

SECTION 1 – GOVERNING PRINCIPLES OF EMPLOYMENT

1-1.Equal Employment Opportunity

The Village is an equal opportunity employer that does not discriminate on the basis of actual or perceived race, creed, color, religion, national origin, ancestry, citizenship status, age, disability or handicap, sex, marital status, veteran status, sexual orientation, genetic information, pregnancy, or any other characteristics protected by applicable Federal, State, or local laws. The Village is dedicated to this policy with respect to recruitment, hiring, placement, promotion, transfer, training, compensation, benefits, employee activities, and general treatment during employment.

The Village will endeavor to make a reasonable accommodation to the known physical or mental limitations of qualified employees with disabilities unless the accommodation would impose an undue hardship on the operation of the Village.

If you wish to request such an accommodation, please contact the ~~Village's Deputy Clerk~~Village Administrator or his or her designee who serves as the ADA Coordinator. If you have questions or concerns about equal employment opportunities in the workplace, you are encouraged to bring these issues to the attention of the ~~Deputy Clerk~~Village Administrator or his or her designee or Village President. The Village will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. To ensure our workplace is free of artificial barriers, violation of this policy will lead to discipline, up to and including termination.

The Village will endeavor to accommodate the sincere religious beliefs of its employees to the extent such accommodation does not pose an undue hardship on the Village's operations.

1-2.Americans with Disabilities Act (ADA)

It is the intent of the Village to guarantee disabled persons equal employment opportunities and to participate in or enjoy the benefits of Village services, programs, or activities, and to allow disabled employees a bias free work environment. Employment practice (e.g. hiring, training, testing, transfer, promotion, compensation, benefits, termination, etc.) will be administered in a non-discriminatory manner. The Village, upon request, will provide reasonable accommodation in compliance with the Americans with Disabilities Act (ADA).

Recruitment and selection processes will grant equal opportunity for employment to qualified applicants and will not discriminate on the basis of disability. The Village has a commitment to ensure equal opportunities for disabled Village employees. Reasonable effort will be made to provide an accessible work environment including the use of auxiliary aids and services as requested by the employee as long as they can satisfactorily perform the essential job duties required of their position. Questions regarding accommodations should be directed to the Village's ~~Deputy Clerk~~Village Administrator or his or her designee who serves as the ADA Coordinator.

1-3. Anti-Harassment

It is Village policy to prohibit intentional and unintentional harassment of any individual by another person on the basis of any protected classification including, but not limited to, race, color, national origin, disability, religion, marital status, sexual orientation or age. The purpose of this policy is not to regulate our employees' personal morality, but to ensure that in the workplace no one harasses another individual.

If you feel that you have been subjected to conduct which violates this policy, you should follow the Village's policy for reporting harassment and/or discrimination allegations (see Section 1-5). Every report of perceived harassment will be fully investigated and corrective action will be taken where appropriate. Violation of this policy will result in corrective action up to and including termination. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed. In addition, the Village will not allow any form of retaliation against individuals who report unwelcome conduct of management or who cooperate in the investigations of such reports in accordance with this policy. Employees who make complaints in bad faith may be subject to corrective action, up to and including termination.

1-4. Policy Prohibiting Sexual Harassment

A. Prohibition on sexual harassment

It is unlawful to harass a person because of that person's sex. The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991. All persons have a right to work in an environment free from sexual harassment. Sexual harassment is unacceptable misconduct which affects individuals of all genders and sexual orientations. It is a policy of the Village to prohibit harassment of any person by any municipal official, municipal agent, municipal employee or municipal agency or office on the basis of sex or gender. All municipal officials, municipal agents, municipal employees and municipal agencies or offices are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof.

B. Definition of sexual harassment

This policy adopts the definition of sexual harassment as stated in the Illinois Human Rights Act, which currently defines sexual harassment 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 which may constitute 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 of 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, viewing pornographic material or websites.
- *Physical:* touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.
- *Textual/Electronic:* "sexting" (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).

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 courts will assess sexual harassment by a standard of what would offend a "reasonable person."

C. Procedure for reporting an allegation of sexual harassment

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

Any employee may report conduct which is believed to be sexual harassment, including the following:

- *Electronic/Direct Communication.* If there is sexual 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.

- *Contact with Department Head 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 Department Head of the person making the report, ~~Deputy Clerk~~Village Administrator, or the Village President of the municipality.

The employee experiencing what he or she believes to be sexual harassment must not assume that the employer is aware of the conduct. If there are no witnesses and the victim fails to notify a Department Head or other responsible officer, the municipality will not be presumed to have knowledge of the harassment.

- *Resolution Outside Municipality.* The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every report and incident so that problems can be identified and remedied by the municipality. However, all municipal employees have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities. An IDHR complaint must be filed within 300 days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within 300 days.

Documentation of any incident may be submitted with any report (what was said or done, the date, the time and the place), including, but not limited to, written records such as letters, notes, memos and telephone messages.

All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the municipality. However, because of the serious implications of sexual harassment charges and the difficulties associated with their investigation and the questions of credibility involved, the claimant's willing cooperation is a vital component of an effective inquiry and an appropriate outcome.

D. Prohibition on retaliation for reporting sexual harassment allegations

No municipal official, municipal agency, municipal employee or municipal agency or office shall take any retaliatory action against any municipal employee due to a municipal employee's:

1. Disclosure or threatened disclosure of any violation of this policy,
2. The provision of information related to or testimony before any public body conducting an investigation, hearing or inquiry into any violation of this policy, or
3. Assistance or participation in a proceeding to enforce the provisions of this policy.

For the purposes of this policy, retaliatory action means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any municipal employee that is taken in retaliation for a municipal employee's involvement in protected activity pursuant to this policy.

No individual making a report will be retaliated against even if a report made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

Similar to the prohibition against retaliation contained herein, the State Officials and Employees Ethics Act (5 ILCS 430/15-10) provides whistleblower protection from retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for an employee who does any of the following:

1. Discloses or threatens to disclose to a Department Head or to a public body an activity, policy, or practice of any officer, member, State agency, or other State employee that the State employee reasonably believes is in violation of a law, rule, or regulation,
2. Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member, State agency or other State employee, or
3. Assists or participates in a proceeding to enforce the provisions of the State Officials and Employees Ethics Act.

Pursuant to the Whistleblower Act (740 ILCS 174/15(a)), an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. In addition, an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. (740 ILCS 174/15(b)).

According to the Illinois Human Rights Act (775 ILCS 5/6-101), it is a civil rights violation for a person, or for two or more people to conspire, to retaliate against a person because he/she has opposed that which he/she reasonably and in good faith believes to be sexual harassment in employment, because he/she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under the Illinois Human Rights Act.

An employee who is suddenly transferred to a lower paying job or passed over for a promotion after filing a complaint with IDHR or EEOC, may file a retaliation charge – either are due within 300 days of the alleged retaliation.

E. Consequences of a violation of the prohibition on sexual harassment

In addition to any and all other discipline that may be applicable pursuant to municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements, any person who violates this policy or the Prohibition on Sexual Harassment contained in 5 ILCS 430/5-65, may be subject to a fine of up to \$5,000 per offense, applicable discipline or discharge by the municipality and any applicable fines and penalties established pursuant to local ordinance, State law or Federal law. Each violation may constitute a separate offense. Any discipline imposed by the municipality shall be separate and distinct from any penalty imposed by an ethics commission and any fines or penalties imposed by a court of law or a State or Federal agency.

F. Consequences for knowingly making a false report

A false report is a report of sexual harassment made by an accuser using the sexual harassment report to accomplish some end other than stopping sexual harassment or retaliation for reporting sexual harassment. A false report is not a report made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false or frivolous report is a severe offense that can itself result in disciplinary action. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be subject to discipline or discharge pursuant to applicable municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements.

In addition, any person who intentionally makes a false report alleging a violation of any provision of the State Officials and Employees Ethics Act (5 ILCS 430/1 et. seq.) to an ethics commission, an inspector general, the State Police, a State's Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor. An ethics commission may levy an administrative fine of up to \$5,000 in total against any person who intentionally makes a false, frivolous or bad faith allegation.

1-5. Reporting Harassment and/or Discrimination Allegations

A. If an employee feels that they have been the victim of harassment and/or discrimination, they must report the incident to the Village as soon as is practicable and in accordance with the procedures set forth herein. In addition, any employees who learn of or witness harassment or discrimination are strongly encouraged to report it pursuant to this policy.

1. If the alleged offender is the employee's co-worker, then the employee should report the incident to either their Department Head or the Deputy Clerk Village Administrator.
2. If the alleged offender is the Department Head, the employee should report the incident directly to the Village President Administrator.
3. If the alleged offender is the Deputy Clerk Village Administrator, the employee should report the incident directly to the Village President.

4. If the alleged offender is the Village President, the employee should report the incident directly to the ~~Deputy Clerk~~Village Administrator or a member of the Village Board of Trustees.
 5. If the alleged offender is a member of the Village Board of Trustees, the employee should report the incident directly to the ~~Deputy Clerk~~Village Administrator or Village President.
- B. The Village has a sample written complaint form (See Appendix D) available to employees who believe that they have been subjected to harassment and/or discrimination. Employees are encouraged to use the complaint form and submit it to the appropriate official above when reporting the incident, including any and all pertinent documents and facts. Use of this written complaint form is encouraged but is not mandatory.
- C. To facilitate a thorough and fair investigation of the alleged incident, it is strongly encouraged that all reports of harassment and/or discrimination be made as soon as practical, but preferably within seven (7) days.
1. Upon receipt, the Village official, or his/her designee, shall conduct an investigation to consider appropriate resolution alternatives based on the facts uncovered, and swiftly resolve the matter. The receiving official shall inform the complainant and accused of the progress of the investigation if it is not resolved within seven (7) days.
 2. All reports of harassment and/or discrimination shall be taken seriously and fully investigated. There can be no guarantee of complete confidentiality, but to the extent possible, the investigation and the identity of the parties and persons cooperating in the investigation will be kept in strict confidence with only those on a need to know basis involved.
 3. All parties involved will be expected to keep all comments and personal opinions confidential. Full cooperation from all parties involved is required during the investigation. Failure to fully cooperate with such investigation may subject the employee to disciplinary action, up to and including termination of employment.
 4. All persons accused of harassment and/or discrimination are considered innocent until proven otherwise.
- D. Within seven (7) days of initiating an investigation, the receiving official shall give notification to the ~~Deputy Clerk~~Village Administrator unless the investigation involves the ~~Deputy Clerk~~Village Administrator. Further, upon the completion of the investigation, the Village official shall prepare a written report of findings and recommend remedies and outcome to the ~~Deputy Clerk~~Village Administrator unless

the complaint involves the ~~Deputy Clerk~~Village Administrator, in which case it shall be forwarded to the Village President. The ~~Deputy Clerk~~Village Administrator or Village President shall notify the Corporate Authorities of the incident and the final outcome.

- E. Employees who are found guilty of harassment and/or discrimination shall be subject to corrective or disciplinary action up to and including termination depending on the circumstances. If upon the completion of an investigation, the alleged offender is found innocent or the allegations are unsubstantiated, then no record of the incident shall appear in their personnel file.
- F. The Village prohibits retaliation against any individual who reports or files a charge of discrimination or harassment. Retaliation against an individual for reporting harassment or discrimination, or participation in an investigation of a harassment claim, will be subject to disciplinary action up to and including termination.
- G. If the complainant is found to have been acting maliciously with the intention of intimidating or retaliating against the alleged offender, then the accuser may be subject to disciplinary action up to and including termination.

1-6. Genetic Information Non-Discrimination Act (GINA)

The Genetic Information Non-discrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you do not provide any genetic information when responding to any requests for medical information. "Genetic information" as defined by GINA includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

1-7. Drug and Alcohol Free Workplace

SECTION 1-7.1.

- A. The use and misuse of alcohol and drugs by the Village of Winnebago's employees is contrary to a drug free workforce and workplace. The use of these substances increases the potential for accidents, absenteeism, substandard performance, turnover, misconduct, poor employee morale, damage to property, injury to the public and/or other employees, or degradation of trust in the Village to service its citizens effectively. All employees working for the Village are expected to report fit for duty for scheduled work and to be able to perform assigned duties safely and acceptably without any limitations due to the use or after affects of cannabis, including medical cannabis, or other drugs, dangerous substances, or alcohol. Therefore, the following Alcohol and Substance Abuse Policy is adopted.

SECTION 1-7.2.

A. All employees of the Village of Winnebago shall be governed by the principles of a drug free workforce and workplace, and

1. Shall not be under the influence or effects of alcohol, drugs or other dangerous substances while on duty, performing their assigned duties or while "on-call" for duty;
2. Shall not use, distribute, sell, or possess illegal drugs and law enforcement officers shall not consume, possess, sell, purchase or deliver cannabis or cannabis infused substances off duty;
3. Shall not use alcohol, drugs or other dangerous substances during working hours, during breaks or meal periods, when scheduled to return to work or when subject to being called to work;
4. Shall not possess, store or transport alcohol or drugs while on Village premises, at Village work locations or in Village vehicles or equipment;
5. Shall not sell, distribute, dispense or transfer alcohol, illegal drugs or prescription drugs and medications to any other employee or to any person while on duty, on-call or acting in an official capacity.
6. Shall inform the appropriate Department Head of any limitations as a result of drug use (prescription or over the counter) that may impact the performance of duty.

The prohibitions in this policy encompass, but are not limited to use of: narcotics (heroin, morphine, opioids, etc.), cannabis (marijuana, hashish), stimulants (cocaine, crack, diet pills, etc.), depressants (tranquilizers), and hallucinogens (PCP, LSD, "designer drugs," etc.). This policy prohibits the possession or use of cannabis in the workplace or being under the influence of cannabis, including as a "qualifying patient" under the Illinois Compassionate Use of Medical Cannabis Pilot Program Act during the work day or work activities. Compliance with this policy is a condition of employment.

An employee is considered to be under the influence of drugs if the employee has a confirmed positive test result for drug use or their metabolites pursuant to federal HHS-certified lab cutoff concentrations or has engaged in conduct evidencing apparent impairment. An employee shall be considered to be under the influence of alcohol if there is a concentration of .02 or more based upon the grams of alcohol per 100 millimeters of blood.

Nothing contained herein shall preclude an employee from consuming alcoholic beverages while in the performance of duty under proper and specific orders from a superior provided that the officer's ability to perform the assignment or function is not impaired.

- B. All employees are governed by these requirements and should be aware that violations will result in disciplinary action up to and including termination. Nothing in this policy shall be considered as limiting the Village's right to take administrative or disciplinary action, up to and including termination, for involvement with drugs or alcohol not specifically addressed in this policy.

SECTION 1-7.3. DRUG AND ALCOHOL TESTING

- A. Because, of the Village's concern for its obligation to provide a safe work place and to provide its citizens with the most efficient and effective services, it will test applicants and employees under the following circumstances:

1. Pre-Employment: All applicants to whom an offer of employment has been extended shall be tested for alcohol and drugs. The offer of employment will be revoked for any applicant who tests positive for alcohol or drugs.
2. Promotion to a Higher Classification: The Village will test any employee being promoted to a higher Classification. Any such employee who tests positive will become ineligible for the promotion and will be subject to disciplinary action, including termination.
3. Reasonable Suspicion: If the Village has reasonable suspicion that an employee has violated any provision of this policy pertaining to drugs, alcohol, or other dangerous substances, the employee shall be required to submit to testing. Reasonable suspicion is defined in the "Definitions" section of this policy.
4. Special Circumstances: An employee may also be tested for drugs, alcohol or other dangerous substances:
 - a. as part of a regularly scheduled physical examination;
 - b. when an officer has been involved in a major incident, such as a shooting, an injury to a citizen or co-worker, or a complaint alleging use of excessive force; or
 - c. when an officer is assigned to a departmental or outside drug enforcement group or when an employee is assigned primarily to drug enforcement responsibilities.
5. Post-Accidents: All employees who may have contributed to a work-related accident or injury are directly or indirectly involved in an accident or injury shall be tested. This applies to any accident whether it involves a vehicle or equipment resulting in substantial damage to personal property, or personal injury.
6. Random Drug Testing for CDL Employees: For those employees who utilize a Commercial Driver's License (CDL) during the course of their job performance, the minimum annual percentage rate for random drug testing shall be 50% of all CDL employees. Each CDL employee shall be identified by his/her respective employee

identification number. The random selection shall be performed by the same drug testing facility as performs the test for non-CDL employees required to be tested under the provisions of 1-5 above. Under the selection process each CDL employee shall have an equal chance of being tested each time selections are made. However, if a CDL employee is included in another governmental Random Drug Testing pool, then such employee need not be placed in a Village pool; provided that the other governmental entity must report its results to the Village President or the Village President's designee of any Village CDL Employee that is randomly tested. If a CDL employee is in another governmental Random Drug Testing pool, said employee must notify the Village President in writing of the pool the employee is part of and the contact information of the person in charge of the pool.

- B. Employees who violate the alcohol or drug regulations and who are permitted to remain employed must submit to unannounced follow-up tests after they return to work. In the first 12 months after returning, an employee must take at least six tests. Follow-up testing may be extended for up to 48 months following return to duty.

SECTION 1-7.4. TESTING PROCEDURES

- A. While the Village reserves the right to establish the procedures under which employees will be tested for alcohol and drugs, to the extent circumstances permit, the Village will observe the following:
 - 1. Every effort will be made to respect the privacy and dignity of employees in the test sample collection process.
 - 2. Will use only a clinical laboratory or hospital facility that is licensed pursuant to the Illinois Clinical Laboratory Act, that has been or is capable of being accredited by the Substance Abuse and Mental Health Services Administration (SAMHSA) and insure that the laboratory/facility conforms to applicable SAMHSA standards. The name and address of the facility will be available to employees upon request.
 - 3. Ensure that the facility has established "chain of custody" procedures for both the sample collection and testing that will ensure the integrity of the identity of each sample and test result.
 - 4. Positive drug test results are subject to a second confirmatory test of the same sample by gas chromatography (GCMS) or an equivalent scientifically accurate and accepted method that provides quantitative data about any detected drug or drug metabolites and Medical Review Officer review.
 - 5. The appropriate Department Head will receive drug and alcohol test results.
 - 6. Drug and alcohol test result will be filed in the employee's medical file and will be treated as a confidential medical record. Supervisors or managers may be informed of drug testing results and/or employee's participation in a substance

abuse rehabilitation program as such information relates to the employee's performance of work duties and/or reasonable accommodation issues.

7. Provide each employee tested with a copy of all information and reports received in connection with the testing and the results.

SECTION 1-7.6. DISCIPLINE

- A. Positive Test Results: Where the employee tests positive on both the initial and confirmatory tests for drugs, alcohol or other dangerous substances, the employee shall be subject to disciplinary action up to and including discharge and/or be required to complete a drug/alcohol rehabilitative treatment program at the employee's expense, to the extent not covered by insurance. An employee who wishes to have a second test done at the testing facility or at a different testing facility may do so at his/her expense.
- B. Refusal to Provide a Blood, Breath, or urine Specimen: An employee's refusal to provide a urine, breath and/or blood specimen for laboratory testing when requested by the Village shall constitute cause for disciplinary action, up to and including discharge of the employee. If the employee is physically unable to provide a urine specimen, the Village may request a blood specimen for Laboratory testing.
- C. Tampering With or Substitution of a Specimen: Intentionally tampering with, causing another person to tamper with, substituting for, or causing another person to substitute for a urine and/or blood specimen, whether the employee's own specimen or another employee's specimen, shall constitute cause for disciplinary action up to and including discharge of the employee who engages in such activity.
- D. Drug-Related Conviction: The conviction of an employee for any offense involving illegal possession, sale, use or distribution of a drug shall constitute cause for disciplinary action up to and including discharge, whether or not such offense occurred during normal work hours. Such arrests and convictions must be reported to the employee's supervisor within twenty-four (24) hours of such arrest/conviction.
- E. Alcohol Related Offenses: The conviction of an employee for any alcohol related offense shall also constitute cause for discipline up to and including termination, whether such offense occurred during normal work hours. Such arrest and convictions must be reported to the employee's supervisor within twenty-four (24) hours of such arrest conviction.

SECTION 1-7.7. EMPLOYEE ASSISTANCE PROGRAM

- A. An employee may desire to come forward on a self-initiated basis to seek help for an alcohol or drug abuse problem and to resolve that problem voluntarily. Employees are encouraged to do so before they are found in violation of this policy. Employees voluntarily seeking assistance for a problem involving illegal drug use or alcohol abuse may avail themselves of this help once during the employee's tenure.

- B. The employee will not be subject to disciplinary action for voluntarily coming forward for help. However, the employee will not escape discipline by requesting such assistance after being requested to take an alcohol and/or drug test or violating Village policies and/or rules of conduct. Voluntary requests for help will be kept confidential to the extent practical.

SECTION 1-7.8. SEARCHES

- A. In order to accomplish the goals of this policy, or for similar administrative purposes, the Village may search employees and inspect their personal property (i.e., locker, work area, vehicles parked on Village property (with reasonable suspicion) etc.), at the Village's discretion.
- B. All searches and inspections will be performed with appropriate regard and concern for the personal privacy of the employee to the extent practical without jeopardizing the investigation. Failure to submit to or cooperate in such a search may result in disciplinary action, including termination.
- C. The Village may, under certain circumstances, request the presence of a representative of the appropriate law enforcement agency when conducting a search or inspection.

SECTION 1-7.8. DEFINITIONS

- A. Drugs: A drug includes any controlled substance listed in the Illinois Controlled Substances Act or Cannabis Control Act, and substances listed in Schedules I through V of the Federal Controlled Substances Act, or any other intoxicating substance. It also include any drug which is not legally obtainable, and/or any drug which is legally obtainable, such as a prescription drug, but which is not legally obtained, is not being used for prescribed purposes, and/or is not being taken according to prescribed dosages
- B. Alcohol: Includes any distilled spirits, wine, malt beverage or other intoxicating liquors.
- C. Drug/Alcohol Test: Any chemical, biological or physical instrumental analysis administered for the purpose of determining the presence or absence of alcohol or a drug or its metabolites.
- D. Positive Test Result:
 - 1. A blood or breath specimen provided by the employee measured an ethyl alcohol concentration of .02 or more; or
 - 2. Urine or blood specimen provided by the employee which detects any amount of a drug as specified by the screening test standards as outlined in this section.
- E. Reasonable Suspicion: Reasonable suspicion shall be defined as an articulate belief based on specific facts and reasonable inferences that the employee is under the

influence of drugs or alcohol, is using drugs or alcohol, or is in possession of or selling drugs or alcohol. Circumstances which may constitute a basis for determining reasonable suspicion may include, but are not limited to:

1. A pattern of abnormal or erratic behavior;
2. A noticeable change in work performance;
3. Direct observation of drug or alcohol use;
4. Presence of physical symptoms of drug or alcohol use (glassy or blood shot eyes, slurred speech, poor coordination or the odor of an alcoholic beverage on/or about the person or breath of the person).

1-8 .Weapons Policy

Purpose:

The Village of Winnebago, (hereinafter referred to as "Village"), strives to maintain a safe workplace environment for its employees and visitors. Workplace safety is enhanced by adopting this "No-Weapons" Policy.

Applicability:

This Policy applies to (A) all officials, employees, consultants, agents, and others who work for or with the Village at all times while on or in the Village Property, whether on duty or off duty, except as provided for in EXCEPTIONS, and contractors and vendors, and their personnel, when engaged in work for or business with the Village ("Village Officials"); and (B) all clients, guests, and other persons who are not Village Officials. See the definitions of "Village Officials," "Village Property," and "Visitor" under DEFINITIONS.

Definitions:

"Village Officials" means all officials, employees, consultants, agents, and others who work for or with the Village at all times while on or in Village Property, whether on duty or off duty, and contractors and vendors, and their personnel, when engaged in work for or business with the Village.

"Village Property" means every building and property, or portion of a building or property, owned or leased by or otherwise under the control of, the Village. "Village Property" also means every Village-owned or leased vehicle.

"Tools" means devices commonly recognized as tools useful for Village purposes, when being used for Village purposes or kept in their usual storage location.

"Visitor" means every person other than a Village Official, as described in phrase (B) under APPLICABILITY.

“Weapon” means:

- Knives, except that the following knives are not prohibited: common kitchen knives such as dinner knives, steak knives, and carving knives, but only in kitchen and break room areas; and (ii) common folding pocket knives with no blade longer than three (3”) inches.
- Devices from which a projectile can be fired, but not including Tools as defined in this Policy.
- Electronic devices such as conducted electrical weapons, stun guns and Tasers.
- Firearms of all types and sizes, whether loaded or unloaded.
- Clubs and any other instrument or object that can be used in a club-like manner and the presence of which poses a reasonable risk to others, but not including Tools as defined in this Policy.
- Any device designed primarily for a destructive purpose, but not including Tools as defined in this Policy.

Weapons Prohibited:

- A. Village Officials. Except as provided under EXCEPTIONS, no Village Official may wear, carry, store, transport, or otherwise possess a Weapon at any time in or on Village Property or while performing any duties for or on behalf of the Village.

Examples of prohibited times and places include, but are not limited to, the following:

- performing work for the Village at any locations including private residences and commercial establishments and other customer or client locations;
- driving or riding as a passenger in a Village vehicle;
- attending trade shows, conferences, or training on behalf of the Village;
- attending Village directed or sponsored activities or events (intended for Village employees only and not the general public) independent of venue;
- riding any type of mass transit while on Village business;
- working off-site on behalf of the Village (excluding the employee’s residence); and

- performing emergency or on-call work for the Village after normal business hours and on weekends.
- B. Visitors. Except as provided under EXCEPTIONS, no Visitor may wear, carry, store, transport, or otherwise possess a Weapon in or on Village Property at any time (see Parking Lots below for further information).
- C. Use of Private Vehicle. No Village employee may use a privately-owned vehicle for Village business if that vehicle contains a firearm of any type or size, whether loaded or unloaded.

Exceptions:

- A. Police Officers and Other Designated Personnel. Village police officers and other Village employees who have been specifically designated or deputized may possess their work-authorized Weapons. Police officers or similarly sworn law enforcement officers from other departments or agencies may possess their work-authorized Weapons while engaged in official duties.
- B. Governmental. A state or federal governmental sworn law enforcement employee may possess his or her work-authorized Weapons if engaged in official duties and required by law or regulation to possess a Weapon.
- C. Parking Lots. A Village Official or Visitor may keep a Weapon in his or her personal vehicle properly parked and locked in a Village parking lot or parking area, so long as the Weapon is kept (1) in compliance with all applicable federal and State laws and regulations; (2) out of plain view; and (3) if a firearm, so long as the Village Official or Visitor is properly licensed and the firearm is unloaded and locked in a glove box, trunk, or other secured container. A Village Official or visitor may carry a concealed weapon in the immediate area surrounding his or her vehicle within the Village parking lot only for the limited purpose of storing or retrieving a firearm within the vehicle's trunk.

Inspections:

The Chief of Police or his or her designee may inspect or search any workplace area and any Village Property, at any time, for the presence of a Weapon.

Violations:

Any violation of this Policy by a Village Official will subject the Village Official to discipline, up to and including termination.

Any violation of this Policy by a Visitor will subject the Visitor to removal from Village Property, prohibition from returning to any Village Property, and arrest.

Concealed-Carrying Prohibited:

All property controlled by the Village is a “prohibited area” under Section 65 of the Illinois Firearms Concealed Carry Act and thus, concealed carrying in or on any property controlled by the Village is not authorized by Illinois law. Accordingly, and in all events, concealed carrying is not an exception to this Policy (except as listed in Exceptions “A” and “B” above).

Responsibility:

All Village employees shall have the responsibility of familiarizing themselves with this Policy and adhering to it.

Any Village Official who sees or perceives a violation of this Policy must report that violation to his or her Department Head or, in an emergency, to the Police Department.

No person should take any action that will risk his or her safety or the safety of others. No person should attempt to restrain or forcibly evict an individual with a Weapon from Village premises. Instead, a person may inform that individual of this Policy and ask for compliance.

If that individual does not comply, then the person should contact the Police Department immediately.

1-9. Workplace Violence (Note: does not apply to Police Officers during the normal course of their field duties.)

The Village is strongly committed to providing a safe workplace. The purpose of this policy is to minimize the risk of personal injury to employees and damage to the Village and personal property.

We specifically discourage you from engaging in any physical confrontation with a violent or potentially violent individual. However, we do expect and encourage you to exercise reasonable judgment in identifying potentially dangerous situations.

Threats, threatening language or any other acts of aggression or violence made towards or by any Village employee will not be tolerated. For purposes of this policy, a threat includes any verbal or physical harassment or abuse, any attempt at intimidating or instilling fear in others, menacing gestures, flashing of weapons, stalking or any other hostile, aggressive, injurious or destructive action. To the extent permitted by law, employees and visitors are prohibited from carrying weapons onto Village premises.

Employees are encouraged to dial 911 in the event of a dangerous situation and notify a Department Head who will also advise the ~~Deputy Clerk~~Village Administrator immediately.

1-10. Confidential Information

Confidentiality is extremely important to maintain the public and community's trust. If your employment ends with the Village, your obligation to maintain confidentiality does not.

If you are questioned by anyone outside the Village and are concerned about the appropriateness of releasing certain confidential information, you should not answer their question and refer them to the ~~Deputy Clerk~~ or his or her designee's office. No one is permitted to remove or make copies of any confidential Village records, reports, or documents without prior approval from the Clerk, Deputy Clerk, Village Administrator and/or Village President.

Disclosure of confidential information could lead to corrective action, up to and including termination, as well as possible legal recourse.

1-11. Whistleblower Act

The Village strives to conduct its business with the utmost integrity and in strict accordance with all applicable federal, state, and local laws. Accordingly, employees are encouraged to immediately or as soon as practicable report any improper actions, including violations of Federal, State, or local laws, committed by Village employees or its officials to the ~~Deputy Clerk~~ Village Administrator and/or Village President.

The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination. Employees making good faith complaints or reports that are covered by this policy shall not be subjected to retaliation. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact the ~~Deputy Clerk~~ Village Administrator or his or her Department Head immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

The goal of this whistleblower policy is to keep the confidentiality of the employee and protect said employee against retaliation. Where possible, the confidentiality of the employee will be maintained unless the employee's identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense.

Improper actions are actions undertaken by an officer or employee in the performance of his or her official duties which include, but are not limited to, actions that:

1. are in violation of any federal, state, or local laws;

2. constitute an abuse of authority;
3. create a substantial and specific danger to the public health or safety of the Village, its residents, employees and guests; and
4. grossly waste public funds.

Improper actions do not include common personnel actions, such as the processing of grievances, decisions regarding hiring, promotion, firing, and other discipline, or alleged violations of labor (collective bargaining) agreements, employment contracts, or policies or procedures set forth in the Village's Personnel Policies Manual.

All reports of illegal and dishonest activities or of actions that may be in violation of this policy will be promptly submitted to the ~~Village Deputy Clerk~~Village Administrator or Village President in order to allow for an investigation into the matter and to recommend and coordinate any corrective or disciplinary action that may be taken against persons violating this policy. All investigations into any conduct that has allegedly violated this policy shall be conducted in a timely manner and without unnecessary delay.

1-12. Abused and Neglected Child Reporting Act

The Village is committed to complying with the Abused and Neglected Child Reporting Act (325 ILCS 5/4). Pursuant to this Act, all employees are required to report or cause a report to be made to the child abuse Hotline number (1-800-25A-BUSE) whenever he or she has reasonable cause to believe or suspect that a child may be neglected or abused. Failure to report suspected abuse or neglect may result in criminal penalties under the Act and disciplinary action, up to and including termination.

Employees and, in certain instances, volunteers with expected patron contact, especially where said contact may be with a minor child, are required to sign the Acknowledgement of Mandated Reporter Status. The acknowledgement form will become part of your personnel file. For more information about mandated reporters under the Abused and Neglected Child Reporting Act, contact your Department Head.

1-13. Illinois Civil Union Act

The Illinois Civil Union Act provides the same rights and responsibilities to Civil Union partners as spouses. A Civil Union may be legally entered into through a state licensing and certification process. Partners in Civil Unions and same-sex marriages legally established in another state will also be recognized in Illinois. By law, self-funded benefit plans must treat Civil Union partners the same as spouses offering medical, dental, vision, life, and disability plans (See Section 9 - Benefits).

Federal laws such as COBRA are not affected by the Illinois Civil Union Act. As a result, the Village is not required to extend Federal protections to Civil Union partners, including COBRA. Additionally, a Civil Union partner is not considered a tax dependent per the

Internal Revenue Service. As a result, Civil Union partners under benefit programs will require the Village to impute the appropriate income into the employee's pay and apply withholding to the imputed amount if the employee does not claim the partner as a tax dependent.

1-14.Immigration Law Compliance

Federal law requires all employees to present documentation confirming their identity and eligibility to work in the United States. New employees and re-hires must complete the I-9 Employment Eligibility Verification Form no later than the first day of employment.

1-15.Political Activity Policy

A. In General—Village

It shall be declared policy of the Village to appoint or hire all employees without regard to political considerations.

B. In General—Employees

Village employees shall not engage in any prohibited political activities during working hours (other than vacation, personal, or compensatory time off) on municipal property, while performing their public duties, and shall not use municipal time, supplies, uniforms, or equipment in any prohibited political activity.

C. Prohibited Political Activity During Compensated Working Hours Defined

"Prohibited political activity during compensated (other than vacation, personal, or compensatory time off) working hours" means:

1. Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
2. Soliciting contributions, including, but not limited to, the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political rally, political demonstration, or other political event.
3. Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.

4. Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office, or on behalf of a political organization for political purposes, or for or against any referendum question.
5. Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elected office or on behalf of a political organization for political purposes, or for or against any referendum questions.
6. Assisting at the polls on election day on behalf of any political organization or candidate for elective office, or for or against any referendum question.
7. Soliciting votes on behalf of a candidate for elective office or a political organization, or for or against any referendum question, or helping in an effort to get voters to the polls.
8. Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office, or for or against any referendum question.
9. Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
10. Preparing or reviewing responses to candidate questionnaires.
11. Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
12. Campaigning for any elective office, or for or against any referendum question.
13. Managing or working on a campaign for elective office, or for or against any referendum question.
14. Serving as a delegate, alternate, or proxy to a political party convention.
15. Participating in any recount or challenge to the outcome of any election, except to the extent required by state law based on such employee's official position.

D. Prohibition Against Soliciting Village Employee Campaign Contributions

1. No Village employee shall ever directly or indirectly use or seek to use his authority for contributions from municipal employees for political campaign purposes.
2. Employees have exactly the same right as any other citizen to join political organizations and participate in political activities, as long as they maintain a clear separation between their official responsibilities and their political affiliations.

Nothing in this section shall be construed to prevent Village employees from voting with complete freedom in any election.

E. Prohibition Against Misappropriation of Village Property for Political Campaigns, Activities, or Purposes

No Village employee shall intentionally misappropriate any Village property, supplies, or resources for the benefit of any campaign for elective office or any political organization, activity, or cause.

F. Prohibition Against Misappropriation or Abuse of Village Employee Services

At no time shall any Village Official, Department Head, or Village employee intentionally misappropriate or abuse the services of any Village employee by:

1. Requiring that Village employee to perform any prohibited political activity as part of that employee's Village duties, as a condition of Village employment, or during any time off that is compensated by the Village (such as vacation, personal, or compensatory time off).
2. Requiring that a Village employee at any time participate in any prohibited political activity in consideration for that Village employee being awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise.
3. Awarding a Village employee any additional compensation or benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise, in consideration for the Village employee's participation in any prohibited political activity.

Nothing in this policy prohibits activities that are otherwise appropriate for a Village employee to engage in as a part of his or her official Village employment duties or activities that are undertaken by a Village employee on a voluntary basis as permitted by law.

G. Enforcement

Any violation of this policy must be reported to the Department Head, or Village President or designee. Violation of any provision of this section shall be deemed sufficient cause for suspension or dismissal from Village service.

1.16 DIVERSITY, EQUITY AND INCLUSION POLICY

A. Statement of Policy

The Village of Winnebago is committed to fostering, cultivating, and preserving a culture of diversity, equity, and inclusion.

Our human capital is the most valuable asset we have. The collective sum of individual differences, life experiences, knowledge, inventiveness, innovation, self-expression, unique capabilities, and talent that our employees invest in their work represents a significant part of not only our culture, but our reputation and community's achievements as well.

We embrace and encourage our employee's differences, in age, color, ethnicity, family or marital status, gender identity or expression, language, national origin, physical and mental ability, political affiliation, race, religion, sexual orientation, socio-economic status, veteran status, and all other characteristics that make our employees unique.

The Village of Winnebago diversity initiatives are applicable, but not limited, to our practices and policies on: recruitment and selection; compensation and benefits; professional development and training; promotions; transfers; social and recreational programs; layoffs; terminations; and the ongoing development of a work environment built on the premise of gender and diversity equity that encourages and enforces:

- respectful communication and cooperation between all employees;
- teamwork and employee participation, permitting the representation of all groups and employee perspectives; and,
- employer and employee contributions to the community we serve to promote a greater understanding and respect for diversity.

B. Standards on Diversity, Equity and Inclusion for Employees

All employees of the Village of Winnebago have a responsibility to treat others with dignity and respect at all times. All employees are expected to exhibit conduct that reflects inclusion during work, at work functions on or off the work site, and at all other Village-sponsored and participative events. All employees are also required to complete diversity awareness training to enhance their knowledge to fulfill this responsibility.

C. Consequences of Violation of the Policy on Diversity, Equity and Inclusion

Any employee found to have exhibited any inappropriate conduct or behavior against others such that violates this policy may be subject to disciplinary action.

D. Reporting Violations of the Diversity, Equity and Inclusion Policy

Employees who believe they have been subjected to any kind of discrimination that conflicts with this Policy or its supported initiatives should seek assistance from a

supervisor or a human resources representative, in accordance with the personnel guidelines.