

CHAPTER 5

VILLAGE EMPLOYEE CODES

ARTICLE I: GENERAL

Sec. 5-0. GENERAL - APPLICABILITY.

The provisions of this Chapter shall apply to all persons residing in or visiting the Village of Orangeville, present and future, who have any stated, implied or incurred jurisdiction, liability or responsibility regarding the implementation, enforcement, and compliance with any and all of the articles of this Chapter.

Sec. 5-1. GENERAL - PURPOSE.

A. The purpose of this Chapter is to establish reasonable, comprehensive, and functional employee Codes and policies for the Village regarding drug and alcohol use, the prevailing wage act, and the personnel handbook.

B. It is intended that these Codes shall help protect and preserve the character of the Village with a consideration toward conserving the community's public health, safety, and welfare, while providing the best possible wholesome community environment.

Sec. 5-2. GENERAL - TERMS AND DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply to the terminologies whenever they are used in this Chapter, unless the context clearly indicates or requires a different meaning:

DRUG AND ALCOHOL POLICY. The term "Drug and Alcohol Policy," when used herein, shall mean that drug and alcohol program mandated by State and created by the Illinois Municipal League and provided to all Illinois communities for adoption and use.

NEPOTISM. The term "Nepotism," when used herein, shall mean favoritism shown or patronage granted by persons in high office to relatives or close friends.

POLICY HANDBOOK. The term "Policy Handbook," when used herein, shall mean that personnel policy handbook created and maintained by the Village of Orangeville for its employees.

PREVAILING WAGE. The term "Prevailing Wage," when used herein, shall mean that schedule of Illinois hourly minimum wages established by the Illinois Public Act 94-1072 and published by the Illinois Department of Labor.

Sec. 5-3. GENERAL - NEPOTISM, FAVORITISM, AND THE LIKE.

In order to avoid a conflict of interest, or favoritism, it is agreed upon by the Board in general, that relatives of the Board members, people doing business with the Village, and the like, will not be considered for employment by the Village.

Sec. 5-4. GENERAL - SEVERABILITY.

The sections, paragraphs, sentences, clauses and phrases of this Chapter are severable, and if any phrase, clause, sentence, paragraph or section of this Chapter shall be declared unconstitutional, invalid, or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity, or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Chapter.

Sec. 5-5 through Sec. 5-10. RESERVED.

ARTICLE II: DRUG AND ALCOHOL POLICY

Sec. 5-11. GENERAL - ADOPTION OF DRUG AND ALCOHOL ABUSE POLICY.

A. The Village hereby agrees to join the Illinois Municipal League Drug/Alcohol Compliance Testing Program.

B. The Village President is authorized to execute all agreements and forms necessary to consummate the Village's participation in the Illinois Municipal League Drug/Alcohol Compliance Testing Program.

C. The Drug/Alcohol Abuse Policy, as set forth in Exhibit A in its suggested form by the Illinois Municipal League, is hereby adopted pursuant to the requirements of 49 CFR 40 and 382, and the Village adopts as its Disciplinary Action Option, Option #1 of the Village's Drug/Alcohol Abuse Policy.

D. The Village hereby adopts, and agrees to use the following forms, pursuant to the Illinois Municipal League Drug and Alcohol Testing Program: Forms IML-2B (Drug & Alcohol Policy Receipt Certificate), IML-4A (Pre-Employment Drug & Alcohol Test Consent form), IML-5A (Reasonable Cause Observation Form), IML-6A (Driver Qualification Certificate), IML-7A (Driver Instructions for Drug & Alcohol Testing), IML-9A (Employee Action Form), IML-10 (Employee Assistance Program), IML-11 (Reasonable Cause Supervisor Training), IML-12 (Refusal to Test Summary), IML-13 (Failure to Complete Test (Post Accident)), IML-00 (Test Request Form). These forms are set forth, in the form adopted, as Exhibit B.

E. The Village agrees to pay testing costs to the Illinois Municipal League as set forth in the Illinois Municipal League's Drug & Alcohol Test Prices Schedule, also known as Form IML-8B, as set forth in Exhibit C. The Village further agrees to pay any increases in testing costs promulgated by the Illinois Municipal League, so long as the Village continues to participate in the Illinois Municipal League Drug/Alcohol Compliance Testing Program.

F. Village employees who are subject to the mandatory Drug/Alcohol Compliance Testing Program shall be required to participate in an orientation session conducted by the Village, or designee, and shall be furnished with a copy of all Drug/Alcohol Compliance Testing regulations and forms. All employees subject to this program's provisions shall be required to acknowledge in writing their receipt of all applicable forms and certifications.

G. It shall be unlawful for any Village employee to perform their assigned duties while under the influence of alcohol and/or illegal drugs as defined by the State of Illinois.

Sec. 5-12 through Sec 5-15. RESERVED.

ARTICLE III: PREVAILING WAGE POLICY

Sec. 5-16. POLICIES - PREVAILING WAGE ACT ADOPTED.

A. To the extent and as required by the Prevailing Wage Act (ILCS Ch. 820, Act 130, §§ 0.01 et seq.) the general prevailing rate of wage in this municipality for laborers, mechanics and other workers engaged in construction of public works coming under the jurisdiction of the Village Board is hereby ascertained to be the same as the prevailing rate of wages for construction work in Stephenson County area as determined by the Department of Labor of the State of Illinois as of July 1 of each year. The general prevailing rate of hourly wages for laborers, mechanics and other workmen in the Village of Orangeville, established by the Illinois Department of Labor pursuant to the Act and defined by, shall apply through July 1 of the following year. The definition of any terms appearing in this section shall be the same as in the Act.

B. This section shall not be construed to apply the general prevailing rate of wages ascertained by the Illinois Department of Labor to any work or employment except public works construction of the Village as regulated and required by the Act.

C. The Village Clerk shall publicly post or keep available for inspection by any interested party in the main office of the Village the Department of Labor's determination of the prevailing rate of wage for Stephenson County. A copy of this determination of the prevailing wages shall be attached to all contract specifications to which the prevailing wage rate applies.

Sec. 5-17 through 5-20. RESERVED.

ARTICLE IV: PERSONNEL POLICIES

Sec. 5-21. POLICIES - HANDBOOK.

The Village shall develop and maintain a personnel policy handbook in which all other personnel policies for the Village shall be posted. A copy of said handbook shall be provided to each Village employee. The specific policies contained therein shall be determined by Village President and the Board of Trustees.

Sec. 5-22 through Sec 5-98. RESERVED.

ARTICLE V: PENALTIES

Sec. 5-99. PENALTY - BY ARTICLE AS INDICATED.

A. All penalties addressed by this article are applicable only upon conviction of the referenced violation in the appropriate legal forum. Upon conviction, the Village shall also be entitled to reasonable fees and costs for its part in the adjudication.

B. Any person under the jurisdiction of Article II, who is convicted of being in violation of Section 5-11 (G), shall have his or her employment with the Village terminated immediately.

C. Anyone who is convicted of violating Article II, Section 5-11 (G), shall be liable for all damages resulting from such violation.