



VILLAGE OF WINNEBAGO

COMMITTEE OF THE WHOLE

June 26, 2024, 6:00 P.M

108 West Main Street and Virtually

To access meeting from any device: <https://global.gotomeeting.com/join/856730805>

Or by (Toll Free): 1 877 309 2073 | Access Code: 856-730-805

1. RECORDING OF THE MEETING

2. CALL TO ORDER

3. ROLL CALL

4. MEETING GUIDELINES

Discussion and Vote to Allow an Absent Trustee to Vote By Phone or Other Allowable Means.

5. ESTABLISHMENT OF A QUORUM

6. PUBLIC COMMENT

A written request to address the Village Board by non-members must be submitted via mail, hand delivery, or telefax such that the request arrives at the Village of Winnebago Office located at 108 West Main Street, Winnebago, Illinois, 61088, by 12:00 Noon the last business day before the day of the meeting scheduled by the Village authorities in which you would like to participate. Max of 3 min per speaker and 18 minutes total, except for Public Hearing where 30 minutes is allowed.

7. DISCUSSION

- [a.](#) First Reading of Ordinances
- [b.](#) Ordinance Modifying Public Comment Requirements
- [c.](#) Demolition Permit
- [d.](#) Cunningham Water Main Project
- [e.](#) Personnel Policy Update (Sections 1-5)

8. EXECUTIVE SESSION (CLOSED SESSION) Pursuant to 5ILCS 120/2(c)

9. NEW BUSINESS

10. ADJOURNMENT

Posted: JUNE 20, 2024 at 04:15 p.m. at 108 W. Main Street, Winnebago, IL
and online at www.villageofwinnebago.com Tel 815.335.2020 | Fax 815.415-8491



Agenda Item Executive Summary

Item Name First Reading of Ordinances Committee or Board Committee

BUDGET IMPACT

Amount: N/A Budgeted: N/A

List what fund: N/A

EXECUTIVE SUMMARY

The Village of Winnebago is considering formalizing its current practice of conducting "First Reading" processes for the passage of all Village ordinances and resolutions, aiming to enhance transparency and public engagement. The proposed process involves the introduction of ordinances to include a first reading at a different meeting than when final action is taken on the ordinance, with the option to waive the first reading under certain conditions. Additionally, it outlines voting requirements for the passage of ordinances.

Staff is seeking input from the Village Board of Trustees on whether to adopt the drafted ordinance formalizing this process.

ATTACHMENTS (PLEASE LIST)

Draft Ordinance

ACTION REQUESTED

- For Discussion Only
- Resolution
- Ordinance
- Motion:

MOTION:

Staff: Joseph Dienberg, Village Administrator Date: June 26, 2024

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING FIRST READING PROCEDURES OF THE VILLAGE OF WINNEBAGO

WHEREAS, the Village of Winnebago seeks to enhance transparency and public engagement in its legislative processes; and

WHEREAS, it is in the best interest of the Village to formalize the practice of conducting first readings for all Village ordinances before there is a formal vote on the ordinance.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Winnebago, as follows:

SECTION 1. INTRODUCTION OF ORDINANCE—FIRST READING

1. The "first reading" of an ordinance shall be its introduction at a Village Board Meeting, Committee of the Whole Meeting, or designated Committee meeting. An item will be introduced into business by being a discussion item on the agenda.
2. Upon introduction any member may read the entire ordinance or provide a summary description thereof. No vote shall be taken on the ordinance at its "first reading," except on motions to amend the ordinance, unless otherwise permitted by Board rules.
3. At the "first reading," any Village Committee member may move to recommend the adoption of such ordinance by the Village Board at a future meeting. This recommendation must be seconded by a member of the committee and approved by a majority vote of its members.

SECTION 2. FINAL APPROVAL PROCEDURES FOR ORDINANCES

1. All ordinances brought before the Village Board for a final vote must have undergone a "first reading" as outlined in Section 1.
2. The requirement of a first reading may be waived if the Village Board votes unanimously in the affirmative to suspend the rules following the "first reading" and act upon the ordinance at the same meeting in which it is introduced to the Village Board.
3. A unanimous vote shall be defined as all members present voting in the affirmative. Abstentions shall be considered as voting in the negative in this instance.
4. The Village President may defer an ordinance to the next regular or specially held Board meeting without sending it to a committee. A majority vote of the Board membership is required to overrule the President's action.

SECTION 3. VOTING REQUIREMENTS FOR PASSAGE OF ORDINANCES

All ordinances of the Village Board shall, unless otherwise expressly required by applicable Illinois statute, require a majority vote for passage.

SECTION 4. EFFECTIVE DATE

This ordinance shall become effective immediately upon passage by the Board of Trustees of the Village of Winnebago, and publication of the same in pamphlet form.

SECTION 5. SEVERABILITY

If any section, paragraph, clause, or provision of this ordinance shall be adjudged invalid or unconstitutional, the remainder of this ordinance shall remain in full force and effect.

SECTION 6. REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

APPROVED this _____ day of _____, 2024

Franklin J. Eubank, Jr.,
Village President

ATTEST:

Sally Jo Huggins, Village Clerk

PASSED: _____

APPROVED: _____

**PUBLISHED IN
PAMPHLET FORM:** _____



Agenda Item Executive Summary

Item Name Ordinance Modifying Public Comment Requirements Committee or Board Committee

BUDGET IMPACT

Amount: N/A Budgeted: N/A

List what fund: N/A

EXECUTIVE SUMMARY

At the May 13 meeting of the Village Board, the topic of updating the current Public Comment Procedure was discussed. The current procedure has not been updated in 24 years. The attached ordinance amends the Public Comment Guidelines of the Village of Winnebago to enhance accessibility and flexibility in the public comment sign-up process. It maintains the current procedure, but additionally allows residents to submit written requests to address the Village Board by filling out a form at the meeting where they would wish to speak. It also includes updated language to keep the policy up to date.

Staff is seeking board input on the drafted ordinance.

ATTACHMENTS (PLEASE LIST)

Draft Ordinance, Ordinance 00-07 (Current Public Comment Policies)

ACTION REQUESTED

- For Discussion Only
- Resolution
- Ordinance
- Motion:

MOTION:

Staff: Joseph Dienberg, Village Administrator Date: 06/26/2024

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ORDINANCE 00-07, AN
ORDINANCE ADOPTING GUIDELINES AND ESTABLISHING
PROCEDURE FOR PUBLIC COMMENT AT VILLAGE OF
WINNEBAGO MEETINGS**

WHEREAS, it is necessary to amend the Public Comment Guidelines of the Village of Winnebago, Illinois, to provide flexibility in how residents may sign up to address the Village Board;

WHEREAS, the Village Board recognizes the importance of ensuring accessible and transparent procedures for public participation in its meetings;

WHEREAS, Village Staff may need to make administrative changes to the public comment sign-up process from time to time for efficient management of Village proceedings;

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Winnebago, Illinois as follows:

SECTION 1. AMENDMENT

The Public Comment Guidelines of the Village of Winnebago, Illinois, are hereby amended as follows:

1. Section 1 of the Public Comment Guidelines shall now read as follows:

"A written request to address the Village Board by non-members may be submitted via mail, hand delivery, or the Village Website to the Village of Winnebago Office located at 108 West Main Street, Winnebago, Illinois, 61088, by 12:00 Noon on the day of the meeting scheduled by the Village authorities in which the speaker would like to participate. Alternatively, speakers may fill out the form at the meeting to sign up for public comment."

2. Section 2 of the Public Comment Guidelines shall now read as follows:

"Requests must identify the name of the speaker, resident status and topic to be discussed. Speakers are encouraged to complete the 'points to be raised' section, although such completion is not required. Speaker must identify themselves by name and provide whether they are a resident or non-resident of the Village of Winnebago before their comments. If they choose, speakers may also provide their residential address."

3. Section 3 of the Public Comment Guidelines shall now read as follows:

“Each speaker is limited to three (3) minutes. A maximum of thirty (30) minutes shall be allowed for public comment at each meeting. If a particular item is deemed by the Village President to be controversial, the Village President shall strive to allow all sides an equal amount of time to speak, and may increase the total time limit described above. Time limits shall not apply to Public Comment”

4. Section 4 of the Public Comment Guidelines shall be deleted in their entirety.

5. Section 6 of the Public Comment Guidelines shall now read as follows:

“No abusive or profane language, unruly conduct, or personal attack commentary shall be tolerated. The Village President reserves the right to terminate a speaker's comments before the three-minute time limit has been exhausted if the above guidelines are violated. Furthermore any person who violates these rules or otherwise disrupts the order and the quorum of the meeting may be removed.

6. Additional Sections shall be added containing the following:

- a. “Speakers will refrain speakers will refrain from repeating testimony and comments that have been previously provided to the governing board. Whenever possible, groups of residents shall consolidate their comments and avoid repetition through the use of representative speakers. It is acceptable for speakers to state that they agree slash disagree with the previously provided comments and testimony to avoid repetition.”
- b. “No speaker may give their allotted minutes to another person.”
- c. “Speakers may not use public comment to harass board or Commission members or staff. Public comment is not for asking questions of officials or staff or engaging in a dialogue or debate.”
- d. “Members of the governing body are not required to answer questions or otherwise respond to public comments. Comments may be taken under advisement and may be referred to the appropriate staff member for response outside of the meeting.”
- e. “All speakers and the audience shall respect the presiding officers discretion and furtherance of maintaining proper order, respect, and decorum during the meeting. Members of the audience shall refrain from noisy outbursts or other distracting actions such as applauding, cheering, or booing during the conclusion of any remarks made by any speaker, staff member, or village official.”

SECTION 2. ADMINISTRATIVE CHANGES

Administrative changes may, from time to time, be made to the “Public Comment Sign-Up Sheet”, from Ordinance 00-07 “Exhibit A”, with the written approval of the Village Administrator without the requirement of further amendment to this ordinance.

SECTION 3. EFFECTIVE DATE

This ordinance shall become effective immediately upon passage by the Board of Trustees of the Village of Winnebago, and publication of the same in pamphlet form.

APPROVED this ____ day of _____, 2024

Franklin J. Eubank, Jr.,
Village President

ATTEST:

Sally Jo Huggins, Village Clerk

PASSED: _____

APPROVED: _____

**PUBLISHED IN
PAMPHLET FORM:** _____

ORDINANCE NO. 00-07

**AN ORDINANCE ADOPTING GUIDELINES AND ESTABLISHING
PROCEDURE FOR PUBLIC COMMENT AT VILLAGE OF WINNEBAGO
MEETINGS**

WHEREAS, the Village of Winnebago, Illinois, authorities believe it is in the best interest of the Village to have a public comment portion allowed at every duly convened Village of Winnebago meeting open to the public (i.e. general, special, public hearing, etc.); and

WHEREAS, the Village authorities believe it also is in the best interest of the Village to adopt a procedure to be followed in effectuating the public comment section of a given meeting so as many public points of view on an issue as practical may be heard, and the length of each meeting may be confined to a reasonable period of time.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Winnebago, Illinois as follows:

The attached Public Comment Guidelines and Public Comment Sign-Up Sheet attached as Group Exhibit "A" are hereby adopted as the procedure to be followed for the public comment portion of all duly convened Village of Winnebago meetings open to the public (i.e. general, special, public hearing, etc.).

This ordinance shall become effective immediately upon its passage and approval.

APPROVED:

Mary Beth Elsen

David S. Hassel, President of the Board of Trustees of the Village of Winnebago, Illinois

By MARY BETH ELSEN ACTING PRESIDENT & TR

ATTEST:

Sally Jo Huggins

Sally Jo Huggins, Village Clerk

AYES: 4

NAYS: 0

ABSENT: 1

Trustees Voting Aye:

Di Giovanni

BUTLER

OWEN S

COOK

Trustees Voting Nay:

N/A

PASSED: 8-7-00

APPROVED: 8-7-00

PUBLISHED: 6-3-04
(in pamphlet form)

VILLAGE OF WINNEBAGO, ILLINOIS
PUBLIC COMMENT GUIDELINES

1. A written request to address Village Board by non-members must be submitted via mail, hand delivery, or telefax such that the request arrives at the Village of Winnebago Office located at 108 West Main Street, Winnebago, Illinois, 61088, by 12:00 Noon the day before the day of the meeting scheduled by the Village authorities in which you would like to participate.
2. Requests must identify name of speaker, speaker's residence address, speaker's telephone number, subject matter, speaker's interest (ie: pro or con), and whether or not speaker is a Village of Winnebago resident. You are encouraged to complete the "points to be raised" section, although such completion is not required.
3. Each speaker is limited to three (3) minutes. A maximum of eighteen (18) minutes shall be allowed for non-members at each meeting, except for a public hearing where a maximum of thirty (30) minutes shall be allowed. If a particular item is deemed by the Village President to be controversial, the Village President shall strive to allow all sides an equal amount of time to speak, subject to the total time limit as described above. In the event there are more requests submitted for the opportunity to provide public comment than there are slots available for the same at a given meeting, the Village President shall have the discretion to select those entitled to speak, taking into consideration the goal of striving to allow all sides on an issue an equal amount of time to speak and of addressing of as many pertinent issues as possible.
4. The public comment section of the meeting shall be in addition to and precede the time the Village President opens up a given meeting to pertinent questions directed to the Board. The question and answer session shall be restricted to pertinent questions only posed to the Board members, with no commentary by the questioning party. Responses to pertinent questions posed shall be to the extent deemed necessary by the Board. The Village President unilaterally, or by way of a duly passed motion, reserves the right to terminate the question and answer portion of the meeting at such time that it is deemed all relevant inquiry has been considered or the anticipated time frame for the entire meeting does not practically allow for continued question and answer discussion.
5. Visual aids may be used during the addressing of the Village Board, but no equipment shall be provided by the Village of Winnebago to use with such visual aids.
6. No abusive or profane language, unruly conduct, or personal attack commentary shall be tolerated. The Village President reserves the right to terminate a speaker's comments before the three (3) minute time limit has been exhausted if the above guidelines are violated.

Generally, all Village meetings are held at the Village Office located at 108 West Main Street, Winnebago, Illinois. However, in the event a larger than usual crowd is expected for a given meeting, an alternate meeting site will be chosen with notification of the same given to the public in accordance with normal procedure and as required by law.

***For more information please contact:
Village of Winnebago Office
(815) 335-2020***

**VILLAGE OF WINNEBAGO, ILLINOIS
PUBLIC COMMENT SIGN-UP SHEET**

Date: _____

I would like permission to speak during the public comment portion of the Village of Winnebago

(check one that is applicable) _____ General
_____ Special
_____ Public Hearing
_____ Other (specify type meeting: _____)

meeting scheduled for _____
(month/day/year)

Name: _____

Residence Address: _____

Telephone Number: _____

Residence Address: _____

Village of Winnebago Resident: _____ Yes _____ No (check one)

Subject: _____

Speaker interest: _____ PRO _____ CON (check one)

Points to be raised: (Note: This section is not required to be completed. However, since due to time limitations there may not be time for all speakers requesting to be heard to speak, it is suggested that this section be completed so as many different points on both sides of a respective issue may be heard.)

Please mail, telefax, or hand deliver the completed Public Comment Sign-Up Sheet so that the same arrives at the Village Office located at 108 West Main Street, Winnebago, Illinois, 61088, by 12:00 Noon ^{LAST WORKING} the day before the day of the meeting in which you would like to participate. The telefax number of the Village Office is 335-7533.

VILLAGE OF WINNEBAGO

ORDINANCE NO. 00-07

**AN ORDINANCE ADOPTING GUIDELINES AND
ESTABLISHING PROCEDURE FOR PUBLIC
COMMENT AT VILLAGE OF WINNEBAGO MEETINGS**

**ADOPTED BY THE
BOARD OF TRUSTEES**

VILLAGE OF WINNEBAGO

THIS 7th DAY OF AUGUST, 2007

Published in pamphlet form by authority of the Village Board of Trustees of the Village of Winnebago, Illinois, this 3rd day of JUNE, 2004.

STATE OF ILLINOIS)
)
) SS
COUNTY OF WINNEBAGO)

PAMPHLET PUBLICATION CERTIFICATION FORM

I, Sally Jo Huggins, certify that I am the duly elected and acting Village Clerk of the Village of Winnebago, Winnebago County, Illinois.

I further certify that on 8-7, 2020, the Corporate Authorities of the above municipality passed and approved Ordinance No. 00-07, entitled "An Ordinance Adopting Guidelines and Establishing Procedure for Public Comment at Village of Winnebago, Illinois, Meetings" which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 00-07, including the Ordinance and a cover sheet thereof, was prepared, and a copy of the Ordinance was posted in the Village office located at 108 West Main Street, Winnebago, Illinois, commencing on 4-3, 2024, and continuing for at least ten days thereafter. Copies of the Ordinance were also available for public inspection upon request in the office of the Village Clerk located at the above Village office address.

DATED at Winnebago, Illinois, this 14th day of JUNE, 2024.

(SEAL)

Sally Jo Huggins
Sally Jo Huggins, Village Clerk



MARY J. GAZIANO
ATTORNEY AT LAW

1 COURT PLACE, SUITE 200
ROCKFORD, ILLINOIS 61101

OFFICE (815) 962-6800
FAX (815) 962-6898

May 14, 2004

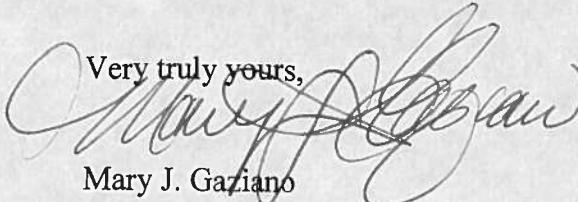
Ms. Kris Steinwand, Office Manager
VILLAGE OF WINNEBAGO
108 West Main Street
Winnebago, IL 61088

Re: Village of Winnebago
Public Comment Guidelines

Dear Kris:

As a follow-up to our May 13, 2004, telephone conversation in regard to the above-captioned matter, please find enclosed the original of Ordinance No. 00-07 adopting guidelines and establishing procedures for public comment at Village of Winnebago meetings, along with a cover sheet and Pamphlet Publication Certification Form. I noticed the original was in my file, and I am not quite sure why the same was given to me, as the original should have been maintained by the Village, with the cover sheet and Pamphlet Publication Certification Form completed when three copies of the ordinance were displayed at the Village Office for public viewing for at least 10 days after passage. While this is not the type of ordinance that would require publication, I provided for the same in the documents drafted so the public would have a more obvious notification of the new policy.

Please complete the cover sheet and have Village Clerk, Sally Jo Huggins sign and seal the Pamphlet Publication Certification Form. If you recall that a copy of the ordinance was published in pamphlet form immediately after passage, please fill in the information accordingly. If a copy was not published in pamphlet immediately after passage, or if you do not recall, then please now publish the same in pamphlet form and the cover sheet and Pamphlet Publication Certification Form would then need to be completed with the current publication date. In either case, I need a copy of the completed cover sheet and completed Pamphlet Publication Certification Form for my file.

Very truly yours,

Mary J. Gaziano
Attorney at Law

MJG/smm
Enclosures



Agenda Item Executive Summary

Item Name Demolition Permit Committee or Board Committee

BUDGET IMPACT

Amount: N/A *Budgeted:* N/A

List what fund: N/A

EXECUTIVE SUMMARY

The Community Development Committee has proposed a demolition permit to ensure safe and compliant demolition practices. The permit, drafted based on neighboring communities' permits, seeks input and recommendations from the committee on its content and fee structure. The committee moves to recommend the board's approval of an ordinance based on the attached permit, with any necessary amendments.

The attached permit and demolition requirements have been reviewed by the Village Building official, and no additional recommendations have been made at this time.

At their April meeting, the Community Development Committee requested to review a draft ordinance, which is being drafted by the village attorney, and will be presented to the committee.

At the May meeting, The Community Development Committee also discussed the inclusion of a bonding requirement for permit applicants, to protect the village from potential financial liabilities associated with the demolition process.

ATTACHMENTS (PLEASE LIST)

Draft Ordinance with Demolition Permit and Requirements

ACTION REQUESTED

- For Discussion Only
- Resolution
- Ordinance
- Motion:

MOTION:

Staff: Joseph Dienberg, Village Administrator Date: 6/30/2024

ORDINANCE NO. 2018-_____

AN ORDINANCE ADOPTING DEMOLITION PERMIT REQUIREMENT AND DEMOLITION RULES AND CONDITIONS

WHEREAS, periodically there is occasion in the Village of Winnebago, IL, for there to be the need or desire for a structure to be demolished, whether initiated by the Village or by a property owner, and in protecting the general health, safety, and welfare of its citizenry, and protect the neighboring properties it is believed to be in the best interest of such citizenry to regulate such demolition or deconstruction activities,; and

WHEREAS, in furtherance of the same, the Village Board of Trustees believes there is a need to adopt a demolition permit requirement; and

WHEREAS, in order to establish a clear process by which proposed demolitions are to be conducted, it is also believed to be important to establish demolition rules and conditions.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WINNEBAGO, ILLINOIS, AS FOLLOWS:

SECTION 1

PERMIT REQUIREMENT. Any person or entity intending or desiring to deconstruct or demolish a building within the corporate limits of the Village of Winnebago, IL, shall first obtain a demolition permit, with such building demolition permit application being on the form, and with the information listed, as detailed in the Building Demolition Permit Application attached hereto as Exhibit “A” attached hereto, incorporated herein, and made a part hereof. Administrative changes may, from time to time, be made to said Building Demolition Permit Application with the written approval of the Village Administrator without the requirement of further amendment to this ordinance. However, substantive changes shall require approval

through a further ordinance. Any update to the form shall clearly identify on the form the date of the update and all outdated forms shall be destroyed to help ensure use of the correct form.

SECTION 2

RULES AND REGULATIONS. Any person or entity intending or desiring to deconstruct or demolish a building shall comply with the Village of Winnebago, IL, rules and conditions as listed on the Village of Winnebago Demolition Rules and Conditions as detailed in the document titled as such, with a copy of such Rules and Conditions marked Exhibit “B” attached hereto, incorporated herein, and made a part hereof, as well as with any other applicable stated and/or federal law requirements. Administrative changes may, from time to time, be made to said rules and conditions with the written approval of the Village Administrator without the requirement of further amendment to this ordinance. However, substantive changes shall require approval through a further ordinance. Any administrative update to the rules and regulations shall clearly identify on the document the date of the update and all outdated hard copies of the rules and regulations shall be destroyed to help ensure use of the correct form. However, an electronic copy of the Rules and Regulations identifying the prior effective date of the form shall be kept in the Village’s permanent records in case needed for later proof of the rules and regulations in effect prior to updating.

SECTION 3

NON-COMPLIANCE. A person who shall violate a provision of this ordinance or fails to comply therewith or with any of the requirements thereof, or who fails to obtain a permit and/or shall demolish, or has demolished a building or structure or portion thereof, in violation of a detailed statement or plan submitted and approved according to the Rules and Conditions as set forth by the Village of Winnebago shall be guilty of a misdemeanor. Also the owner of a building or structure, or portion thereof, or of the premises where anything in violation of this

ordinance shall be placed or shall exist, and an architect, engineer, builder, contractor, agent, person or corporation employed in connection therewith and who assisted in the commission of such violation shall also be guilty of a misdemeanor. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provisions of this code is committed or continued and upon conviction of such violation each such person shall be fined not less than \$100.00 nor more than \$750.00 for each offense.

SECTION 4

ABATEMENT. The imposition of the penalties herein prescribed shall not preclude the Village Attorney from instituting an appropriate action or proceeding to prevent an unlawful removal, deconstruction, or demolition, or to restrain, correct, or abate a violation, or to prevent an illegal act, conduct, business, or use in or about any premises.

SECTION 5

MINIMUM REQUIREMENTS. The provisions of this ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety and general welfare. Whenever the requirements of any lawfully adopted federal or state rules, requirements or regulations, or other Village ordinance, are at variance with the requirements of this ordinance, the most restrictive, or that imposing the higher standards or requirements, shall control.

SECTION 6

SAVINGS CLAUSE. Nothing in this ordinance shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liability incurred, nor any cause or causes of action accrued or existing, nor shall any right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 7

The invalidity of any section or provision of this ordinance hereby adopted shall not invalidate other sections or provisions of this ordinance, and, to this end, the provisions of this ordinance are declared to be severable.

SECTION 8

Any provisions in any other ordinance in conflict with the provisions of the instant ordinance that are less restrictive than the conditions contained in this ordinance shall be revoked, and superseded by the provisions of the instant ordinance, but the ordinance in which those conflicting provisions are contained shall otherwise remain in full force and effect.

SECTION 9

This ordinance shall take effect ten (10) days after its publication in pamphlet form of three copies of such ordinance at the Village of Winnebago, Illinois, Office.

PASSED AND ADOPTED this _____ day of _____, 2024

APPROVED BY:

Franklin J. Eubank, Jr., President of the Board
of Trustees of the Village of Winnebago

ATTEST:

Sally Jo Huggins, Village Clerk

PASSED: _____
APPROVED: _____
PUBLISHED IN _____
PAMPHLET FORM: _____

PREPARED BY:
Attorney Mary J. Gaziano
One Court Place, Suite 200
Rockford, Illinois 61101
(815) 962-6800
E-mail: MJGaziano@aol.com
Attorney for the Village of Winnebago

2024

Building Demolition Permit Application



**Village of
Winnebago**

Last Updated:
June 20, 2024

Reference ORD#
2024-____

BUILDING DEMOLITION PERMIT APPLICATION

DOCUMENTS IF UTILIZING A CONTRACTOR REQUIRED FOR FILING

1. A copy of Contractor License for contractor completing demolition. (State of Illinois)
2. Proof of ownership of property to be demolished. (e.g. deed)
3. Site plan clearly depicting what areas are to be demolished, what areas to remain and the illustrating end result of the area being demolished. Demolitions where a portion of the building will remain may require submittal of structural documents by an architect/structural engineer for analysis of the structure. A separate permit will also be required for the completion or finishing work of such a project where portions of a building remain.
4. Copies of notices provided to adjacent property owners by certified mail of the impending demolition.
5. Four Rivers Sanitation Authority, Village of Winnebago Water Department, Com Ed & Nicor gas must be contacted to verify that all utilities are properly disconnected prior to any work beginning.
6. **Checklist:** Prior to processing any Application for Demolition Permit, the following items of information must be received by the Village of Winnebago. (As listed above and below throughout application)

<input type="checkbox"/> Proof of Ownership of Property to be Demolished <input type="checkbox"/> Electric Cut-off Letter <input type="checkbox"/> Gas Cut-off Letter <input type="checkbox"/> Certified Mail Notice of Demolition <i>Copy of letter(s) sent to adjoining property owner(s) advising of pending demolition work</i>	<input type="checkbox"/> Demolition Contractor License <input type="checkbox"/> Bond <input type="checkbox"/> Site Plan
---	---

IS THIS A VILLAGE OF WINNEBAGO INITIATED DEMOLITION: YES / NO (circle one) Provide your P.O/ Bid # _____

1. PROJECT & OWNER INFORMATION:

PROJECT ADDRESS: _____ ZIP: _____ PROPERTY P.I.N # _____

STRUCTURE TO BE DEMOLISHED: _____

PROPERTY TYPE: (circle one)

RESIDENTIAL (1 OR 2 FAMILY) / COMMERCIAL / INDUSTRIAL / MULTIFAMILY DWELLING

OWNER(S) NAME(S): _____ PHONE: _____

EMAIL: _____

OWNER(S) ADDRESS(ES): _____ ZIP: _____

**If additional owners, please list above for each owner, and attach on an additional sheet if necessary.*

2. DEMOLITION CONTRACTOR INFORMATION: (If applicable)

ARE YOU OUTSOURCING THIS BID TO ANOTHER CONTRACTOR? YES/ NO

IF YES, PROVIDE COMPANY NAME: _____ LICENSE #: _____

BUSINESS NAME: _____ PHONE: _____

CONTACT PERSON: _____ CELL#: _____

COMPANY ADDRESS: _____ ZIP: _____

EMAIL: _____

COST OF DEMOLITION: \$ _____

What will be put in place of the demolished structure(s)(topsoil & seed, pavement, etc)

EXPECTED START DATE OF DEMOLITION: _____

EXPECTED END DATE/COMPLETION: _____

FLOOR AREAS:

TOTAL BUILDING AREA ON ALL FLOORS _____ Sq.Ft.

TOTAL FLOOR AREA TO BE DEMOLISHED _____ Sq.Ft.

REMAINING FLOOR AREAS: _____ Sq.Ft.

NUMBER OF STRUCTURES TO BE DEMOLISHED:

Commercial structures: _____

Residential Structures: _____

Accessory Structures: _____

Building Height: _____ Ft. (mean height of highest roof from mean grade)

NUMBER OF STORIES ABOVE GRADE: _____

BASEMENT: YES / NO

****IF YES- ALL BUILDING MATERIALS INCLUDING THE BASEMENT FOUNDATION MUST BE REMOVED FROM THE PROPERTY. IN ADDITION, THE BASEMENT HOLE MUST BE FILLED WITH CLEAN BACKFILL. FAILURE TO COMPLY MAY RESULT IN FINES.**

TOTAL BUILDING DIMENSIONS: WIDTH: _____ ft LENGTH: _____ ft

BONDING REQUIREMENT:

Bond Amount: \$ _____

Bond amount at a minimum will mirror the cost of the demolition but will be no less than \$25,000.00. A higher bond amount may be set by the village building official, with possible consultation with the public works director and/or the village engineer and with the written approval of the village administrator.

Name (Print): _____

Signature: _____ Date: _____

RULES AND CONDITIONS FOR DEMOLITION

PART 1 - GENERAL

1.01 DESCRIPTION OF WORK

Unless directed otherwise by the Village Building Official in writing the Contractor shall:

- A. Remove and properly dispose of all structures, trash, rubbish, basement walls, floors, foundations, sidewalks, steps and driveways from the specified parcel.
- B. Remove any fuel tanks, outdoor toilets and septic tanks, cisterns, meter pits, and plug or abandon wells.
- C. Remove the materials from the demolition site in accordance with federal, state, and local regulations.
- D. Remove and legally dispose of appliances and other items that may contain refrigerants. Appliances and other items that may contain refrigerants include, but are not limited to, refrigerators, freezers, dehumidifiers and portable or central air conditioners.
- E. Remove and legally dispose of mercury-containing materials including fluorescent, high-pressure sodium, mercury vapor, metal halide light bulbs, and thermostats containing a liquid filled capsule. PCB-containing materials include capacitors, ballasts, and transformers where the component is contained within a metal jacket and does not have a specific, legible label stating no PCBs are present.
- F. Disconnect all utility services before demolition.
- G. Perform site clearance, grading and restoration.
- H. Complete the demolition work in accordance with these technical specifications.

1.02 PROTECTION OF THE PUBLIC AND PROPERTIES

A. Littering Streets:

- 1. The Contractor shall be responsible for removing any demolition debris or mud from any street, alley or right-of-way resulting from the execution of the demolition work. Any cost incurred by the Village in cleaning up any litter or mud shall be charged to the Contractor and be deducted from funds due for the work.
- 2. Littering of the site shall not be permitted.
- 3. All waste materials shall be promptly removed from the site.

B. Street Closure:

- 1. If it should become necessary to close any traffic lanes, it shall be the Contractor's responsibility to acquire the necessary obstruction permits and to place adequate barricades and warning signs as required by the Village.
- 2. Street or lane closures shall be coordinated with the appropriate Village Representative.

C. Protection of the Public by the Contractor:

1. **Sidewalks:** The Contractor shall be responsible for any damage to public sidewalks abutting or adjacent to the demolition properties resulting from the execution of the demolition work. Contractor shall obtain all permits and pay any fees.
2. **Pedestrian Access:** It shall be the Contractor's responsibility to place and construct the necessary warning signs, barricades, fencing and temporary pedestrian sidewalks, as directed by the Village; and to maintain alternate pedestrian access for sidewalks around the demolition site.
3. **Temporary Fence:** Temporary fence shall be erected around all excavation, dangerous building(s) or structure(s) to prevent access to the public. Such fence shall be at least four feet high, consistently restrictive from top to grade, and without horizontal openings wider than two inches. The fence shall be erected before demolition and shall not be removed until the hazard is removed.

D. Demolition Hours:

1. The Contractor shall comply with any restrictions to working hours.
2. The Contractor shall comply with all applicable ordinances.

E. Noise Pollution:

All construction equipment used in conjunction with this project shall be in good repair and adequately muffled. The Contractor shall comply with any noise pollution requirements of the Village.

F. Dust Control:

The Contractor shall comply with applicable air pollution control requirements of the Village. The Contractor shall take appropriate actions to minimize atmospheric pollution. To minimize atmospheric pollution, the Village shall have the authority to require that reasonable precautions be taken to prevent particulate matter from becoming airborne. Such reasonable precautions shall include, but not be limited to:

1. The use of water or chemicals for control of dusts in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land.
2. Covering, at all times when in motion, open-bodied trucks transporting materials likely to give rise to airborne dusts.

G. Requirements for the Reduction of Fire Hazards:

1. **Removal of Material:** Before demolition of any part of any building, the Contractor shall remove all volatile or flammable materials, such as gasoline, kerosene, benzene, cleaning fluids, paints or thinners in containers, and similar substances.
2. **Fire Extinguishing Equipment:** The Contractor shall be responsible for having and maintaining the correct type and class of fire extinguisher on site. When a cutting torch or other equipment that might cause a fire is being used, a fire extinguisher shall be placed close at hand for instant use.
3. **Fires:** No fires of any kind will be permitted in the demolition work area.

- 4. **Hydrants:** No material obstructions or debris shall be placed or allowed to accumulate within fifteen feet of any fire hydrant. All fire hydrants shall be accessible at all times.
- 5. **Debris:** Debris shall not be allowed to accumulate on roofs, floors, or in areas outside of and around any structure being demolished. Excess debris and materials shall be removed from the site as the work progresses.
- 6. **Telephone Service:** The Contractor shall arrange for access to and use of, during working hours, one or more telephones in the vicinity of the work site for the purposes of making calls in case of fire or other emergencies, and shall keep all personnel on the job, and the local jurisdiction informed of the location of such telephones. The Contractor's foreman, or at least one regular member of each shift, shall be charged with the responsibility of promptly calling emergency services when necessary. The same person shall be required to inspect the building and the site frequently for possible fires or fire-producing conditions and to apply appropriate corrective action, particularly at the close of work each working day.

H. Protection of Public Utilities: The Contractor shall not damage existing fire hydrants, street lights, traffic signals, power poles, telephone poles, fire alarm boxes, wire cables, pole guys, underground utilities or other appurtenances in the vicinity of the demolition sites. The Contractor shall pay for temporary relocation of utilities, which are relocated at the Contractor's request for his convenience.

I. Protection of Adjacent Property:

- 1. The Contractor shall not damage or cause to be damaged any public right-of-way, structures, parking lots, drives, streets, sidewalks, utilities, lawns or any other property adjacent future demolition. The Contractor shall provide such sheeting and shoring as required to protect adjacent property during demolition. Care must also be taken to prevent the spread of dust and flying particles.
- 2. The Contractor shall restore existing agricultural drain tiles or roadway subdrains that are cut or removed to parcels released for demolition whether or not the property is scheduled for, including drainable backfill, to original condition. Repairs shall be subject to approval by the property owner where applicable, and by the Village.

1.03 RISK OF LOSS

The Contractor shall accept the site in its present condition and shall inspect the site for its character and the type of structures to be demolished. The Village assumes no responsibility for the condition of existing buildings, structures, and other property within the demolition area.

1.04 VACATING OF BUILDINGS

The structures shall be vacated before the Contractor begins work. In case the Contractor finds that any structure is not vacated, the Contractor shall immediately notify the Village and shall not begin demolition or site clearance operations on such property until further directed by the Village.

1.05 PERMITS AND FEES

The Contractor shall obtain all the necessary permits and pay all permit fees that are required by the Village in conjunction with the demolition work.

PART 2 - EXECUTION

3.01 DEMOLITION SCHEDULE

The Contractor shall be responsible for providing the Village with a minimum of 24 hours advance notification prior to beginning the execution of demolition of any structure.

3.02 SALVAGE OF DEMOLITION MATERIALS

- A. The Contractor shall be allowed to salvage demolition materials only from property. The property ownership will be shown in the permit documents.
- B. No salvage shall be permitted on non-owned property.
- C. All buildings, building materials, and equipment resulting from this work shall become the property of the Contractor, and shall be removed from the premises at once. Salvaged material shall be removed immediately from the premises, right-of-way, streets or alleys.
- D. The Contractor may recycle demolition debris at a licensed or permitted recycling center; however, all other debris must be disposed of at a licensed or permitted disposal facility.

3.03 DEMOLITION AND REMOVALS

A. Structural Parts of Buildings:

- 1. No wall or part thereof shall be permitted to fall outwardly from any building except through chutes or by other controlled means or methods, which will ensure safety and minimize dust, noise and other nuisance.
- 2. Subject to site restrictions, outside chimneys or outside portions of chimneys shall be raised in advance of general demolition of each building. Any portion of a chimney inside a building shall be razed as soon as it becomes unsupported by reason of removal of other parts of the building.
- 3. Any part of a building, whether structural, collateral, or accessory, which has become unstable through removal of other parts, shall be removed as soon as practicable, and no such unstable part shall be left free-standing or inadequately braced against all reasonably possible causes of collapse at the end of any working day.

B. Basements and Foundation Walls: All basement floors, footings, and foundations shall be completely removed from the site unless specifically stated in the special provisions. The basement area is to be inspected and approved by the Village before backfilling is started. The Contractor shall ensure that no basement excavation will remain open and exposed for more than 24 hours. The Contractor shall contact the Village when removal is complete to schedule this basement inspection. Failure to do so may result in re-excavation of the basement area at the Contractor's expense.

C. Concrete Slabs: The Contractor shall remove all concrete slabs, asphalt, surface obstructions, masonry slabs, and appurtenances.

- D. Retaining Walls:** Retaining walls or curbs near the perimeter of parcels shall be removed unless otherwise indicated in the Contract Documents. The Contractor shall employ hand labor or other suitable tools and equipment necessary to complete the work without damage to adjacent public or private property. Where such retaining walls or curbs are removed, the embankment shall be graded to a slope of not greater than 3:1 horizontal: vertical or as directed by the Village. The cost of any tree or brush removal due to the removal and grading out of the retaining wall shall be considered incidental and shall be included in the lump sum bid for demolition.
- E. Fences:** Fences, guardrails, bumpers, signs, clotheslines, and similar facilities shall be completely removed from the site, except fences on the apparent boundary between a contract parcel and an improved non-contract parcel shall not be removed unless specifically stated in the special provisions. All posts for support shall be pulled out or dug up so as to be entirely removed.
- F. Partially Buried Objects:** All piping, posts, reinforcing bars, anchor bolts, railings and all other partly buried objects protruding from the ground shall be removed. The remaining void shall be filled with soil and compacted in accordance with these specifications.
- G. Vegetation:** The Contractor shall remove all dead trees, trees identified for removal, stumps, all trees which are not an asset to the property, bushes, vegetation, brush and weeds, whether standing or fallen, unless specifically stated otherwise by the Engineer. The Contractor shall protect all trees not removed from damage by the demolition operation. In the event that the Contractor damages a tree, it shall be repaired or removed by the Contractor as directed by the Engineer.
- H. Fuel Tanks:** Fuel tanks, above or below ground, shall be carefully removed and disposed of in a safe manner in accordance with the State Fire Marshal's regulations.
1. Fuel tanks, above or below the ground, or tanks which have been used for storage of gasoline, kerosene, benzene, oils or similar volatile materials shall be carefully removed and disposed of in a safe manner.
 2. All other tanks or receptacles shall be pumped out or emptied in a safe manner, and then shall be flushed out immediately with water, carbon dioxide or nitrogen gas until they are gas-free when checked with a "Explosimeter" or another equally efficient instrument, before the work of removal is begun.
- I. Outdoor Toilets and Septic Tanks:** Outdoor toilets and septic tanks shall be pumped out by a licensed company. The toilet building or septic tank shall be demolished and removed from the site. The excavation or pit shall be backfilled and compacted in accordance with these specifications. Septic tanks shall be broken up and removed from the site and the excavation filled in accordance with the requirements of the Village.
- J. Cisterns and Meter Pits:** Cisterns and meter pits shall be demolished and removed. The excavations shall be backfilled and compacted in accordance with these specifications.

3.04 WELL PLUGGING AND ABANDONMENT

All wells shall be plugged and abandoned in accordance with the Illinois Administrative Code and local authority. An Illinois Environmental Protection Abandoned Water Well Plugging Record shall be filed upon completion of the well abandonment.

3.05 DISPOSAL OF DEMOLITION DEBRIS AND SOLID WASTE

- A. Debris:** All materials, rubbish, and trash shall be removed from the demolition area leaving the basements and demolition area free of debris. Any cost incurred by the Village in cleaning up such materials and debris left behind shall be deducted from funds due the Contractor under this contract.
- B. Tires:** The Contractor shall visit the site to determine the number of tires that have been abandoned on site. If any additional tires are found on site prior to commencing demolition activity, the Contractor shall immediately notify the Village of the quantity of additional tires found on site.
- C. Disposal of Demolition Debris and Solid Waste:** All debris and solid waste shall be delivered by the Contractor to the to an approved disposal facility licensed in accordance with state and/or local regulations, laws, and zoning. The Contractor shall be responsible to pay all fees for waste disposal. The Contractor shall submit to the Village copies of all disposal tickets for each structure demolished, where available, which identify the specific address of the origin of the debris associated with each ticket. The cost of all disposal fees shall be considered the responsibility of the Contractor.
- D. Asbestos Abatement:** The handling of asbestos material is subject to all applicable state and federal mandates. The Contractor shall comply with applicable regulations regarding the handling and disposal of asbestos removed. Asbestos will be removed by a licensed abatement contractor. In the event that asbestos is discovered during demolition, the Contractor shall notify the Village and the asbestos shall be removed by a licensed abatement contractor.
- E. Demolition of Structures with Transite Siding:** All demolition debris containing transite siding shall be disposed of at an approved landfill. The Contractor shall be responsible for notifying said landfill prior to commencing demolition to allow for authorization to dispose of material at the landfill. The Contractor shall assume responsibility for the landfill fees for disposing of the demolition debris. All structures with transite siding shall be thoroughly sprayed with water during the execution of the demolition to contain airborne particles. All debris shall be thoroughly wetted prior to transporting to the landfill.
- F. Freon Removal and Disposal:** The handling of Freon containing appliances is subject to all applicable state and federal mandates and regulations. The Contractor shall be responsible for the identification and removal and disposal of the material in accordance with applicable regulations.
- G. PCB and Mercury Removal and Disposal:** The handling of any fluorescent lighting fixtures and ballasts containing PCB or mercury is subject to all applicable state and federal mandates and regulations. The Contractor shall be responsible for the removal and disposal of the material in accordance with applicable regulations.

3.06 BACKFILL, GRADING, AND CLEAN UP

- A. Backfill:** When site conditions permit, as determined by the Village, on-site soil shall be used as backfill material. The top 9 to 12 inches of topsoil shall be stripped and stockpiled on site for use as final topsoil and grading material. If adequate topsoil is not available on site, the Contractor shall bring in enough topsoil from off-site to place a minimum 8 inch cover on the entire site. Excess excavation materials shall be removed from the site. Topsoil material shall not be permitted as deep fill material. Any borrow or fill material shall be approved by the Village before and during the placing of the material. All depressions on the property shall be filled, compacted, and graded to a uniform slope with adequate drainage.
- B. Compaction:** All excavations shall be backfilled with acceptable material and compacted. The Contractor shall notify the Village 24 hours in advance of placing any backfill or original backfill material so a soil sample may be obtained.
- C. Additional Fill Material:** All additional fill material shall be of equal quality to the soil adjacent to the excavation, and free of rubble or organic matter. The Contractor shall provide for a minimum depth of 8 inches of topsoil over the excavated area.
- D. Hand Labor:** The Contractor shall employ hand labor where the use of power machinery is unsafe or unable to produce a finished job. Hand labor shall also be used to clean the site of any debris.
- E. Grading:** The site shall be graded to conform to all surrounding areas and shall be finished to have a uniform surface that shall not permit ponding of water. The Contractor shall grade and shape the site to drain; complete fine grading and final clean up as part of the lump sum price for demolition.
- F. Final Cleaning Up:** Before acceptance of the demolition work, the Contractor shall remove all unused material and rubbish from the site of the work, remedy any objectionable conditions the Contractor may have created on private property, and leave the right-of-way in a neat and presentable condition. The Contractor shall not make agreements that allow salvaged or unused material to remain on private property. All ground occupied by the Contractor in connection with the work shall be restored. Restoration shall include appropriate smoothing to its original condition and seeding of the area.

On demolition sites where seeding will be delayed because of the allowable seeding dates, the Contractor shall complete fine grading and shaping of the site to leave the site in a neat and presentable condition subject to the approval of the Village.

Final cleaning up shall be subject to approval of the Engineer and in accordance with applicable regulations.

3.07 SANITARY SEWER AND WATER SERVICE DISCONNECTIONS

- A. Sanitary Sewer Service Disconnection:** All sanitary sewer services shall be disconnected and plugged in conformance with Four Rivers Sanitation Authority requirements by licensed plumber, and inspected and approved by the Jurisdiction's Plumbing Inspection Division prior to demolition or excavation.
- B. Water Service Disconnection:** All water services and stubs for the buildings or properties within the demolition work shall be disconnected in conformance with local regulations by a licensed plumber and inspected and approved by the Engineer.

C. Backfill and Compaction within Village Right-of-way:

1. **Streets:** Unless stipulated otherwise in the Contract Documents, the Contractor shall backfill, compact as specified and patch the surface of all excavations made in streets. This cost shall be paid by the Contractor.
2. **Village Right-of-way:** All areas within the Village right-of-way (including parking and sidewalk areas) shall be compacted in conformance with Village Unified Development Ordinance requirements, graded and seeded.

3.08 SEEDING

All disturbed areas associated with the work shall be seeded seeding shall include preparation of the seedbed, furnishing and installing seed, fertilizer and mulch, maintenance, and guarantee for completed seeded areas. Areas reseeded under the warranty shall be warranted for an additional 1 year.

3.09 SAFETY AND FENCING

- A. **Safety:** The Contractor shall comply with all applicable current federal, state and local safety and health regulations.
- B. **Safety Fencing:** The Contractor shall furnish and place a safety fence around the site of the work adequate to secure the demolition site, including any resulting debris or excavation, and to prevent pedestrian access. The safety fence shall remain in place until the demolished materials are removed from the site and all holes or excavated areas are backfilled. The fencing material shall remain the property of the Contractor.

3.10 AUTHORIZED WORKERS

Only the Contractor and its employees are allowed to demolish, dismantle, detach or dispose of any part of the demolition structure or its contents.

3.11 DAILY CLEAN-UP OF RIGHT-OF-WAY AND PRIVATE PROPERTY

At the end of each workday, the Contractor shall clean sidewalks, streets, and private property of any debris caused by the demolition operation.



Agenda Item Executive Summary

Item Name Cunningham Water Main Replacement Committee or Board Committee

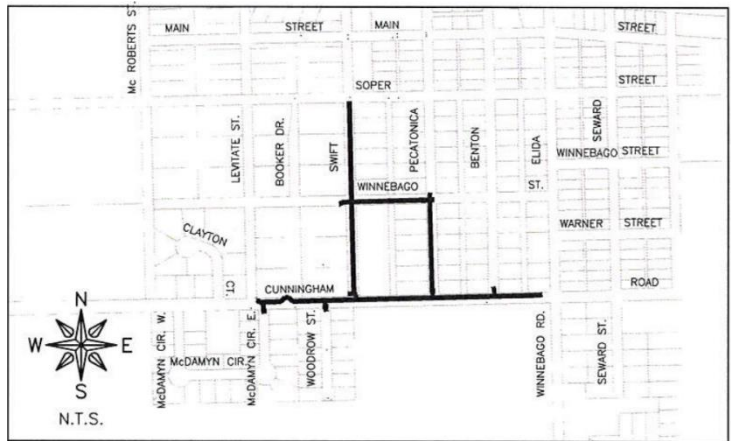
BUDGET IMPACT

Amount:	N/A	Budgeted:	N/A
List what fund:	N/A		

EXECUTIVE SUMMARY

Four years ago, the Village advanced the Cunningham water main replacement project, which included replacement on specific streets, displayed on the map to the right. Based on recommendation from the Village Engineer, Fehr Graham, staff is considering converting the permit set into a bid set to pursue IEPA loan funding to complete the project next year, assuming bypass funding is available from IEPA after January 2025. The primary cost would be transitioning from a permit set to a bid set and renewing some permits with the IEPA and Winnebago County for the Cunningham work.

Staff is seeking direction from the Village board on whether or not to pursue this project. Fehr Graham will provide a task order outlining associated cost.



LOCATION MAP

ATTACHMENTS (PLEASE LIST)

Task Order (to be provided by Fehr Graham in advance of the meeting)

ACTION REQUESTED

- For Discussion Only
- Resolution
- Ordinance
- Motion:

MOTION:

Staff: Chad Insko, Director of Public Works Date: 6/26/2024



Agenda Item Executive Summary

Item Name Personnel Policy Update (Sections 1-5) Committee or Board Committee

BUDGET IMPACT

Amount: N/A *Budgeted:* N/A

List what fund: N/A

EXECUTIVE SUMMARY

Upon the hiring of a Village Administrator in February of 2024, the Village Board has instructed the administrator to review the personnel policy of the Village. The sections being currently reviewed are titled Governing Principles of Employment, Employment Practices, Employee Separation, Personal Conduct Expectations and Disciplinary Action, and Administrative Policies and are sections 1-5 respectively. A majority of the recommended changes shift the responsibility of management roles of the Village from the Deputy Clerk and Village President to that of the Village Administrator. The Village Administrator and Village President reviewed these changes at the April 17, 2024 Administration Team Meeting.

Other, more impactful changes are outlined in the attached staff memo, and also identified in the attached redline copies of the policies.

ATTACHMENTS (PLEASE LIST)

Staff Memo, Redlined Sections 1-5 of the Village Personnel Policy

ACTION REQUESTED

- For Discussion Only
- Resolution
- Ordinance
- Motion:

MOTION:

Staff: _____ Date: _____



VILLAGE OF WINNEBAGO

MEMORANDUM

Prepared By: Joseph Dienberg, Village Administrator
Meeting Name: Committee of the Whole
Meeting Date: June 26, 2024
Item Name: Personnel Policy Update (Sections 1-5)

Background:

Upon the hiring of a Village Administrator in February of 2024, the Village Board has requested the administrator to review the personnel policy of the Village. The sections being currently reviewed are titled Governing Principles of Employment, Employment Practices, Employee Separation, Personal Conduct Expectations and Disciplinary Action, and Administrative Policies and are sections 1-5 respectively. A majority of the recommended changes shift the responsibility of management roles of the Village from the Deputy Clerk and Village President to that of the Village Administrator. The Village Administrator and Village President reviewed these changes at the April 17, 2024 Administration Team Meeting.

Section 1 Governing Principles of Employment:

The Primary changes to this section shift the responsibility of management roles of the Village from the Deputy Clerk and Village President to that of the Village Administrator, including the Equal Employment Opportunity, Americans with Disabilities Act (ADA), and Anti-Harassment policies.

Section 2 - Employment Practices:

The Primary changes to this section shift the responsibility of management roles of the Village from the Deputy Clerk and Village President to that of the Village Administrator.

In Section 2-8, Clarification is made on how hours of work are determined, and the 30 minute lunch break is changed from unpaid to paid, in an effort to create a more attractive workplace for employee recruitment and retention.

In Section 2-15, Outside employment, clarifications were made, to meet the original intent of the policy.

The policy was written to ensure that in the event that a Police officer was employed in a similar law enforcement capacity that a Village of Winnebago Police Officer, on a part-time basis during his/her off-duty hours to act solely for and on behalf of the Employer and not in any way on behalf of the Village of Winnebago in connection with his/her employment as a police officer by the Village.

To address this specific issue as well as any other village employees that were to seek outside employment in addition to their Village Duties, the following language was changed:

- Original: " No employee shall be employed by an employer other than the Village, nor shall he or she, contract for or accept anything of value in return for services, nor shall he or she otherwise be self-employed for remuneration...
- Changed to: "No employee shall be employed by an employer other than the Village contract for or accept anything of value in return for services, nor be self-employed for remuneration that constitute a conflict of interest, may be infringing upon an employee's ability to perform their assigned duties for the Village, or is being performed during hours that employee is working for, and being paid by, the village.

Police Officers Seeking Outside Employment in a Similar Law Enforcement or Security Capacity:

- Added: "If a Police Officer is to seek outside employment in a similar law enforcement or security capacity, they must receive prior written approval of the Department Head; if the employee is the Department Head, written approval must be authorized by the Committee Chairperson or Village Administrator (See Appendix F) (Law Enforcement Personnel see Lexipol Policy 1039)."
- Added: "The officer must complete and seek authorization from the outside employer to complete the 'Indemnity and Hold Harmless Agreement From Outside Employer for Village Of Winnebago Police Officer.' (Law Enforcement Personnel see Lexipol Policy 1039)"

In Section 2-17, clarification is added on the details of the Employee Performance Evaluations. Additionally, subsection 2-17-D is removed due to redundancy, as compensation policies and procedures are set in section 8 of the policy.

Section 3 - Employee Separation:

The Primary changes to this section shift the responsibility of management roles of the Village from the Deputy Clerk and Village President to that of the Village Administrator.

Section 4 - Personal Conduct Expectations and Disciplinary Action:

The Primary changes to this section shift the responsibility of management roles of the Village from the Deputy Clerk and Village President to that of the Village Administrator.

Section 5 - Administrative Policies:

The Primary changes to this section shift the responsibility of management roles of the Village from the Deputy Clerk and Village President to that of the Village Administrator.

Additionally, an entirely new section was added outlining guidelines, communication expectations, security, and confidentiality for remote work. Since the COVID-19 Pandemic, remote work has been in practice in the Village, this formalizes and creates standards and procedures for that practice.

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.

Section 2 – EMPLOYMENT PRACTICES

2-1. Residency

Village employees shall not be required to be a resident of the Village. However, sworn officers and employees deemed vital to the operation of the Village shall reside within a thirty (30) mile radius of Village Hall while employed by the Village. New hires shall be given six months from date of hire to obtain residency unless waived by the Corporate Authorities. Employees employed prior to the adoption of this policy shall be excluded from enforcement of residency requirements.

2-2. Hiring Process

- A. The ~~Deputy Clerk~~Village Administrator will administer and coordinate the hiring process for all vacancies for positions as approved by the Village President and Board of Trustees. (Law Enforcement Personnel see Lexipol Policy 1000).
- B. The ~~Deputy Clerk~~Village Administrator, with the assistance of the Department Head of the department where the vacancy exists, shall recruit for approved positions. All openings are to be posted on approved Village bulletin boards, on electronic job boards, the Village’s web site, and professional journals as deemed appropriate.
- C. If there is a vacancy in a full or part-time position which the Village decides to fill, then a notice of such vacancy will be posted on a bulletin board at the Village Hall for at least five (5) calendar days. During the posting period, the Village may temporarily fill the position. Any employee interested in applying for the vacancy must file a statement of interest in the vacant position with the ~~Deputy Clerk~~Village Administrator. Even though a job opening has been posted, the Village retains the final right to determine whether or not the opening should be filled, and by whom.
- D. All applicants for Village employment shall complete and sign an application for employment. The applicant will be asked to supply complete information relating to past employment, education, experience, training, references, and other qualifications where applicable. An applicant or employee shall be considered only on the basis of their qualifications as required by the position they seek or hold relative to experience, training, physical fitness, abilities, skills, knowledge, and their personal character and integrity.
- E. Reference, criminal background, and credit checks shall be conducted regarding any position which the Village Board deems necessary and shall be conducted according to appropriate State and Village regulations. A written record summarizing such reviews shall be retained in the employee’s personnel file.
- F. The Village of Winnebago reserves the right to require a medical examination and/or drug screening as a condition of employment. Such examination will be conducted after a conditional offer of employment is made, but before the employee starts work.

G. Applicants must provide evidence of identity and employment eligibility. New employees will be advised as to the proper documents which must be provided to the Village.

2-3. Employee Orientation

A new employee shall receive an orientation by appropriate Administration staff and their respective department. Orientations shall consist of an overview of the Village organization, rules, regulations, benefits, job description, and general procedures. Department Heads or their designees are responsible for orienting new employees to departmental guidelines and procedures specific or unique to their department.

2-4. Probationary Period

An employee is considered a probationary employee for the initial six-month period, (twelve-month period for Police Officers), of employment, or when promoted to a higher classification. During this period, both the Village and the employee have an opportunity to see if the common goals of the employment are mutually acceptable.

During the probationary period, the employee also has an opportunity to demonstrate proper attitude and abilities for the position for which employed. Also, during this time, the new employee will be provided with training and guidance from the Department Head. The new employee may be discharged at any time during this period if the Department Head concludes that the new employee is not progressing or performing satisfactorily. Additionally, as is true at all times during an employee's employment with the Village, employment is not for any specific time and may be terminated at will, with or without cause and without prior notice. Further, the Village Board may impose up to an additional 90 days to re-evaluate the employee if the initial probationary period did not provide sufficient time for an objective evaluation.

At the end of the probationary period, the Department Head will conduct an employee evaluation. Provided the employee's job performance is satisfactory at the end of the probationary period, the employee will continue in the Village's employment as an at-will employee and may be eligible for a salary adjustment.

The date on which an employee is appointed by the Village Board shall govern in determining personal leave and/or vacation benefits, unless otherwise expressly provided in the appointment.

2-5. Oath of Office

A. The Village Administrator, Deputy Clerk, and Treasurer are required to sign an Oath of Office, which will be administered by the Village Clerk or his or her designee.

B. All Police Officers will be sworn in by the Village Clerk and are required to take Oaths of Office.

2-6. Employee Classifications

The Village establishes the following guidelines and definitions for types of employment and for entitlement to benefits.

- A. Full-Time, Regular: An employee, who has successfully completed their probationary period, is assigned to a position and works a schedule which equates to a regular 40 hour work week.

- B. Part-Time, Regular: An employee, who has successfully completed the probationary period, is assigned to a position and works a shift schedule less than 40 hours per week.

- C. Seasonal Employee: An employee whose work assignment is limited in duration to less than two consecutive quarters during a calendar year. Seasonal employees are employed for a specific function, part-time or full-time and for a temporary or limited period of time. All seasonal employees are provided with an acknowledgement form (Appendix E) and an offer letter regarding his/her seasonal employment with the Village.

- D. Interns: The Village supports the concept of employing students in positions relating to course work. An internship program should be mutually beneficial to both student and the Village. All intern positions that receive a stipend or wage must have been approved in the annual pay plan. Interns applying with the Village must follow the same employment procedures as employees except for the job posting requirements. Interns will be instructed as to expected length of internship, projects to be worked on, and be given a general new employee orientation by their respective department. Interns are expected to comply with the applicable rules and regulations contained in this Manual. In most cases, an internship will continue for one (1) semester.

- E. Temporary: An employee who, by agreement, works for the Village for a period of not more than a hundred and eighty (180) days without Village Board approval in any one fiscal year. In the event a temporary employee is needed for a period of more than ninety days, the Village Board has authority to extend the ninety-day period up to one additional ninety-day period. Any length of time longer than outlined above requires Village Board approval.

- F. Exempt Employee: An employee who works in a position that has been determined as "exempt" under the Fair Labor Standards Act (FLSA) and is not eligible for overtime pay for hours worked over 40 in a week.

- G. Non-Exempt Employee: An employee who works in a position that has been determined as “non-exempt” under the FLSA and is eligible for overtime pay for hours worked over 40 in a week.

2-7. Employee Identification Cards

Employees shall adhere to the following guidelines regarding identification cards:

- A. It is the policy of the Village to issue employee identification cards to all full-time and part-time employees. Cards may also be issued to other employees who may require Village identification while performing work for the Village. The card will display the employee name, department and a photo.
- B. The card should be carried at all times when an employee is acting in an official capacity. The card shall be used as identification if requested by a member of the public.
- C. Unauthorized or inappropriate use of the employee identification card is prohibited and may result in disciplinary action, up to and including termination of employment.
- D. The Police Department may issue their own department identification card in lieu of the Village identification card.
- E. The Deputy Clerk is responsible for the preparation of the identification card. Each employee is responsible for possession of their identification card and should take care to protect it from loss, theft or misuse.
- F. Should a card be lost, damaged or destroyed, it should be immediately reported to your Department Head. All requests for re-issuance of employee identification cards shall be made by the employee to the Village Office.
- G. All identification cards remain the property of the Village and shall be returned to the Deputy Clerk upon termination of employment or by special request by the employee’s Department Head or the Village President.

2-8. Hours of Work

~~This policy~~ The Department head with approval from the Village Administrator will establishes routine hours of work based on whether employees work in the office, field or in other departments except as otherwise provided by a labor agreement or a written contract of employment:

Generally, the work hours provide ~~a~~ one ~~un~~paid 30 minute lunch period and one 15 minute a.m. paid break and one 15 minute p.m. paid break. The lunch period should be taken as close to the standard lunch hour as possible but recommended between the hours of 11am and 1pm. Lunch periods are scheduled and may be staggered to allow for

continuous staffing of Village Hall with at least two people. Rest and lunch periods are determined by the operational requirements of each department. Such periods shall be scheduled by each department in order to be consistent with department operations and in accordance with applicable state and federal wage and hour laws. (Law Enforcement Personnel refer to Lexipol Policy 1033).

Police personnel working on a shift basis will follow the working hour guidelines set forth in their respective departmental regulations.

Attendance records will be managed by each department and maintained by the Village Clerk or his or her designee. Attendance shall be a consideration in determining promotions, transfers, satisfactory completion of probationary periods, and continued employment with the Village. Frequent tardiness or other attendance irregularities including unexcused absences from work shall be cause for disciplinary action, up to and including termination of employment.

2-9. Call Back Policy – Not Applicable to Police Department Employees or Public Works Department Employees

The provisions of this policy apply to all non-exempt full-time employees, excluding seasonal and Public Works employees, and Police Department employees, of the Village in order to define and delineate circumstances when an employee is called back to the workplace to respond to an alarm or other emergency. Village employees may be called back to the workplace to respond to an alarm or other emergency at the request of their immediate Department Head or the Deputy Clerk Village Administrator. Any non-exempt full-time, non-seasonal employee of the Village, who is called back to the workplace, after having left work, shall receive a minimum of one hour of pay. Call back hours worked in excess of an employee’s regularly scheduled hours for that week shall be compensated at the applicable rate subject to the Village’s overtime policy as outlined in Section 8-4.

If the call back exceeds one hour, the employee will be paid for the actual hours worked. Travel time to and from the workplace will not be included in determining hours of work. Compensation will not be paid more than once for the same hours. The one hour minimum shall not apply to pre-scheduled call back/overtime.

2-10. Call Back/On-Call Policy – Public Works Department

A. Callback and Weekend Rounds

A "callback" is defined as an official assignment of work which does not continuously follow an employee’s regularly scheduled working hours. Callbacks shall be compensated for at the appropriate overtime rate of pay, as stated above, for all hours worked on callback, with a guaranteed minimum of two (2) hours at such overtime rate of pay for each callback.

“Weekend rounds” is defined as pre-scheduled hours on Saturday and Sunday. Weekend rounds will be paid at one and one-half (1 ½) times the employee’s regular straight time hourly rate of pay, if the employee does not use more than eight (8) hours of sick leave during the applicable payroll week (unless those days and hours become part of the regular 40-hour work week).

B. On Call

The Employer shall make on-call assignments as follows:

1. One employee shall be scheduled to be on-call from 8:00 am on Monday until 7:59 am the following Monday (one week). Each employee shall be inserted into the on-call schedule by seniority and the schedule will rotate after that.
2. On-call employees shall be compensated \$100.00 for each week they are in on-call status and employees may switch their on-call status with another qualified employee, on a daily basis, with Supervisor approval.
3. If an on-call assignment falls on a recognized holiday, that employee shall receive an additional \$30.00 for each holiday he is on-call.
4. On-call employees must remain sober (as defined by CDL requirements), be readily available to work and provide a primary telephone number at which they may be contacted. Under normal conditions, an employee must be able to reach his reporting location within a reasonable period of time after being notified of the need to respond to the call-out.

2-11.Call Back and Court Time Policy – Police Department

A. Call Back

A "callback" is defined as an official assignment of work which does not continuously follow an employee’s regularly scheduled working hours. Callbacks shall be compensated for at the appropriate overtime rate of pay, as stated above, for all hours worked on callback, with a guaranteed minimum of two (2) hours at such overtime rate of pay for each callback.

B. Court Time

If an employee is required by the Village to appear in court outside his regular hours of work and in the performance of his official duties (on a matter in which the officer has no personal interest), he shall be paid for all hours actually worked or a minimum of two (2) hours of pay, whichever is greater, at time and one-half his regular hourly rate of pay. The two (2) hour minimum shall not apply to court time which is continuous with the employee's regular hours of work or where the payment overlaps with regular or overtime pay.

2-12 . Officer In Charge – Police Department

The Chief or his designee will assign an employee to be the Officer in Charge (O.I.C.) in the absence from duty of an assigned supervisor. The O.I.C. shall receive an additional \$1.00 per hour to be paid on an hour for hour basis for each hour worked as O.I.C. Nothing in this Section shall be interpreted as requiring the Chief of Police to designate an O.I.C. or to have one actively present on shift regardless of the absence from duty of an assigned duty supervisor.

2-13. Nepotism

Policy:

The employment of relatives of present employees is not encouraged. However, the Village of Winnebago reserves the right to take any and all actions deemed to be in the best interest of the organization in any given case. To ensure that no favoritism is shown, it is the policy of the Village that relatives will not be allowed to directly report to each other. In addition, favoritism will not be applied to relatives in filling of vacancies, granting promotions, or recommendations for performance increases or other pay increases.

Procedures:

Persons who are relatives of current employees will not be employed when they would be subject to the supervision of a member of their family or the member of the family would play a significant role in making decisions concerning their direct benefit. In addition, favoritism will not be applied to relatives in filling of vacancies, granting promotions, recommendations for performance increases, or other pay increases.

2-14. Re-Hire Policy

An employee who resigns in good standing may be eligible for re-hire at a future time provided an opening is available and their qualifications for that position are satisfactory. Persons interested in being re-hired should file an employment application with the Village Office. The individual's application will proceed through the regular hiring process with other applicants.

Any employee who is re-hired by the Village shall start as a new employee in all aspects related to compensation and benefits unless otherwise agreed in writing and approved by the Village Board.

All individuals re-hired by the Village must complete a new probationary period.

2-15. Outside Employment

No employee shall be employed by an employer other than the Village, ~~nor shall he or she~~, contract for or accept anything of value in return for services, nor ~~shall he or she otherwise~~ be self-employed for remuneration, that constitute a conflict of interest, may be infringing upon an employee's ability to perform their assigned duties for the Village, or is being performed during hours that employee is working for, and being paid by, the village.

If a Police Officer is to seek outside employment in a similar law enforcement or security capacity, they must without the receive prior written approval of the Department Head, if the employee is the Department Head, written approval must be authorized by the ~~Committee Chairperson~~ Village Administrator (See Appendix F) (Law Enforcement Personnel see Lexipol Policy 1039). The officer must complete, and seek authorization from the outside employer, to complete the "Indemnity And Hold Harmless Agreement From Outside Employer for Village Of Winnebago Police Officer. (Law Enforcement Personnel see Lexipol Policy 1039)

An ~~employee's~~ officer's request for such approval shall not be arbitrarily denied. ~~If an employee desires to hold an outside job, including self-employment, the employee shall apply in writing to the Department Head for approval. Such application will normally be approved or denied within ten (10) working days after submission.~~

Prior to working an assigned shift employees must have a continuous eight (8) hour rest period from outside employment.

Police Officers engaged in outside employment who are placed on disability leave or modified/light-duty, shall inform the Supervisor, in writing within five (5) days whether or not they intend to continue to engage in such outside employment while on such leave, or light-duty status. The Chief of Police shall review the duties of the outside employment, along with any related doctor's orders, and make a recommendation to the Police Committee Chairperson whether such outside employment should continue. In the event the Chief of Police, in coordination with the Police Committee Chairperson, determines that the outside employment should be discontinued, or if the officer fails to promptly notify his/her Supervisor of his/her intentions regarding his/her work permit, a notice of revocation of the officer's permit will be forwarded to the involved officer, and a copy attached to the original work permit. Criteria for revoking the outside employment permit include, but are not limited to, the following:

- A. The outside employment is medically detrimental to the total recovery of the disabled officer, as indicated by the Village's professional medical advisors.
- B. The outside employment performed requires the same, or similar, physical ability, as would be required of an on-duty officer.
- C. The officer's failure to make timely notice of their intentions to the Supervisor.

When the disabled officer returns to full duty with the Winnebago Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

If outside employment, including self-employment, has previously been approved or permitted by the Village, and if it later appears that such outside employment may constitute a conflict of interest, ~~or~~ may be infringing upon an employee's ability to perform their assigned duties for the Village, or is being performed during hours that employee is working for, and being paid by, the village, then the Village reserves the right to require an employee to discontinue such outside employment, including self-employment, as a condition of continued employment by the Village.

2-16. Closing of Village Facilities

The Village President and/or Village Administrator has the ability to temporarily close or modify the hours of operation of any village facility. Should the Village President or Village Administrator determine that, due to inclement weather or other safety related reason, it is in the best interest of the village, its employees, or the general public to temporarily close or modify the hours of operation of certain village facilities and departments, employees will be provided as much notice as practical. Employees will be required to use accrued benefit time to cover the hours not worked, make arrangements with their supervisor to make up the time missed, or to take the time as unpaid. In no case will sick time be allowed unless otherwise appropriate under the Sick Leave section of this manual. Essential employees (those necessary to respond in the event of an emergency - Police and Public Works or any personnel who may be required to assist in an emergency) are not subject to this policy and will need to report to work even in the event Village Hall is closed.

2-17. Employee Performance Evaluations

A. In General

In an effort to document employee performance on an annual basis, ~~In accordance with the Village's policy for employee pay raise consideration to be based on merit,~~ an evaluation will be made of all regular Village employees, full-time and part-time. ~~A cost of living adjustment pay raise may also be considered at the sole discretion of the Village Board.~~ The Village Administrator in conjunction with the Committee Chairmen overseeing the respective Department Heads shall evaluate and prepare reports on the performance of the respective Department Heads, and ~~the Department Heads~~ all supervisors shall evaluate and prepare reports on all full and part-time ~~employees in their department~~ direct reports. The ~~Village Clerk~~ Village President shall evaluate and prepare a report on the performance of the ~~Deputy Clerk~~ Village Administrator. All evaluations shall be completed on the standard forms provided by the Village.

Periodic evaluations are critical to create a formal record of an employee's performance over time and establish a foundation for personnel actions such as promotion and termination. The completed evaluation becomes part of an employee's permanent record.

Each year employees are asked to establish goals and objectives. The evaluation is a tool to measure the progress made by the individual during the past review period and to encourage his/her self-improvement. The evaluation will also record additional duties performed, educational courses completed, extraordinary skills or abilities as well as a plan to correct any weak points. Department Heads should review future training needs and career planning. The reviewer should also encourage the employee to make suggestions about how the department can improve. The reviewer should ask employees for feedback regarding the employee's skills as they relate to communication, team building, delegation, and sensitivity to needs of subordinates. Open communication is the key to improvement.

B. Schedule for Reviews

In addition to day-to-day feedback to the employee, a performance evaluation is conducted for all regular employees annually.

After completing the evaluation, the supervisor or Department Head will review the results with the employee. Each employee shall sign the evaluation report that is prepared by the supervisor or Department Head indicating that it has been reviewed with the employee. Signature does not necessarily imply agreement.

Before submitting the completed evaluation to the Deputy Clerk for filing in the employee's official personnel file, the Village Administrator will review all evaluations for consistency in evaluation process for all employees.

The form(s) with the signed acknowledgement are to be placed in the employee's official personnel file, and a copy will be given to the employee.

An employee may request a conference with the Village ~~President~~ Administrator regarding the evaluation of his/her performance.

C. Evaluations During Initial Employment Period

During the initial employment period the supervisor will prepare written evaluations of the employee. For a six-month probationary period, at least one written evaluation of the employee will be performed. For a one-year probationary period at least two written evaluations of the employee will be performed.

~~D. Pay Increases~~

~~Pay increases provide a means of recognizing increased competency of the employee to perform his/her assigned duties. Employees who receive a satisfactory evaluation following their six-month initial period of employment with the Village may be considered for a merit increase. Thereafter, additional increases may be granted to employees based on the recommendation of the respective committee overseeing the department in which the employee works, with final approval by the Village Board for the appropriate budget year.~~

~~Increments will not be awarded on an automatic basis, but will be contingent upon evaluations or other pertinent data submitted to the Village President, and approved by the Village Board. Salary adjustments shall become effective as designated by the Village Board.~~

SECTION 3 – EMPLOYEE SEPARATION

3-1. Types of Separation

Employee separation is an inevitable part of organizational life. The following definitions and procedures are instituted in order to minimize the disruption of turnover on all concerned parties.

- A. Service Retirement: is a voluntary separation after having satisfied the age and length of employment requirements of: IMRF, Police/Fire Pension or another pension system, with the employee applying for retirement.

- B. Disability Retirement: is a voluntary separation necessitated by an injury or illness which renders the employee incapable of performing the essential job duties of their position. A request for disability retirement is initiated by receipt of a written request from the employee to his/her Department Head indicating the date of separation. Supporting documentation shall include a ruling by the Illinois Worker’s Compensation Commission verifying the disability and approving the retirement, and any other documentation required by the Deputy Clerk’s Office.

- C. Employee–Initiated Resignation: is a voluntary separation given by the worker for any reason other than retirement. A resignation letter is expected with information that includes the person’s reason for leaving and the proposed last day of employment. Please provide the customary Two-Week Notice period before the person’s actual last day of work. Department Heads are requested to provide four weeks’ notice in order to provide sufficient time to make departmental specific plans during the vacancy and provide for a smooth transition in departmental leadership. Two weeks’ notice is understood to mean that the resigning employee will work during this time to aid in the transition of duties to another. If for any reason the ~~Village President~~Village Administrator or Department Head feels the worker is not contributing positively to the workplace, the two (2) week period may be cut short and the person’s resignation will be accepted immediately.

- D. Discharge: is an involuntary termination of an employee which is initiated by the Village.

- E. Reduction in Force (RIF) or Layoff: is the discharge of an employee(s) by the Village for lack of work, lack of funds, other working condition changes or restructuring as determined by the Village. The Village will normally consider departmental service reductions and/or skill and ability when deciding which employees to lay off. The Village shall provide employees with at least two (2) weeks advance notification prior to layoff.

Non-probationary employees, who are laid off pursuant to the above paragraph, shall be placed on a recall list for a maximum period of one year following the date of layoff.

- F. Recall: If an employee is qualified for an open position in another Village Department that is not being affected by the downsizing, the employee may be considered for transfer provided the employee possesses the minimum qualifications for the position and maintained a satisfactory performance history prior to the layoff. In applying this provision, if multiple employees are affected, and where qualifications, experience and performance are equal, longevity shall govern.

Laid off workers must provide the Village their current contact information and inform the Deputy Clerk's office of any changes. If the Village is unable to contact a laid off employee within seven (7) calendar days, the Village's obligation to recall the employee shall cease. The Village shall have no obligation to recall an employee after continuous layoff for a period which exceeds one (1) year. Should an employee not return to work when recalled, their employment will be terminated and the Village shall have no further obligation to recall him/her.

3-2. Exit Interview

To the extent possible, the Department Head or Village Clerk will conduct an exit interview with separated employees on the employee's last day of work. Terminating employees are expected to return uniforms, specific department issuances, ID cards and/or other Village issued property.

3-3. Final Pay and Benefit Issues

An employee shall receive pay for work performed through their separation date reduced by any prior, authorized deductions. Any other payments they have earned in accordance with these policies and applicable employment laws will be paid in the pay period on which the separation date falls.

3-4.Consolidated Omnibus Budget Reconciliation Act (COBRA)

Federal law (COBRA) gives employees and their qualified beneficiaries the opportunity to continue their existing health insurance coverage under the Village's health plan for a period of time after the occurrence of a "qualifying event" which otherwise would result in the loss of coverage. Some common qualifying events are termination of employment (whether by layoff, discharge, or even death); a substantial reduction in an employee's hours; an extended non-FMLA leave of absence; or legal separation or divorce of the employee and his/her spouse.

When such a qualifying event occurs, the Village will notify the employee of the right to continue health insurance coverage under COBRA, as well as the time limits and triggering events which are applicable in order to continue coverage. To continue coverage, the employee (or beneficiary) must elect to exercise their COBRA rights in a timely manner and must pay the Village the total premiums required for coverage

(including their own share and the Village's share) and any administrative fee; if applicable.

Upon request, the Village will also provide a written notice to covered family members which describes their separate rights under COBRA (such as the rights of a divorced spouse to continue coverage by payment of applicable premiums). It is very important to keep the Village advised of all contact information so that notices may be sent and received in a timely manner.

3-5. Unemployment Compensation

The Village is a covered employer under the Illinois Unemployment Compensation Law. Unemployment compensation benefits are designed to provide a partial replacement of wages to eligible employees during short periods of involuntary unemployment. For further information, contact the local Illinois Department of Employment Securities Office.

3-6. Retirement Benefits (see also Section 9-4; Retirement System)

- A. Pension Application: Employees are generally included in the Illinois Municipal Retirement Fund (IMRF). Detailed information concerning pension funds can be obtained from the Administration Department or IMRF representatives. Employees contribute to Social Security and Medicare. The required tax contribution to Social Security is established by the U.S. Congress.

- B. Accumulated Benefit Payments: retiring employees are eligible for payment of accumulated vacation time. Payment for accumulated vacation will be based on the amount of benefits accrued at the time of retirement. To be considered as retiring, the employee must apply for a pension. Retiring employees may continue to participate in the Village's medical insurance program, although they will be required to pay the full premium cost.

SECTION 4 – PERSONAL CONDUCT EXPECTATIONS AND DISCIPLINARY ACTION

4-1. Communication/Chain of Command

Communication is extremely important in order to provide quality services to the residents of the Village. It also ensures that various Village service areas are kept up to date regarding concerns and issues. The Village works diligently to maintain a high level of professional communication. All employees have a responsibility to maintain this level of professionalism. See also the section on confidentiality (Section 1-9 & 5-6 C.).

The Village also adheres to a standard chain of command. All employees are expected to follow the established chain of command regarding issues of concern. Concerns should first be directed to your immediate supervisor or Department Head. If the concern is not adequately addressed, the issue should be brought before the Department Head or Village President/Administrator. If the situation is administrative in nature, the decision of the Village President/Administrator shall be binding. In cases where the issue is policy related, the matter will be brought to the Village President and Village Board for review.

4-2. Standards of Conduct

It shall be the duty of employees to maintain high standards of cooperation, efficiency and integrity in their work with the Village. The following references are purely guidelines and the Village reserves the right to discipline employees based on what it deems to be appropriate in any given situation. Unless otherwise set forth under a written contract of employment, employees of the Village are at-will and can be discharged, demoted, suspended, or otherwise disciplined without cause at any time at the sole discretion of the Village.

These guidelines do not form a contract of employment nor should employees have any expectation that such guidelines form a contract. In addition, these guidelines are not all inclusive of what conduct will result in discipline. The decision of what disciplinary action will be taken rests solely with the management of the Village and is made on a case-by-case basis. These guidelines do not establish that employees will be terminated only for just cause.

4-3. Reasons for Disciplinary Action

Some general things for which an employee may be disciplined include, but are not limited to:

- A. Violation of any lawful or official regulation, ordinance, law, order, rule, or policy in this manual.
- B. Insubordination by failing to comply with any lawful direction given by a superior, or any other disrespectful conduct.

- C. Reporting to work under the influence of intoxicants or non-prescription/illegal drug(s), or using such substances while on Village property. Failure to report to a Department Head the use of any legal/authorized prescription drug(s) which may affect the employee's ability to perform necessary job duties.
- D. Absence without leave; failure to report to a Department Head when absent; or, the use of leave in an unauthorized manner.
- E. Excessive or chronic absenteeism and/or tardiness, or being wasteful with working time.
- F. Incompetence, negligence, inefficiency, or failure or inability to perform assigned duties.
- G. Causing damage to public property or being wasteful of Village supplies through negligence or willful misconduct, or failure to take reasonable care of Village material or property.
- H. Inability to get along with fellow employees so that the work being done is hindered and not up to required levels.
- I. Immoral, unethical, or disgraceful actions or any other personal conduct likely to impact the efficiency of the Village service or bring the Village into disrepute, while on or off duty.
- J. Commission of a felony or gross misdemeanor while on or off-duty.
- K. Speaking critically or making derogatory or false accusations so as to discredit other employees or Department Heads.
- L. Misappropriation of Village funds.
- M. Use of Village vehicles, equipment, supplies, or tools for personal use or unauthorized purposes.
- N. Making false statements, failing to provide requested information, or falsification of any records when applying for employment.
- O. Falsification of personnel and/or Village work records including, time worked records, time off records, or any other Village records, improperly withholding information from a Department Head in connection with your job, or assisting in the concealment or failing to report such a falsification of another employee.
- P. Being on Village premises, during a period of administrative leave, without permission of the employee's Department Head.

- Q. Divulging or misusing confidential information, including removal from Village premises, without proper authorization, any employee lists, records, designs, drawings, or confidential information of any kind.
- R. During work hours, the solicitation, selling, or distribution of any donation, gift, service, product, information, or other item of value not authorized by the Village; accepting fees, gifts, or other items of value in connection with work performed on Village time or as a representative of the Village.
- S. The use of profanity or abusiveness in attitude or language; conduct resulting in physical harm, injury, or harassment of Village employees or the public.
- T. Any other good and sufficient reason.

4-4. Forms of Disciplinary Action

Disciplinary actions may take, but are not limited to, the following forms:

- A. Verbal Reprimand
- B. Written Reprimand
- C. Village Review: The Department Head will place the employee on Probationary status for a maximum of 60 days with a performance evaluation after 30 days, but prior to 60 days. Separation from employment may occur at any time during this time.
- D. Suspension
- E. Discharge/Termination from employment: Permanent separation of the individual from Village employment.

Notwithstanding the above, any disciplinary actions taken in reference to a police officer employee shall be in accordance with any additional procedure required or protections afforded under the Uniform Peace Officers Disciplinary Act.

The degree of discipline administered will depend on the severity of the infraction and shall be in accordance with any applicable policies and procedures as well as local, State or Federal laws and regulations. Immediate Department Heads may have the authority to issue discipline to supervised employees. The Village Clerk has the authority to issue discipline to the Deputy Clerk. For discipline rising to the level of termination, **a Department Head the Village Administrator** must provide a written report to the Village Board within 24 hours. For discipline rising to the level of termination of the Deputy Clerk, the Village Clerk must provide a written report to the Village Board within 24 hours. However, nothing herein should be construed in any way to limit the Village's right to summarily discharge or suspend an employee for serious offenses.

4-5. Appeal of Discipline

Disciplinary action resulting in suspensions or terminations, as outlined in Section 4-4, may be appealed to the ~~Village President~~ Village Administrator within ten (10) calendar days of the disciplinary action. In the event the employee or the Department Head is not satisfied with the Village ~~President's~~ Administrator's decision, within five (5) calendar days receipt of said decision, the employee or Department Head may then appeal in writing to the Corporate Authorities by providing the Deputy Clerk and Village Clerk a copy of the appeal for scheduling with the Corporate Authorities. The decision of the Corporate Authorities shall be final.

SECTION 5 – ADMINISTRATIVE POLICIES

5-1. Personal Appearance

It is expected that each employee will dress appropriately, maintaining a neat, well-groomed appearance at all times. Employees are expected to exercise reasonable judgment when selecting clothing to wear while representing the Village. Specific situations, such as representing the Village in court or at meetings with the public, may require dressing in a more conservative style than everyday work attire. While employees are not expected to abandon personal style, they are expected to be appropriately dressed, clean, and covered.

Foot apparel is mandatory. Uniforms are required for certain jobs and are to be worn in accordance with applicable departmental standards. Your work assignment will determine which type of clothing is appropriate and your supervisor will advise you of what is acceptable attire.

If you are unsure if something is appropriate to wear to work, check with your Department Head. If you report to work in inappropriate attire, you will be sent home to change your clothes. (Law Enforcement Personnel refer to Lexipol Policy 1044)

5-2. Personal Telephone Calls

Village phones are to be used for Village business and may be used for personal business on a limited basis only. Excessive personal telephone calls during the workday interfere with employee productivity and distract other employees. Telephone calls received during business hours must be held to both a minimum number and time limit and must not interfere with the employee's work. It is the employee's responsibility to ensure that no cost to the Village results from their personal phone calls. Violation of this policy will minimally result in cost reimbursement to the Village and may subject the employee to further disciplinary action.

Personal cellular telephones and texting must be kept to a minimum and should not impact employee productivity. Accessing the internet and texting should be reserved for break times. The Village will not be liable for any personal cell phones brought into the workplace.

5-3. Village Issued and Personal Cell Phones and Similar Electronic Devices

As of January 1, 2014, the State of Illinois prohibits the use of hand-held devices while driving. Talking is allowed as long as the driver is using a hands free device, such as a headset or speaker phone built into the car. Drivers violating this law are subject to State fines.

Cellular phone usage applies to any device that makes or receives phone calls, leaves messages, sends text messages, surfs the Internet, or downloads and allows for the reading of and responding to email whether the device is Village-supplied or personally owned. Please also refer to Section 6 – Electronic Communications policy.

While on Village business, the Village requires employees to abide by all State, local, and Federal laws mandating the use of any cell phone or similar device while driving. An employee who uses a Village supplied device or a Village supplied vehicle or equipment is prohibited from using a hand held cell phone or similar device while driving, whether the business conducted is personal or Village related.

This prohibition includes receiving or placing calls, text messaging, surfing the Internet, receiving or responding to email, checking for phone messages, or any other purpose related to the Village, elected officials, residents, contractors, volunteer activities, meetings, or civic responsibilities performed for or attended in the name of the Village; or any other Village or personally related activities not named here while driving.

5-4. Political Activity

In accordance with the Hatch Act, it is the Village’s desire to foster governmental efficiency, ensure that employees can perform their jobs without being pressured to support specific Village or other political candidates, and to ensure that regulations are not interpreted favorably for supporters of candidates for political office.

Employees of the Village may not engage in political activities at any time on Village owned property or while on duty, or while they may be identified as an employee of the Village by any means such as uniform, insignia, and motor vehicle, or in any other manner. Political activities include, but are not limited to, running as a candidate for public office, soliciting or receiving funds for a political party or candidate for public office, soliciting votes for such party or candidate, attending political rallies, circulating petitions, distributing political literature, or encouraging others to do any of the above.

For purposes of this section “while on duty” includes those hours you are scheduled to work and are working for the Village.

This section should not be construed to prohibit any employee or group of employees individually or collectively from expressing honest opinions and convictions or from engaging in political activities permitted by the Hatch Act and from supporting candidates of their choice.

No employee shall be disciplined or rewarded by reason of his/her political affiliation, personal political contributions, or political beliefs by the Village.

5-5. Smoking

The Village shall take every action to comply with the Smoke-Free Illinois Act effective January 1, 2008. Smoking will be prohibited in all Village places of work, including vehicles, and buildings open to the public. The Village may, at its own discretion, authorize designated smoking areas which are located at least 15 feet away from all public entrances.

5-6. Conflicts of Interest

The Village has established guidelines for ethical standards of conduct which shall govern Village employees in the performance of Village business and the duties of their respective jobs. This policy is intended to provide positive direction to Village employees in order to prevent potential conflicts of interest.

Employees, including municipal officials, must conduct business according to the highest ethical standards of public service. Employees are expected to devote their best efforts to the interests of the municipality, and avoid any potential or actual conflict of interest. A potential or actual conflict of interest occurs whenever an employee, including a municipal official, is in a position to influence a municipal decision that may result in a personal gain for the employee, or an immediate relative including a spouse or significant other, child, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle, aunt, or any person related by blood or marriage residing in an employee’s household. Employees are required to disclose possible conflicts so that the municipality may assess and prevent potential

conflicts. If there are any questions whether an action or proposed course of conduct would create a conflict of interest, immediately contact the Village President or designee to obtain clarification. Violations of this policy will result in appropriate discipline up to and including termination, in addition to any penalty that may be imposed by state law. All employees shall receive and must acknowledge receipt of a copy of Village Ordinance No. 04-07, and any amendments thereto, pertaining to, inter alia, the solicitation and acceptance of gifts.

- A. **Acceptance of Gratuities:** In accordance with the Gift Ban Act, no Village employee shall, through his or her position with the Village, intentionally solicit or accept any gift from any prohibited source as defined under the Illinois State Officials and Employees Ethics Act, 5 ILCS 430/5 et al. Municipal employees may be required to file a Statement of Economic Interest each year.

- B. **Decision Making:** An employee should not make a unilateral decision, about his or her private employment. Employees are required to consult with their Department Head or the Deputy Clerk if there is any doubt about a potential issue with a conflict of interest with their private employment, outside interests or a business they own.

- C. **Confidential Information:** No Village employee shall disclose or use, without authorization, confidential information concerning property or affairs of the Village to advance a private interest with respect to any contract or transaction which is or may be the subject of official action of the Village.

- D. **Financial Interest:** No Village employee shall have a financial interest or personal interest in any legislation coming before the Village Board or participate in discussion with or give an official opinion to the Village Board unless the employee discloses on the record of the Board the nature and extent of such interest.

5-7. Use of Village Property

No employee of the Village shall request, use or permit the use of Village-owned vehicles, clothing, equipment, materials, or other property for unauthorized personal convenience, for profit, for private use, or as part of secondary employment. Use of such Village property is to be restricted to such services as are available to the Village generally and for the conduct of official Village business.

5-8. Solicitation

In order to alleviate disruption of Village services during normal working hours, it is prohibited for employees, or non-employees to solicit other employees for donations, charity, and/or sales of product or services during working hours. Peddling or soliciting for sale or donation of any kind on Village premises can only occur during break and/or lunch periods.

5-9. Contributions and Honorariums

Speeches and presentations made either during working time or for which the Village provides travel expense reimbursement, are made without charge. If an organization wishes to give an honorarium or contribution for such a presentation, the remuneration must be made to the Village, not to the individual employee.

5-10. Employee Privacy Policies

The Village reserves the right to search lockers, desks, filing cabinets, and personal belongings located on Village property at any time. Employees have no reasonable expectation of privacy in anything stored on Village property. If personal belongings are to be searched, the Village will make reasonable efforts to notify the employee and allow them to be present. Such searches will be conducted only if there are reasonable grounds to secure Village or other employee property or safety.

5-11. Personal Mail

Employees shall not use the addresses of the Village municipal buildings or offices for receipt of personal mail, except for police officers on their application for vehicle registration subject to Illinois law, nor shall they use Village postage machines or stationery. If an employee is an officer of a professional organization, specific written approval must be obtained from the Village President prior to utilizing Village facilities for professional organizational activities.

5-12. Lactation Accommodation

Each employee is entitled to a reasonable amount of break time to express breast milk for the employee’s infant child. If possible, the break time should run concurrently with the employee’s break time that is already provided. The Village will provide an appropriate and private location for such activity. Please contact the Deputy Clerk for additional information regarding lactation accommodation.

5-13. Employee Personnel Records

The Village has established procedures and responsibilities for the maintenance of personnel records.

A personnel file will be established for each employee. All personnel files shall be kept in the Village Office and managed by the Deputy Clerk or appropriate Department Head.

Employees are responsible for and must promptly advise the Village of any changes in:

- Name and/or marital status;
- Address and/or telephone number;
- Number of eligible dependents;

W-4 deductions.

All pertinent information and forms will be contained in the personnel file, including, but not limited to:

- Employee application;
- Job description and specification information;
- Job performance ratings and evaluations;
- Education/training information;
- Personnel action forms;
- Administration correspondence.

Medical, workers compensation, and benefit records will be maintained in a separate file.

Procedures for the release and accessibility of information and assessment of employee personnel files are as follows:

- A. Right of access to personnel files is granted to current employees, those on leave subject to recall, and those who have terminated their employment within the preceding year.
- B. An employee must make a request for personnel file review in writing to the Deputy Clerk or appropriate Department Head.
- C. Records will be reviewed at a place designated by the Village during working hours.
- D. An employee is entitled to a copy of any personnel materials inspected.
- E. Information contained in employee personnel files shall not be released or disclosed without the employee's written consent, except to persons with a lawful right or need to know.

This policy is periodically reviewed to ensure compatibility with current accepted personnel procedures. These records are maintained during the tenure of the employee and for seven (7) years after the employee leaves Village employment.

5-14. Punctuality and Attendance

Employees shall report promptly at the designated starting time ready to begin their assigned duties. In the event that an employee is unable to report for work due to illness or other emergency, they must verbally or through confirmed text message or email inform their Department Head as soon as possible and prior to the start of their shift. If a text confirmation is not returned, the employee must verbally contact their Department Head. ~~Email is not an acceptable means of reporting an absence.~~ Failure to do so may result in a loss of that day's pay. Any employee who is absent three (3) consecutive days without authorization will be considered to have resigned from Village service.

5-15. Prescription Drug Use

Employees who use prescription drug(s) or legal/authorized prescription drug(s) that may cause adverse side effects (i.e., drowsiness or impaired reflexes or reaction time) are required to inform their Department Head that they are taking such medication on the advice of a physician if it prevents them from performing the essential functions of the job, or presents a threat of imminent harm to other employees or the public. Employees are responsible for informing their Department Head of the possible effects of the drug(s) on work performance and expected duration of use. If the usage of such medication poses a safety risk for the employee or others, the employee may not work until a release is obtained from the employee's treating physician.

5-16. Remote Work

Purpose

The purpose of this Remote Work Policy is to outline the guidelines and expectations for employees of the Village of Winnebago who work remotely. This policy ensures that remote work arrangements are structured, efficient, and align with the Village's goals while maintaining productivity, communication, and security standards.

This policy applies to all employees of the Village of Winnebago who may work remotely, either occasionally or on a regular basis, with approval from their respective department heads.

Employees eligible for remote work must meet the following criteria:

1. Demonstrated ability to work independently and meet deadlines.
2. Access to necessary technology and resources required to perform their job duties remotely.
3. Compliance with all Village policies and procedures.
4. Remote Work Arrangements

Employees interested in remote work must submit a formal request to their department head or Village Administrator outlining the proposed schedule, duration, and reasons for remote work. Approval will be based on Village needs, job responsibilities, and individual performance. Written permission signed by the Department Head and Village Administrator will be stored in the employees personnel file.

Remote work arrangements may begin with a trial period to assess feasibility and productivity. The trial period duration will be determined by the department head. Remote employees are expected to adhere to their regular work schedule unless otherwise agreed upon with their department head. Flexibility in work hours may be granted based on Village needs. Remote employees must be accessible during agreed-upon work hours

via email, phone, or instant messaging platforms. They should respond promptly to inquiries from colleagues and supervisors.

Remote employees must have access to reliable internet connectivity and necessary technology (e.g., computer, software) to perform their job duties. The Village may provide equipment and reimburse reasonable expenses as per the Village's reimbursement policy. Remote employees are responsible for creating a suitable workspace at their remote location that is conducive to productivity and free from distractions. They must ensure a secure and confidential environment for handling Village information.

Communication and Collaboration

Remote employees are expected to participate in meetings as scheduled. They may utilize video conferencing and collaboration tools to maintain effective communication with colleagues. If a meeting is more effective in person, all reasonable efforts must be made to attend the meeting in person.

Remote employees are required to submit regular progress reports to their department head detailing their work activities, accomplishments, and any challenges encountered. Remote employees must actively engage with their team members through virtual channels, contribute to team projects, and collaborate on shared tasks.

Security and Confidentiality

Remote employees must adhere to the Village's data security policies and procedures when handling sensitive information. Remote employees are responsible for the security of Village-issued equipment and must follow guidelines for device usage and storage to prevent loss or theft.

Termination of Remote Work Arrangement

The Village reserves the right to terminate or modify remote work arrangements at any time based on business needs, performance issues, or violation of Village policies. Termination of Remote Work Arrangement will be initiated by either the Department Head or Village Administrator.