

2.1 EMPLOYMENT AT WILL

Employment with the City is “at will,” which means employment with the City is voluntarily entered into, and the employee is free to resign at will at any time, with or without cause. Similarly, the City may terminate the employment relationship at will at any time, with or without advance notice or cause.

2.2 EMPLOYEE RELATIONS: OPEN DOOR POLICY

The City values employees’ constructive opinions and suggestions, and believes communication is important in the workplace. The City encourages employees to discuss suggestions, problems,

Hiring of Department Head personnel shall be the responsibility of the City Manager. When a non-management vacancy exists in a department, the respective Department Head will notify the City Manager to obtain authorization for filling the position before taking any other steps. The Department Head and the Human Resources Director will screen all applicants and interview a sufficient number of qualified candidates, and select the most qualified candidate. Participation in the interview/selection process may include the City Manager if he/she elects to participate or is requested to participate by the Department Head. All applicants interviewed shall be notified by the responsible department head or the Human Resources Department when the vacancy is filled.

2.6 EMPLOYMENT PROCESS FOR POLICE AND FIRE

Procedures and specific provisions for hiring members of the Police and Fire Departments will be followed as set forth in the Rules and Regulations of the Board of Fire and Police Commissioners of the City of Pekin.

2.7 PROMOTIONS

The City values the talents and expertise of their employees and employees are encouraged to seek advancement opportunities within the City. Current employees of the City will be considered if they possess the necessary qualifications and/or experience that are equal to or would exceed others who make application, and when it is in the best interest of the City to do so.

2.8 EMPLOYMENT OF RELATIVES

Relatives and/or personal acquaintances are subject to the same hiring standards and job requirements as other applicants. It is the City's policy that an employee may not work under the direct or indirect supervision of a relative as defined in this policy. For the purpose of this policy "relatives" includes spouses, civil union partners, sons or daughters, grandchildren, brothers or sisters, brothers or sisters-in-law, mothers or fathers, mother or father-in-law, or "step" relatives of the same level. The City reserves the right to take action if an actual or potential conflict of interest arises involving relatives or persons involved in a dating relationship even if no direct reporting relationship is involved.

2.9 EMPLOYMENT PHYSICALS

Post-offer pre-employment medical exams, including drug screen, are required for every applicant who is offered employment with the City. Offers of employment by the City are conditional upon the candidate successfully completing these requirements, and employment will not begin until the employment medical examination is successfully completed. Successful completion of the exam requires a negative drug screen and the health care provider's certification that the candidate meets the minimal physical standards established for the specific job.

2.11 LICENSING AND PERMITTING

Various permits, licenses and certificates are required of employees by State and Federal agencies as a prerequisite to performing certain municipal tasks. It is the employee's responsibility to maintain permits, licenses and certificates. The City will confirm, on occasion, that all such licenses and certificates are in the possession of the applicable department or the employee before authorizing the employee to perform such regulated work. The City will not be held responsible for the expiration of any such item.

Costs for such permits, licenses and certificates may be paid by the City (except regular vehicular drivers' licenses), together with any specialized training required to achieve such permits, licenses, or certificates on approval of the department head or City Manager.

3. EMPLOYMENT STATUS and RECORDS

3.1 EMPLOYMENT CATEGORIES

It is the intent of the City to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time.

DEFINITIONS OF CLASSIFICATIONS

Employees are designated as either Non-Exempt or Exempt from certain federal and state wage and hour laws. **Non-Exempt** employees are not exempt from minimum wage and overtime provisions and are paid for the actual number of hours they work. **Exempt employees** are exempt from specific provisions of state and federal wage and hour requirements, including minimum wage and overtime provisions. Exempt employees are paid annual salaries without regard to the number of hours worked.

DEFINITIONS OF CATEGORIES

Regular Full-Time: Employees who have successfully completed initial Introductory Period and are regularly scheduled to work 40 hours or more per week on a regular basis. Generally, regular full-time employees are eligible for City employee benefits, subject to the terms, conditions, and limitations of each benefit program.

Regular Part-time: Employees who have successfully completed their initial Introductory Period and are regularly scheduled to work less than 40 hours per week on a regular basis. Regular part-time employees receive all legally mandated benefits (such as Social Security and Workers' Compensation insurance),

Employees may request copies of material contained within their own personnel file. The City reserves the right to charge a reasonable fee for copying the material in accordance with the Illinois Personnel Records Review Act.

3.3 EMPLOYMENT REFERENCE CHECKS

The City will respond only to those reference check inquiries that are submitted in writing. No employment data beyond dates of employment and eligibility for re-hire will be released without a written authorization and release form signed by the individual who is the subject of the inquiry.

3.4 PERSONNEL DATA CHANGES

It is the responsibility of each employee to promptly notify the Human Resources Department of any changes in personnel data. Personal mailing addresses, telephone numbers, citizenship, marital or civil union status, number and names of dependents, and individuals to be contacted in the event of an emergency must be accurate and current at all times. If any personnel data has changed, the employee must promptly advise the Human Resources Department of the new information.

3.5 EMPLOYMENT APPLICATIONS

The City relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in exclusion of the individual from further consideration for employment or, if the person has been hired, may result in disciplinary action, up to and including termination of employment.

3.6 INTRODUCTORY PERIOD

The initial Introductory Period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The City utilizes this period to evaluate employee capabilities, work habits, and overall performance. Either the employee or the City may end the employment relationship at will at any time during or after the introductory period.

All new and rehired employees, as well as current employees who transfer to a new position, work on an introductory basis for the first six (6) months after their date of hire or job change, or as outlined in their collective bargaining agreement. At the end of the six (6) month period, the responsible department head will make a recommendation to retain or terminate the employee; or to extend the introductory period. Extending the initial Introductory Period will only be considered if there are strong indications that more time will bring the required improvement. There is no employee right to grieve or appeal a termination made in conjunction with the Introductory Period. The Human Resources Department shall be notified of action taken at the conclusion of the Introductory Period.

4.2 INSURANCE BENEFITS

Full-time employees are eligible to participate in the City of Pekin health insurance programs the first day of the month following their date of hire or date they attain full-time status until the age of Medicare eligibility, unless otherwise stated in Illinois State Statutes or collective bargaining agreement.

A Summary Plan Document of the City of Pekin Employee Health Benefit Plan will be provided to all eligible employees. Along with other pertinent information, this document provides a summary of the plan options available, deductibles, co-insurance levels, out-of-pocket levels, major medical benefits, prescription drug program co-payments, life insurance benefits, and dental benefits.

Specific Plan coverages, benefits, and eligibility requirements are determined by and may be found in the Summary Plan Document. Benefit information provided in this Personnel Manual is only summary information and not binding or controlling.

The City of Pekin also conducts an Annual Open Enrollment. During this period, employees are given the opportunity to update their insurance information and elections for the new year. Full-time employees must attend the Annual Open Enrollment.

4.3 CONTINUATION OF BENEFITS (COBRA)

The federal Consolidated Omnibus Reconciliation Act (COBRA) gives the employee and his/her qualified beneficiaries the opportunity to continue health insurance coverage under the employer's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events include termination of employment, death, certain leaves of absence, reduction in an employee's hours, divorce, legal separation, and a dependent child no longer meeting eligibility requirements.

A notification of health care continuation rights will be mailed to the employee at his or her last known address within the timeframe specified by law. If continued coverage is elected and the proper premium is paid and received within the designated time frame, there will be no break in coverage.

Employees should refer to the Continuation of Benefits (COBRA) section of the Plan document or the Summary Plan Description for a more thorough explanation of this subject. The information shown in this manual is only summary in nature.

IN ADDITION TO THOSE COBRA BENEFITS DESCRIBED OR REFERRED TO ABOVE, THE CITY HAS ADOPTED THE FOLLOWING:

- If an employee resigns or is terminated prior to retirement, the employee will only have the rights, if any, provided by federal and state law.

etc.) on a pretax basis with deductions taken directly from the employee's paycheck. All premiums (costs) are paid by the employee. Payroll deduction may be utilized on approved programs. Information about what is available and who to contact may be obtained from the Human Resources Department.

4.7 WELLNESS PROGRAMS

In addition to the Employee Assistance Program, employees are encouraged to participate in various other City-sponsored Wellness Programs and activities that are designed to maintain or improve employee health. The City sponsors programs from time to time to educate employees and encourage healthy behavior through participation in our annual health fair, smoking cessation, general athletic club membership, and other programs.

4.8 VACATION (ANNUAL LEAVE)

The City provides vacation benefits to eligible regular full-time employees for time away from work for rest, relaxation, or for personal needs. Vacations are accrued (earned) based on the employee's anniversary date, and are scheduled during the calendar year in the period in which they were earned.

In those years the employee progresses to a new level of benefit accrual (after completing 1, 5, 10 or 15 years of service), the additional week earned can be taken any time during the vacation year of the employee's anniversary date.

Vacation hours must normally be scheduled in advance with the approval of the department head. Approval is based on a number of factors, including the operating requirements of the department. Vacation hours will be paid based on the employee's base rate of pay at the time the vacation is taken.

Employees accrue vacation based on their anniversary date according to the following schedule (unless outlined differently in collective bargaining agreements):

1 Year of Completed Service	2 Weeks or 80 Hours
5 Years of Completed Service	3 Weeks or 120 Hours
10 Years of Completed Service	4 Weeks or 160 Hours
15 Years of Completed Service	5 Weeks or 200 Hours

New hires may request one week of their earned vacation hours after 6 months, with supervisor approval.

If an employee becomes ill while on vacation, he or she can use sick leave time instead of vacation if a statement from their doctor is provided to the department head.

Exempt employees will be reimbursed up to one week (40 hours) each year for unused vacation at a rate of one-half the value of the unused vacation.

Pekin account. Such account shall not bear interest and shall expire upon depletion of the sick leave value placed therein.

The value of this computation can be used exclusively to pay for:

- (1) City of Pekin group health insurance premiums;
- (2) to extend IMRF service time for up to one year; or
- (3) any combination of these two options, as long as the total hours used does not exceed 240 days, or 1,920 hours.

Upon the death of a retired employee who was using his or her sick time monies to pay for health insurance, his or her spouse may use the balance of any sick time monies to pay for health insurance premiums until exhausted

4.11 HOLIDAYS

The City provides non-exempt employees holiday pay upon hire. The City-recognized Holidays are:

- New Year's Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day / Day after Thanksgiving
- Christmas Day

Holidays falling on a Saturday are normally recognized on the Friday before, and holidays falling on a Sunday are recognized on the following Monday.

All non-exempt employees who must work on a designated holiday, or on the day the holiday is recognized, will receive double their normal rate of pay for any holiday hours worked, or as outlined in collective bargaining agreements. All non-exempt employees required to take off on the day a holiday is recognized, and for which they would otherwise normally be scheduled to work, will receive regular pay (base pay) for the holiday.

If a recognized holiday falls during an eligible employee's leave of absence from work or during a period of sick leave, the employee will be eligible for holiday pay. If the holiday falls during an employee's approved vacation time, holiday pay will be paid. If an employee calls in sick the day before or the day after a recognized holiday without prior authorization from the supervisor or department, the employee will not be eligible for holiday pay unless otherwise required by law.

Exempt employees receive the same salary they would have received for the week had the holiday not occurred. This is the case regardless of whether or not they worked on a holiday.

If the injury or illness is deemed compensable under the Illinois Workers' Compensation Act, the City will pay for necessary first aid, medical and surgical services thereafter, limited, however, to that which is reasonably required to cure or relieve the effects of the accident or injury, in accordance with applicable law.

Eligibility: This coverage is provided to all employees, and paid for by the City.

Neither the City, nor the insurance carrier, will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the City.

4.15 BEREAVEMENT LEAVE

Employees may be granted up to three (3) working days off with pay to make arrangements for and/or attend the funeral of a member of his/her immediate family. Immediate family includes spouse, civil union partner, parent, natural or adoptive child, brother, sister, grandparent, grandchild, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, or legal guardian. Funerals of "step" relatives of the same relationship may be approved.

4.16 EMPLOYEE ASSISTANCE PROGRAM (EAP)

The Employee Assistance Program (EAP) is a confidential service designed to help employees resolve personal and workplace problems that have the potential of affecting job performance and personal well being. Any employee or member of their immediate family may contact the designated EAP counselors, on a confidential basis and at no cost to the employee for up to six visits per year, to seek evaluation and help to deal with the employee's personal problems including, but not limited to: marriage and family problems, excessive stress at work or home, alcohol, drug and other dependencies, financial issues, etc. Contact the Human Resources Director or your Department Head for more information.

5. TIME KEEPING and PAYROLL

5.1 TIME KEEPING

Accurately recording time worked is the responsibility of every employee. Federal and state laws require the City to keep an accurate record of time worked in order to calculate employee pay and benefits. "Time worked" is all the time actually spent on the job performing assigned duties. Full-Time employees, regardless of exempt status, are expected to work 40 hours per week by either their presence or by using benefit hours to complete the 40 hours.

All employees, regardless of status, must accurately record each day's time on their time sheet. All other time is to be documented with an explanation on the time sheet. Employees are required to sign their time sheet if they do not electronically record the time themselves, and by

developing, implementing, monitoring, and evaluating safety and emergency procedures. Safety Committee members hold 2-year staggered terms. Its success depends on the alertness and personal commitment of all employees.

The City provides information to employees about workplace safety issues through regular internal communication channels. Employees also receive periodic workplace safety training. The training covers potential safety hazards and safe work practices and procedures to eliminate or minimize hazards.

Some of the best safety improvement ideas come from employees. Employees with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with the City's Safety Committee or their department head. Reports of workplace safety issues may be made anonymously if the employee wishes. All reports can be made without fear of retaliation. The Safety Committee has in place a Safety Suggestion Program.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must use safety equipment whenever the job requires. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

Safety Policy

The City has a formal Safety Manual which is attached to and a part of this Personnel Manual. It also recognizes individual departments have unique issues and safety needs and may have their own department-specific policies in place. Employees shall refer to and familiarize themselves with both the City Safety Manual and those policies put into place within their respective departments.

Your job may have additional safety guidelines which are established for your protection, and the protection of others. If so, you will be required to know and follow them carefully. Any questions regarding safety guidelines should be directed to your supervisor, department head, or the City Manager.

6.2 INCLEMENT WEATHER

All employees are expected to report to work during inclement weather conditions. However, if weather conditions are extreme and travel to work would present a safety concern, employees should contact their immediate supervisor. Depending on your job duties, or other circumstances, your supervisor may send a city vehicle to pick you up or give you the option of remaining at home. Employees choosing to remain at home will be paid for the day using benefit time, i.e. vacation, sick, personal, or comp time, if available.

On occasion, bad weather occurs during the day after you have arrived at work. Depending on your job duties, or other circumstances, and if approved by the City Manager, employees may be

considered as hours worked for pay and overtime purposes. Failure to attend mandatory meetings will result in disciplinary actions similar to other violations of City policies. Optional meetings are highly encouraged, but no disciplinary action will be taken as a result of not attending.

6.5 CONFERENCE AND MEETING EXPENSES

The City Manager or Department Heads may approve travel to conferences and meetings for persons in their departments to represent the City, and are responsible to approve all such related expenses in accordance with departmental budgets and established policy and procedure.

The City will only pay out of town expenses as defined in this policy for those conferences and meetings that are determined to be advantageous to the conduct of City business and according to Internal Revenue Service regulations and policies. Employees are encouraged to travel together when more than one individual is attending the same event in order to reduce costs.

Transportation: It is expected that the shortest and most direct route and the least expensive method of transportation will be used. If air travel is selected, it will be at coach-class fare. The City will pay the cost of round trip air fare, the cost of employee travel to and from the employee's home and the air terminal, the cost of employee parking at the air terminal, and the cost of transportation to and from the point of arrival/departure and the conference/meeting center. If private vehicle is used for travel, the transportation allowance shall be at the current allowable Internal Revenue Service rate. If a city-owned vehicle is used, there will be no allowance except for out-of-pocket operating expenses, such as re-fueling while on the trip. When feasible, employees are expected to car pool on out-of-town travel. A City vehicle shall be used for local travel when at all possible.

Lodging: The City will pay for conference and meeting-related out-of-town lodging. Employees are expected to stay at the conference center hotel/motel, any hotels/motels affiliated with the conference, or at a hotel/motel with rates not in excess of the conference hotel/motel. Whenever appropriate, employees are encouraged to share rooms in order to save on travel expenses.

When the event is more than 120 miles from the City of Pekin, the City will pay for lodging on the evening before a conference only when the conference is scheduled to begin before noon the following day. Similarly, the City will pay for lodging on the evening of a conference when the conference ends after 5:00 p.m. when the event is more than 120 miles from the City of Pekin.

Meals and Incidental Expenses: Reimbursement shall be made for the reasonable cost of meals and incidental expenses. The City shall establish from time to time the maximum allowance per day for meals and incidental expenses in accordance with IRS specifications. Meal reimbursements will only be made for meals during regular business hours and when the employee is 50 miles away from his or her normal work location. Employees are expected to use discretion in meal reimbursement. In general, breakfast is only reimburseable if the employee's travel time necessarily begins before 7:00am.; lunch is only reimburseable if the employee is necessarily travelling during normal lunch hours. Dinner is only reimburseable if the employee's actual departure time to the event is before 5:00pm or the employee's return time is

Spending Limits – The person using the card must attain his or her supervisor's approval for the purpose and estimated amount of purchase prior to use.

Prohibited Uses of Corporate Cards – The following types of items may **not** be purchased with a Corporate Card, regardless of the dollar amount:

- Cash advances.
- Telephone charges; except during travel, to be included in lodging charges.
- Any additional goods or services specifically restricted by the departments.
- Personal items.
- Unauthorized entertainment expenses.

Cardholders must review detailed Finance Department Corporate Card policies and procedures and sign the Cardholder Agreement form prior to receiving a Corporate Card.

6.7 MEAL AND BREAK PERIODS

Meal periods of not less than twenty (20) minutes duration are provided to all employees working a shift of at least seven (7) hours. Department heads will schedule meal periods to accommodate operating requirements. Break periods not to exceed fifteen (15) minutes per four hours worked may be scheduled or approved by department heads if needed and not disruptive to operations. Break times cannot be combined, and cannot be used for reporting late or leaving work early. Employees are expected to eat in the breakroom or other designated location rather than at their work location.

6.8 COMPENSATORY TIME OFF (COMP TIME)

Compensatory time for employees covered under collective bargaining agreements is governed by and described within the applicable agreements. However, the City provides compensatory time to non-exempt, non-union employees. When an employee who is eligible for compensatory time under this policy works in excess of 40 hours in a workweek, the employee is eligible to be paid at the rate of one and one-half times their regular hourly rate of pay or for compensatory time off at a rate of one and one-half hours for each hour of overtime.

Regular full-time non-exempt, non-union employees may accrue up to forty (40) hours at time and one-half (60 hours total). Each individual employee is responsible for maintaining written accrual and utilization records on their time sheet in accordance with the terms of this policy.

Employees may use accrued compensatory time within a reasonable period after making the request as long as the absence does not unduly disrupt the operations of the department. It is anticipated by the City that compensatory time will be used for personal commitments, rest and recuperation after particularly heavy work-loads or allow for additional time in conjunction with scheduled vacation time. It is not to be used on Mondays and Fridays to extend the weekend or immediately before or after a holiday without department head or City Manager approval. Factors that will be considered include staffing and operational demands.

as reasonable accommodation under the ADA for a medical condition may make such a request regardless of their length of service, employment category, or other requirement of this policy. See Reasonable Accommodation policy.

7.2 MILITARY LEAVE

A military leave of absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and applicable state law. Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable. Employees on military leave must apply for reinstatement in accordance with USERRA and all applicable state laws.

Differential pay may be granted for military leave greater than two weeks. Employees may use their available vacation, personal, or compensatory time while absent for service under this policy.

7.3 EDUCATIONAL LEAVE & FINANCIAL ASSISTANCE

The City encourages employees to continue their education and professional development whenever possible. Employees should take advantage of worthwhile educational opportunities to help improve job performance in their current positions. Employees may request leave and financial assistance for courses of study that the City determines are directly related to the employee's present job or that will enhance the employee's potential for advancement to a position within the City and to which the employee has a reasonable expectation of advancing. Factors the City will consider in approving courses include the nature and purpose of the course of study, the benefits of the course to the employee and the City, the employee's current position and length of service, and cost.

Employees may request a leave of absence without pay for educational purposes for up to 12 months duration when absence from work is needed to attend classes at a junior college, college, or trade school. All educational leave requests must be approved in advance by recommendation by the department head and approval by the City Manager. The Human Resources Director should be contacted regarding how seniority, health insurance, vacation, and other benefits are affected during and after the leave of absence.

All employees seeking reimbursement must be pre-approved under the Tuition Reimbursement Policy. The Tuition Reimbursement Policy is available through the Human Resources Department. Approved employees are eligible for reimbursement according to the Tuition Reimbursement Policy available in the Human Resources Department. The maximum reimbursement for tuition is limited to the current tuition rate per hour for courses at University of Illinois-Springfield.

Department heads or the City Manager may approve time off for employees to attend approved workshops or seminars to improve job performance or prepare for advancement or promotion

For the purposes of this policy, a serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Military Family Leave

Qualifying Exigency Leave Eligible employees may take up to 12 weeks of FMLA leave for certain qualifying exigencies arising out of the fact that a spouse, son, daughter, or parent of the employee is on covered active duty or call to active duty status. Qualifying exigencies may include short-notice deployment (up to 7 days of leave); attending certain military events; arranging for alternative childcare; addressing certain financial and legal arrangements; periods of rest and recuperation for the servicemember (up to 5 days of leave); attending certain counseling sessions; attending post-deployment activities (available for up to 90 days after the termination of the covered servicemember's covered active duty status; other activities arising out of the servicemember's covered active duty or call to active duty and agreed upon by the City and the employee.

Leave to Care for a Covered Servicemember FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. A covered service member is also a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness or who was a member of the Armed Forces (including the National Guard or reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

For leave under this section, a "serious injury or illness" is defined as:

- (1) For a member of the Armed Forces (including a member of the National Guard or Reserves), an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or that existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; or

Requesting Leave

To request FMLA leave, employees must complete a Request for Leave form and submit it to the Human Resources Director.

Notification by Employee

When the need for leave is foreseeable (such as the birth or placement of a child and certain medical treatments), the employee must notify the City at least 30 days in advance of the requested leave. When 30 days' notice is not possible, the employee must give notice as soon as practicable (usually within 1 or 2 business days of learning of the need for leave). Failure to provide timely notification may result in delay or denial of leave.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated date when the leave would start and the duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Calling in "sick" is generally not sufficient. Employees also must inform the City if the requested leave is for a reason for which FMLA leave was previously taken or certified.

Certification

If the employee is requesting leave due to the employee's own or a covered family member's serious health condition, employees are required to provide a certification and periodic recertification from a health care provider supporting the need for leave. The employee must provide a copy of the certification in a timely manner (fifteen calendar days after leave is requested). All appropriate information must be provided on the certification. Under certain circumstances, the City may require second or third medical opinions and periodic recertifications. Failure to comply with these requirements may result in delay or denial of leave.

Employees may be required to provide a fitness-for-duty certification before returning to work.

Benefits

Employees taking leave under this policy who participate in the City's group health plan may continue coverage under the plan on the same terms as if they had continued work, with the City paying its portion of the premiums and the employee paying his or her portion. If paid leave is substituted for unpaid leave, the City will deduct the employee's portion of the group health insurance premiums through payroll deduction. If leave is unpaid, employees must pay his or her portion to the City prior to the first day of each month. If the employee's share of the premium payment is more than 30 days late, loss of coverage may result.

If an employee fails to return to work from FMLA leave, the City reserves the right to recover reimbursement for the employer-paid portion of benefits coverage, unless the employee fails to

policy, “child” includes biological, adopted, foster, stepchild of the employee, and/or legal wards of the employee.

To be eligible for leave under this policy, employees must have been employed by the City at least 6 months working at least half time. Employees must provide at least 7 days advance notice of the need for leave under this policy whenever possible. Employees must provide at least 24 hours notice in an emergency situation.

Employees may request up to 8 hours leave per school year under this policy. However, no more than 4 hours of school visitation leave may be taken in any one day. Upon return from the leave, employees must provide documentation to the Employee Benefits Coordinator or Department Head from the school verifying the date and time of the visit. Contact the Employee Benefits Coordinator for more information or questions about and requests for parental leave for school visits.

8. EMPLOYEE PERFORMANCE AND BEHAVIOR

8.1 EMPLOYEE CONDUCT AND WORK RULES

To ensure orderly operations and provide the best possible work environment, employees are expected to follow certain rules of conduct that will help protect the interests and safety of all employees and the City. While it is impossible to list every rule of conduct, the following are some examples. Violations of City work rules include, but are not limited to:

- Negligence or improper conduct leading to damage of property
- Theft or inappropriate removal or possession of property
- Falsification of records or statements, or deliberately using any type of misleading, inaccurate, or falsified records or statements (including employment application)
- Working under the influence of alcohol or illegal drugs
- Boisterous or disruptive activity
- Possession, distribution, sale, transfer, or use of alcohol, illegal drugs in the workplace, while on duty, or while operating City-owned vehicles
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
- Insubordination (including disobeying supervisor’s instructions and disrespectful conduct)
- Inappropriate attire
- Violation of safety or health rules
- Smoking in prohibited areas
- Felony conviction
- Sexual and any other unlawful or unwelcome harassment
- Profanity
- Excessive tardiness, absenteeism, or any absence without notice
- Inappropriate use of telephones, mail system, electronic communications, computers, or any equipment

City vehicles are intended to be driven by the assigned employee or agent only of the City. Operators of City vehicles and anyone driving on City business must comply with all applicable motor vehicle laws and regulations, including laws governing cell phone use and use of electronic communications and equipment, and drivers must possess a valid driver's license. There shall be no unauthorized drivers or passengers in City vehicles.

All drivers and passengers in City vehicles are required to wear safety belts. City vehicles may not be driven for private use unless specific arrangements have been made in advance. Illegal drugs or chemicals are not allowed in a City vehicle at any time and no driver who has been drinking alcohol or is under the influence of alcohol, drugs, or chemicals is allowed to drive a City vehicle.

The improper, careless, negligent, or unsafe operation of City vehicles, as well as excessive or avoidable traffic and parking violations, loss of license and any other violation of this policy can result in disciplinary action, up to and including termination of employment.

Employees shall immediately report, in writing, all damage to the City vehicles and equipment, and file such reports which contain all known facts surrounding the cause and nature of the damage.

Employees should be aware that City vehicles may have GPS tracking devices and cameras recording driver and passenger activity.

8.4 WORKPLACE VIOLENCE PREVENTION

The City is committed to preventing workplace violence and to maintaining a safe work environment. All employees and public should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay" or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from City premises without proper authorization.

Conduct that threatens, intimidates, or coerces another employee, or member of the public will not be tolerated. All threats of (or actual) violence, both direct and indirect, must be reported as soon as possible to your immediate supervisor or any other member of management. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, employees should be as specific and detailed as possible. All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril.

The City will promptly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. In order to maintain workplace safety and the integrity of its investigation, the City may suspend employees, either with or without pay, pending investigation.

8.5 DISCIPLINARY POLICY AND PROCESURES

POLICY:

In General – In most cases, employees are able to satisfactorily address workplace concerns with their supervisor, department head, or the Human Resources Director. Good relationships are easier to achieve in an open atmosphere where problems and opinions are discussed freely, frankly, and sincerely.

In the event an issue cannot be resolved on an informal basis, employees may utilize the following Grievance Procedure (if not covered by a collective bargaining agreement). Employees are afforded the right to express issues and complaints without fear of reprisal.

If the issue involves sexual or other harassment, or an issue involving employee or public safety, or as required by law, employees may bypass any or all steps in this policy and raise the issue directly with their supervisor, department head, Human Resources Director, or the City Manager.

Procedures – The following grievance procedure may be used by any employee who has a complaint:

Step 1: Employees can present the problem orally or in writing to his or her immediate supervisor. The supervisor will normally respond no later than the 14th calendar day after the complaint is made. If the supervisor does not respond within 14 days, or the problem is not resolved to the employee's satisfaction, the complaint may proceed to Step 2.

Step 2: The employee shall submit his or her complaint in writing to their department head within five (5) working days of the supervisor's decision in Step 1. When circumstances warrant, the department head will investigate and evaluate the complaint and attempt to reach a settlement. The department head shall make his or her decision and discuss it with the employee no later than the 14th calendar day after the written complaint is received. If the employee fails to receive a reply in fourteen (14) calendar days, if a satisfactory settlement cannot be reached, or if grounds for settlement are not within the scope of the department head's authority, the complaint can proceed to Step 3.

Step 3: The employee shall submit his or her complaint in writing to the Human Resources Director. When circumstances warrant, a thorough investigation will be conducted and a conference will be scheduled among the employee, his or her immediate supervisor and/or department head, and the City Manager. A ruling on the matter will be delivered in writing to the employee within fourteen (14) calendar days following the conference, and the decision of the City Manager shall be final and binding.

Time Limits: A complaint may not be considered under the Procedure if the time elapsed between its occurrence and the initial discussion with the supervisor equals or exceeds thirty (30) calendar days.

An employee wishing to appeal a decision rendered at any of the steps must do so within three (3) working days after notification of the decision. Should three (3) working days

transaction of business. Additionally, this policy will set forth some general guidelines as to what constitutes a “public record.”

INTENT

To establish guidelines that will promote the effective capture, management, and retention of e-mail messages which are public records in compliance with records retention requirements. This policy is not intended to discourage the use of e-mail to conduct municipal business, but rather to establish a framework for its proper use as a communications tool. E-mail can still function as a viable, efficient means to conduct municipal business. Consistency, predictability, and reliability in the manner in which the e-mail system is used and in which public records are maintained within the municipality, are the primary focuses of this policy.

POLICY

All municipal records should be inventoried and analyzed for administrative, legal, financial and historical values to ensure that:

1. Valuable records are adequately preserved; and
2. Non-records and obsolete records are destroyed in accord with authorized records retention schedules and after approval is received from the Local Records Commission.

SCOPE

This policy applies to all e-mail and attachments circulated within the municipality.

DEFINITIONS

- A. E-mail messages are text documents which are created, stored, and delivered in an electronic format. As such, e-mail messages are similar to other forms of communicated messages, such as correspondence, memoranda, and circular letters.
- B. Non-record messages are e-mail messages that do not set policy, establish guidelines or procedures, certify a transaction, or become a receipt. Rather, they are informal communications that are similar to communications during telephone conversations or conversations in an office hallway. Generally, non-record messages are short-lived, with no historical significance or public importance, and need not be retained after they have fulfilled their purpose. Examples include:
 1. Routine requests for information or publications which require no administrative action, policy decision, or special compilation or research, and copies of replies.
 2. Originating office copies of letters of transmittal that do not add any information to that contained in the transmitted material.

2) Is it official documentary material (a draft of a letter vs. the letter itself)?

3) Is it FOIAable? For example, “preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated” need not be produced under FOIA, “except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body.” Therefore, unless staff wishes to keep their preliminary drafts, notes, etc., there seems to be no point in keeping these documents and presumably they may be destroyed if paper or deleted if e-mail.

4) Is the material “appropriate for preservation by such agency or officer, or any successor thereof, as evidence of the organization, function, policies, decisions, procedures, or other activities thereof, or because of the informational data contained therein”? These would eliminate the necessity of keeping documents which do not reflect the official actions of the municipality, but rather the comments or actions of individuals which reflect not the policy of the municipality but the thought of the individual.

5) Does the document have any historical significance? Is the document evidence of the function, policies, decisions, procedures or other activities of the municipality or of just an individual?

6) Even if a document is a record it need not be kept forever. The LRA sets up timetables within which records may be destroyed. Each municipality should refer to its own Records Retention Schedule to determine how long a particular record must be retained. If a Records Retention Schedule does not yet exist, the Local Records Commission should be contacted by the municipality in order to gain assistance in:

- a. creating an inventory of the documents that exist within the municipality;
- b. determining the amount of time each category of records must be retained;
- c. obtaining approval of the retention periods assessed to each record.

Examples of potential records requested to be retained in a Records Retention Schedule, and their generally requested retention periods, include:

- E-mails considered public records -- 1 year
- Unsolicited applications for employment – 1 year
- Solicited applications for employment – 2 years
- FOIA requests and denials -- 2 years after the date of filing
- Lawsuits – 3 years following final settlement
- Bids – 10 years (successful), 3 years (unsuccessful)
- Annexation agreements, transcripts, plats, ordinances – permanently

7) Many e-mail documents rapidly become stale and do not reflect “function, policies, decisions, procedures, etc.” when a matter is finalized. Therefore, the municipality can simply keep the final document.

COPY OF RECORD

Where e-mail communication is between a sender and a recipient, the sender's copy is designated as the copy of record. In other words, it is the sender's copy to which any retention requirements should apply. All other copies are merely "duplicates" and can be disposed of at will. Cases where this principle does not apply include e-mail received from other agencies or from the public.

REVIEW

A periodic review of this policy shall be undertaken to keep the policy current with best practices and new technology.

ACCEPTABLE USES OF THE CITY OF PEKIN E-MAIL AND THE INTERNET

The City of Pekin encourages the use of the e-mail and the Internet because they make communication more efficient and effective. The City also encourages the use of telecommunications to explore occupational topics, conduct research, and contact others in the same job field throughout the country. The City anticipates that the systems will expedite the sharing of effective practices and lessons across the community and will help the City stay on the leading edge of practice by forming partnerships with others across the nation. E-Mail and Internet service are City of Pekin property, and they are to be used exclusively to facilitate city business. Every employee has a responsibility to maintain and enhance the City of Pekin's public image and to use e-mail and Internet access in a productive manner. Any unauthorized or improper use of e-mail or the Internet is not acceptable and will not be permitted.

UNACCEPTABLE USES OF THE CITY OF PEKIN E-MAIL AND THE INTERNET

City of Pekin e-mail and Internet access may not be used for transmitting, retrieving or storing any communications of a discriminatory or harassing nature or materials that are obscene or X-rated. Harassment of any kind is prohibited. (Refer to the City of Pekin Anti-Harassment policy). No messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, marital status, physical attributes or sexual orientation may be transmitted or forwarded using the City of Pekin system. No abusive, profane or offensive language may be transmitted through the City of Pekin's e-mail or Internet system. The City of Pekin's harassment policy applies in full to e-mail and Internet use. Employees do not have a personal privacy right regarding any matter created, received, stored or sent from or on the City of Pekin's e-mail or Internet system or computers.

The City of Pekin e-mail and Internet system also may not be used for any purpose that is illegal, against City policy or contrary to the City of Pekin's best interest. Solicitation of non City business or any use of the City of Pekin e-mail or Internet system for personal gain is prohibited.

RULES FOR ELECTRONIC COMMUNICATIONS

Each employee is responsible for the content of all text, audio or images that he or she places on or sends over the City of Pekin's e-mail or Internet system. Employees may not hide their

VIOLATIONS

Any employee who violates these rules or otherwise abuses the privilege of the City of Pekin's e-mail and Internet system will be subject to corrective action up to and including termination. If necessary, the City of Pekin also reserves the right to advise appropriate officials of any illegal activities.

8.9 SOCIAL MEDIA

The City recognizes the prevalence and importance of social media. Social media includes, but is not limited to, online forums, and social networking sites. The use of social media by City employees can become a problem, however, if it interferes with an employee's work, is used to harass coworkers, creates a hostile work environment, harms the goodwill or reputation of the City, or if it in any way adversely affects the City.

Employees are expected to use their professional judgment and take the most prudent action possible with regard to social media posts. If a City employee is uncertain about the appropriateness of a social media posting, he or she should refrain from making the post, or contact the Human Resources Director.

While it is not possible to list all inappropriate social media activity, following are some guidelines:

1. No City employee other than a designated spokesperson may speak on behalf of the City.
2. If an employee identifies himself or herself as a City employee or discusses matters related to the City on social media, the employee must make clear that he or she is an employee of the City and that the views posted are those of the person (the employee) alone and they do not represent the views of the City or any agency or department of the City. The employee must keep in mind that if information is posted in violation of City policy or any law, the disclaimer will not shield the employee from disciplinary action.
3. Unless given written consent by the City, an employee shall not use the City's logo or trademarks on any social media post.
4. All postings on social media must comply with the City's confidentiality, ethics, harassment, safety, and personnel policies. If an employee is unsure about the confidential nature of information the employee is considering for posting, the employee must first consult with their supervisor.
5. Employees shall not link any post to the City's website, nor shall an employee post City material, on a social media site without written permission from City Human Resources.

conduct must be reported whether it occurs at or away from City facilities, during work hours or outside work hours, and whether committed by a City employee or by another person the employee encounters as part of employment by the City, such as a supplier.

Any supervisor or manager who becomes aware of possible sexual or other unlawful harassment must immediately report such information to the Human Resources Director or City Manager even if the employee has asked that no action be taken on the complaint.

Employees can make good faith reports and complaints of sexual or other harassment without fear of reprisal or retaliation. Retaliation by any person against an employee making such a report or complaint or participating in a related investigation is strictly prohibited and any such retaliation subjects an employee to disciplinary action, up to and including termination of employment.

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

All complaints of sexual or other harassment will be promptly and thoroughly investigated. To the extent possible, the City endeavors to maintain confidentiality of complaints and related investigation.

Any employee who has engaged in sexual or other unlawful harassment or otherwise violated this policy will be subject to disciplinary action, up to and including termination of employment.

The City hopes that any incident of sexual harassment can be resolved through the internal process outlined above. This policy, however, does not preclude any employee from filing a complaint with an appropriate outside agency. Employees may choose to file a complaint of harassment with either of the following:

Illinois Department of Human Rights Commission	OR	Federal Equal Employment Opportunity
James R. Thompson Center		500 West Madison Street – Suite 2800
100 West Randolph Street, Suite 10-100		Chicago, Illinois 60661
(312) 814-6200		(312) 353-2713

8.11 DRUG AND ALCOHOL POLICY

The City is committed to providing a safe and healthy workplace and a work environment that promotes employee health and well-being and public confidence. The City expects all employees to report for work in a condition to perform their duties safely and satisfactorily. Employee involvement with drugs and alcohol can adversely affect job performance and employee morale, jeopardize employee and public safety, and undermine public confidence.

required forms, or refuses to cooperate in the testing process in such a way that prevents completion of the test.

For the purposes of this policy, an employee shall be deemed to have used, or be under the influence of, or impaired by alcohol when any test demonstrates a blood/alcohol concentration within the employee's system of or equivalent to .04 percent or more, and by drugs, intoxicants, or other controlled substance whenever any testing confirms the employee has detectable levels of a drug, intoxicant, or other controlled substance or its components within the employee's system for which the employee has not provided proof of a current prescription.

The City reserves the right to carry out reasonable searches of employees and their property, including but not limited to desks, files, clothing, lockers and private vehicles parked on City property. An employee who refuses to submit immediately to such a search shall be subject to termination.

Employees are prohibited from bringing drug paraphernalia onto the City property at any time. An employee who possesses or distributes such paraphernalia while on the City property, or while representing the City, shall be subject to termination.

Employees who take over-the-counter or prescribed medications are responsible for being aware of any effect(s) the medications may have on the performance of their duties and must promptly inform their immediate supervisor if any medication may impair their ability to do their jobs. The employee must also maintain the substance in its original container, identifying the medications, dosage, date of prescription, and prescribing physician. If an employee's use of any medication could adversely affect the safe performance of his or her job duties or conduct on the job, the employee must provide their department head with a statement from the physician indicating the employee is able to work while taking such medications and listing any precautions, safety restrictions, or any on-duty limitations resulting from the use of the medication. An employee who fails to do so shall be subject to disciplinary action, including termination. In addition, employees who take over-the-counter or prescribed medications contrary to the instructions of the label or physician, may be subject to disciplinary action, including termination.

The City encourages any employee with a drug or alcohol problem to contact their department head or the Human Resources Director for assistance. The City may, at the employee's request, and when it is the first occurrence, refer her or him to an assistance program for information or professional assistance. The City includes such treatment as an eligible expense in its medical insurance program. All communications will be strictly confidential. Employees will not be subject to discipline for voluntarily acknowledging a drug or alcohol problem prior to detection. However, this will not excuse any violation of this drug and alcohol policy for which the employee is subject to disciplinary action, including, but not limited to, termination.

8.12 SMOKING POLICY

All City-owned or operated buildings and vehicles are non-smoking areas. Smoking and the use of tobacco products is prohibited in any enclosed building and within 15 feet of any entrance or exit.

All attire must be clean and pressed. Any clothing that is excessively worn, frayed, or suggestive, or revealing is not appropriate. Furthermore, facial jewelry, such as eyebrow rings, nose rings, lip rings, and tongue studs, is not appropriate and must not be worn during work hours.

Hair must be clean, combed, and neatly trimmed or arranged.

Depending on the nature of their job, certain employees may be required to meet special dress and grooming standards, such as wearing uniforms or dressing in designated business attire for specific occasions. Employees must consistently wear nametags and insignias identifying the City and the employee when required. Employees conducting or attending meetings, seminars, roundtables, etc. with the public are expected to represent the City in a professional manner and dress appropriately for conducting such business.

Any employee whose appearance does not meet these guidelines will be sent home and instructed by their direct supervisor or department head to return to work in proper attire. Consult with your department head if you have questions as to what constitutes appropriate attire.

The image you portray is also affected by the spirit with which you contribute to the team effort. Courtesy, in person, by telephone, or by letter, is expected of each employee when interacting and communicating with other employees, and the public.

8.15 RETURN OF PROPERTY

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. Employees must return all the City property, including all equipment, supplies, and keys immediately upon request or upon termination of employment. Where permitted by applicable laws, the City may withhold from the employee's check or final paycheck the cost of any items that are not returned when authorized by the employee.

8.16 RESIGNATION

Resignation is a voluntary act initiated by the employee to terminate employment. To resign from the City in "good standing," an employee must provide written notice to his or her department head in a reasonable period in advance of the actual day of separation. The City requests thirty (30) calendar days' notice for most job categories unless a shorter timeframe is approved by the department head, but in no case will less than two (2) weeks' written notice be considered a resignation in good standing. Failure by the employee to give notice may result denial of consideration for future employment.

Any employee absent from work without notice for three (3) consecutive work days will be deemed to have voluntarily terminated employment. This method of resignation precludes any reemployment with the City.

9.3 TELEPHONE AND CELL PHONE USE

Personal calls and use of personal cell phones (for talking, texting, or other use) during work hours is to be kept to a minimum. Personal cell phones should be set on the vibrate function while at work and during work hours.

City telephones are intended to be used for business and job-related purposes only, and not for personal calls. Personal calls can be counter-productive and disruptive to the receiving employee and co-workers as well. While it is understood some non-business telephone interruptions are going to occur because employees can't always control the caller, it is the individual employee's responsibility to inform friends and relatives that, except in cases of emergencies, they are not to be receiving personal telephone calls at work.

Only local calls may be made on the City telephones. Disciplinary measures up to and including termination may result when personal telephone calls become excessive, disruptive and/or counter-productive to the employee or co-workers.

CITY CELL PHONES

City cell phones are allowed for employee use at the discretion of the City Manager. Cell phones are for business purposes only, unless otherwise authorized by the City Manager. Employees will pay for upgraded phones at their own expense.

Personal Use: City employees are encouraged to keep their personal time their own and not use their cell phones/smart phones excessively on off-City hours as this could be in violation of the Fair Labor Standards Act. Check with individual supervisors about recommendations for using your phone after regular City business hours.

Usage of City cell phones for long distance calls is strongly discouraged.

9.4 USE OF CAMERAS / OTHER RECORDING EQUIPMENT

Caution should be taken with regard to the use of cameras, audio, video and other similar equipment while at work and in work areas. The City has legal nondisclosure and confidentiality obligations and respects the privacy of employees and the public. The City strictly prohibits the taking of photographs and videos, whether by camera phone or any other device, in such areas as restrooms, locker rooms, and other "private" places. Violations of this policy may result in actions being taken including confiscation of equipment, initiation of appropriate disciplinary measures and/or potential legal action.

The City has many cameras and recording devices, as well as GPS tracking systems in vehicles and on premises. All City employees should be aware that they or their movements may be recorded while in one of these areas or vehicles.

Employees who work off City premises must maintain appropriate care and security of all City equipment and information when authorized to work off-premises. Employees are responsible for maintaining the confidentiality of City information, documents, passwords, and other information. Employees are also responsible for preventing unauthorized access to any City system or information from their worksite. Employees must dispose of work related documents in a manner that will not jeopardize the interests of the City.

All City equipment, property, information, hardware, software, and files remain the property of the City and shall be promptly returned to the City upon request or termination of employment.

9.7 REPORTING ACCIDENTS AND INJURIES

All City employees are required to report all on-the-job accidents (including City vehicle accidents or accidents while driving on City business) to their supervisors immediately.

9.8 POLITICAL ACTIVITIES

The support or promotion of political activities or interests by City employees during working hours or with City resources is strictly prohibited. Employees may not make statements or publish materials that imply City endorsement of a particular political candidate.

9.9 INSPECTIONS

The City reserves the right to inspect all equipment, desks, lockers, offices, and other storage devices and areas on City premises (including, but not limited to, City buildings and parking areas), as well as any articles found within them, at any time, with or without notice. This includes the right to inspect employee property brought onto City premises.

9.11 CONFIDENTIALITY OF INFORMATION

The daily work of an employee may involve access to information about citizens, other employees or members of the general public that is sensitive and/or confidential in nature. Technological or manual capabilities should not be used in a manner that infringes upon an individual's right to privacy. Such information may be learned from City records, documents, files or conversations. Information originating from issues of litigation or medical documents is protected under strict Federal or State disclosure laws.

Any form of confidential information shall only be accessed and disclosed to authorized individuals as necessary, on a need to know basis, or as required through the normal course of business or work activity. Any employee who has been determined to be in violation of this policy may be subject to disciplinary action up to and including termination of employment.

Any questions or concerns by City employees regarding the appropriateness of conveying certain confidential information should be directed to the Human Resources Director as applicable.