

## 7.1 EMPLOYEE DISCIPLINARY GUIDELINES

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### **Policy**

The Village administers discipline fairly, reasonably, and impartially, using procedures to ensure that prompt disciplinary action is taken with employees whose performance is unsatisfactory or whose conduct or failure to observe Village polices necessitates such action.

### **Guidelines**

A. This policy applies to all regular Village employees below the position of department director.

B. A system of progressive discipline is generally used for conduct not conducive to employment with the Village. The implementation of a system of progressive discipline is not to be construed as preventing, limiting or delaying the Village from taking appropriate disciplinary action against an employee at any point in the process, including discharge, without prior warning, when such action is determined to be appropriate. Progressive discipline consists of the following:

- Written warning – A written warning is to be utilized for infractions of a minor degree or when a performance problem has not been corrected through informal discussions.
- Written reprimand – A written reprimand is to be utilized when an employee continues to have difficulties in the same area or if the violation or infraction is more serious.
- Suspension – A suspension is to be utilized for a severe violation of policies or for repeated violations. Exempt employees may not be subject to partial week suspensions for other than safety violations of major significance.
- Discharge – An employee may be discharged for severe violations or repeated violations. If a department director wants to recommend an employee be discharged, the director must provide the employee with a written statement of the specific reasons for the recommendation for discharge. A copy of the recommendation is to be sent to the Village Manager.

The disciplined employee may file a grievance on the discipline received, except for a recommendation for discharge.

C. All discipline is to be recorded on a Disciplinary Action Form. The Disciplinary Action Form is to be signed by the individual giving the discipline and the employee being disciplined. A copy of the Disciplinary Action Form is to be sent to the Human Resources Department to be placed in the employee's personnel file.

D. In the case of a recommendation for discharge, the Village will conduct a pre-discharge hearing. An employee will be provided with notice of the recommendation for discharge. The notice shall include an explanation of the reasons on which the recommendation is based and the time and date for a pre-discharge hearing. If the employee fails or refuses to appear, the discharge may proceed.

The pre-discharge hearing will be presided over by the Village Manager. At the hearing, the employee will be given an opportunity to explain why the discharge should not occur. The employee may bring one person to the hearing as an observer or representative. The Village Manager shall determine who else, if anyone, may participate in the hearing and how the hearing will be conducted.

Within five working days after the pre-discharge hearing, the Village Manager will issue a written decision on whether the discharge will proceed or whether lesser disciplinary action will be given. The Village Manager may extend the five-day time period as needed.

Effective Date: January 1, 2000  
Revised:

## 7.2 PROHIBITED CONDUCT

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### Policy

The continuing employment of every employee is contingent upon acceptable conduct and satisfactory performance of duties. The Village forbids retaliation against any employee for reporting any individual's inappropriate conduct.

### Guidelines

- A. Engaging in any inappropriate conduct may result in discipline, up to and including termination. The following list contains examples of inappropriate conduct. This list is not exhaustive and the absence of a behavior from this list will not be the basis for avoiding disciplinary action when a supervisor believes discipline is warranted:
- Disobeying safety regulations, including failure to promptly report work-related accidents to supervisors
  - Inappropriate use of the internet, email, voice mail or other forms of electronic communication
  - Physically harming others
  - Verbally abusing others
  - Using intimidation tactics and making threats
  - Sabotaging another's work
  - Making malicious, false or harmful statements about others
  - Excessive or unauthorized use of Village equipment for personal matters
  - Insubordination
  - Job abandonment - absent from work without notice for three consecutive days
  - Political activity on Village time
  - Possession, use, distribution, manufacture, or sale of any controlled substance or illegal drugs
  - Reporting to work or being at work under the influence of alcohol and/or drugs
  - Theft or unauthorized possession of Village property
  - Possession of weapons on Village premises or while on Village business unless specifically authorized by the Village to do so
  - Use of tobacco products or e-cigarettes in a Village owned or leased vehicle
  - Violation of applicable Village ordinances and State or Federal laws
- B. Any employee witnessing any of the above-listed or similar behaviors on Village property or against a Village employee on Village business shall report such incident to their supervisor or the Director of Human Resources.

Effective Date: January 1, 2000

Revised: November, 2007

September, 2014

September, 2020

### 7.3 GRIEVANCE PROCEDURE

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#### Policy

It is usually most desirable for employees and their immediate supervisors to resolve problems through free and informal communications. If this informal process does not resolve the problems, employees have the right to file grievances. No employee using this grievance procedure shall be subject to any unjust treatment as a consequence thereof.

#### Guidelines

- A. A grievance is any dispute between an employee and the employee's supervisor concerning the meaning, interpretation or application of written work rules or the Village's personnel policies concerning terms or conditions of employment.
- B. The following items are not grievable:
  - The content of job descriptions and the salary and grade assignments for jobs
  - Policy decisions approved by the Village Manager regarding the salary and benefit structure (issues concerning equal application of these policies are grievable)
  - Discipline or termination of a probationary employee
- C. Any employee who has a grievance shall submit the grievance in writing to the employee's department director. The grievance must contain a complete statement of the facts, the work rule or Village personnel policy alleged to have been violated and the relief requested. All grievances must be presented no later than ten working days from the date of the occurrence of the first event giving rise to the grievance or from the date the employee should have known about the event giving rise to the grievance. The department director may meet with the employee to discuss the grievance. The department director will respond to the grievance, in writing, within ten working days of the receipt of the grievance or within ten working days of the meeting, whichever is later.
- D. If the grievance is not resolved by the department director, the grievant may appeal the grievance to the Village Manager. The appeal must be submitted in writing within five working days of receipt of the answer from the department director. The Village Manager or designee may schedule a meeting with the aggrieved employee and any other individuals who may be able to provide relevant information with respect to the grievance. If possible, the meeting should be scheduled within ten working days of receipt of the grievance appeal. The Village Manager will provide a written response to the grievance appeal within 15 working days of receipt of the appeal or within 15 working days of the meeting, if one is held. The written decision of the Village Manager is final and binding.

Effective Date: January 1, 2000

Revised: September, 2020

## **7.4 PROHIBITION OF HARASSMENT**

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### **Policy**

It is the policy of the Village of Arlington Heights to prohibit harassment or discrimination of any person by anyone, including any elected or appointed Village official, Village employee, consultant, or contractor.

Harassment consists of any unwelcome conduct on the basis of an individual's actual or perceived race, color, religion, national origin, ancestry, age, sex, marital status, order of protection status, disability, military status, sexual orientation, pregnancy, unfavorable discharge from military service, or citizenship status that has the purpose or effect of substantially interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment. For purposes of this definition, the phrase "working environment" is not limited to a physical location an employee is assigned to perform his or her duties.

### **Guidelines**

#### **Discriminatory Harassment**

- A. Discriminatory harassment may include but is not limited to nicknames, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that belittles or shows hostility toward an individual or group.
- B. It shall not be considered discriminatory harassment for a supervisor who, in a fair, lawful and consistent manner, enforces standards of conduct and job performance or attempts to correct work habits requiring improvement.
- C. All Village employees are responsible to help ensure that the Village avoids discriminatory harassment in the work place. Any employee who feels they have experienced or witnessed discriminatory harassment should immediately notify the Director of Human Resources, as well as the Department Director, if appropriate.
- D. All complaints of discriminatory harassment will be investigated promptly and thoroughly. To the fullest extent practicable, the Village will keep complaints and the terms of their resolution confidential. If the investigation confirms that discriminatory harassment has occurred, the Village will take appropriate corrective action, up to and including termination of employment.

#### **Sexual Harassment**

- A. Sexual harassment means 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, or
  - 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.

B. Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- The harasser's conduct must be unwelcome to be unlawful (therefore, you are urged to tell the other person involved if you are offended or if any comment is unwelcome).

Harassment, particularly sexual harassment, can take a variety of forms including, but not limited to slurs, jokes, insults or pictures. The following is a non-inclusive list of some examples of prohibited conduct:

- 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).
- Preferential treatment, or a promise of preferential treatment, in exchange for dates or sexual conduct; or the denial or threat of denial of employment benefits or advancement for refusal to consent to sexual advances.

#### Procedure for Reporting an Allegation of Harassment

A. Employees witnessing and/or experiencing any conduct which might be offensive to others or conduct that could potentially be in violation of this Policy, are encouraged to tell the individual engaging in the conduct that it is unwelcome. Regardless of whether an

employee tells an employee that the conduct is unwelcome, all employees are strongly encouraged to use the complaint procedure set forth below to help ensure the matter is promptly addressed. Employees are permitted to submit confidential reports of harassment. Employees are encouraged to provide as much information as possible so that the Village can effectively investigate any allegations.

Prompt reporting of complaints pursuant to this Policy is encouraged so that prompt response and appropriate action may be taken. Ideally, any person offended by a violation of this Policy is encouraged to report the matter before leaving work for the day so that the information and facts involved can be preserved and properly investigated while memories are fresh. In all cases, the Village encourages employees to report all complaint allegations within five working days of the incident. While the Village will, of course, accept complaint allegations beyond this five day period, any delay in reporting the incident impede with our ability to properly investigate and remedy the situation. If there was some reason that you were not able to promptly report the complaint, please be sure to share that reason with management so that the information can be properly considered (if appropriate) as part of the investigation.

All employees should promptly report a possible violation of this Policy directly to any of the following persons:

1. Their immediate supervisor if the employee feels comfortable doing so or the employee's Department Director if the employee prefers; or
  2. The Human Resources Director or Assistant Director of Human Resources; or
  3. If for some reason the employee is not comfortable discussing the complaint allegations with the supervisor, Department Director or Human Resources Director or Assistant Director, the employee is free to address the issue directly with the Assistant Village Manager.
- B. Management and supervisory employees or employees serving in a supervisory capacity have the special responsibility to act promptly to attempt to prevent and eliminate any discrimination, harassment or retaliation, which exists in their areas of responsibilities. If a management or supervisory employee knows or has reason to believe that discrimination, harassment or retaliation is occurring or may have occurred, and/or if a member of management (including supervisors) receive information that discrimination, harassment or retaliation might be occurring, he or she must take immediate action to address the problem to ensure the matter is promptly investigated and remedied (if appropriate) by the Village's Human Resources Department (or designee, if appropriate and approved by the Village Manager).
- C. In addition to the procedures set forth in this Policy for filing a complaint with the Village, all Village 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. A complaint with IDHR or EEOC must be filed within 300 days of the alleged incident(s) unless it is a continuing offense.

### Investigation of a Complaint

- A. Upon notification of a complaint, the Human Resources Director (or designee) will initiate an investigation of the complaint allegations. If necessary and appropriate, a supervisory/management representative also may be designated to assist in the investigation. The investigation may include:
- An interview with the employee(s) who made the initial report;
  - An interview with the person(s) toward whom the suspected harassment or discrimination was directed;
  - An interview with the individual alleged to have engaged in the harassment or discrimination, if sufficient evidence is presented indicating that some form of harassment or discrimination has or may have occurred;
  - An interview with any other person(s) who may have information relevant to the alleged harassment or discrimination.
- B. The Human Resources Director (or designee) normally will determine whether this Policy was violated or not. In some cases, the decision will be made by the Village Manager (or designee).
- C. When the investigation of a discrimination or harassment complaint has been concluded and the matter remedied, the Village will communicate to the complainant that the investigation has concluded. If the complainant has any questions about the status of an investigation or the outcome of a complaint, he/she should seek clarification from Human Resources. Generally, no information will be available until the investigation is concluded except where necessary for safety reasons, etc.
- D. The Village will make a reasonable effort to maintain confidence and limit the disclosure of information obtained through the course of an investigation to individuals with a business need to know the information. However, in the course of the investigation, details of the complaint may emerge as witnesses are interviewed.
- E. After an appropriate investigation, any employee who is found to have violated this Policy (whether or not such conduct rises to the level of a violation of the law) may be subject to disciplinary action which may include verbal or written reprimand, suspension, and/or up to and including termination of employment, even for the first offense. The relative seriousness of the conduct, any past disciplinary action, documented participation in anti-discrimination/harassment training, and any other relevant information based on all of the circumstances involved will be considered when determining appropriate disciplinary action.

- F. If the Village has reason to believe (other than as a result of a complaint made under this Policy) that discrimination or harassment has occurred, it may independently initiate an investigation in its discretion.

#### Prohibition on Retaliation for Reporting Sexual Harassment Allegations

The Village will not in any way retaliate against or tolerate retaliation against an individual for having made a report of harassment under this Policy. No retaliation will be taken against any person who is a witness to or otherwise participates in any complaint investigation either. Retaliation is a serious violation of this Harassment Policy and should be reported immediately. Any person found to have retaliated against another individual in violation of this Policy will be subject to severe disciplinary action -- up to and including termination for even the first offense.

Under the Illinois Human Rights Act (775 ILCS 5/6), the Illinois Whistleblower Act (740 ILCS 174/5), and the State Employee Ethics Act (5 ILCS 430), it is a crime to retaliate, or to conspire to retaliate, against an employee because the employee has opposed an action that the employee reasonably believes to be unlawful discrimination or harassment or because the employee has participated in an investigation of harassment or discrimination. However, an employee who knowingly makes a false report of harassment will be subject to discipline.

#### Appeal Process

If any party directly involved in the harassment investigation is dissatisfied with the outcome or resolution, that individual has the right to appeal the decision in writing to the Village Manager within seven calendar days of the date the employee is notified that the investigation is closed.

Effective Date: March, 2020

## 7.5 VIOLENCE IN THE WORKPLACE

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### **Policy**

The Village does not tolerate any threats, threatening behavior or acts of violence against employees, visitors, or other individuals by anyone on Village property or while an employee is off-premises engaged in Village business. Violations of this policy will lead to disciplinary action up to and including termination and may also lead to arrest and criminal prosecution. The Village forbids retaliation against any employee for reporting any violence in the workplace.

### **Guidelines**

- A. “Workplace violence” includes any behavior or conduct on Village premises which is sufficiently severe, offensive, or intimidating to cause an individual to reasonably fear for his or her personal safety or the safety of co-workers and/or property. It includes, but is not limited to:
- any physical behavior which involves aggressive contact with any other person, including pushing, hitting, fighting, throwing objects or otherwise intentionally injuring another person or attempting to injure another person;
  - any physical behavior that would place a reasonable person in fear of receiving imminent physical injury or other aggressive physical contact of the sort discussed above; or
  - any act of vandalism or other intentional damage or destruction of Village property.
- B. Employees who become aware of workplace violence or any threat of workplace violence, whether by an employee or non-employee are obliged to immediately report such action to their immediate supervisor. Employee reports made pursuant to this policy will be held in confidence, to the extent permitted by law.
- C. Threatening actions that may be considered endangering or life-threatening by or against any employee or individual on Village property should be responded to by calling 9-911 and ext. 5339 or 5343. If this behavior occurs while an employee is off-premises engaged in Village business, it should be responded to by calling 911.

Effective Date: January 1, 2000

Revised:

## 7.6 DRUG-FREE WORKPLACE

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### **Policy**

To ensure a safe working environment and to enable the Village to be considered a “responsible source” for the award of grants by being in compliance with the Drug-Free Workplace Act, the Village of Arlington Heights declares itself a Drug-Free Workplace. The Village does not permit the unauthorized use of, consumption of, or possession of illegal drugs or alcohol on Village property.

### **Guidelines**

- A. Any location at which Village business is conducted is declared to be a Drug-Free Workplace. This includes Village vehicles and any private vehicles parked on Village premises or worksites.
- B. All employees are prohibited from unlawfully manufacturing, distributing, dispensing, possessing, or using controlled substances in the workplace. The following is a partial list of controlled substances:
  - Narcotics (heroin, morphine, etc.)
  - Cannabis (marijuana, hashish)
  - Stimulants (cocaine, amphetamines, etc.)
  - Hallucinogens (PCP, LSD, designer drugs, etc.)

The Human Resources Department can provide a complete list and explanation of controlled substances.

- C. Acknowledgement of and agreement with this policy is required of employees as a condition of employment. All employees will receive a copy of this policy and an acknowledgement form to sign at the beginning of their employment. The acknowledgment form will be kept in the employee’s personnel file. Failure to comply with this requirement will result in termination of employment.
- D. Any employee convicted of violating a criminal drug statute in the workplace must inform his supervisor of that conviction (including pleas of guilty and nolo contendere) within five days of the conviction. This information will then be forwarded to the Director of Human Resources. In accordance with federal law, the Village will then notify the federal drug contracting officer within ten days of receiving notice of the conviction.
- E. Any employee violating this policy is subject to discipline, up to and including termination for the first offense.

- F. The Village reserves the right to offer employees participation in an approved rehabilitation or drug abuse assistance program, at the employee's cost, as an alternative to or in conjunction with, discipline. If such a program is accepted by the employee, then the employee must satisfactorily complete the program as a condition of continued employment.
  
- G. All applicants who have received a conditional offer of employment will be tested for illegal drugs. Any offer of employment may be revoked from any applicant who tests positive for illegal drugs. Applicants who were denied employment because of a positive drug test may not reapply for employment for six months. Positive drug tests are subject to a second confirmatory test. An independent certified medical laboratory will test all samples. The name and address of the laboratory will be available to all applicants upon request.

Effective Date: January 1, 2000  
Revised: September, 2020

## **DRUG AND ALCOHOL TESTING FOR 7.7 COMMERCIAL DRIVER'S LICENSE HOLDERS**

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### **Policy**

The purpose of this policy is to achieve the goal of ensuring a drug and alcohol-free transportation system, as well as to comply with requirements of the Omnibus Transportation Employee Testing Act of 1991 and the Federal Motor Carrier Safety Regulations by putting in place a drug and alcohol testing program for its employees that hold a Commercial Driver's License (CDL) and operate commercial vehicles. This drug and alcohol testing program is designed to create a transportation system free of alcohol and drug abuse as well as provide help to those employees who have dependency problems.

This policy applies to any employee of the Village who is required to possess a Commercial Driver's License (CDL) for their job.

### **Village Responsibilities**

As an employer, the Village is responsible to:

- Ensure all officials, representatives, and agents (including service agents) are carrying out the requirements of the DOT agency regulations and this policy;
- Ensure the designated service agent is provided all required information when a specimen is collected;
- Conduct pre-employment background checks of any previous DOT agency violations and driving history, including use of the DOT/FMCSA Drug & Alcohol Clearinghouse (Clearinghouse);
- Conduct testing in compliance with all DOT agency regulations for the following circumstances:
  - Pre-employment screenings;
  - Post-accident investigations;
  - CDL random testing;
  - Follow up testing;
- Immediately remove an employee from safety-sensitive functions if:
  - A verified positive drug test has been received;
  - An alcohol test result of 0.04 or higher is received;
- Prohibit the return of an employee that has a verified positive, adulterated, or substituted test result, or has otherwise violated a DOT agency drug and alcohol regulation until that employee has successfully completed the employer's return to duty process;
- Provide a Return to Duty Process for employees removed from safety-sensitive functions that includes follow up testing;
- Report any adverse drug and alcohol testing information to the Clearinghouse including:
  - A verified positive drug test;
  - An alcohol test result of 0.04 or higher;
  - A refusal to submit to any test;
  - A report of actual knowledge as defined:
    - On duty alcohol use;
    - Pre-duty alcohol use;
    - Alcohol use following an accident;
    - Controlled substance use;

- Substance Abuse Professional (SAP) report of the successful completion of the return-to-duty process;
- A negative return-to-duty test; and
- A report of completion of follow up testing
- Provide agency compliant training and education to:
  - Newly hired drivers;
  - Supervisors of drivers with the responsibility and authority to stand down a driver; and
- Retain records as required under DOT and Clearinghouse regulations.
- Conduct annual Clearinghouse query of all employees holding CDL licensure

### **Supervisor Responsibilities**

Supervisors employed by the Village are responsible to:

- Recognize symptoms of alcohol and substance abuse in drivers;
- Understand and follow the employer's expectations for reporting suspected alcohol or substance abuse by a driver; and
- Immediately remove driver from safety sensitive functions if suspected to be under the influence.

### **Employee (Driver) Responsibilities**

Drivers employed by the Village are responsible to:

- Cooperate with all testing as mandated by DOT and the Village;
- Participate in a return to work program if directed by the Village;
- Participate in training on alcohol and substance abuse provided by the Village; and
- Provide consent to release Clearinghouse records to the Village.

### **Disqualifying Conduct**

This Policy and the Federal Motor Carrier Safety Regulations prohibit the following conduct as it relates to the use of alcohol and drugs with respect to the operation of a commercial motor vehicle:

- No driver may report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater;
- No driver may use alcohol while performing safety-sensitive functions;
- No driver may perform safety-sensitive functions within four hours after having used alcohol;
- No driver required to take a post-accident alcohol test under this policy may use alcohol for eight hours following the accident, or until undergoing a post-accident alcohol test, whichever occurs first;
- No driver shall report for duty or remain on duty requiring the performance of safety sensitive functions when the driver uses any drug or substance identified in 21 CFR 1308.11 Schedule I;
- No driver may report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any non-Schedule I drug or substance that is identified in the other Schedules in 21 CFR part 1308, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the driver that the

substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle;

- No driver may report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive or has adulterated or substituted a test specimen for controlled substances;
- No driver may refuse to submit to any alcohol or controlled substance test required under this policy.

In the event the Village or any of its representatives has actual knowledge that a driver has violated any of the above prohibitions, that driver will be prohibited from performing any safety-sensitive functions.

### **Removal from Service**

A driver who has engaged in any disqualifying conduct will immediately be removed from service and disqualified from performing any safety-sensitive functions, including driving a commercial motor vehicle, unless and until that driver has complied with the return to work requirements described in this policy. The driver will also be subject to any discipline in accordance with the Village's Employee Disciplinary Guidelines.

Any driver requested to submit to an alcohol test required under this policy and found to have an alcohol concentration of 0.02 or greater but less than 0.04 will be disqualified from performing or continuing to perform any safety-sensitive functions, including driving a commercial motor vehicle, until the start of the employee's next regularly scheduled duty period, but not less than 24 hours following administration of the test.

### **Post-Accident Testing**

As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, the Village will test for alcohol for each surviving driver:

- Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
- Who receives a citation within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
  - Bodily injury to any person who, because of the injury, immediately receives medical treatment away from the scene of the accident; or
  - One or more motor vehicles incurring disabling damage because of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, the Village will test for controlled substances for each surviving driver:

- Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
- Who receives a citation within 32 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
  - Bodily injury to any person who, because of the injury, immediately receives medical treatment away from the scene of the accident; or

- One or more motor vehicles incurring disabling damage because of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

The following table notes when a post-accident test is required to be conducted in accordance with 49 CFR 382.303.

**Table for 382.303(a) and (b)**

<b>Type of accident involved</b>	<b>Citation issued to the CMV driver</b>	<b>Test must be performed by employer</b>
i. Human fatality	YES NO	YES YES
ii. Bodily injury with immediate medical treatment away from the scene	YES NO	YES NO
iii. Disabling damage to any motor vehicle requiring tow away	YES NO	YES NO

A driver who is subject to post-accident testing must remain readily available for such testing or may be deemed to have refused to submit to testing. Nothing in this section should be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

If an alcohol test required by this section of the policy is not administered within 2 hours following the accident, the Village will prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by this section is not administered within 8 hours following the accident, the Village will cease attempts to administer an alcohol test and prepare and maintain the same record. Records will be submitted to the FMCSA upon request.

If a controlled substance test required by this section of the policy is not administered within 32 hours following the accident, the Village will cease attempts to administer a controlled substance test and prepare and maintain on file a record stating the reasons the test was not promptly administered. Records will be submitted to the FMCSA upon request.

The Village will provide drivers with necessary post-accident information, procedures and instructions, prior to the driver operating a commercial motor vehicle, so that drivers will be able to comply with the requirements of this section.

This section does not apply to an occurrence involving only boarding or alighting from a stationary motor vehicle or an occurrence involving only the loading or unloading of cargo.

**CDL Random Testing**

The Village will comply with the FMCSA requirement that every driver shall submit to random alcohol and controlled substance testing. The Village will follow the DOT required minimum annual percentage rate unless otherwise indicated by the FMCSA Administrator. The current minimum annual percentage rates are as follows:

- Random alcohol testing shall be 10% of the average number of driver positions;

- Random controlled substances testing shall be 25% of the average number of driver positions.

The selection of drivers for random alcohol and controlled substances testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with drivers' Social Security numbers, payroll identification numbers, or other comparable identifying numbers. Each driver selected for random alcohol and controlled substances testing under the selection process used, shall have an equal chance of being tested each time selections are made. Each driver selected for testing shall be tested during the selection period.

In addition to ensuring that random selection testing is done at the appropriate percentages and for the correct pool of employees, the Village is also responsible to ensure that:

- Random alcohol and controlled substances tests conducted are unannounced;
- Dates for administering random alcohol and controlled substances tests conducted are spread reasonably throughout the calendar year;
- Each driver who is notified of selection for random alcohol and/or controlled substances testing proceeds to the test site immediately; provided, however, that if the driver is performing a safety-sensitive function, other than driving a commercial motor vehicle, at the time of notification, the employer shall instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible; and
- A driver is only tested for alcohol while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

### **Reasonable Suspicion Testing**

The Village requires a driver to submit to a drug or alcohol test when there is reasonable suspicion to believe that the driver has performed any disqualifying conduct outlined in this Policy concerning alcohol or controlled substances. The determination that reasonable suspicion exists to require the driver to undergo a drug or alcohol test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The observations may include indications of the chronic and withdrawal effects of controlled substances. The required observations for alcohol and/or controlled substances reasonable suspicion testing shall be made by a supervisor or Village official who has undergone supervisor reasonable suspicion training. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the driver.

Alcohol testing is authorized only if the observations required are made during, just preceding, or just after the period of the workday that the driver is required to comply. A driver may be directed by the Village to only undergo reasonable suspicion testing while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

If an alcohol test is not administered within 2 hours following the determination of its necessity, the Village must prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test is not administered within eight hours following the determination, attempts to administer an alcohol test will cease and must state in the record the reasons for not administering the test.

Notwithstanding the absence of a reasonable suspicion alcohol test, no driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse, nor shall an employer permit the driver to perform or continue to perform safety-sensitive functions, until:

- An alcohol test is administered and the driver's alcohol concentration measures less than 0.02; or
- Twenty-four hours have elapsed following the determination that there is reasonable suspicion to believe that the driver has violated this policy concerning the use of alcohol.

The Village shall not take any action against a driver based solely on the driver's behavior and appearance, with respect to alcohol use, in the absence of an alcohol test. This does not prohibit the Village from taking any action otherwise consistent with law.

A written record of the observations leading to an alcohol or controlled substances reasonable suspicion test and will be signed by the supervisor or company official who made the observations, within 24 hours of the observed behavior or before the results of the alcohol or controlled substances tests are released, whichever is earlier.

### **Return-to-Duty Testing**

The Village will provide to each employee (including an applicant or new employee) who violates a DOT drug or alcohol regulation a listing of Substance Abuse Professionals (“SAP”) readily available to the employee, with names, addresses, and telephone numbers. The Village may provide this list through a C/TPA or other service agent.

The Village will not provide an SAP evaluation or any subsequent recommended education or treatment for an employee who has violated a DOT drug and alcohol regulation.

If the Village offers the employee an opportunity to return to a DOT safety-sensitive duty following a violation, the employee must receive an evaluation by an SAP beforehand and that employee must successfully comply with the SAP's evaluation recommendations.

If the employee is permitted to return to the performance of safety-sensitive functions, the Village must ensure that the employee takes a return-to-duty test. This test cannot occur until after the SAP has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of safety-sensitive duties.

### **Follow-up Testing**

The Village must carry out the SAP's follow-up testing requirements. The employee will not be allowed to continue to perform safety-sensitive functions unless follow-up testing is conducted as directed by the SAP. The tests must be unannounced with no discernable pattern as to their timing, and the employee will not be given any advance notice.

A follow-up test cannot be substituted by any other tests (*e.g.*, those carried out under the random testing program) conducted on the employee.

## **Refusal to Drug Test**

An employee is considered to have refused a drug test if they:

- Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, or when called by the employer's C/TPA;
- Fail to remain at the testing site until the testing process is complete;
- Fail to provide a urine specimen for any test required by DOT agency regulations;
- Fail to permit the observation or monitoring of provision of a specimen;
- Fail to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure; or
- Fail to cooperate with any part of the testing process.

The Village considers a refusal to test as a positive result. Any employee refusing a drug test will immediately be removed from safety sensitive functions until they have successfully undergone the return-to duty-process with a Substance Abuse Professional.

## **Cancelled Drug Tests**

When a collector informs the Village that an employee has not provided a sufficient amount of urine and the reason reported by the employee is due to a medical condition, the employee will be directed to obtain, within five days, an evaluation from a licensed physician, acceptable to the Medical Review Officer ("MRO"), who has expertise in the medical issues raised by the employee's failure to provide a sufficient specimen.

If the Village receives a report from the MRO indicating that a test is cancelled because of a medical condition that could have precluded the employee from providing a sufficient amount of urine, no further action with respect to the employee will be taken. The employee will remain in the random testing pool.

A cancelled drug test is neither positive nor negative, so the Village must not attach the consequences of a positive test or other violation of a DOT drug testing regulation to a cancelled test.

A cancelled drug test:

- Cannot be used for the purposes of a negative test to authorize the employee to perform safety-sensitive functions. (i.e. in the case for pre-employment, return-to-duty, or follow up testing);
- Does not count toward compliance with DOT requirements (e.g., being applied toward the number of tests needed to meet the employer's minimum random testing rate); and
- Does not provide a valid basis to conduct a non-DOT test (i.e., a test under public entity authority).

## **Refusal to Alcohol Test**

An employee is considered to have refused an alcohol test if they:

- Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, or when called by a C/TPA;
- Fail to remain at the testing site until the testing process is complete;

- Fail to provide an adequate amount of saliva or breath for any alcohol test required by this part or DOT agency regulations;
- Fail to provide a sufficient breath specimen, and the physician has determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- Fail to undergo a medical examination or evaluation, as directed by the employer as part of insufficient breath procedures;
- Fail to sign the certification at Step 2 of the Alcohol Testing Form; or
- Fail to cooperate with any part of the testing process.

If an employee is unable to provide sufficient saliva to complete a test on a saliva screening device (e.g., the employee does not provide sufficient saliva to activate the device), a new screening test must begin using a new screening device. If the employee refuses to make the attempt to complete the new test, this is a refusal to test. If the employee has not provided a sufficient amount of saliva to complete the new test, the Village must immediately arrange to administer an alcohol test to the employee using an Evidential Breath Testing Device (“EBT”) or other breath testing device. When a collector informs the Village that an employee has not provided a sufficient amount of breath, the employee will be directed to obtain, within five days, an evaluation from a licensed physician who is acceptable to the Village and who has expertise in the medical issues raised by the employee's failure to provide a sufficient specimen.

### **Cancelled Alcohol Tests**

A cancelled alcohol test is neither positive nor negative; the Village must not attach to a cancelled test the consequences of a positive test result that is 0.02 or greater (e.g., removal from a safety-sensitive position).

A cancelled alcohol test cannot be used in a situation where an employee needs a test result that is below 0.02 (e.g., in the case of a return-to-duty or follow-up test to authorize the employee to perform safety-sensitive functions).

A recollection for an employee may not be authorized because a test has been cancelled, except in the situations cited in 49 CFR 40.267 (i.e. malfunctioning or inoperable testing equipment).

A cancelled DOT alcohol test does not provide a valid basis to conduct a non-DOT test (*i.e.*, a test under public entity authority).

### **Annual Review Process**

Annually, the Village is required to perform a limited query in the Clearinghouse to check if employees have any new violations. The employee is required to provide a limited consent form specifying the time range. This form will be retained in the employee’s qualification file.

If no records are found in the Clearinghouse, then no further action is required. However, should records be found in the Clearinghouse for a queried driver, a full query must be conducted for violation and/or return-to-duty details to be released. The employee is required to provide consent for a full query within 24 hours. If not, the employee is removed from safety-sensitive functions. Should the full query reveal the employee received a violation and no negative return-to-duty test result, he/she is removed from safety-sensitive functions. However, should the full query reveal

the employee has no violations or a violation and a negative return-to-duty test result, no further action will be taken by the Village.

## DEFINITIONS

**Adulterated Specimen** - a specimen that contains a substance not expected to be found in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

**Alcohol concentration (or content)** - The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.

**Canceled Test** – a drug or alcohol test that has a problem or cannot be considered valid under DOT rules. A canceled test is neither a positive nor a negative test.

**Commerce** - Any trade, traffic or transportation within the jurisdiction of the United States between a place in a State and a place outside of such State, including a place outside of the United States; and trade, traffic, and transportation in the United States which affects any trade, traffic, and transportation.

**Commercial Motor Vehicle** - A motor vehicle or combination of motor vehicles used to transport passengers or property which:

- Has a gross combination weight rating of 26,001 or more pounds (11,794 or more kilograms) inclusive of a towed unit with a gross motor vehicle weight rating of more than 10,000 lbs. (4,536 kg.) or has a gross vehicle rating of 26,001 or more pounds (11,794 kg.); or
- Is designed to transport 16 or more passengers, including the driver; or
- Is of any size and is used in the transportation of hazardous materials required to be placarded under the Hazardous Materials Transportation Act.

**Designated Employer Representative** - An individual identified by the employer as able to receive communications and test results from service agents and who is authorized to take immediate actions to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The individual must be an employee of the organization. Service agents cannot serve as DERs.

**Drug and Alcohol Clearinghouse** - An online database to maintain records of all drug and alcohol program violations in a central repository to enable employers to query the system to determine if prospective or current employees have incurred violations that would prohibit them from performing safety-sensitive functions covered by the Federal Motor Carrier Safety Administration (FMCSA) and Department of Transportation (DOT) drug and alcohol testing regulations. This applies to any driver who holds a CDL and meets requirements in 40 CFR Part 40, 40 CFR Part 382, and 40 CFR Part 383.

**Controlled Substances** - Any substance identified in 49 CFR Part 40.85 and may include: marijuana, cocaine, opiats, amphetamines, and phencyclidines. The Department of Transportation's Drug and Alcohol Testing Regulation 49 CFR Part 40, at 40.151 (e) does not authorize medical or recreational marijuana under a state law to be a valid explanation for a transportation employee's positive drug test result.

**Dilute Specimen** – A specimen with creatinine and specific gravity values that are lower than expected for human urine.

**Driver** - Any person who operates a commercial motor vehicle, including but not limited to: full-time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors.

**Evidential Breath Testing Device** – A device that is approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath at the .02 and .04 alcohol concentrations and appears on ODAPC's Web page for “Approved Evidential Breath Measurement Devices” because it conforms with the model specifications available from NHTSA.

**Medical Review Officer** - A person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.

**Safety-Sensitive Function** - All time from the time a driver begins to work or is required to be in readiness to work until the time driver is relieved from work and all responsibility for performing work. "Safety-sensitive functions" include:

- All time at the Village or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the Village;
- All time inspecting equipment, servicing, or conditioning any commercial motor vehicle at any time;
- All time spent at the driving controls of a commercial motor vehicle in operation;
- All time, other than driving time, in or upon any commercial motor vehicle except, time spent resting in a sleeper berth;
- All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; or
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

**Service Agent** - Any person or entity, other than an employee of the employer, who provides services to employers and/or employees in connection with DOT drug and alcohol testing requirements. To act as service agents, persons and organizations must meet DOT qualifications, if applicable. This includes, but is not limited to:

- Collectors;
- Blood Alcohol Technicians (BATs);
- Screening Test Technicians (STTs);
- Laboratories;
- Medical Review Officers (MROs);
- Substance abuse professionals (SAPs); and
- Consortium/Third Party Administrators (C/TPAs).

**Split Specimen** - Part of the urine specimen that is sent to the laboratory and retained unopened in secure storage until the employee whose test is positive, adulterated or substituted, requests that the specimen be transferred to a second laboratory for re-confirmation.

**Stand-down** - The practice of temporarily removing an employee from the performance of safety-sensitive functions based only on a report from a laboratory to the Medical Review Officer (MRO) of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test results.

**Substance Abuse Professional (SAP)** - A person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

**Substituted Specimen** - A specimen with creatinine and specific gravity values that are so diminished that they are inconsistent with human urine.

Effective Date: January 1, 2000  
Revised: May 2005  
November, 2020

## **7.8 DRUG AND ALCOHOL TESTING OF EMPLOYEES**

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### **Policy**

The Village shall require any employee to submit to applicable tests if it has been determined by a trained supervisor that there is reasonable suspicion to believe that the employee has been using illegal drugs, abusing prescribed drugs, is under the influence of alcohol or is consuming alcohol while working.

### **Guidelines**

- A. Reasonable suspicion will be determined only by supervisors who have been appropriately trained and are utilizing applicable Village forms for the determination. Once reasonable suspicion has been determined, the employee shall be required to take the applicable drug and/or alcohol test. If an employee declines the test, it will be treated as a positive test and the employee will be subject to discipline, up to and including termination.
- B. Results of a positive alcohol and drug tests will be sent to the Director of Human Resources and kept in the employee's medical file. Test results will be kept confidential to the extent permitted by law. Department Directors may be informed of the results of alcohol and drug testing, as well as an employee's participation in a substance abuse rehabilitation program, only if such information relates to the employee's ability to perform all work duties or the need for a reasonable accommodation.
- C. An employee may be required to participate in an Employee Assistance Program and/or a drug or alcohol treatment or rehabilitation program as part of the constructive counseling process.
- D. An employee who enters an approved alcohol or drug rehabilitation program and is unable to work may be placed on leave of absence. Sick leave, vacation time, or compensatory time may be used for this leave of absence. If the employee does not have sick leave, vacation time, or compensatory time available, the employee may request leave without pay pursuant to the policy on special leaves of absence. Consideration will also be given for a leave of absence if treatment is of a prolonged duration. Such leave will be counted as FMLA leave if appropriate.
- E. The Village shall use only licensed clinical laboratories for such testing and shall be responsible for maintaining a proper chain of custody. If the first test results in a positive finding, a confirming test shall be conducted. An initial positive test result shall not be submitted to the Village unless the confirming test result is also positive as to the same sample. A portion of the tested sample shall be retained by the laboratory so the employee may arrange for another confirming test to be conducted by a licensed clinical laboratory of the employee's choosing and at the employee's expense. Once the portion of the tested sample is delivered to the clinical laboratory selected by the employee, the employee shall be responsible for maintaining the proper chain of custody for that portion of the tested sample.

F. Any employee who tests positive for illegal drugs shall be terminated.

Effective Date: January 1, 2000  
Revised: September, 2020

## 7.9 EMPLOYEE ETHICS

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### Policy

Employees shall not use their Village employment for private gain.

### Guidelines

- A. No Village employee shall engage in any act, which is in conflict with or creates the appearance of conflict with, the performance of official duties. An employee shall be deemed to have a conflict if the employee:
- Has any financial interest in any sale to the Village of any goods or services when such financial interest was received with prior knowledge that the Village intended to purchase the property, goods or services.
  - Solicits, accepts or seeks a gift, gratuity or favor of more than minimal value from any person, firm, or corporation involved in a contract or transaction which is or may be the subject of official action by the Village. An inappropriate gift, gratuity or favor is one that has significant monetary value and is offered or accepted in expectation of preferential treatment instead of as an expression of courtesy.
  - Discloses or uses 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.
  - Violates any applicable provision of the Illinois State Gift Ban Act, 5 ILCS 425/1 et seq., as now or hereafter amended.
- B. No employee may use Village time or property in any manner to promote any political issue or candidate, or to solicit funds for any political purpose or to influence the outcome of any election.
- C. No employee shall be eligible for appointment or election to any public office when the holding of that office would be incompatible with or would substantially interfere with the discharge of Village duties.
- D. The Village Manager shall designate appropriate individuals to investigate all suspicions, allegations and written complaints of unethical conduct by a Village employee.
- E. Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment. Depending upon the seriousness of the action, other appropriate civil or criminal sanctions may also be pursued.

Effective Date: January 1, 2000

Revised: August, 2020

## **7.10 PURCHASE OF VILLAGE PROPERTY**

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### **Policy**

All employees and members of their immediate families are prohibited from purchasing Village property either through private transaction or at an auction. Immediate family is defined as an employee's mother, father, brother, sister, spouse, child, mother-in-law, father-in-law, grandparent, grandparent-in-law, grandchild, stepparent, stepchild, son-in-law, daughter-in-law, brother-in-law, and sister-in-law.

Effective Date: January 1, 2000  
Revised:

## **7.11 SOLICITATION AND SELLING AMONG EMPLOYEES**

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### **Policy**

With the exception of Village Manager-approved solicitations, all activities such as non-approved solicitations, distribution of written materials, asking for contributions or selling merchandise of any kind are not to be conducted during work time or in work areas or in employee parking lots.

Effective Date: January 1, 2000

Revised:

## 7.12 OUTSIDE EMPLOYMENT

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### Policy

The Village may approve outside employment as long as the outside employment does not prevent an employee from devoting their primary interest to the accomplishment of their work for the Village or tend to create a conflict or the appearance of a conflict between the employee's private interests and the employee's official responsibilities as an employee of the Village.

### Guidelines

- A. Outside employment is defined as any employment, either by one's self or an employer other than the Village, which results in or is intended to result in gain through salary, wage, or any other form of payment for services rendered.
- B. Employees wishing to hold outside employment must apply in writing to the Department Director for prior approval on the appropriate Village form. The Department Director reserves the right to recommend against any outside employment on the part of any employee which, in their judgment, might be detrimental to the best interests of the Village. Final approval must be received from the Village Manager. All approved requests shall be placed in the employee's personnel file.
- C. Employees will not be permitted to engage in outside employment which:
  - is of such a nature that it may reasonably be construed by the public to be the official act of the Village;
  - produces a conflict of interest with any enforcement or inspection functions of the Village;
  - produces a conflict with the working hours of the employee, including stand-by and availability for call-out;
  - involves the use of Village facilities, equipment, or supplies; or
  - involves the use of sale of information related to Village operations and/or information not available to the public.
- D. While working on outside employment, Village employees are not covered by worker's compensation.

Effective Date: January 1, 2000

Revised: September, 2020

## 7.13 TECHNOLOGY RESOURCES

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### **Policy**

The Village provides the use of a wide variety of Technology Resources - communication tools and electronic resources - to employees for the purpose of furthering the Village's goals and objectives of providing service to the public. The purpose of this policy is to ensure responsible and acceptable use of the Village's Technology Resources. This policy applies to all employees, contractors, volunteers and other individuals who are provided access to these Technology Resources.

The Village reserves the right to review any and all data, information or computer files stored in or sent to or from devices owned by the Village.

Users have no expectation of privacy in the use of Technology Resources, as set forth in Policy 7.16 Expectation of Privacy.

### **Guidelines**

- A. Department Directors may provide access to the Internet for employees. This capability will be provided on an "as needed" basis and is a revocable privilege.
- B. Employees may not use the Village's network in any way that violates international, federal, state, or local law or regulations and/or violates any Village policy, standard or procedure.
- C. Technology Resources are to be used primarily to conduct Village business; however, incidental and occasional personal use during non-working hours is permitted with supervisory approval.

Any unlawful use of Technology Resources or use in violation of this policy may result in discipline, up to and including termination. Unlawful use may result in referral for criminal prosecution.

- D. Use of Village telephone, e-mail, voice mail, computer or other communication devices in a manner that does not comply with the Village's equal employment, anti-harassment or other policies or standards of conduct is strictly prohibited. All communication and messages must be businesslike, courteous, civil, and written with the expectation that they could be made public at some time in the future.
- E. The safety and security of the Village's network and resources must be considered paramount when using the Internet. User passwords are confidential. It is the user's responsibility to maintain the confidentiality of their password(s). Individual users may be held accountable for use of their account by others.
- F. Each Village employee is solely responsible for what he/she downloads, and for what is transmitted or communicated by electronic mail or the Internet.

- G. Some Internet sites require that users subscribe before being able to use them. There shall be no use of subscription-based services without approval from an employee's Department Director. Resources of any kind where fees are assessed may not be accessed without prior approval from an employee's Department Director.
- H. Village personnel are often required to use Village telephones in the course of performing their job duties. Such use should be limited to calls that are necessary for the performance of employees' duties. While it is understandable that employees may occasionally need to make brief calls of a personal nature, it is expected that such calls will be kept to a minimum. The Village reserves the right to monitor its networks to ensure telephones are used appropriately for business purposes.
- I. There are a number of prohibited activities for Technology Resources, which include but are not limited to the following:
- Any illegal, illicit, improper, unprofessional or unethical activity or any activity that could reasonably be construed to be detrimental to the interests of the Village;
  - Unauthorized attempts to access another's E-mail;
  - Transmitting obscene or harassing messages to any other individual;
  - Use for access to and distribution of indecent or obscene material, child pornography, inappropriate text or graphic files, or files dangerous to the integrity of the network;
  - Use of Internet/E-mail resources for commercial use or profit;
  - Extensive use of Internet/E-mail resources for personal use;
  - Solicitation of funds, except on approved Village Intranet Pages;
  - Political messages;
  - Harassing messages;
  - Messages that could be construed as sexually explicit or discriminatory based on race, national origin, sex, sexual orientation, age, disability, or religious or political beliefs;
  - Employees may not identify themselves in any manner that suggests or implies they are speaking as a representative for the Village unless given authority by the Village Manager to do so.

Effective Date: January 1, 2000

Revised: February, 2011

Revised: June, 2015

Revised: August, 2020

**INVESTIGATION AND REPORTING OF VEHICLE  
7.14 ACCIDENTS INVOLVING VILLAGE EMPLOYEES**

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**Policy**

The Village requires that all vehicular accidents involving Village employees and occurring in the performance of official duties, regardless of the extent of damage and/or injury, be thoroughly investigated.

**Guidelines**

- A. Any time there is a vehicular accident involving a Village employee on Village business and/or Village vehicle, the local police department shall be contacted. Village police officers shall not investigate accidents in which they are personally involved.
- B. The following forms must be completed in their entirety:
  - Illinois Traffic Crash Report (or similar report from another jurisdiction)
  - Supervisor's Investigation Report
  - Employee's Incident Report
- C. All accidents will be photographed. Photographs will include, at a minimum:
  - All four sides of all vehicles involved in the accident
  - The general vicinity of the accident
  - Any property damage occurring as a result of the accident
- D. If a Village vehicle is not drivable as a result of an accident, towing arrangements will be made by the Village. If a Village vehicle is drivable after an accident, it should be driven to the Public Works' facility for inspection. Damaged vehicles shall not be returned to service without the approval of the Fleet Services Foreman.
- E. A copy of all police reports and other documents prepared after the accident shall be forwarded to the Finance Director within three business days after the accident. All accidents will be reported to the Accident Prevention Board.
- F. If an employee is injured in a traffic accident, procedures should be followed as outlined in the Worker's Compensation Policy.

Effective Date: January 1, 2000  
Revised:

## 7.15 ACCIDENT PREVENTION BOARD

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### Policy

The Accident Prevention Board (APB) is responsible for reviewing all motor vehicle accidents occurring while the employee is conducting Village business or driving a Village vehicle. The APB will determine the cause, responsibility, and corrective measures that may be taken in an effort to help drivers avoid accidents of the same nature. The findings shall be forwarded to the Department Director for review and disciplinary action if warranted.

### Guidelines

A. The APB consists of five members. Department representatives shall be appointed by their Department Director. The Director of Human Resources shall select the administrative employee.

- Director of Human Resources (Chair)
- Police Department employee
- Public Works Fleet Services Supervisor
- Administrative Employee
- Fire Department employee

In the absence of a member, the applicable Department Director may appoint a substitute. In the case of absence by the Director of Human Resources, the Director of Human Resources may appoint a substitute.

B. Members of the APB cannot participate in the review of their own accident; in such a case, an alternate representative will be appointed to review the incident.

C. The Accident Prevention Board shall meet on a monthly basis. It shall be the responsibility of the APB chair to maintain proper procedure and decorum and ensure that all accidents are reviewed fairly and thoroughly.

D. The APB shall review all applicable information including police reports, photographs or diagrams. The APB may refer to the National Safety Council Guidelines for Determining Preventable/Non-Preventable Accidents, the Illinois Vehicle Code, and other applicable published rules and regulations. Each member shall be provided with a copy of all written reports and supplemental information of the accident which may be helpful in arriving at the proper decision. Upon completion of the review, the APB shall make a determination as to the responsibility of the employee for the accident. The APB shall reach one of the following conclusions:

- Total Exoneration - For this finding, the APB must have determined that the employee was aware of the impending hazard, alert to its consequences, and skillful in minimizing the effect of the accident or that the employee was legally parked or standing. The employee, under these circumstances, was exempt from any contributions to the proximate cause of the accident.

- Technical Exoneration – For this finding, the APB must have determined that there was some extenuating circumstance on the part of the employee operating the vehicle exonerating the employee from responsibility.
- Responsible – For this finding the APB must have determined that the employee failed to exercise adequate care in the operation of the vehicle, deviated unnecessarily from Department regulations, procedures and safety practices, or was over zealous in the performance of assigned duties. The employee, under any of these circumstances, was responsible for the accident.

A simple majority of the voting members present shall decide all issues or questions before the APB.

- E. The employee involved in the accident will be given the opportunity and encouraged to appear in person before the Accident Prevention Board to give his/her version of the accident. The employee involved in the accident may bring to the APB witnesses to the accident.
- F. The APB shall report its conclusion, which may be accompanied by a short narrative of its findings and reasons for its conclusion, to the employee involved and that employee's Department Director. When appropriate, the Accident Prevention Board will make a recommendation to the Department Director or department designee on methods or procedures that will help avoid such accidents from recurring..
- G. If the employee is not satisfied with the decision of the APB, the employee may appeal that decision to the Village Manager by filing a written request with the Director of Human Resources. The request for appeal must be filed within ten working days following the employee's receipt of the decision of the Accident Prevention Board. The employee's Department Director and the employee requesting an appeal shall receive notification indicating the time and location of the appeal hearing. Unless there are extenuating circumstances, the scheduled appeal hearing will be the only opportunity the employee will be given for that particular request. The Village Manager will inform the Accident Prevention Board of his decision. The decision of the Village Manager shall be final.

Effective Date: January 1, 2000

Revised: April, 2016

## 7.16 EXPECTATION OF PRIVACY

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### **Policy**

Village owned property is subject to search by the appropriate supervisor or Department Director for any reason, any time. Nothing in this policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment as protected under the Illinois State Labor Relations Act.

### **Guidelines**

- A. As an employee of the Village of Arlington Heights, you do not have a reasonable expectation of privacy when you use a Village owned or leased computer or communications system. The Village has the right to monitor your telephone conversations, to read your messages, to inspect mail or documents sent to or by you, including deciphering of encrypted text and the removal or inspection of software installed by you on Village provided computers.
- B. The Village may also access, without notice, data or text caches, email and voice-mail boxes or accounts, and other employer provided electronic storage systems. The Village does not need to obtain prior judicial approval and your continued employment waives any claims you might have.
- C. Lockers, desks, vehicles, equipment and other Village containers and property that you are permitted to use during your employment are and remain the property of the Village. You are not permitted to keep or store any illegal or prohibited items or substances in or on such property. You do not have a reasonable expectation of privacy with regard to any items kept or stored in any locker, desk, or other Village property.

Effective Date: August, 2020

## 7.17 ANTI-BULLYING

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### **Policy**

The Village promotes a healthy workplace culture where all employees are able to work in an environment free of bullying behavior. Bullying, like other disruptive or violent behaviors, is conduct that disrupts both an employee's ability to positively contribute to the organization on a day-to-day basis and the organization's ability to successfully run its business. Workplace bullying is unacceptable and will not be tolerated under any circumstances. The Village will not knowingly permit retaliation or reprisal towards an employee who has reported bullying.

Bullying is conduct that meets all three of the following criteria:

- is directed at one or more employees;
- substantially interferes with work/prevents work from being accomplished; and
- adversely affects the ability of an employee to contribute in a positive manner in the workplace by placing the employee in reasonable fear of physical harm and/or by causing emotional distress.

Bullying may be intentional or unintentional. Where an allegation of bullying is made, the intention of the alleged bully is irrelevant, and will not be given consideration when determining discipline.

### **Guidelines**

- A. All Village employees are responsible to help ensure that the Village is a bullying-free workplace. Any employee who feels they have experienced bullying or witnessed bullying should immediately notify the Director of Human Resources, as well as their Department Director if appropriate, before the conduct becomes severe or pervasive.
- B. The following lists examples of behavior that may be bullying. This list is not meant to be exhaustive and is only offered by way of example:
- Staring, glaring or other nonverbal demonstrations of hostility
  - Exclusion or social isolation
  - Excessive monitoring or micro-managing
  - Work-related harassment (work-overload, unrealistic deadlines, meaningless tasks)
  - Being held to a different standard than the rest of an employee's work group
  - Consistent ignoring or interrupting of an employee in front of co-workers
  - Personal attacks (angry outbursts, excessive profanity, or name-calling)
  - Encouragement of others to turn against the targeted employee
  - Sabotage of a co-worker's work product or undermining of an employee's work performance
  - Stalking
  - Spreading rumors and gossip regarding individuals
  - Unwanted physical contact, to an individual or an individual's property (defacing or marking up property)
  - Repeated infliction of verbal abuse, such as the use of derogatory remarks and insults
  - Conduct that a reasonable person would find hostile, offensive, and unrelated to the employer's legitimate business interests

- C. All complaints of bullying will be investigated promptly and thoroughly. To the fullest extent practicable, the Village will keep complaints and the terms of their resolution confidential. If the investigation confirms that bullying has occurred, the Village will take appropriate corrective action, up to and including termination of employment.
- D. The availability of this complaint procedure does not preclude individuals who believe they are being subjected to bullying conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that such behavior immediately stop.

Effective Date: March, 2013  
September, 2020

## 7.18 SOCIAL MEDIA

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### Policy

The Village recognizes that many of its employees have personal accounts on various social media sites such as Facebook, Linked-In, Google+, Twitter, and YouTube!, and may create or contribute to blogs, wikis, social network sites, virtual worlds and the like.

This policy applies to all Village employees while on Village property, the Village's worksites or wherever Village employees are performing a function of their jobs, or while participating in a Village-sponsored event on or off Village property or using Village electronic assets.

The Village recognizes that Social Media provides opportunities to participate in interactive discussions and share information on particular Village and non-Village related topics. Social Media use, however, poses risks to the ability of the Village to operate effectively. The following policy is intended to balance those interests.

### Guidelines

- A. Use only During Nonworking Time. During the workday, employees may engage in the personal use of Social Media only during nonworking time. Nonworking time consists of authorized break times and meal periods only. This includes accessing Social Media from personally-owned devices.
- B. Prohibited Disclosure of Certain Information.
  - o Confidential Information. When posting comments to Social Media sites, including an online forum such as a blog, employees may not include any confidential information relating to the Village. Confidential information includes, by way of example, nonpublic information about individuals who have received services from the Village, HIPAA protected health information (other than with respect to the individual making the post), and other information, the disclosure of which would violate any federal, state or local statute or regulation (including privacy laws). Questions about whether an item of information constitutes confidential information should be directed to the Human Resources Department.
  - o Use of Village's Intellectual Property Prohibited. Employees may not utilize any Village logos, drawings, trademarks, copyrights, or other images or photographs typically associated with the Village with respect to their personal Social Media activities if doing so would reasonably create the impression that the Social Media post or page is sponsored or sanctioned by the Village.
- C. Representation on Social Media Pages.
  - o Not Speaking for Village. To the extent employees are posting comments to Social Media outside of the scope of their job responsibilities, they may not make

any statements that would give the impression that the views they have expressed are the opinions of the Village. If there is the potential for confusion on this point (for example, the individual making the post identifies himself or herself in the post as an employee of the Village), employees are expected to include a disclaimer to the effect that the views being expressed are personal and do not necessarily reflect the views of the Village.

D. Content of Postings.

- Prohibited Content. Employees may not make comments or otherwise communicate about coworkers, supervisors, the Village, citizens or business owners, or vendors or suppliers in a manner that is vulgar, obscene, threatening, intimidating, harassing, libelous, or discriminatory on the basis of age, race, religion, sex, sexual orientation, gender identity or expression, genetic information, disability, national origin, ethnicity, citizenship, marital status, or any other legally recognized protected basis under federal, state, or local laws, regulations, or ordinances.
- Employees may not post statements that they know to be false about the Village and/or its managers, supervisors, co-workers, independent contractors (consultants), or any third party.

E. No Retaliation. The Village prohibits taking retaliatory action against any employee for reporting possible violations of this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to discipline, up to and including termination.

F. Violations of this policy may result in disciplinary action up to and including termination.

Effective Date: June, 2015

## **7.19 VILLAGE SAFETY COMMITTEE**

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### **Policy**

The Village Safety Committee is in place to review the information related to accidents involving injuries, evaluate policies and procedures that may adversely affect the health and safety of employees, and provide recommendations to change or adopt new policies or procedures to assist the Village in providing a safe working environment.

### **Guidelines**

- A. The Village Safety Committee consists of six members – the Director of Human Resources, who shall serve as chair, the Assistant Director of Human Resources, an employee appointed by the Village Manager as a representative of the administrative departments, and one representative each from the Police Department, the Fire Department, and the Public Works Department.
- B. The Committee is responsible for reviewing all Form 45s and the incidents that result in the filing of a Form 45, including all supporting documentation. This review is intended to assist in the development of solutions to prevent recurrence of injuries.
- C. The Committee will recommend steps to eliminate, minimize, or control factors contributing to injuries, including analyzing employee recommendations.
- D. The Committee will identify employee safety related training needs, provide information to Departments regarding safety and health concerns, and provide resources to departments to assist with safety training.

Effective Date: September 2020

## 7.20 IDENTITY THEFT PREVENTION PROGRAM

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### Policy

This policy is intended to meet the requirements of the Fair and Accurate Credit Transactions Act of 2003, 16 C.F.R. 681.1, (“FACTA”) and the Illinois Identity Protection Act, 5 ILCS 179/35.

### Definitions

- A. Identity Theft – fraud committed using the identifying information of another person.
- B. Red Flag – pattern, practice, or specific activity that indicates the possible existence of Identity Theft.
- C. Covered Account – any account the Village offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions; and any other account the Village offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the Village from identity theft.
- D. Personal Identifying Information (PII) – any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including: name, address, telephone number, social security number, date of birth, government issued driver’s license or identification number, alien registration number, government passport number, employer or taxpayer identification number, account numbers, credit and debit card numbers, email address, health insurance account numbers, unique electronic identification number, computer’s Internet Protocol address, routing code or any additional information that could reasonably be used to identify an individual.

### Securing Personal Identifying Information (PII)

- A. Village Personnel shall take reasonable precautions in securing PII, including but not limited to:
  - a. Not requesting or accepting unnecessary PPI
  - b. Blacking out PII when it is no longer necessary for Village purposes
  - c. Blacking out PII when records must be sent to another department that does not need the Sensitive Information
  - d. At the end of the work day, lock file cabinets where PII contained
  - e. Avoid leaving any documents, electronic discs/media, external storage devices containing PPI out and unattended
  - f. Lock computer(s)/screen(s) containing PII when computers are left unattended
  - g. Ensure electronic files containing PII are accessible only by authorized personnel with a need to view/obtain the information
  - h. Keep computer passwords in a locked/secured location
  - i. Ensure hardware/software default passwords are changed upon installation
  - j. Do not store or access records containing PII on mobile devices
  - k. Keep historical records that contain PII in a locked room accessible only to Village staff
- B. Village Personnel shall take reasonable precautions when disposing PPI, including but not limited to:

- a. Disposing of documents containing PPI in accordance with the Document Destruction Schedule and requirements of the Local Records Act
- b. Shredding documents containing PPI instead of placing in recycling or trash bins
- c. Deleting files and wiping computer discs and external storage devices in order to render the information unintelligible or destroyed

Identification of Red Flags – the Village has identified the following Red Flags:

- A. Alerts, Notifications and Warnings from Credit Reporting Agencies
  - a. Report of fraud accompanying a credit report
  - b. Notice or report from a credit agency of a credit freeze on a customer or applicant
  - c. Notice or report from a credit agency of an active duty alert for an applicant
  - d. Indication from a credit report of activity that is inconsistent with a customer's usual pattern
- B. Suspicious Documents
  - a. Identification document or credit card that appears to be forged, altered or inauthentic
  - b. Identification document or card on which a person's photograph or physical description is not consistent with the person presenting document
  - c. Other document with information that is not consistent with existing customer information (such as a person's signature on a check appears forged)
  - d. Use of multiple credit/debit cards for a single transaction
- C. Suspicious Personal Identifying Information
  - a. Identifying information presented that is inconsistent with other information the customer provides
  - b. Information presented that is the same as information given by other customers
  - c. Identifying information presented that is consistent with fraudulent activity (for example, an invalid phone number or fictitious address)
  - d. Failure to provide complete personal identifying information when requested to do so
- D. Unusual Use of Account or Suspicious Account Activity
  - a. Change of address for an account followed by a request to change the account holder's name
  - b. Payments stop on an otherwise consistently up-to-date account
  - c. Account used in a way that is not consistent with prior use (for example, very high activity)
  - d. Mail sent to the account holder is repeatedly returned as undeliverable
  - e. Notice to the Village that a customer is not receiving mail sent by the Village
  - f. Notice to the Village that an account has unauthorized activity
  - g. Breach in the Village's computer system security
  - h. Unauthorized access to or use of customer account information
- E. Notices or Alerts from Others
  - a. Notice to the Village from a customer, identity theft victim, law enforcement or other person that the Village has opened or is maintaining a fraudulent account for a person engaged in identity theft

Detecting Red Flags – In order to detect Red Flags the Village will take the following steps:

- A. New Accounts

- a. The Village will require certain identifying information such as name residential or business address, principal place of business for an entity, driver's license or other state authorized identification
  - b. The Village will verify the customer's identity (for example, review a driver's license or other state authorized identification)
  - c. Use more than one form of identification to verify an identity/existence.
  - d. Review documentation showing the existence of a business entity
  - e. Independently contact the customer
- B. Existing Accounts
- a. The Village will verify the identification of customers if they request information
  - b. Use more than one form of identification to verify an identity/existence
  - c. The Village will verify the validity of requests to change the billing addresses
  - d. The Village will verify changes in banking information given for billing and payment purposes

#### Response to Red Flags

- A. If Village Staff detects Red Flags they will take reasonable steps to stop any further use of information and minimize any damage. Staff will gather all related documentation and write a description of the situation. The oversight committee will review this information and determine what further action may be necessary. Further action may include but is not limited to the following:
- a. Continue to monitor an account for evidence of identity theft
  - b. Contact the customer
  - c. Not open a new account
  - d. Close an existing account
  - e. Reopen an account with a new number
  - f. Notify law enforcement
  - g. Determine that no response is warranted under the particular circumstances
- B. If Village Staff detects a Red Flag, the following steps may be taken to protect all Customers' identifying Information:
- a. Ensure that the Village's website is secure or provide clear notice that the website is not secure
  - b. Ensure complete and secure destruction of paper documents, computer files and external storage devices containing customer information
  - c. Ensure that office computers are password protected and that computer screens lock after a set period of time
  - d. Keep offices clear of papers, computer discs and external storage devices containing customer information
  - e. Ensure computer virus protection is up to date and passwords are changed frequently
  - f. Require and keep only the kinds of customer information that are necessary for Village purposes

#### Program Administration

- A. Oversight – A committee comprised of representatives from the Finance Department, Legal Department and Manager's Office will be in charge of oversight.
- B. Staff Training and reports – Appropriate staff members will receive training and all employees will receive this policy.

- C. Service Provider Arrangements – If the Village uses a service provider to perform an activity in connection with the account, the Village shall
  - a. Require by contract that service providers have such policies and procedures in place
  - b. Require by contract that service providers review the Village’s program and report any Red Flags to the Village staff responsible for oversight
  - c. Specific Program Elements and Confidentiality – Because this policy must be adopted publicly, there may be additional specific practices used that will be kept confidential

Rule of Thumb Guidelines – Quick Reference

- A. Hard Copy Records Containing Sensitive Information
  - a. Lock it up
  - b. Black it out
  - c. Shred documents upon disposal
- B. Red Flag Activity
  - a. Delay Transaction
  - b. Verify Information
  - c. Report to Supervisor

Effective: April, 2009  
Revised: October, 2015  
Revised: August, 2020