



MEMORANDUM

TO: Jeffery Pruyn, Village President
Village Board of Trustees

FROM: Kathy S. Katz, Human Resources Manager

THROUGH: Jessica Spencer, Administrative Services Manager

DATE: July 15, 2020

SUBJECT: Resolution Revising Sections of the Village of Itasca Personnel Manual

INTRODUCTION

The last update of the Personnel Manual occurred through Resolution 1007-17 and was approved by the Village Board on January 18, 2018. Personnel changes have occurred since that date and new Illinois laws have been enacted which are reflected in these proposed updated sections.

DISCUSSION

The impetus for this update is for the Village to be in compliance with the Workplace Transparency Act (PA 101-221) regarding the Illinois Human Rights Act, Sexual Harassment section. The major changes are: (1) unlawful discrimination includes “perceived” protected status; (2) harassment of non-employees in the workplace is prohibited; and (3) include elected and appointed officials. The phone numbers and addresses have also been updated. [EXHIBIT A]

The Village logo is updated on the cover page. [EXHIBIT B]

FMLA definition of Spouse is updated. [EXHIBIT C]

VESSA is updated to include sexual violence and stalking. [EXHIBIT D]

The hiring of an Administrative Services Manager is reflected in the Organizational Chart and the IMRF authorized agent. [EXHIBIT E] Although not included in today’s draft, “Human Resources” will be change to “Administrative Services Manager” to more accurately reflect responsibilities in sections: Grievance Procedure for Non-Collective Bargaining Unit Employees; Ethics and Conduct; and Reporting Unproper Conduct.

Illinois School Visitation Rights title was changed from Parental Leave for School Visits and now includes behavioral meetings and defines school as the Act states. [EXHIBIT F]

The Sick Buy-Back Section is clarified for ease of understanding and application. [EXHIBIT G]

Since the July 7 Village Board meeting, staff has identified another area for revision at this time. In accordance with the benefits currently approved by the Village Board, staff recommends updating Section 3, *Benefits and Approved Absences*, regarding health insurance to reflect the inclusion of the voluntary life insurance and vision insurance programs. The revised Personnel Manual has been included with this memo to reflect the new changes. [Exhibit H]

The table of contents and numbering will be updated accordingly.

TRAINING and NOTIFICATION

Village personnel will be provided with an updated version of the Manual and required Sexual Harassment Prevention Training will be conducted prior to the year end. Signed receipts will be required from all staff memorializing their review.

FISCAL IMPACT

These updates have no fiscal impact upon the Village or its residents.

STAFF RECOMMENDATION

Staff recommends the item be forwarded to the Committee of the Whole on July 7, 2020 for consideration and approval.

ATTACHMENTS

- 1) Resolution 1219-20
- 2) Draft changes to the Village of Itasca Personnel Manual

EXHIBIT B



PERSONNEL MANUAL

*Approved: August 16, 2016
Resolution # 891-16
Revised: January 9, 2018*

Proposed Revised: July 21 , 2020

*(This is a compilation of the changes recommended to the Personnel Manual,
and not the Manual in its entirety.)*

*THIS PERSONNEL MANUAL SUPERCEDES ALL PREVIOUSLY-ISSUED PERSONNEL MANUALS, AND ALL PREVIOUSLY-
ISSUED PERSONNEL MANUALS ARE HEREBY REVOKED.*

EXHIBIT A

Unlawful Harassment and Discrimination

I. Statement of Village Policy

The Village of Itasca is committed to providing a workplace that is free from all forms of discrimination and harassment, including sexual harassment. Any employee found to be engaging in harassment may be subject to disciplinary action up to and including termination. Sexual harassment could also subject the Village and, in some cases, an individual to substantial civil penalties.

The Village's policy on harassment is part of its overall compliance with state and federal laws prohibiting discrimination based on age, race, color, religion, national origin, citizenship status, unfavorable discharge from the military, marital status, disability, and gender or the perceived protected class characteristic. Specifically, sexual harassment is prohibited by the Civil Rights Act of 1964, as amended in 1991, and the Illinois Human Rights Act (Workplace Transparency Act PA 101-221).

Each employee of the Village bears the responsibility to refrain from any form of harassment in the workplace. Furthermore, it is the responsibility of all supervisors to make sure that the work environment is free from harassment. All forms of discrimination and conduct which can be considered harassing, coercive or disruptive, or which create a hostile or offensive environment must be eliminated. Instances of harassment must be investigated in a prompt and effective manner.

The following is a partial list of behavior that may be considered harassing or offensive in nature:

- Visual conduct that includes leering, making gestures, or displaying objects or pictures, cartoons or posters that are offensive
- Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes
- Physical conduct that includes touching, assaulting, or impeding or blocking movements

All employees of the Village, particularly those in a supervisory or management capacity, are expected to become familiar with the contents of this Policy and to abide by the requirements it establishes.

II. Definition of Sexual Harassment

Sexual harassment is defined as: Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when;

- (1) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment.
- (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Conduct commonly considered to be sexual harassment includes:

* Verbal: sexual innuendos, suggestive comments, insults, humor and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside their presence, of a sexual nature.

* Non-verbal: Suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking", or "kissing" noises

* Visual: posters, signs, pin-ups or slogans of a sexual nature.

* Physical: Touching, unwelcome hugging or kissing, pinching, brushing the body, coerced sexual intercourse, or actual assault.

No employee -male or female- should be subjected to unsolicited or unwelcome sexual overtures or conduct in the workplace.

The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends to some extent on individual perception and interpretation. The trend in the courts is to assess sexual harassment by a standard of what would offend a "reasonable person". To avoid the possibility of offending someone, it is best to err on the side of caution.

III. Working Environment & Non Employees

- (1) An employee's "working environment" is not limited to the physical location where the employee is assigned. The "working environment" extends to other work sites including off-site, mobile or moving work sites/locations.
- (2) The prohibition that supervisors and co-workers not engage in sexual harassment applies to nonemployees such as patrons, vendors, and service providers. Non employees can be victims of sexual harassment and/or perpetrators of sexual harassment.

IV. Sexual Harassment in Online Environments

- (1) Online conduct and through social media can constitute sexual harassment even when it occurs "off the clock", "off-site" or even "out of state".
- (2) Online sexual harassment includes using email, cell phone texts, internet posting, online comments, blog posts and social media (such as Facebook, Twitter, LinkedIn, Instagram, YouTube and SnapChat) to send communications of a sexual nature. Examples include:
 - Flirting and requests or demands to go on a date or have sex
 - Sending inappropriate pictures or videos including sexually graphic material
 - Using sexual language or comments including sexually offensive language
 - Cyber stalking

V. Responsibility of Individual Employees

Each individual employee has the responsibility to refrain from harassment in the workplace. Additionally, each individual employee has the responsibility of reporting behavior they have witnessed which they believe to be harassing or discriminatory in nature.

An individual experiencing, witnessing or aware of unwelcome sexual conduct has the RIGHT to:

- (1) Tell the person to stop
- (2) Report the sexual harassment

An individual employee who harasses a fellow worker is, of course, liable for his or her individual conduct.

The harassing employee will be subject to disciplinary action up to and including termination in accord with the Village's disciplinary policy and the terms of any applicable collective bargaining agreement.

VI. Responsibility of Supervisory Employees

Each supervisor is responsible for maintaining the workplace free from harassment. This is accomplished by promoting a professional environment and by dealing with harassment as with all other forms of employee misconduct.

Specifically, a supervisor must address an observed incident of harassment or a complaint, with seriousness, take prompt action to report it, and observe strict confidentiality. This also applies to cases where an employee tells the supervisor about behavior that constitutes harassment but does not want to make a formal complaint.

In addition, supervisors must ensure that no retaliation will result against an employee making a sexual harassment complaint.

Supervisors in need of information regarding their obligations under this policy or procedures upon receipt of a complaint of harassment should contact Human Resources.

VII. Employer Responsibilities:

- **Prevent** the incidence of sexual harassment in the workplace;
- **Investigate** incidents of sexual harassment in the workplace; and
- Correct** the incidence of sexual harassment in the workplace.

IIX. Elected and Appointed Officials

Because the Village promotes civility and respectful interactions at all levels of the organization, it is critical that elected and appointed officials understand their responsibilities to comply with this policy. Elected and appointed officials are also expected to treat each other in a manner consistent with this

policy. Any elected or appointed official who believes they have experienced prohibited conduct by another elected or appointed official that is inconsistent with the Village's Harassment Policy may notify the Administrative Services Manager or the Village Administrator. After receiving the complaint, the Village may initiate an investigation using an independent investigator experienced in investigating workplace harassment complaints.

IX. Complaints

An employee is not required to directly confront the person who is the source of his or her report, question or complaint before notifying the appropriate supervisor. Nevertheless, an employee is required to make a reasonable effort to make wrongdoing or conflict known should it exist.

Complaints alleging a violation of this policy are encouraged and must be brought to the attention of the appropriate Village officials as soon as possible after the alleged incident of sexual harassment. If you are aware of workplace conflict or wrongdoing taking place, you must immediately discuss your questions, problems, complaints or reports with your direct supervisor. If you feel uncomfortable doing so or if your direct supervisor is the source of the problem, condones the problem, or ignores the problem, immediately report to your supervisor's supervisor. If neither of these alternatives is satisfactory to you, then you can immediately direct your questions, problems, complaints or reports to the Human Resources Manager.

The process for filing a Complaint is detailed below. However, employees may choose to file a charge with the Illinois Department of Human Rights/Illinois Human Rights Commission, 100 W. Randolph St., Suite 10-100, Chicago, Illinois 60601, 312-814-6200, or with the federal Equal Employment Opportunity Commission, Chicago District Office, JCK Federal Building, 230 S. Dearborn Street,, Chicago, Illinois 60604, 1-800-669-4000 www.EEOC.GOV.

Complainants are entitled to confidentiality and respect during the investigation process and shall not be subjected to harassment or retaliation as a result of having filed a complaint or appealed a decision. The Village, the State Officials and Employees Ethics Act, the Whistleblower Act, and the Illinois Human Rights Act prohibits retaliation made against any member who alleges a good faith complaint of sexual harassment, or who participates in any related investigation. Anyone who violates this rule is subject to disciplinary action, up to and including termination. Caution must be exercised, however, to accurately state the facts giving rise to the complaint and to avoid groundless complaints. Grossly inaccurate or groundless complaints made in bad faith may subject the complainant to disciplinary action.

X. Procedures for Filing a Complaint of Harassment

A. Internal

An employee who either observes or believes herself/himself to be the object of harassment is to deal with the incident(s) as directly and firmly as possible by clearly communicating her/his position to the supervisor, human resources and to the offending employee / nonemployee. It is not necessary for the harassment to be directed at the person making the complaint.

Each incident of harassment should be documented or recorded. A note should be made of the date, time, place, what was said or done, and by whom. The documentation may be augmented by written records such as letters, notes, memos, and telephone messages.

No one making a complaint of harassment will be retaliated against even if a complaint made in good faith is not substantiated. Any witness to an incident of harassment is also protected from retaliation.

The process for making a complaint about harassment falls into several stages.

1. **DIRECT COMMUNICATION.** If there is harassing behavior in the workplace, the harassed employee should directly and clearly express her\his objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo. In addition, if an employee feels threatened or intimidated and is not comfortable with direct communication, then the employee should report the alleged harassment to the appropriate supervisor.

2. **CONTACT SUPERVISORY PERSONNEL.** At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate supervisor. If the alleged harasser is the immediate supervisor, the problem should be reported to the department head. Supervisory personnel should notify human resources of any and all complaints whether formal or informal.

3. **FORMAL WRITTEN COMPLAINT.** An employee may also report incidents of harassment directly to human resources. Human resources will counsel the reporting employee and be available to assist with filing a formal complaint.

4. **INVESTIGATION.** The Village will investigate all claims of harassment whether formal or informal in a discreet manner. The Village Administrator has established a Harassment Review Board to review harassment complaints, coordinate investigations, determine findings and make a recommendation for disciplinary action when necessary. The Harassment Review Board will consist equally of 2 female and 2 male members. The Village Attorney(s) will advise the Review Board as needed. The composition of the Harassment Review Board will be kept on file in the human resources office. The composition of the review board is subject to change. Information learned during the investigation will be handled as confidentially as possible and on a need-to-know basis to the extent possible without impeding the investigation. All employees are expected to fully cooperate with the investigation process. Failure to cooperate or provide truthful and complete information during the investigation may result in disciplinary action, up to and including termination of employment. Upon completion of the investigation, the Review Board will notify the complainant, the alleged harasser and the Village Administrator of the results of the investigation to the extent appropriate.

If a complaint is made against a Department Head, the Village Administrator or a member of the Village Board, the Village Attorney will review and investigate the complaint.

Anyone engaging in sexual or other unlawful harassment or discrimination will be subject to disciplinary action, up to and including termination of employment.

B. External

The Village hopes that any incident of harassment can be resolved through the internal process outlined above. All employees, however, have the right to file formal charges with the Illinois Department of Human Rights (IDHR) and/or the United States Equal Employment Opportunity Commission (EEOC). A

charge with IDHR must be filed within 180 days of the incident of sexual harassment. A charge with EEOC must be filed within 300 days of the incident.

Call the State of Illinois Sexual Harassment and Discrimination Helpline. Calls are confidential and can be made anonymously.

1-877-236-7703

www.illinois.gov/SexualHarassment

The United States Equal Employment Opportunity Commission contacts:

CHICAGO (312)-872-9744
800-669-4000
TTY 800-669-6820

EXHIBIT C

Family/Medical Leave

Family and Medical leave is provided in accordance with the Family and Medical Leave Act, as amended (“FMLA”), to eligible employees who need to take time off from work for specified family, medical and/or military reasons. Unpaid, job-protected leave under the FMLA is available to eligible employees for 12 weeks (or, for Military Caregiver leave, up to 26 weeks) during any one year period, which shall begin on the date the leave begins. The Village calculates FMLA based on a “rolling” 12-month period measured backward from the date of any FMLA leave usage also referred to as the “look-back” method. All time off during FMLA is unpaid unless other types of pay are available. If paid time is available, employees are required to use their available paid time during FMLA leave. Time off for personal illness may be paid subject to the Village pay policies. The Village’s FMLA policy is administered in accordance with applicable state and federal laws and regulations.

General information about FMLA leave and employee rights and responsibilities under applicable law and under organization policy is provided below. Since the information provided is general in form, certain limitations not described in detail below may apply depending on the particular circumstances. Contact Human Resources for additional information or with questions regarding details about FMLA leaves of absence.

An employee eligible for FMLA leave must have been employed with the Village for at least one year, and have worked a minimum of 1250 hours over the past 12 months immediately prior to the date the FMLA leave is to begin

Eligible employees may request FMLA leave for one or more of the following reasons:

Basic FMLA Leave

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee’s child after birth, adoption, or foster care placement of a child
- For the employee’s own serious health condition that makes the employee unable to perform his or her job
- To care for an immediate family member (spouse, child under 18 years old, or child 18 or over who is incapable of self-care, or parent) with a serious health condition

Definition of Immediate Family Members

Spouse: Spouse means a husband or wife as defined or recognized under state law for purposes of marriage or civil union in the state where the employee resides.

EXHIBIT D

Victim's Economic Security and Safety Act (VESSA)

Any employee who is a victim of domestic violence, sexual violence and stalking, or who has a family or household member who is a victim of such may take up to a total of 12 unpaid weeks of leave from work during any 12 month period to address the domestic violence. The Village will not suspend the employee's health plan benefits during this time period.

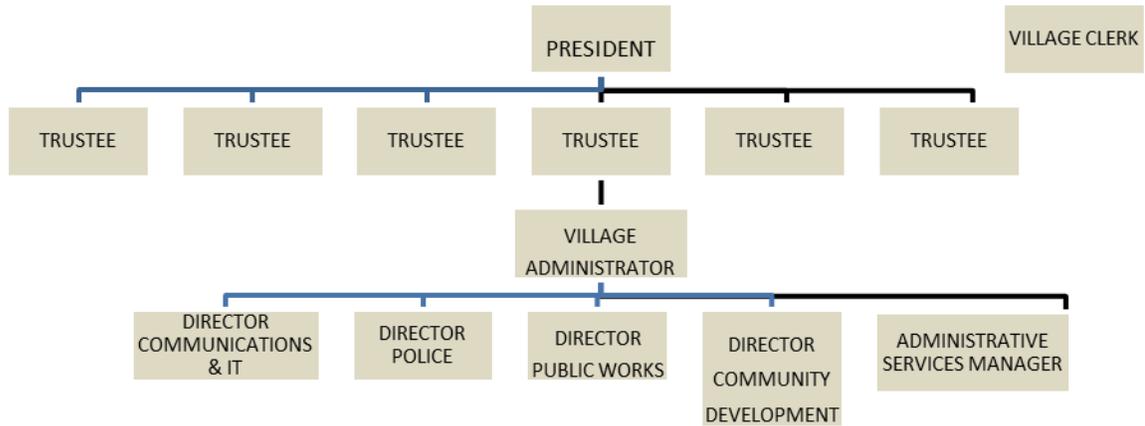
This allows the employee to take up to 12 unpaid weeks of leave from work as a result of domestic violence, sexual violence or stalking to:

- Seek medical attention
- Seek counseling for injuries or psychological trauma
- Obtain victim services
- Relocate
- Seek legal assistance
- Participate in a related court proceeding

The Village may require the employee to provide certification of eligibility for the leave. If the circumstances qualifying an employee for leave pursuant to VESSA also qualify for FMLA leave, then the two leave provisions shall be read together and the leaves shall run concurrently. If you have any questions regarding this benefit, please contact Human Resources.

EXHIBITS E

Organizational Chart



Illinois Municipal Retirement Fund (IMRF)

Non-sworn full-time regular employees of the Village of Itasca shall contribute to the Illinois Municipal Retirement Fund (IMRF) according to the percentage required by law. The Village of Itasca also contributes to the IMRF at the prescribed percentage set by law. For further information on this benefit, contact Human Resources. The Administrative Services Manager shall be the Authorized Agent for IMRF.

EXHIBIT F

Illinois School Visitation Rights

The Village recognizes the value of parental involvement in children's education. For this reason, the Village provides employees (with at least 6 months of service) who are parents, guardians, or custodians of children enrolled in primary or secondary public or private school unpaid time off for the purpose of school visits. Parental leave for school visits allows employees to participate in activities sponsored, approved, or supervised by the school such as parent/teacher conferences, behavioral meetings or activities.

In accordance with the Illinois School Visitation Rights Act, employees of the Village are entitled to use up to a total of 8 unpaid hours during any school year—no more than 4 of which may be taken on any given day—to attend conferences or classroom activities related to the employee's child, provided that:

1. The conference or classroom activities cannot be scheduled during non-work hours, and
2. The employee has exhausted all accrued vacation leave, personal days, and any other leave except leave due to illness.

An employee seeking unpaid school leave must provide a written request to his or her supervisor at least seven days prior to the date for which the leave is sought.

Upon return from the leave, employees must provide documentation to Human Resources from the school verifying the date and time of the visit. Contact Human Resources for more information or questions about parental leave for school visits.

EXHIBIT G

Sick Leave Payout at Termination (only for employees hired prior to 1/1/2004) CHANGED FROM “ACCRUAL OF SICK LEAVE”

Employees hired prior to January 1, 2004 are eligible to accrued sick leave when they separate from the Village. Proper notice, meaning a minimum of two weeks’ notice must be given. If the employee is discharged for just cause, the employee is ineligible for sick leave payout.

Sick leave shall accrue up to a maximum of 72 days and shall be paid in a single payment within thirty (30) days following termination of service.

Employees can receive up to: one hundred percent (100%) pay for accrued sick leave up to a maximum of sixty (60) days and fifty percent (50%) for accrued sick leave in excess of sixty (60) days (maximum 72 days).

Sick Leave Buyback

Regardless of date of hire, the Village will buy back sick leave on an annual basis from employees who have accrued in excess of sixty (60) sick leave days, at the following rate:

Annual Sick Leave Used	Straight Time Buyback
Dec 1 previous yr – Nov 30 current year	
0 – 24 hours	16 hours
More than 24 – 48 hours	8 hours
More than 48 hours	0 hours

Employees hired prior to January 1, 2004 have an additional provision: if after the straight time buyback (1 day = 8 hours; 2 days = 16 hours) employee still has more than 60 days (480 hours) of unused sick leave, the excess of 60 days will be paid at 50%.

The sick leave buyback will be paid on the first full pay period in December after Village approval.

All employees sick leave banks will be reduced to sixty (60) days at the end of the calendar year.

Previous language after the table was:

It is the intent of the Board that all employees who have accrued sick leave days, sick leave may be requested for payout per the chart before November 15th of the current year, with the

actual payout on the first full pay period in December once approved by the Village. However, for those employees hired AFTER January 1, 2004, this buyback will be the only buyback available. Therefore, for employees hired AFTER January 1, 2004 once the annual buyback has occurred, if their remaining sick leave exceeds 60 days, they will have their sick leave banks reduced to sixty (60) days without compensation.

EXHIBIT H

Section 3: Benefits and Approved Absences

The Village offers benefits that provide a well-rounded level of protection for eligible employees and their qualified dependents. A number of programs (such as Social Security, workers' compensation, state disability, and unemployment insurance) cover all employees in the manner prescribed by law.

The terms and conditions of the employee benefit programs are governed by their respective plan documents. For information regarding employee benefits, contact Human Resources.

Employee benefits are subject to change at any time.

Benefit Offered	Benefit Eligibility
Vacation	Immediately
Sick Leave	Immediately
Personal Leave	Immediately
Holidays	Immediately
Medical Insurance	Following 30 days employment
Dental Insurance	Following 30 days employment
Vision Insurance	Following 30 days of employment
Life Insurance	Following 30 days employment
Voluntary Life Insurance	Following 30 days of employment
Employee Assistance Program (EAP)	Immediately
Tuition Reimbursement Program	After 1 year of continuous service
IMRF	Immediately if eligible*
IMRF – Voluntary Additional Contributions	Immediately if eligible*
Voluntary ICMA 457 and IRA	Immediately

Health Insurance

The Village maintains medical coverage for all full-time regular employees and eligible dependents, subject to the provisions outlined in the plan document. The Village offers two medical plans: a Preferred Provider Option (PPO) with a Health Reimbursement Arrangement (HRA) and a Health Maintenance Organization (HMO) plan. Employees who choose the PPO plan are responsible for a portion of the deductible and monthly premium. The remainder of out of pocket expenses are reimbursed through the Health Reimbursement Arrangement (HRA) provided that the claims are eligible and services are provided in-network. Employees who choose the HMO plan are responsible for a portion of the monthly premium as well as any copays associated with the plan.

The Village also maintains dental **and vision** care benefits for all full-time, regular employees and eligible dependents subject to the provisions of the plan document.

Full-time employees are enrolled in the Village's term life and accidental death and dismemberment insurance which is provided by the Village. **Additionally the Village offers a Voluntary Life Insurance program for current employees and their dependents.**

The Village reserves the right to make changes to benefit plans as needed.

RESOLUTION NO. 1219-20

A RESOLUTION UPDATING THE VILLAGE OF ITASCA PERSONNEL MANUAL

WHEREAS, the Village currently has a Personnel Policies and Procedures Manual; and

WHEREAS, Illinois law has changed since the Personnel Policies and Procedures Manual was last updated (Resolution 1007-17); and

WHEREAS, the Village wishes to adopt the new Revisions to the Personnel Policies and Procedures Manual, attached hereto as Exhibit A through Exhibit H, and incorporated herein.

NOW, THEREFORE, BE IT RESOLVED by the Village President and the Board of Trustees of the Village of Itasca, DuPage County, Illinois, as follows:

SECTION ONE: The corporate authorities of the Village of Itasca hereby approve and adopt the Revisions to Personnel Policies and Procedures Manual, Exhibit A through Exhibit H.

SECTION TWO: SEVERABILITY. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

SECTION THREE: REPEAL OF PRIOR RESOLUTIONS. All prior Resolutions and Ordinances in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION FOUR: EFFECTIVE DATE. This Resolution shall be in effect immediately from and after its passage and approval.

AYES: _____

NAYES: _____

ABSENT: _____

ABSTAIN: _____

APPROVED and ADOPTED by the Village President and Board of Trustees of the Village of Itasca this 21st day of July, 2020.

APPROVED:

ATTEST:

Village President Jeffery J. Pruyn

Village Clerk Jody Conidi